

Agenda Including Addeds

Community and Protective Services Committee

The 1st Meeting of the Community and Protective Services Committee

November 29, 2022

4:00 PM

Council Chambers - Please check the City website for additional meeting detail information. Meetings can be viewed via live-streaming on YouTube and the City Website.

The City of London is situated on the traditional lands of the Anishinaabek (AUh-nish-in-ah-bek), Haudenosaunee (Ho-den-no-show-nee), Lūnaapéewak (Len-ah-pay-wuk) and Attawandaron (Add-a-won-da-run).

We honour and respect the history, languages and culture of the diverse Indigenous people who call this territory home. The City of London is currently home to many First Nations, Metis and Inuit people today.

As representatives of the people of the City of London, we are grateful to have the opportunity to work and live in this territory.

Members

Councillors E. Pelozza (Chair), S. Stevenson, J. Pribil, C. Rahman, D. Ferreira, Mayor J. Morgan

The City of London is committed to making every effort to provide alternate formats and communication supports for meetings upon request. To make a request specific to this meeting, please contact CPSC@london.ca or 519-661-2489 ext. 2425.

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- a. *(ADDED) DELEGATION REQUEST - M. Wallace, London Development Institute*

5. Deferred Matters/Additional Business

6. Confidential

6.1 Personal Matter/Identifiable Individual

A matter pertaining to identifiable individuals with respect to the 2023 Mayor's New Year's Honour List – "Sports" Category.

7. Adjournment

Report to Community and Protective Services Committee

To: Chair and Members
Community and Protective Services Committee
From: Kevin Dickins, Deputy City Manager, Social and Health
Development
Subject: 2021 Ontario Works Participant and Service Delivery Profile
Date: November 29, 2022

Recommendation

That, on the recommendation of the Deputy City Manager, Social and Health Development, the following report on the 2021 Ontario Works Participant and Service Delivery Profile **BE RECEIVED** for information purposes.

Executive Summary

City of London Life Stabilization administers the Ontario Works program on behalf of the Province as a Consolidated Municipal Service Manager (CMSM). Ontario Works is an employment assistance and financial support program focused on helping individuals and families gain and maintain sustainable employment through training, education, skill development and individualized supports. Aligning with the Ministry of Children, Community and Social Services (MCCSS) priority to achieve improved employment outcomes for Ontario Works participants, City of London Life Stabilization applies a local perspective when seeking ways to increase sustainable employment and assist clients in achieving financial independence. Strategic and operational planning involves understanding client experiences, evaluation of performance data, review of service delivery pathways and consideration of economic opportunities, in order to prioritize supports for the City's most vulnerable as well as effectively equip frontline staff delivering the services.

COVID-19 continued to impact service delivery throughout 2021 requiring flexibility and adaptability in response to public health measures and implemented policies at the federal, provincial, and municipal levels. Services were predominantly delivered via telephone and virtual platforms, with in person services offered at front counters across all Life Stabilization offices.

In February 2021, the Ministry of Community, Children and Social Services (MCCSS) introduced a Working Vision for Social Assistance roadmap, outlining a phased approach for working towards an integrated human services model and commitment to co-designing the new system with Municipal service delivery partners. MCCSS has reinforced the importance of effectively connecting people to supports and increasing capacity for Caseworkers to spend more time working directly with clients as key foundational goals of service delivery model changes. Application of continuous improvement practices throughout 2021 along with provincial program updates and associated service delivery adjustments, led to enhanced internal approaches and positive impacts to the client experience.

Linkage to Community Recovery

The City of London is committed to working in partnership with the community to identify solutions that will drive a strong, deep, and inclusive community recovery for London as we move out of and beyond the global COVID-19 pandemic. The Ontario Works program continues to provide financial assistance for eligible clients as well as employment and life stabilization supports. Discretionary Benefits provides financial assistance for Ontario Works and Ontario Disability Support Program recipients and low-income Londoners with health related and essential items as access to healthcare and community services expand during COVID-19 recovery.

Linkage to the Corporate Strategic Plan

Strengthening Our Community

- Londoners have access to the supports they need to be successful.
- Londoners have access to the services and supports that promote well-being, health, and safety in their neighbourhoods and across the city.
- Decrease the number of London residents experiencing poverty
- Increase the number who feel welcomed and included.

Growing Our Economy

- Increase access employers have to the talent they require
- London creates a supportive environment where entrepreneurs, businesses, and talent can thrive.

Leading in Public Service

- Londoners experience exceptional and valued customer service.
- The City of London is a leader in public service as an employer, a steward of public funds, and an innovator of service.

Analysis

1.0 Background Information

1.1 Previous Reports Related to this Matter

- 2020 Ontario Works Participant and Service Delivery Profile (CPSC May 11, 2021)
- 2019 Ontario Works Participant and Service Delivery Profile (CPSC December 1, 2020)
- 2018 Ontario Works Participant and Service Delivery Profile (CPSC May 28, 2019)
- 2016 Participant Profile Report-City of London Social Services/Ontario Works Program Delivery (CPSC July 18, 2017)
- Purchase of Service Agreements-Ontario Works Employment Assistance Services (CPSC December 10, 2018)
- Ontario Works Employment Innovations Bridges Out of Poverty & Circles Evaluation #2 (CPSC November 13, 2008)

2.0 Discussion and Considerations

Aligning with Leading in Public Service, specifically under the strategy of reporting on corporate performance, Schedule 1 attached to this report is intended to provide an overview of MCCSS program updates, 2021 service delivery outcomes and employment supports information, including performance indicators and participant demographics.

Included in Schedule 1 are key highlights from the MCCSS Working Vision for Social Assistance and the Life Stabilization Framework. A synopsis of MCCSS co-design opportunities that took place between May-October 2021 is also provided. Categories in the co-design approach included staff feedback, client focus groups, municipal surveys, and community partner engagement. From a service delivery perspective, summaries related to modernization initiatives, caseload demographics, Discretionary Benefits and time on assistance are presented. In terms of employment supports provided throughout 2021, specifics related to client communications, access to technology, partnerships and the *Employment Supports Refocus* are summarized in the attached Schedule 1. Employment metrics associated with the City of London *Strategic Plan* are included and illustrate the outcomes attained.

The information attached in Schedule 1 is inclusive of six Life Stabilization offices that provided client service in 2021. Data and information provided in the report is extracted from MCCSS Performance Reports, the Social Assistance Management System (SAMS), Social Services Client Management System (CMS) and City of London Financial

Business Supports monitoring reports. Any data referenced from MCCSS or SAMS (aside from total caseload numbers) is reflective of the City of London CMSM, which includes Middlesex County who maintained a caseload in 2021 averaging 301 benefit units.

3.0 Financial Impact/Considerations

3.1 2021 Caseload Expenditures

	2021	2021	
	Budget	Actual	Variance
Average Monthly Caseload	11,170	8,616	2,554
Total Expenditures	\$ 109,020,000	\$ 80,109,607	\$ 28,910,393
Average Case Cost	\$ 790	\$ 789	\$ 1

Note: Expenditures and Average Case cost exclude Discretionary Benefits, Repayments and Reimbursements, and Transition Child Benefit.

Conclusion

Throughout 2021, client access to services and supports was prioritized, as well as ensuring policies and processes were updated in accordance COVID-19 public health measures. City of London Life Stabilization remained committed to advancing service delivery modernization by embracing provincial opportunities to expand communication channels and partnering with local service providers to offer access to technology as well as training. Despite ongoing challenges resulting from COVID-19, Ontario Works employment exit targets for both MCCSS and the City of London Strategic Priorities were exceeded. Combined local context and MCCSS program updates were fundamental elements for service delivery and systems planning to guide approaches related to Life Stabilization and employment supports. Partnership with internal and external stakeholders continue to be important priorities as the provincial vision for Social Assistance evolves.

Prepared by: Amanda Circelli, Manager, Life Stabilization
Submitted by: Shirley Glover, Director, Life Stabilization
Recommended by: Kevin Dickins, Deputy City Manager, Social & Health Development

Schedule 1

Ontario Works Participant & Service Delivery Profile

City of London Life Stabilization administers the Ontario Works program on behalf of the Province of Ontario through the Ministry of Children, Community, and Social Services (MCCSS) as a Consolidated Municipal Service Manager (CMSM). Ontario Works is an employment assistance and financial support program focused on helping individuals and families gain and maintain sustainable employment through training, education, skill development and individualized supports. Aligning with MCCSS priorities to achieve improved employment outcomes for Ontario Works participants, City of London Life Stabilization applies a local perspective when seeking ways to increase sustainable employment and assist clients in achieving financial independence. Ultimately, Life Stabilization has the responsibility to provide service and supports that respond to the needs of Ontario Works clients residing in the London community in partnership with both internal and external stakeholders.

In supporting an individual's path to life stabilization, partnerships are in place with the Housing Stability Services (HSS) and Child Care and Early Years (CCEY) teams to ensure alignment across services and create connections to reduce barriers for clients. This includes direct referrals to CCEY for formal childcare, assisting those participating in employment activities or requiring therapeutic accommodations. Active partnerships are also in place with HSS to streamline the income verification process for housing supports, support individuals in "paper readiness", and make connections to community wrap-around supports.

Ministry of Children, Community & Social Services (MCCSS)

In response to COVID-19, MCCSS announced in 2020 a recovery and renewal plan for Social Assistance in 2020 that continued to evolve throughout 2021 with intentions to address socio-economic realities experienced throughout the province. The first phase of the plan was built on learnings gathered during the COVID-19 response, as well as the need to fundamentally change ways services are delivered. The plan focused on four key areas:

<ul style="list-style-type: none">• Accelerated digital delivery solutions• Centralized and automated delivery	<ul style="list-style-type: none">• Risk-based eligibility review• Access to employment and training
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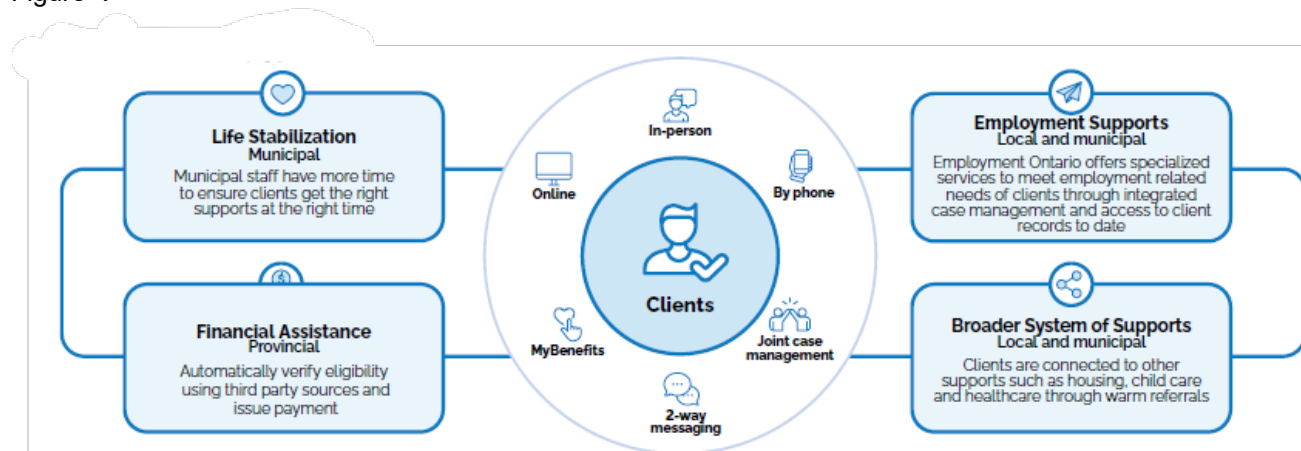
These changes aim to improve the effectiveness of connecting people to supports to achieve greater independence and actively participate in local communities.

The MCCSS Life Stabilization Framework (released in 2020) acknowledged the critical importance of addressing barriers to employment readiness and independence within the community. Four categories of barriers identified in the framework were basic needs, community support, health, and life skills. The ministry recognized that current policies do not define life stabilization, nor reflect the supports that are needed for clients in addressing barriers to employment. Additionally, the lack of tools and resources to determine life stabilization needs as well as inconsistencies in local and system partnerships (provincial & federal) to support social assistance outcomes were identified. The proposed future state within the life stabilization framework seeks to improve client access to employment services, improve readiness for employment and improve client navigation to other services that support life stabilization.

In February 2021, MCCSS outlined a Working Vision for Social Assistance in Ontario (Figure 1). Key elements of the vision include maintaining person-centred services, a shift in services provided, identification of responsibilities at the provincial and municipal levels, working towards an integrated human services model and commitments to co-designing the new system with Municipal service delivery partners. Associated timelines include work that began in 2020 up until 2024 for full implementation of the vision as outlined in Table 1 below. Phases 1 and 2 of the plan aim to realign functions and service

delivery responsibilities, in order to streamline social services systems and create an effective integrated human services model.

Figure 1



Working Vision for Social Assistance

Table 1

Working Vision for Social Assistance Timelines
Phase 1 <ul style="list-style-type: none"> • 2020-2022 • Focus on realigning functions • Distinguish centralized provincial functions and person-centred municipal supports
Phase 2 <ul style="list-style-type: none"> • 2022-2024 • Focus on realigning service delivery at the local level • Municipally delivered life stabilization for OW & ODSP
Human Services Model <ul style="list-style-type: none"> • 2024 & beyond • Broaden community access to caseworkers • Municipally delivered life stabilization for social assistance clients, people in crisis & other municipal programs

As part of building a framework for the future state, MCCSS conducted several co-design engagement opportunities between May-October 2021 for staff, clients, and community partners. Table 2 below summarizes the types of engagement opportunities offered as well as highlights from the sessions.

Engagement Type	Time Frame	Highlights
Staff Feedback	May-September 2021	<ul style="list-style-type: none"> • Review of co-design approach and methodologies • Insights and feedback regarding how to improve client experience • Opportunities to work better together across the system • Considerations for a seamless client experience, including clear and coordinated case management
Client Focus Groups	August 2021	<ul style="list-style-type: none"> • Clients are seeking dynamic relationships with Caseworkers • Caseworker availability and engagement is important to clients • Need for relevant resources • Choice of communication channels • Caseworker support can be life changing • Navigation of resources and self-directed information can be improved
Municipal Surveys	August 2021	<p>Life Stabilization provided feedback for the following categories:</p> <ul style="list-style-type: none"> • Administrative Funding Model • Overpayment Recovery • Centralized Payments • Audit & Fraud Investigations
Community Partner Engagement	October 2021	<ul style="list-style-type: none"> • Explored opportunities and challenges for new Social Assistance model • Discussed how local services can be partners in the vision • Identified the importance of the Caseworker role • Highlighted importance of coordinated navigation and clear expectations for local partners

Caseload

Life Stabilization delivers the Ontario Works program through a decentralized service delivery model. Service delivery design and resourcing decisions are informed by data, local context, and community needs. Continual evaluation and review of service delivery approaches and objectives ensures planning, design and implementation best support the City of London's most vulnerable, as well as effectively equip frontline staff delivering the services.

Yearly caseload average decreased by 16.47% (Table 3 below), which corresponds to availability of federal COVID-19 benefits for those clients experiencing job loss resulting from the pandemic. Caseload size is expected to steadily increase in 2022, with provincial estimations of 15.4% from 2021 caseload figures¹.

¹ MCCSS Provincial Social Assistance Caseload Forecast (May 2022)

Table 3
Caseload Averages²

2021	8,468
2020	10,137
2019	11,170
2018	11,699
2017	11,952

Figure 2 below provides an overall summary of benefit unit types when combining all Life Stabilization locations. The 2021 caseload composition continued to reflect a greater proportion of singles without children on the City of London’s caseload. Figure 3 summarizes benefit unit size in relation to caseload, where percentages remained relatively unchanged from 2020.

Figure 2
2021 Benefit Unit Size by Caseload Percentage Summary³

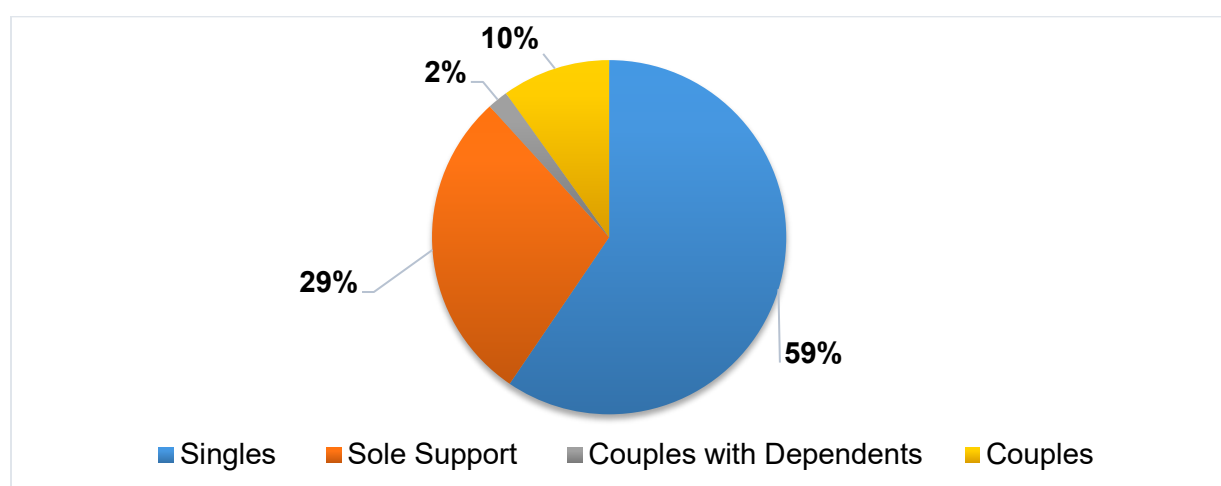
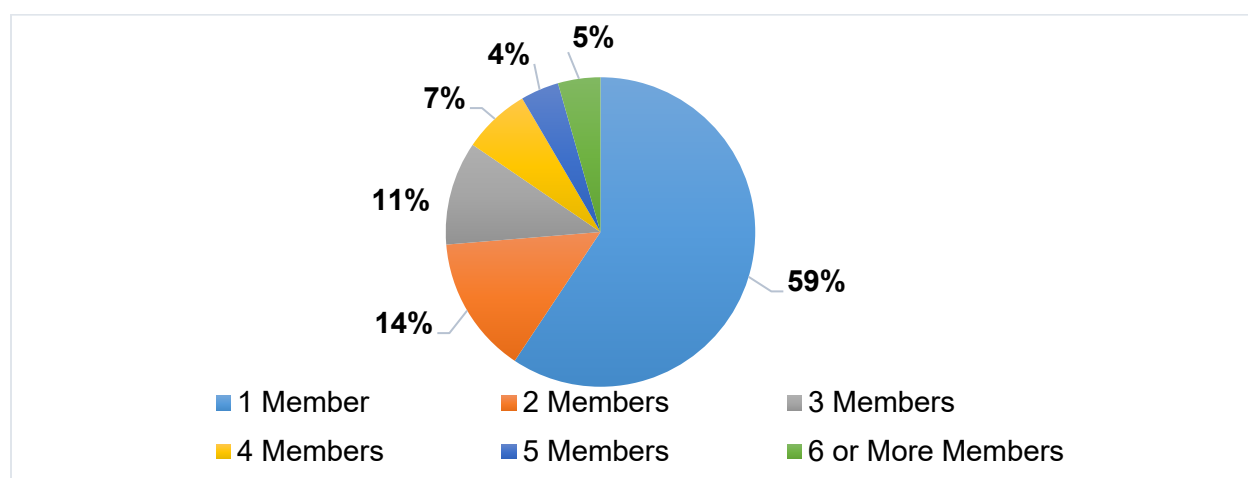


Figure 3
Overall 2021 Caseload Composition⁴



Five community-based offices and one satellite office are situated across the city providing access to employment services and financial supports (Figure 4). The Ontario Works client caseload is calculated by the number of benefit units, which are categorized based on membership demographics. Table 4 below provides an overview of benefit unit demographics for each Life Stabilization office by percentage of caseload at each location.

² City of London Ontario Works Quarterly Dashboard Summary 2021

³ MCCSS Performance Report December 2021 & Caseload at a Glance Report 2021

⁴ MCCSS Performance Report December 2021

Figure 4
Ontario Works Caseload Distribution by Geographic Service Area ⁵

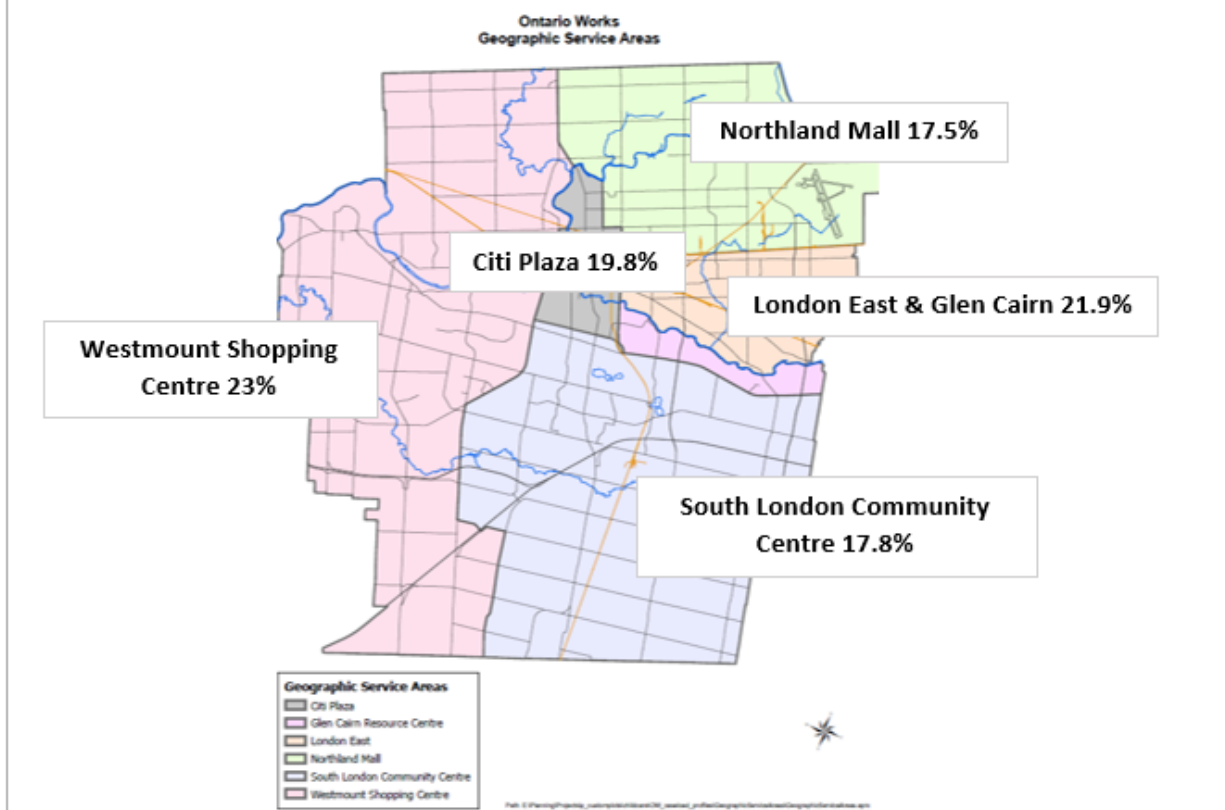


Table 4
Life Stabilization Benefit Unit Demographics by Office ⁵

Office	Benefit Unit Category	
Citi Plaza	Couple	1%
	Couple with Dependents	2%
	Single	87%
	Sole Support	10%
London East	Couple	2%
	Couple with Dependents	4%
	Single	61%
	Sole Support	33%
Northland Mall	Couple	3%
	Couple with Dependents	11%
	Single	56%
	Sole Support	30%
SLCC	Couple	2%
	Couple with Dependents	19%
	Single	47%
	Sole Support	32%
Westmount Mall	Couple	3%
	Couple with Dependents	17%
	Single	55%
	Sole Support	25%

Service Delivery

2021 service delivery included adaptability and flexibility in response to ongoing COVID-19 measures, requiring operational shifts to ensure client service approaches met local needs. Life Stabilization continued to provide services predominantly via telephone and online channels, with in-person front counter service available across all locations

effective June 2021. Critical service delivery supports for London’s most vulnerable, including access to monthly benefit cheques and cheque encashment stamps, was maintained as part of limited counter service during provincial emergency orders.

Aligning with the MCCSS Working Vision for Social Assistance, City of London Life Stabilization continued to explore and prioritize digital delivery solutions throughout 2021. The MyBenefits platform is an online service available to residents of Ontario who are active Ontario Works or ODSP recipients. It allows clients (24 hours a day) to see their payments and letters, and to report changes through their desktop, tablet or mobile phone. MyBenefits has been co-designed with clients and staff to ensure it is simple, easy to use, and meets people’s needs. It gives clients more choice and flexibility in how they get, manage, and report information to the ministry without replacing existing service channels (e.g. in office, over the phone). The MyBenefits platform intends to provide staff more time to focus on high-impact work with recipients by spending less time manually inputting information, processing changes, opening/sorting mail and handling incoming phone calls. In 2021, promotion of MyBenefits was added to the City of London website in three languages (French, Spanish & Arabic), reviewed at meetings with community stakeholders and incorporated into internal email & voicemail messaging. Uptake in registrations for MyBenefits continued to increase throughout 2021 with approximately 32% of the caseload subscribed by year end, which is an increase of 12% compared to 2020. Encouraging clients to register for MyBenefits will continue to be a priority as communication enhancements, such as two-way messaging, provide options for how clients connect with their Caseworker.

As part of Electronic Document Management (EDM) implementation and associated functionalities enabled through MCCSS, digitization of incoming mail commenced in January 2021 as well as active file digitization during September 2021. Active file digitalization involved participation from all Life Stabilization teams to prepare client files (approximately 8,100) for scanning with Nimble Information Strategies Inc. and uploaded in SAMS. In mid-late 2021, Reloadable Payment Cards (RPCs) were implemented to provide an alternative payment option for clients who are unable to receive benefits through direct bank deposit (DBD). By the end of 2021, electronic payments (DBD & RPC combined) were 91% of payments issued, with the remainder issued by cheque. The provincial target for electronic payment is 95%, recognizing there remains a need for cheques to be available when specific circumstances exist. Life Stabilization is committed to continuously improving and modernizing service delivery approaches including communication and digital options available for clients to maximize omni-channel access and supports.

In October 2021, a survey link was added to Life Stabilization staff email signature blocks, as well as our Ontario Works website, offering clients the opportunity to share feedback regarding their experience. By the end of the year, 70 responses were received and the following feedback regarding services was provided:

<p>How would you rate the quality of service you received today?</p>	<p>56% Exceptional 33% Great 6% Good 1% Okay 4% Not Good</p>
<p>Did you receive the information or services you were looking for today?</p>	<p>97% Yes 3% No</p>
<p>Was the service provided in a friendly, respectful way?</p>	<p>97% Yes 3% No</p>

Comments provided by clients within the survey also included:

“I felt very comfortable and not judged- felt really informed it was a good experience”.

“I just want to say that during a very stressful and trying time my Caseworker made the application experience easy and comfortable. Very friendly and professional and just wanted to say thank you”.

“Great service and happy and very polite person”.

“My Caseworker was exceptionally helpful. I believe they went out of their way to make sure my needs will be met to the best of their ability. They made me feel like someone actually cares. It was nice. Thank You again for all your help”.

Intakes

Over the course of 2021, 5,210 intake appointments were conducted to complete Ontario Works applications. Compared to 2020 this reflects a 3.8% decrease in completed intake appointments.

Percentage of applications processed within four days averaged 87% for 2021, exceeding the 2019-2023 Strategic Plan target of 75%. This metric is part of the strategy to streamline customer intake and follow-up across the corporation, intended to improve responsiveness and ensure eligible clients receive benefits in a timely manner. Additionally, the percentage of intake calls answered within 5 minutes averaged 96.7% for 2021, exceeding the established Strategic Plan target of 85%.

Interpreter Services

In 2021, interpreter services continued to be offered via telephone and virtual formats. A total of 4,540 client appointments (across all appointment types) were booked with an interpreter. Table 5 below illustrates the top five languages requiring interpreter services from 2017-2021. Additionally, City of London Life Stabilization maintained compliance with the provincial French Language Services Directives by providing bilingual services through the Client Services Representative and Caseworker roles.

Table 5
Interpreter Services Top 5 Languages 2017-2021 ⁵

2017	2018	2019	2020	2021
Arabic	Arabic	Arabic	Arabic	Arabic
Spanish	Spanish	Spanish	Spanish	Spanish
Nepal	Nepal	Nepal	Kurdish	Kurdish
French	Kurdish	Kurdish	Nepal	Nepal
Assyrian	Assyrian	Urdu	Farsi	Assyrian

Discretionary Benefits

The Discretionary Benefits Program provides financial assistance to those in receipt of Ontario Works and ODSP, as well as low-income Londoners who meet established income eligibility criteria, for items and services related to health, safety and physical well-being. Services include assistance with emergency dental, dentures, eyeglasses, beds, appliances, moving costs, baby needs (cribs/car set/stroller) and utility assistance for those who have exhausted the Housing Stability Bank or other programs. Discretionary Benefits also aids with the cost of funerals, a significant community support to ensure

⁵ Social Services CMS Booking System, 2021

individuals without financial means receive quality end-of-life services. Tables 6-8 below highlight examples and summaries of Discretionary Benefits assistance provided in 2021:

Table 6 ⁶⁷		
Emergency Dental Program	2020	2021
Individual client dental services	2,143	2,035
Number of procedures completed	7,850	7,989
Purchase vouchers issued for dentures	1,452	1,641

Emergency dental includes dental services necessary to relieve pain or for medical or therapeutic reasons.

Table 7 ⁸		
Purchase Vouchers	2020	2021
Non-Social Assistance Recipients	321	249
ODSP Clients	1,734	1,875
Ontario Works Clients	3,321	2,604
Total issued	5,376	4,728

The top categories for purchase vouchers issued include Dentures (1,641), Eyeglasses (1,131), Furniture & Appliances (1,064) and Prosthetics (538).

Table 8 ⁹		
Funerals	2020	2021
Social Assistance Recipients (SAR)	230	211
Non-Social Assistance Recipients (Non-SAR)	110	133
Warrants to Bury (provincially legislated) (*included in SAR & Non-SAR counts)	26*	33*
Total	340	377

Funeral coverage includes funeral service, burial or cremation and interment as chosen by the next of kin.

Time on Assistance

The Provincial vision for the Ontario Works program is “to create an efficient, effective and streamlined social services system that focuses on people, providing them with a range of services and supports to respond to their unique needs and address barriers to success so they can move towards employment and independence”¹⁰. In moving towards a life stabilization framework and operational model, acknowledging the importance of local perspective in addressing barriers to employment readiness and independence is imperative. Part of understanding the local context is identifying the barriers that exist to develop appropriate strategies and approaches factoring in labour market trends as well as the community supports that are available. For many clients, significant barriers exist along the employment continuum which may impact the ability to acquire skills and training, successfully gain employment or sustain and maintain employment. Length of time on assistance is one of many indicators utilized to determine how best to support clients facing multiple and complex barriers impacting life stabilization efforts and employment options.

Figure 5 below provides a summary of time on assistance by percentage of the yearly average caseload from 2017-2021. Also provided in Table 9 below, is a summary of the average time on assistance by year from 2017-2021, which illustrates the overall percentage of caseload on assistance for greater than 12 and 24 months.

⁶ Social Services Portal: Purchase Voucher Report 2021

⁷ Accerta Annual Summary Report 2021

⁸ Financial & Business Supports DB Monitoring Report 2021

⁹ Financial & Business Supports DB Monitoring Report 2021

¹⁰ MCCSS 2021-2022 Service Plan

Figure 5
Time on Assistance by Percentage of Caseload¹¹

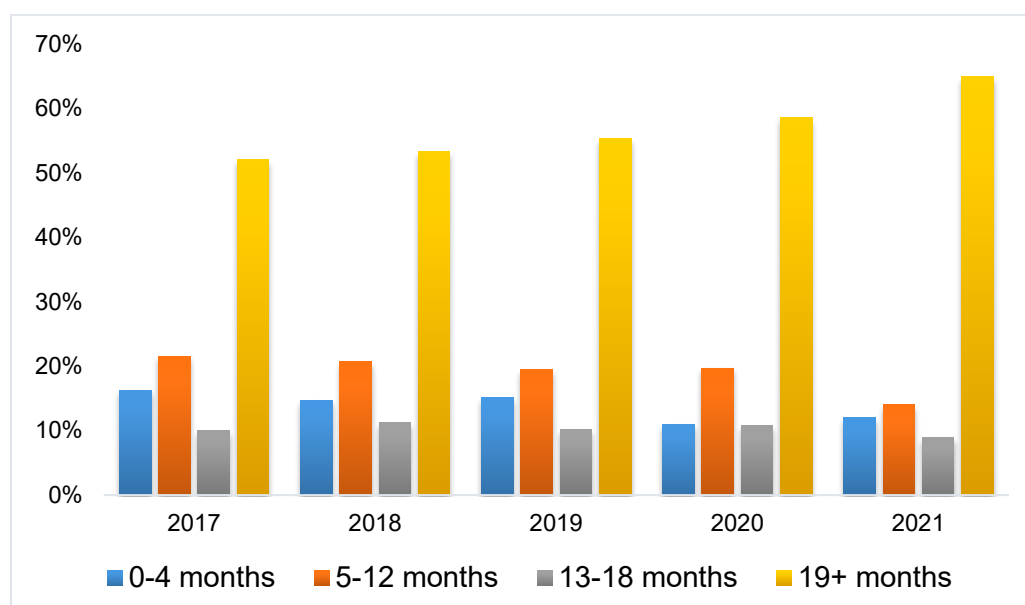


Table 9
Length of Time Assistance¹²

	2017	2018	2019	2020	2021
More than 12 months (% of caseload)	62%	65%	65%	69%	74%
More than 24 months (% of caseload)	45%	45%	47%	50%	56%
Average time on Assistance (years)	2.9	3.0	3.1	3.4	3.8

Overall between 2017-2021, average time on assistance (Table 9) has increased by 10.8 months. Factors influencing time on assistance included eligibility for federal benefits such as CERB and labour market conditions, where benefit units with a recent connection to the work force were more likely to exit Ontario Works quickly.

Throughout 2021, Life Stabilization placed an emphasis on sharing information regarding job and training opportunities, interventions, and innovative ways to support clients. Examples include issuing regular electronic newsletters, email blasts, cheque inserts and social media campaigns. Virtual employment information sessions continued as a method to share opportunities and provide links to services. Where required, clients were provided the necessary supports to ensure connectivity and access to technology, facilitating options for virtual services and supports.

To address the increasing number of clients on Ontario Works longer than 24 months, Employment Support Specialists (ESS) along with Caseworkers, engaged with clients who have remained on assistance for four continuous years or greater. The goal was to support and assist participants in removing obstacles affecting life stabilization and the path to employment. Some of the strategies implemented include:

- Psycho-vocational assessments to provide insight into barriers to employment and/or learning success.
- Linking clients to additional professional and specialized services and supports, person directed planning and employment supports through Developmental Supports Ontario (DSO) including assistance in moving toward ODSP supports.
- “Getting Ahead” workshops designed to help participants set personal goals and establishing a plan to attain the goals. Graduates of Getting Ahead were eligible

¹¹ MCCSS Caseload at a Glance Report 2017-2021

¹² MCCSS Caseload at a Glance Report 2017-2021

to participate in Circles London, a program developed to help participants build confidence, self-efficacy, and social capital.

Employment Supports & Outcomes

City of London Life Stabilization responded to the shifting and ever-changing demands during 2021 by adapting services to new realities and challenges of the pandemic, while ensuring community connections were maintained. Similar to broader community challenges, Ontario Works clients struggled with access to childcare, remote learning and managing the work-life balance; all of which impacted the ability to look for work and/or remain actively engaged in employment. Many community service providers were able to offer virtual services while providing limited in-person supports which compounded the impact of the pandemic on job seekers. Central to maintaining connections with employment supports during 2021 was developing new tools and strategies to actively assist individuals and families in recognizing the value of sustained participation and engagement. Adaptations, changes and newly formed strategies that emerged throughout 2021 are outlined in the four themed areas highlighted below.

Client Communications

It is important that participants in the Ontario Works program receive timely and current communication regarding monthly financial assistance and community resources as well as employment and training opportunities that are available. In the absence of regular in-person services during the COVID-19 response, it became increasingly important to find effective channels to communicate updates for clients. Several strategies for direct client communications were implemented to meet this need.

A bi-weekly email-based newsletter, created in 2020, continued to be distributed to over 7,000 individual email addresses. Each newsletter profiled an employment success story to spotlight available services and shared updated service changes, along with upcoming employment related events and opportunities. Uptake of the newsletter in 2021 continued to be strong with over 30% of recipients opening the newsletter each week and 1.3% selecting options for more information.

In addition to the bi-weekly newsletter, weekly virtual Labour Market Information sessions were provided to both clients and staff. These sessions highlighted various industry sectors such as construction, healthcare, landscaping, food, hospitality and were led by community partners and subject area experts. The information sessions helped emphasize many available opportunities for employment and training in the local labour market.

These communication channels were leveraged to advertise events such as virtual job fairs and training programs to all participants on Ontario Works, along with offering words of encouragement meant to promote optimism and momentum throughout the year. Additionally, service partners appreciated the opportunity to market their supports and services in a widely distributed and positively framed way.

Access to Technology

Throughout 2020 and 2021, service provision across the community shifted to online, virtual and telephone methods. Access to technologically dependent methods was identified as an ongoing barrier for many Ontario Works clients. The Employment Related Expense (ERE) benefit was utilized as a tool to address accessibility barriers with technology. Devices such as tablets, chrome books, laptops and internet service were provided through ERE assistance so individuals and families could continue to participate in employment related activities such as English as a Second Language classes, skilled training programs, purchase of service employment supports and job search, along with maintaining contact with Caseworkers.

A digital literacy pilot project was launched in October 2021 to help address needed skills to utilize technology. The Literacy and Basic skills pilot, led by Literacy Link South Central provided 15 participants with basic, hands-on computer literacy training and a laptop upon completion of the week-long course. Pathways Employment Help Centre also launched a computer literacy program to help address this basic computer skills gap.

Supporting Community Partnerships

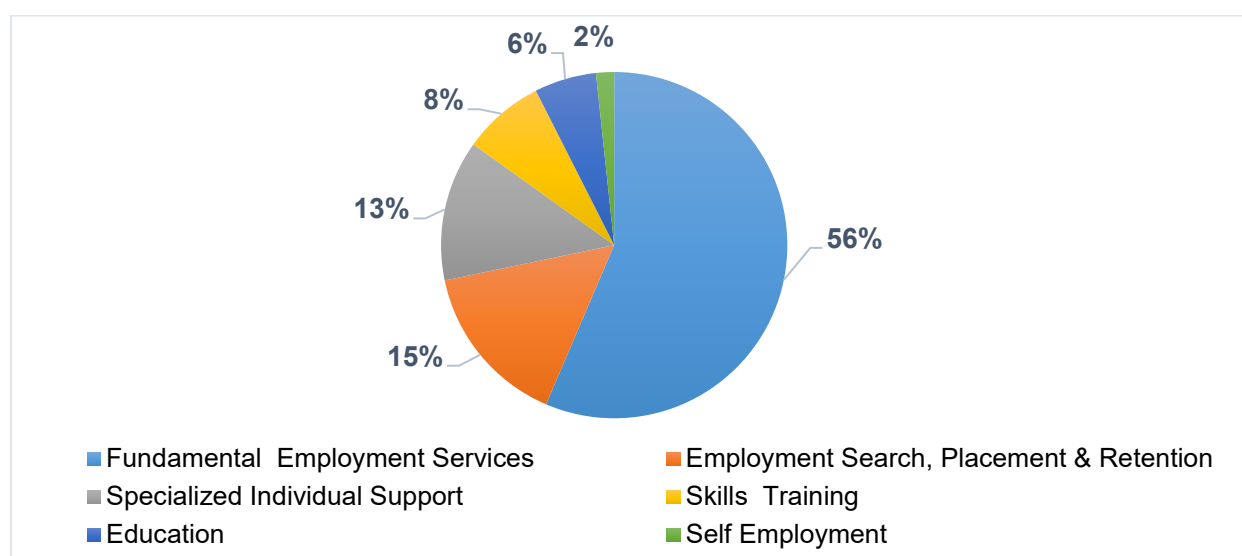
London's unique purchase of service employment model allowed City of London Life Stabilization to play a central role in supporting a pivot for employment services during the continued COVID-19 response. The local employment service system (purchase of service and non-purchases of service agencies) responded in client-centred ways by continuing to develop virtual workshops, adapting training programs, and meeting clients online and over the phone for employment counselling.

Throughout the year, health and safety measures were consistently reviewed and adapted to align with public health guidelines when assessing individual client needs. For the first half of 2021, employment service agencies often had to limit the options for in-person supports, however virtual services were provided whenever possible to provide vital employment resources for Ontario Works participants. During the second half of 2021, many agencies began to offer increased in-person services as restrictions were lifted and service providers adjusted service delivery methods accordingly.

Due to the pandemic and related factors, referrals to employment services and supports were significantly lower in 2021. As the economy and services began to open in mid 2021, clients were encouraged to take advantage of employment and training opportunities. To encourage and increase referrals for employment services, Life Stabilization launched the "Kickstart" campaign, a concerted effort to encourage and incentivize participation in employment related activities. From the start of the campaign in October to December 2021, 468 clients successfully began new employment activities and were provided funds for the necessary tools, supplies and equipment they required to engage in these new activities.

In terms of overall employment referrals, Figure 6 below provides a summary of over 6,000 individual referrals made in 2021 to employment service agencies by category. Compared to 2020, referral percentages by category remain relatively the same. It is important to note that referral numbers may not fully reflect employment readiness as clients also have the ability to self-refer to programs (i.e. education) on their own accord. Introductory Fundamental Employment Services accounted for the greatest percentage of overall referrals at 56% (more than 3,400). This category of referral included common assessments, resume workshops, interview skills and career exploration. Employment Search Placement and Retention services focused on assisting employment ready individuals to take that final step to finding and retaining employment and represented 15% of referrals made in 2021. Skills Training referrals for job-specific training through employment services agencies made up 8% of referrals and Specialized Individual Support (13%) examined unique challenges, barriers, and solutions for clients, which included counselling, in-depth assessments, and evaluations.

Figure 6
2021 Employment Referrals by Category¹³



¹³ Social Service EA Referral Summary Report 2021

City of London Life Stabilization – Employment Supports Refocus

Within City of London Life Stabilization, the Employment Supports Team responded to changing participant needs in 2021 and shifted how service was provided. Services became more focused on direct client engagement. Employment Support Specialists (ESSs) identified a variety of strategies to support the understanding of unique client needs as well as utilize a strengths-based approach.

Weekly virtual Employment Information Sessions continued using an online platform to allow individuals participating in Ontario Works an opportunity to learn about employment benefits, local services, and training opportunities available. Client feedback was generally positive and highlighted appreciation for the opportunity to ask questions, as well as speak about unique experiences with an ESS.

Tools such as psychological and vocational assessments assisted individuals, Caseworkers and purchase of service agencies to provide the correct level of assistance and support. In 2021, 193 individuals were assessed by a qualified Psychologist. As outlined in Table 10, 136 individuals (or 70%) were successfully granted eligibility for the Ontario Disability Assistance Program (ODSP). Of those that were granted ODSP, 124 were eligible for Developmental Services Ontario (DSO) supports including professional and specialized services and supports, person directed planning and employment supports.

Table 10
Assessment Outcomes¹⁴

Total Assessments Completed	193
ODSP Granted	136
DSO Eligible	124
In Appeal/Pending	38
Denied/Withdrawn	19

Employment Strategic Priorities

Under the City of London’s strategic area of focus “Growing Our Economy”, two employment-specific metrics are identified (Table 11 below). Both metrics were developed to support increased client participation in employment activities and despite ongoing challenges related to Covid-19, exceeded the targets set for 2021. Total figures identify 1,236 files were closed due to employment¹⁵. Additionally, active files with employment earnings averaged \$893.68 monthly per case¹⁶.

Table 11
Strategic Plan Employment Metrics¹⁷

Strategy	Metric	2021 Actual	2021 Target
Strategy Increase Ontario Works client participation within employment activities.	% of Ontario Works cases terminated as a result of participants exiting to employment (SHD)	24.53%	20%
Strategy Increase Ontario Works client participation within employment activities.	% of eligible clients that have an active outcome plan (SHD)	92%	85%

¹⁴ Social Services Portal: Employment Assistance Referrals Summary 2021

¹⁵ MCCSS Operations Performance Report January-December 2021

¹⁶ MCCSS Operations Performance Report January-December 2021

¹⁷ 2019-2023 Strategic Plan for the City of London: 2021 Performance Report

Circles London

Circles London has been a key contributor to the City of London's response to long-term poverty. The primary intervention approach is to increase social capital and sense of community, with a focus on support and referrals for life stabilization. Ultimately, the goal is that every Circles Leader (the client) will move forward into economic self-sufficiency.

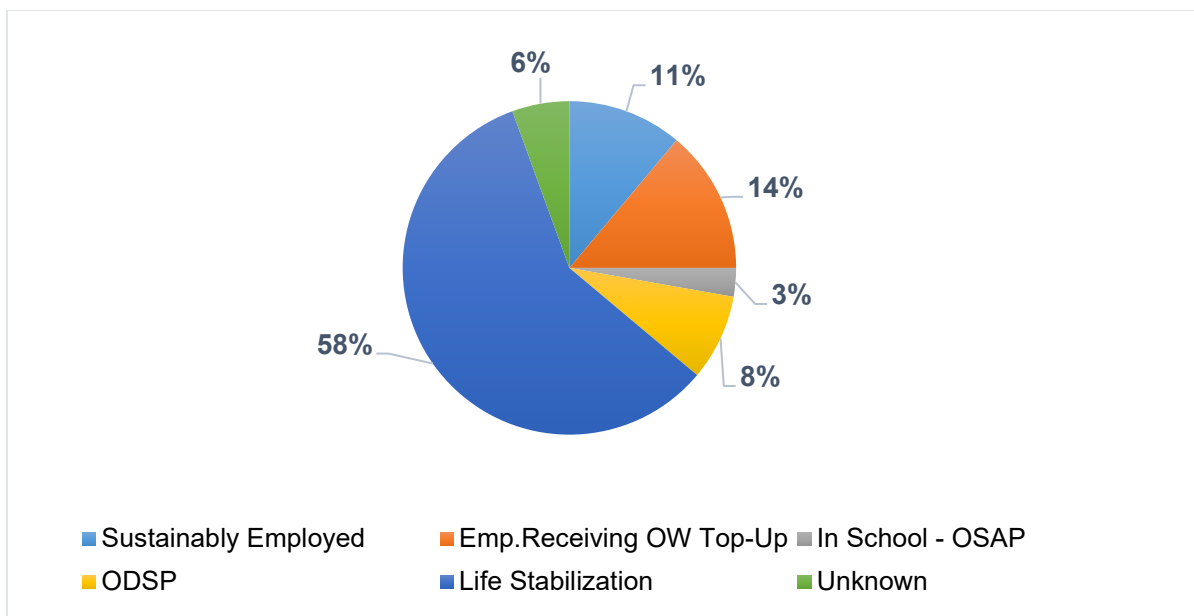
In 2021, the delivery of ReThink Poverty, Getting Ahead and Circles continued in a virtual format because of COVID-19 restrictions. During this time, 113 individuals were provided with technology through their involvement with Getting Ahead and Circles to specifically support their online participation, as well as to enable connection with local community and employment supports. ReThink Poverty training workshops were provided to 566 participants. Getting Ahead programs produced 41 new graduates, with 36 of those joining a Circle in the role of 'Leader'. Monthly Big View meetings engaged community leaders and continued as a forum for discussions around systemic barriers specific to escaping poverty and strategies required to remove them. Discussions included the following topics:

- **Civic and Political Engagement:** Mojdeh Cox (Executive Director, Pillar Non-profit), Sarah Emms-Pilona (Marketing Specialist with Sagecomm and Chair of Women and Politics), Skyler Franke (Executive Director, London Environmental Network and Vice President, Urban League of London).
- **COVID 19 & Vaccines and Vaccine Passports:** Abe Oudshoorn (Nursing Professor, Western University) and Nick Steinburg (Government Relations Specialist, City of London).
- **Provincial Paid Sick Days:** Local MPP Terence Kernaghan and Dani Bartlett (United Way)

Although many families struggled throughout 2021 with obtaining basic needs as well as personal mental health, the Circles team continued to see many Leaders maintain momentum in working towards goals and milestones. This included maintaining participation in educational endeavours, online skills training, and obtaining part-time and full-time employment. Figure 7 below provides a high-level summary of participant outcomes for the Circles program. The continued successes can be attributed to life stabilization strategies and incredible commitment by Circles Leaders. Examples of successes in 2021 include:

- 7 Leaders graduated Circles and fully transitioned off Ontario Works.
- 25% of all leaders obtained employment earnings and either no longer required Ontario Works or received a partial top up as part of continued eligibility.
- 58% of participants continued to work on life stabilizing activities such as skills development, employment related activities, mental health support, and addictions programming.
- Regular connections between Coaches, Leaders and Allies to ensure all participants were connected with food resources and housing stability during lockdown periods.
- Circles Leaders were connected with employment and educational opportunities, through local labour market information, resume building workshops, job fairs, and connection with employment agencies.
- The Circles partnership with 'Purple Hands', a Western University student club, continued to provide virtual children's programming for all Circles families.
- Circles London provided three micro loans to Circles Leaders to support their housing and employment needs.
- Socially distanced summer events were held outdoors due to COVID-19 restrictions to facilitate group connections.

Figure 7



2021 Circles Initiative Participant Profile¹⁸

Conclusion

In 2021, City of London Life Stabilization demonstrated a collective ability to navigate continued challenges resulting from the COVID-19 pandemic to ensure individualized supports and services for clients were maintained. Business continuity practices prioritized client access along with required resources and guidelines to ensure staff were able to effectively provide service. Response times for the intake phone line and eligibility determination continued to be monitored regularly and informed service delivery adjustments to ensure individuals and families received supports in a timely manner. Provincially, the Working Vision for Social Assistance was introduced, which included the ability to participate in co-design opportunities. Key elements of the MCCSS vision include maintaining person-centred services and working towards an integrated human services model. Local context will remain a crucial element for service delivery and systems planning along with provincial initiatives and updates to offer both Life Stabilization and employment supports. Partnership with internal and external stakeholders will also continue to be key priorities as the provincial model evolves.

From a service delivery modernization perspective, 2021 demonstrated advances in the areas of digital communications and electronic file management. Registrations for the MyBenefits platform increased 12% compared to 2020 and efforts to decrease paper copies of client information was achieved by implementing processes to digitize mail (January 2021) as well as active file contents (September 2021). Due to continued COVID-19 public health measures and the requirement to rely heavily on technology, many employment agencies were required to deliver service and curriculums virtually. City of London Life Stabilization was able to assist with providing digital devices as part of Employment Related Expenses (ERE) to ensure clients maintained connection and engagement with agencies providing employment supports. Despite ongoing challenges resulting from COVID-19, Ontario Works employment exit targets for both MCCSS and the City of London Strategic Priorities were exceeded.

As the vision for Social Assistance develops, City of London Life Stabilization remains committed to applying a continuous improvement approach during opportunities for change and aligning services with local needs. Improved system navigation and coordination of services will be critical areas of focus within the local context, as well as provincial service integration.

¹⁸ City of London Circles Evaluation 2021

Report to Community and Protective Services Committee

To: Chair and Members
Community and Protective Services Committee
From: Kevin Dickins, Deputy City Manager, Social and Health
Development
Subject: 2021 Ontario Works Participant and Service Delivery Profile
Date: November 29, 2022

Recommendation

That, on the recommendation of the Deputy City Manager, Social and Health Development, the following report on the 2021 Ontario Works Participant and Service Delivery Profile **BE RECEIVED** for information purposes.

Executive Summary

City of London Life Stabilization administers the Ontario Works program on behalf of the Province as a Consolidated Municipal Service Manager (CMSM). Ontario Works is an employment assistance and financial support program focused on helping individuals and families gain and maintain sustainable employment through training, education, skill development and individualized supports. Aligning with the Ministry of Children, Community and Social Services (MCCSS) priority to achieve improved employment outcomes for Ontario Works participants, City of London Life Stabilization applies a local perspective when seeking ways to increase sustainable employment and assist clients in achieving financial independence. Strategic and operational planning involves understanding client experiences, evaluation of performance data, review of service delivery pathways and consideration of economic opportunities, in order to prioritize supports for the City's most vulnerable as well as effectively equip frontline staff delivering the services.

COVID-19 continued to impact service delivery throughout 2021 requiring flexibility and adaptability in response to public health measures and implemented policies at the federal, provincial, and municipal levels. Services were predominantly delivered via telephone and virtual platforms, with in person services offered at front counters across all Life Stabilization offices.

In February 2021, the Ministry of Community, Children and Social Services (MCCSS) introduced a Working Vision for Social Assistance roadmap, outlining a phased approach for working towards an integrated human services model and commitment to co-designing the new system with Municipal service delivery partners. MCCSS has reinforced the importance of effectively connecting people to supports and increasing capacity for Caseworkers to spend more time working directly with clients as key foundational goals of service delivery model changes. Application of continuous improvement practices throughout 2021 along with provincial program updates and associated service delivery adjustments, led to enhanced internal approaches and positive impacts to the client experience.

Linkage to Community Recovery

The City of London is committed to working in partnership with the community to identify solutions that will drive a strong, deep, and inclusive community recovery for London as we move out of and beyond the global COVID-19 pandemic. The Ontario Works program continues to provide financial assistance for eligible clients as well as employment and life stabilization supports. Discretionary Benefits provides financial assistance for Ontario Works and Ontario Disability Support Program recipients and low-income Londoners with health related and essential items as access to healthcare and community services expand during COVID-19 recovery.

Linkage to the Corporate Strategic Plan

Strengthening Our Community

- Londoners have access to the supports they need to be successful.
- Londoners have access to the services and supports that promote well-being, health, and safety in their neighbourhoods and across the city.
- Decrease the number of London residents experiencing poverty
- Increase the number who feel welcomed and included.

Growing Our Economy

- Increase access employers have to the talent they require
- London creates a supportive environment where entrepreneurs, businesses, and talent can thrive.

Leading in Public Service

- Londoners experience exceptional and valued customer service.
- The City of London is a leader in public service as an employer, a steward of public funds, and an innovator of service.

Analysis

1.0 Background Information

1.1 Previous Reports Related to this Matter

- 2020 Ontario Works Participant and Service Delivery Profile (CPSC May 11, 2021)
- 2019 Ontario Works Participant and Service Delivery Profile (CPSC December 1, 2020)
- 2018 Ontario Works Participant and Service Delivery Profile (CPSC May 28, 2019)
- 2016 Participant Profile Report-City of London Social Services/Ontario Works Program Delivery (CPSC July 18, 2017)
- Purchase of Service Agreements-Ontario Works Employment Assistance Services (CPSC December 10, 2018)
- Ontario Works Employment Innovations Bridges Out of Poverty & Circles Evaluation #2 (CPSC November 13, 2008)

2.0 Discussion and Considerations

Aligning with Leading in Public Service, specifically under the strategy of reporting on corporate performance, Schedule 1 attached to this report is intended to provide an overview of MCCSS program updates, 2021 service delivery outcomes and employment supports information, including performance indicators and participant demographics.

Included in Schedule 1 are key highlights from the MCCSS Working Vision for Social Assistance and the Life Stabilization Framework. A synopsis of MCCSS co-design opportunities that took place between May-October 2021 is also provided. Categories in the co-design approach included staff feedback, client focus groups, municipal surveys, and community partner engagement. From a service delivery perspective, summaries related to modernization initiatives, caseload demographics, Discretionary Benefits and time on assistance are presented. In terms of employment supports provided throughout 2021, specifics related to client communications, access to technology, partnerships and the *Employment Supports Refocus* are summarized in the attached Schedule 1. Employment metrics associated with the City of London *Strategic Plan* are included and illustrate the outcomes attained.

The information attached in Schedule 1 is inclusive of six Life Stabilization offices that provided client service in 2021. Data and information provided in the report is extracted from MCCSS Performance Reports, the Social Assistance Management System (SAMS), Social Services Client Management System (CMS) and City of London Financial

Business Supports monitoring reports. Any data referenced from MCCSS or SAMS (aside from total caseload numbers) is reflective of the City of London CMSM, which includes Middlesex County who maintained a caseload in 2021 averaging 344 benefit units.

3.0 Financial Impact/Considerations

3.1 2021 Caseload Expenditures

	2021	2021	
	Budget	Actual	Variance
Average Monthly Caseload	11,170	8,616	2,554
Total Expenditures	\$ 109,020,000.00	\$ 80,109,607.00	\$ 28,910,393.00
Average Case Cost	\$ 813	\$ 775	\$ 38

Note: Expenditures and Average Case cost exclude Discretionary Benefits, Repayments and Reimbursements, and Transition Child Benefit.

Conclusion

Throughout 2021, client access to services and supports was prioritized, as well as ensuring policies and processes were updated in accordance COVID-19 public health measures. City of London Life Stabilization remained committed to advancing service delivery modernization by embracing provincial opportunities to expand communication channels and partnering with local service providers to offer access to technology as well as training. Despite ongoing challenges resulting from COVID-19, Ontario Works employment exit targets for both MCCSS and the City of London Strategic Priorities were exceeded. Combined local context and MCCSS program updates were fundamental elements for service delivery and systems planning to guide approaches related to Life Stabilization and employment supports. Partnership with internal and external stakeholders continue to be important priorities as the provincial vision for Social Assistance evolves.

Prepared by: Amanda Circelli, Manager, Life Stabilization
Submitted by: Shirley Glover, Director, Life Stabilization
Recommended by: Kevin Dickins, Deputy City Manager, Social & Health Development

Schedule 1

Ontario Works Participant & Service Delivery Profile

City of London Life Stabilization administers the Ontario Works program on behalf of the Province of Ontario through the Ministry of Children, Community, and Social Services (MCCSS) as a Consolidated Municipal Service Manager (CMSM). Ontario Works is an employment assistance and financial support program focused on helping individuals and families gain and maintain sustainable employment through training, education, skill development and individualized supports. Aligning with MCCSS priorities to achieve improved employment outcomes for Ontario Works participants, City of London Life Stabilization applies a local perspective when seeking ways to increase sustainable employment and assist clients in achieving financial independence. Ultimately, Life Stabilization has the responsibility to provide service and supports that respond to the needs of Ontario Works clients residing in the London community in partnership with both internal and external stakeholders.

In supporting an individual's path to life stabilization, partnerships are in place with the Housing Stability Services (HSS) and Child Care and Early Years (CCEY) teams to ensure alignment across services and create connections to reduce barriers for clients. This includes direct referrals to CCEY for formal childcare, assisting those participating in employment activities or requiring therapeutic accommodations. Active partnerships are also in place with HSS to streamline the income verification process for housing supports, support individuals in "paper readiness", and make connections to community wrap-around supports.

Ministry of Children, Community & Social Services (MCCSS)

In response to COVID-19, MCCSS announced in 2020 a recovery and renewal plan for Social Assistance in 2020 that continued to evolve throughout 2021 with intentions to address socio-economic realities experienced throughout the province. The first phase of the plan was built on learnings gathered during the COVID-19 response, as well as the need to fundamentally change ways services are delivered. The plan focused on four key areas:

<ul style="list-style-type: none">• Accelerated digital delivery solutions• Centralized and automated delivery	<ul style="list-style-type: none">• Risk-based eligibility review• Access to employment and training
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These changes aim to improve the effectiveness of connecting people to supports to achieve greater independence and actively participate in local communities.

The MCCSS Life Stabilization Framework (released in 2020) acknowledged the critical importance of addressing barriers to employment readiness and independence within the community. Four categories of barriers identified in the framework were basic needs, community support, health, and life skills. The ministry recognized that current policies do not define life stabilization, nor reflect the supports that are needed for clients in addressing barriers to employment. Additionally, the lack of tools and resources to determine life stabilization needs as well as inconsistencies in local and system partnerships (provincial & federal) to support social assistance outcomes were identified. The proposed future state within the life stabilization framework seeks to improve client access to employment services, improve readiness for employment and improve client navigation to other services that support life stabilization.

In February 2021, MCCSS outlined a Working Vision for Social Assistance in Ontario (Figure 1). Key elements of the vision include maintaining person-centred services, a shift in services provided, identification of responsibilities at the provincial and municipal levels, working towards an integrated human services model and commitments to co-designing the new system with Municipal service delivery partners. Associated timelines include work that began in 2020 up until 2024 for full implementation of the vision as outlined in Table 1 below. Phases 1 and 2 of the plan aim to realign functions and service

delivery responsibilities, in order to streamline social services systems and create an effective integrated human services model.

Figure 1

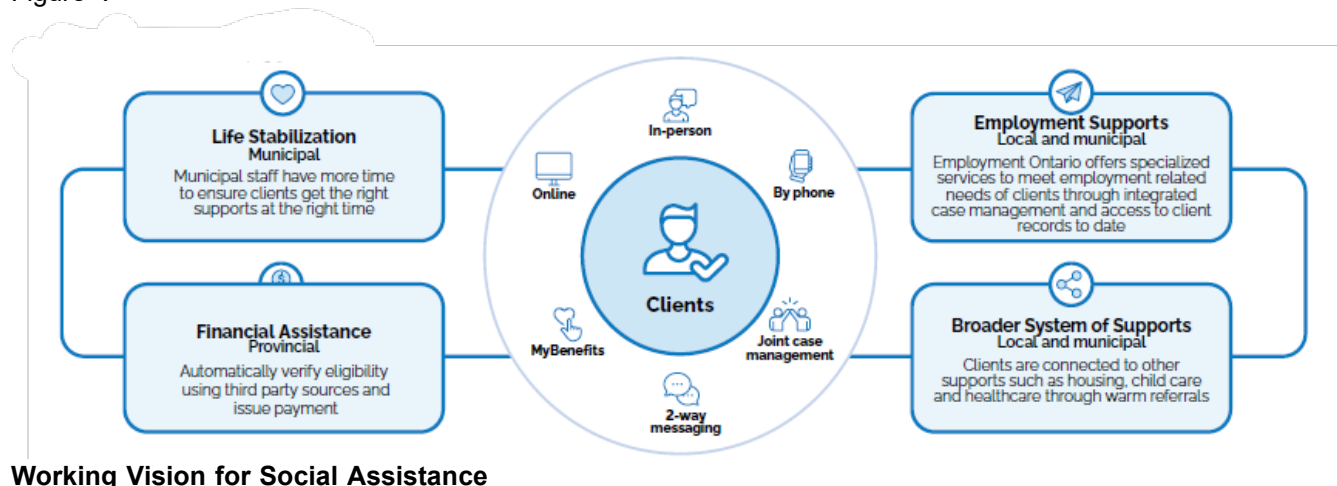


Table 1

Working Vision for Social Assistance Timelines
Phase 1 <ul style="list-style-type: none"> • 2020-2022 • Focus on realigning functions • Distinguish centralized provincial functions and person-centred municipal supports
Phase 2 <ul style="list-style-type: none"> • 2022-2024 • Focus on realigning service delivery at the local level • Municipally delivered life stabilization for OW & ODSP
Human Services Model <ul style="list-style-type: none"> • 2024 & beyond • Broaden community access to caseworkers • Municipally delivered life stabilization for social assistance clients, people in crisis & other municipal programs

As part of building a framework for the future state, MCCSS conducted several co-design engagement opportunities between May-October 2021 for staff, clients, and community partners. Table 2 below summarizes the types of engagement opportunities offered as well as highlights from the sessions.

Engagement Type	Time Frame	Highlights
Staff Feedback	May-September 2021	<ul style="list-style-type: none"> • Review of co-design approach and methodologies • Insights and feedback regarding how to improve client experience • Opportunities to work better together across the system • Considerations for a seamless client experience, including clear and coordinated case management
Client Focus Groups	August 2021	<ul style="list-style-type: none"> • Clients are seeking dynamic relationships with Caseworkers • Caseworker availability and engagement is important to clients • Need for relevant resources • Choice of communication channels • Caseworker support can be life changing • Navigation of resources and self-directed information can be improved
Municipal Surveys	August 2021	<p>Life Stabilization provided feedback for the following categories:</p> <ul style="list-style-type: none"> • Administrative Funding Model • Overpayment Recovery • Centralized Payments • Audit & Fraud Investigations
Community Partner Engagement	October 2021	<ul style="list-style-type: none"> • Explored opportunities and challenges for new Social Assistance model • Discussed how local services can be partners in the vision • Identified the importance of the Caseworker role • Highlighted importance of coordinated navigation and clear expectations for local partners

Caseload

Life Stabilization delivers the Ontario Works program through a decentralized service delivery model. Service delivery design and resourcing decisions are informed by data, local context, and community needs. Continual evaluation and review of service delivery approaches and objectives ensures planning, design and implementation best support the City of London's most vulnerable, as well as effectively equip frontline staff delivering the services.

Yearly caseload average decreased by 16.47% (Table 3 below), which corresponds to availability of federal COVID-19 benefits for those clients experiencing job loss resulting from the pandemic. Caseload size is expected to steadily increase in 2022, with provincial estimations of 15.4% from 2021 caseload figures¹.

¹ MCCSS Provincial Social Assistance Caseload Forecast (May 2022)

Table 3
Caseload Averages²

2021	8,616
2020	10,137
2019	11,170
2018	11,699
2017	11,952

Figure 2 below provides an overall summary of benefit unit types when combining all Life Stabilization locations. The 2021 caseload composition continued to reflect a greater proportion of singles without children on the City of London’s caseload. Figure 3 summarizes benefit unit size in relation to caseload, where percentages remained relatively unchanged from 2020.

Figure 2
2021 Benefit Unit Size by Caseload Percentage Summary³

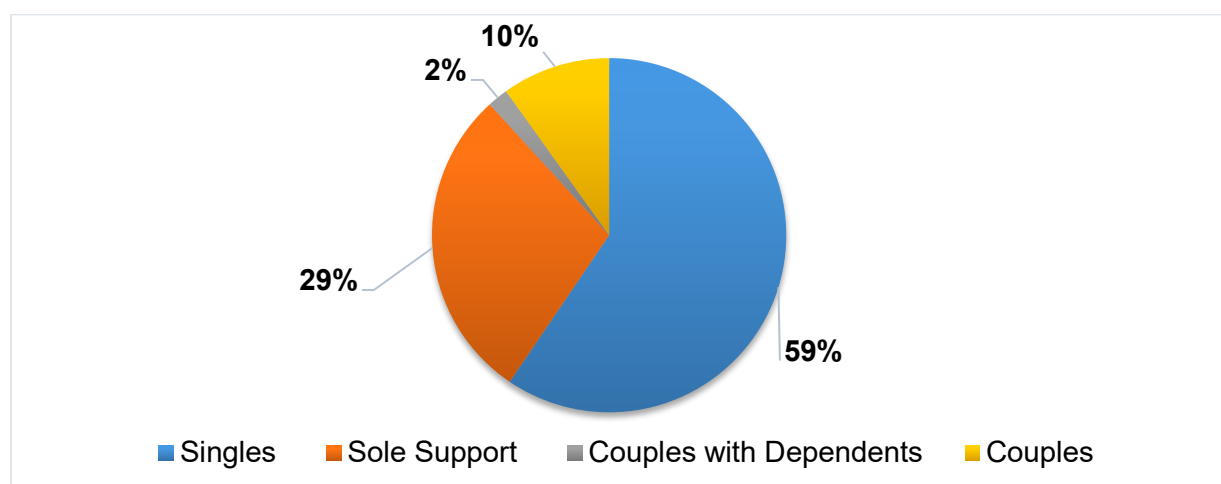
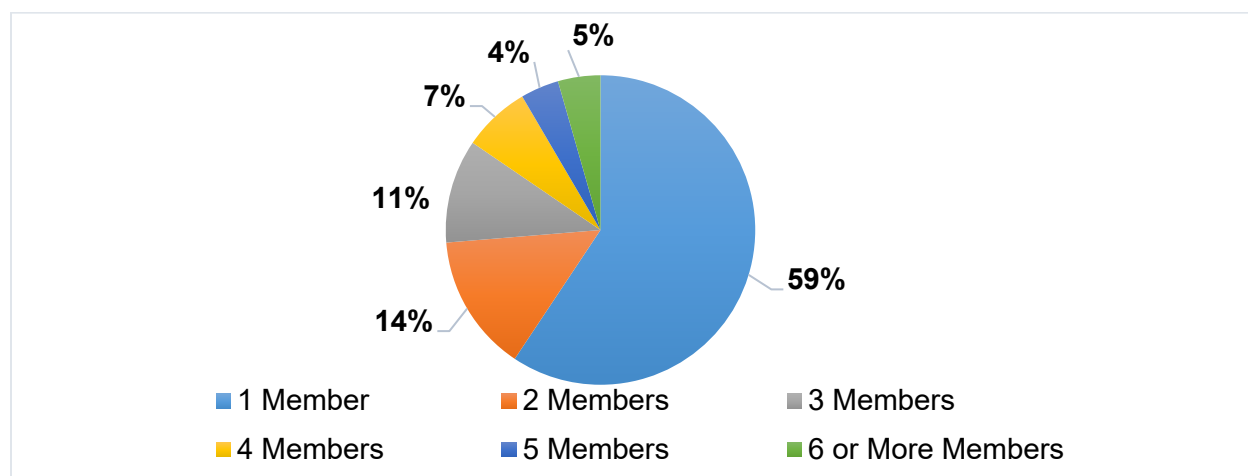


Figure 3
Overall 2021 Caseload Composition⁴



Five community-based offices and one satellite office are situated across the city providing access to employment services and financial supports (Figure 4). The Ontario Works client caseload is calculated by the number of benefit units, which are categorized based on membership demographics. Table 4 below provides an overview of benefit unit demographics for each Life Stabilization office by percentage of caseload at each location.

² City of London Ontario Works Quarterly Dashboard Summary 2021

³ MCCSS Performance Report December 2021 & Caseload at a Glance Report 2021

⁴ MCCSS Performance Report December 2021

Figure 4
Ontario Works Caseload Distribution by Geographic Service Area ⁵

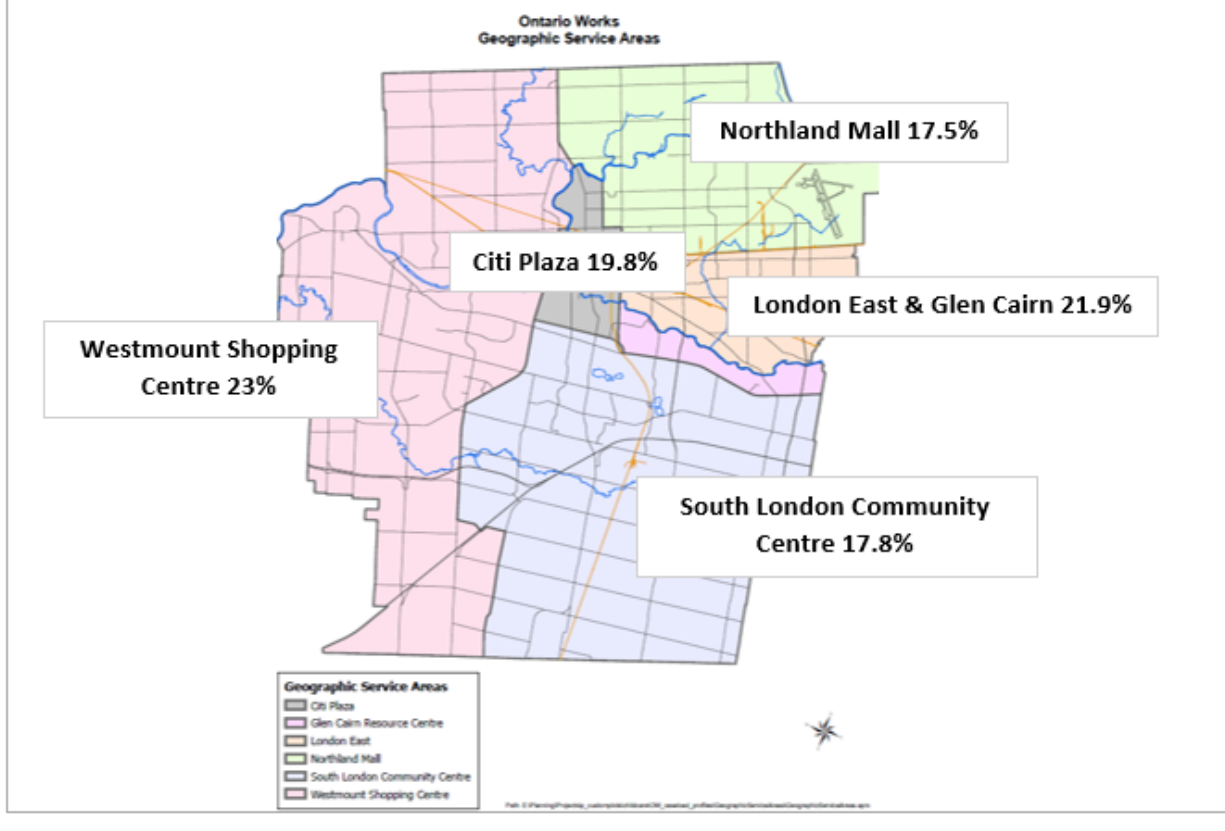


Table 4
Life Stabilization Benefit Unit Demographics by Office ⁵

Office	Benefit Unit Category	
Citi Plaza	Couple	1%
	Couple with Dependents	2%
	Single	87%
	Sole Support	10%
London East	Couple	2%
	Couple with Dependents	4%
	Single	61%
	Sole Support	33%
Northland Mall	Couple	3%
	Couple with Dependents	11%
	Single	56%
	Sole Support	30%
SLCC	Couple	2%
	Couple with Dependents	19%
	Single	47%
	Sole Support	32%
Westmount Mall	Couple	3%
	Couple with Dependents	17%
	Single	55%
	Sole Support	25%

Service Delivery

2021 service delivery included adaptability and flexibility in response to ongoing COVID-19 measures, requiring operational shifts to ensure client service approaches met local needs. Life Stabilization continued to provide services predominantly via telephone and online channels, with in-person front counter service available across all locations

effective June 2021. Critical service delivery supports for London’s most vulnerable, including access to monthly benefit cheques and cheque encashment stamps, was maintained as part of limited counter service during provincial emergency orders.

Aligning with the MCCSS Working Vision for Social Assistance, City of London Life Stabilization continued to explore and prioritize digital delivery solutions throughout 2021. The MyBenefits platform is an online service available to residents of Ontario who are active Ontario Works or ODSP recipients. It allows clients (24 hours a day) to see their payments and letters, and to report changes through their desktop, tablet or mobile phone. MyBenefits has been co-designed with clients and staff to ensure it is simple, easy to use, and meets people’s needs. It gives clients more choice and flexibility in how they get, manage, and report information to the ministry without replacing existing service channels (e.g. in office, over the phone). The MyBenefits platform intends to provide staff more time to focus on high-impact work with recipients by spending less time manually inputting information, processing changes, opening/sorting mail and handling incoming phone calls. In 2021, promotion of MyBenefits was added to the City of London website in three languages (French, Spanish & Arabic), reviewed at meetings with community stakeholders and incorporated into internal email & voicemail messaging. Uptake in registrations for MyBenefits continued to increase throughout 2021 with approximately 32% of the caseload subscribed by year end, which is an increase of 12% compared to 2020. Encouraging clients to register for MyBenefits will continue to be a priority as communication enhancements, such as two-way messaging, provide options for how clients connect with their Caseworker.

As part of Electronic Document Management (EDM) implementation and associated functionalities enabled through MCCSS, digitization of incoming mail commenced in January 2021 as well as active file digitization during September 2021. Active file digitalization involved participation from all Life Stabilization teams to prepare client files (approximately 8,100) for scanning with Nimble Information Strategies Inc. and uploaded in SAMS. In mid-late 2021, Reloadable Payment Cards (RPCs) were implemented to provide an alternative payment option for clients who are unable to receive benefits through direct bank deposit (DBD). By the end of 2021, electronic payments (DBD & RPC combined) were 91% of payments issued, with the remainder issued by cheque. The provincial target for electronic payment is 95%, recognizing there remains a need for cheques to be available when specific circumstances exist. Life Stabilization is committed to continuously improving and modernizing service delivery approaches including communication and digital options available for clients to maximize omni-channel access and supports.

In October 2021, a survey link was added to Life Stabilization staff email signature blocks, as well as our Ontario Works website, offering clients the opportunity to share feedback regarding their experience. By the end of the year, 70 responses were received and the following feedback regarding services was provided:

<p>How would you rate the quality of service you received today?</p>	<p>56% Exceptional 33% Great 6% Good 1% Okay 4% Not Good</p>
<p>Did you receive the information or services you were looking for today?</p>	<p>97% Yes 3% No</p>
<p>Was the service provided in a friendly, respectful way?</p>	<p>97% Yes 3% No</p>

Comments provided by clients within the survey also included:

“I felt very comfortable and not judged- felt really informed it was a good experience”.

“I just want to say that during a very stressful and trying time my Caseworker made the application experience easy and comfortable. Very friendly and professional and just wanted to say thank you”.

“Great service and happy and very polite person”.

“My Caseworker was exceptionally helpful. I believe they went out of their way to make sure my needs will be met to the best of their ability. They made me feel like someone actually cares. It was nice. Thank You again for all your help”.

Intakes

Over the course of 2021, 6,713 intake appointments were conducted to complete Ontario Works applications. Compared to 2020 this reflects a 24% increase in completed intake appointments.

Percentage of applications processed within four days averaged 87% for 2021, exceeding the 2019-2023 Strategic Plan target of 75%. This metric is part of the strategy to streamline customer intake and follow-up across the corporation, intended to improve responsiveness and ensure eligible clients receive benefits in a timely manner. Additionally, the percentage of intake calls answered within 5 minutes averaged 96.7% for 2021, exceeding the established Strategic Plan target of 85%.

Interpreter Services

In 2021, interpreter services continued to be offered via telephone and virtual formats. A total of 4,540 client appointments (across all appointment types) were booked with an interpreter. Table 5 below illustrates the top five languages requiring interpreter services from 2017-2021. Additionally, City of London Life Stabilization maintained compliance with the provincial French Language Services Directives by providing bilingual services through the Client Services Representative and Caseworker roles.

Table 5
Interpreter Services Top 5 Languages 2017-2021 ⁵

2017	2018	2019	2020	2021
Arabic	Arabic	Arabic	Arabic	Arabic
Spanish	Spanish	Spanish	Spanish	Spanish
Nepal	Nepal	Nepal	Kurdish	Kurdish
French	Kurdish	Kurdish	Nepal	Nepal
Assyrian	Assyrian	Urdu	Farsi	Assyrian

Discretionary Benefits

The Discretionary Benefits Program provides financial assistance to those in receipt of Ontario Works and ODSP, as well as low-income Londoners who meet established income eligibility criteria, for items and services related to health, safety and physical well-being. Services include assistance with emergency dental, dentures, eyeglasses, beds, appliances, moving costs, baby needs (cribs/car set/stroller) and utility assistance for those who have exhausted the Housing Stability Bank or other programs. Discretionary Benefits also aids with the cost of funerals, a significant community support to ensure

⁵ Social Services CMS Booking System, 2021

individuals without financial means receive quality end-of-life services. Tables 6-8 below highlight examples and summaries of Discretionary Benefits assistance provided in 2021:

Table 6 ⁶⁷		
Emergency Dental Program	2020	2021
Individual client dental services	2,143	2,035
Number of procedures completed	7,850	7,989
Purchase vouchers issued for dentures	1,452	1,641

Emergency dental includes dental services necessary to relieve pain or for medical or therapeutic reasons.

Table 7 ⁸		
Purchase Vouchers	2020	2021
Non-Social Assistance Recipients	321	249
ODSP Clients	1,734	1,875
Ontario Works Clients	3,321	2,604
Total issued	5,376	4,728

The top categories for purchase vouchers issued include Dentures (1,641), Eyeglasses (1,131), Furniture & Appliances (1,064) and Prosthetics (538).

Table 8 ⁹		
Funerals	2020	2021
Social Assistance Recipients (SAR)	230	211
Non-Social Assistance Recipients (Non-SAR)	110	109
Warrants to Bury (provincially legislated) (*included in SAR & Non-SAR counts)	26*	33*
Total	340	320

Funeral coverage includes funeral service, burial or cremation and interment as chosen by the next of kin.

Time on Assistance

The Provincial vision for the Ontario Works program is “to create an efficient, effective and streamlined social services system that focuses on people, providing them with a range of services and supports to respond to their unique needs and address barriers to success so they can move towards employment and independence”¹⁰. In moving towards a life stabilization framework and operational model, acknowledging the importance of local perspective in addressing barriers to employment readiness and independence is imperative. Part of understanding the local context is identifying the barriers that exist to develop appropriate strategies and approaches factoring in labour market trends as well as the community supports that are available. For many clients, significant barriers exist along the employment continuum which may impact the ability to acquire skills and training, successfully gain employment or sustain and maintain employment. Length of time on assistance is one of many indicators utilized to determine how best to support clients facing multiple and complex barriers impacting life stabilization efforts and employment options.

Figure 5 below provides a summary of time on assistance by percentage of the yearly average caseload from 2017-2021. Also provided in Table 9 below, is a summary of the average time on assistance by year from 2017-2021, which illustrates the overall percentage of caseload on assistance for greater than 12 and 24 months.

⁶ Social Services Portal: Purchase Voucher Report 2021

⁷ Accerta Annual Summary Report 2021

⁸ Financial & Business Supports DB Monitoring Report 2021

⁹ Financial & Business Supports DB Monitoring Report 2021

¹⁰ MCCSS 2021-2022 Service Plan

Figure 5
Time on Assistance by Percentage of Caseload¹¹

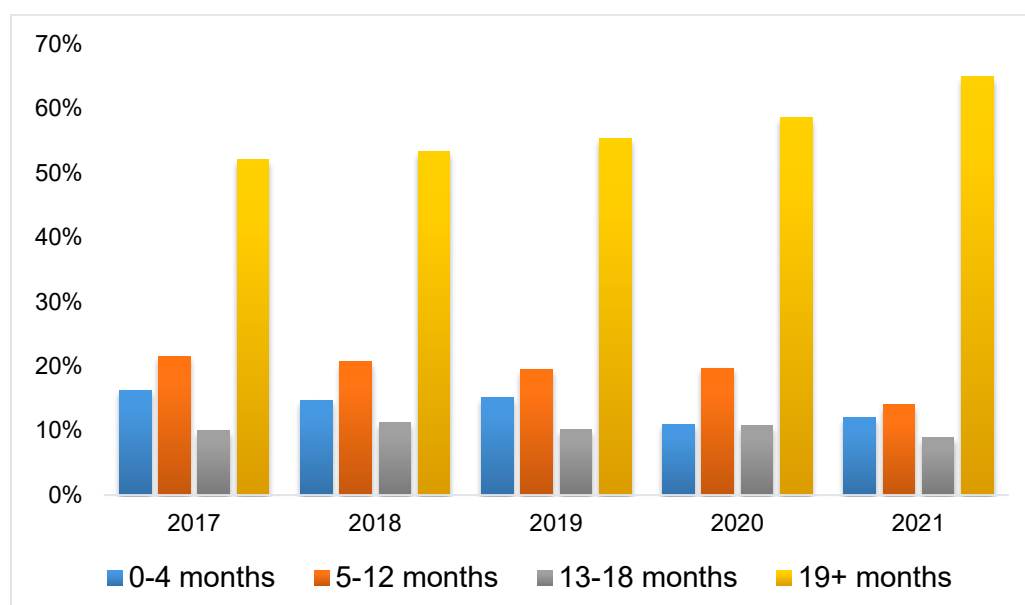


Table 9
Length of Time Assistance¹²

	2017	2018	2019	2020	2021
More than 12 months (% of caseload)	62%	65%	65%	69%	74%
More than 24 months (% of caseload)	45%	45%	47%	50%	56%
Average time on Assistance (years)	2.9	3.0	3.1	3.4	3.8

Overall between 2017-2021, average time on assistance (Table 9) has increased by 10.8 months. Factors influencing time on assistance included eligibility for federal benefits such as CERB and labour market conditions, where benefit units with a recent connection to the work force were more likely to exit Ontario Works quickly.

Throughout 2021, Life Stabilization placed an emphasis on sharing information regarding job and training opportunities, interventions, and innovative ways to support clients. Examples include issuing regular electronic newsletters, email blasts, cheque inserts and social media campaigns. Virtual employment information sessions continued as a method to share opportunities and provide links to services. Where required, clients were provided the necessary supports to ensure connectivity and access to technology, facilitating options for virtual services and supports.

To address the increasing number of clients on Ontario Works longer than 24 months, Employment Support Specialists (ESS) along with Caseworkers, engaged with clients who have remained on assistance for four continuous years or greater. The goal was to support and assist participants in removing obstacles affecting life stabilization and the path to employment. Some of the strategies implemented include:

- Psycho-vocational assessments to provide insight into barriers to employment and/or learning success.
- Linking clients to additional professional and specialized services and supports, person directed planning and employment supports through Developmental Supports Ontario (DSO) including assistance in moving toward ODSP supports.
- “Getting Ahead” workshops designed to help participants set personal goals and establishing a plan to attain the goals. Graduates of Getting Ahead were eligible

¹¹ MCCSS Caseload at a Glance Report 2017-2021

¹² MCCSS Caseload at a Glance Report 2017-2021

to participate in Circles London, a program developed to help participants build confidence, self-efficacy, and social capital.

Employment Supports & Outcomes

City of London Life Stabilization responded to the shifting and ever-changing demands during 2021 by adapting services to new realities and challenges of the pandemic, while ensuring community connections were maintained. Similar to broader community challenges, Ontario Works clients struggled with access to childcare, remote learning and managing the work-life balance; all of which impacted the ability to look for work and/or remain actively engaged in employment. Many community service providers were able to offer virtual services while providing limited in-person supports which compounded the impact of the pandemic on job seekers. Central to maintaining connections with employment supports during 2021 was developing new tools and strategies to actively assist individuals and families in recognizing the value of sustained participation and engagement. Adaptations, changes and newly formed strategies that emerged throughout 2021 are outlined in the four themed areas highlighted below.

Client Communications

It is important that participants in the Ontario Works program receive timely and current communication regarding monthly financial assistance and community resources as well as employment and training opportunities that are available. In the absence of regular in-person services during the COVID-19 response, it became increasingly important to find effective channels to communicate updates for clients. Several strategies for direct client communications were implemented to meet this need.

A bi-weekly email-based newsletter, created in 2020, continued to be distributed to over 7,000 individual email addresses. Each newsletter profiled an employment success story to spotlight available services and shared updated service changes, along with upcoming employment related events and opportunities. Uptake of the newsletter in 2021 continued to be strong with over 30% of recipients opening the newsletter each week and 1.3% selecting options for more information.

In addition to the bi-weekly newsletter, weekly virtual Labour Market Information sessions were provided to both clients and staff. These sessions highlighted various industry sectors such as construction, healthcare, landscaping, food, hospitality and were led by community partners and subject area experts. The information sessions helped emphasize many available opportunities for employment and training in the local labour market.

These communication channels were leveraged to advertise events such as virtual job fairs and training programs to all participants on Ontario Works, along with offering words of encouragement meant to promote optimism and momentum throughout the year. Additionally, service partners appreciated the opportunity to market their supports and services in a widely distributed and positively framed way.

Access to Technology

Throughout 2020 and 2021, service provision across the community shifted to online, virtual and telephone methods. Access to technologically dependent methods was identified as an ongoing barrier for many Ontario Works clients. The Employment Related Expense (ERE) benefit was utilized as a tool to address accessibility barriers with technology. Devices such as tablets, chrome books, laptops and internet service were provided through ERE assistance so individuals and families could continue to participate in employment related activities such as English as a Second Language classes, skilled training programs, purchase of service employment supports and job search, along with maintaining contact with Caseworkers.

A digital literacy pilot project was launched in October 2021 to help address needed skills to utilize technology. The Literacy and Basic skills pilot, led by Literacy Link South Central provided 15 participants with basic, hands-on computer literacy training and a laptop upon completion of the week-long course. Pathways Employment Help Centre also launched a computer literacy program to help address this basic computer skills gap.

Supporting Community Partnerships

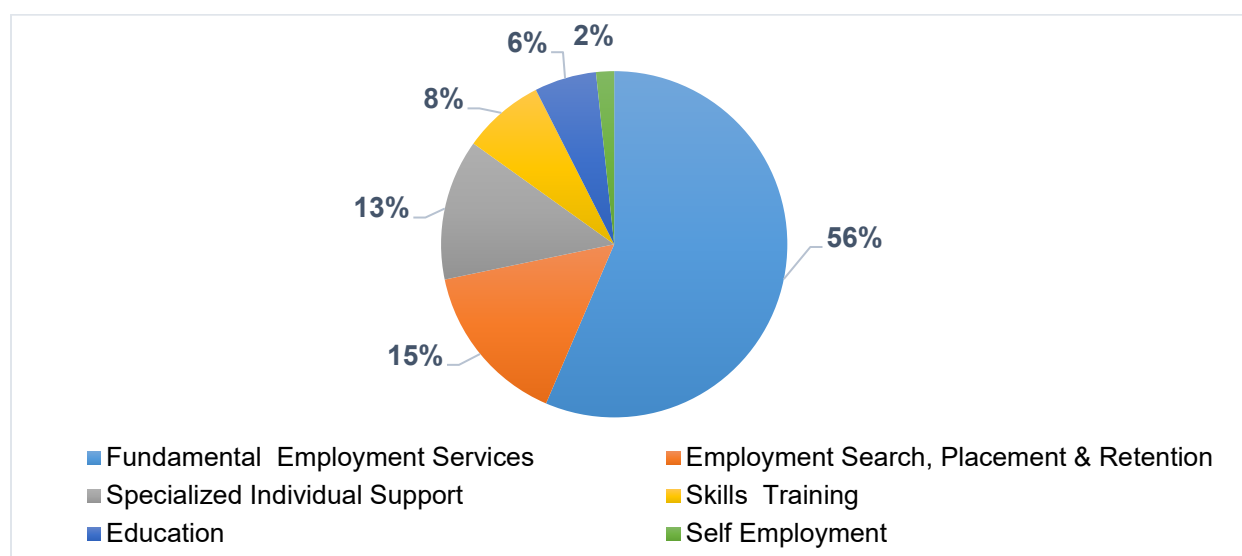
London's unique purchase of service employment model allowed City of London Life Stabilization to play a central role in supporting a pivot for employment services during the continued COVID-19 response. The local employment service system (purchase of service and non-purchases of service agencies) responded in client-centred ways by continuing to develop virtual workshops, adapting training programs, and meeting clients online and over the phone for employment counselling.

Throughout the year, health and safety measures were consistently reviewed and adapted to align with public health guidelines when assessing individual client needs. For the first half of 2021, employment service agencies often had to limit the options for in-person supports, however virtual services were provided whenever possible to provide vital employment resources for Ontario Works participants. During the second half of 2021, many agencies began to offer increased in-person services as restrictions were lifted and service providers adjusted service delivery methods accordingly.

Due to the pandemic and related factors, referrals to employment services and supports were significantly lower in 2021. As the economy and services began to open in mid 2021, clients were encouraged to take advantage of employment and training opportunities. To encourage and increase referrals for employment services, Life Stabilization launched the "Kickstart" campaign, a concerted effort to encourage and incentivize participation in employment related activities. From the start of the campaign in October to December 2021, 468 clients successfully began new employment activities and were provided funds for the necessary tools, supplies and equipment they required to engage in these new activities.

In terms of overall employment referrals, Figure 6 below provides a summary of over 6,000 individual referrals made in 2021 to employment service agencies by category. Compared to 2020, referral percentages by category remain relatively the same. It is important to note that referral numbers may not fully reflect employment readiness as clients also have the ability to self-refer to programs (i.e. education) on their own accord. Introductory Fundamental Employment Services accounted for the greatest percentage of overall referrals at 56% (more than 3,400). This category of referral included common assessments, resume workshops, interview skills and career exploration. Employment Search Placement and Retention services focused on assisting employment ready individuals to take that final step to finding and retaining employment and represented 15% of referrals made in 2021. Skills Training referrals for job-specific training through employment services agencies made up 8% of referrals and Specialized Individual Support (13%) examined unique challenges, barriers, and solutions for clients, which included counselling, in-depth assessments, and evaluations.

Figure 6
2021 Employment Referrals by Category¹³



¹³ Social Service EA Referral Summary Report 2021

City of London Life Stabilization – Employment Supports Refocus

Within City of London Life Stabilization, the Employment Supports Team responded to changing participant needs in 2021 and shifted how service was provided. Services became more focused on direct client engagement. Employment Support Specialists (ESSs) identified a variety of strategies to support the understanding of unique client needs as well as utilize a strengths-based approach.

Weekly virtual Employment Information Sessions continued using an online platform to allow individuals participating in Ontario Works an opportunity to learn about employment benefits, local services, and training opportunities available. Client feedback was generally positive and highlighted appreciation for the opportunity to ask questions, as well as speak about unique experiences with an ESS.

Tools such as psychological and vocational assessments assisted individuals, Caseworkers and purchase of service agencies to provide the correct level of assistance and support. In 2021, 193 individuals were assessed by a qualified Psychologist. As outlined in Table 10, 136 individuals (or 70%) were successfully granted eligibility for the Ontario Disability Assistance Program (ODSP). Of those that were granted ODSP, 124 were eligible for Developmental Services Ontario (DSO) supports including professional and specialized services and supports, person directed planning and employment supports.

Table 10
Assessment Outcomes¹⁴

Total Assessments Completed	193
ODSP Granted	136
DSO Eligible	124
In Appeal/Pending	38
Denied/Withdrawn	19

Employment Strategic Priorities

Under the City of London’s strategic area of focus “Growing Our Economy”, two employment-specific metrics are identified (Table 11 below). Both metrics were developed to support increased client participation in employment activities and despite ongoing challenges related to Covid-19, exceeded the targets set for 2021. Total figures identify 1,236 files were closed due to employment¹⁵. Additionally, active files with employment earnings averaged \$893.68 monthly per case¹⁶.

Table 11
Strategic Plan Employment Metrics¹⁷

Strategy	Metric	2021 Actual	2021 Target
Strategy Increase Ontario Works client participation within employment activities.	% of Ontario Works cases terminated as a result of participants exiting to employment (SHD)	24.53%	20%
Strategy Increase Ontario Works client participation within employment activities.	% of eligible clients that have an active outcome plan (SHD)	92%	85%

¹⁴ Social Services Portal: Employment Assistance Referrals Summary 2021

¹⁵ MCCSS Operations Performance Report January-December 2021

¹⁶ MCCSS Operations Performance Report January-December 2021

¹⁷ 2019-2023 Strategic Plan for the City of London: 2021 Performance Report

Circles London

Circles London has been a key contributor to the City of London's response to long-term poverty. The primary intervention approach is to increase social capital and sense of community, with a focus on support and referrals for life stabilization. Ultimately, the goal is that every Circles Leader (the client) will move forward into economic self-sufficiency.

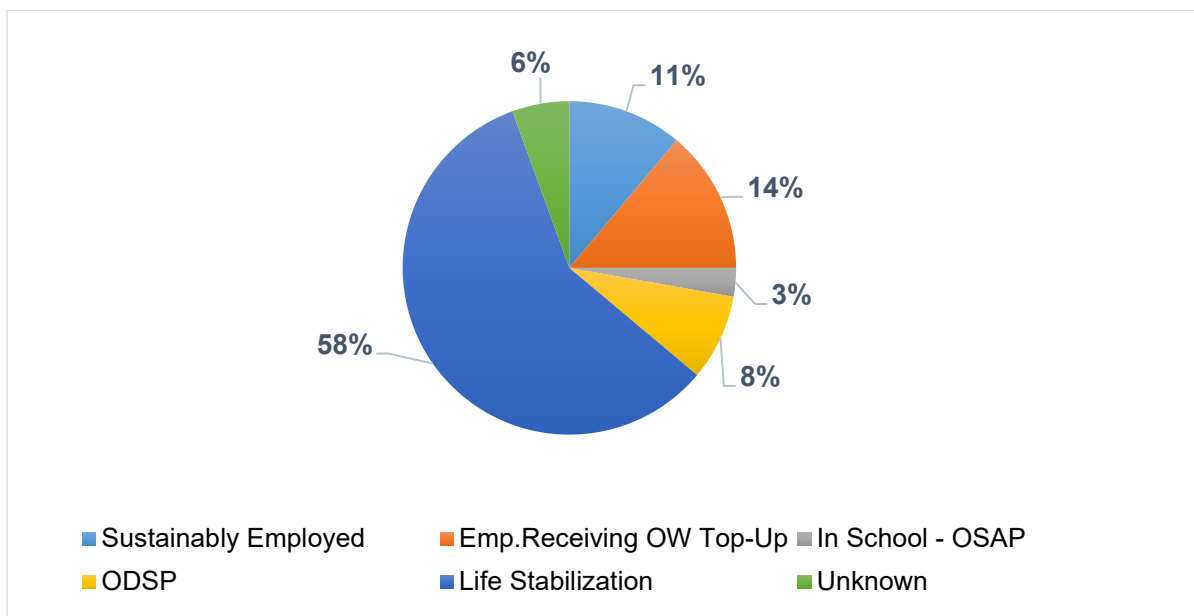
In 2021, the delivery of ReThink Poverty, Getting Ahead and Circles continued in a virtual format because of COVID-19 restrictions. During this time, 113 individuals were provided with technology through their involvement with Getting Ahead and Circles to specifically support their online participation, as well as to enable connection with local community and employment supports. ReThink Poverty training workshops were provided to 566 participants. Getting Ahead programs produced 41 new graduates, with 36 of those joining a Circle in the role of 'Leader'. Monthly Big View meetings engaged community leaders and continued as a forum for discussions around systemic barriers specific to escaping poverty and strategies required to remove them. Discussions included the following topics:

- **Civic and Political Engagement:** Mojdeh Cox (Executive Director, Pillar Non-profit), Sarah Emms-Pilona (Marketing Specialist with Sagecomm and Chair of Women and Politics), Skyler Franke (Executive Director, London Environmental Network and Vice President, Urban League of London).
- **COVID 19 & Vaccines and Vaccine Passports:** Abe Oudshoorn (Nursing Professor, Western University) and Nick Steinburg (Government Relations Specialist, City of London).
- **Provincial Paid Sick Days:** Local MPP Terence Kernaghan and Dani Bartlett (United Way)

Although many families struggled throughout 2021 with obtaining basic needs as well as personal mental health, the Circles team continued to see many Leaders maintain momentum in working towards goals and milestones. This included maintaining participation in educational endeavours, online skills training, and obtaining part-time and full-time employment. Figure 7 below provides a high-level summary of participant outcomes for the Circles program. The continued successes can be attributed to life stabilization strategies and incredible commitment by Circles Leaders. Examples of successes in 2021 include:

- 7 Leaders graduated Circles and fully transitioned off Ontario Works.
- 25% of all leaders obtained employment earnings and either no longer required Ontario Works or received a partial top up as part of continued eligibility.
- 58% of participants continued to work on life stabilizing activities such as skills development, employment related activities, mental health support, and addictions programming.
- Regular connections between Coaches, Leaders and Allies to ensure all participants were connected with food resources and housing stability during lockdown periods.
- Circles Leaders were connected with employment and educational opportunities, through local labour market information, resume building workshops, job fairs, and connection with employment agencies.
- The Circles partnership with 'Purple Hands', a Western University student club, continued to provide virtual children's programming for all Circles families.
- Circles London provided three micro loans to Circles Leaders to support their housing and employment needs.
- Socially distanced summer events were held outdoors due to COVID-19 restrictions to facilitate group connections.

Figure 7



2021 Circles Initiative Participant Profile¹⁸

Conclusion

In 2021, City of London Life Stabilization demonstrated a collective ability to navigate continued challenges resulting from the COVID-19 pandemic to ensure individualized supports and services for clients were maintained. Business continuity practices prioritized client access along with required resources and guidelines to ensure staff were able to effectively provide service. Response times for the intake phone line and eligibility determination continued to be monitored regularly and informed service delivery adjustments to ensure individuals and families received supports in a timely manner. Provincially, the Working Vision for Social Assistance was introduced, which included the ability to participate in co-design opportunities. Key elements of the MCCSS vision include maintaining person-centred services and working towards an integrated human services model. Local context will remain a crucial element for service delivery and systems planning along with provincial initiatives and updates to offer both Life Stabilization and employment supports. Partnership with internal and external stakeholders will also continue to be key priorities as the provincial model evolves.

From a service delivery modernization perspective, 2021 demonstrated advances in the areas of digital communications and electronic file management. Registrations for the MyBenefits platform increased 12% compared to 2020 and efforts to decrease paper copies of client information was achieved by implementing processes to digitize mail (January 2021) as well as active file contents (September 2021). Due to continued COVID-19 public health measures and the requirement to rely heavily on technology, many employment agencies were required to deliver service and curriculums virtually. City of London Life Stabilization was able to assist with providing digital devices as part of Employment Related Expenses (ERE) to ensure clients maintained connection and engagement with agencies providing employment supports. Despite ongoing challenges resulting from COVID-19, Ontario Works employment exit targets for both MCCSS and the City of London Strategic Priorities were exceeded.

As the vision for Social Assistance develops, City of London Life Stabilization remains committed to applying a continuous improvement approach during opportunities for change and aligning services with local needs. Improved system navigation and coordination of services will be critical areas of focus within the local context, as well as provincial service integration.

¹⁸ City of London Circles Evaluation 2021

Report to Community and Protective Services Committee

To: Chair and Members
Community and Protective Services Committee
From: Kevin Dickins, Deputy City Manager, Social and Health Development
Subject: Award of Request for Proposal 2022-232 Group Purchasing Organization Services for City of London Long Term Care
Date: November 29th, 2022

Recommendation

That on the recommendation of the Deputy City Manager, Social and Health Development and with the concurrence of the Director, Financial Services, that the following report Award of Request for Proposal 2022-232 Group Purchasing Organization Services for City of London Long Term Care be received, and the following actions BE TAKEN, with respect to Request for Proposal 2022-232 Group Purchasing Services for City of London Long Term Care:

- a) That, the submission from SGP Purchasing Partner Network (SGP), owned and operating by Extendicare (Canada) Inc., 3000 Steeles Ave., Markham, Ontario, L3R 9W2, to purchase, at the City's sole discretion, required items for the Dearness Home, City Golf courses, City Hall Cafeteria, Storybook Gardens, Senior Centres and other Life Stabilization areas such as Discretionary Benefits BE ACCEPTED for a contract term of two (2) years beginning January 1, 2023, with the option to renew three (3) additional one (1) year terms, in accordance with Section 12.2 b) of the Procurement of Goods and Services Policy;
- b) That, the attached proposed by-law (Appendix "A") BE INTRODUCED at the Municipal Council meeting to be held on December 13, 2022 being "A by-law to authorize and approve the Purchasing and Revenue Share Agreement between Extendicare (Canada) Inc. carrying on business as SGP Purchasing Partner Network ("SGP") and The Corporation of the City of London, commencing January 1, 2023, for the purpose of participating in a Revenue Share Program to receive a share of rebates received by the SGP on volume purchases of food products and other related services and products."; and
- c) That, Civic Administration BE AUTHORIZED to undertake all the necessary administrative acts in connection with this matter.

Executive Summary

In the proposal submitted as part of the procurement process, SGP Purchasing Partner Network, hereafter referred to as SGP, demonstrated a comprehensive understanding of the expectations required to successfully fulfil the City's supply chain group purchasing services requirements and deliver value-added services.

SGP has a history working with the City of London. They continue to deliver valuable customer service and discount purchasing in a consistent and reliable manner to various City of London service areas including Dearness Home, City Golf courses, City Hall Cafeteria, Storybook Gardens, Seniors Centres, and the Life Stabilization Discretionary Benefits program.

Linkages to the Corporate Strategic Plan

This Agreement is aligned with the following strategic area of focus in the City of London Strategic Plan (2019 – 2023):

- Leading in Public Service – The City of London is a leader in public service as an employer, a steward of public funds, and an innovator of service

- Strengthening Our Community - Londoners have access to the services and supports that promote well-being, health, and safety in their neighbourhoods and across the city.

Analysis

1.0 Background Information

1.1 Previous Reports Related to this Matter

- Award Request for Proposal 17-11 Group Purchasing Organization Services (CPSC: December 5th, 2017)
- Award Request for Proposal 17-11 Group Purchasing Organization Services (CPSC: November 7th, 2017)
- Single Source for the Supply of Foods Products (CPSC: January 21, 2013)
- Single Source for A Supply Chain Group Purchasing Organization (CPSC: December 9th, 2013)

1.2 Overview

On December 12, 2017, Council approved a three (3) year agreement with SGP and with two (2) one (1) year optional renewals. The agreement came into effect on January 1st, 2017, and the last agreement renewal period is due to expire December 31, 2022, with no further options to renew.

Under the current SGP Agreement there is no associated membership fee to procure products. In addition to membership pricing discounts provided to the City by SGP, the City participated in SGP's Revenue Share Program. Under this program, SGP assigned the City to its 35% Revenue Share Group based on the estimated volume of total purchases expected to be made by the City. Membership to the group means 35% of revenue collectively generated on rebate-eligible contract purchases is shared proportionately among members of the group based on each member's total purchases.

In 2017, the City of London's total purchases as reported by SGP were \$1,151,240 which steadily increased to \$1,428,131 in 2021. The increase is attributed to some product inflation over the years and Civic Administration actively expanding the range of products purchased through SGP as a result of previously established contracts with other vendors were concluding. As the City continues to expand the range of products purchased through SGP in the future and thereby increasing the total purchases, it will also increase the rebates payable to the City through SGP's Revenue Share Rebate Program.

2.0 Discussion and Considerations

2.1 Supply Chain Group Purchasing Organization

Using SGP as a Supply Chain Group Purchasing Organization, the City will benefit from the strength of the organization's national buying program to procure the cost-effective goods and services. In addition, there are other benefits offered through Supply Chain Group Purchasing Organizations including access subject matter experts, education, transition support, access to menus and detailed usage reports.

Under this proposed agreement the City of London, at its sole discretion, will continue to procure various food products for the Dearness Home, City Golf courses, City Hall Cafeteria, Storybook Gardens, and the Seniors Centres through SGP to maximize cost savings, quality and valued added benefits. Also, products specific to long term care including but not limited to the following will continue to be procured through SGP:

- medical supplies;

- incontinence products;
- chemicals;
- resident handling and hygiene systems;
- resident furniture and equipment;
- housekeeping, laundry, and linen supplies

In addition to the current SGP agreement, the City is under various contracts (through the City's competitive purchasing process) for products related to Dearness Home and the Life Stabilization Discretionary Benefits program. To continue to maximize cost savings to the City, Civic Administration intends to transition the supply of appropriate products only as the opportunity arises and if the transition of the products provides a reasonable benefit to the corporation. Lastly, Civic Administration may choose from time to time to purchase items outside of the SGP agreement if there is a valid reason. For example, this might include current Dearness Home equipment with existing service warranties that may be voided if replacement parts are purchased through SGP or purchasing local products such as fresh produce that have better delivery options.

2.2 Procurement Process

Request for Proposal 2022-232 (RFP) was released on October 6th, 2022, through Purchasing and Supply, Finance Supports. It was posted on Bids&tenders with a closing date of November 7th, 2022 and sought a Group Purchasing Organization that the City of London could join.

Two proponents responded to the RFP and were both deemed compliant for review by the internal committee composed of representatives for Dearness Home, Financial Business Supports and with the assistance of Procurement Services. The internal committee reviewed the submissions against the requirements set out in the RFP.

SGP Purchasing Partner Network (SGP) was the highest scoring proponent and demonstrated the ability to meet the expectations of the RFP. Procurements completed by SGP also meets the specific requirements contained within the City of London Service Agreements with the South West Local Health Integration Network (SWLHIN).

SGP is a division of Extendicare (Canada) Inc. and specializes in purchasing services for organizations that provide senior's care and in conjunction with Foodbuy Canada, carries 45,000 brand items on contract with over 500 manufacturers and over 3,500 partner sites.

Given SGP was the successful proponent to the City's RFP, in accordance with the Procurement of Goods and Services Policy, Section 12.2 (b), where

“Committee and City Council must approve an RFP award for purchases greater than \$100,000.”

Civic Administration is recommending that the City enter into an agreement with SGP to be a purchasing organization services partner for Long Term Care.

3.0 Financial Impact/Considerations

There is no membership fee or added cost to the City to utilize the services of SGP. The annual expenditures, estimated to be \$1,882,474, for products purchased through this agreement are included within the various service area approved operating budgets.

Based on recent years, the estimated annual revenue expected to be received through the Revenue Share Rebate program is in the range of \$28,000 to \$32,000.

SGP Revenue Share Rebate

Through the Request for Proposal process SGP renewed the City of London's share of rebates it will receive in the future, assigning it to the thirty five percent (35%) category. Lastly, SGP confirmed its ability and support to provide City staff with reports and

customized product ordering templates to help ensure staff maximize rebate opportunities.

Conclusion

SGP Purchasing Partner Network (SGP) provides the best discount pricing, value added benefits and rebate options. Administration is recommending they be awarded the Agreement for a period of two (2) years starting on January 1, 2023, with the option to renew three (3) additional one (1) year terms noting the proposal submitted meets the City's requirements and is in compliance with the Procurement of Goods and Services Policy.

PREPARED BY: Jason Westbrook, Senior Manager, Support Services and Business Operations

SUBMITTED BY: Leslie Hancock, Director, Long Term Care Social and Health Development

RECOMMENDED BY: Kevin Dickins, Deputy City Manager, Social and Health Development

CONCURRED BY: Ian Collins, Director, Financial Services, Finance Supports

Appendix A:

Bill No.
2022

By-law No. _____

A by-law to authorize and approve the Purchasing and Revenue Share Agreement between Extendicare (Canada) Inc. carrying on business as SGP Purchasing Partner Network (“SGP”) and The Corporation of the City of London, commencing January 1, 2023, for the purpose of participating in a Revenue Share Program to receive a share of rebates received by the SGP on volume purchases of food products and other related services and products.

WHEREAS section 5(3) of the *Municipal Act, 2001* S.O. 2001, c.25, provides that a municipal power shall be exercised by by-law;

AND WHEREAS The Corporation of the City of London wishes to enter into a Purchasing and Revenue Agreement with Extendicare (Canada) Inc., 3000 Steeles Ave., Markham, Ontario, L3R 9W2, carrying on business as SGP Purchasing Partner Network (“SGP”), commencing January 1, 2023, for the purpose of participating in a Purchasing and Revenue Share Program to receive a share of rebates received by the SGP on volume purchases of food products and other related services and products;

NOW THEREFORE the Municipal Council of The Corporation of the City of London enacts as follows:

1. The Purchasing and Revenue Share Agreement attached as Schedule “1” to this by-law, between Extendicare (Canada) Inc. carrying on business as SGP Purchasing Partner Network (“SGP”) and The Corporation of the City of London, commencing January 1, 2023, for the purpose of participating in a Purchasing and Revenue Share Program to receive a share of rebates received by the SGP on volume purchases of food products and other related services and products be authorized and approved.
2. Civic Administration be authorized to undertake all the necessary administrative acts in connection with this matter; and
3. The Mayor and City Clerk be authorized to execute the Purchasing and Revenue Share Agreement authorized and approved in section 1, above.
- 4.. This by-law shall come into force and effect on the day it is passed.

PASSED in Open Council on December 13, 2022.

Josh Morgan
Mayor

Michael Schulthess
City Clerk

First Reading –
Second Reading –
Third Reading –

SCHEDULE 1**PURCHASING AND REVENUE SHARE AGREEMENT****between****EXTENDICARE (CANADA) INC. carrying on business as
SGP PURCHASING PARTNER NETWORK ("SGP")****and****The Corporation of the City of London, Ontario Canada
("Member")****WHEREAS:**

- A. SGP is a provider of group purchasing services through membership in its SGP Purchasing Partner Network Program (the "**Volume Discount Program**"), whereby members of the Volume Discount Program ("**VDP Members**") benefit from volume discounts negotiated by SGP on certain goods and services (including, but not limited to administration, clinical, food service, housekeeping, laundry, recreation and therapy, maintenance, capital equipment, furniture, and fixtures) purchased by VDP Members from vendors ("**VDP Vendors**") participating in the Volume Discount Program.
- B. Member wishes to participate in the Volume Discount Program on the terms and conditions set out in this Agreement.
- C. SGP agrees to provide Member the Volume Discount Program on the terms and conditions set out in this Agreement.
- D. Certain VDP Vendors may pay a portion of the revenue back to SGP from time to time in the form of rebates on the contract price of the goods and services purchased through the Volume Discount Program by the VDP Members.
- E. Member is entitled to participate in a revenue sharing arrangement (the "**Revenue Share Program**") by which Member is entitled to receive a share of any rebates received by SGP from a VDP Vendor calculated on the aggregate purchases by Member, its permitted affiliates and owners or operators of Participants (as hereinafter defined) of goods and services from such VDP Vendor.

NOW THEREFORE, in consideration of the sum of One Dollar (\$1.00) and other good and valuable consideration, the receipt and sufficiency of which is hereby mutually acknowledged, the parties agree as follows:

PARTICIPANTS

1. Member is only permitted to include as participants in the Volume Discount Program and Revenue Share Program long term care facilities, retirement facilities, nursing facilities, or other similar senior care facilities (collectively, “**Senior Care Facilities**”) that Member or an affiliate of Member directly or indirectly owns or manages, provided, however, at the sole discretion of SGP, other facilities that are not Senior Care Facilities may also be permitted to be included by Member as participants in the Volume Discount Program and the Revenue Share Program (each, a “**Participant**”).
2. Member’s initial list of Participants consists of the following:

Name of Facility	No. of Beds
Dearness Home	243 LTC
City of London Cafeteria	0
Fanshawe Golf Course	0
Hamilton Road Senior’s Centre	0
Kiwanis Senior’s Centre	0
Storybook Gardens	0
Thames Valley Golf Course	0
Discretionary Benefits – City of London	0

*****SGP will add additional RSP Members to the Group at any time upon request from the City of London.**

A Participant shall cease to be a Participant hereunder upon it ceasing to be owned or managed as per Section 1 hereof, and Member shall provide SGP notice of such cessation no later than at the time of such cessation. Upon written request from Member and following a 30 day administrative evaluation period, SGP may, in its sole discretion, add Participants requested by Member to be so added.

VOLUME DISCOUNTS

3. Member, its permitted affiliates and owners or operators of Participants (collectively, the “**Member Buying Group**”) are entitled to purchase goods and/or services in respect of Participants from VDP Vendors.

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4. SGP shall maintain a list of the VDP Vendors and their respective prices/programs on SGP's website (www.sgpnetwork.com). Member may access such list once the form in Schedule "A" is completed and submitted to SGP.
5. The respective names of Member, its permitted affiliates and Participants shall be provided by SGP to each VDP Vendor by the Membership Start Date (as hereinafter defined) and thereafter Member Buying Group will be permitted to purchase goods and/or services in respect of Participants from VDP Vendors at the stated prices, subject only to meeting any financial or credit requirements of the VDP Vendor.
6. For greater certainty, the VDP Vendors' price list in effect for Member at any time shall be the same as the price list in effect for all other VDP Members at that time.
7. Member is not obligated to purchase any goods or services from any VDP Vendor, but Member acknowledges that all VDP Vendors will be notified by SGP of Member's enrollment in the Volume Discount Program.

TERM AND TERMINATION

8. Member's right to participate in the Volume Discount Program commences on **January 1, 2023**.
9. The term of this Agreement begins on the date hereof, will continue for a period of two (2) years following the Membership Start Date unless terminated earlier pursuant hereto, and may be renewed on the same terms and conditions for an additional three (3) one (1) year term by mutual written agreement executed not less than three months prior to the expiration of the initial term.
10. Either party may terminate this Agreement for convenience by providing 90 days' written notice to the other party.
11. Either party may terminate this Agreement with immediate effect for cause by providing written notice to the other party of such termination if the other party commits a material breach of any obligation set out in this Agreement and such breach is not capable of being cured, or if such breach is capable of being cured, the other party fails to cure such breach within 30 days of receipt of notice of such breach by the other party.

LIMITATION OF LIABILITY AND INDEMNITY

12. Member acknowledges and agrees that SGP only provides access to volume discounts on goods and services for direct purchase by Member Buying Group. SGP does not take title to, possession of or effect delivery of any product and expressly does not provide any

warranty, guarantee or representations to Member as to

- (a) the merchantability or fitness of any product available for purchase by VDP Vendors, or
 - (b) the capability or services of any VDP Vendors.
13. Except to the extent materially caused or contributed to by a breach by SGP of its obligations hereunder, Member hereby agrees to indemnify, defend, and hold harmless SGP and its affiliates, subsidiaries, directors, officers, employees, and agents from and against all claims, actions, causes of action, proceedings, damages, losses (including lost profits), liabilities, fines, penalties, costs and expenses of whatever nature (including reasonable legal fees) incurred by SGP in connection with, arising from or out of, or related to this Agreement, including, for greater certainty and without limitation, any failure or defect in the nature or delivery of the goods or services purchased from a VDP Vendor through the Volume Discount Program, or any misrepresentations made by a VDP Vendor to any entity within Member Buying Group with respect to any good or service purchased through the Volume Discount Program, and, for greater certainty, SGP shall in no way be liable to Member or any other entity or person in any way, except in respect of Member for a default by SGP hereunder, provided, however, such liability of SGP shall not exceed the portion of the Revenue Share (as hereinafter defined) received by SGP in respect of Member Buying Group’s purchases pursuant to the Revenue Share Program.
14. SGP hereby agrees to indemnify and hold harmless the Member and its directors, offices, employees and agents from and against all claims, actions, causes of action, damages, losses, liabilities, costs and expenses incurred by the Member except those arising from any misrepresentations made by a VDP Vendor to the Member with respect to any good or services purchased through the Volume Discount Program.

REVENUE SHARE CALCULATION

15. Member acknowledges that not every VDP Vendor pays rebates on purchases made from it. Share of revenue from VDP Vendors (“**Revenue Share**”) will be calculated and paid only in respect of actual rebates paid to SGP by VDP Vendors.
16. SGP will calculate Member’s quarterly Revenue Share in the following manner:
- (a) thirty-five per cent (35%) on revenue generated from VDP Vendor rebates on contract purchases by Member Buying Group that are from one dollar (\$1.00) to three million dollars (\$3,000,000.00) in a calendar year;
 - (b) forty-five per cent (45%) on revenue generated from VDP Vendor rebates on

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contract purchases by Member Buying Group that are from three million and one dollars (\$3,000,001.00) to five million dollars (\$5,000,000.00) in a calendar year; and

- (c) fifty per cent (50%) on revenue generated from VDP Vendor rebates on contract purchases by Member Buying Group that are over five million and one dollars (\$5,000,001.00) in a calendar year.

All of the foregoing figures in this Section exclude HST.

17. SGP will calculate the Revenue Share payable to Member in respect of its first calendar year based on a mutually agreed upon forecast of Member Buying Group purchases for that year (the “**First Year Purchase Forecast**”), and no additional payments or clawbacks shall apply should actual purchases for such year exceed or fail to meet the First Year Purchase Forecast such that Revenue Share payments would have been greater or less, as applicable, than those paid if actual purchase amounts had been applied.
18. SGP will calculate the Revenue Share payable to Member in respect of its second calendar year and any subsequent calendar year based on Member Buying Group’s actual purchases in the immediately preceding year, which may be prorated to reflect a full calendar year of purchases, in the event participation in the Revenue Share Program by Member in such year was less than 12 months.
19. No later than 60 days after the end of a quarter, Member shall be provided copies of Member Buying Group’s purchase history reports, and absent any dispute by Member in a timely fashion but in any event no later than 30 days from receipt of such reports as to the accuracy of a report, each of SGP and Member agree that the amounts contained in the reports shall be determinative for the purposes of calculating Member's Revenue Share. Member shall have the right to have the purchase history reports audited at its cost and expense.
20. Member's Revenue Share shall be calculated by SGP quarterly for the quarters ending March 31, June 30, September 30 and December 31.

PAYMENT OF REVENUE SHARE

21. Payment of Member’s Revenue Share is conditional upon Member:
 - (a) being in good standing under this Agreement, and
 - (b) Member being a member of the Revenue Share Program for the full quarter being paid out (other than the initial quarter, if Member joined the Revenue Share Program on a day other than the first day of that quarter, in which case

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Member's Revenue Share will be calculated on a *pro rata* basis for that quarter). For clarity, a Member who ceases to be a member of the Revenue Share Program effective on a day that is not the last day of a quarter is not entitled to a Revenue Share for that quarter.

22. Member's Revenue Share shall be paid to Member on or before the end of the second calendar month following the end of the quarter calculated.

CONFIDENTIALITY

23. In this Agreement, "**Confidential Information**" of a party means any and all information of a party or, in the case of SGP, information about the Volume Discount Program, the VDP Vendors, their products and services and price lists, and other VDP Members (including to the extent such information is on the SGP website (www.sgpnetwork.com)), and, in the case of Member Buying Group, purchases under the Volume Discount Program (the "**Disclosing Party**") that has or will come into the possession or knowledge of the other party (the "**Receiving Party**") in connection with or as a result of entering into this Agreement, including information concerning the Disclosing Party's past, present or future customers, suppliers, technology, or business. Notwithstanding the foregoing, Confidential Information does not include information that is:
 - (a) publicly available when it is received by or becomes known to the Receiving Party or that subsequently becomes publicly available other than through a direct or indirect act or omission of the Receiving Party (but only after it becomes publicly available);
 - (b) established by evidence to have been already known to the Receiving Party at the time of its disclosure to the Receiving Party and is not known by the Receiving Party to be the subject of an obligation of confidence of any kind;
 - (c) independently developed by the Receiving Party without any use of or reference to the Confidential Information of the Disclosing Party as established by evidence that would be acceptable to a court of competent jurisdiction; or
 - (d) received by the Receiving Party in good faith without an obligation of confidence of any kind from a third party who the Receiving Party had no reason to believe was not lawfully in possession of such information free of any obligation of confidence of any kind, but only until the Receiving Party subsequently comes to have reason to believe that such information was subject to an obligation of confidence of any kind when originally received.

24. Each party will, in its capacity as a Receiving Party:
- (a) not use or reproduce Confidential Information of the Disclosing Party for any purpose, other than as and to the extent expressly permitted under this Agreement or as may be reasonably necessary for the exercise of rights or the performance of obligations set out in this Agreement;
 - (b) not lose, disclose, provide or allow access to, transfer or otherwise make available any Confidential Information of the Disclosing Party except as expressly permitted in this Agreement; and
 - (c) take measures required to maintain the confidentiality and security of all Confidential Information of the Disclosing Party that it handles.
25. Each party may disclose Confidential Information of the other party:
- (a) if and to the extent required by a governmental or regulatory authority or otherwise as required by applicable law, provided that the party proposing to disclose must first give the other party written notice of such compelled disclosure (except where prohibited by applicable law from doing so) and must use commercially reasonable efforts, to the extent permitted by applicable law, to provide the other party with an opportunity to take such steps as it desires to challenge or contest such disclosure or seek a protective order. Thereafter, the party proposing to disclose may disclose the applicable Confidential Information, but only to the extent required by the applicable governmental or regulatory authority or applicable law and subject to any protective order that applies to such disclosure;
 - (b) to: (i) its accountants, internal and external auditors, legal counsel and other professional advisors if and to the extent that such persons need to know such Confidential Information in order to provide the applicable professional advisory services relating to such party's business; (ii) potential permitted assignees or successors of such party if and to the extent that such persons need to know such Confidential Information in connection with a potential sale, merger, amalgamation or other corporate transaction involving the business or assets of such party; and (iii) such party's personnel if and to the extent that such persons need to know such Confidential Information to perform their respective obligations under this Agreement; provided that for: (A) any person described in this Section, an express duty of confidence exists between such party and such person; or (B) any other person described in this Section, such person has entered into a written agreement with such party that includes confidentiality obligations in respect of such Confidential Information that are no less stringent

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than those contained in this Section. Any breach of such duty of confidence or confidentiality obligations by any such person that would otherwise have been a breach if performed by such party, will be deemed to be a breach of this Section by such party.

26. SGP acknowledges that information over which the Member exercises control is subject to the *Municipal Freedom of Information and Protection of Privacy Act*, and local municipal by-laws and that disclosure and retention of information is subject to those, and other legal obligations.

NOTICE

27. Every notice or other communication provided for or permitted by this Agreement and all legal process in regard hereto shall be validly given, made or served, if in writing and delivered by hand, by registered mail, by facsimile or by email to the party to whom it is to be given at:

To SGP:

SGP Purchasing Partner Network
3000 Steeles Avenue East
Markham, Ontario L3R 4T9

Attention: Senior Director
Telephone: 1.800.263.7025
Facsimile: 1.866.468.0777
Email: csr@sgpnetwork.com

To Member:

The Corporation of the City of London

267 Dundas Street, 4th Floor, London, ON N6A 1H2

Attention: **Mary Ma, CSCMP**- Procurement Officer
Telephone: 519.661.CITY (2489) x 4720
Facsimile: 519.661.5030
Email: mma@london.ca

GENERAL PROVISIONS

28. Member hereby acknowledges that SGP may modify any part of the Volume Discount Program in its sole discretion, provided that SGP provides 30 days' notice to Member in advance of any such change.

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29. Neither party shall have the right to assign, directly or indirectly, its rights and obligations under this Agreement without the prior written consent of the other party, which consent may be unreasonably withheld; provided, however, that a party may assign, directly or indirectly, its rights and obligations under this Agreement without the consent of the other party (i) to an affiliate in connection with an internal corporate reorganization, or (ii) to a third party in connection with the sale of all or substantially all of the business or assets of such party, or in the case of Extencicare (Canada) Inc., the business carried on as SGP Purchasing Partner Network, provided in each case that the assignee agrees to be bound by and assumes the obligations of the assigning party hereunder on and after the effective date of such assignment.
30. This Agreement shall be binding upon the parties hereto and their respective successors and permitted assigns.
31. All amounts stated herein are expressed in Canadian currency.
32. The parties acknowledge and agree that this Agreement may be executed in counterparts and delivered by means of facsimile or email transmission.
33. This Agreement shall be construed and enforced in accordance with the laws of the Province of Ontario.
34. If any covenant, obligation or agreement in this Agreement or the application thereof to any person or circumstances is to any extent invalid or unenforceable, the remainder of this Agreement or the application of such covenant, obligation or agreement to persons or circumstances other than those to which it is invalid or unenforceable will not be affected thereby and each covenant, obligation and agreement in this Agreement will be separately valid and enforceable to the fullest extent permitted.
35. The Schedules attached hereto form part of and shall be construed in accordance with this Agreement.
36. This Agreement constitutes the entire agreement between the parties with respect to the subject matter hereof, and there are no covenants, representations, agreements, warranties or conditions relating to this Agreement, whether express or implied, collateral or otherwise except those set out herein.
37. Nothing in this Agreement is intended to nor shall it be deemed to confer any rights or benefits on any person or entity that is not a party hereto.

[Signature page follows.]

IN WITNESS WHEREOF the parties hereto have executed this Agreement as of the 15th day of December 2022.

**EXTENDICARE (CANADA) INC. carrying on
business as SGP PURCHASING PARTNER
NETWORK**

Per: _____

Name: Rick Wassell

Title: Director National Sales

Per: _____

Name: Jason Horne

Title: Senior Director

I/We have authority to bind the Corporation.

The Corporation of the City of London

Per: _____

Name: Josh Morgan

Title: Mayor

Per: _____

Name: Michael Schulthess

Title: City Clerk

I/We have authority to bind the Corporation.

**SCHEDULE "A"
WEBSITE CONFIDENTIALITY FORM**

See attached.

SCHEDULE "A" WEBSITE CONFIDENTIALITY FORM

Dear Valued Member:

Welcome to our Website!

WEBSITE INCLUDES:

- Public domain – general SGP information
- Member domain – confidential & proprietary information
 - contracts, menu systems, supplier information/links
 - login username & password is required
 - signed authorization form returned to SGP to obtain username & password
 - immediately accessible with login & password
- Quick & convenient access to the SGP Purchasing Partner Network Program increasing your productivity
- Current information at your fingertips
- **Going Green!** We are reducing paper flow

HOW TO GET ACCESS:

It is necessary that participants understand the confidentiality of the SGP Purchasing Partner Network Program

1. To access the member domain of the SGP website, we require a signed copy of the authorization form below indicating that you understand that the SGP Purchasing Partner Network Program and information on the website is proprietary and confidential.
2. Provide the email address of the Facility Administrator/Manager who will be responsible for the compliancy of users and passwords. Please fill in the Website Confidentiality Form with all users' information and return to us. Thank you.
3. Email your completed form to:

Frances Deo

Email: csr@sqpnetwork.com

Toll Free: (800) 263-7025

If you have any questions or would like a verbal walk-through of the website, please do not hesitate to call either one of us.

Head Office: 3000 Steeles Avenue East, Markham, Ontario L3R 4T9
1-800-263-7025 • Fax: (866) 468-0777

WEBSITE CONFIDENTIALITY FORM**ACCESS TO SGP WEBSITE****AUTHORIZATION of ACKNOWLEDGEMENT
of
SGP Purchasing Partner Network Program**

I, _____, (**Name of Member**) understand that the information on the SGP website (www.sgpnetwork.com) is proprietary and confidential. This information will not be shared with NON-SGP members.

Users:

Name: _____ Email: _____ Title: _____

Name: _____ Email: _____ Title: _____

Name: _____ Email: _____ Title: _____

Name: _____ Email: _____ Title: _____

Name: _____ Email: _____ Title: _____

Name: _____ Email: _____ Title: _____

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Name: _____ Email: _____ Title: _____

Name: _____ Email: _____ Title: _____

Name: _____ Email: _____ Title: _____

Name of Member

Signature:

Date:

Report to Community and Protective Services Committee

To: Chair and Members, Community and Protective Services Committee Meeting
From: Kevin Dickins, Deputy City Manager, Social and Health Development
Subject: 2022-2023 Winter Response Program and Action and Accountability Working Group Update
Date: November 29, 2022

Recommendation

That, on the recommendation of the Deputy City Manager, Social and Health Development, the following report “2022-2023 Winter Response Program and Action and Accountability Working Group Update” **BE RECEIVED** for information purposes.

Executive Summary

This report provides an update of the actions taken to support the Action and Accountability Working Group proposal that included the identification of increased basic needs and drop-in spaces for those living unsheltered for the 2022-23 winter months.

Linkage to the Corporate Strategic Plan

2019-2023 Strategic Plan for the City of London

The City of London identifies ‘Strengthening Our Community’ and ‘Building a Sustainable City’ as strategic areas of focus.

Londoners have access to the supports they need to be successful.

Londoners have access to the services and supports that promote well-being, health, and safety in their neighbourhoods and across the city.

Housing Stability for All: The Housing Stability Action Plan for the City of London (2019-2024)

London’s Homeless Prevention and Housing Plan, Housing Stability for All: The Housing Stability Action Plan for the City of London (Housing Stability for All Plan), is the approved guiding document for homeless prevention and housing in the City of London and was developed in consultation with Londoners.

Links to Community Recovery

The City of London is committed to working in partnership with the community to identify solutions that will drive a strong, deep, and inclusive community recovery for London as we move out of and beyond the global COVID-19 pandemic. This report, and the items within, are linked to supporting Londoners experiencing homelessness during the COVID-19 pandemic to attain and retain permanent housing. This work supports recovery efforts through a coordinated COVID-19 Response that will support the transition of homeless individuals and families.

Analysis

1.0 Background Information

1.1 Previous Reports Related to this Matter

- City of London 2021-22 Program for unsheltered individuals (April 12, 2022)
- City of London 2020-2021 Winter Response Program for Unsheltered Individuals (November 2, 2021)
- Homeless Prevention COVID-19 Response (SSRF Phase 3) – Single Source Procurement - #SS21-29 (June 22, 2021)
- Municipal Council Approval of The Housing Stability Plan 2019 to 2024 as Required Under the Housing Services Act, 2011 (CPSC: December 3, 2019)
- Core Area Action Plan (SPPC: October 28, 2019)

2.0 Discussion and Considerations

2.1 Background

The proposal submitted by the immediate action and accountability working group evolved from conversations and actions taken over the summer months identified the need for increased basic needs of those living unsheltered. These needs include provision of essential needs such as showers, washrooms, the provision of increased supports for daytime and overnight drop-in space to address the immediate needs including those associated with the upcoming winter months, and immediate supports with training of agencies and direct service staff.

Elements of the proposed response will build on current resources with enhancements including 160 day and 143 overnight spaces, 56 additional spaces during Middlesex London Health Unit identified cold weather alerts, a coordinated approach to orientation and training, and an overall approach to ensure unified support through the winter months. Available temporary shelter options will include some spaces for couples and pets, for women and non-binary individuals, for Indigenous community members. These spaces are being planned to support the over 400 people who are currently experiencing unsheltered homelessness in our community.

Program locations and dates of operation:

- **Training and Additional Outreach:**
 - London Cares will support 519pursuit in enhancing their existing outreach program to reach the most marginalized and hard to find individuals living unsheltered.
 - London Cares will lead a coordinated approach to orientation and training, and an overall approach to ensure unified support of all agencies, including outreach through the winter months and beyond.
- **Day Drop-In Space/Shower/Laundry/Washroom/Basic Needs:**
 - London Cares supporting, Ark Aid- 696 Dundas Street Location, December 2022, to March 31st, 2023. Open 12 hours per day, 7 days a week, including holidays, Services include showers, laundry, washrooms, basic needs provision. This program includes 30 rotational drop-in spaces.
 - London Cares supporting, Ark Aid- 568 Richmond Street Location, December 2022, to March 31st, 2023. Open 12 hours per day, 7 days a week, including holidays. Services include showers, laundry, washrooms, basic needs provision. This program includes 75 rotational drop-in spaces.
 - London Cares Hub- 602 Queens Ave, December 2022, to December 1, 2023, Open 12 hours per day, 7 days a week, including holidays. Services include showers, laundry, washrooms, basic needs provision. This program includes 25 rotational drop-in spaces.

- CMHA London Coffee House- 371 Hamilton Road, December 1, 2022- March 31, 2023, Open 8 hours per day, 7 days a week, Services include laundry, washrooms, basic needs provision. This program includes 25 rotational drop-in spaces.
- London Cares Resting Spaces- 717 Dundas Street, Ongoing, Open 24 hours per day, 7 days a week, Services include basic needs provision, the program includes 5 extra shelter beds for 3aytime use in addition to the current 10 beds, plus 2 additional beds for cold weather alerts
- Salvation Army Centre of Hope, 281 Wellington Street, December 2022 to December 1, 2023, Program includes 2 male and 1 female showers, Operates Monday, Wednesday, and Friday from 9am to 12pm.
- **Night Drop-In Space:**
 - Unity Project, 636 York Street, December 2022 to March 31st, 2023, Program includes 10 additional shelter rooms.
 - London Cares Resting Spaces- 717 Dundas Street, Ongoing, Open 24 hours per day, 7 days a week, Services include basic needs provision, the program includes 5 extra shelter beds for overnight use in addition to the current 10 beds, plus 2 additional beds for cold weather alerts
 - Salvation Army Centre of Hope, 281 Wellington Street, December 2022 to December 1, 2023, Program includes 15 additional shelter beds for women only, plus 4 additional beds for cold weather alerts.
 - London Cares supporting, Ark Aid, location being finalized, December 2022 to March 31, 2023, program includes 25 overnight drop-in spaces, plus 8 additional beds for cold weather alerts.
 - London Cares supporting, Ark Aid, location being finalized, December 2022 to March 31, 2023, program includes 25 overnight drop-in spaces, plus 8 additional beds for cold weather alerts.
 - London Cares supporting, Ark Aid, location being finalized, December 2022 to March 31, 2023, program includes 25 overnight drop-in spaces, plus 9 additional beds for cold weather alerts.
 - London Cares supporting, Safe Space, location being finalized, December 2022 to December 1, 2023, program includes 20 overnight drop-in spaces for women only, plus 15 additional beds for cold weather alerts.
 - Wiigiwaaminaan Indigenous healing space, St. Joseph's Health Care, 550 Wellington Road Building J, Services provided until March 31st, 2024. This program includes 18 spaces for high needs Indigenous people, plus an additional 10 spaces for cold weather alerts.

3.0 Financial Impact/Considerations

The total amount of approved funding is up to \$5,000,000. The source of funding will be through the remaining one-time funding from the Provincial Social Services Relief Funding Phase 5, Reaching Home one-time COVID response funding, any required available funding from remaining provincial Homelessness Prevention Program funding and municipal funding from the Housing Stability Service base budget.

Funding for this response is available on a one-time basis. Any addition or continuation of this community response is required to be addressed as part of Multi-Year Budget process.

Attached as Schedule 1 “Overview of Housing Stability Services Funding Allocations” provides a breakdown by agency of service to be provided, cost estimate, and duration.

Conclusion

The Action and Accountability Working Group proposal will support individuals who sleep unsheltered through the provision of a range of options, including day/night spaces, shower/laundry/washroom and basic needs supports.

Prepared & submitted by: **Craig Cooper, Director, Housing Stability Services**
Recommended by: **Kevin Dickins, Deputy City Manager, Social and Health Development**

Schedule 1

Overview of Housing Stability Services Funding Allocations

Program/Service	Duration Up To:	Agency	Cost Estimate
Training	1 year	London Cares Homelessness Response	Up to \$65,175
Additional Outreach supports	1 year	London Cares Homelessness Response	Up to \$140,100
Showers	4 months	London Cares Homelessness Response	Up to \$125,900
Shower provision	1 year	The Salvation Army Centre of Hope	Up to \$52,800
Dundas St Drop-in	4 months	London Cares Homelessness Response	Up to \$144,230
Richmond St Drop-in	4 months	London Cares Homelessness Response	Up to \$315,500
Day Drop-in	1 year	London Cares Homelessness Response	Up to \$312,300
Day Drop-in	4 months	CMHA Thames Valley Addiction & Mental Health Services	Up to \$68,550
Shelter bed increase	4 months	Unity Project	Up to \$90,150
24/7 drop in	1 year	London Cares Homelessness Response	Up to \$458,125
Shelter bed increase	1 year	The Salvation Army Centre of Hope	Up to \$345,925
Wiigiwaaminaan Indigenous Healing Space	2 years	Atlohsa Family Healing Services	Up to \$1,310,400
Overnight Drop-in	4 months	London Cares Homelessness Response	Up to \$804,425
24/7 Drop-in	1 year	London Cares Homelessness Response	Up to \$650,000
Admin		London Cares Homelessness Response	Up to \$116,420
Total Funding for 2022-23			\$5,000,000

Report to Community and Protective Services Committee

To: Chair and Members,
Community and Protective Services Committee

From: Richard Hayes, Acting Fire Chief, Neighbourhood and
Community-Wide Services

Subject: London Fire Department Automatic Aid Agreement with
Central Elgin Fire and Emergency Services

Date: November 29, 2022

Recommendation

That, on the recommendation of the Acting Fire Chief and with concurrence of the Deputy City Manager of Neighbourhood and Community-Wide Services, the following actions be taken with respect to the London Fire Department Automatic Aid Agreement with Central Elgin Fire and Emergency Services:

- a) The attached proposed By-Law (Appendix A) **BE INTRODUCED** at the Municipal Council meeting on December 13, 2022:
- i) **TO APPROVE** the Agreement between the Corporation of the Municipality of Central Elgin and the Corporation of the City of London (Schedule A) for the provision of automatic aid to the response area outlined within the Agreement; and
 - ii) **TO AUTHORIZE** the Mayor and City Clerk to execute the said Agreement.

Executive Summary

This report is to seek approval to renew the Automatic Aid Agreement between the City of London, and the London Fire Department with the Municipality of Central Elgin, and the Central Elgin Fire and Emergency Services, for provision of fire protection services to an area defined within the Agreement.

Previous Reports Pertinent to this Matter

- [Automatic Aid Agreement with Central Elgin and Termination Agreement Regarding Belmont Area Fire Board](#) (November 12, 2008)
- [Automatic Aid Agreement with Central Elgin](#) (March 18, 2013)
- [Automatic Aid Agreement with Central Elgin](#) (October 11, 2017)

Linkage to the Corporate Strategic Plan

The City of London renewal of the Automatic Aid Agreement with the Municipality of Central Elgin is aligned with the following strategic area of focus in the City of London Strategic Plan 2019-2023:

- Strengthening our Community, under the outcome Londoners have access to the services and supports that promote well-being, health, and safety in their neighbourhoods and across the city.

Analysis

1.0 Background

As previously reported to Council, following the annexation in 1993, the City of London became responsible for providing fire protective services to an area previously served by the Belmont Area Fire Board.

At that time, the City entered into an arrangement whereby the Belmont Fire Department provided initial response to the defined area. Subsequently, an amalgamation of Belmont with several other municipalities resulted in the creation of the Municipality of Central Elgin in 1998. This led to a review and revision of the arrangement.

Given the locations of London Fire Department (“LFD”) fire stations relative to the area, LFD cannot provide the requisite level of service without the assistance of Central Elgin Fire and Emergency Services - Belmont station.

Entering into an Agreement with the Municipality of Central Elgin for the provision of fire protection services to the defined area was found to be a cost-effective method of maintaining the continuity of level of service. It should be noted that within the Agreement, LFD vehicles are simultaneously dispatched to alarms in the defined area; however, the response from Central Elgin Fire and Emergency Services - Belmont Station reduces the initial response time.

In 2008, Council approved entering into an Agreement with the Municipality of Central Elgin for the provision of automatic aid to the defined area of the City of London for the period from January 1, 2008 to December 31, 2012.

In 2013, Council approved entering into the same Agreement for a further five-year period from January 1, 2013 to December 31, 2017.

In 2017, Council approved an additional five-year renewal of this Agreement, from January 1, 2018 to December 31, 2022.

Civic Administration is recommending that this arrangement be continued for another five (5) years from January 1, 2023, to December 31, 2027, in order to maintain a stable and cost-effective fire protection services delivery to the defined area within the Agreement. In addition, Civic Administration recommends that, unless terminated pursuant to the terms of the Agreement, it is to be automatically renewed at the conclusion of each term for two (2) consecutive terms of five (5) years.

2.0 Discussion and Considerations

2.1 Use of Automatic Aid Agreement

On average, this Automatic Aid Agreement has been used twice annually.

2.2 Updates from Previous Agreement

To renew this Agreement, the following proposed updates have been included:

- An inclusion of an automatic renewal clause for two (2) consecutive terms of five (5) years.
- Section 5.2 of the 2018-2022 Agreement referenced the On-Call Chief. Now, with Platoon Chiefs as management, the Platoon Chiefs will be the point of contact.
- Section 6.1 referenced the firefighter training standards as of Jan 1, 2008. Within this new Agreement reference is made to the new regulation, O. Reg. 343/22: FIREFIGHTER CERTIFICATION, and the level of service thus provided to the City of London by the Municipality of Central Elgin meeting this Regulation.

3.0 Financial Impact

The Acting Fire Chief for the City of London has been in discussions with the Fire Chief of the Municipality of Central Elgin and jointly agree to an increase of 4% per annum for the continuing delivery of fire protection services. Historically, increases have been 3% per annum. The cost of service for the years 2023-2027 will be:

Year	Annual Amount
2023	\$9,227.00
2024	\$9,596.00
2025	\$9,980.00
2026	\$10,379.00
2027	\$10,794.00

Funding for this agreement is included in the current budget and any increases will be managed within the LFD operating budget.

The attached, updated Agreement has been reviewed by the City Solicitor's Office and the Risk Management Office. The Agreement includes a mutual indemnification Agreement for any negligent acts or omissions of the parties, or their legal representatives related to the Agreement. Given the nature of the arrangement and that LFD will assume command on arrival at any event, the risk is low.

Conclusion

As a result of the annexation that occurred in 1993, the City of London became responsible for fire protection services to an area previously served by the Belmont Fire Area Board. Subsequently, an amalgamation of Belmont with several other municipalities resulted in the creation of the Municipality of Central Elgin in 1998. This has led to the City continuing to renew an Automatic Aid Agreement with the Municipality of Central Elgin, as a cost-effective method of ensuring the residents of the area continue to receive the requisite fire protection services.

Prepared by: Katerina Barton, Manager II, Finance & Planning, Fire Services
Recommended by: Richard Hayes, Acting Fire Chief
Concurred by: Cheryl Smith, Deputy City Manager, Neighbourhood and Community-Wide Services

c: Vanetia R., Solicitor, City Solicitor's Office
Jason Wills, Manager III, Risk Management Services
Doug Drummond, Financial Business Administrator, Finance Supports

Appendix A:

Bill No.
2022

By-law No.

A By-law to approve the Automatic Aid Agreement between The Corporation of the City of London and The Corporation of the Municipality of Central Elgin; and to authorize the Mayor and Clerk to execute the Agreement.

WHEREAS section 5(3) of the *Municipal Act, 2001* S.O. 2001, c.25, as amended, provides that a municipal power shall be exercised by by-law;

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

AND WHEREAS section 10 of the *Municipal Act, 2001* provides that the City may provide any service or thing that the City considers necessary or desirable for the public, and may pass by-laws respecting same, and respecting economic, social and environmental well-being of the City, and the health, safety and well-being of persons;

AND WHEREAS section 2(5) of the *Fire Protection and Prevention Act, 1997*, S.O. 1997, c. 4 provides that a municipality may enter into an agreement to (a) provide such fire protection services as may be specified in the agreement to lands or premises that are situated outside the territorial limits of the municipality, and (b) receive such fire protection services as may be specified in the agreement from a fire department situated outside the territorial limits of the municipality;

NOW THEREFORE the Municipal Council of The Corporation of the City of London enacts as follows:

1. The Automatic Aid Agreement attached as Schedule "A" to this by-law between The Corporation of the City of London and The Corporation of the Municipality of Central Elgin regarding the provision of certain fire protection services by Central Elgin to specified areas within London is hereby authorized and approved.
2. The Mayor and City Clerk are authorized to execute the Automatic Aid Agreement authorized and approved under section 1 of this by-law.
3. This by-law shall come into force and effect on the day it is passed.

PASSED in Open Council

, 2022

Josh Morgan
Mayor

Michael Schulthess
City Clerk

First reading -
Second reading –
Third reading –

Schedule A:

Automatic Aid Agreement Between Central Elgin and the City of London

THIS AUTOMATIC AID Agreement effective this 1st day of January 2023.

Between:

THE CORPORATION OF THE MUNICIPALITY OF CENTRAL ELGIN
("Central Elgin")

- And -

THE CORPORATION OF THE CITY OF LONDON
("London")

WHEREAS the *Fire Protection and Prevention Act, 1997*, S.O. 1997, c.4 provides:

- i) In [subsection 2\(6\)](#) that a municipality may enter into an automatic aid Agreement to provide or receive the initial or supplemental responses to fires, rescues and emergencies;
- ii) in [subsection 2\(5\)\(a\)](#) that a municipality may enter into an Agreement to provide such fire protection services as may be specified in the Agreement to lands or premises situated outside the territorial limits of the municipality;
- iii) in [subsection 2\(5\)\(b\)](#) that a municipality may enter into an Agreement to receive such fire protection services as may be specified in the Agreement from a fire department situated outside the territorial limits of the municipality;
- iv) in [subsection 6\(5\)](#) that the fire chief may exercise all the powers assigned to him or her under this Act within the territorial limits of the municipality and within any other area in which the municipality has agreed to provide fire protection services, subject to any conditions specified in the Agreement; and,
- v) in [subsection 13\(3\)](#) that a firefighter or such other person as may be authorized by the fire chief may, without a warrant, enter on lands or premises that are outside the territorial limits of the municipality of the fire department that employs the firefighter or fire chief for the purposes of fighting a fire or of providing rescue or emergency services on such lands or premises if the council of the municipality has entered into an automatic aid Agreement or any other Agreement under which the entry is permitted;

AND WHEREAS Central Elgin and London have reached Agreement for the provision of certain Fire Protection Services by Central Elgin to specified areas within London under this Automatic Aid Agreement;

AND WHEREAS Municipal Council for each Municipality has, by by-law, authorized execution of this Automatic Aid Agreement;

NOW THEREFORE, in consideration of the payment of the sum of ONE (\$1.00) DOLLAR by each party to the other, the receipt and sufficiency of which is hereby acknowledged, and the mutual covenants herein contained, the parties hereto agree as follows:

1.0 Definitions

1.1 In this Agreement,

- i) "Fire Department" means, regardless of the proper name thereof, the fire department established by and for each of the respective parties to this Agreement;
- ii) "Designate" means the person who, in the absence of the Fire Chief, is assigned to be in charge of the activities of the Fire Department for such municipality and, in connection therewith, has the same powers and authority as the Fire Chief;
- iii) "Fire Chief" means, individually, the Chiefs of the London Fire Department and Central Elgin Fire and Emergency Services, as the context requires;
- iv) "Fire Protection Services" includes fire suppression, rescue and emergency services, but does not include for the purposes of this Agreement fire prevention, fire safety education, fire investigations, or fire inspections;
- (v) "Response Area" means a geographic area within the territorial limits of the City of London depicted and outlined in red on Schedule A1 attached hereto.

2.0 Term and Termination

Term

2.1 This Agreement shall come into force and effect on the **1st** day of **January 2023** and shall continue to and end on the **31st** day of **December 2027**, unless terminated earlier pursuant to the terms of this Agreement. Thereafter, it shall be automatically renewed at the conclusion of each term for two (2) consecutive terms of five (5) years.

Termination

2.2 Central Elgin may terminate this Agreement upon written notice to London at least twelve (12) calendar months prior to the effective date of such termination. London may terminate this Agreement upon written notice to Central Elgin at least six (6) calendar months prior to the effective date of such termination. Should the Agreement terminate prior to December 31st of any year, London's payment

obligation shall be pro-rated. In the event that the Agreement is so terminated, neither party shall have any right to claims, losses, or damages arising from the said termination of this Agreement.

3.0 Delivery of Fire Protection Services

3.1 Subject to paragraph 3.2, Central Elgin, through its Belmont Station, shall extend and provide Fire Protection Services in the Response Area.

3.2 London acknowledges that Central Elgin may be unable to extend and provide Fire Protection Services in the Response Area if response personnel, apparatus or equipment are required elsewhere in the municipality of Central Elgin or under the provisions of the Elgin County Mutual Aid Plan.

3.3 Central Elgin acknowledges that the London Fire Department will be dispatched to respond to all alarms in the Response Area, and will attend to the alarm. Central Elgin acknowledges the London Fire Department may be delayed in arriving on scene if London Fire Department is responding to other emergency events.

3.4 Central Elgin acknowledges that on the arrival of London Fire Department vehicles, London Fire Department Incident Commander will assume command and make the necessary arrangements to release command from the Central Elgin Fire Department as soon as practicable.

3.5 Central Elgin acknowledges that the London Fire Department Fire Chief maintains the rights and authorities under the *Fire Protection and Prevention Act, 1997, S.O. 1997, c.4*, as amended, with respect to investigations under that Act.

3.6 Central Elgin shall not use firefighters as defined in Part IX of the *Fire Protection and Prevention Act, 1997, S.O. 1997, c.4*, as amended, but instead shall use volunteer firefighters in delivering Fire Protection Services as contemplated by this Agreement.

4.0 Delivery of Fire Protection Not to Limit Response to Request for Mutual Aid

4.1 Notwithstanding the generality of the definition of Fire Protection Services as contained in paragraph 1.1, Central Elgin's commitment to provide such Fire Protection Services within the Response Area does not limit, restrain, or otherwise restrict the ability or intention of the Fire Department of either party hereto to provide assistance to a request for automatic aid by one party to the other for any location outside of the Response Area or any applicable territorial limits, which assistance shall be provided without additional cost to the

requesting party.

5.0 Notification and Reporting

5.1 For calls for Fire Protection Services pursuant to this Agreement, Central Elgin shall ensure that its dispatch service notifies the London Fire Department Communications Division of the details within 15 seconds of dispatching Central Elgin Fire and Emergency Services - Belmont station.

5.2 When and where there is an Emergency and London Fire Department response is delayed, Central Elgin Fire Chief or designate shall provide details to the on-duty/on-call London Fire Department Platoon Chief through London Fire Department Communications Division of such Emergency within fifteen (15) minutes of Central Elgin Fire and Emergency Services first vehicle arriving on scene. For the purposes of this section "Emergency" includes but is not limited to the following:

- i) Fires with fatalities or those with injuries requiring medical attention;
- ii) Any explosion;
- iii) Fires where arson is suspected regardless of dollar loss;
- iv) Incendiary fire;
- v) Fire where the value of loss of property equals or exceeds \$10,000.00;
- vi) Fires where the cause is undetermined or suspicious in nature;
- vii) Fires of unusual origin or circumstances such as:
 - (1) Unusual fire/smoke spread or
 - (2) Involves circumstances that may result in widespread public concern (i.e. environmental hazard);
- viii) Hazardous material spill;
- ix) Motor Vehicle Collision.

5.3 Within eight (8) hours of the conclusion of the provision of Fire Protection Services, as contemplated by this Agreement, Central Elgin shall submit written reports to London's Fire Chief as required and in the form as determined by the London Fire Chief.

5.4 When requested, Central Elgin shall provide to investigating agencies information and/or witness statements, orally and/or in writing regarding the provision of Fire Protection Services pursuant to this Agreement.

6.0 Standard of Performance

6.1 Central Elgin agrees and covenants that the extension, delivery, and provision of Fire Protection Services pursuant to this Agreement shall be undertaken in a safe, proper, and prudent manner and at least to the performance standards outlined

within the [Ontario Regulation 343/22: Firefighter Certification](#) and equivalent to the level of service provided by Central Elgin through their Establishing and Regulating By-Law.

7.0 Annual Review of Fire Protection by Fire Chief

7.1 On a periodic basis and at least once during each calendar year of the Term of this Agreement, the Fire Chiefs for each municipality shall meet to review and, if necessary, make recommendation to their respective Municipal Councils for amendment to this Agreement and delivery of Fire Protection Services as contemplated herein.

8.0 Service Charges

8.1.1 From January 1, 2023, until the termination of this Agreement, London shall pay Central Elgin the following amounts for the extension, delivery and provision of Fire Protection Services by Central Elgin in the Response Area:

For the year 2023 - \$ 9,227.00

For the year 2024 - \$ 9,596.00

For the year 2025 - \$ 9,980.00

For the year 2026 - \$ 10,379.00

For the year 2027 - \$ 10,794.00

8.1.2 Central Elgin will invoice London for the extension, delivery and provision of Fire Protection Services in the Response Area under paragraph 8.1.1 on or before November 30 of each year for that calendar year, and London shall pay such invoice within thirty (30) days of the date of such invoice. Central Elgin may charge interest on any outstanding balance under this paragraph in keeping with its normal invoicing policies then in effect.

9.0 Not an Agreement of Employment

9.1 Central Elgin acknowledges and agrees this Agreement shall in no way be deemed or construed to be an Agreement of Employment. Specifically, the parties agree that it is not intended by this Agreement that Central Elgin nor any person employed by, volunteering for, or associated with Central Elgin is an employee of, or has an employment relationship of any kind with London or is in any way entitled to employment benefits of any kind whatsoever from London whether under internal policies and programs of London, the *Income Tax Act*, R.S.C. 1985 c.1 (1st Supp); the *Canada Pension Act*, R.S.C. 1985, c.C-8; the *Employment Insurance Act*, S.O. 1996,c.23; the *Workplace Safety and Insurance Act*, 1997 S.O. 1997, c.26 (Schedule "A"); the *Occupational Health and Safety Act*, R.S.O. 1990, c.o.1; the *Pay Equity Act*, R. S. O. 1990, c.P.7; the *Health Insurance Act*,

R.S.O. 1990, c.H.6; or any other employment related legislation, all as may be amended from time to time, or otherwise.

9.2 Notwithstanding paragraph 9.1 above, it is the sole and exclusive responsibility of Central Elgin to make its own determination as to its status under the Acts referred to above and, in particular, to comply with the provisions of any of the aforesaid Acts, and to make any payments required thereunder.

10.0 Parties to be Saved Harmless and Indemnified

10.1 London hereby agrees to save harmless and indemnify Central Elgin, including its employees, servants, agents, representatives, and councillors and specifically including its Fire Chief and members of its Fire Department, of and from all claims, demands, losses, costs (including solicitor client costs), damages, actions, law suits, or other proceedings by whomsoever made, sustained, or prosecuted which may arise directly or indirectly from any act undertaken pursuant to the terms of this Agreement, with respect to any Fire Protection Service extended, delivered, or provided within the Response Area, except if resulting from Central Elgin's negligence or wrongful acts or omissions.

10.2 Central Elgin hereby agrees to save harmless and indemnify London, including its employees, servants, agents, representatives, and councillors and specifically including its Fire Chief and members of its Fire Department, of and from all claims, demands, losses, costs (including solicitor client costs), damages, actions, law suits, or other proceedings by whomsoever made, sustained, or prosecuted which may arise directly or indirectly from any act undertaken, or any act a prudent person would have undertaken that was not, pursuant to the terms of this Agreement, with respect to any Fire Protection Service delivered or provided within the Response Area, including: (a) any claim or finding that any of Central Elgin, Central Elgin's employees, volunteers or persons for whom Central Elgin is at law responsible are employees of, or are in any employment relationship with, London or are entitled to any Employment Benefits of any kind; or (b) any liability on the part of London, under the Income Tax Act (Canada) or any other statute (including, without limitation, any Employment Benefits statute), to make contributions, withhold or remit any monies or make any deductions from payments, or to pay any related interest or penalties, by virtue of any of the following being considered to be an employee of London, from Central Elgin; Central Elgin's employees, volunteers or others for whom Central Elgin is at law responsible in connection with the performance of Fire Protection Services or otherwise in connection with Central Elgin's business; or (c) all tickets, fines or penalties.

11.0 Insurance

11.1 London agrees that, during the Term of this Agreement, it shall arrange for and maintain general liability insurance in an amount not less than TWENTY MILLION (\$20,000,000.00) DOLLARS per occurrence as insured, thereunder and further including as additional insureds Central Elgin, its employees, servants, agents, representatives, and councillors and specifically including its Fire Chief and members of its Fire Department, for legal liability, including but not limited to bodily injury, including death, or property damage arising out of acts or omissions related to the obligations of London under this Agreement.

11.2 Central Elgin agrees that, during the term of this Agreement, it shall arrange for and maintain general liability insurance in an amount not less than TWENTY MILLION (\$20,000,000.00) DOLLARS per occurrence as insured, thereunder and further including as additional insureds London, its employees, servants, agents, representatives, and councillors and specifically including its Fire Chief and members of its Fire Department, for legal liability including but not limited to bodily injury, including death, or property damage arising out of acts or omissions related to the work, services and obligations of Central Elgin under this Agreement.

12.0 Agreement to Negotiate at the End of Term

12.1 Prior to the expiry of a term of this Agreement, municipal representatives, including respective Fire Chiefs, may meet to discuss acceptable terms by which the extension, delivery, and provision of such Fire Protection Services may continue thereafter. Any Agreement is subject to approval by Municipal Council of each party.

13.0 Amendment

13.1 The parties hereto agree that any amendment to this Agreement shall be in writing, executed by authorized representatives of each of the parties, in the form of an amending Agreement.

14.0 Schedules

14.1 The following schedule is attached to and forms part of this Agreement:
Schedule A1 depicting Response Area and describing boundaries of Response Area.

15.0 Miscellaneous

15.1 Nothing in this Agreement shall entitle or enable Central Elgin to act on behalf of, or as agent for, or to assume or create any obligation on behalf of, or to make any representation, promise, and warranty or guarantee binding upon, or otherwise to bind London. Each of Central Elgin, any volunteer for Central Elgin,

and London is independent and not the agent, employee, partner or joint venture of any of the others.

15.2 Notice

(a) All communication between the parties with respect to the administration and operation of this Agreement shall be conducted by the following personnel:

"For Central Elgin" - Fire Chief, Central Elgin Fire and Emergency Services
The Corporation of the Municipality of Central Elgin
450 Sunset Drive
ST. THOMAS, ON N5R 5V1
Fax: (519) 631-4036

"For London" - Fire Chief, London Fire Department
The Corporation of the City of London
400 Horton Street E,
LONDON, ON N6B 1L7
Fax: (519) 661-6507-2489

(b) Any notice or written communication between the parties other than this Agreement shall be delivered or sent by pre-paid registered mail addressed to the parties at their respective addresses listed above, or their respective facsimile numbers as noted above.

(c) Notice shall be deemed to have been received at the date on which notice was delivered to the address as designated, or in the case of mailing, within four (4) days of the date of mailing or in the case of facsimile transmission, the day after such facsimile was transmitted.

15.3 Further Assurances

The parties shall to do or cause to be done all acts or things necessary to implement and carry into effect this Agreement to its full extent.

15.4 Successors and Assigns

This Agreement shall ensure to the benefit and be binding upon the parties and their respective successors and permitted assigns.

15.5 Gender and Number

In this Agreement, words importing the singular include the plural and *vice versa* and words importing gender include all genders.

15.6 Section Headings

The insertion of headings and the division of this Agreement into sections are for convenience of reference only and shall not affect the interpretation hereof.

15.7 Entire Agreement

This Agreement constitutes the entire Agreement between the parties pertaining to the subject matter hereof and supersedes all prior Agreements, understandings,

negotiations and discussions with respect to the subject matter hereof, whether oral or written. No supplement, modification, or waiver of this Agreement shall be binding unless executed in writing by both of the parties.

15.8 Circumstances beyond the Control of Either Party

Neither party will be responsible for damage caused by delay or failure to perform under the terms of this Agreement resulting from matters beyond their control including strike, lockout or any other action arising from a labour dispute, fire, flood, act of God, war, riot or other civil insurrection, lawful act of public authority, or delay or default caused by a common carrier which cannot be reasonably foreseen or provided against.

15.9 Severability

The invalidity or unenforceability of any provision of this Agreement or any covenant herein contained shall not affect the validity or enforceability of provision or covenant shall be deemed to be severable.

15.10 No Assignment without Consent

This Agreement is not assignable without the prior written consent of London's Fire Chief. Any attempt to assign any of the rights, duties or obligations of this Agreement without consent is void.

15.11 Applicable Law

This Agreement shall be construed in accordance with the laws of the Province of Ontario. The parties agree to attorn to the jurisdiction of the Ontario Courts.

IN WITNESS WHEREOF the parties have hereunto affixed their respective corporate seal under the hands of their duly authorized Mayor and Clerk as of the applicable date referenced below.

The Corporation of the City of London

Date: _____
Josh Morgan, Mayor

Date: _____
Michael Schulthess, City Clerk

The Corporation of the Municipality of Central Elgin

Date: _____
Andrew Sloan, Mayor

Date: _____
Dianne Wilson, Clerk

Schedule A1

Response Area



DESCRIPTION OF BOUNDARIES OF RESPONSE AREA – City of London

South half of lots 5 to 9 inclusive, Concession V:
Both sides of Westminister Drive starting from the East at the London-Thames Centre municipal boundary, proceeding in a westward direction to #1743.

Lots 5 to 9 inclusive, Concession VI:
Both sides of Scotland Drive starting from the East at the London-Thames Centre municipal boundary, proceeding in a Westward direction to #1743.

Lots 5 to 9 inclusive, Concession VII:
Both sides of Manning Drive starting from the East at the London-Thames Centre municipal boundary, proceeding in a Westward direction to #1769.

Lots 5 to 9 inclusive, Concession VIII:
Both sides of Glanworth Drive/Borden Avenue, starting from the East at #750 Borden Avenue at the London-Central Elgin municipal boundary, proceeding in a Westward direction to #1733.

Animal Welfare Community Advisory Committee

Report

The 4th Meeting of the Animal Welfare Community Advisory Committee
November 3, 2022

Attendance PRESENT: M. Blosch (Acting Chair), K. Coulter, A. Hames and
G. Leckie and H. Lysynski (Acting Committee Clerk)

ABSENT: W. Brown, H. Duhamel and M. Toplak

ALSO PRESENT: W. Jeffery, M. McBride and O. Katolyk

The meeting was called to order at 3:02 PM; it being noted that
the following members were in remote attendance: M. Blosch, K.
Coulter, A. Hames and G. Leckie

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 3rd Report of the Animal Welfare Community Advisory Committee

That it BE NOTED that the 3rd Report of the Animal Welfare Community
Advisory Committee, from its meeting held on September 1, 2022, was
received.

2.2 Council Resolution

That it BE NOTED that the Municipal Council resolution adopted at its
meeting held on October 17, 2022, with respect to the 3rd Report of the
Animal Welfare Community Advisory Committee, was received.

2.3 E. Prendergast Resignation

That it BE NOTED that the resignation from E. Pendergast was received
with regret. (2022-C12)

3. Consent

None.

4. Sub-Committees and Working Groups

None.

5. Items for Discussion

5.1 Budget Expenditures Relating to Work Plan Matters

That the Animal Welfare Community Advisory Committee held a general
discussion with respect to the 2022 Budget.

5.2 Discussion - Responding to Community Outreach Needs to Canids and Other Wildlife

That the discussion relating to responding to community outreach needs to canids and other wildlife BE POSTPONED to the next Animal Welfare Community Advisory Committee meeting.

5.3 Fireworks and Impacts on Companion Animals and Wildlife

That it BE NOTED that the Animal Welfare Community Advisory Committee heard a verbal update from O. Katolyk, Director, Municipal Compliance, with respect to fireworks and the potential impacts on companion animals.

5.4 Reptilia and Prohibited Animals Update

That it BE NOTED that the Animal Welfare Community Advisory Committee heard a verbal update from O. Katolyk, Director, Municipal Compliance, with respect to Reptilia.

5.5 Clear Your Gear Public Awareness

That it BE NOTED that the Animal Welfare Community Advisory Committee heard a verbal update from H. Lysynski, Committee Clerk, on behalf of S. Stafford, Director, Parks and Forestry, with respect to the "Clear Your Gear" public awareness initiative.

5.6 Canid Signage Installation Update

That it BE NOTED that the Animal Welfare Community Advisory Committee heard a verbal update from H. Lysynski, Committee Clerk, on behalf of S. Stafford, Director, Parks and Forestry, with respect to an update on canid signage installation.

6. Additional Business

6.1 (ADDED) Animal Welfare Community Advisory Committee 2022 Budget Recommendations

That, the following actions be taken with respect to the Animal Welfare Community Advisory Committee (AWCAC) 2022 Budget:

a) M. Blosch, Acting Chair, BE REQUESTED to have delegation status at the November 29, 2022 Community and Protective Services Committee (CPSC) meeting to advise CPSC on the AWAC request for the expenditure of it's budget; and,

b) the full 2022 Budget expenditure of \$1,500 BE ALLOCATED for the purchase of bird-friendly window collision tape;

it being noted that the AWCAC received the attached Sub-Committee report with respect to the review of the 2022 AWCAC Budget.

7. Adjournment

The meeting adjourned at 3:29 PM.

Report to London Animal Welfare Community Advisory Committee Meeting on November 3, 2022

From Sub-Committee

Recommendation on Spending the Committee's Annual Budget

Recommendation: Use the entire amount of \$1500 to acquire bird-friendly window collision tape and distribute it to residents to increase awareness about how to prevent birds from colliding with windows and to promote London's certification by Nature Canada as a "Bird Friendly City".

Nature Canada certified London as a "Bird Friendly City" in 2021. The Animal Welfare Advisory Committee participated in the certification process. Certification means that London met or exceeded a minimum standard with regard to:

1. reducing threats to birds in our municipality,
2. protecting and restoring natural habitat and increasing climate resiliency, and
3. actively engaging the community in these actions through education and outreach.

The Animal Welfare Community Advisory Committee would like to continue our efforts to make London a bird friendly city. We believe that we can make an impact on threat reduction, education and outreach. Specifically, we want to inform property owners and tenants that they can prevent bird-window collisions by using bird-friendly window collision tape. The use of decals is not recommended because it is not effective.

To promote the use of window collision tape we propose using our Advisory Committee budget to purchase boxes of tape and distribute them to residents.

"FeatherFriendly" brand Window Collision Tape is available locally. The tape is designed to alert birds to a window without obstructing the view from inside the home and without damaging the window. It is a pattern with ¼ inch square markers pre-spaced in a 2 inch by 2 inch grid. The lifespan of the tape is more than ten years under a variety of weather conditions. Each box contains a roll of 100 feet of tape, which is enough to cover 30 inches by 80 inches of window glass. The retail price of one box is \$19.50 at Featherfields, \$24.90 at Lee Valley Hardware, and \$24.99 at Wild Birds Unlimited, although we might be able to get a better price on a large quantity.

The City maintains a dedicated webpage on "Bird-friendly skies" and has printed a pamphlet. Promoting the use of window collision tape would complement these efforts. It would also increase awareness of the City's designation as a Bird-Friendly City.

Distribution of the window collision tape would be done in partnership with London's Bird Team. As an example, boxes of the tape could be provided as door prizes at sponsored events where the City's bird-friendly designation would be noted, the problem of birds colliding with windows discussed, and the use of the tape demonstrated.



As counsel to Reptilia I ask for delegation status at the November 29th meeting of CPSC when a request for exemption the current city animal control bylaw will be considered. I also ask that in the event all of my allotted time is not used that I might identify others to participate. I have been actively involved in the efforts of Reptilia to establish a location in the Westmount Mall and believe that I can add to the committees knowledge and to the discussion.

Michael M. Lerner | **Lerners LLP** | Partner | phone 519.672.4131 ext 6321 | direct fax 519.932.3321 | MMLerner@lerners.ca | 85 Dufferin Ave, London - Ontario - N6A 1K4

Please register Brian Child as a delegate to the CPSC meeting on November 29th, 2022 please.

Brian Child
President
Reptilia Inc.

Madam Committee Clerk:

We represent McCor Management (East) Inc., the manager of Westmount Mall. Reptilia Inc. is our client's tenant.

We understand that Michael Lerner, solicitor for Reptilia, has requested to make a deputation to Committee at its November 29 meeting respecting an exemption from the City's Animal Control By-Law PH-3.

Please consider this my formal request to also make a delegation to Committee on that topic at that meeting on behalf of Westmount Mall.

Should you require anything further from me, please advise. Thank you.

Regards,
LFL

Leo F. Longo

Certified Specialist (Municipal Law: Local Government & Land Use Planning and Development)

T 416.865.7778
F 416.863.1515
E llongo@airdberlis.com

Aird & Berlis LLP | Lawyers
Brookfield Place, 181 Bay Street, Suite 1800
Toronto, Canada M5J 2T9 | airdberlis.com

Hi Ms. Bunn,

I am requesting delegation status for the upcoming CPSC meeting as per above.

If possible, I would like to be the last presenter.

Please let me know if additional information is required.

Best wishes,

Prof. Robert Murphy

Director of Animal Welfare, Reptilia

Good morning,

It has come to my attention that Reptilia/Animal Control By-Law is on the agenda for the CPSC meeting on November 29th. I would like to make a delegation on this topic on behalf of World Animal Protection. Kindly let me know if any other information is required to make the delegation.

Many thanks

Michèle Hamers
MSc, MRSB, EurProBiol
Wildlife Campaign Manager
World Animal Protection
90 Eglinton Avenue East, Suite 960
Toronto, ON, M4P 2Y3
T: +1 416 369 0044 x 115
M: +1 647 447 1864
TF: +1 800 363 9772
Pronouns: she/her

Good Afternoon

I am writing to ask for a second delegation slot at the CPSC meeting on November 29.

I have delegation status to speak to the Animal Welfare Community Advisory Committee report, on the topic of preventing birds from colliding into windows.

Since then, four representatives from Reptilia have asked to speak about an exemption to the animal control bylaw. I would like to be able to respond to their presentation.

Thank you,
Marie Blosch

Hi,

I would like to speak on the item brought forward by Reptilia about opening a retail outlet and zoo for reptiles.

I am former Director and chair of the London Humane Society and a London tax payer. I would like to participate by Zoom.

Joris Van Daele

Hello,

Can you please add my name with those requesting delegate status for Mondays CPSC meeting?

My interest is related to the Reptilia application.

Thanks,

Kathleen Lomack

Re: Reptilia

As a property owner in London and someone who has invested years to end zoos in the City, I would like the opportunity to address the upcoming meeting at CPSC.
Thank you.

Florine Morrison

Hello,

I would like to give a delegation via computer, regarding the request by the reptile zoo called Reptilia to seek an exemption to the London Animal Control bylaw.

Please confirm at your earliest convenience that you received my request.

Sincerely

Julie Woodyer
Campaigns Director
Zoocheck

Dear Sir or Madam

I trust that this finds you well.

As an independent scientist specialising in reptile welfare biology, and also in related human health issues, I should be grateful if you would register me as a delegate by Zoom for the Reptilia issue on 29th November.

With kind regards

Clifford

--

Dr Clifford Warwick
PGDip(MedSci) PhD CBiol CSci EurProBiol FRSB
Biologist & Medical Scientist
71-75 Shelton Street
Covent Garden
London WC2H 9JQ
UK

Good Afternoon,

I am writing to request to speak as a delegate (**virtually via Zoom**) at the upcoming meeting of the London Community and Protective Services Committee taking place on Tuesday, November 29, 2022 at 4pm ET.

My name is Scott Tinney, and I wish to make a Zoom delegation on the topic of Reptilia on behalf of my employer, Animal Justice.

Please let me know if you have any questions.

Thank you,
Scott

--

Scott Tinney (he/him)
Staff Lawyer
Animal Justice
416-720-8681
<https://animaljustice.ca/>

Dear Committee Chair,

My name is Liz White. I am a Director of Animal Alliance of Canada.

I would like to appear at the meeting of the Community and Protective Services Committee this Tuesday to depute on the issue of the Reptilia Zoo.

Thank you.

Sincerely,

Liz White
Director, Animal Alliance of Canada
416-462-9541 ext: 23

www.animalalliance.ca

Dear Community and Protective Services Committee, City of London:

I request to register as a delegate by Zoom on the Reptilia bylaw exemption request. Please let me know if you require additional information.

Regards,

Ann-Elizabeth Nash, PhD

Ann-Elizabeth (AE) Nash, PhD

IUCN Commission: SSC Iguana Specialist Group
Part-time Faculty, Aims Community College

Executive Director
Colorado Reptile Humane Society (CoRHS)
www.corhs.org

Colorado Reptile Humane Society works to improve the lives of reptiles and amphibians in captivity and in the wild through education and action.

Colorado Reptile Humane Society is an independent, nonprofit organization -- funded by people like you!

Join CoRHS on Facebook & Twitter!
<http://www.facebook.com/group.php?gid=37477007228>

Good Evening,

This is my formal request to delegate and speak at the Reptilia meeting on **Tuesday, November 29th, 2022, at 4 pm**, as a London resident. I strongly oppose exemption of the bylaw to have any type of zoos here in London. Our bylaw is the law.

I would like to speak IN PERSON and would appreciate your confirmation thereof.

Thank you so much,

Carla Kuijpers

Dear CPSC:

This email is my formal request to make a delegation at the upcoming CPSC meeting on Tuesday November 29, 2022 regarding the Reptilia request for amendments to City of London Animal Control By-law PH 3 and the Reptilia operation in London. If you require additional information, please let me know.

Thank you.

Rob Laidlaw
Executive Director
Zoocheck Inc.

(647) 309-1308
rob@zoocheck.com
www.zoocheck.com
www.roblaidlawbooks.com

October 5, 2021

Peter Gross
Partner
t. 416-619-6283
pgross@weirfoulds.com

VIA EMAIL

File 22236.00001

Julie Woodyer
Campaigns Director
Zoocheck Canada Incorporated
julie@zoocheck.com

Rob Laidlaw
Executive Director
Zoocheck Canada Incorporated
rob@zoocheck.com

Dear Julie and Rob:

Re: Opinion on permissibility of Reptilia Zoo’s facility in the City of London

A. OVERVIEW

You have asked for a legal opinion related to a zoo-like facility that Reptilia Zoo (“**Reptilia**”) is preparing to open in the Westmount Mall in the City of London (the “**City**”). Reptilia also intends to take animals hosted at the facility into numerous offsite venues, including schools, nursing homes, and daycares to provide mobile live animal programs (“**MLAPs**”).

First, you would like to know whether, under section 3.6 of the City’s [Animal Control By-law – PH – 3](#) (the “**Animal By-law**”), Reptilia is exempted from regulation by virtue of its provincial licence in respect of its other zoo locations in Ontario.

Second, you would like to know whether the City’s Chief Building Official (“**CBO**”) erred in issuing a building permit to Reptilia based on an unreasonable interpretation of the City’s [Zoning By-law](#).

From our review, Reptilia cannot rely on the exemption in the By-law to operate this type of zoo facility in London. Reptilia’s provincial licence for its facilities only applies to native wildlife species identified in the provincial regulations under the *Fish and Wildlife Conservation Act, 1997*.¹ It is clear from Reptilia’s website, that its zoos showcase mainly exotic animals, which are not licenced

¹ SO 1997, c 41 (“**FWCA**”).

by the province and would, therefore, not be exempt from regulation under section 3.6 of the Animal By-law.

Regarding the second issue, our review shows that in 2011, the City removed private zoos as a permitted use from its Zoning By-law. It is clear from a 2011 staff report that Council, through the recommendation of the Animal Welfare Advisory Committee, concluded that a private zoo use in the City of London was not appropriate. Further, Council previously considered and rejected a proposal by Reptilia to establish a zoo in the City in 2018 by declining to amend the [Business Licensing By-law-L-131-16](#) to regulate zoos and mobile zoos. The CBO's recent issuance of the building permit was based on an unreasonable interpretation of the Zoning By-law that classified Reptilia's proposed facility as a place of entertainment.

B. DISCUSSION

1. Reptilia Cannot Rely on the Exemption in section 3.6 of the Animal By-law

We understand that Reptilia currently holds a licence to keep or propagate game wildlife and specially protected wildlife² issued by the Ontario Ministry of Northern Development, Mines, Natural Resources and Forestry ("**NDMNRF**").³ It is our further understanding that Reptilia relies on its licence with NDMNRF to claim that its proposed facility in London falls within the exemption in section 3.6 of the City's Animal By-law.

The full provision of the City's Animal By-law reads as follows:

3.6 Public park - zoo - fair - exhibition - circus - licensed

This by-law shall not apply to animals maintained in a public park, zoo, fair, exhibition or circus operated or **licensed by a municipal or other governmental authority**. [emphasis added]

² Ontario Regulation 668/98 ("Wildlife in Captivity") s. 3(1)(a).

³ See Appendix "A" for relevant provisions under Ontario Regulation 668/98 and 669/98. The Regulations include Schedules of specifically regulated reptiles. See *FWCA* s. 40(1) and Ontario Regulation 668/98 ("Wildlife in Captivity") s. 3(1).

Licences to keep game wildlife and specially protected wildlife in a zoo issued by NDMNRF are guided by the *FWCA* and its Regulations and are only valid in respect of native species prescribed in the Regulations.⁴ In contrast, Reptilia self-describes as follows on its [website](#):

Reptilia Zoo is a collection of Canada's largest reptile zoos and conservation centers. We focus on animal representation, conservation, education, and magical Guest experiences.

Our unique facilities host over 250 species of reptiles, amphibians, and arachnids from all around the world, representing animals that cannot be found in other Canadian Zoos.

It is clear from this description, and the activities advertised on its website, that Reptilia showcases mainly non-native animals. These species are beyond the jurisdiction of the *FWCA* and are currently not regulated by the province.

We have contacted multiple NDMNRF offices to obtain clarification about whether a licence can apply to multiple locations. NDMNRF staff at the Parry Sound District advised that licences are specific to a location and must list each species on the licence for that location. However, staff at the Aylmer District, the local office for London, advised that multiple locations may be covered under one licence. We are, therefore, unable to confirm whether NDMNRF would permit Reptilia to rely on its existing native wildlife licence to operate its London facility or would be required to submit a new application for another native wildlife licence. In any event, this would not impact the fact that the licence would only apply to prescribed native species.

The plain wording of the section 3.6 exemption suggests that it would only apply to native animals in Ontario, since NDMNRF is only authorized to issue licences in respect of these species. Reptilia cannot rely on its possession of a licence in respect of prescribed wildlife to claim that its animals not covered by the licence are nevertheless also exempt because they are housed at the same facility. The animals contemplated by the exemption must be duly licenced; such licences only exist for native species in Ontario.

In our opinion, because Reptilia's zoo facility will house non-native species which are not licensed under any municipal or provincial authority, it is not exempt under section 3.6 of the Animal By-law.

⁴ Given that Reptilia boasts about its facilities hosting "over 250 species of reptiles, amphibians, and arachnids from all around the world", it is unclear whether it actually hosts native wildlife.

2. The Chief Building Official Erred in Issuing a Building Permit

Under the *Building Code Act, 1992*⁵ the CBO must not issue a building permit, if doing so would contravene applicable law. Under the Building Code⁶ the Zoning By-law is considered applicable law.

In this case, the permission for a private zoo was removed from the Zoning By-law by Council in 2011. According to the staff report received by Council at the time,⁷ the definition of a private zoo was adopted by Council in 1995 to allow for a specific zoo use located at 1292 Scotland Drive. Staff noted that there were no other private zoos in London at the time and that no other zoning designations allowed such a use. Based on the recommendation of the Animal Welfare Advisory Committee, Council concluded that a private zoo was not an appropriate use for the City. Staff further advised that any application for a zoo use in London in the future would be evaluated by Council at that time.

In addition, Council already considered and rejected a proposal by Reptilia to establish a reptile zoo in 2018.⁸ At the time, the Deputy City Manager of Planning and Economic Development, Mr. George Kotsifas, indicated that City staff had interpreted the Animal By-law such that a licence would be required but since there is no licensing ability for zoos through the City's [Business Licensing By-law L-131-16](#), Reptilia could not operate in the City.⁹ Council ultimately rejected amending the Business Licensing By-law to regulate zoos and mobile zoos, in effect, rejecting Reptilia's proposal.

Notwithstanding the 2011 staff report, Council passing a zoning by-law amendment to remove all private zoo permissions from the Zoning By-law, and Council's 2018 rejection of a proposal by Reptilia to establish a zoo in the City, in January 2021 the CBO issued a building permit for the proposed zoo facility at the Westmount Mall in London. In our opinion, the permit was issued in error based on an unreasonable interpretation of the Zoning By-law that classified the proposed Reptilia facility as a place of entertainment. In light of the 2011 staff report, Reptilia should have been required to file an application for a zoning by-law amendment which ultimately would have

⁵ SO 1992, c 23.

⁶ O Reg. 332/12.

⁷ The staff report is attached hereto as Appendix "B".

⁸ Minutes from the December 18, 2018 Council Meeting are publicly available and can be found [here](#).

⁹ See comments in response to Councilor Squire's question at 00:53:27 in the [meeting](#).

come before either Council or the Ontario Land Tribunal for full consideration of the planning merits.

Under the circumstances, the CBO should rely on sections 8(10)(a) and (d) of the *Building Code Act* and immediately revoke Reptilia's building permit for the London facility.

C. CONCLUSION

Based on the foregoing, it is our opinion that Reptilia cannot rely on its existing NDMNRF licence to keep or propagate game wildlife and specially protected wildlife (or for that matter, any newly issued NDMNRF licence) to bring the London facility within the exemption provided in s. 3.6 of the Animal By-law. Further, the building permit for the London facility issued by the CBO contravenes applicable law because it was issued in error based on an unreasonable interpretation of the Zoning By-law and should be immediately revoked.

Ultimately, the facility envisioned by Reptilia is not permitted under the City's Animal By-law, the provincial regime for issuing licences to keep native wildlife in zoos, and the City's Zoning By-law.

Yours truly,

WeirFoulds LLP

Peter Gross
Partner

PG/AC/lb

APPENDIX “A” – RELEVANT LEGISLATION & REGULATIONS

[Fish and Wildlife Conservation Act, 1997, S.O. 1997, c. 41](#)

PART III LIVE WILDLIFE AND FISH

Wildlife in captivity

40 (1) A person shall not keep live game wildlife or live specially protected wildlife in captivity except under the authority of a licence and in accordance with the regulations.

[Wildlife in Captivity - ONTARIO REGULATION 668/98](#)

PART I ZOOS

1. In this Part,

“zoo” means a place where game wildlife or specially protected wildlife is kept in captivity for display to the public and for conservation, educational or scientific purposes. O. Reg. 668/98, s. 1.

3. (1) A person who owns or operates a zoo may, in accordance with a licence issued under the Act,

- (a) keep or propagate game wildlife and specially protected wildlife; and
- (b) buy or sell game wildlife and specially protected wildlife.

[Wildlife Schedules - ONTARIO REGULATION 669/98](#)

Schedules 4 and 9 of the Wildlife Schedules refer to prescribed game reptiles and specifically protected reptiles respectively:

SCHEDULE 4: GAME REPTILES

Common Name	Scientific Name
Snapping Turtle	<i>Chelydra serpentina</i>

SCHEDULE 9: SPECIALLY PROTECTED REPTILES

Common Name	Scientific Name
Blanding’s Turtle	<i>Emydoidea blandingii</i>
Blue Racer	<i>Coluber constrictor foxii</i>
Butler’s Gartersnake	<i>Thamnophis butleri</i>
Common Five-lined Skink	<i>Plestiodon fasciatus</i>
Eastern Foxsnake	<i>Pantherophis vulpinus</i>

Eastern Hog-nosed Snake	<i>Heterodon platirhinos</i>
Eastern Milksnake	<i>Lampropeltis triangulum</i>
Eastern Musk Turtle	<i>Sternotherus odoratus</i>
Gray Ratsnake	<i>Pantherophis spiloides</i>
Lake Erie Watersnake	<i>Nerodia sipedon insularum</i>
Massasauga	<i>Sistrurus catenatus</i>
Midland Painted Turtle	<i>Chrysemys picta marginata</i>
Northern Map Turtle	<i>Graptemys geographica</i>
Northern Watersnake	<i>Nerodia sipedon sipedon</i>
Queensnake	<i>Regina septemvittata</i>
Smooth Greensnake	<i>Opheodrys vernalis</i>
Spiny Softshell	<i>Apalone spinifera</i>
Spotted Turtle	<i>Clemmys guttata</i>
Western Painted Turtle	<i>Chrysemys picta bellii</i>
Wood Turtle	<i>Glyptemys insculpta</i>

APPENDIX "B" – 2011 STAFF REPORT

Agenda Item # Page #

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File No: Z-7822
Planner: Craig Smith

TO:	CHAIR AND MEMBERS BUILT AND NATURAL ENVIRONMENT COMMITTEE
FROM:	JOHN M. FLEMING CITY PLANNER
SUBJECT:	APPLICATION BY: CITY OF LONDON 1292 SCOTLAND DRIVE AND PRIVATE ZOO USE PUBLIC PARTICIPATION MEETING ON MARCH 28, 2011 AT 4:30 P.M.

RECOMMENDATION

That, on the recommendation of the City Planner, based on the application of the City of London, relating to the property located at 1292 Scotland Drive:

- a) the attached proposed by-law **BE INTRODUCED** at the Municipal Council meeting on April 4, 2011 to amend Zoning By-law No. Z.-1 in conformity with the Official Plan to change the zoning of the subject lands **FROM** an Agricultural Special Provision (AG2 (1)) Zone which permits farm uses, uses in association with a farm and allows for a private zoo **TO** an Agricultural (AG2) Zone to permit farms and uses associated with farming;
- b) Amend Section 2, Definitions, of the Zoning By-law, Z.-1, by **DELETING** the following definition:

"PRIVATE ZOO" means a collection of animals confined within appropriate animal enclosures, privately owned and operated on a commercial basis to provide viewing to the public for a fee.

PREVIOUS REPORTS PERTINENT TO THIS MATTER
--

March 22, 2010- Environment and Transportation Committee- Item #4
September 8, 2008- Environment and Transportation Committee- Item #11
January 30, 1995- Z-4956- Planning Committee

PURPOSE AND EFFECT OF RECOMMENDED ACTION

To remove the private zoo use from the property at 1292 Scotland Drive and to remove private zoo use as a permitted use in the City of London.

RATIONALE

1. The recommended amendment will allow for the removal of a permitted land use from the City of London Zoning By-law Z.-1 and from the property located at 1292 Scotland Drive in conformity with Section 34 (1) of the *Planning Act*.
2. The recommended amendments will allow for the removal of a land use from the Zoning By-law and from the property located at 1292 Scotland Drive in conformity with Section 19 of the City of London Official Plan.

WESTMINSTER DR

Agenda Item # Page #

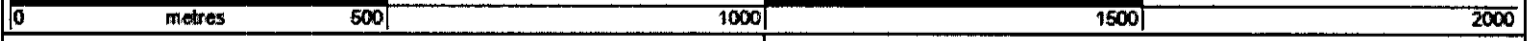
22

245

OLD VICTORIA RD








©2010 City of London ON



LOCATION MAP

Subject Site: 1292 Scotland Dr
Applicant: City Of London
File Number: Z-7822
Planner: Craig Smith
Created By: Craig Smith
Date: 2010-10-22
Scale: 1:10100

LEGEND

-  Subject Site
-  Parks
-  Assessment Parcels
-  Buildings
-  Address Numbers



22	246
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File No: Z-7822
 Planner: Craig Smith

BACKGROUND

1292 Scotland Drive was located in the former Township of Westminster which was annexed to the City of London in 1993. A zoo use existed on the site at this time. On January 30, 1995 the City of London Municipal Council amended the Township of Westminster TWP-2000 By-law on the front 4 hectares of the property that abuts Scotland Drive. The lands were amended from a General Agricultural (A1) Zone which permitted farm uses to a General Agricultural Special Provision (A1-16) Zone which permitted a private zoo. Section 4 of the Township of Westminster TWP-2000 By-law was amended to add the definition "Private Zoo" which means a collection of animals confined within appropriate animal enclosures, privately owned and operated on a commercial basis.

In 2005 the City of London adopted By-law Z.-1-051390 which amended all annexed area by-laws and consolidated them into one comprehensive City of London Zoning By-law (Z.-1051390). Zoning amendment Z.-1-051390 designated the lands Agricultural Special Provision (AG2 (1) in the City of London Zoning By-law Z.-1. The amended zone was intended to permit the same range of uses which were previously permitted by the Township of Westminster TWP 2000 By-law. The Agricultural Special Provision (AG2 (1)) Zone allows for farm uses and also allows a private zoo use.

In 2007 and 2008 conditions on the property specifically the keeping of a kangaroo were scrutinized by the Ontario Society for the Prevention of Cruelty to Animals and the public resulting in international media coverage. The Ministry of Natural Resources investigated the property which resulted in the issuance of a fine in 2008 under the *Fish and Wildlife Conservation Act* for failing to renew the required zoo licence. The property is not open to the public at this time for a private zoo use.

Date Application Accepted: September 1, 2010	Agent: City of London
REQUESTED ACTION: The purpose and effect of this zoning change is to remove the private zoo use from the list of permitted uses on the property located at 1292 Scotland Drive and to review Zoning By-law Z.-1 regarding private zoo use in the City of London.	
Change Zoning By-law Z.-1 from a Agricultural Special Provision (AG2 (1)) Zone which permits agricultural uses and private zoo uses to a Agricultural (AG2) Zone which permits agricultural uses.	

SITE CHARACTERISTICS:
<ul style="list-style-type: none"> • Current Land Use – Agricultural • Frontage – 260 metres • Depth – 145 metres • Area – 4 ha • Shape – rectangular

22 247

File No: Z-7822
Planner: Craig Smith

SURROUNDING LAND USES:
<ul style="list-style-type: none"> • North – Agricultural • South – Agricultural • East - Agricultural • West - Agricultural

OFFICIAL PLAN DESIGNATION: (refer to map on page 5)
<ul style="list-style-type: none"> • Agricultural
EXISTING ZONING: (refer to map on page 6)
<ul style="list-style-type: none"> • Agricultural Special Provision (AG2 (1))

PLANNING HISTORY

On September 15, 2008 Municipal Council resolved:

*That clause 1 as amended, of the 6th Report of the Animal Welfare Advisory Committee (AWAC) **BE REFERRED** to the City Solicitor's Office and the Planning Department to report back at a future meeting of the Environment and Transportation Committee (ETC) with respect to what actions can be taken within legal parameters and how the City can ensure that this does not occur again; it being noted that the ETC deleted the words "wild and exotic" in part (a) of Clause 1 of the 6th Report of the AWAC and replaced them with the word "native". Clause 1 reads as follows:*

"That the following actions be taken with respect to the former Lickety Split Ranch and Zoo:

- a) the by-law which allows the former Lickety Split Ranch and Zoo to be zoned as a zoo **BE REPEALED** as the Lickety Split Ranch and Zoo has not been operating for two years, the Ministry of Natural Resources has seized a number of native animals from the property and the owners of the property have been charged with having native animals without a licence; and*
- b) the remaining animals on the property **BE RELOCATED** to more suitable locations.";*

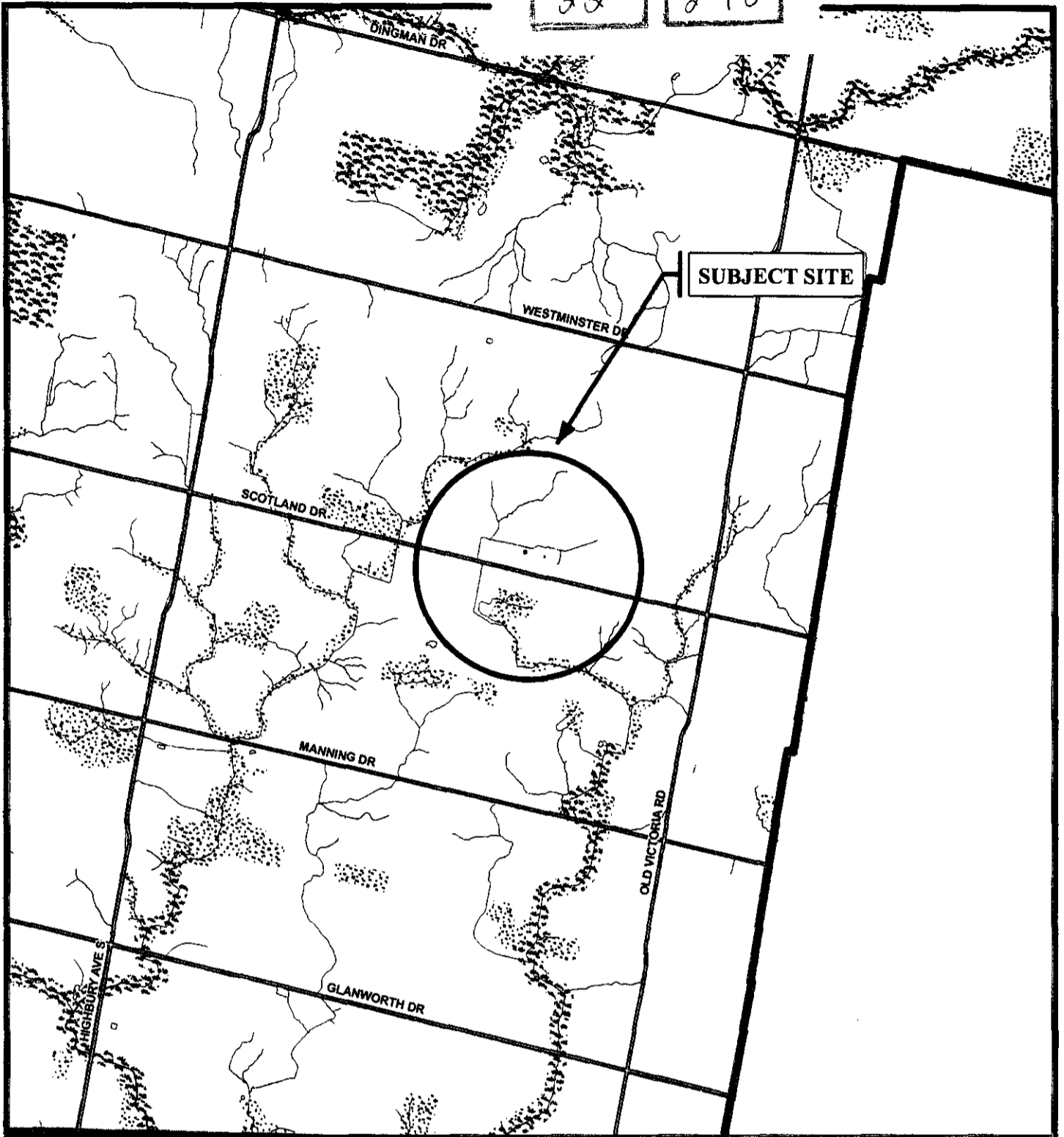
it being noted that a communication dated August 28, 2008 from K. and K. Lomack and verbal presentations from J. Foster, Executive Director, London Humane Society and M. Blosch, Chair, Animal Welfare Advisory Committee, were received with respect to this matter. (7/14/ETC)

The Municipal Council, at its session held on March 29, 2010 resolved:

*That, on the recommendation of the General Manager of Planning and Development and the General Manager of Environmental and Engineering Services & City Engineer, the Planning and Development Department **BE INSTRUCTED** to report to the Planning Committee with respect to a potential Zoning By-law amendment to amend the existing zone at 1292 Scotland Drive, to remove the 'private zoo' use and to report on the associated provisions in the Zoning By-law pertaining to private zoo uses.*

SIGNIFICANT DEPARTMENT/AGENCY COMMENTS

The City of London's Environmental and Engineering Services Department has no objection to the proposed Zoning By-law Amendment



Legend

- | | |
|--|-----------------------------------|
| Downtown Area | Office Business Park |
| Enclosed Regional Commercial Node | General Industrial |
| New Format Regional Commercial Node | Light Industrial |
| Community Commercial Node | Regional Facility |
| Neighbourhood Commercial Node | Community Facility |
| Main Street Commercial Corridor | Open Space |
| Auto-Oriented Commercial Corridor | Urban Reserve - Community Growth |
| Multi-Family, High Density Residential | Urban Reserve - Industrial Growth |
| Multi-Family, Medium Density Residential | Rural Settlement |
| Low Density Residential | Environmental Review |
| Office Area | Agriculture |
| Office/Residential | Urban Growth Boundary |
| | Areas Under Appeal |

CITY OF LONDON
 Department of
 Planning and Development
 OFFICIAL PLAN SCHEDULE A
 - LANDUSE -

PREPARED BY: Graphics and Information Services



Scale 1:30,000

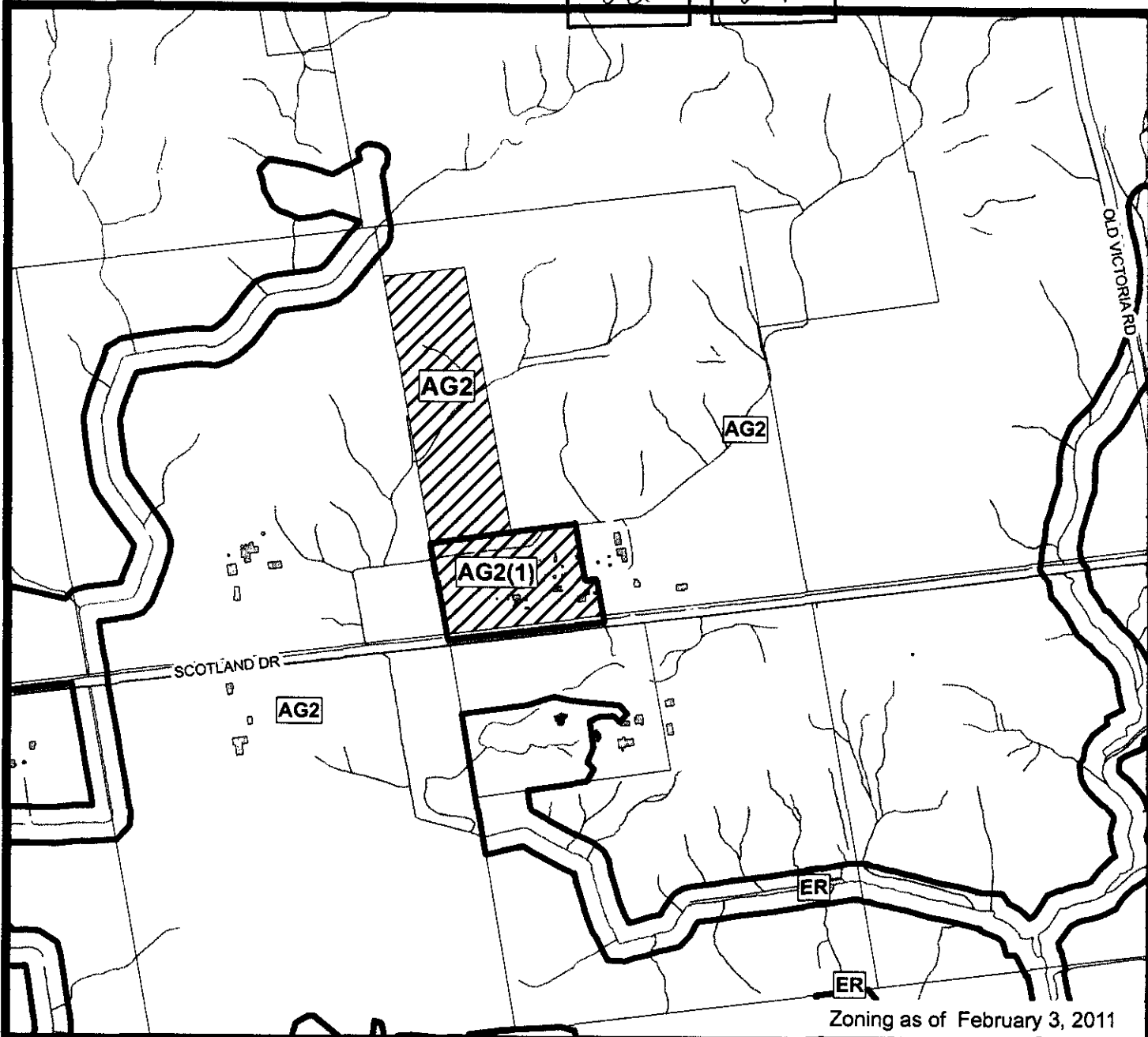


FILE NUMBER: Z-7822

PLANNER: CS

TECHNICIAN: CK

DATE: 2011 Feb 08



Zoning as of February 3, 2011



COUNCIL APPROVED ZONING FOR THE SUBJECT SITE: AG2 & AG2(1)

1) **LEGEND FOR ZONING BY-LAW Z-1**

- R1 - SINGLE DETACHED DWELLINGS
- R2 - SINGLE AND TWO UNIT DWELLINGS
- R3 - SINGLE TO FOUR UNIT DWELLINGS
- R4 - STREET TOWNHOUSE
- R5 - CLUSTER TOWNHOUSE
- R6 - CLUSTER HOUSING ALL FORMS
- R7 - SENIOR'S HOUSING
- R8 - MEDIUM DENSITY/LOW RISE APTS.
- R9 - MEDIUM TO HIGH DENSITY APTS.
- R10 - HIGH DENSITY APARTMENTS
- R11 - LODGING HOUSE

- DA - DOWNTOWN AREA
- RSA - REGIONAL SHOPPING AREA
- CSA - COMMUNITY SHOPPING AREA
- NSA - NEIGHBOURHOOD SHOPPING AREA
- BDC - BUSINESS DISTRICT COMMERCIAL
- AC - ARTERIAL COMMERCIAL
- HS - HIGHWAY SERVICE COMMERCIAL
- RSC - RESTRICTED SERVICE COMMERCIAL
- CC - CONVENIENCE COMMERCIAL
- SS - AUTOMOBILE SERVICE STATION
- ASA - ASSOCIATED SHOPPING AREA COMMERCIAL

- OR - OFFICE/RESIDENTIAL
- OC - OFFICE CONVERSION
- RO - RESTRICTED OFFICE
- OF - OFFICE

- RF - REGIONAL FACILITY
- CF - COMMUNITY FACILITY
- NF - NEIGHBOURHOOD FACILITY
- HER - HERITAGE
- DC - DAY CARE

- OS - OPEN SPACE
- CR - COMMERCIAL RECREATION
- ER - ENVIRONMENTAL REVIEW

- OB - OFFICE BUSINESS PARK
- LI - LIGHT INDUSTRIAL
- GI - GENERAL INDUSTRIAL
- HI - HEAVY INDUSTRIAL
- EX - RESOURCE EXTRACTIVE
- UR - URBAN RESERVE

- AG - AGRICULTURAL
- AGC - AGRICULTURAL COMMERCIAL
- RRC - RURAL SETTLEMENT COMMERCIAL
- TGS - TEMPORARY GARDEN SUITE
- RT - RAIL TRANSPORTATION

- "h" - HOLDING SYMBOL
- "D" - DENSITY SYMBOL
- "H" - HEIGHT SYMBOL
- "B" - BONUS SYMBOL
- "T" - TEMPORARY USE SYMBOL

2)  **ANNEXED AREA APPEALED AREAS**

CITY OF LONDON
DEPARTMENT OF PLANNING AND DEVELOPMENT

ZONING BY-LAW NO. Z.-1
SCHEDULE A



FILE NO:
Z-7822 CS

MAP PREPARED:
2011/02/08 CK

1:10,000
0 50 100 200 300 400 Meters

22 250

File No: Z-7822
Planner: Craig Smith

PUBLIC LIAISON:	On October 25, 2010, Notice of Application was sent to 8 landowners in the area. On October 30, 2010, notice of application was published in the Living in the City section of the London Free Press.	There were no replies to the application.
<p>Nature of Liaison: The purpose and effect of this zoning change is to remove the private zoo use from the list of permitted uses on the property located at 1292 Scotland Drive and to review Zoning By-law Z.-1 regarding private zoo use in the City of London.</p> <p>Change Zoning By-law Z.-1 from an Agricultural Special Provision (AG2 (1)) Zone which permits agricultural uses and private zoo uses to a Agricultural (AG2) Zone which permits agricultural uses.</p>		
<p>Responses: None</p>		

ANALYSIS

Subject Site

1292 Scotland Drive is located on the north side of Scotland Drive approximately half way between Highbury Avenue and Old Victoria Road. The property is 10 hectares in size and is zoned Agricultural (AG2) which permits farm uses. The front 4 ha of the property that abuts Scotland Drive is zoned Agricultural Special Provision (AG2 (1)) which permits farm uses and allows for the private zoo use.

Nature of the Application

The application is to amend the Agricultural Special Provision (AG2 (1)) zone to remove the special provision on 1292 Scotland Drive that allows for the private zoo use. Further the proposed amendment will remove private zoo definition from Zoning By-law Z.-1 as a permitted land use in the City of London.

Provincial Policy Statement

Section 2.3.1 states: *Prime agricultural areas shall be protected for long-term use for agriculture.*

Prime agricultural areas are areas where prime agricultural lands predominate. Specialty crop areas shall be given the highest priority for protection, followed by Classes 1, 2 and 3 soils, in this order of priority.

Official Plan

The lands are designated Agricultural. The agriculturally designated lands are intended to protect the long term use of agriculture. The designation does permit secondary uses that are agriculturally-related commercial and industrial uses.

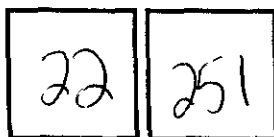
Zoning Background

1292 Scotland Drive is currently zoned Agricultural Special Provision (AG2 (1)) which permits a range of agricultural uses including livestock facilities, green houses, farm market and also allows for a private zoo use. A private zoo is defined as: *a collection of animals confined within appropriate animal enclosures, privately owned and operated on a commercial basis to provide viewing to the public for a fee.*

The private zoo use at 1292 Scotland Drive was permitted by the City of London Municipal Council in 1995. Council amended the former Township of Westminster By-law TWP-2000 from a General Agricultural (A1) Zone to a defined area General Agricultural (A1-16) Zone. The General Agricultural (A1-16) zone variation specifically permitted:

Permitted Uses:

- a) uses permitted under Section 8.1.1- private zoo accessory use
- b) Minimum Lot Frontage: 30 metres
- c) Minimum Lot Depth: 40 metres



- d) *Maximum Coverage:* *Twenty percent (20%)*
- e) *Minimum Setback:* *20 metres*
- f) *Minimum Side Yards:* *7.5 metres*
- g) *Minimum Rear Yard:* *10 metres*
- h) *Minimum Landscaped Open Space:* *Twenty percent (20%)*

Municipal Council of the City of London amended all annexed area Zoning By-laws in the City of London through the comprehensive zoning amendment Z.-1-051390 in 2005. It was at this time the Agricultural Special Provision (AG2 (1)) Zone was added to this property. The Agricultural Special Provision (AG2 (1)) Zone permits a private zoo use on this property.

According to the Animal Welfare Advisory Committee the zoo has ceased to operate at this location for approximately four years.

Zoo Uses in the City of London

Currently there is no other zone or property in the City of London which permits a private zoo use.

The City of London's Storybook Gardens currently keeps and displays animals at 1958 Storybook Lane. Storybook Gardens is zoned Open Space (OS2). The Open Space zone allows for a Park use which is described as: *an area of land, consisting primarily of landscaped open space, used primarily for active or passive recreational purposes or as a conservation area, with or without related recreational buildings, structures or facilities including, but not necessarily restricted to, a recreational playground, a golf course, a driving range, a ski hill, a play area, a bandstand, a skating rink, a horticultural greenhouse, a zoological garden, an historical establishment, a bowling green, a tennis or badminton court, a playfield, a running track, a swimming area, a wading pool, a boating pond or lake, a watercourse, a refreshment booth, a picnic area, or an auditorium or place of assembly.*

The animals on display in Storybrook Gardens are part of a zoological garden and permitted by the zone.

Regulation of Animals - By-laws and Provincial Legislation

The City of London's Animal Control By-law, which regulates the kinds of animals that may be kept, does not apply to "premises and land zoned for agricultural uses", nor does it apply to "animals maintained in a public park, zoo, fair, exhibition or circus operated or licensed by a municipal or other governmental authority". Therefore the Animal Control By-law does not apply to the keeping of animals at 1292 Scotland Drive since it is zoned for agricultural uses. The Animal Control By-law could be amended to apply to land zoned for agricultural uses, and we understand that such a report from Civic Administration is forthcoming.

The *Ontario Society for the Prevention of Cruelty to Animals Act* establishes the requirements and standards with respect to the care of animals (including captive wildlife). Inspectors and agents of the OSPCA are authorized to exercise enforcement powers with respect to that Act. Inspectors and agents of the OSPCA (and the London Humane Society) would have the authority to inspect to determine whether prescribed standards of care are complied with, and to determine whether there are any animals in distress.

Under provincial legislation, a person who owns or operates a "zoo" may keep live game wildlife or live specially protected wildlife in captivity, if the person has obtained a license to do so from the Ministry of Natural Resources pursuant to the *Fish and Wildlife Conservation Act, 1997*. "Zoo" is defined in Ontario Regulation 668/98 of that Act to mean "a place where game wildlife or specially protected wildlife is kept in captivity for display to the public and for conservation, educational or scientific purposes".

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File No: Z-7822
Planner: Craig Smith

Is it Appropriate to Amend the Zoning at 1292 Scotland Drive?

Yes. The City of London annexed the former Township of Westminster in 1993. Municipal Council amended the former Township By-law to specifically recognize the existing zoo use on this site in 1995. Municipal Council also recommended that a specific private zoo definition be adopted to specifically address the use at this location. There are not any other sites in the City of London zoned to permit a private zoo use. In 2008 the Ministry of Natural Resources issued a fine to the property owners at 1292 Scotland Drive for not renewing the zoo licence granted by the Ministry under *Fish and Wildlife Conservation Act, 1997*. The private zoo use located at 1292 Scotland Drive was reviewed by the City of London Animal and Welfare Advisory Committee in 2008. AWAC recommended to Council at that time that City Staff be directed to review the Zoning By-law and recommend "what actions can be taken within legal parameters and how the City can ensure that this does not occur again"

The property is designated Agricultural. The amendment will remove a commercial use that is considered secondary to the primary farming use. The proposed amendment will allow for the whole of 1292 Scotland Drive (10ha) to be used for agricultural uses which meet the intent of the City of London Official Plan and the Provincial Policy Statement.

City Staff met with the property owner and Ward Councillor at 1292 Scotland Drive on November 2, 2010. The owner expressed concerns regarding the removal of the existing zoning from the property. Section 34 of the *Planning Act* allows Municipalities to regulate the use of land through Zoning By-laws. Council through the recommendation from the Animal Welfare Advisory Committee has concluded that a private zoo use at this location is not an appropriate use of land. The proposed amendment will remove the use.

Is it Appropriate to Amend the Zoning By-law to Remove Private Zoo Use?

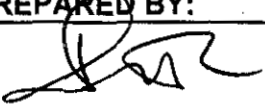


Yes. The definition of a private zoo use was adopted by Municipal Council in 1995 to specifically allow for the use at 1292 Scotland Drive. There are no other private zoo uses in the City of London and no other zoning designations that allow for the use. Council through the recommendation of the Animal Welfare Advisory Committee has concluded that a private zoo use in the City of London is not an appropriate use. Any application in the future to allow for a zoo use in the City of London can be evaluated by Council at that time. The removal of the definition from Zoning By-law Z.-1 does not affect the City's zoological garden use at Storeybrook Gardens and does not impact any other properties in the City.

CONCLUSION

The proposed amendment to amend Zoning By-law Z.-1 on 1292 Scotland Drive and to remove the private zoo use definition from the Zoning By-law Z.-1 is appropriate. The proposed amendments implement Council's recommendation that City Staff review the Zoning By-law and make recommendations to ensure that "this does not occur again".

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File No: Z-7822
Planner: Craig Smith

PREPARED BY: 	SUBMITTED BY: 
CRAIG SMITH – PLANNER COMMUNITY PLANNING AND URBAN DESIGN	JIM YANCHULA, MCIP, RPP MANAGER OF COMMUNITY PLANNING AND URBAN DESIGN
RECOMMENDED BY: 	
JOHN M. FLEMING, MCIP, RPP CITY PLANNER	

CS/
March 16, 2011
CS/

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22	254
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**Bibliography of Information and Materials
Z-7822**

Reference Documents

Ontario. Ministry of Municipal Affairs and Housing. *Provincial Policy Statement*, March 1, 2005

City of London. *Official Plan*, June 19, 1989, as amended

City of London. *Zoning By-law No. Z.-1*, May 21, 1991, as amended

Agency Review and Public Responses: (located in City of London File No. Z-7822 unless otherwise stated)

City of London

Burgess L., Environmental and Engineering Services Department. Memo to C. Smith, January 21, 2011

22 255

File No: Z-7822
Planner: Craig Smith

Bill No. (number to be inserted by Clerk's Office)
2011

By-law No. Z.-1-_____

A by-law to amend By-law No. Z.-1 to rezone an area of land located at 1292 Scotland Drive.

WHEREAS City of London has applied to rezone an area of land located at 1292 Scotland Drive, as shown on the map attached to this by-law, as set out below;

AND WHEREAS this rezoning conforms to the Official Plan;

THEREFORE the Municipal Council of The Corporation of the City of London enacts as follows:

1. Schedule "A" to By-law No. Z.-1 is amended by changing the zoning applicable to lands located at 1292 Scotland Drive, as shown on the attached map comprising part of Key Map No.180, from a Agricultural Special Provision (AG2 (1)) Zone to a Agricultural (AG2) Zone.
2. Section 2, Definitions, of the Zoning By-law, Z.-1, is hereby amended by deleting the following definition.

"PRIVATE ZOO" means a collection of animals confined within appropriate animal enclosures, privately owned and operated on a commercial basis to provide viewing to the public for a fee.

The inclusion in this By-law of imperial measure along with metric measure is for the purpose of convenience only and the metric measure governs in case of any discrepancy between the two measures.

This By-law shall come into force and be deemed to come into force in accordance with section 34 of the *Planning Act, R.S.O. 1990, c. P.13*, either upon the date of the passage of this by-law or as otherwise provided by the said section.

PASSED in Open Council on April 4, 2011.

Joe Fontana
Mayor

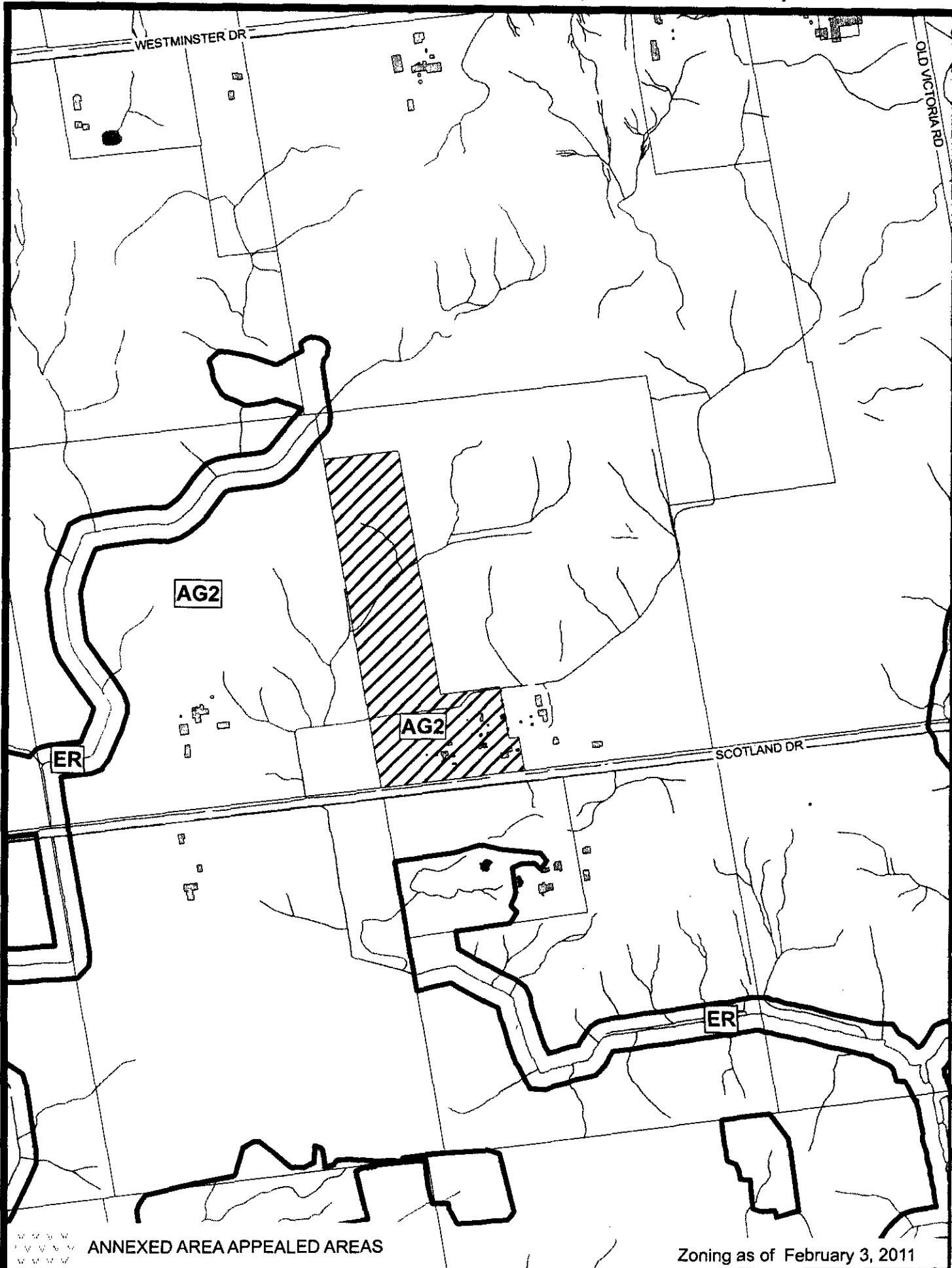
Catharine Saunders
City Clerk

First Reading - April 4, 2011
Second Reading - April 4, 2011
Third Reading - April 4, 2011

22

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AMENDMENT TO SCHEDULE "A" (BY-LAW NO. Z.-1)



File Number: Z-7822

Planner: CS

Date Prepared: 2011/02/08

Technician: CK

By-Law No: Z.-1-

SUBJECT SITE 

1:9,000

0 50 100 200 300 400 Meters



Request to review Chapter 349, Animals exception for Reptilia Zoo

Date: November 17, 2021

To: Economic and Community Development Committee

From: Executive Director, Municipal Licensing and Standards

Wards: Spadina-Fort York

SUMMARY

This report responds to the Economic and Community Development Committee (ECDC)'s request to explore a site-specific exception in Chapter 349, Animals to permit the operations of Reptilia Zoo at 245 Queens Quay West (Harbourfront Centre).

Reptilia is a reptile zoo with locations in Vaughan and Whitby. Their operations include a self-guided visitation centre with exhibits that house numerous reptiles, as well as both on-site and off-site shows for education and entertainment. Reptilia's existing locations also have ancillary business functions such as adopting out reptiles, and the retail sale of food and equipment for keeping reptiles as pets.

The company has been in discussions with Harbourfront Centre as a prospective tenant. Reptilia's proposed program includes animals that fall under the Prohibited Animals list in Toronto Municipal Code Chapter 349, Animals. ECDC has requested that staff consider the specific species that would be permitted if the Animals Bylaw was amended to provide a site-specific exception for Reptilia's operations, and the health and safety implications associated with City Council granting an exception.

To respond to this request, staff undertook targeted stakeholder consultation and research on the implications of such an exception, including those related to health and safety, animal welfare, and economic development. Based on the findings of this work, staff do not recommend amending the bylaw to grant a site-specific exception to the Animals Bylaw. While this report recommends against an exception, staff note that the company can still pursue its operations without housing species listed in the Prohibited Animals list.

This report was written in consultation with Economic Development and Culture, Toronto Public Health, and Corporate Real Estate Management.

RECOMMENDATIONS

The Executive Director, Municipal Licensing and Standards recommends that:

1. City Council not grant a site-specific exception for Reptilia Zoo, at 245 Queens Quay West, under Section 349-4 of City of Toronto Municipal Code Chapter 349, Animals.

FINANCIAL IMPACT

There are no current or known future year financial impacts arising from the recommendation contained in this report.

The Chief Financial Officer and Treasurer has reviewed this report and agrees with the financial implications as identified in the Financial Impact section.

DECISION HISTORY

On June 30, 2021, the Economic and Community Development Committee adopted Item EC23.8 Request for Review of City of Toronto Municipal Code Chapter 349, Animals Regarding Exemption for Reptilia Facility at 245 Queens Quay West, requesting the Executive Director, Municipal Licensing and Standards to report by the end of the fourth quarter of 2021 on the proposed Reptilia facility at 245 Queens Quay West, including a recommendation on whether or not to include the facility under the Prohibited Animals exceptions; the specific prohibited animal species that would be permitted if City Council grants the exception; and health and safety considerations for staff and the public, including access to antivenin and consultation with local hospitals. <http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2021.EC23.8>

COMMENTS

This report responds to the Economic and Community Development Committee's request for staff to explore the implications of a site-specific exception to the Prohibited Animals restrictions in Toronto Municipal Code Chapter 349, Animals, to permit the operations of Reptilia at 245 Queens Quay West (Harbourfront Centre).

Reptilia is a reptile zoo and visitation centre with locations in Vaughan and Whitby. Reptilia's operations include a self-guided visitation centre with exhibits that house numerous reptiles, as well as both on-site shows and mobile live animal programs (MLAPs), which are off-site shows that attend schools and events. Reptilia's existing locations also have ancillary business functions such as adopting out reptiles, and the retail of food and equipment for keeping reptiles as pets.

The company has been in discussions with Harbourfront Centre as a prospective tenant for the north building located at 245 Queens Quay West. Reptilia's proposed program

includes animals that fall under the Prohibited Animals list in the Toronto Municipal Code Chapter 349, Animals. The Committee has requested that staff consider the specific species that would be permitted if the Animals Bylaw was amended to provide a site-specific exception for Reptilia, and the health and safety implications associated with City Council granting an exception.

To respond to this request, staff undertook targeted stakeholder consultation and research related to health and safety, animal welfare and economic development. Staff did not undertake broad public consultation, but rather engaged the experts necessary to inform the recommendation.

This report recommends that City Council not amend the Animals Bylaw to provide a site-specific exception at 245 Queens Quay West. The following sections will outline the findings that informed this recommendation, including the historical context of the existing Prohibited Animals exceptions; and considerations related to health and safety, animal welfare, and economic development.

Background

The Animals Bylaw prohibits the keeping of certain animals in the City of Toronto, as identified in Schedule A of Chapter 349, Animals. The Prohibited Animals list was developed in order to protect public health and safety, address concerns around animal care, and to restrict animals that may result in significant public nuisance problems such as noise and/or odour for neighbouring residents. The list includes animals such as some mammals (tigers, kangaroos, non-human primates, bears, elephants, etc.), birds (flightless birds such as ostriches and emus, geese, etc.), reptiles such as alligators and crocodiles, snakes that reach an adult length of greater than three metres, lizards that reach an adult length of greater than two metres, and all venomous and poisonous animals.

When this bylaw was enacted in 1999, it included a number of exceptions to the prohibition on keeping those prohibited animals in the City, such as exceptions for the premises of a City animal centre, an accredited veterinary hospital under the care of a licensed veterinarian, the Toronto Zoo, Riverdale Farm, Sunnybrook Stables and the High Park Zoo. It also included the premises of facilities with accreditation from the Canadian Association of Zoos and Aquariums (CAZA), as well as those used for education programs.

In 2016, City Council adopted LS15.2 Chapter 349, Animals: Exceptions for Prohibited Animals, which changed the way that the City regulates prohibited animals in Toronto. This report removed the provisions that allowed both the "blanket" exception for facilities that were accredited by CAZA and those used for education programs. Deleting these exceptions aimed to ensure that the City would be notified and become aware of any organization or facility interested in keeping prohibited animals in the City. It also provided the City with the opportunity to review an interested organization to determine if it can properly care for the prohibited animals and reduce the health and safety risk to the public before an exemption could be granted.

Removing those blanket requirements also meant that there would be no further exceptions granted for any organization or facility interested in keeping prohibited animals in Toronto, unless granted by a bylaw amendment adopted by City Council. Since the changes were made in 2016, the City has denied a number of businesses requesting an exception to the bylaw, including temporary exceptions for events.

The 2016 report did not introduce a process for staff to review and approve applications for organizations to become exempt from the Prohibited Animals restrictions. At the time, Ripley's Aquarium of Canada was added to the listed exceptions in the bylaw. This was necessary as it had been previously granted an exception on the basis of its CAZA accreditation, and had been operating since 2013.

Reptilia Zoo is requesting a similar exception as its proposed operations at the Harbourfront Centre would include animals that are prohibited under the bylaw. Specifically, a total of 39 species of crocodylians, non-venomous and rear-fanged venomous (non-medically significant) snakes, lizards and venomous species would be included. The majority of these species (23) are venomous. As part of this request, staff discussed the specific species with Reptilia and reviewed a number of submitted documents including corporate health and safety protocols.

Toronto Animal Services continues to have significant concerns about prohibited animals in the City of Toronto, including the health and safety risk they pose to residents, the ability to properly care for the animals, and the nuisance to neighbourhoods that they may pose. The City does not have a role in accrediting such facilities, and staff do not recommend introducing a delegated process to review and approve individual facilities interested in keeping prohibited animals.

Staff recommend maintaining the current approach and intention of the bylaw to ensure that prohibited animals are not kept in Toronto unless granted by City Council, following consideration of unique circumstances on a case-by-case basis. Staff note that while this report recommends against an exception, Reptilia can still pursue its operations without a bylaw amendment if it does not house species listed in the Prohibited Animals section of the Chapter 349, Animals. Depending on the nature of the operations pursued otherwise, the company may be subject to other regulations, such as obtaining a pet shop licence under Chapter 545, Licensing.

Health and Safety Considerations

The Committee requested that staff consider access to antivenin and consult with local hospitals. Reptilia has confirmed that its corporate protocol is to store antivenin on-site. In the event of an emergency, Reptilia staff accompany the injured person to the hospital with the appropriate antivenin in the event that antivenin will be required. Each antivenin dose must include detailed instructions on administration to accompany the injured person and the antivenin. This protocol is similar to what is carried out at other facilities, including the Toronto Zoo.

In consultation with Toronto Public Health (TPH), staff engaged local hospitals and heard that emergency departments generally do not have the capacity to manage

antivenins. The facility must ensure that an adequate supply of the appropriate types of antivenin is maintained at all times. For CAZA accreditation, there must be adequate antivenin to treat one severely poisoned patient should an envenomation occur. This is different for each animal and antivenin.

If antivenin is not within the facility, as it has been sent to a hospital with an injured person and/or has been used for that person, the Facility must have taken the venomous animal/animals off display until further replacement antivenin can be sourced.

Many antivenins are developed to support envenomation for only one species. Reptilia would therefore need to determine the most appropriate antivenin for each of the proposed species (23 venomous), and source them accordingly. The company needs a sponsoring physician to sign off on each antivenin that is applied for through Health Canada. Once secured, shipping conditions, storage requirements and transport modalities for each antivenin must be considered, as some have specific storage and temperature requirements in order for them to be active when brought to the hospital for administration. Antivenins are often expensive and tend to expire after 3-4 years, so these must also be kept up to date and be replaced after their shelf life.

Hospitals highlighted that the facility must have adequate oversight and qualified staff who can monitor antivenin supply, partner with external stakeholders including hospitals, and be on call to identify products to be used in the event of an emergency. Education and awareness efforts must also be undertaken to ensure that all partners understand the processes to follow in the event of an emergency. This includes detailed protocols with information for clinicians on the signs and symptoms indicating when antivenin is required for each species, the potential for anaphylaxis of each antivenin, as well as educational sessions for emergency departments. Engaging with Ontario Poison Centre is recommended. This resource will be contacted by a receiving hospital in the event of a bite as the average Emergency Physician/Intensivist will not be familiar with or comfortable caring for an envenomated patient.

Use of other resources including Toronto EMS may be impacted should an injured person incident occur.

Staff reviewed all existing relevant documentation related to Reptilia's operations, including health and safety protocols. Staff found that the training requirements, emergency procedures and facility security standards are reasonable and sufficient to keep facility staff and the public safe.

However, staff do have concerns with the handling of reptiles in general. In consultation with TPH, staff note that there are potential health risks associated with handling reptiles, including exposure to infectious diseases, injuries, and allergies.

Vulnerable populations, such as children, those with compromised immune systems, and the elderly are more vulnerable and susceptible to disease transmission, including zoonotic diseases transmitted from animals. Children are more vulnerable than adults to acquiring infections from animals, as a result of several factors such as a general lack of awareness of the risk of disease transmission, less than optimal hygiene practices,

propensity to put their fingers in their mouths, increased risk of developing disease after exposure to a pathogen and their natural curiosity and attraction to animals. Young children and infants also have an increased risk of infection and complications from such infections that can result in serious illness because their immune systems are not fully developed. Accordingly, there are certain animals that are considered too high risk for children under 5 years of age to interact with, including exotic animals, reptiles, amphibians, and live poultry.

Infectious diseases passed on from animals to humans occur through direct and indirect contact with animals. Examples of direct contact include petting an animal, while indirect contact can include touching an animal's environment (e.g. cage, terrarium). There are several diseases that reptiles and amphibians can transmit to humans. For example, since almost all reptiles and amphibians can carry *Salmonella* bacteria, this pathogen can be transmitted to both children and adults. Studies suggest that approximately half of reptiles carry the disease. Reptiles and amphibians can also carry *Salmonella* bacteria without being sick. Staff note that the rodents used to feed some reptiles can also carry *Salmonella* bacteria or other germs that can make people sick.

Staff also note particular concern regarding mobile live animal programs and other activities that take place off-site, which are key components of Reptilia's operations in other jurisdictions. Bringing exotic and potentially dangerous animals offsite can pose significant health and safety risks such as the potential for an animal to escape, increased incidence of handling the animals and exposure to infectious disease, and a lack of oversight and other safety features that are contained in the facility itself. Concerns regarding MLAPs were also raised from animal welfare experts and residents in the surrounding community.

Concerns regarding MLAPs were one of the key reasons for amending the bylaw in 2016 to prevent further exceptions and ensure that Animal Services has sufficient oversight of the keeping of prohibited animals in the City. Furthermore, TPH has advised that if such mobile activities were permitted, there would need to be strict documentation and trace-back protocols for public health officials to use in order to protect the public from outbreaks.

Animal Welfare Considerations

As part of this review, staff requested information from the Ontario Ministry of the Solicitor General's Provincial Animal Welfare Services (PAWS) regarding any animal welfare concerns associated with Reptilia's operations in other jurisdictions. Based on the information received, staff have significant concerns regarding the outcomes of past investigation and inspections by PAWS. While the company quickly came into compliance following these inspections, there are concerns regarding the adequacy of care provided to the animals, as well as poor record-keeping of critical information.

Staff also heard from experts in animal welfare. These stakeholders have outlined a number of concerns and recommended that the City does not grant a bylaw exception to permit Reptilia's operations.

Stakeholders are concerned that an exception establishes a precedent that will create a case for other exotic animal businesses and institutions to seek exceptions moving forward, and could result in an expansion the number of animals and various species that are kept in Toronto. Stakeholders have also raised concerns about Reptilia as a commercial zoo with many ancillary businesses, including the retail of reptiles and supplies. In particular, stakeholders are concerned that Reptilia's operations will result in an increase in MLAPs in the City.

Stakeholders are also concerned that accreditation or association memberships (for example, CAZA) do not guarantee optimal animal welfare and public safety standards. The commercialization of wildlife supports the continued expansion of reptile pet keeping and trade, which can have negative impacts related to public health and safety, as well as threats to native wildlife. Finally, stakeholders raise that such an exception is a substantial departure to Council's previous direction to remove blanket exceptions to the bylaw, which could undermine deliberate past improvements to animal welfare and undermine the City's reputation as a national leader in this space.

Many of the concerns raised are shared by City staff, particularly regarding a potential increase in MLAPs across the city that may pose health and safety risks to the public and the environment. Staff are also concerned about the potential increase in exotic animal businesses seeking exceptions and expansion in the number of these animals kept in the City. Staff continue to have concerns regarding the ability to properly care for such animals, and believe that the intention of the bylaw as currently drafted is supportive of animal welfare and contributes to the City's leadership in this space.

Staff recommended removing the blanket CAZA exception in 2016 to ensure due diligence and oversight of prohibited animals in the City. CAZA is a national not-for-profit organization that works to standardize professional conduct and care of animals through its accreditation program, which includes the inspection of its accredited facilities. As part of this review, staff consulted with CAZA to understand whether there were existing concerns related to the facility's ability to care for its animals. CAZA confirmed that Reptilia is in good standing with its accreditation in its existing facilities.

Staff also met with community leaders and residents from the surrounding Harbourfront neighbourhood. While there is interest among residents in seeing a new family-friendly business on the waterfront, concerns were raised about whether the animals would be adequately cared for, and the risk of exotic animals entering the City and threatening native species.

Economic Development Considerations

While the mandate of Toronto Animal Services is to focus on public health and safety and animal welfare, staff acknowledge that there may be potential economic benefits to the City with the introduction of a facility such as Reptilia's.

Harbourfront Centre, who would be the property manager facilitating the lease with Reptilia Zoo, is supportive of the proposed facility. Harbourfront Centre highlighted the economic benefits of introducing a facility such as Reptilia Zoo by bringing tourism and

economic activity to the waterfront area, particularly since this location has been vacant since 2017. The proposed facility would bring visitors to the area year-round, including during the winter months when the area would otherwise be less active, which would also bring benefits to the surrounding community and businesses.

Harbourfront Centre believes that the proposed facility is a natural fit for tourism and family businesses in the surrounding area, and also fits within their mandate promoting the local economy and strong ties to education. Staff confirmed that the Harbourfront Centre is satisfied with the information Reptilia has provided them regarding their health and safety protocols.

Community leaders and residents from the surrounding neighbourhood expressed some support for the proposed facility. Residents are supportive of the Harbourfront Centre and would like to see the space occupied by a family-friendly business with daytime hours and limited nuisance. However, residents also noted longer-term implications on the surrounding area that must be considered, such as the potential for increased noise, nuisance lighting and traffic. They also expressed concern regarding the lack of parking in the area, and that the company may expand the size of their operations in the future if an exception is granted for this site.

Other considerations

Since Chapter 349, Animals, was last amended with respect to prohibited animals in 2016, the City has denied a number of requests from business operators seeking exceptions to the Prohibited Animals restrictions, including temporary exceptions for events.

Staff are concerned that pursuing an exception for Reptilia's operations may set a precedent for exceptions becoming more frequent in the future. Such exceptions are not aligned with previous City Council direction and staff recommendations, and pose a number of challenges related to health and safety and animal welfare, as described in this report.

While this report recommends that the Animals Bylaw should not be amended to grant a site-specific exception at 245 Queens Quay West, staff note that this does not mean that Reptilia cannot establish a facility in this location. Without a bylaw exception, the company can still pursue its operations without housing species listed in the Prohibited Animals list.

Staff note that if the proposed facility includes a retail component that sells animals or offers adoption services, the company would be required to obtain a pet shop licence under Chapter 545, Licensing. Pet shops that sell and/or keep animals for sale must meet requirements to ensure that the facility is kept in a sanitary, well-ventilated, and clean condition, and that animals are safely housed, cared for, and provided adequate food and water.

CONTACT

Esther Attard, Director, Animal Services, Municipal Licensing and Standards,
416-338-1476, Esther.Attard@toronto.ca

SIGNATURE

Carleton Grant
Executive Director, Municipal Licensing and Standards

COMMENTARY

The Case Against Captive Reptiles and Amphibians

Ann-Elizabeth (Ae) Nash, Director

Colorado Reptile Humane Society (CoRHS)
(www.corhs.org)

Photographs by the author.

Keeping animals as pets is an accepted facet of American society. Domestic cats hold the number one spot followed by dogs, rodents and rabbits, birds, and finally, reptiles. Approximately 10% of the US population keeps reptiles and amphibians as pets: 3 million ‘herps’ are in private ownership. What is the state of affairs for captive reptiles and amphibians? How are reptiles and amphibians like other pet animals and how are they different? Are necessary resources available? These include veterinary attention, knowledgeable husbandry practitioners, nutritious foods, and useful supplies for owners to care for their pets properly. Simply stated, can we do a good job for a captive herp? If not, why? What are the consequences of our failures?

Ray Ashton’s “Commentary from an Old Naturalist About Exotic Species and a New Herpetocultural Ethic,” (*Iguana* 12(1), March 2005) inspired me to think anew about reptile- and amphibian-related animal welfare and conservation issues. While we warrant a new ethic toward this group of animals, my

conclusions start and end at a very different spot: I am a “new herper” who hopes to end the practice of keeping reptiles and amphibians in captivity.

Ashton referred to himself as an ‘old naturalist’ interested in reptiles and amphibians since childhood, and one of a small minority whose curiosity had been piqued by these animals. Conversely, ‘new herpers’ may come later to such interests and are more easily able to join study societies, interest groups, and have other resources available that simply didn’t exist a generation ago.

In his commentary, Ashton ostensibly offers seven useful and logical steps toward responsible reptile and amphibian ownership. These ideas are often repeated in hobby journals, internet groups, and countless herpetological societies. Using the Green Iguana (*Iguana iguana*), a very common and most neglected, discarded, unwanted, and abused reptilian pet for the basis of my discussion, we can see that Ashton’s set of rules is difficult to follow or achieve.

1. **Learn about your pet.** Purchasing and reading a book about the common Green Iguana won’t necessarily provide an owner with correct, up-to-date husbandry information. Some publishers are unscrupulous about their editions, updating a photo here and there so a new copyright date hides gross inaccuracies. New books can also be poorly written and edited, directing a motivated owner toward a potentially fatal husbandry mistake. Few single sources provide all the knowledge we need about any one species.
2. **Only purchase captive bred animals.** Discussions regarding Captive Bred (CB) versus Wild Caught (WC) are largely rhetorical. Removing wild animals for introduction into the pet trade will negatively effect a wild population. Yet, we rarely consider the fate of CB reptiles and amphibians. Questions remain — how well can we care for a CB reptile or amphibian? Is our care humane? Potential suffering of a CB animal must be considered of equal importance to that of a wild-caught animal.
3. **Provide secure caging and lighting.** We can build escape-proof cages and provide UVB lighting — but we do not yet



Pablo is a recent arrival at Colorado Reptile Humane Society (CoRHS). Even among the few Green Iguanas that survive captivity, few live out their entire natural lifespan of 20–30 years in the care of a single owner.

Opinions expressed are those of the author and may or may not reflect those of the IRCE.

know how much UVB lighting is enough or too much. Many other habitat elements also need consideration: climate, seasonal weather, visual breaks, height versus area, etc.

4. **Provide appropriate food.** Nutritional research focused on longevity versus breeding is scarce, as are commercially available diets based on such research. Most owners cannot offer natural foods for *I. iguana* in captivity. It is time-consuming and tiresome to prepare fresh foods daily.
5. **Consider habitat size.** What percentage reduction in space is tolerable when housing a lizard that typically roams an acre of area in its natural habitat? If we house a single adult *I. iguana* in a bedroom (10 x12' = 120 sq. ft.), we've removed more than 99.7% of its normal home range. Is this acceptable? Even a 2000 sq. ft. house represents only 5% of a normal habitat.
6. **When you need to 'get rid of' your pet.** No animal should be sent to an uncertain fate, released in a park, a stream, from a moving car, or any other cruel method that causes unnecessary stress, injury, or death. Animal welfare thinking encourages pet ownership *for the life of the pet*, not the fluctuating interest of the owner. Is a profit-motivated pet store a good avenue for an unwanted animal? Shelters and rescuers are unable to re-home all Green Iguanas that come through their doors. No one wants another iguana. Euthanasia is often the outcome when an owner "exit strategy" is implemented.
7. **Avoid confrontations with non-herpers.** Respecting your neighbors always makes sense when you house any animal. No one likes a barking dog, bird killing 'barn cat,' or other at-large pet. Fear of snakes is especially deeply felt, regardless of legitimate danger. However, negative reactions from individuals or politicians should not be seen as unthinking. Many concerns about keeping wild animals as pets are reasonable.

Reptiles and amphibians are readily available for sale or trade from outlets that include retail stores, internet sellers, and breeder's shows. In my home state of Colorado and other states in the US, certain species may be legally taken from their wild habitats and held in captivity. The average owner follows few of the points outlined in Mr. Ashton's list, purchasing whichever reptile or amphibian they desire with little or any research regarding care, longevity, and nutrition. However, even the most dedicated and educated owners, supporting the pet trade through the purchase of a CB reptile or amphibian, subject a wild animal to a life of imprisonment and often a reduced life span, even in the absence of predators. Why is this acceptable?

We have not truly domesticated any reptile or amphibian; I will therefore conclude that CB animals are as wild as their WC counterparts. CB reptiles and amphibians may be more or less acclimated to life near or with humans; they may or may not display aggressive behaviors to territorial intruders or other encounters and experiences. They may or may not make 'good' wild animals since, as often as not, breeders keep alive every hatchling regardless of fitness. To declare an animal unable to withstand the pressure of a life in its wild habitat does not make it any less wild. The individual animal would have simply met demise early in its natural life.



A malformed Three-toed Box Turtle (*Terrapene carolina triunguis*) suffered from an insufficient diet and a lack of ultraviolet light.

Moving from the difficulties of caring for reptiles and amphibians in captivity, a far more important question needs addressing: On what grounds do we humans have the right to impose captive conditions on wild animals? Combined with the problems of invasive exotic species, Mr. Ashton should not be surprised that some 'new herpers' wish to curtail reptile and amphibian ownership for both the wild animals themselves and for good stewardship of native populations. While we may possess a legal right to keep reptiles and amphibians in captivity, I suggest that we lack the moral right to keep a wild animal captive for our own personal benefit or other financial or emotional needs, whether it is captive bred or wild caught.

Much of my ethos regarding reptiles and amphibians stems from experiences as the founder and director of a small humane society in Colorado that is dedicated to this group of animals. Through my work, I have personally appreciated many reptiles and amphibians. From this familiarity has grown a profound sadness for these wild animals that are captive solely as a consequence of human folly.

The new generation of reptile and amphibian owners does not share any values beyond possession — any more than Ford automobile owners or ice cream purchasers constitute a distinct socio-economic, other demographic, or moral class. Old herpers, Mr. Ashton declares, were interested in learning about wild animals — "but were also excited about keeping them in captivity." I have no doubt that this is true. Keeping and breeding reptiles and amphibians generated great enthusiasm among pet owners — but at what cost to the animals? I am confident that a thorough investigation will clearly answer Mr. Ashton's shock toward those of us who would see the end of the worldwide trade in reptilian and amphibian pets:

- When the best and most resourceful owners cannot provide even a small percentage of the real estate a wild animal has in its natural habitat, we have failed that animal.
- When nutrition research focused on longevity (not breeding) is scarce, when the foremost veterinary medical text is a mere 512 pages for all species of reptiles and amphibians,

when we have no antibiotics or other drugs designed for even a single species, we have failed.

- When reptile and amphibian owners cause immense suffering and death to at least 500,000 Green Iguanas each year in the US alone — and who knows the numbers for other species — we have failed.
- When we refuse to recognize that most captive-breeding programs bring into existence wild animals doomed to a life in captivity, we have failed.

After seven years of sheltering and euthanizing unwanted reptiles and amphibians, I would suggest that the average individual with a typical amount of space, time, and funds is simply not equal to the responsibilities of owning a pet reptile or amphibian — even if it began as an appropriate endeavor. In fact, most reptile and amphibian owners surrendering their animals to the Colorado Reptile Humane Society can probably tell you more about the attributes of their cell phone and calling plan contract than the live animal of which they now wish to rid themselves. Like all bell curves, a few humans do a great job for their pets, a few would meet a legal definition as perpetrators of cruelty, and the great majority provide mediocre care. Mediocre care to millions of reptiles and amphibians seems to me something old naturalists and new herpers ought to oppose collectively. Does the fact that an amphibian or reptile was captive-bred really matter?

Can we learn from our myriad failures and experiences? Some will answer that better research will yield the knowledge we presently lack, that educated owners will improve husbandry issues, and that we can protect our native ecosystems from invasive species. My experiences tell me otherwise. On a typical afternoon at the Colorado Reptile Humane Society's shelter, one owner who 'got rid of' his Bearded Dragon (*Pogona vitticeps*) because she was 'too boring' was already planning the purchase

of a chameleon. Another owner brought forth an iguana with an advanced type of metabolic bone disease, misdiagnosed by a veterinarian. The owner had provided UVB lighting, but it was too far away from the lizard to be useful. Red-eared Sliders (*Trachemys scripta*) are dumped by the dozens after outgrowing aquaria that were never large enough. Who is going to house an unwanted (and unsocialized) 4.5' Black-throated Monitor (*Varanus albigularis* spp.)? He was surrendered because his fecal material "smelled bad." Owners do not often advance their own education beyond "Cool — a reptile!" These animals forfeit their natural lives on human whim.

A realistic accounting of how captive reptiles and amphibians endure our lack of largesse would convince most individuals that we only rarely meet the lowest bar of care standards — and that wild animals should remain wild animals. I often counsel would-be adopters of North American box turtles (*Terrapene* spp.) that these turtles roam about two football fields worth of habitat. Subjecting box turtles to life in a 55-gallon aquarium is equivalent to a human living out the rest of her life in a small bathroom — and without internet, cell phone, or other stimuli. As North American box turtles experience a near 70% predation rate on relocation, they cannot be released. However, for permanent captives, we can raise the standards we allow to pass for captive husbandry.

Let me propose a less than radical notion toward reptiles and amphibians: Acknowledge them as the wild animals they are and operate as their conservation advocates and wardens, keeping them and their needed ecosystems protected in our world — and out of all living rooms. Reptiles and amphibians are not appropriate personal pets, any more than we would reasonably consider mountain lions, hippos, or ostriches. If they were larger, vocal, and able to harm us more easily and more often, I suspect they would no longer be such a popular part of



Rosie, a Green Iguana (*Iguana iguana*), now a permanent resident of the Butterfly Pavilion (www.butterflies.org), is seen here atop her tree bower.



This Ornate Monitor (*Varanus ornatus*) is now deceased. An animal that can attain a length of two meters, has a naturally aggressive disposition, and requires a largely aquatic habitat is a questionable choice as a pet for most people.

the pet trade. We can shut down the introduction of new individuals and new species of reptile and amphibians into the pet trade — and greatly reduce suffering and death. These ideals should inform a true conservation ethic.

A conservation ethic might include captive breeding to increase the chances for a species' survival — but wild animals that exist only as captive specimens are already lost to our natu-

ral world. We assure a species' survival when we realize the animal can function as a wild animal only in its natural habitat. Captive breeding for release must already encompass habitat preservation and management — without which release is impossible.

We need a conservation-focused ethic — for the reptiles and amphibians we hope to protect and not for the reason of continued ownership of wild animals in our homes. Conservation needs to occur because, as Mark Beckoff observed, the human race has already won the race — and included in our winner's 'spoils' could be a greater future for reptiles and amphibians than captive animals suffering and dying for short-term enjoyment. As winners, we could instead be generous toward these often-misunderstood animals, protecting them in the wild, while reducing and eliminating their human-imposed captivity.

As a model for enjoying reptiles and amphibians in the wild, we could duplicate many of the elements of bird watchers. Life-long species lists (without taking herps from the wild!), reptile-watching trips, photography contests, and reptile conservation societies could greatly contribute to the protection of these wonderful species — all without subjecting them to captivity or an early demise. Instead, land could be protected for habitat, and participants could help collect useful data and assist researchers and conservationists.

The natural world is a wonderful place and to rediscover, as most of us do, that it contains reptiles and amphibians, should be exciting. I can conceive of no better gift than to leave wild animals wild, hippo and herp alike.

Dear Community and Protective Services,

Per my previous email, we're interested in presenting at your Tuesday November 29th Committee meeting regarding the myriad issues with zoos in the City of London... *** that is still a request, but in addition, here is a letter that I'm willing to be made public. Please note the references at the end of the letter.

There's nothing natural or educational about viewing or handling an unwilling animal outside of their natural habitat. It's impossible to effectively regulate or enforce the humane treatment of animals in zoos, and Humane Societies across Canada are against the sale and display of amphibians.

The City of London has rightly refused Reptilia's requests to set up shop / change animal control bylaws on two separate occasions in the past, in 2018 and earlier this year.

Study after study tells us petting zoos place enormous stress on animals. They're stolen from their families and natural habitats; prevented from performing natural behaviours; lack enrichment; have ridiculously reduced ranges; many of them die en route from their homes abroad; and their natural lifespan is often truncated. The idea that a mall... or any building, in any city ... could possibly be an appropriate habitat for a wild animal is ludicrous at best, and cruel at worst.

The risk of the animals escaping must also be considered, as I believe it was in previous decisions by Council; no matter what protocols are put in place by a business, human error and equipment failure must always be part of the equation.

The amphibian and reptile trade is ugly, and zoos like this simply encourage people to buy exotic animals, risking their extinction. Discarded animals from foreign countries bought as pets are frequently left to invade and permanently alter native ecosystems where they don't belong by people thinking they're freeing the animals.

There's also the risk to public health. Zoos and the reptile and amphibian trade can spread serious pathogens, including E. coli and salmonella, or worse. At this very moment we're in the midst of a worldwide pandemic which has its origins in the sale and exploitation of wild animals.

There are no regulations in the province of Ontario when it comes to exotic animals, and no health standards to protect the animals or the public.

I would ask that your committee refuse the application made by Reptilia because of health risks to the public, serious ethical concerns for the animals, the threat to our native ecosystems, and the threaten to the animals' native ecosystems.

With thanks for your time,
Marion Markham

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Chair and Members of the City of London's Community and Protective Services Committee,

As the Ward 10 Councillor, I represent the area where Reptilia wishes to locate. Given the tremendous good to our city generated by Reptilia locating at Westmount Mall, I request that the following motion be moved, seconded and approved by members of CAPSC after delegation status of those seeking it, has been granted.

THAT REPTILIA INC., BE GRANTED AN EXEMPTION TO A PROVISION OF THE CITY OF LONDON ANIMAL CONTROL BYLAW SECTION 14.1 (4.10 - KEEPING OF CLASS 7 ANIMALS WITHIN THE CITY PROHIBITED); IT BEING NOTED THAT WITHOUT AN EXEMPTION REPTILIA WILL BE UNABLE TO OPERATE SUCCESSFULLY.

AN EXEMPTION WILL ENABLE REPTILIA TO EXHIBIT BOTH INDIGENOUS AND NON INDIGENOUS, DOMESTIC BRED AND HUMAN ACCLIMATED REPTILES, NOTING THAT WILD CAUGHT ANIMALS ARE PROHIBITED.

THAT STAFF BE DIRECTED TO PREPARE THIS AMENDMENT TO THE BYLAW FOR COUNCIL APPROVAL AT THE DECEMBER 13, 2022 COUNCIL MEETING.

Thank you.

Regards,

Paul Van Meerbergen
Councillor, Ward 10

Dear CPSC Members (Chair E. Pelozo, Mayor J. Horgan, Councillors D. Ferreira, J. Pribil, C. Rahman, and S. Stevenson):

I am a decades-long London resident, presently living in Old South.

I was also in the public gallery in 2018 when Council successfully voted no to Reptilia setting up shop in London.

It is therefore dismaying and distressing to see them making yet another plea to CPSC on November 29th to reverse our city's anti-zoo bylaw.

Reptilia is clearly a zoo.

Reptilia is a highly commercialized, multi-faceted operation that, at their two existing locations in Vaughan and Whitby, include a public zoo, event rental spaces for children's parties, corporate gatherings, animal meet and greets and other activities, a significant reptile pet product sales area and a robust program of offsite animal presentations, shows, parties and other events.

Sounds like a great business opportunity... until you discover that they break provincial laws governing exotic animals.

Until you discover that they may no longer be CAZA-accredited, as they claim (my understanding is that they lost their accreditation a few months ago and I do not see them listed on CAZA's present list).

Until you discover that provincial animal welfare authorities have documented numerous issues with Reptilia.

Until you discover that Reptilia's revenue-generating predictions claim numbers which rival those of the internationally recognized Toronto Zoo, which itself struggles with attendance at times.

Concerned citizens, animal welfare and environmental groups, experts, academics and others have opposed proposed Reptilia zoos in Toronto, St. Catharines and here in London.

In December 2021 the City of Toronto Council voted 26-0 not to change their bylaw to accommodate Reptilia's request, secondary to serious public safety and animal welfare concerns.

Reptilia has been attempting to set up a zoo in the City of London since 2018, asking for an exemption to our "no zoos" animal bylaw.

At that time, London City Council refused to do so, expressing safety and potential legal concerns as Reptilia exposes the public (including the highly vulnerable, like children) to crocodilians, venomous snakes and other currently prohibited animals.

Reptilia's business model also includes a significant number of offsite visits with these prohibited animals, putting both the public and animals at further risk.

The frequent transport and containment of these animals is a highly stressful and unnatural experience which is not only harmful to the animals themselves but could also lead to unexpected stressful reactions towards the public.

They may also carry diseases which could put our increasingly vulnerable pediatric population at risk.

Council wisely made the same decision again in April 2022 when the Reptilia item was deliberated a second time.

It is also worth noting that in 2011 London City Council dealt with the private zoo issue and removed the definition of private zoo use from their zoning bylaw to prevent new zoo operations from opening in the City.

After the 2018 London City Council decision to leave the animal control bylaw as is, Reptilia was issued a building permit by the City for a location at the Westmount Shopping Center on Wonderland Road.

I remain highly concerned that despite a robust vote against Reptilia, a building permit was still issued to them.

That serious error (I hope it was an error) has now led to Reptilia recently stating that they are nearing end of construction at Westmount Mall.

Since they have invested so much to this point (despite knowing that they did NOT have a bylaw exemption) they are now back again, trying to obtain it after the fact.

We have no idea why Reptilia would continue to construct their facility after the 2018 Council decision and when they hadn't secured changes to the animal control bylaw.

Nevertheless, four representatives of Reptilia has made requests to delegate at the November 29th meeting of CPSC.

As in 2018, I continue to agree that the City of London animal control bylaw should not be changed to accommodate a private, for profit, zoo business and therefore oppose any exemptions for any new zoos in London, Ontario.

I hope that we can finally close the door on Reptilia for good.

For the good of the City, the public and the animals.

Merci,

Kelly Smith

Chair and Members
Community and Protective Services Committee
London City Hall
300 Dufferin Street
London, Ontario, N6B 1Z2

We are aware that the City of London's Community and Protective Services Committee (CPSC) may be hearing delegations supporting an exemption to the city's Animal Control By-Law regarding exotic animals in private zoos and their use throughout the municipality.

We strongly encourage the Committee not to support any request for an exemption to this By-law. This issue has already been extensively deliberated and addressed in a number of previous Council meetings.

The mission of the Ontario SPCA and Humane Society is to ensure all animals are free from abuse and neglect. The Ontario SPCA has experience in municipal and provincial laws and regulations and believes the regulation of exotic animals is vital to animal well-being and community safety.

The keeping of exotic animals poses many serious threats to public safety, such as transmission of disease, risk of escape and injury to handlers or the public who interact with them. Exotic animals require specialized housing facilities, veterinary care, diet and knowledgeable and experienced handlers or care providers. Even with many safeguards in place, and where an exotic animal has no previous history of aggressive or erratic behaviour, there are countless examples of situations where these wild animals have escaped and/or caused injury to handlers and the public.

The City of London Animal Control By-Law is an effective means of controlling the well-documented risks posed by keeping exotic animals, including crocodylians and venomous snakes, to the health, safety and well-being of residents, the animals and the environment.

The limited economic benefit of exotic animal businesses and organizations has been well documented and should not outweigh the risk to public safety and animal well-being.

I strongly urge to you to uphold the existing By-Law and not allow an exemption in this case.

Sincerely,

Doug Brooks
President and Chief Executive Officer,
Ontario SPCA and Humane Society

Dear Sir/Madam,

As a citizen of London and a resident of Westmount, I urge you to refrain from introducing any exemptions to the Animal Control Bylaw that would allow new zoos in the city. I am particularly concerned about the issue of a reptile zoo at Westmount mall. I have had conversations with quite a number of people about this issue and everyone of them opposes this bylaw change.

Thank you for your consideration.

Lavoyne Jackson

Dear Councillors,

I sincerely hope you will not amend London's bi-law disallowing exotic animals for Reptilia's sake.

Caged, exotic animals, on display, do not belong in London Ontario.

It is very important that London does not change this bi-law. We can not go backwards!

Sincerely,
Shelly Baisley

Please have the following information added to the CPSC agenda. This is provided to assist the committee in determining its recommendation to city Council for a request by Reptilia Zoo for an exemption to the animal control bylaw.

Purpose of This Request

To request CPSC to endorse an exemption to the animal control bylaw.

Background

Reptilia operates the largest year-round indoor reptile zoological garden in Canada. It features a broad range of *reptiles*, as well as some *amphibians* and *arachnids*. *The founding principles of the company are based on education and conservation.* It was established in Vaughan 27 years ago and in 2018 opened a second facility in Whitby.

Existing Reptilia locations attract approximately **350-400,000** visitors annually with the London location expected to surpass the aforementioned because of its 'flagship' size (approx. **30,000 ft.²**) and its proximity to the 401. It is also situated in one of the fastest growing and largest regional catchment areas in Ontario.

London/Reptilia History

Approximately six years ago, both Tourism London and the LEDC vigorously promoted London as the preferred location for Reptilia's next zoological garden. Subsequent objections from animal rights activists; differing administration/landlord bylaw interpretations and Covid related supply and labour challenges have significantly impeded Reptilia's opening plans.

Notwithstanding, construction is almost complete and Reptilia London will open for business in January 2023 subject to the city's assent to the exemption request.

Provincial Welfare Services (PAWS)

Reptilia is *provincially licensed* and is regularly inspected by PAWS. This agency has been mandated by provincial decree to police the welfare of **all Ontario Animals (native and non native)** It also has authority to shut down and impose fines of up to **\$500,000** on all private sector/municipal operators that are negligent in the proper treatment of animals.

PAWS recently inspected Reptilia London and has advised that it is in compliance with provincial regulation.

LICENSING

A CPSC public participation meeting this past April denied Reptilia the showing of non indigenous animals because its provincial license does not provide for their exhibition and therefore the City determined it did not comply with the city's bylaw that forbids the exhibition of non indigenous species. However, the city's bylaw does permit the residence of non indigenous species (section 3.6) with exceptions. It states:

This bylaw does not apply to animals maintained in a public park, zoo, fair, exhibition, or circus, operated or licensed by a municipal or other government body

Subsequent to the CAPS decision, Councillor Van MeerBergen introduced a motion at a full meeting of Council to request that staff be directed to prepare a report outlining potential amendment options to the animal control bylaw so as to accommodate Reptilia. The motion was defeated.

Additionally, City staff filed an information report advising Council that Reptilia intends to operate under a provincial license. They advised that once they are opened and operating, enforcement of the terms and conditions of the license would be the responsibility of the province. However, if there are matters outside of their license, they may be subject to the cities animal control by law.

It is Westmount Mall's and Reptilia's position that because the legislation under which the PAWS Act covers the well-being of animals of all types and of all origins, Reptilia complies with the applicable legislation. Therefore Westmount/Reptilia are of the opinion that the London facility does not require an exemption as it falls within the current exemption provisions of the city bylaw.

If it is determined that Council does not grant an exemption then Westmount/Reptilia will seek a judicial interpretation that could incur considerable cost to all parties and further delay the opening.

Notwithstanding, Reptilia wants to be welcomed and to become part of the fabric of the city of London as they have in other locations. They would greatly appreciate the recognition that being exempted by city Council would bring.

Current City Approvals in Ontario

Vaughan, Whitby, Burlington, and Barrie have all enthusiastically granted exemptions to Reptilia and it is hoped that London will as well.

Tourism and Economic Development

Provincially, encouraging new product development is a strategic priority and London has the opportunity to embrace a signature attraction that will appeal to everyone in all stages of life. This investment will serve to help support the economic and social recovery of the tourism industry, as well as provide a welcomed economic stimulus to a revitalizing Westmount Mall. Reptilia will exponentially serve the public interest by educating present and future generations on the importance of preserving our ecosystems so as to ensure **at risk** animal preservation.

A Quick Synopsis of the Facts

1. A substantial financial investment has been made in state-of-the-art renovations to approximately **30,000 ft.²** of Westmount Mall.
2. Reptilia since its founding in 1996 does not **PURCHASE /SELL** wild caught reptiles. Only **domestically born animals** or **rescues** are exhibited. Most such animals are fully acclimatized to human contact right from birth, and are housed in spacious temperature controlled facilities that closely replicate their natural environments.
3. Approximately **80%** of the reptiles exhibited are either **rescued** or **abandoned** animals. Most sick animals are accepted and are rehabilitated.
4. Reptilia, promulgates and implements, robust, safety, and training protocols. After over 4 million human/reptile encounters since its founding in 1996, there is **zero** history of venomous animal bites, escapes or linked **infections**.

5. In partnership, with the Province of Ontario, Reptilia authored a provincially approved curriculum for grades K-8 as well as curriculum for secondary and post grad education which is updated in lockstep with advances in the current Ontario curriculum.

6. Reptilia provides **free** veterinary style advice for the public, and has collaborated with Guelph university veterinarians on the study of bearded dragons.

7. Reptilia has supplied animals to more than **7,000** elementary and secondary schools, universities and provincial institutions.

8. Reptilia has trained Canada's wildlife officers, Canadian Armed Forces/medical personnel, assigned to overseas deployment and a number of police personnel/forces within the province. First responders and triage units as well as animal control officers and local hospital personnel have been trained to prepare them for potential incidences they may encounter with reptiles.

9. Reptilia has reached out to the UTRCA and invited their participation on the creation of a Thames River Basin native species exhibit. Reptilia is building and designing, at its expense, a habitat appropriate exhibition space and hatchery. It will feature "at risk" species such as the **Spiny Soft Shell** and **Spotted Turtle** and the **Queen** and **Eastern Hognose** snakes.

Reptilia's community outreach programs are extensive and its foundation tries to never decline legitimate requests for support. Petitions by registered charities for passes and other items dependent on the needs of their event are never refused.

In Conclusion

- Reptilia was delighted when London approached it and asked that it join the community. Each municipality that they have considered and invested in has done the same.
- Reptilia, which has been profitable since its inception in 1996 operates without government funding. It has become an active community member in each location that it serves.
- Reptilia embraces science and supports species conservation/education. It provides a sanctuary for **at risk** animals.
- Reptilia will significantly affect the awareness of animal welfare and help ameliorate preservation efforts in the London region as it has for years in other regions throughout Ontario.
- As a regional tourism attraction, Reptilia will stimulate significant visitations and spending within the City of London.

Dear Chair and Members, Community and Protective Services Committee, City of London,

I am writing because I have reviewed the scientific literature regarding the educational role of mobile animal programs, which is a significant facet of the Reptilia business, and I am in the process of final revisions to an academic paper on the subject. I urge the City of London not to change its animal control bylaw to accommodate any businesses that carries out these kinds of activities as there are very real animal welfare and human safety concerns associated with these activities.

I am happy to briefly speak at the Council meeting tomorrow, but will be teaching and therefore unavailable between 5 and 6pm.

Thanks very much,

Kathryn Sussman PhD

Dear Committee Members,

By way of very quick introduction, I am a freelance artist-writer-conservationist, with experience in the areas of wildlife rehabilitation and human-wildlife conflict resolution. I am also a founding director of Species Survival Network, which entirely focuses on the area of conserving wildlife and wild plant species in international trade, as regulated by the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES), which just concluded its 19th Conference of the Parties, in Panama City, bringing several greatly needed levels of protection to endangered herptiles (reptiles and amphibians), issues I particularly worked on – some of which was touched upon by this op-ed piece I wrote for the Toronto Star (see <https://www.thestar.com/opinion/contributors/2022/10/09/help-keep-endangered-frogs-from-croaking.html>).

I'm happy to say that this entire family of neotropical frogs now has an added level of protection under CITES, as do many turtles and other reptile species, thanks to the kind of work my colleagues and I do. They still face multitudinous threats to survival but we have mitigated against a major threat, the so-called exotic pet industry.

Which brings me to Reptilia, and its desire to continue construction of their facility even though they do not have the required exemption for many of the animals they want to keep and where, it appears, they hope to attract income from tourists driving the 401. While I could discuss my concerns with Reptilia's overall treatment of animals, there is another concern that I respectfully draw to your attention. It really relates to the frustration we, in the conservation movement, have, when it seems not to matter that science, law, and facts are supportive of our conservation concerns – and it does not matter! For reasons better articulated by historians, behaviorists and sociologists than by me, we seem to increasingly be sinking into an era where facts don't matter, where misinformation is expected to be believed, opinions are treated as facts, and laws don't matter so long as there is money to be made.

I have read claims made by Reptilia and its representatives that are simply and provably false, such as the erroneous claim that a provincial native wildlife permit gives them an exemption from other laws, like London's animal control bylaw. It very clearly, and very specifically does not. Decisions affecting the public should not be based on misinformation, but on facts.

Which brings me to the second issue, which is less decisively determined, and that is the claim or allegation often made by Reptilia that it is a "sanctuary". In my world, drawing from a long life of experience, Reptilia is not in any way a sanctuary; it is a private, for-profit zoo, and not a particularly good one in terms of the functions society increasingly expects zoos to provide. It is a store-front zoo and what in England is sometimes referred to as a travelling zoo, deemed by actual conservationists to be antithetical to the cause of conservation.

My former employer for twenty years, recently passed away, was co-founder of GFAS, The Global Federation of Animal Sanctuaries (GFAS; see <https://www.sanctuaryfederation.org/accreditation/>), the leading sanctuary association in the world, which has a list of criteria for accreditation. Reptilia does not meet many, if any, of their criteria for membership.

Reptilia also claims to be a rescue centre that takes in unwanted "pets", but they offer no numbers or outcomes for animal placement like nearly all bona fide rescues do. And because they sell reptile pet supplies, they would seem to be encouraging the keeping of these animals and making their problems even worse than they are.

I also have to add that the managers of every sanctuary and every wildlife rehabilitation/rescue facility I have visited around the world very emphatically assured me that pretty well the first priority is to assure that they are in full compliance with local laws and other laws and regulations. They are all non-profit, non-government organizations serving a need.

I sincerely believe we must get back to a more factually-driven narrative as it applies to social policy. Please do not be fooled by unverifiable claims and misinformation.

Yours truly,

Barry Kent MacKay
Bird Artist, Illustrator
Studio: (905) 472 9731
<http://barry-mackay.pixels.com>
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mimus@sympatico.ca
31 Colonel Butler Drive
Markham, ON L3P 6B6 Canada

To: Community and Protective Services Committee

To be helpful, I write to you regarding animal welfare concerns as it relates to the current request from Reptilia Zoo for an exemption to the Animal Control Bylaw and AWAC's past careful examination, research, and consequential best advice to the City of London as follows:

The Animal Welfare Advisory Committee recommended:

- There be No amendment to the Animal Control Bylaw, and that council reaffirm that the exemption in the Animal Control By-law for animals licensed by the province is limited to the animals held under their provincial license, (those listed as specially protected or game animals under the Ontario Fish and Wildlife Conservation Act), and that ALL other animals continue to be subject to the current municipal animal control by-law.

Background:

- The request by Reptilia Zoo for an exemption to our current Municipal Bylaw, regarding the keeping of exotic animals before you is disconcerting, as decisions made today set a precedent for other like private zoos and Mobile Live Animal Programs wishing to bring exotic and potentially dangerous animals to London, offsite, posing significant health and safety risks due to incidence of handling the animals and exposure to infectious disease, putting the young, immunocompromised, and elderly at great risk.
- Concerns regarding the ability of Reptilia Zoo to properly care for such animals was raised in a 2021 staff report from the City of Toronto in collaboration with Economic Development and Culture, and Toronto Public Health outlined animal welfare concerns related to Reptilia Zoo's operations They stated "Based on the information received, staff have significant concerns regarding the outcomes of past investigation and inspections by Provincial Animal Welfare Service." The report also contained concerns about the adequacy of care provided to the animals as it related to past investigations and inspections of Reptilia Zoo by the Ontario Ministry of the Solicitor General's Provincial Animal Welfare Services (PAWS).
- London's current Animal Control Bylaw restricts the keeping of class 5 animals (non- venomous snakes, lizards, and spiders) and prohibits the keeping of class 7 animals such as crocodilians, alligators, and venomous snakes, lizards, spiders, to name a few.
- As of 2022 Reptilia Zoo is no longer listed on Canadian Association of Zoos and Aquariums website.
- In 2011 The City of London took progressive action of removing private zoos from the Animal Control Bylaw and from Zoning due to animal welfare, public concern, and the excessive challenges, and burden to the city as it related to welfare concerns with private zoos.
- At December's 2018 Council Meeting, council rejected Reptilia Zoo's proposal to open a facility and declined an amendment to regulate private zoos.
- In April 2022, Reptilia Zoo's request for an exemption was rejected by Council.

The Animal Welfare Committee maintains the following concerns for human health, safety, and animal welfare regarding exotic animals:

The potential increase in exotic animal businesses seeking exceptions and expansion in the number of these animals kept in the city could **undermine and:**

- Escalate the undue burden to City staff and to public health and safety and any past improvements to animal welfare. The Province does not currently regulate non-native species. The NDMNRF has no jurisdiction over them. Instead, they are regulated and/or prohibited by municipal by-laws. The municipality of Grand Bend established a bylaw prohibiting exotic animals in April of 2019 due to such concerns as it related to exotic animals.
- Put the public at risk for injuries and the spread of infectious diseases such as salmonella, particularly when animals are taken off-site for events such as birthday parties.
- Our local hospitals ability to respond as they are not equipped to address any venomous snake bites that may occur.

In conclusion:

The intention of the current bylaw and zoning prohibitions pertaining to private zoos and mobile zoos IS progressive as it relates to animal welfare as well as the City's leadership in this space.

From the description, of activities advertised on Reptilia Zoo's website, they showcase mainly non-native animals. These species are beyond the jurisdiction of the FWCA and are currently not regulated by the province.

What we have here, is a private zoo, operating out of a Mall, under "a place of entertainment", however, under the definitions Reptilia Zoo IS a private zoo.

In 2011 the City of London recognized public concerns regarding the keeping of exotic animals in private zoos as well as the undue burden to the city without Provincial Oversight, which remains a concern today.

Since then, exotic animals have been removed from Storey Book Gardens as well as remaining farm animals due to animal welfare concerns.

Circuses using exotic animals for entertainment are no longer considered to be ethical and no longer welcomed by the City of London residents. Private and mobile zoos continue to pose tangible risks and animal welfare concerns for those municipalities without progressive zoning and bylaws to prohibit them.

Sincerely,
Wendy Brown
Animal Welfare Advisory Committee Chair



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

London
CANADA

November 21, 2022

Members of the
Community and Protective Services Committee

Re: Renaming of Paul Haggis Park

We are requesting your support to remove Paul Haggis's name from the City of London Park bearing his name located in Ward 12 at 2875 Bateman Trail and to remove all related references from the City's website. The park was named after Haggis in 2011.

Earlier this month screenwriter and film director Paul Haggis was found guilty in a sexual assault civil lawsuit in New York.

As you know, Council made a commitment to creating A Safe London for Women and Girls, which made London the first city in all of Canada to make this a strategic priority. We have an obligation for actions to coincide with our words of creating a Safe London for Women and Girls, and to honour that commitment we are requesting your support for the following:

1. STAFF be DIRECTED to begin removing Paul Haggis's name from the city park located at 2875 Bateman Trail and to remove all related references from the City's website
2. STAFF be DIRECTED to subsequently begin the process of renaming this location, including consultation with residents in the vicinity.

Respectfully submitted,

Elizabeth Pelozo, Ward 12

Josh Morgan, Mayor



797 York Street – Unit 5
London ON N5W 6A8
t. (519) 432-2204
f. (519) 679-3918
info@lawc.on.ca

Providing counselling, advocacy, and support for abused women.

November 21, 2022

Community and Protective Services Committee
City of London
300 Dufferin Avenue
London, Ontario N6A 4L9

To Members of the Community and Protective Services Committee:

Re: Letter of Support of Renaming Paul Haggis Park

The London Abused Women's Centre is supportive of renaming Paul Haggis Park located in Ward 12 at 2875 Bateman Trail and that all related references should be removed from the City of London correspondence including the website.

The London Abused Women's Centre (LAWC), provides long term, woman-centered, trauma-informed counselling, advocacy, and support to women and girls over the age of 12 who have been abused by an intimate partner, sexually exploited, trafficked, harassed, assaulted and/or subjected to non-state torture. LAWC is a feminist organization that supports and advocates for personal, social, and systemic change directed at ending male violence against women.

This month, Paul Haggis was ordered to pay an amount totaling \$10 million US dollars in damages in a rape civil lawsuit.

It takes an enormous amount of courage for women and girls who are being abused, assaulted, exploited, or trafficked to come forward to seek help, let alone report what happened to them to the police.

There is a need for proactive support for the prevention of male violence against women and girls in all its forms. Women and girls in this community deserve better.

Again, the London Abused Women's Centre is supportive of renaming Paul Haggis Park. The City of London has made a commitment to create a safe London for women and girls which made London the first city in all of Canada to make this a strategic priority. Women and girls need to know that they are not alone, and the City of London will support them.

Sincerely,

Jennifer Dunn
Executive Director

cc: Elizabeth Pelozo, City Councillor Ward 12
Shawn Lewis, Deputy Mayor
Josh Morgan, Mayor

Dear City Council,

I support your motion to rename the park.
Now infamous, the name Haggis does not serve the image
of London.

Best wishes,

Kim O'Brien

P.S. I am emailing other survivors to support your effort.

Report to Community and Protective Services Committee

To: Chair and Members
Community and Protective Services Committee
From: Kelly Scherr, Deputy City Manager, Environment, and
Infrastructure
Subject: 2022 Parkland Conveyance & Levy By-law CP-9 Update
Date: November 29, 2022

Recommendation

That, on the recommendation of the Deputy City Manager, Environment and Infrastructure, the following actions **BE TAKEN**, with respect to the Parkland Conveyance & Levy By-law CP-9 Review:

- (a) That, on the recommendation of the Deputy City Manager, Environment and Infrastructure, the attached proposed by-law (Appendix "A") **BE INTRODUCED** at the Municipal Council meeting to be held on December 13, 2022 to repeal By-law No. CP-9, being the "Parkland Conveyance & Levy By-law" and to replace it with a new Parkland Conveyance & Levy By-law;
- (b) that the revised Parkland Conveyance & Levy By-law CP-9 **BE BROUGHT** into force and effect on January 1, 2023;
- (c) that staff **BE DIRECTED** to undertake a comprehensive review of the Parkland Conveyance and Levy By-law CP-9 as required by the COVID-19 Economic Recovery Act, 2020 and the More Homes Built Faster Act, 2022; and
- (d) that staff **BE DIRECTED** to undertake the next bi-annual Parkland Conveyance & Levy By-law CP-9 land values update to be completed by January 1, 2025.

Executive Summary

By-law CP-9 is a method for the collection of residential cash-in-lieu (CIL) payments for parkland dedication. In 2010, Municipal Council approved a revised approach that levies standardized CIL rates for various residential housing forms that are collected at the time of building permit and not at the time of registration of the plan of subdivision. The intent of the unit rates is to represent a value that when calculated in context with the value of the land, the rate is equal to 5% of the value of that land.

As part of the approved By-law, staff are to undertake an independent bi-annual city-wide land appraisal of all residential lands to ensure the by-law reflects true market values and to update the By-law if required to maintain conformity to current legislation. The City retained the services of Metrix Realty Group to prepare a land valuation for low, medium and high-density residential lands. This report provides an update from the previous approved land valuation presented to Council in 2020.

The report recommends an update to the current fee schedule as listed in the table below and administrative updates to the By-law in conformity with the Planning Act. Staff recommend the revised fee schedule be implemented January 1, 2023.

The London Development Institute (LDI) was circulated the report for review and comment. Through their written comments, they are satisfied with the proposed recommendations.

Residential Category	Lot Frontage	Existing 2020 Cash-in-Lieu Rate	Proposed 2023 Cash-in-Lieu Rate
Single Detached Lots	> 18m	2,000	5900.00
	15 to 17.99	1,650	4700.00
	12 to 14.99	1,400	3300.00
	<11.99	1,100	2600.00
Cluster Detached/semi detached/Duplex	n/a	1,100	2600.00
Attached Row house	n/a	1,150	n/a
Attached Apartment	n/a	800	n/a
Multi-Unit Development less than 75 units per hectare	n/a	n/a	2200.00
Multi-Unit Development 75 units to 150 units per hectare	n/a	n/a	1250.00
Multi-Unit Development greater than 150 units per hectare	n/a	n/a	1125.00

Linkage to the Corporate Strategic Plan

Strengthening our Community: Provides for the provision of parkland essential to creating neighbourhood character and promotes the health and well-being of our communities.

Building a Sustainable City: Provides for the provision of well-planned sustainable parkland to meet the communities' long-term needs.

Growing our Economy: Provides for a consistent administrative process to support the efficient provision of parkland.

Leading in Public Service: Provides for an efficient and responsive process for the provision of parkland dedication.

Analysis

1.0 Parkland Dedication

1.1 Current Legislative Authority – Parkland Dedication

The *Planning Act* provides municipalities with the authority to require the dedication of parkland or cash-in-lieu for recreational purposes at the time of development. Under Sections 51, 53 and 42 of the Act, municipalities can require 2% of the land area or cash equivalent for commercial and industrial developments and 5% of the land area or cash equivalent for all other types of developments.

The City can require, as a condition for the approval of plans of subdivision, plans of condominium, consents, and the development of infill or redevelopment of land the conveyance of land for park or recreational purposes, cash-in-lieu of parkland and parkland dedication, or a combination of the two at the building permit stage.

The City of London Parkland Conveyance and Levy By-law CP-9 permits the City to require the provision of land for park or the payment of money to the value of the land otherwise required to be paid in lieu of such conveyance for park or other public recreational purposes in conformity with the Planning Act.

1.2 Alternative Requirements Parkland Dedication

Subsection 42(1) of the Planning Act allows a municipality, by by-law, to require as a condition of development or redevelopment the conveyance of land not exceeding 2% of land to be developed for commercial or industrial purposes, or 5% of the land to be developed for all other purposes. Alternatively, a municipality may choose to impose an “alternative requirement” to the 2% or 5%. When the City deems that land to be conveyed as unsuitable for park purposes, the Planning Act allows a payment of cash-in-lieu. A series of legislative amendments have resulted in a change to the parkland dedication framework. Most significant of these for the City of London is Bill 197, COVID-19 Economic Recovery Act, 2020, which introduced new procedural matters relating to the passing of a by-law that proposes an “alternative rate,” including a mechanism to appeal to the Ontario Land Tribunal.

Section 42 of the Planning Act permits the City to acquire parkland dedication for all Section 41, Site Plan Approvals applications. The Parkland Conveyance and Levy By-law CP-9 requires that 2% of land to be developed for commercial or industrial purposes, or cash in lieu equivalent and 5% of the lands to be developed for residential uses or the cash in lieu value as required in Table 1 of the By-law be provided.

For the City to consider the use of alternative rates as allowed in Section 42 (3) of the Planning Act, the Municipality must undertake consultation, prepare parks plan and include provisions in the Official Plan. It is recommended that Council directs staff to undertake the process required by the Planning Act to consider the use of alternative rates for parkland dedication in site plan developments as permitted by Section 42 (3).

1.3 More Homes Built Faster Act, 2022

On October 25, 2022, the government of Ontario introduced the More Homes Built Faster Act, 2022. The Act proposes further changes to the ability of municipalities to collect land or the payment of money to the value of the land otherwise required to be paid in lieu of such conveyance for park or other recreational purposes. A comprehensive review of the By-law is required to permit the use of alternative rates and to ensure conformity with the More Homes Built Faster Act, 2022.

2.0 City of London Parkland Conveyance and Levy By-law

2.1 Land – value – per residential dwelling type – Table 1

As per Council direction and to ensure that the land values used to calculate cash in lieu per unit payment reflect current market value, the City retained the services of Metrix Reality Group to undertake an independent review of the current rates applied to the above residential categories in London’s residential market. The consultant provided their 2022 report to Realty Services with their findings and recommendations. The report was circulated to the London Development Institute for their review and comment.

The report and subsequent review from the Realty Services Division provided the following:

Our analysis as outlined above revealed the existing rates charged by the City for all four major density CIL rate categories are insufficient to meet the 5% maximum CIL goal, and we recommend these rates should be adjusted upward. As specified in the By-law, the low-density category is further subdivided into four

sub-categories based on lot frontage; each sub-category receives a separate rate. Based on the central tendency prices per acre estimated by the appraisal consultant, Realty Services recommends the following rate adjustments:

Detached SFR Lots:
 >= 60 ft. \$5,900
 50-59 ft. \$4,700
 40-49 ft. \$3,300
 <= 39 ft. \$2,600

The Metrix report divides the medium density category into two sub-categories.

Metrix Density Category	Metrix-minimum	Metrix-maximum	Range Centre	Medium Density Range Centre
Low Density	400,000	500,000	450,000	NA
Medium Density (<30 units/ac)	800,000	950,000	875,000	NA
				1,000,000
Medium-High Density (31-60 units/ac)	1,000,000	1,250,000	1,125,000	NA
High Density (61-100+ units/ac)	2,000,000	2,500,000	2,250,000	NA

Using the Metrix residential land pricing study as an approximate guide, Realty Services recommends that a new base rate of \$1,111,950/hectare be applied to City acquisitions of table lands to be purchased for parkland use.

The proposed Table 1 land values for multi-unit developments has been amended to use unit rate calculation for the density categories as provided above.

Table 1

Multi-Unit Development less than 75 units per hectare	\$ 2200.00
Multi-Unit Development 75 units to 150 units per hectare	\$ 1250.00
Multi-Unit Development greater than 150 units per hectare	\$ 1125.00

The proposed amendments to Table 1 implements the recommendations of the Realty Services review of the Metrix Reality Group 2022 study that is consistent with the overall market increase of land values over the last two years. LDI concurs with the analysis and the recommended land values.

2.2 Required Administrative Amendments

The Council directed bi-annual review that permits Staff the opportunity to review the By-law for conformity to the Planning Act. To assist in the implementation of the By-law, staff is recommending minor amendments to existing sections of the By-law. These minor amendments include:

- the clarification and inclusion of the applicable sections of the Planning Act;
- a delegation clause, directing City Staff to implement the By-law on behalf of Council;
- a severability clause to ensure that if any section of the By-law is appealed that the appeal only applies to those sections;
- clarifying the location, configuration and condition of land for acceptance by the City for satisfaction of parkland conveyance; and
- clarification of required parkland dedications for mixed use development.

The proposed administrative amendments are required to ensure that the By-law meets the intent of the Planning Act and provides clarity for the user.

3.0 Comments

3.1. London Development Institute (LDI)

As part of the review process staff engaged London Development Institute (LDI) for a review of the land valuation prepared by Metrix Realty Group. LDI was supportive of the document and concurred with the recommended values. To assist their members, LDI has requested that a more detailed explanation on how open space and hazard land ratios are used to determine the amount of hazard and open space to be allocated as part of the parkland dedication.

The London Plan contains policies where the City may wish to acquire open space and hazard lands at a reduced rate. To calculate these reduced rates, constrained land values are assigned to natural hazard lands and natural heritage lands. The reduced rates are based on a ratio of their value in comparison with the value of table land. Realty Services has reviewed the Metrix study and have established the fair market value for table lands, open space lands and hazard lands.

Table lands are valued at a rate of \$1,111,950/hectare, open space lands are valued at a rate of \$37,066/hectare and hazard lands are valued at a rate of \$24,710/hectare. This results in a ratio of 30 to 1 for open space and 45 to 1 for hazard lands. These rates would equate to a reduced rate dedication of 0.033ha of required table land for every 1ha of open space land dedicated and 0.022ha of required table land for every 1ha of hazard land dedicated.

4.0 Implementation

As per Council direction Staff have undertaken the bi-annual review of the fee schedule for the Parkland Conveyance & Levy By-law. The previous By-law came into full force and effect on January 1, 2021. It is recommended that the proposed fee schedule for the by-law be brought in to force and effect on January 1, 2023, and that the next bi-annual review for the fee schedule be completed for January 1, 2025.

Conclusion

The Parkland Conveyance & Levy By-law CP-9 was approved by Council in 2010 which provided a revised approach to the calculation and collection of parkland dedication within the City of London. The By-law established the method to calculate the required cash in lieu values for residential unit types where dedication of land is not required.

In 2022, an independent city-wide land appraisal was conducted by Metrix Realty Group for residential lands in the city. The report recommended updates to the fee schedule to better reflect the true current market land values. These proposed changes were circulated to LDI for their review and comment.

The proposed amendments to the Parkland Conveyance & Levy By-law CP-9 provides for cash in lieu dedication that are in keeping with current land values and updates the By-law in conformity with the Planning Act.

Prepared by: Craig Smith,
Senior Planner, Parks Planning and Design

Submitted by: Scott Stafford,
Director, Parks, and Forestry

Recommended by: Kelly Scherr,
Deputy City Manager, Environment and Infrastructure

Appendix "A"

Bill No. (number to be inserted by Clerk's Office)
(2022)

By-law No. CP - _____

A by-law to require the conveyance of land for park or other public recreational purposes as a condition of the development or redevelopment of land within the City of London, or the payment of money in lieu of such conveyance (the "Parkland Dedication By-law")

WHEREAS the Municipal Council of The Corporation of the City of London enacts as follows:

WHEREAS section 42 of the *Planning Act, R.S.O. 1990, c. P.13*, as amended, authorizes the council of a local municipality to pass by-laws requiring as a condition of development or redevelopment the conveyance of land or the payment of money to the value of the land otherwise required to be paid in lieu of such conveyance for park or other public recreational purposes;

AND WHEREAS sections 51.1 and 53 of the *Planning Act, RSO 1990, c. P.13*, as amended, authorize the council of a local municipality to require, as a condition to the approval of a plan of subdivision or as a condition of the approval of a Consent, the conveyance of land or the payment in lieu of such conveyance for park or other public recreational purposes;

AND WHEREAS The London Plan, the City of London Official Plan, contains specific policies dealing with the provision of land for park or other public recreational purposes, and the payment in lieu of a conveyance otherwise required under section 42;

AND WHEREAS sections 23.1 to 23.3 of the *Municipal Act* authorize the delegation of powers or duties of the municipality;

THEREFORE the Municipal Council of The Corporation of the City of London enacts as follows:

SHORT TITLE: PARKLAND DEDICATION BY-LAW

Part 1 INTERPRETATION

1.1 Definitions

In this by-law:

"**Act**" shall mean the *Planning Act, R.S.O. 1990, c. P.13*, as amended;

"**City**" shall mean The Corporation of the City of London;

"**Council**" shall mean the Council of the City;

"**Dwelling unit**" - means any property that is used or designed for use as a domestic establishment in which one or more persons may sleep and prepare and serve meals;

"**Development**" – means the construction erection, or placing of one or more buildings or structures on land or making an addition or alteration to a building or structure that

has the effect of substantially increasing the size or usability thereof, or the laying out and establishing a commercial parking lot;

“Gross Floor Area” has the meaning given to it in the City’s Zoning By-law;

“**Redevelopment**” – means the removal of a building or structure from land and the further development of the land or the substantial renovation of a building or structure and a change in the character or density of the use in connection therewith;

“**Building permit**” – means a building permit issued under the *Building Code Act, 1992, S.O. 1992, c.23*;

“**Hazard Lands**” – means those lands that could be unsafe for development due to naturally occurring processes. Generally lands located along rivers and streams, including the land covered by water, to the furthest landward limit of the flooding hazard or erosion hazard limits as defined by the *Conservation Authorities Act, R.S.O. 1990, c. C.27*;

“**Other Constrained Lands**” – means lands that are not constrained by flood or erosion hazards, but that contain significant natural heritage features, ecological functions, or ecological buffers that have been identified for protection through an environmental impact study, accepted by the City.

“**Owner**” – means the registered owner of land as listed on the provincial land registry within the Ontario Land Registry Office;

“**Parkland**” means land for parks and other public recreational purposes;

“**Tableland**” – means those lands that do not contain hazard, open space or other constrained features that would prohibit Development.

1.2 Application

This By-law shall apply to all lands within the City.

1.3 Administration

Council hereby delegates to the Deputy City Manager, Environment and Infrastructure, the power and authority to administer and apply this by-law, including but not limited to determining whether a conveyance of a portion of land or the payment of money in lieu of such conveyance shall be required as a condition to the Development or Redevelopment of lands, and if required, the amount of said conveyance or payment, in accordance with this By-law, and further allows the Deputy City Manager, Environment and Infrastructure, to sub-delegate these same powers and authority to the Manager of Park Planning and Design, or his or her designate.

Part 2 PARKLAND CONVEYANCE OR PAYMENT IN LIEU

2.1 Land - for park purposes - conveyance - calculation

Where it has been determined by the City, in its sole discretion, that a conveyance of land is required as a condition of Development or Redevelopment, the amount of land to be conveyed by the Owner to the City will be calculated in accordance with the following provisions:

1. In the case of land proposed for Development or Redevelopment for residential purposes, land in the amount of five (5%) percent of the land;
2. In the case of land proposed for Development or Redevelopment for commercial purposes, land in the amount of two percent (2%) of the land;
3. In the case of land proposed for Development or Redevelopment for Industrial purposes, Parkland dedication requirements will not be required;

4. In the case of land proposed for Development or Redevelopment for uses other than those referred in 2.1 1), 2.1 2), and 2.1 3) land in the amount of five per cent (5%) of the land; and
5. Where land is proposed for Development or Redevelopment for a mix of land uses, the Parkland conveyance will be calculated based upon the proportion of the site devoted to each use at the rates identified above, and when a mix of uses is proposed within a building, the Parkland requirement for each use will be determined proportionally to the Gross Floor Area allocated to each use.

2.1.2 Timing of Parkland conveyance

For Development or Redevelopment, the Parkland conveyance requirements will be determined at the time of development review and the amount of land will be identified as a condition of development.

2.1.3 Land - for park purposes - conveyance – Hazard Lands and Other Constrained Land

1. The City retains the right not to accept the conveyance of land that is considered not suitable or required for park and public recreation purposes including but not limited to:
 - 1) Land that has been or is to be conveyed to the City for stormwater management facilities, or for highways, roadways, walkways, or any other non-Parkland purpose;
 - 2) The size, location, grade and configuration of the parcel;
 - 3) Hazard Lands and Other Constrained Lands;
 - 4) Hydro lands, easements or other encumbrances that would restrict the City's use of the land; or
 - 5) Having unsuitable or unstable soil conditions or are contaminated as determined by an Environmental Site Assessment.
2. The lands conveyed to the City for park purposes shall be in a location, configuration and condition satisfactory to the City and subject to the following conditions:
 - 1) The lands are free and clear of all legal and other encumbrances;
 - 2) Shall be graded, serviced, and seeded, and fenced in accordance with any applicable City Standards and to the City's satisfaction.
3. Where the City determines that it will accept Hazard Lands or Other Constrained Lands representing part or all of the conveyance required, the following ratios will apply to calculate the amount of Hazard Lands or Other Constrained Lands to be conveyed:
 - 1) Hazard Land - 45 hectares of hazard land for every required 1 hectare of Tableland;
 - 2) Other Constrained Lands – 30 hectares of Other Constrained Lands for every required 1 hectare of Tableland.
4. Where a Development or Redevelopment application contains Hazard Lands or Other Constrained Lands, these lands will be excluded from the calculation of Parkland dedication as set out in Section 2.1 provided the said lands, are in some form, dedicated to the City.

2.2 Payment in lieu of land conveyance

Where the payment of money is required in lieu of a conveyance of land for Parkland, the Owner shall pay money to the City in lieu of such conveyance in accordance with section 2.2 of this By-law.

2.2.1 Calculation of payment in lieu – residential

To determine the amount of payment in lieu to be required, the following shall apply:

1. In the case of land proposed for Development or Redevelopment for residential purposes, the payment required in lieu of the conveyance of a portion of land for Parkland, shall be five percent of the value of land as determined in 2.2.2 of this By-law;
2. If Hazard Lands or Other Constrained Lands are being conveyed, the value of these lands, as determined in 2.2.2 of this By-law, will be deducted from the value of Tableland required to be conveyed, and the balance of the required conveyance shall be provided as payment in lieu.

2.2.2 Land – value – per residential dwelling type – Table 1

The value of land otherwise required to be conveyed under section 2.1 of this by-law shall be determined by multiplying the value per Dwelling unit in Column II of Table 1 for the corresponding type of residential Dwelling unit in Column I by the number of that type of Dwelling unit proposed on the land, and then adding all of the values for each type of Dwelling unit to arrive at the prevailing land value.

Table 1

Column I	Column II
Residential Units	
Up to 11.99m lot frontage	\$ 2600.00
12m -14.99m lot frontage	\$ 3300.00
15m -17.99m lot frontage	\$ 4700.00
18m or greater lot frontage	\$ 5900.00
**Where lot frontage is defined under Zoning By-law Z.-1	
Cluster detached / Semi-detached / duplex	\$ 2600.00
Multi-Unit Development less than 75 units per hectare	\$ 2200.00
Multi-Unit Development 75 units to 150 units per hectare	\$ 1250.00
Multi-Unit Development greater than 150 units per hectare	\$ 1125.00
**Where density is defined under Zoning By-law Z.-1	
Value of Constrained Land and Ratio to Tableland for the Purpose of Conveyance in Lieu	
Hazard Land	\$24,710/hectare (\$10,000/acre)
Other Constrained Lands	\$37,066/hectare (\$15,000/acre)
Ratio of hazard land to Tableland	45 to 1
Ratio of open space land to Tableland	30 to 1
Tableland to be purchased by the City for Parkland use	\$1,111,950/hectare (\$450,000/acre)

2.2.2.1 Land Values Used to Calculate Values Per Dwelling

To determine the rates in Table 1, the following land values were used:

- 1) Singles/Semi-detached/Duplex: \$1,111,950/hectare (\$450,000/acre)
- 2) Multi-Unit Development less than 75 units per hectare: \$2,162,125/hectare (\$875,000/acre)
- 3) Multi-Unit Development 75 units to 150 units per hectare: \$2,779,875/hectare (\$1,125,000/acre)
- 4) Multi-Unit Development greater than 150 units per hectare: \$5,559,750/hectare (\$2,250,000/acre)

2.2.3 Land – value – Subdivision Conveyance and Consent

The value of land otherwise required to be conveyed as an approval of a plan of subdivision in accordance with section 51.1 of the Act or as a condition of the approval of a Consent given under section 53 of the Act shall be determined using the calculation described in 2.2.2 of this By-law.

2.2.4 Land – value – Commercial and other Non-Residential

To determine the amount of payment in lieu to be required, the following shall apply:

1. In the case of land proposed for Development or Redevelopment for commercial purposes, the payment required in lieu of the conveyance of a portion of land for Parkland, shall be two percent of the value of land as determined in 2.2.3 of this By-law;
2. In the case of land proposed for Development or Redevelopment for industrial purposes, no payment in lieu will be required.
3. In the case of land proposed for Development or Redevelopment for the purpose of anything other than residential, commercial, or industrial, the payment required in lieu of the conveyance of a portion of land for Parkland, shall be five percent of the value of land as determined in 2.2.3 of this By-law.
4. The value of land otherwise required to be conveyed under section 2.1 of this by-law for commercial and other non-residential purposes shall be determined by a registered property appraiser as of the day before the day the Building permit is issued in respect of the Development or Redevelopment or, if more than one Building permit is required for the development or redevelopment, as of the day before the day the first permit is issued.
5. Where land is proposed for Development or Redevelopment for a mix of land uses, the payment in lieu will be calculated based upon the proportion of the site devoted to each use at the rates identified above, and when a mix of uses is proposed within a building, the payment in lieu for each use will be determined proportionally to the Gross Floor Area allocated to each use. Commercial gross floor area will be required at the rate of one Dwelling unit for each 100.0 square metres (1,076 sq. ft.) of Gross Floor Area devoted to non-residential uses and included in the density calculation for the lands and provided as per the residential unit rates as stated in Table 1.

2.2.5 Timing of Payment in Lieu

No person shall construct a building on the land proposed for Development or Redevelopment unless the payment of money in-lieu has been made or arrangements, that are satisfactory to the City, have been made for the payment.

2.2.6 Payment of Parkland - Over Dedication

Where Parkland in excess of the required dedication under Section 2.1 is included in a development application, the City may choose to purchase this land at the average, City-wide Tableland rate described in Table 1.

2.3 Reduction for previous conveyance or payment in lieu

2.3.1 If land has been conveyed or is required to be conveyed to a municipality for park or other public purposes or a payment in lieu has been received by the municipality or is owing to it under this section or a condition imposed under section 51.1 or 53, no additional conveyance or payment in respect of the land subject to the earlier conveyance or payment may be required by a municipality in respect of subsequent development or redevelopment unless,

- (a) there is a change in the proposed Development or Redevelopment which would increase the density of development; or
- (b) land originally proposed for Development or Redevelopment for commercial or industrial purposes is now proposed for Development or Redevelopment for other purposes.

2.3.2 If there is a change under clause 2.3.1 (a) or (b), the land that has been conveyed or is required to be conveyed or the payment of money that has been received or that is owing, as the case may be, shall be included in determining the amount of land or payment of money in lieu of it that may subsequently be required under this section on the development, further development or redevelopment of the lands or part of them in respect of which the original conveyance or payment was made.

2.4 Application - to Ontario Land Tribunal - dispute

In the event of a dispute between the City and an Owner of land on the value of land, either party may apply to the Tribunal to have the value determined and the Tribunal shall, in accordance as nearly as may be with the Expropriations Act, determine the value of the land and, if a payment has been made under protest, the Tribunal may order that a refund be made to the Owner.

Part 3 GENERAL

3.1 Severability

If any provision or part of this By-law is declared by any court or tribunal of competent jurisdiction to be illegal or inoperative, in whole, in part, or in certain circumstances, the balance of the By-law, or its application in other circumstances, shall not be affected and shall continue to be in full force and effect.

3.2 Other powers not affected

Nothing in this By-law is intended to or has the effect of restricting or derogating from the authority of council to require a conveyance for Parkland or payment of money in lieu thereof as a condition of the approval of a plan of subdivision in accordance with section 51.1 of the *Act*, or as a condition of the approval of a consent given under section 53(12) of the *Act*.

Part 4 FORCE AND EFFECT

4.1 Previous By-law - repeal

By-law L.S.P.-2846-323 and all amendments to such by-law are hereby repealed, effective January 1, 2023.

4.2 Effective date

This by-law comes into force on January 1, 2023.

PASSED in Open Council on December 13, 2022.

Josh Morgan
Mayor

Michael Schulthess
City Clerk

First Reading – December 13, 2022
Second Reading – December 13, 2022
Third Reading – December 13, 2022

Hello Clerk

I would like to request delegation status for item #4.3 2022 Parkland Conveyance and Levy By-Law CP-9.
For the November 29 CPSC.

I will attend in person.

Thanks Mike

Mike Wallace
Executive Director
London Development Institute (LDI)
519-854-1455
londondev@rogers.com

