

Community and Protective Services Committee

Report

7th Meeting of the Community and Protective Services Committee
April 20, 2021

PRESENT: Councillors J. Helmer (Chair), S. Lewis, M. Salih, A. Kayabaga, S. Hillier, Mayor E. Holder

ALSO PRESENT: J. Bunn and K. Van Lammeren

Remote Attendance: Councillors M. Cassidy and M. van Holst; L. Livingstone; A. Anderson, H. Chapman, C. Cooper, S. Corman, D. Dawtrey, K. Dickins, Chief L. Hamer, Deputy Chief M. Hepditch, O. Katolyk, K. Scherr, M. Schulthess, C. Smith, S. Stafford

The meeting was called to order at 4:00 PM; it being noted that the following Members were in remote attendance: Mayor E. Holder, Councillors M. Salih, A. Kayabaga and S. Hillier

1. Disclosures of Pecuniary Interest

That it BE NOTED that no pecuniary interests were disclosed.

2. Consent

Moved by: S. Lewis
Seconded by: S. Hillier

That Items 2.1, 2.2, 2.4, 2.6 and 2.7 BE APPROVED.

Yeas: (5): J. Helmer, S. Lewis, M. Salih, S. Hillier, and E. Holder

Absent: (1): A. Kayabaga

Motion Passed (5 to 0)

2.1 3rd Report of the Accessibility Advisory Committee

Moved by: S. Lewis
Seconded by: S. Hillier

That the 3rd Report of the Accessibility Advisory Committee, from its meeting held on March 25, 2021, BE RECEIVED.

Motion Passed

2.2 3rd Report of the Animal Welfare Advisory Committee

Moved by: S. Lewis
Seconded by: S. Hillier

That the 3rd Report of the Animal Welfare Advisory Committee, from its meeting held on April 1, 2021, BE RECEIVED.

Motion Passed

2.4 Coordinated Informed Response (CIR) Spring Update

Moved by: S. Lewis

Seconded by: S. Hillier

That, on the recommendation of the Acting Managing Director, Housing, Social Services and Dearness Home, the staff report dated April 20, 2021 with respect to the Coordinated Informed Response (CIR) Spring Update, BE RECEIVED. (2021-S12)

Motion Passed

2.6 Amendments to the Open-Air Burning By-law F-7

Moved by: S. Lewis

Seconded by: S. Hillier

That, on the recommendation of the Managing Director, Neighbourhood, Children and Fire Services, the following actions be taken with respect to the staff report dated April 20, 2021 related to Amendments to the Open Air Burning By-law F7:

- a) the above-noted staff report, BE RECEIVED; and,
- b) the proposed by-law, as appended to the above-noted staff report, being "A by-law to provide for the regulation of open air burning in the City of London and to repeal By-law F-7", BE INTRODUCED at the Municipal Council Meeting to be held on May 4, 2021. (2021-P01)

Motion Passed

2.7 Fire Safety Grant Transfer Payment Agreement

Moved by: S. Lewis

Seconded by: S. Hillier

That, on the recommendation of the Managing Director, Neighbourhood, Children and Fire Services, the proposed by-law, as appended to the staff report dated April 20, 2021, BE INTRODUCED at the Municipal Council meeting to be held on May 4, 2021, to:

- a) authorize and approve the Fire Safety Grant Transfer Payment Agreement, as appended to the above-noted by-law, between Her Majesty the Queen in Right of Ontario as represented by the Office of the Fire Marshall and The Corporation of the City of London;
- b) authorize the Mayor and the City Clerk to execute the above-noted Agreement;
- c) delegate authority to the Deputy City Manager, Neighbourhood and Community-Wide Services, or written designate, to approve and execute any further amendments to the above-noted Agreement, if the amendments are substantially in the form of the above-noted Agreement; and,
- d) delegate authority to the Deputy City Manager, Neighbourhood and Community-Wide Services, or written designate, to undertake all the administrative, financial and reporting acts that are necessary in connection with the above-noted Agreement. (2021-F11)

Motion Passed

2.3 Update - City of London 2020-2021 Winter Response Program for Unsheltered Individuals

Moved by: A. Kayabaga
Seconded by: M. Salih

That, on the recommendation of the Acting Managing Director, Housing, Social Services and Dearness Home, the following actions be taken with respect to the staff report dated April 20, 2021 related to an Update on the City of London 2020-2021 Winter Response Program for Unsheltered Individuals:

- a) the above-noted staff report BE ENDORSED and BE APPROVED;
- b) the Civic Administration BE DIRECTED to undertake all administrative acts which are necessary in relation to the above-report; and,
- c) the Civic Administration BE DIRECTED to report back to the Community and Protective Services Committee, as soon as possible, on additional actions that could be taken after the end of June, building on what we have learned from the temporary winter response, to support people who are experiencing homelessness; it being noted that the following communications, as appended to the Added Agenda, were received with respect to this matter:

- A. Luis;
- C. Scott;
- I. MacLean;
- C. Davis;
- A. Oakey; and,
- E. Blaney. (2021-S14)

Yeas: (6): J. Helmer, S. Lewis, M. Salih, A. Kayabaga, S. Hillier, and E. Holder

Motion Passed (6 to 0)

2.5 Homeless Prevention Funding Received in 2020-21 and COVID-19 Response

Moved by: S. Lewis
Seconded by: S. Hillier

That, on the recommendation of the Acting Managing Director, Housing, Social Services and Dearness Home, the staff-report dated April 20, 2021 with respect to the Homeless Prevention Funding Received in 2021-2021 and COVID-19 Response, BE RECEIVED. (2021-S08/F11)

Yeas: (6): J. Helmer, S. Lewis, M. Salih, A. Kayabaga, S. Hillier, and E. Holder

Motion Passed (6 to 0)

2.8 Security Video Cameras on Private Residential Property

Moved by: E. Holder
Seconded by: S. Lewis

That, on the recommendation of the Managing Director, Development and Compliance Services and Chief Building Official, the staff report dated April 20, 2021 with respect to Security Video Cameras on Private Residential Property, BE RECEIVED; it being noted that a verbal delegation from D. Johnstone, with respect to this matter, was received. (2021-P00)

Yeas: (6): J. Helmer, S. Lewis, M. Salih, A. Kayabaga, S. Hillier, and E. Holder

Motion Passed (6 to 0)

3. Scheduled Items

3.1 Public Participation Meeting - Swimming Pool Fence By-law - Proposed Amendments

Moved by: S. Lewis

Seconded by: S. Hillier

That, on the recommendation of the Managing Director, Development and Compliance Services and Chief Building Official, the revised attached proposed by-law, BE INTRODUCED at the Municipal Council meeting held on May 4, 2021 to amend By-law No. PS-5, being "A by-law to provide for the owners of privately-owned outdoor swimming pools to erect and maintain fences";

it being noted that no individuals spoke at the public participation meeting associated with this matter;

it being further noted that the communication from B. Robertson, Pool and Hot Tub Council of Canada, as appended to the Added Agenda, was received with respect to this matter. (2021-C01)

Yeas: (6): J. Helmer, S. Lewis, M. Salih, A. Kayabaga, S. Hillier, and E. Holder

Motion Passed (6 to 0)

Voting Record:

Moved by: S. Lewis

Seconded by: S. Hillier

Motion to open the public participation meeting.

Yeas: (6): J. Helmer, S. Lewis, M. Salih, A. Kayabaga, S. Hillier, and E. Holder

Motion Passed (6 to 0)

Moved by: S. Hillier

Seconded by: S. Lewis

Motion to close the public participation meeting.

Yeas: (6): J. Helmer, S. Lewis, M. Salih, A. Kayabaga, S. Hillier, and E. Holder

Motion Passed (6 to 0)

3.2 Public Participation Meeting - Administrative Monetary Penalties -
Application to Municipal By-laws

Moved by: S. Hillier

Seconded by: S. Lewis

That, on the recommendation of the Managing Director, Development & Compliance Services and Chief Building Official, the following actions be taken with respect to the staff report dated April 20, 2021, related to the Administrative Monetary Penalties System:

- a) the proposed by-law, as appended to the above-noted staff report, BE INTRODUCED at the Municipal Council meeting to be held on May 4, 2021 to amend By-law A-54, as amended, for the purpose of applying the Administrative Monetary Penalties System By-law to various municipal by-laws;
- b) the proposed by-law, as appended to the above-noted staff report, BE INTRODUCED at the Municipal Council meeting to be held on May 4, 2021 to amend By-law PH-12, referred to as the Pit Bull Dog Licensing By-law, to add a new section in Part 6;
- c) the proposed by-law, as appended to the above-noted staff report, BE INTRODUCED at the Municipal Council meeting to be held on May 4, 2021 to amend By-law PH-3, referred to as the Animal Control By-law, to add a new section in Part 15;
- d) the proposed by-law, as appended to the above-noted staff report, BE INTRODUCED at the Municipal Council meeting to be held on May 4, 2021 to amend By-law PH-4, referred to as the Dog Licensing and Control By-law, to add a new section in Part 9;
- e) the proposed by-law, as appended to the above-noted staff report, BE INTRODUCED at the Municipal Council meeting to be held on May 4, 2021 to amend By-law PH-7, referred to as the Dog Off-Leash Areas By-law, to add a new section in Section 7;
- f) the proposed by-law, as appended to the above-noted staff report, BE INTRODUCED at the Municipal Council meeting to be held on May 4, 2021 to amend By-law PS-6, referred to as the Fence By-law, to add a new section in Part 17;
- g) the proposed by-law, as appended to the above-noted staff report, BE INTRODUCED at the Municipal Council meeting to be held on May 4, 2021 to amend By-law PS-5, referred to as the Swimming Pool Fence By-law, to add a new section in Part 7;
- h) the proposed by-law, as appended to the above-noted staff report, BE INTRODUCED at the Municipal Council meeting to be held on May 4, 2021 to amend By-law B-1, referred to as the Naming of Highways and Numbering of Buildings and Lots By-law, to add a new section in Part 7;
- i) the proposed by-law, as appended to the above-noted staff report, BE INTRODUCED at the Municipal Council meeting to be held on May 4, 2021 to amend By-law PH-18, referred to as the Public Nuisance By-law, to add a new section in Part 7;
- j) the proposed by-law, as appended to the above-noted staff report, BE INTRODUCED at the Municipal Council meeting to be held on May 4, 2021 to amend By-law PW-12, referred to as the Sound By-law, to add a new section in Part 7;
- k) the proposed by-law, as appended to the above-noted staff report, BE INTRODUCED at the Municipal Council meeting to be held on May 4, 2021 to amend By-law PR-2, referred to as the Parks and Recreation By-law, to add a new section in Part 7;

l) the proposed by-law, as appended to the above-noted staff report, BE INTRODUCED at the Municipal Council meeting to be held on May 4, 2021 to amend By-law S.-5868-183, referred to as the Sign By-law, to add a new section in Section in 3.12;

m) the proposed by-law, as appended to the above-noted staff report, BE INTRODUCED at the Municipal Council meeting to be held on May 4, 2021 to amend By-law L.-130-71, referred to as the Vehicle for Hire By-law, to add a new section in Part 18;

n) the proposed by-law, as appended to the above-noted staff report, BE INTRODUCED at the Municipal Council meeting to be held on May 4, 2021 to amend By-law PW-2, referred to as the Abandoned Refrigerator, Freezer and Containers By-law, to add a new section in Part 3;

o) the proposed by-law, as appended to the above-noted staff report, BE INTRODUCED at the Municipal Council meeting to be held on May 4, 2021 to amend By-law WM-12, referred to as the Municipal Waste & Resource Materials Collection By-law, to add a new section in Part 12; and,

p) the proposed by-law, as appended to the above-noted staff report, BE INTRODUCED at the Municipal Council meeting to be held on May 4, 2021 to amend By-law S-1, referred to as the Streets By-law, to add a new section in Part 9;

it being noted that no individuals spoke at the public participation meeting associated with this matter. (2021-C01)

Yeas: (6): J. Helmer, S. Lewis, M. Salih, A. Kayabaga, S. Hillier, and E. Holder

Motion Passed (6 to 0)

Moved by: S. Hillier
Seconded by: S. Lewis

open ppm

Yeas: (6): J. Helmer, S. Lewis, M. Salih, A. Kayabaga, S. Hillier, and E. Holder

Motion Passed (6 to 0)

Moved by: S. Hillier
Seconded by: E. Holder

close ppm

Yeas: (6): J. Helmer, S. Lewis, M. Salih, A. Kayabaga, S. Hillier, and E. Holder

Motion Passed (6 to 0)

4. Items for Direction

4.1 Councillor M. Cassidy - Animal By-law PH-3

Moved by: S. Lewis
Seconded by: E. Holder

That the communication, dated April 1, 2021, from Councillor M. Cassidy, with respect to By-law PH-3, being "A by-law to provide for the regulation, restriction and prohibition of the keeping of animals in the City of London", BE REFERRED to the Civic Administration for review and a report back at a future meeting of the Community and Protective Services Committee related to revisions or updates that could be made to the by-law; it being noted that a communication from K. and K. Beattie, as appended to the Added Agenda, with respect to this matter, was received. (2021-P14)

Yeas: (6): J. Helmer, S. Lewis, M. Salih, A. Kayabaga, S. Hillier, and E. Holder

Motion Passed (6 to 0)

5. Deferred Matters/Additional Business

5.1 Deferred Matters List

Moved by: S. Lewis

Seconded by: S. Hillier

That the Deferred Matters List for the Community and Protective Services Committee, as at April 12, 2021, BE RECEIVED.

Yeas: (6): J. Helmer, S. Lewis, M. Salih, A. Kayabaga, S. Hillier, and E. Holder

Motion Passed (6 to 0)

6. Adjournment

The meeting adjourned at 5:28 PM.

Bill No.
2021

By-law No. PS-5-

A By-law to amend By-law PS-5 entitled “A by-law to provide for the owners of privately-owned outdoor swimming pools to erect and maintain fences.”

WHEREAS subsection 5(3) of the *Municipal Act, 2001*, S.O. 2001, c. 25, as amended (“*Municipal Act, 2001*”) 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 the *Municipal Act, 2001* or any other Act;

AND WHEREAS subsection 10(1) of the *Municipal Act, 2001* provides that a municipality may provide any service or thing that the municipality considers necessary or desirable for the public;

AND WHEREAS subsection 10(2) of the *Municipal Act, 2001* provides that a municipality may pass by-laws respecting: in paragraph 6. Health, safety and well-being of persons; in paragraph 8. Protection of persons and property; in paragraph 10. Structures, including fences and signs;

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

1. By-law PS-5 is amended by deleting the Title and replacing it with the following new Title: “A by-law to provide for the owners of privately-owned outdoor swimming pools to erect and maintain fences and to provide a pool grading and drainage plan”.
2. By-law PS-5 is amended by deleting the Short Title and replacing it with the following new Short Title: “Swimming Pool Fence and Swimming Pool Regulation By-law”.
3. By-law PS-5 is amended in section 1.1 by:

- (i) repealing and replacing the definition for “Gate” as follows:

““Gate” shall mean any part of a swimming pool fence which opens on hinges and includes a door located in the wall of an attached or detached garage or carport which forms part of the swimming pool fence, but does not include an overhead garage door, or slide to the side garage door.”

- (ii) adding a new definition for “Overhead garage door” as follows:

““Overhead garage door” shall mean any garage door that opens overhead, which is intended to allow for vehicular entry to, and exit from, the garage.”

- (iii) adding a new definition for “Slide to the Side garage door” as follows:

““Slide to the Side garage door” shall mean any garage door that opens to the side instead of overhead, which is intended to allow for vehicular entry to, and exit from, the garage.”

- (iv) in the definition of “swimming pool”, repealing subsection (g) and replacing it with the following new subsection (g):

“(g) but excludes hydro massage pool and lap pools if they have a lid that is fitted and secured when not in use; and”

4. By-law PS-5 is amended by inserting a new section 2.8 as follows:

“2.8 Metric / Imperial

Imperial measurements are provided solely for the purpose of convenience. In the event of a conflict between the metric and imperial measurements provided in this by-law, the metric measurements shall prevail.”

5. By-law PS-5 is amended by repealing section 3.7 and replacing it with the following new section 3.7:

“3.7 Storage of materials – against outside of swimming pool fence

No owner of a pool shall place or store materials against the outside of a swimming pool fence.”

6. Subsection 3.12(b) of By-law PS-5 is repealed and replaced with the following new subsection 3.12(b):

“Construction of swimming pool – swimming pool fence permit – temporary fence – filling with water

(b) Despite subsection 3.12(a), where a person is constructing or causing to be constructed a swimming pool for which a swimming pool fence permit has been issued, a person may place water in a swimming pool or cause or permit water to remain in the swimming pool only if all of the following are complied with:

- (i) temporary fencing is in place in compliance with section 5.10 of this by-law; and
- (ii) the owner or agent notifies the City on or before the day that water is placed in the pool at the email address pfinspection@london.ca; and
- (ii) the temporary fencing is in place for no longer than 120 days after water is first placed in the pool or the City receives the notification email, whichever occurs sooner.”

7. Section 4.2 of By-law PS-5 is repealed and replaced by the following new section 4.2:

“4.2 Application - documentation to accompany - set out

All such applications shall be accompanied by the following:

- (a) plans showing the location of the proposed swimming pool including all enclosing swimming pool fences, together with full details of each entrance and showing the location of all proposed swimming pool equipment such as filters, slides and heaters;
- (b) the applicable fee as prescribed in Schedule ‘A’ of this by-law;
- (c) an undertaking to repair damage to City property as required by-law; and
- (d) for swimming pools located all or partially in ground, a pool grading and drainage plan approved by a Professional Engineer, Ontario Land Surveyor, Architect, Landscape Architect, or drainage contractor licensed in the Province of Ontario, showing compliance with zoning by-law minimum set-back requirements, and

showing that drainage to neighbouring properties is not affected.

An application for a permit shall be deemed to be denied if the applicant has not submitted all of the required documents and fees as required in this section within 90 days of submitting the application.”

8. Section 4.3 of By-law PS-5 is amended by adding the following sentence at the end of the paragraph:

“Any permit issued by the chief building official on or after May 4th, 2021 shall expire 18 months after issuance if a pool and fence have not been constructed within that time in accordance with the by-law.”

9. Section 5.1 of By-law PS-5 is amended by adding the phrase “but not greater than the height allowed in the Fence By-law” after the phrase “not less than 153 centimetres (60 inches).”

10. By-law PS-5 is amended by repealing section 5.3 and replacing it with a new section 5.3 as follows:

“5.3 Opening - maximum diameter - exception - conditions
For other than chain link fences, where the vertical distance between each horizontal rail measured from the top of the bottom rail, to the top of the next one above it, is 1.15 metres or greater, the openings in the fence are permitted to be greater than 3.8 cm but not greater than that which would allow the passage of a spherical object having a diameter of 10 cm.”

11. By-law PS-5 is amended by repealing section 5.6 and replacing it with a new section 5.6 as follows:

“5.6 Construction - to prevent unauthorized entry
Every swimming pool shall be enclosed by a swimming pool fence which is of sturdy construction, capable of preventing unauthorized entry. Any fence which predominantly consists of horizontal face boards, planks, or panels, installed between any vertical posts, shall not be permitted to have any openings greater than 2 cm between the face boards, planks, or panels, for any portion of the fence below the height of 1.15 m measured from ground level.”

12. By-law PS-5 is amended by inserting a new section 5.10 as follows:

“5.10 Overhead and Slide to the Side Garage Door – requirements
Every pool facing overhead garage door, or pool facing slide to the side garage door that makes up part of the swimming pool fence shall be equipped with a device that without manual activation, automatically closes the overhead garage door, or slide to the side garage door within one minute of being passed through; and where the garage contains both a front and rear overhead or slide to the side garage door to create a through way, only one of the two doors may remain open following the clearance of a vehicle, object, or person.”

13. This by-law shall come into force on the day it is passed.

PASSED in Open Council on _____, 2021

Ed Holder
Mayor

Catharine Saunders
City Clerk

First reading –
Second reading –
Third reading –