

City of Mississauga Agenda



General Committee

Date

2018/05/16

Time

9:00 AM

Location

Civic Centre, Council Chamber,
300 City Centre Drive, Mississauga, Ontario, L5B 3C1

Members

Mayor Bonnie Crombie

Councillor David Cook Ward 1(Chair)

Councillor Karen Ras Ward 2

Councillor Chris Fonseca Ward 3

Councillor John Kovac Ward 4

Councillor Carolyn Parrish Ward 5

Councillor Ron Starr Ward 6

Councillor Nando Iannicca Ward 7

Councillor Matt Mahoney Ward 8

Councillor Pat Saito Ward 9

Councillor Sue McFadden Ward 10

Councillor George Carlson Ward 11

Contact

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1. **CALL TO ORDER**

2. **APPROVAL OF AGENDA**

3. **DECLARATION OF CONFLICT OF INTEREST**

4. **PRESENTATIONS**

- 4.1 Janice Baker, City Manager, Members of Council and the Leadership Team will present the 2017 Corporate Awards to the following recipients:

1. **Excellence in Customer Service Award**

The Excellence in Customer Service Award is given to individuals and teams who have consistently "gone the extra mile" to earn the respect, support and appreciation of their customers.

Individual Recipient:

Edith Csete, Works Operations & Maintenance Division

Team Recipients:

IT Tech Hub

Denise Lytle, Ian Fernandes, Joseph Ha, Ken Jittla, Michael Parolin, Paul Flanigan, Raffaele Colarusso, Ryan Lim, Shawn Slack, Tyshaun Jones-Tyrell and Winnie To.

2. **Award for Innovative Business Solutions**

This award will be given to an individual or team who has brought about a significant change through their innovation and creativity. The change must have revolutionized the workplace, improved efficiencies and challenged the current process and practices. The individual or team's willingness to take risks and their support for change and continuous improvement within the corporation contributes to running the City like a business.

Team Recipients:

SAP Concur Expense Management Implementation Team

Barb Webster, Christopher Tham, Connie Mesih, Costa Athanasopoulos, Daniela Giansante, Emily Hu, Gina Martino, Helen Chin-Donofrio, Jeff Jackson, Josh Doreen-Harfield, Laurel Schut, Manju Sagwal, Maria Graziano, Mark Beauparlant, Mark Davenport, Mary Lynn Vesey, Pamela Shanks, Paul Chan, Qi Ren, Tony Lu and Ujjwal Saxena.

3. Excellence in People Leadership Award

The Excellence in People Leadership Award is given to an individual at any level of the Corporation, who through leadership and vision has inspired staff by gaining their commitment, making them feel valued and by building effective teams. As a leader, this individual embraces the roles of coach, mentor, facilitator and team leader, to support and develop employees.

Individual Recipient:

Cathy McDonald, Revenue & Materiel Management Division

4. Community Partnership Award

This award will be given to employees who engage in a joint project or event with an external organization, association, service group or level of government where the outcome has demonstrated mutual benefits. The contribution must be critical to the success of the project. This collaboration must result in one or more of the following outcomes: a significant improvement in service to both partners; developed new or improved processes; and raised the profile of the City in both the public and private sector. This year we have two Team Partnerships receiving this award.

Team Recipients:**Affordable Transit Pilot Project Team**

Allison Stark, Anne Goodchild, Ashley Bettencourt, Cheryl Anderson, Christy Moffat, Diana Corredato, Diane Cabral, Doris Callahan, Kelly Bennett, Kimberly Hicks, Krista Foxton, Leah Murphy, Lee Anne Dorcich, Luis Lee, Maggie Aubin, Marcello Gaudio, Margaret Johnston, Maria Parial-Sgambelluri, Olga De Oliveira, Rayna Ilieva, Shari Hamilton and Vanessa Currie.

Community Partners: Region of Peel**5. Kirk French Spirit Award**

The Kirk French Spirit Award honours the memory of Kirk's cheerful attitude that had a positive effect on so many people throughout the City. The Spirit Award is meant to recognize other individuals who are able to lift the spirits of their co-workers with their positive outlook toward their job and life in general.

Individual Recipient:

Lois Thornton, Recreation Division

6. The Brenda Sakauye Environment Award

The Brenda Sakauye Environment Award will be given to a team who has made an innovative or significant environmental contribution which advanced the City of Mississauga's Living Green Master Plan, as well as the environmental aspects of the Strategic Plan.

Individual Recipient:

Michael Blazenko, Recreation Division

Team Recipients:

The Stormwater Outreach Team

Aiysha Syed, Amy Stasiuk, Ann-Marie Lam, Bruno DiMichele, Donna Waters, Elizabeth Dollimore, Jeffrey Smylie, Jeremy Blair, Marcia McLaughlin, Michelle Berquist, Michelle Charbonneau, Mike Russo, Muneef Ahmad, Scott Perry, Scott Holmes, Shaunna Zhang and Victoria Kramkowski.

7. Emerging Leader

This award will be given to an individual who demonstrates innovative leadership qualities in their first three years of employment with the City of Mississauga. This person has made an impact within their team, section, division or department by responding to complex challenges and opportunities in their workplace.

Individual Recipients:

Anna Cascioli, Facilities & Property Management Division

Katie Ashbourne, City Planning Strategies Division

8. Excellence in Working Together

The Excellence in Working Together Award is given to a team that has consistently shown a high level of cohesion, participation, communication and commitment to the team objectives. All members played an active role in achieving the team's success and stayed focused on its mission.

Team Recipients:

Homelessness Prevention Outreach in the Library Project (Open Window Hub)

Anne Murphy, Ashley Lyons, Diana Krawczyk, Heather Coupey, Jennifer Cowie Bonne, Kate Marczynski, Kevin Berry and Laura Reed.

9. City Manager's Award of Excellence

The City Manager's Award will be presented to a team that has demonstrated excellence in their work during the past year. Their performance reflects a superior level of service in all areas: team effectiveness, customer service, continuous improvement, leadership and empowerment. By being proactive, their attitude and performance best exemplifies the vision of the Corporation and helps set the standard for excellence in public service.

Team Recipients:**City of Mississauga's Canada's 150th Anniversary Program**

Amy Butoiske, Andrea J McLeod, Andrew Douglas, Ashley Travassos, Ashley Lyons, Audrey Holt, Brian Marchand, Chloe Catan, David Ferreira, Diana Krawczyk, Hazel McColl, Irene Kiourdi, Ivana Di Millo, Jennifer Perrault, Justin Agius, Karen Ferreira, Leslyn Johnson, Lindsay Francini, Lindsay Noronha, Lisa Abbott, Paul Damaso, Paul Hutchison, Ryan Cureatz, Sonja Banic, Stephanie Meeuwse, Tina Mackenzie, Wanda Day, Wilson Santos and Yvonne Monestier.

5. DEPUTATIONS

- 5.1. Paul Damaso, Director, Culture and Chloe Catan, Curator, Public Art regarding an overview and future plans of the City's Public Art Program
- 5.2. Item 8.1 Rasul Kassam, Supervisor, Accessibility Planning regarding the 2017 Annual Accessibility Plan & 2018 – 2022 Multi-Year Accessibility Plan

6. PUBLIC QUESTION PERIOD - 15 Minute Limit (5 minutes per speaker)

Pursuant to Section 42 of the Council Procedure By-law 0139-2013, as amended: General Committee may grant permission to a member of the public to ask a question of General Committee, with the following provisions:

- 1. The question must pertain to a specific item on the current agenda and the speaker will state which item the question is related to.
- 2. A person asking a question shall limit any background explanation to two (2) statements, followed by the question.
- 3. The total speaking time shall be five (5) minutes maximum, per speaker.

7. CONSENT AGENDA**8. MATTERS TO BE CONSIDERED**

- 8.1. The City Of Mississauga's 2017 Annual Accessibility Plan & 2018 – 2022 Multi-Year Accessibility Plan

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- 8.2. Funding Request for Churchill Meadows Community Centre & Park (Ward 10)
 - 8.3. Adopt Revised Designation By-law – 2625 Hammond Road (Ward 8) (the “Property”)
 - 8.4. Amendment to the Catering Services Agreement between the City of Mississauga and Oakville Conference and Banquet Inc. (Ward 2)
 - 8.5. MiWay Bus Fleet and Second Generation Hybrid-Electric Buses
 - 8.6. Review of Noise Control Measures for Loud Vehicles Racing on Roadways
 - 8.7. Amendment to the Transportation Network Company Pilot Project Licensing By-Law 93-17
 - 8.8. Notice Floodplain Agreement between the City of Mississauga and Jasbir Dhaliwal and Ranbir Dhaliwal, 1848 Balsam Avenue – Site Plan Application SPI 15-22 (Ward 2)
 - 8.9. Proposed Street Name to be added to the City of Mississauga Approved Street Name Reserve List (Ward 1)
 - 8.10. Servicing Agreement Assumption – Municipal Works Only Agreement, City File SP 12/134 – 60 Standish Court (Ward 5) (Z-44E)
 - 8.11. Sole Source Recommendation with Microsoft Canada Inc., and its affiliates “Microsoft” and Dell Canada Inc. for Microsoft Products, Support Services and Cloud Technologies, Contact Negotiation and Award. File Ref: FA.49.322-13, FA.49-328-13, PRC000951
 - 8.12. Single Source Recommendation with CCG Systems Inc. (Faster Fleet Management) – Contract renewal. File Ref: Procurement PRC000959 and CSDC Systems Inc. (Amanda) – Contract Extension. File Ref: Procurement PRC00081

9. **ADVISORY COMMITTEE REPORTS**

- 9.1. Accessibility Advisory Committee Report 2 – 2018 - April 30, 2018
- 9.2. Heritage Advisory Committee Report 5 – 2018 - May 8, 2018
- 9.3. Mississauga Cycling Advisory Committee Report 5 – 2018 - May 8, 2018

10. **MATTERS PERTAINING TO REGION OF PEEL COUNCIL**

11. **COUNCILLORS' ENQUIRIES**

12. **OTHER BUSINESS/ANNOUNCEMENTS**

13. CLOSED SESSION

(Pursuant to Subsection 239 (2) of the Municipal Act, 2001)

- 13.1 A proposed or pending acquisition or disposition of land by the municipality or local board – Authority to Negotiate – Crown Owned Shoreline Land (Ward 1)

14. ADJOURNMENT

City of Mississauga Corporate Report



Date: 2018/04/23

To: Chair and Members of General Committee

From: Gary Kent, CPA, CGA, Commissioner of Corporate Services and Chief Financial Officer

Originator's files:

Meeting date:
2018/05/16

Subject

The City of Mississauga's 2017 Annual Accessibility Report & 2018-2022 Multi-Year Accessibility Plan

Recommendation

1. That the report from the Commissioner of Corporate Services and Chief Financial Officer dated April 23, 2018 and entitled 2017 Annual Accessibility Report & 2018-2022 Multi-Year Accessibility Plan including the MiWay's Multi-Year Accessibility Plan be received for information.
2. That the document titled: "2017 Annual Accessibility Report & 2018-2022 Multi-Year Accessibility Plan" attached as Appendix 1, and "MiWay's Multi-Year Accessibility Plan" attached as Appendix 2 to the Corporate Report dated April 23, 2018 from the Commissioner of Corporate Services and Chief Financial Officer, be adopted.

Report Highlights

- The City of Mississauga's, 2017 Annual Accessibility Report & 2018-2022 Multi-Year Accessibility Plan outlines how the City of Mississauga continues to improve and prevent accessibility barriers.
- This new plan builds on the previous multi-year accessibility plan highlighting what make the City of Mississauga an accessible and inclusive community.
- The Plan summarizes the achievements the City of Mississauga has made in 2017 to identify, prevent, and remove barriers facing persons with disabilities that live, work, and travel in Mississauga.
- This Plan provides information on the projects and programs staff will undertake over the next five years to go beyond the City of Mississauga's legislated compliance obligations.
- At the April 30, 2018 AAC Meeting, the AAC supported the City of Mississauga's 2017 Annual

Accessibility Report & 2018-2022 Multi-Year Accessibility Plan including the MiWay's Multi-Year Accessibility Plan.

Background

In June 2005, the Accessibility for Ontarians with Disabilities Act 2005 (AODA) was enacted into law focusing on the following areas: Customer Service; Information and Communications; Employment; Transportation; Built Environment. The purpose of the AODA is to: Develop, implement and enforce accessibility standards in order to achieve accessibility for Ontarians with disabilities by January 1, 2025; On July 1, 2011, the Integrated Accessibility Standards Regulation (O. Reg. 191/11) was enacted into law consolidating standards in the areas of Employment, Information and Communication, and Transportation. In December 2012, the Ontario government enacted the Design of Public Spaces Standards (DOPSS). These standards provided technical requirements for the design of newly constructed or significantly renovated exterior elements. A revised set of Accessible Customer Service Standards were enacted into law on July 1, 2016.

The City of Mississauga's, 2017 Annual Accessibility Report & 2018-2022 Multi-Year Accessibility Plan, represents the City's 2nd multi-year plan and outlines how the City of Mississauga continues to remain and go beyond compliance to meet the AODA and IASR legislative requirement for the above noted accessibility standards.

The City's Multi-Year along with MiWay's Plan should be reviewed every 5 years and an accessibility report shall be provided on an annual basis highlighting progress made to make services more accessible.

Comments

2017 Annual Accessibility Report & 2018-2022 Multi-Year Accessibility Plan was developed by the Accessibility Planning Team through consultation with the Accessibility Advisory Committee (AAC), Staff Accessibility Resource Team (StART), and various AAC subcommittees to summarize the achievements that the City of Mississauga made in 2017 as well to identify how the City of Mississauga will continue to be and go beyond compliance in the next 5 years.

Many city-wide planning projects are lead, supported or reviewed annually by the Accessibility Planning Team to provide an over-arching accessibility lens in conjunction with the City's Strategic Plan, under these pillars: Move, Belong, Connect, Prosper and Green.

2017 was no different. Various projects lead by Accessibility Planning included:

- 2017 Annual Accessibility Report
- 2018-2022 Multi-Year Accessibility Plan
- City Wide Facility Accessibility Audit
- 2017 Accessibility Compliance Report

The Accessibility Planning Team also supported the following projects:

The City's Strategic Plan; Our Future Mississauga ; Older Adult Plan; Youth Plan; Mississauga Transit way Project; Information Technology Strategic Plan; Mississauga Official Plan; Mississauga Celebration Square Strategic Plan; People Strategy (Human Resources); Culture Master Plan; Workplace Inclusion Strategies; Working Minds

In accordance with the accessibility standards under the IASR, 2017 highlights how the City met or exceeded specific IASR compliance requirements in the following areas:

Customer Service Standard Initiatives:

- Citizen Contact Centre (311) received 29 inquiries related to accessibility.
- 311 continues to provide Accessibility Knowledge Base documents on the AAC; Service Animals and Guide Dogs; Sign Language Interpretation; Accessible Customer Service Standards and Feedback.

Information & Communications Standard Initiatives:

- Ensuring public information materials include the standard message: "If you require this information in an alternate format, please call 3-1-1"
- Acquired a new web content management system with the goal for WCAG 2.0 Level AA compliance starting in 2017.
- The City of Mississauga Libraries continues to provide access to accessible collection through their partnership with the Centre for Equitable Library Access (CELA).
- A re-design of the Library website took place in 2017, to improve accessibility for people with disabilities.

Employment Standard Initiatives:

- Providing IASR mandatory E-learning sessions.
- Face-to-face training for HR consultants and hiring managers to include information regarding recruitment, emergency response, accommodation, and return to work process.
- Inclusion of specific language regarding the incorporation of individual accommodation plans into the current Salary Administration Policy.
- Revision of City's Accessibility policy to reflect legislated changes to the IASR.
- The Workforce Diversity and Inclusion Strategy (WDI) developed in partnership with the Canadian Centre for Diversity and Inclusion was finalized and targeted for implementation in 2017.

Transportation Initiatives:

- Hurontario Light Rail Transit (LRT)
- Continued use of intelligent transportation systems such as traffic cameras and vehicle detection.
- Phase 1 of the Mississauga Moves Transportation Plan.

- Development of Parking Matters Strategy.
- Transit Infrastructure: In 2017, MiWay installed approximately 367 new bus pads throughout the City.
- Sidewalk Program: In 2017, approximately 4 kilometers of new sidewalks were constructed.
- Tactile Plates: Tactile plates have been installed at over 100 intersections along Dundas Street, Burnhamthorpe Road, Bloor Street, Eglinton Avenue and Mavis Road.

Built Environment Initiatives:

- 97 City owned public buildings were assessed following the City's Facility Accessibility Design Standards. Recommendations have been put forward and the Facilities Development & Accessibility along with Capital Planning & Asset Management will take the next steps towards implementation.
- Our Future Corporation (OFC) project was initiated by the development of a dynamic, modern workplace that gives employees choice and control of where and how they work.
- Zonta Meadows Park was redeveloped in 2017 to accessible play.

Other Initiatives:

- "The Beyond Compliance Self-Assessment Tool" developed by York Region was utilized by the City of Mississauga to determine what measures that the City of Mississauga can do to go beyond compliance to create a more accessible organization, focusing on six key areas of an organization, including: Leadership; Communications; Training and Professional Development; Employment Practices; Goods and Services; Physical Spaces.
- Results of the "Beyond Compliance Tool" indicated that the City of Mississauga received an overall assessment of 54% for an organization going beyond compliance in achieving accessibility best practices.
- Through the incorporation of accessibility best practices into the areas of leadership, communications, employment, goods and services, physical spaces, and training and professional development, the City of Mississauga will continue to remove barriers by creating and maintaining an inclusive community.
- At the April 16, 2018 AAC Meeting, the Accessibility Advisory Committee supported the City of Mississauga's 2017 Annual Accessibility Report & 2018-2022 Multi-Year Accessibility Plan including the MiWay's Multi-Year Accessibility Plan.

Strategic Plan

The City of Mississauga's vision statement and the five Strategic Pillars all have links to accessibility. Specifically, the pillars: Move, Belong and Connect have a more direct link to accessibility planning.

Financial Impact

Divisional budgets incorporate accessibility planning and related accessibility expenses into their regular budget and business planning process. For additional unknown expenses, such as

the cost of a sign language interpreter, or adaptive devices for employee accommodations a unique cost element has been set up in the Finance Division for tracking purposes.

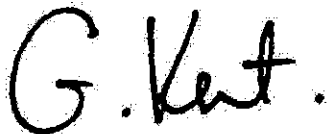
Conclusion

The City of Mississauga continues to work towards creating a universally accessible community by systematically removing barriers to persons with disabilities. These barriers include: physical, architectural, informational, attitudinal, technological, and barriers created by policies or practices. Over the next five years, we will continue to move forward in the identification, prevention, and removal of barriers to persons with disabilities.

Attachments

Appendix 1: 2017 Annual Accessibility Plan & 2018-2022 Multi-Year Accessibility Plan

Appendix 2: 2017 MiWay Annual Accessibility Report



Gary Kent, CPA, CGA, Commissioner of Corporate Services and Chief Financial Officer

Prepared by: Rasul Kassam, Accessibility Supervisor, Facilities Development & Accessibility,
Facilities & Property Management



2017 Annual Accessibility Report & 2018-2022 Multi-Year Accessibility Plan

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This Report is available in alternate accessible formats, upon request.

2017 Annual Accessibility Report & 2018-2022 Multi-Year Accessibility Plan

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2017 Annual Accessibility Report & 2018-2022 Multi-Year Accessibility Plan

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- 1. MiWay's Multi-Year Accessibility Plan

2017 Annual Accessibility Report & 2018-2022 Multi-Year Accessibility Plan

Section 1: A Message from Mayor Bonnie Crombie

"On behalf of Council, it gives me great pleasure to share with you the City of Mississauga's Annual Accessibility Plan and the Multi-Year Accessibility Plan (2018-2022).

Mississauga is the sixth largest city in Canada with over 800,000 residents and 88,000 businesses. We are growing and transforming into a world-class city that is being recognized for its leadership in improving accessibility.

We are proud of the accomplishments we have made since we introduced our City's first accessibility plan in 2012. Celebration Square is now universally accessible which means that all residents can enjoy the diverse events and festivals our City has to offer. All our MiWay buses and transit stations are now accessible and include features such as priority seating, external bus stop announcements and accessible ramps which means residents can more easily, quickly and comfortably move across our City.

This is just the beginning – we know that more needs to be done to break down barriers and improve accessibility in our City.

That's why keeping our accessibility plans up to date and responsive to the needs of our residents is a priority for our City. These plans set our priorities, guide our actions and ensure that we're investing in the right projects, programs and services to create an accessible Mississauga for all. With assistance from our staff and the City's Accessibility Advisory Committee, Mississauga will continue to strive to go beyond compliance to remove barriers and improve access for those who live, work and visit our great city.

Enhancing inclusivity and improving accessibility in our City allows everyone to participate fully in all we have to offer while also having a positive impact on our economy.

I look forward to the implementation of the new accessibility plans and continuing our City's great work to build an even more inclusive and accessible city – for all."

Mayor Bonnie Crombie

2017 Annual Accessibility Report & 2018-2022 Multi-Year Accessibility Plan

Section 2: A Message from Members of Mississauga City Council

"Mississauga is committed to ensuring that all residents, business and visitors have full and equal access to its facilities, programs, services and information. The 2017 Annual Accessibility Plan continues to highlighting how the City of Mississauga is keeping in accordance with the Accessibility for Ontarians with Disabilities Act (AODA) and Integrated Accessibility Standards Regulations (IASR), as well the Multi-Year Accessibility Plan for 2018-2022 provides information on the projects staff will undertake over the next five years to go beyond the legislated compliance obligations to make Mississauga a truly, accessible and inclusive City".

Councillor Matt Mahoney, Ward 8

"A great city is one where all citizens have access to all services and where they can easily live work and play. By working closely with the Accessibility Advisory Committee, Mississauga has opened doors that were previously closed to many and removed barriers that prevented some citizens from actively participating".

Councillor Patricia Saito, Ward 9

Section 3: A Message from Mississauga AAC

"The City of Mississauga Accessibility Advisory Committee (AAC) is cognizant of the challenges that our residents, employees and visitors, with disabilities, face. We continue to advise Mississauga City Council in their efforts to create a more accessible community utilizing universal design principles resulting in improved inclusion of people with disabilities. As the Mississauga AAC, we are very fortunate to have exceptional support from our Mayor and City Council along with various other groups. They include stakeholder members representing organizations in the city, our staff working group (START) representing different city departments, ensuring accessibility is implemented in departmental plans, and two City Councillors passionate about bringing accessibility to the forefront. As a committee, we identify accessibility needs and advise Council on behalf of the community about accessible initiatives to create a barrier-free city, where people can live, work, play and visit.

Our committee embodies diverse abilities, ages, and backgrounds with our personal and professional experiences offering many perspectives to improve accessibility for all Mississauga residents, employees and visitors.

2018 is the 15th year anniversary of the Mississauga Accessibility Advisory Committee and this updated Mississauga Multi-Year Accessibility Plan builds on the accomplishments of Mississauga's previous accessibility plans and AODA implementation activities. The plan outlines how we are:

- Not only meeting required accessibility laws (AODA and OBC), but in many instances going above and beyond requirements, and usually in advance of required due dates

2017 Annual Accessibility Report & 2018-2022 Multi-Year Accessibility Plan

- Making municipal programs, services, facilities and outdoor spaces more accessible
- Helping to create a more accessible Ontario by 2025

It is our goal to continue to advise City Council on removing barriers, changing attitudes and creating more awareness around the importance of accessibility in Mississauga for people of all abilities and ages. It is through a dedicated, passionate, experienced and knowledgeable Accessibility Advisory Committee that we are able continue advising Mississauga City Council on not creating any new accessibility barriers, removing existing ones, changing attitudes and creating more awareness around the importance of accessibility throughout the city".

Carol-Ann Chafe, Chair Mississauga Accessibility Advisory Committee
Melanie Taddeo, Vice Chair of Mississauga Accessibility Advisory Committee

Section 4: Executive Summary

The City of Mississauga's, 2017 Annual Accessibility Report and Multi-Year Accessibility Plan for 2018-2022 outlines how the City of Mississauga continues to improve and prevent accessibility barriers.

The City of Mississauga has prepared Annual Accessibility Plans since 2003. The 2017 Annual Accessibility Report represents the City's 15th Annual Accessibility Report. This report represents the second Annual Accessibility Report and will span from 2018-2022. This Annual Accessibility Report summarizes the achievements the City of Mississauga has made in 2017 to identify, prevent, and remove barriers facing persons with disabilities that live, work, and travel in Mississauga. By removing barriers for persons with disabilities, we are removing barriers for everyone.

The new Multi-Year Accessibility Plan for 2018-2022 builds on the previous multi-year accessibility plan highlighting what the City of Mississauga has accomplished thus far since the introduction of the first Multi-Year Plan in 2012 and keeping in accordance with the Accessibility for Ontarians with Disabilities Act, 2005 (AODA) and the Integrated Accessibility Standards Regulation (IASR) under the Act to make the City of Mississauga an accessible and inclusive community.

In addition, this Multi-Year Accessibility Plan for 2018-2022 will provide information on the projects staff will undertake over the next five years to go beyond the City of Mississauga's legislated compliance obligations.

The Beyond Compliance Self-Assessment Tool developed by York Region was utilized by the City of Mississauga to provide an opportunity to identify future goals and projects that will move the City of Mississauga beyond compliance, towards a more accessible and inclusive environment.

2017 Annual Accessibility Report & 2018-2022 Multi-Year Accessibility Plan

Results of the “Beyond Compliance Tool” indicated that the City of Mississauga received an overall assessment of 54% for an organization going beyond compliance in achieving accessibility best practices.

The City of Mississauga will continue to remove barriers by creating and maintaining an inclusive community by incorporating accessibility of best practices into the areas of leadership, communications, employment, goods and services, physical spaces, and training and professional development,

MiWay's Multi-Year Accessibility Plan outlines how Mississauga Transit will work towards meeting its compliance obligations under the Accessible Transportation Standards by maintaining and advancing accessibility throughout its fleet and services. MiWay's Multi-Year Accessibility Plan can be found in Appendix 2.

It is important that the information found in this 2017 Annual Accessibility Report and Multi-Year Accessibility Plan for 2018-2022 is effectively communicated to our stakeholders. By utilizing the City's internal and external websites as well as various social media platforms, staff and residents will be able to learn how the City of Mississauga will continue to meet our AODA obligations through the identification, prevention, and removal of barriers to persons with disabilities.

Once finalized and approved, the 2017 Annual Accessibility Report and Multi-Year Accessibility Plan for 2018-2022 will be made available on the Accessibility Planning page of the City's website. In addition, this Plan will be made available to staff and residents in an accessible format or through a communications support upon request.

4.1 Methodology

The 2017 Annual Accessibility Report and 2018-2022 Multi-Year Plan was developed by the Accessibility Planning Team through consultation with the Accessibility Advisory Committee (AAC), Staff Accessibility Resource Team (StART), and various AAC subcommittees to summarize the achievements that the City of Mississauga made in 2017 as well to identify how the City of Mississauga will continue to be compliant and go beyond compliance in the next 5 years.

In addition, “The Beyond Compliance Self-Assessment Tool” developed by York Region was utilized by the City of Mississauga to determine the measures the City of Mississauga can implement to go beyond compliance to create a more accessible organization. The tools focus on six key areas of the organization, including: Leadership; Communications; Training and Professional Development; Employment Practices; Goods and Services; Physical Spaces.

2017 Annual Accessibility Report & 2018-2022 Multi-Year Accessibility Plan

4.2 Scope

The City of Mississauga's, The 2017 Annual Accessibility Report and 2018-2022 Multi-Year Plan outlines how the City of Mississauga continues to remain compliant and go beyond compliance to meet the legislative requirement under the following accessibility standards for the AODA and IASR:

- Customer Service
- Information and Communications
- Employment
- Transportation
- Built Environment

Included in the Integrated Accessibility Standards Regulation are some general requirements, including:

- a. establish, implement, maintain and document a multi-year accessibility plan, which outlines the organization's strategy to prevent and remove barriers and meet its requirements under this Regulation;
- b. post the accessibility plan on their website, and provide the plan in an accessible format upon request;
- c. review and update the accessibility plan at least once every five years;
- d. prepare an annual status report on the progress of measures taken to implement the strategy referenced in the multi-year accessibility plan; and
- e. post the annual status report on their website

As well, municipalities must establish, review and update their accessibility plans in consultation with their accessibility advisory committee.

In an effort to make 2018-2022 Multi-Year Plan an accessible document for persons with disabilities, the chart format that was utilized in the initial multi-year plan listing projects according to the above noted accessibility standard has been replaced with a narrative format to highlight the achievements that the City of Mississauga has made in 2017 and will continue to undertake over the next five years.

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Section 5: Introduction

5.1 Key Contacts

The key contacts for inquiries regarding the City of Mississauga Accessibility Plan are the Supervisor, Accessibility Planning and the Accessibility Specialist who acts as the staff liaison between the Accessibility Advisory Committee (AAC) and the Staff Accessibility Resource Team Leads (StART).

Rasul Kassam
Supervisor, Accessibility Planning
Corporate Services Department
Facilities and Property Management
300 City Centre Dr.
Mississauga, ON L5B 3C1
905-615-3608, TTY: 905-615-3411
rasulkassam@mississauga.ca or accessibility.info@mississauga.ca

Jennifer Cowan
Accessibility Specialist
Corporate Services Department
Facilities and Property Management
300 City Centre Dr.
Mississauga, ON L5B 3C1
905-615-3608, TTY: 905-615-3411
jennifer.cowan@mississauga.ca or accessibility.info@mississauga.ca

Section 6: Accessibility Advisory Committee

6.1 Mississauga Accessibility Advisory Committee (AAC)

As noted in the Ontarians with Disabilities Act, 2001 (ODA) and the Accessibility for Ontarians with Disabilities Act, 2005 (AODA), municipalities with 10,000 or more residents must establish an Accessibility Advisory Committee (AAC).

At the City of Mississauga, the AAC is comprised of 10 dedicated citizen volunteers and 2 Councillor Representatives. Members are either person(s) with disabilities, represent a family member with a disability or a part of a community agency or sector within the accessibility field.

AAC Members sit on the committee for up to four years. At the end of each term, a new committee is formed from the community through an application process.

The Mississauga Accessibility Advisory Committee (AAC) is an advisory committee to Council through reports to General Committee.

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The Mississauga Accessibility Advisory Committee advises, recommends and assists the City in promoting and facilitating a barrier-free Mississauga for citizens of all abilities (universal accessibility) including persons with disabilities. This aim is to be achieved through the review of municipal policies, programs and services and the identification, removal and prevention of barriers faced by persons with disabilities.

For the 2014-2018 terms, City Council appointed the following individuals to the AAC:

- Carol-Ann Chafe: Chair
- Melanie Taddeo: Vice-Chair
- Clement Low: Citizen Member
- Naz Husain: Citizen Member
- Rabia Khebr: Citizen Member
- Asim Zaidi: Citizen Member
- Mashkoor Sherwani: Citizen Member
- Alfie Smith: Stakeholder Member
- Sally Wall: Stakeholder Member
- Mandi Buckner: Stakeholder Member
- Pat Saito: Councillor Ward 9
- Matt Mahoney: Councillor Ward 8

The AAC is supported by Trish Sarnicki, Legislative Coordinator from Legislative Services.

6.2 2017 Achievements by Mississauga AAC

The AAC meets on a quarterly basis and meetings are open to the public. During meetings, updates are provided to the AAC which may include presentations or discussions led by staff or an external organization regarding accessibility related matters. Additionally, a variety of educational and awareness presentations are coordinated by the AAC as a means for the Committee to be well informed of accessible services and resources within the City of Mississauga.

In 2017, the Mississauga AAC has provided their input and advice on the following:

- City of Mississauga 2017 Annual Accessibility Report
- 2018-2022 Multi-Year Accessibility Plan
- MiWay 2017 Annual Accessibility
- Facility Audits Project
- Features of Canada Video Relay Service (VRS)
- Implementation of Tactile Warning Strips throughout the City of Mississauga
- Construction of Fire Station 120
- Uber accessibility at the City of Mississauga
- Mississauga Legends Row Project

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- Scholar's Green Phase 2
- Erindale Park Washroom Project
- Lakeview Waterfront Connection
- Churchill Meadows Community Centre and Park Project
- Square One Older Adult Centre relocation project.
- Cycling Master Plan
- Dundas Connects
- Port Credit Harbour West Parks
- Accessible Tactile Plates
- Accessible Pedestrian Signals
- Transportation Master Plan
- MiWay's new Priority Seating Awareness Program
- Drafted Culture Master Plan

In addition, the Mississauga AAC accomplished the following:

- Participate in a Community Engagement Strategy Session
- Supported the application for funding for Accessible Beach Routes from the Rick Hansen Access4All Program.
- Planned, educated and created awareness for the 2017 National Access Awareness Event.
- Sent feedback and comments regarding the 2018 Draft Elections Accessibility Plan to the Acting Elections Officer Workforce Diversity and Inclusion Strategy
- Support investigating accessible recreational cycling options for persons with disabilities.
- Provided feedback on the employment for persons with disabilities and the social and economic impacts of high unemployment around housing and transportation.
- Suggested to adding ASL and LSQ as official languages to the long form census.
- Represent the AAC at various committees such as (International Transportation Engineer's, Sustainable Traffic Signal Development; Riverwood Conservancy's Gardening Committee; Lakeshore Connecting Communities.

6.3 AAC Sub-Committees:

Subcommittees are formed to address specific issues and report to the AAC when necessary.

The following Subcommittees have been formed to assist with the implementation of the Accessibility Plan and Accessibility Standards:

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- **Corporate Policies and Procedures:** This subcommittee meets as required to review City of Mississauga corporate policies and procedures to remove accessibility barriers.
- **Facility Accessibility Design Subcommittee (FADS):** This subcommittee reviews City facility projects (new builds and major renovation projects) with an accessibility/universal design lens.
- **Promotional Awareness Subcommittee:** This subcommittee has been formed to promote the AAC and accessibility awareness.
- **Accessible Transportation Subcommittee:** This Subcommittee reviews accessible transportation issues.

Section 7: Legislative Background

The workplace and the marketplace are changing. With an aging population, an estimated 20 percent of our population are people with disabilities. In the City of Mississauga, with a population of 750,000 that represents 150,000 people! By 2035, 40% of Ontarians will be people with disabilities¹. Both visible and invisible disabilities are referred to in the Ontario Human Rights Code and in the Accessibility for Ontarians with Disabilities Act, 2005 (AODA). These disabilities include physical, visual, hearing, cognitive, learning, mental health, intellectual, and temporary disabilities. Meeting the unique needs of all people in our community has great implications for City planning; especially from a Universal Accessible Design perspective. Also, people with disabilities represent a spending power of \$55 billion per year in Canada². Improving accessibility can create up to \$9.6 billion in new retail spending and \$1.6 billion in new tourism spending in Ontario over five years.

7.1 Accessibility for Ontarians with Disabilities Act, 2005 (AODA)

In June 2005, the Accessibility for Ontarians with Disabilities Act 2005 (AODA) was enacted into law. As the first of its kind in Canada, the AODA is more comprehensive and prescriptive than the previous Ontarians with Disabilities Act and its requirements apply to the public, private, and not-for-profit sectors. The AODA requires the development of accessibility standards as referenced below, compliance deadlines, and administrative penalties for non-compliance.

The purpose of the AODA is to:

- a) Develop, implement and enforce accessibility standards in order to achieve accessibility for Ontarians with disabilities with respect to goods, services, facilities, accommodation, employment, buildings, structures and premises by January 1, 2025.

¹ <https://www.ontario.ca/page/path-2025-ontarios-accessibility-action-plan>

² <http://www.occ.ca/policy/inclusivity-and-accessibility-a-smart-business-decision>

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- b) Provide for the involvement of persons with disabilities, the government of Ontario and representatives of industries and of various sectors of the economy in the development of accessibility standards.

Under the AODA, the Minister of Community and Social Services was responsible for establishing accessibility standards development committees in the following areas:

- Customer Service
- Information and Communications
- Employment
- Transportation
- Built Environment

Based on the number of employees an obligated organization has, and whether they fall within the public, broader public, private, or non-profit sectors, each set of standards include specific requirements and compliance deadlines.

In 2007, the Accessibility Standards for Customer Service (O. Reg. 429/07) were the first standards to be enacted into law. These standards required organizations to develop and implement policies, procedures, and training that would ensure persons with disabilities were receiving fair and equitable customer service in a manner that upheld the person's dignity and independence.

7.2 Integrated Accessibility Standards Regulation (IASR)

In May 2010, the first independent review of the AODA was released. This report recommended that, in order to meet the 2025 deadline for a fully accessible Ontario, the accessibility standards for information and communications, employment, and transportation be harmonized into one Regulation.

As a result, on July 1, 2011, the Integrated Accessibility Standards Regulation (O. Reg. 191/11) was enacted into law enacting standards in the areas of Employment, Information and Communication, and Transportation.

In December 2012, the Ontario government enacted the Design of Public Spaces Standards (DOPSS). These standards provide technical requirements for the design of newly constructed or significantly renovated exterior elements, including:

- Recreational Trails and Beach Access Routes
- Public Use Eating Areas
- Outdoor Play Spaces
- Exterior Paths of Travel
- On and Off Street Parking
- Obtaining Services (service counters, fixed queuing lines, and waiting areas)

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- Maintenance.

Technical specifications for the design of newly constructed or significantly renovated interior building elements have been incorporated into the barrier-free section of the Ontario Building Code. All changes to section 3.8 of the Code came into effect January 1, 2015.

On July 1, 2016, a revised set of Accessible Customer Service Standards were enacted into law. These new standards amended the requirements for service animals and support persons. Subsequent to their enactment, the Accessible Customer Service Standards were incorporated into the Integrated Accessibility Standards Regulation.

7.3 New Accessibility Standards

The development of a new accessible health care standard is currently underway. These standards are intended to address barriers within the hospital and health care sector, including appropriate communications with patients with disabilities, the administration of health care facilities, and training for health care professionals on how to provide accessibility accommodations. It is anticipated that these standards will be released in early 2019.

The development of an accessible education standard is on the horizon. In December 2016, the Ontario government agreed to establish these standards under the AODA. The intent behind these standards will be to identify, remove, and eliminate barriers within the education sector and promote inclusion and accessibility throughout the province's public and private elementary, secondary school boards as well as post-secondary institutions. The Accessibility Directorate of Ontario is currently in the process of establishing a Standards Development Committee for these standards. It is anticipated that there will be an initial draft available in 2019.

Section 8: City of Mississauga

8.1 Vision

The City's Vision for the Future is:

"Mississauga will inspire the world as a dynamic and beautiful global city for creativity and innovation, with vibrant, safe and connected communities; where we celebrate the rich diversity of our cultures, our historic villages, Lake Ontario and the Credit River valley. A place where people choose to be".

8.2 Corporate Values and Pillars

The projects and initiatives being undertaken by the City strive to uphold our corporate values of **Trust, Quality, and Excellence**.

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Trust: "Upholding the public's trust in the City and promoting a climate of trust within our teams, across the organization and with Council. With trust we can achieve anything."

Quality: "Continuing to provide valuable services and programs that enhance the quality of life for residents and businesses; and building a balanced work life quality for employees."

Excellence: "Ensuring the citizens of Mississauga receive value for money; and delivering excellence internally through innovation and the services we provide."

As well, these five Strategic Pillars for change form the basis of the City's Strategic Plan:

1. **Move:** Developing a transit-oriented City.
2. **Belong:** Ensuring youth, older adults, persons with disabilities, and new immigrants thrive.
3. **Connect:** Completing our neighbourhoods.
4. **Prosper:** Cultivating creative and innovative business.
5. **Green:** Living green.

As stated in the Strategic Plan, "The Strategic Plan is a roadmap, guiding our vision for the future - a plan to get us from where we are today to where we want to be as a city".

The vision statement and the five Strategic Pillars all have links to accessibility.

Specifically, the pillars: Move, Belong and Connect have a more direct link to accessibility planning.

8.3 Accessibility Planning

Accessibility Planning is located in the Facilities & Property Management Division within the Corporate Services Department. Comprised of the Supervisor, Accessibility Planning and the Accessibility Specialist, the Accessibility Planning team works diligently to uphold the City's Accessibility Vision Statement.

"Mississauga: A Great Place to live, work, travel and play for everyone!"

Staff in Accessibility Planning work to uphold this vision by:

- Being a leader in accessibility by meeting or exceeding timelines of provincial legislation.
- Universal mobility for everyone, including snow removal, transit, and accessible sidewalks.
- Retrofitting for full accessibility by addressing accessibility in older buildings, including parks and trails.

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- Being pro-active about making accessibility a design priority.
- Providing state-of-the-art accessible information and technology such as websites, equipment, and way finding.
- Ensuring a fully aware and educated staff that are courteous, have better attitudes, and greater understanding of persons with disabilities.

8.4 Staff Accessibility Resource Team (StART)

The Staff Accessibility Resource Team currently consists of 21 members from every corporate department. This team is responsible for assisting with the implementation of the City's AODA compliance obligations and for advancing accessibility and inclusion throughout their department, division, and business units.

For a list of StART Members refer to Appendix A2.

8.5 Partnerships

The Supervisor, Accessibility Planning and Accessibility Specialist are members of the Ontario Network of Accessibility Professionals (ONAP). This group consists mainly of staff responsible for accessibility planning within the broader public sector, including municipalities, hospitals, and colleges and universities. This group provides the opportunity to share accessibility planning initiatives with other organizations.

Accessibility Planning maintains a database of Disability Organizations in the Mississauga area. We often consult with and work in partnership with these organizations for learning opportunities, resources and sharing of information. For example, organizations such as the CNIB, Canadian Hearing Society, and the Coalition for Persons with Disabilities are some valuable agencies we link with.

Section 9: Integrated Accessibility Standards Regulation – 2017 Achievements

Throughout 2017, many divisional achievements have been made to identify and remove barriers with the goal of advancing inclusion and accessibility.

In accordance with the accessibility standards under the Integrated Accessibility Standards Regulation, this section highlights how various divisions met or exceeded their specific IASR compliance requirements in the following areas:

- Customer Service
- Information and Communications
- Employment
- Transportation
- Built Environment

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Furthermore, under the Accessibility for Ontarians with Disabilities Act (AODA), broader public sector organizations are obligated to file an accessibility compliance report with the Accessibility Directorate of Ontario every two years. Given that 2017 was a compliance year, the City's 2017 Accessibility Compliance Report is available for review in Appendix A1.

9.1 Accessibility Strategic Achievements

Many city-wide planning projects are lead, supported or reviewed annually by the Accessibility Planning Team to provide an over-arching accessibility lens in conjunction with the City's Strategic Plan, under these pillars: Move, Belong, Connect, Prosper and Green. 2017 was no different.

Various projects lead by Accessibility Planning included:

- Facility Accessibility Audit
- 2017 Accessibility Compliance Report
- 2017 Multi-Year Plan

The Accessibility Planning Team also supported the following projects:

- The City's Strategic Plan: Our Future Mississauga
- Older Adult Plan
- Youth Plan
- Mississauga Transitway Project
- Hurontario Light Rapid Transit (LRT)
- Inspiration Lakeview
- Inspiration Port Credit
- Downtown 21 Master Plan
- Vision Cooksville
- Dundas Connects - The Dundas Corridor Master Plan
- Lakeshore Connecting Communities
- Credit River Parks Strategy
- Cycling Master Plan
- Future Directions: Master Plan for Recreation, Library, and Parks and Natural Areas
- Information Technology Strategic Plan
- Mississauga Official Plan
- Economic Development Strategy
- Living Green Master Plan
- Communications Master Plan
- Waterfront Parks Strategy
- Natural Heritage & Urban Forestry Strategy (NHUFS)
- Sport Plan
- Mississauga Celebration Square Strategic Plan
- People Strategy (Human Resources)

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- Heritage and Museums Strategic Plan
- Customer Service Strategy
- Transportation Master Plan
- Culture Master Plan
- Creation of Digital Citizen Advisory
- Workplace Inclusion Strategies
- Working Minds

9.2 Accessible Customer Service Standard

In conjunction with Corporate Services, Facilities and Property Management, Office of the City Clerk, Legislative Services, Human Resources, Talent Management, and Accessibility Planning the City of Mississauga continues to uphold the section 80.49 of the IASR of having an Accessible Customer Service Training.

The City of Mississauga continues to adhere to these sections in the IASR by:

- 311 (Citizen Contact Centre) received 29 inquiries related to accessibility to date in 2017
- 311 continues to provide Knowledge Base documents on accessibility by providing information on the Accessibility Advisory Committee; Service Animals and Guide Dogs; Sign Language Interpretation; Accessible Customer Service Standards and Accessible Customer Service Feedback.
- 311 continues to provide responsive, seamless and easily accessible Customer Service.
- 311 operates in an Omni-channel environment which allows citizens to contact the City of Mississauga through the channel that works with their needs and preferences.
- Staff at 311 are trained to receive TTY calls, partnering with the Bell Relay system to provide callers with customer service.
- A refresh of the E-Learning modules which included improved accessibility of the modules for staff and volunteers with vision disabilities.
- On an ongoing basis, new full and part time staff, and volunteers receive Accessible Customer Service training.
- Specific targeted training sessions or meeting discussions regarding serving customers with disabilities is available upon request.

In addition, as per legislation set by the Ministry of Municipal Affairs, the Elections Office is required to create an Accessibility Plan for the Municipal Election in 2018. A draft of the Accessibility Plan for the 2018 Municipal Election was presented to the Accessibility Advisory Committee in September of 2017.

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9.3 Information & Communications Standard

In conjunction with Corporate Services, Communication and Information Technology as well as the Accessibility Planning Department, the City of Mississauga continues to uphold the section 11, 12 and 13 of the IASR of having an Accessible Feedback Processes, Accessible Formats and Communication Supports and Emergency Procedures, Plans or Public Safety Information.

The City of Mississauga continues to adhere to these sections of the IASR by:

- Ensuring public information materials include the standard message: "If you require this information in an alternate format, please call 3-1-1 (905-615-4311 if outside city limits)".
- Having an Accessible Documents Reference Guide including a list of available vendors available to the staff via the intranet site.
- Ensuring production of City information materials follows accessible design standards as outlined in the handbook developed by the Registered Graphic Designers of Ontario (RGD).
- Ensuring the Feedback process is accessible and allows residents to provide feedback in a variety of methods (i.e. e-mail, phone, TTY, in person).
- Ensuring the City provides accessible online feedback mechanisms as well as alternate communication supports when applicable.

Working with various stakeholders, the City of Mississauga is working towards making all websites accessible to people with disabilities by conforming to international standards for website accessibility (IASR Section -14).

In 2017, the City of Mississauga:

- Acquired a new web content management system with the goal for WCAG 2.0 Level AA compliance starting in 2017 as current features are updated and new content/features are implemented.
- Created and established the Digital Citizen Advisory group to help improve the usability of the city's web site.
- Renewed their commitment with "Site Improve" for 2017 to run accessibility checks on all websites. Website accessibility improvements will coincide with the new web content management system.
- The availability of the Accessibility Tip Sheets on the internal accessibility website.

The City of Mississauga Libraries continues to adhere to section 19 of the IASR in 2017 and beyond by providing access to accessible collection through their partnership with the Centre for Equitable Library Access (CELA). In addition, City of Mississauga Libraries now offers customers access to Daisy disc players. Additionally a re-design of the Library website took place in 2017, to improve accessibility for people with disabilities.

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9.4 Employment Standard

The Employment Standard, under the IASR, requires the City of Mississauga to provide accessibility to their employees across all stages of their employment life cycle.

In conjunction with staff from Corporate Services, Human Resources, Learning and Organizational Development, Employee Health Services and Accessibility Planning the following policy and standards were created, updated or utilized to adhere to sections 22 to 31 by pro-actively removing barriers across the employment life cycle, creating a workplace that is accessible to allow all employees to reach their full potential by:

- Providing IASR mandatory E-learning sessions
- Face-to-face training for HR consultants and hiring managers to include information regarding recruitment, emergency response process, accommodation, and return to work process.
- Review, update, refine City of Mississauga's policy and work processes.
- Continued support of the Employee Health Services Department to assist in the accommodation and return to work process for persons with disabilities.
- Continuation of updating and creating an inventory of the Essential Duties Worksheet for each multi-incumbent position within the City of Mississauga.
- Review and updating an employee Physical and Cognitive Job Demands as required as part of the recruitment process.
- Conducting Ergonomic assessments on an as needed basis to support both employee wellness and short term & long term accommodations.
- Provision of job coaching on an as requested basis to ensure successful employment placement.
- Incorporation of elements of successful short and long term accommodation to be included at bargaining tables during labour/management discussions.
- Continued inclusion of specific language regarding the incorporation of individual accommodation plans into the redeployment process in the current Salary Administration Policy.
- Continued consideration of individual accommodation plan to be incorporated into the medical redeployment process.
- Continued participation in The Region of Peel's Summer Jobs Challenge and Equitek Employment Equity Solutions.

2017 also saw the development of the City of Mississauga's new Protective Measures Policy to include direction that security and emergency procedures must be available in accessible electronic format or, upon request, in an alternate format. Additionally, The City's Accessibility Policy found in Appendix A3 was revised to reflect legislated changes to the IASR.

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Lastly, the Workforce Diversity and Inclusion Strategy (WDI) developed in partnership with the Canadian Centre for Diversity and Inclusion was finalized and targeted for implementation in 2017.

9.5 Transportation Standard

One of the major Strategic Pillar for Change is Move: Developing a Transit Oriented City.

The City of Mississauga continued adherence to IASR's Transportation standards is reflected by the MiWay's new Multi-Year Accessibility Plan which outlines how Mississauga Transit will work towards meeting its compliance obligations by maintaining and advancing accessibility throughout its fleet and services. MiWay's Multi-Year Accessibility Plan can be found in Appendix 2.

Additionally, in conjunction with Transportation and Works, Mississauga Transit and Transit Planning, 2017 saw the continued development of:

- Hurontario Light Rail Transit (LRT)
- Winston Churchill, Spectrum, Orbitor and Renforth Gateway Transitway Stations
- MiWay Five Transit Service Plan
- Integration of bus tracker information with the "Plan A Trip" street maps.
- Continued use of intelligent transportation systems such as traffic cameras and vehicle detection.
- Phase 1 of the Mississauga Moves Transportation Plan.
- Continued review of Mississauga Road App.
- Development of Parking Matters Strategy.
- Real Time Bus Information: As of March 1, 2017 a new real-time feature is now available under the "Next Trip" section of Plan a Trip that allows customers to see where their bus is on a map. Like the real-time bus arrival estimates, the position of the bus on the map is updated every 60 seconds. Real time bus updates is available on the any device including desktop, tablet, or mobile (responsive website).
- Transit Infrastructure: In 2017 alone, MiWay installed approximately 367 new bus pads throughout the City to make access to transit more convenient and accessible. Of the 367 pads installed in 2017, approximately 215 were dedicated to rear door concrete pad extensions. Currently only about 4.9% (approximately 168 of 3,433) of stops within the City of Mississauga are inaccessible mainly due to the absence of sidewalks.
- Sidewalk Program: In 2017, approximately 4 kilometers of new sidewalks were constructed, with the majority of locations being those that provide connections to MiWay stops and services.

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- **Tactile Plates:** To make transit more accessible, the City of Mississauga is installing tactile plates along MiWay's most popular transit routes and major transit terminals. Tactile plates have been installed at over 100 intersections along Dundas Street, Burnhamthorpe Road, Bloor Street, Eglinton Avenue and Mavis Road.
- **MiWay's Accessible Customer Service Training Program:** In 2017, the MiWay Training Department set out a project mandate to review their course curriculum. A comprehensive needs analysis was completed to help determine the benefits and any shortcomings that the New Transit Operator Training Program.

9.6 Built Environment Standard

The Built Environment Standard, under the IASR, requires the City of Mississauga for continued implementation of the City of Mississauga Facility Accessibility Design Standards.

In conjunction with staff from Corporate Services, Facilities and Property Management, Planning & Building, Development and Design, Urban Design, Community Services, and Accessibility Planning the following projects were initiated, continued or completed with a focus on Accessibility:

- All City office space and accommodation renovations will continue to follow the Mississauga Facility Accessibility Design Standards.
- The Accessibility Program from Capital Budget will continue to address building accessibility in older buildings.
- Review of development applications to address external access to the building on the basis of universal design principles.
- City Wide Accessibility Audit that was initiated in 2016 and completed in 2017. 97 City owned public buildings were assessed following the City's Facility Accessibility Design Standards. Recommendations will be put forward by Facilities Development & Accessibility and Capital Planning & Asset Management.
- Our Future Corporation (OFC) project was initiated by the development of a dynamic, modern workplace that gives employees choice and control of where and how they work.
- Installation of 2 accessible washrooms and 1 universal washroom as well as water bottle filling station at Erindale Park.
- Accessibility entrance upgrades including doors at Civic Centre.
- New automatic doors at Rivergrove Community Centre
- Construction of all season sports park, community centre and pool at Park Location 459 (Churchill Meadows Community Centre and Park).

2017 also saw the Parks and Forestry Division at Community Services department implement the following:

- Signage requirements for Credit Valley Conservation Authority.

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- Continued work at Union Park, Paul Coffey Park and Malton Village Park.
- Additional installment of Accessible picnic tables.
- Continued messaging at the City of Mississauga's Picnic Parks webpage stating: *"Accessible seating is available at our permitted picnic sites"*.
- Completed 2 new barrier free accessible playgrounds: Jaycee Park and Paul Coffey
- Consultation with the Accessibility Advisory Committee to incorporate accessibility for children and caregivers with various disabilities into play spaces. Zonta Meadows Park was redeveloped in 2017 for accessible play.
- Zonta Meadows was the City's first barrier free playground and is currently under construction for surfacing replacements and repairs –anticipated completion 2018

Section 10: Integrated Accessibility Standard Regulations - Future Initiatives 2018 - 2022

Looking to the future, each category within this section provides a narrative outlining various division's goals and/or commitment to continue meeting and exceeding their compliance requirements over the next five years.

10.1 Accessibility Planning - Future Initiatives 2018-2022

The future for the Accessibility Planning Department is vibrant with a mandate of keeping with the City's Accessibility Vision Statement. "Mississauga: A Great Place to live, work, travel and play for everyone!"

Staff in Accessibility Planning will continue to uphold this vision by:

- Being leaders in accessibility by meeting or exceeding timelines of provincial legislation.
- Increasing the number of City Wide facilities to be audited from an accessibility standpoint.
- Work with various stakeholders to implement the recommendations from the facility accessibility audit.
- Work with various stakeholders by providing state-of-the-art accessible information and technology compliant to WCAG 2.0 Level AA standards by January 1, 2021.
- Continue to work with various stakeholders by making accessibility a design priority.
- Continue to work with various stakeholders to ensuring staff continued to be trained are fully aware and educated and have a greater understanding of persons with disabilities.
- Quarter 1 of 2018 brought the adoption by City Council to use the Dynamic Symbol of Access to be implemented at City facilities on a "go forward" basis, where feasible. The Dynamic Symbol improves on the International Symbol by emphasizing movement and how society views and interacts with people with disabilities.

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10.2 Accessible Customer Service Standard – Future Initiatives 2018-2022

Over the next 5 years the City of Mississauga will continue to adhere and comply with the Accessible Customer Service standards of the IASR by:

- Continued development and implementation of an accessibility plan for every future election through the Legislative Services department within the City of Mississauga.
- The generation of Accessibility Report, after every election to highlight successes and identify challenges to be resolved for the next election to comply with legislative standards.
- Continued communication with Accessibility Planning and the Accessibility Advisory Committee in the development of the Accessibility Plan to safeguard against omitting certain barriers affecting persons with disabilities.
- Continued work by 311 towards exploring more options to expand current service offerings of phone, email, online services and the Pingstreet mobile app.

10.3 Information and Communications Standard - Future Initiatives 2018-2022

Over the next 5 years the City of Mississauga will continue to adhere and comply with the Information and Communications standards of the IASR by:

- Maintaining awareness activities on accessible forms via training.
- Develop a new accessible document training program via a vendor selected by the Information Technology Department.
- In Conjunction with Information Technology, a business plan will be developed to make all documents accessible.
- City of Mississauga Libraries will continue to grow their own collection of audiobooks and digital audiobooks to meet the needs of print disabled customers.
- City of Mississauga Libraries will adhere to all required provincial Accessibility legislation in the renovation of the Mississauga's Central Library. Where possible, furniture and fixtures will provide universal access to all customers through the use of FADS principals.

10.4 Employment Standard – Future Initiatives 2018-2022

Over the next 5 years, the City of Mississauga is committed to provide accessibility to their employees across all stages of their employment life cycle through:

- Review of all Corporate Policies & Procedures at least every 3 years to ensure that the City of Mississauga remains current with legislative standards and presents no barriers to persons with disabilities.
- The introduction of The Working Mind. A new mental health awareness program created by the Mental Health Commission of Canada, which aims to remove the stigma associated with mental health issues, the promotion of good mental health.

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- Working Mind Training to all leaders with direct reports and eventually all employees.
- Ongoing face-to-face training and E-Learning into April 2018 to assist in providing employees more insight and understanding about the City of Mississauga's new WDI strategy and important updates to various policies and work process.

10.5 Transportation Standard – Future Initiatives 2018-2022

Over the next 5 years, the City of Mississauga is committed to provide accessibility transportation services to persons with disabilities in being able to live, work and participate in their communities through:

- Accessible Taxi Cab “On Demand Solutions” Study as recommended by Public Vehicle Advisory Committee.
- Hurontario Light Rail Transit (LRT)
- Parking Matters Master Plan
- MiWay continues to provide a transportation system that ensures its services and operations are accessible to everyone. MiWay's plans will result in all services and facilities being accessible before the accessibility deadline of 2025, as established by the AODA
- Cycling Master Plan
- Dundas Connects
- Continued installation of Accessible Pedestrian Signals on an as needed basis
- Continued Tactile Plate installations to approximately 400 intersections.

10.6 Built Environment Standard – Future Initiatives 2018-2022

Over the next 5 years, the City of Mississauga's is committed to ensure that the Built Environment continues to be viewed through an accessibility lens with the commencement or continuation of the following projects:

- Sidewalks for Transit Routes
- Implementation of the Affordable Housing Strategy.
- Establish a plan to increase the number of accessible picnic tables at parks
- Increase the number of fully accessible / inclusive play site: Elmcreek Park, Jaycee Park, River Grove.
- Installation of Accessible Pedestrian Signals on an as needed basis.
- Installation of 2 operators for the public washroom at BraeBen on the ground floor.
- 24 proposed operators to be installed to corridor doors leading to rinks and rink change rooms at Hershey Arena
- 3 proposed operators to passage ways at the Dixie Bloor Neighbourhood Centre (Burnhamthorpe Library site) in 2018.
- New sliding doors at the terminal platform, elevator upgrades and escalator replacement at City Centre Transit Terminal.

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- Elevator/Lift Replacement at Burnhamthorpe Community Centre and Huron Park Recreation Centre
- Installation of 400 tactile plates in high pedestrian locations throughout the City.
- Consultation for playground replacement program is presented every 4-6 years
- Continued program for the installation of accessible picnic tables in parks.
- Continue to implement Park Bench Arm Rest Addition Program

Section 11: Going Beyond Compliance

The Beyond Compliance Self-Assessment Tool developed by York Region was utilized by the City of Mississauga not to measure compliance with AODA, but rather to determine the measures that the City of Mississauga can do to go beyond compliance to create a more accessible organization.

This tool provided an opportunity to identify future goals and projects that will move the City of Mississauga beyond compliance, towards a more accessible and inclusive environment.

The tool focuses on six key areas of an organization, including:

- Leadership
- Communications
- Training and Professional Development
- Employment Practices
- Goods and Services
- Physical Spaces

Results of the Beyond Compliance Tool indicated that the City of Mississauga scored the following with regards to accessibility best practices:

- Leadership – 71%
- Communications – 41%
- Training and Professional Development – 58%
- Employment Practices – 46%
- Goods and Services – 42%
- Physical Spaces – 70%
- **Overall Assessment – 54%**

Note: a score above 0 is indicative of beyond compliance.

11.1 Leadership

Leadership: *"In an accessible organization, organizational leaders take ownership for accessibility activities that go beyond compliance with legislation".*

8.1

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The City of Mississauga scored 71% regarding accessibility best practices when assessed about leadership of its organization.

As noted in the "Belong", Strategic Pillar, Mississauga is a city that thrives on its social and cultural diversity. The Strategic goal of "Ensuring Affordability and Accessibility" is supported by the Accessibility Policy.

Furthermore the "Connect" and "Move" pillars, further strengthens accessibility through their strategic goals to "Build a Reliable and Convenient System", "Develop Walkable, Connected Neighborhoods", "Provide Mobility Choices" as well as to "Develop Environmental Responsibility".

In addition, the Accessibility Planning team (sees Section 4.3) works diligently to uphold the City's Accessibility Vision Statement. "Mississauga: A Great Place to live, work, travel and play for everyone!"

In 2017, the Facility Accessibility Audit was completed to support the City's continued commitment to removing accessibility barriers within its facilities as well to foster capital budget renovation plans for accessibility upgrades. A strategic plan to prioritize the audit findings, determine how the priorities will align with other departments within the city and implementation of these recommendations will be discussed throughout the next 5 years.

Lastly, Human Resources department continues to utilize the Accessibility Policy, and develop new strategies for with the implementation the Protective Measures Policy & Workplace Diversity and Inclusion Strategy.

11.2 Communication

Communication – *"In an accessible organization the organization uses information and communication processes that are accessible to people with a wide range of abilities".*

Scoring 41% on the Beyond Compliance Tool, the City of Mississauga continues to be a two-way communication organization committed to engaging its citizens. Through the standard 3-1-1 messaging, provision of accessible document reference guides and accessibility tip sheets, as well as having an online accessible feedback process too acquiring a new web content management system with the goal for WCAG 2.0 Level AA compliance by 2021, the above communication vision statement depicts not only how the City of Mississauga meets AODA compliance but goes beyond to have communication processes in place to ensure information is accessible to internal and external users with a wide range of abilities.

11.3 Training & Professional Development

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Training and Professional Development – *“Accessibility training and professional development for all personnel helps to achieve and maintain an accessible organization”.*

From providing an annual accessible customer service award, having IASR mandatory E-learning sessions, too Face-to-face training for HR consultants and hiring managers, the City of Mississauga scored 58% on the Beyond Compliance Tool. Training and Professional development to all staff included information regarding recruitment, emergency response process. In addition, with the implementation Workforce Diversity and Inclusion Strategy, the City of Mississauga ensures that all staff, including decision makers, are provided professional development opportunities to understand the value of an accessible organization and their role in creating a culture of accessibility to not only meet compliance but go beyond.

11.4 Employment Practices

Employment Practices – *“An accessible organization encourages employment practices across the life cycle of employment to include people with a wide range of abilities”.*

As noted in the “2015-2017 People Strategy”, through the strategic pillar’s, of “Talent Management” and “Healthy Workplace”, the Human Resources Department recognize and incorporates accessibility objectives into their business planning practices.

Through the development of Workplace Diversity and Inclusion Strategy, Respectful Workplace Training, and from the implementation of the Working Minds Training for all people leaders and staff, to the City of Mississauga's continued work with Career Edge and Community Living Mississauga on specialized recruitment training for persons with disabilities are some of the continued accessibility best practices that resulted in the City of Mississauga obtaining 46% on the beyond compliance tool.

Lastly, from having face-to-face training for HR consultants and hiring managers to include information regarding recruitment, emergency response process, accommodation, and return to work process with an objective of reviewing all policies with an accessibility lens on a 3 year basis as well as through the mandatory E-Learning modules for ACS and IASR the City of Mississauga goes beyond compliance to foster a culture of inclusivity and accessibility.

11.5 Goods & Services

Goods and Services – *“An accessible organization provides goods and services that are accessible and welcoming to a wide range of users and delivered in a manner that reflects inclusionary practices”.*

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From the use of the Contract Manager's Guidebook, Facility Accessibility Design Standards, Procurement Request Form and Customer Service Strategy and in consultation with the Accessibility Advisory Committee, Facility Accessibility Design Committee, Older Adult Committee, Youth Plan Team, and Accessibility Planning, The City of Mississauga ensures that all goods and services are kept within the accessibility lens to bridges the City's Strategic Plan with day-to-day work plans and projects resulting in 42% on the Beyond Compliance Tool.

11.6 Physical Spaces

Physical Spaces – *"An accessible organization provides an accessible indoor and outdoor built environment for people with a wide range of abilities"*

As noted above, Accessibility Planning's vision is "to provide a great place to live, work, travel and play for everyone!" The City of Mississauga is committed to the application and compliance of accessibility legislation and requirements across all city programs, services, policies, practices, by-laws, and facilities (including parks, trails and other outdoor public spaces) resulting in a score of 70% on the Beyond Compliance Tool.

Some examples of accessibility best practices include the initiation of a City Wide Accessibility Audit in 2016, completed in 2017 resulting in 97 City owned public buildings being assessed following the City's Facility Accessibility Design Standards. Recommendations have been put forward and the Facilities Development & Accessibility along with Capital Planning & Assist Management will take the next steps towards implementation.

In addition, the accessibility upgrades project consisted of the installation of 2 accessible door operators for the public washroom at BraeBen on the ground floor. There are 24 proposed operators to be installed to corridor doors leading to rinks and rink change rooms at Hershey Arena, also 3 proposed operators to passage ways at the Dixie Bloor Neighbourhood Centre (Burnhamthorpe Library site) in 2018. Meeting rooms and change rooms were chosen to improve patron accessibility to our Cities programs. The City of Mississauga also initiated "Our Future Corporation" (OFC) project to develop a dynamic, modern workplace that gives its employees the choice and control of where and how they work.

As seen above, the City of Mississauga continues to go beyond compliance in increasing awareness of accessibility into the community through their design of public spaces. This process will continue to be supported by the use of an overarching accessibility lens with the use of 2015 Facility Accessibility Design Standards, IASR and AODA and in consultation with the AAC, FADS, EMT, PMAC groups.

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Section 12: Conclusion

The City of Mississauga continues to work towards creating a universally accessible community by systematically removing barriers to persons with disabilities. These barriers include: physical, architectural, informational, attitudinal, technological, and barriers created by policies or practices.

Since the purpose of the AODA is to develop, implement and enforce accessibility standards with respect to goods, services, information and communication, facilities, accommodation, employment, buildings, structures and premises we are obligated to continue our pursuit in the prevention and removal of barriers to persons with disabilities. Not to mention that it is simply, the right thing to do and makes good economic sense.

We have been proactive and have accomplished much in relation to accessibility improvements within our by-laws, facilities, policies, programs, practices and services.

Over the next five years, we will continue to move forward in the identification, prevention, and removal of barriers to persons with disabilities.

As the sixth largest city in Canada, the City of Mississauga must continue to create and maintain an accessible community by delivering inclusive and high quality municipal programs, goods, and services to all of our citizens at the same time, location, and method of delivery.

8.1

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Section 13: Glossary

Accessibility:

Accessibility is the concept where products, services or environments are designed to provide access to people with disabilities.

Accessible Documents:

An accessible document is one that is usable by all people, regardless of their ability. Accessible web content is legislated under section 14 of the Integrated Accessibility Standards Regulation (IASR) which states that all web content must meet Web Content Accessibility Guidelines (WCAG) 2.0. When referring to an accessible document, the intent is to make that document comply with WCAG 2.0.

Accessibility Advisory Committee (AAC):

The council of every municipality that has a population of 10,000 or more, shall establish an accessibility advisory committee. A majority of the members of the committee shall be people with disabilities. The committee shall:

- (a) advise the council about the requirements and implementation of accessibility standards and the preparation of accessibility reports and such other matters for which the council may seek its advice under subsection (5);
- (b) review in a timely manner the site plans and drawings described in section 41 of the *Planning Act* that the committee selects; and
- (c) perform all other functions that are specified in the regulations.

Accessible Policy:

Under the Integrated Accessibility Standards Regulation (IASR) municipalities are required to develop, implement, and maintain policies governing how the organization will achieve accessibility through meeting the requirements of the Regulation. Examples of accessibility policies might include – accessible training, accommodations, return to work or accessible feedback.

Accessibility Plan:

An accessibility plan is a requirement under the Integrated Accessibility Standards Regulation (IASR). Municipalities are required to establish, implement, maintain and document a multi-year accessibility plan, which outlines the organization's strategy to prevent and remove barriers in order to meet requirements under the IASR.

Accessibility for Ontarians with Disabilities Act, 2005 (AODA):

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In June 2005, the Accessibility for Ontarians with Disabilities Act 2005 (AODA) was enacted into law. As the first of its kind in Canada, the AODA is more comprehensive and prescriptive than the previous Ontarians with Disabilities Act and its requirements apply to the public, private, and not-for-profit sectors. The AODA requires the development of accessibility standards as referenced below, compliance deadlines, and administrative penalties for non-compliance.

The Accessibility Directorate of Ontario:

The Accessibility Directorate of Ontario (ADO) is the Provincial Ministry responsible for creating, reviewing and enforcing accessibility legislation in Ontario.

Accessible Formats:

Accessible formats are formats created to be used by people with disabilities. Accessible formats may include, but are not limited to, large print, recorded audio and electronic formats, and braille.

Barrier:

Barrier means anything that prevents a person with a disability from fully participating in all aspects of society because of his or her disability, including a physical barrier, an architectural barrier, information or communications barrier, an attitudinal barrier, a technological barrier, a policy or a practice.

Beyond Compliance Self-Assessment Tool

Beyond Compliance: Accessibility Self-Assessment Tool for Organizations is a free online tool designed to be used by private, public and not-for-profit organizations of all sizes across Ontario who want to create a more accessible organization. Beyond Compliance is not meant to measure an organization's compliance with the Accessibility for Ontarians with Disabilities Act (or AODA) but rather measure how far beyond compliance and organization is going.

Disability:

Disability means,

- (a) any degree of physical disability, infirmity, malformation or disfigurement that is caused by bodily injury, birth defect or illness and, without limiting the generality of the foregoing, includes diabetes mellitus, epilepsy, a brain injury, any degree of paralysis, amputation, lack of physical co-ordination, blindness or visual impediment, deafness or hearing impediment, muteness or speech impediment, or physical reliance on a guide dog or other animal or on a wheelchair or other remedial appliance or device,
- (b) a condition of mental impairment or a developmental disability,
- (c) a learning disability, or a dysfunction in one or more of the processes involved in understanding or using symbols or spoken language,
- (d) a mental disorder, or

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- (e) an injury or disability for which benefits were claimed or received under the insurance plan established under the *Workplace Safety and Insurance Act, 1997*; ("handicap")

Design of Public Spaces Standards (DOPSS)

The Design of Public Spaces Standard (DOPSS) is a section of the Integrated Accessibility Standards Regulation (IASR) that highlights regulatory requirements for outdoor spaces, such as playgrounds, trails, beach access routes and accessible parking.

Inclusive:

Inclusive Design is the design of an environment so that it can be accessed and used by as many people as possible, regardless of age, gender and disability. An environment that is designed inclusively is not just relevant to buildings; it also applies to surrounding open spaces, wherever people go about everyday activities. These principles can be applied to policies and procedures as well.

Mississauga Facility Accessibility Design Standards:

The Mississauga Facility Accessibility Design Standards (FADS) address accessibility requirements for the design and construction of new facilities, as well as the retrofit, alteration or addition to existing facilities, owned, leased or operated by the City of Mississauga.

Ontario Building Code

The Ontario Building Code is the legislative framework governing the construction, renovation and change-of-use of a building. The Ontario Building Code establishes detailed technical and administrative requirements as well as minimum standards for building construction. The Ministry of Municipal Affairs and Housing is responsible for the development of, and the amendments to the Building Code Act and the Code.

Ontario Human Rights Code:

The Ontario Human Rights Code is a law that gives all people equal rights and opportunities without discrimination in specific areas such as housing and services.

The Code's goal is to prevent discrimination and harassment because of race, colour, gender identity or expression, sex, sexual orientation, disability, creed, age and other grounds.

Ontario Network of Accessibility Professionals (ONAP):

ONAP is a network of broader public sector accessibility professionals in Ontario. The broader public sector includes municipalities, hospitals, school boards, colleges and universities.

Ontario Regulation 191/11 (Integrated Accessibility Standards Regulation):

The Integrated Accessibility Standards Regulation (IASR) is the one regulation under

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the Accessibility for Ontarians with Disabilities Act (AODA). The IASR provides legislative requirements for organizations in Ontario in the following areas:

- General Standard
- Information and Communications Standard
- Employment Standard
- Design of Public Spaces Standard
- Transportation Standard
- Accessible Customer Service Standard

Staff Accessibility Resource Team (StART)

The City of Mississauga established a Staff Accessibility Resource Accessibility Resource Team in order to support the work of the Accessibility Advisory Committee and Accessibility Planning. The team consists of staff from key Divisions that are impacted by accessibility.

TTY

TTY stands for Text Telephone. A TTY is a special device that lets people who are deaf, hard of hearing, or speech-impaired use the telephone to communicate, by allowing them to type messages back and forth to one another instead of talking and listening. A TTY is required at both ends of the conversation in order to communicate.

Web Content Accessibility Guidelines (WCAG):

The Web Content Accessibility Guidelines are a series of guidelines for improving web accessibility. Produced by the World Wide Web Consortium (W3C), the WCAG are the best means of making your website useful to all of your users. WCAG is not an inclusive list of issues facing web users with disabilities. The guidelines are internationally recognized and adopted standards. The guidelines explain how to solve many of the problems that users with disabilities face.

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Section 14: Appendix A

A1. City of Mississauga 2017 Accessibility Compliance Report

**Instructions**

All information you provide is subject to the *Freedom of Information and Protection of Privacy Act*.

Fields marked with an asterisk (*) are mandatory.

A. Organization information

Organization category *	Number of employees range *	Reporting year
Designated Public Sector	50+ employees	2017

Business details

Organization legal name *	Number of employees in Ontario * Help
The Corporation of the City of Mississauga	7000

Business number (BN9) * [Help](#) ☐ Check this box if you have received an AODA identifier from the Accessibility Directorate of Ontario
121414106

☐ Check if operating/business name is same as legal name

Organization operating/business name	Language preference for communications *
City of Mississauga	English

Sector that best describes your organization's principal business activity * [Help](#)
91 - Public administration

Subsector (if possible)	Industry group (if possible)
913 - Local, municipal and regional public administration	9139 - Other local, municipal and regional public administration

Mailing address

Address where letters can be sent to the person responsible for coordinating the organization's AODA compliance activities.

Country * ☒ Canada ☐ USA ☐ International

Type of address * ☒ Street address ☐ Street address served by route ☐ Other

Unit number	Street number *	Street name *	Province *
	300	City Centre	ON (Ontario)
Street type	Street direction	City *	
Drive		Mississauga	

Postal code *
L5B 3C1

Business address

(Address at which letters can be sent to the company director/officer accountable for the organization's compliance with the AODA.)

☒ Check if business address is same as mailing address

Country * ☒ Canada ☐ USA ☐ International

Type of address * ☒ Street address ☐ Street address served by route ☐ Other

Unit number	Street number *	Street name *	Province *
	300	City Centre	ON (Ontario)
Street type	Street direction	City *	
Drive		Mississauga	

Postal code *
L5B 3C1

Use the "Add new organization" button to add additional organizations to which this accessibility report is to be applied (maximum 20).

Note: All organizations must have the same organization category, number of employees range, compliance answers and certifier, and have different business numbers, in order to file under the same form.



Organization category Designated Public Sector

Number of employees range 50+

Filing organization legal name The Corporation of the City of Mississauga

Filing organization business number (BN9) 121414106

Fields marked with an asterisk (*) are mandatory.

B. Understand your accessibility requirementsBefore you begin your report, you can learn about your accessibility requirements at ontario.ca/accessibility

Additional accessibility requirements apply if you are:

- a municipality
- an education institution (e.g. school board, college, university or school)
- a producer of education material (e.g. textbooks)
- a library board

C. Accessibility compliance report questions**Instructions**

Please answer each of the following compliance questions. Use the Comments box if you wish to comment on any response.

If you need help with a specific question, click the help links which will open in a new browser window. Use the link on the left to view the relevant AODA regulations and the link on the right to view relevant accessibility information resources.

Make your employment practices accessible

1. Does your organization notify its employees and the public about the availability of accommodations during the recruitment process? *
- ☒ Yes ☐ No

[Read O. Reg. 191/11 s.22 - 24: Recruitment](#)[Learn more about your requirements for question 1](#)

Comments for question 1 • All job postings include mandatory language informing applicants about available accommodations. • AODA Employment - Recruitment Guide developed for all persons conducting recruitment.

2. Does your organization provide employees with updated information about its policies to support employees with disabilities? *
- ☒ Yes ☐ No

[Read O. Reg. 191/11 s.25: Informing employees of supports](#)[Learn more about your requirements for question 2](#)

Comments for question 2 Offer letter indicates policies to review and do mandatory e- learning modules for: Respectful Workplace Employee Training; Accessible Customer Services, Breaking Down Barriers; IASR.

3. When requested, does your organization provide employees with disabilities information in an accessible format or with communication supports? *
- ☒ Yes ☐ No

[Read O. Reg. 191/11 s.26: Accessible formats and communication supports for employees](#) [Learn more about your requirements for question 3](#)

Comments for question 3 Reflected in several policies besides the Accessibility Policy (e.g. Documentation Standards 03-02-02; Forms Management 03-02-01; Open Data 03-10-02). City complies when a request for an alternate format is requested.

4. Does your organization prepare individualized workplace emergency response information for employees with disabilities? *

☒ Yes

☐ No

[Read O. Reg. 191/11 s.27: Workplace emergency response information](#)

[Learn more about your requirements for question 4](#)

Comments for question 4 **Reflected by the Short & Long Term Accommodation Policy, Emergency Evacuation Form**

Make new or redeveloped public spaces accessible

5. Since January 1, 2016, has your organization constructed new or redeveloped existing recreational trails that you intend to maintain? *

☒ Yes

☐ No

(if Yes, you will be required to answer additional questions)

[Read O. Reg. 191/11 Part IV.1: Design of Public Spaces Standards - Definitions](#)

[Learn more about your requirements for question 5](#)

5.a. Did your organization consult with the public and persons with disabilities prior to constructing new or redeveloping existing recreational trails as outlined in the s.80(8) of the Integrated Accessibility Standards Regulation (IASR)? *

☒ Yes

☐ No

[Read O. Reg. 191/11 s.80\(8\): Consultation, recreational trails](#)

[Learn more about your requirements for question 5.a](#)

Comments for question 5.a **Consultation with Accessibility Planning, AAC, FADS and StART teams.**

5.b. Does your organization ensure that its new or redeveloped recreational trails meet the technical requirements as outlined s.80(9) of the IASR? *

☒ Yes

☐ No

[Read O. Reg. 191/11 s.80\(9\): Technical requirements for trails](#)

[Learn more about your requirements for question 5.b](#)

Comments for question 5.b **Yes, through the use of FADS manual for technical requirements and presented to FADS committee. 23 Park Trail reconstructions since 2016 and 5 New Trail constructions.(eg. Derry Greenway; Huron Park; Avonlea Park; Willowvale Fields; Deer Run Park)**

6. Since January 1, 2016, has your organization constructed new or redeveloped existing beach access routes that you intend to maintain? *

☐ Yes

☒ No

(if Yes, you will be required to answer additional questions)

[Read O. Reg. 191/11 Part IV.1: Design of Public Spaces Standards - Definitions](#)

[Learn more about your requirements for question 6](#)

6.a. Does your organization ensure that its new or redeveloped beach access routes meet the technical requirements as outlined in IASR s.80(10)? *

☐ Yes

☐ No

[Read O. Reg. 191/11 s.80\(10\): Technical requirements for beach access routes](#)

[Learn more about your requirements for question 6.a](#)

Comments for question 6.a

7. Do your new or redeveloped recreational trail and/or beach access routes include boardwalks? *

☒ Yes

☐ No

(if Yes, you will be required to answer additional questions)

7.a. Where new or redeveloped recreational trails and/or beach access routes have a boardwalk, does the boardwalk meet the technical requirements as outlined in s.80(12) of the IASR? *

☒ Yes

☐ No

[Read O. Reg. 191/11 s.80\(12\): Boardwalks](#)

[Learn more about your requirements for question 7.a](#)

Comments for question 7.a **Yes, through the use of FADS manual for technical requirements and presented to FADS committee. (eg. Lake Aquitaine redevelopment).**

8.1

8. Do your new or redeveloped recreational trails and/or beach access routes include ramps? *
(if Yes, you will be required to answer additional questions)

☒ Yes ☐ No

[Read O. Reg. 191/11 s.80\(13\): Ramps](#)

[Learn more about your requirements for question 8](#)

8.a. Where new or redeveloped recreational trails and/or beach access routes have a ramp, does the ramp meet the technical requirements as outlined in s.80(13) of the IASR? *

☒ Yes ☐ No

[Read O. Reg. 191/11 s.80\(13\): Ramps](#)

[Learn more about your requirements for question 8.a](#)

Comments for Yes, through the use of FADS manual for technical requirements and presented to FADS question 8.a committee

9. Since January 1, 2016, has your organization constructed new or redeveloped existing outdoor public use eating areas that you intend to maintain? *
(if Yes, you will be required to answer additional questions)

☒ Yes ☐ No

[Read O. Reg. 191/11 s.80\(17\): Outdoor public use eating areas, general requirements](#)

[Learn more about your requirements for question 9](#)

9.a. Does your organization ensure that where they construct or redevelop outdoor public use eating areas that they meet the requirements as outlined in s.80(17) of the IASR? *

☒ Yes ☐ No

[Read O. Reg. 191/11 s.80\(17\): Outdoor public use eating areas, general requirements](#) [Learn more about your requirements for question 9.a](#)

Comments for question 9.a Yes, through the use of FADS. (eg. Huron Park)

10. Since January 1, 2016, has your organization constructed new or redeveloped existing outdoor play spaces that you intend to maintain? *
(if Yes, you will be required to answer additional questions)

☒ Yes ☐ No

10.a. When constructing new or redeveloping existing outdoor play spaces, did your organization consult with the public and persons with disabilities on the needs of children and caregivers, and if you represent a municipality did your organization consult with the accessibility advisory committee where one was established as outlined in s.80(19) of the IASR? *

☒ Yes ☐ No

[Read O. Reg. 191/11 s.80\(19\): Outdoor play spaces, consultation requirements](#)

[Learn more about your requirements for question 10.a](#)

Comments for question 10.a Yes, through the use of FADS manual for technical requirements and presented to FADS committee. 39 Playground Redevelopment (eg: Castlegreen Meadows; Frank Dowling Park) and 2 barrier free playgrounds (Jaycee Park; Paul Coffey)

10.b. Did your organization incorporate accessibility features when constructing a new or redeveloping an existing play space as outlined in s.80(20a) of the IASR? *

☒ Yes ☐ No

[Read O. Reg. 191/11 s.80\(20a\): Outdoor play spaces, accessibility in design](#)

[Learn more about your requirements for question 10.b](#)

Comments for question 10.b Community Park Playgrounds With Improved Accessibility (EWF, ramp and accessible swing)
• Westacres Park; Aquinas Park; Lake Wabukayne Park; Churchill Meadows Community Common (north playground)

10.c. Does your organization's new or redeveloped play spaces have a firm ground surface as outlined in s.80(20b) of the IASR? *

☒ Yes ☐ No

[Read O. Reg. 191/11 s.80\(20b\): Outdoor play spaces, accessibility in design](#)

[Learn more about your requirements for question 10.c](#)

Comments for All playground development or redevelopment incorporates safety surfacing that meets the CSA question 10.c standard

11. Since January 1, 2016, has your organization constructed new or redeveloped existing exterior paths of travel that you intend to maintain? * ☒ Yes ☐ No
(If Yes, you will be required to answer additional questions)
- 11.a. Where applicable, do your newly constructed or redeveloped exterior paths of travel meet the technical and general requirements as outlined in s.80(21) – 80(31) of the IASR? * ☒ Yes ☐ No
- Read O. Reg. 191/11 s. 80(21) - 80(31): Exterior Paths of Travel [Learn more about your requirements for question 11.a](#)
- yes.
Comments for question 11.a • Streetsville Cadet Community Centre –stairs
• Paul Coffey Park new sidewalk connection
-
12. Since January 1, 2016, has your organization constructed new or redeveloped existing off-street parking facilities that you intend to maintain? * ☒ Yes ☐ No
(If Yes, you will be required to answer additional questions)
- 12.a. When constructing new or redeveloping off-street parking facilities that you intend to maintain, do you ensure that the off-street parking facilities meet the accessibility requirements as outlined in s.80(32) – 80(37) of the IASR? * ☒ Yes ☐ No
- Read O. Reg. 191/11 s.80(32) - 80(37): Accessible Parking [Learn more about your requirements for question 12.a](#)
- Yes
Comments for question 12.a • Hancock Woodlands
• Danville Park.
-
13. Since January 1, 2016, has your organization constructed a new or replaced an existing service counter? * ☒ Yes ☐ No
(If Yes, you will be required to answer additional questions)
- 13.a. Does your organization ensure that new or redeveloped service counters meet the technical requirements as outlined in s.80(41) of the IASR? * ☒ Yes ☐ No
- Read O. Reg. 191/11 s. 80(41): Service counters [Learn more about your requirements for question 13.a](#)
- Comments for question 13.a Yes, through the use of FADS manual for technical requirements and presented to FADS committee
-
14. Since January 1, 2016, has your organization constructed new fixed queuing guides? * ☐ Yes ☒ No
(If Yes, you will be required to answer additional questions)
- 14.a. Does your organization ensure that new fixed queuing guides for obtaining services meet the technical requirements as outlined in s.80(42) of the IASR? * ☐ Yes ☐ No
- Read O. Reg. 191/11 s.80(42): Fixed queuing guides [Learn more about your requirements for question 14.a](#)
- Comments for question 14.a
-
15. Since January 1, 2016, has your organization constructed new or redeveloped existing waiting areas? * ☐ Yes ☒ No
(If Yes, you will be required to answer additional questions)
- 15.a. Does your organization ensure that new or developed fixed seating waiting areas meet the technical requirements as outlined in s.80(43) of the IASR? * ☐ Yes ☐ No
- Read O. Reg. 191/11 s.80(43): Waiting areas [Learn more about your requirements for question 15.a](#)
- Comments for question 15.a
-

16. Does your organization's public spaces have accessible elements in place as required under the Design of Public Spaces Standard of the IASR? *

☒ Yes ☐ No

(If Yes, you will be required to answer additional questions)

Read O. Reg. 191/11 Part IV, 1: Design of public spaces standards

Learn more about your requirements for question 16

16.a. Does your organization's multi-year accessibility plan include procedures for preventative and emergency maintenance of the accessible elements in public spaces, and for dealing with temporary disruptions when accessible elements are not in working order as outlined in s.80(44) of the IASR? *

☒ Yes ☐ No

Read O. Reg. 191/11 s.80(44): Maintenance of accessible elements

Learn more about your requirements for question 16.a

Comments for Park Bench Arm Rest Addition Program; Spraypad ; Fitness Equipment; Hancock Woodlands; question 16.a Park Washrooms; Etobicoke Creek trail

Provide accessible transportation services

17. Does your organization provide conventional transportation services? *

☒ Yes ☐ No

(If Yes, you will be required to answer additional questions)

Read O. Reg. 191/11 Part IV - Transportation Standards: Definitions

Learn more about your requirements for question 17

17.a. Does your organization have electronic pre-boarding announcements of the route, direction, destination or next major stop on its transportation vehicles, and do these announcements satisfy the requirements set out in section 51. O. Reg. 191/11? *

☒ Yes ☐ No

Read O. Reg. 191/11 s.51(2): Pre-boarding announcements

Learn more about your requirements for question 17.a

Comments for question 17.a MiWay currently has Voice and Visual Stop Announcement Systems to announce and display next stop announcement, prior to arriving at a stop. Automated announcement of stops, visually over on-board display signs.

17.b. Does your organization ensure that all destination points or available route stops are announced through electronic means and legibly and visually displayed through electronic means? *

☒ Yes ☐ No

Read O. Reg. 191/11 s.52(2) - 52(3): On-board announcements

Learn more about your requirements for question 17.b

Comments for question 17.b Automated announcement of stops, information is displayed visually over on-board display signs, to see the stop information as it is announced. External announcements are made from all MiWay buses. route name, number and direction.

18. Does your organization provide specialized transportation services? *

☐ Yes ☒ No

(If Yes, you will be required to answer additional questions)

Read O. Reg. 191/11 Part IV - Transportation Standards: Definitions

Learn more about your requirements for question 18

18.a. Does your organization follow the eligibility requirements as outlined in section 63 of the Integrated Accessibility Standards Regulation? *

☐ Yes ☐ No

Read O. Reg. 191/11 s.63: Categories of eligibility

Learn more about your requirements for question 18.a

Comments for question 18.a

19. In the jurisdiction where you provide specialized transportation services, does another organization provide conventional transportation services? *
(if Yes, you will be required to answer additional questions)

☐ Yes☐ No

19.a. Does your organization ensure that it does not charge more than the highest fare charged for conventional transportation services within the same jurisdiction? *

☐ Yes☐ No

[Read O. Reg. 191/11 s.66: Fare parity](#)

[Learn more about your requirements for question 19.a](#)

Comments for
question 19.a

19.b. Does your organization ensure that it has, at minimum, the same hours and days of service as any one of the conventional transportation service providers within the same jurisdiction? *

☐ Yes☐ No

[Read O. Reg. 191/11 s.70: Hours of service](#)

[Learn more about your requirements for question 19.b](#)

Comments for
question 19.b

20. Other than the requirements cited in the above questions, is your organization complying with all other requirements in effect under the Integrated Accessibility Standards Regulation? *

☒ Yes☐ No

[Read O. Reg. 191/11: Integrated Accessibility Standards](#)

[Learn more about your requirements for question 20](#)

Comments for
question 20 80.21-31 Exterior Paths of Travel and 80.32-39 Accessible Parking of the AODA as related to
municipal and privately held lands are addressed by the Planning and Building Department through
the Site Plan Review process



Organization category	Designated Public Sector	Number of employees range	50+
Filing organization legal name	The Corporation of the City of Mississauga		
Filing organization business number (BN9)	121414106		

Fields marked with an asterisk (*) are mandatory.

D. Accessibility compliance report summary

Your responses to the questions on your accessibility report indicate that your organization is in compliance with AODA standards.

Your organization may be audited to verify compliance.

E. Accessibility compliance report certification

Section 15 of the *Accessibility for Ontarians with Disabilities Act, 2005* requires that accessibility reports include a statement certifying that all the required information has been provided and is accurate, signed by a person with authority to bind the organization(s).

Note: It is an offence under the Act to provide false or misleading information in an accessibility report filed under the AODA.

The certifier may designate a primary contact for the Accessibility Directorate to contact the organization(s); otherwise the certifier will be the main contact.

Certifier: Someone who can legally bind the organization(s).

Primary Contact: The person who will be the main contact for accessibility issues.

Acknowledgement

- ☒ I certify that I have the authority to bind all organizations specified in Section A of this form, *
- ☒ I certify that all the required information has been included in this report, and, *
- ☒ I certify that the information in this report is accurate. *

Certification date (yyyy-mm-dd) * 2017-11-28

Certifier information

Last name *		First name *	
Kent		Gary	
Position title *	Position title other *	Business phone number *	Extension
Other	Commissioner and CFO	905 615-3200	5395
		<input type="checkbox"/> Check here if TTY	
Email *		Alternate phone number	Fax number
gary.kent@mississauga.ca			

Primary contact for the organization(s)

☐ Check if the primary contact is same as the certifier

Last name *		First name *	
Kassam		Rasul	
Position title *	Position title other *	Business phone number *	Extension
Other	Supervisor, Accessibility	905 615-3200	3608
		<input type="checkbox"/> Check here if TTY	
Email *		Alternate phone number	Fax number
rasulkassam@mississauga.ca			

**2017 Annual Accessibility Report &
2018-2022 Multi-Year Accessibility Plan**

Section 14: Appendix A

A2. Staff Accessibility Resource Team (StART)

Staff Accessibility Resource Team (StART)

Name	Position	Contact
Alana Tyers	Team Leader Transit Planning, T&W/MT Planning	Alana.Tyers@mississauga.ca
Amr Merdan	Urban Designer, P&B/Urban Design	amr.merdan@mississauga.ca
Anthony Frigo	Bldg Plans Examiner, P&B/Building & Mechanical Plan Exam	Anthony.Frigo@mississauga.ca
Christine Gabany	Mgr Talent Acquisition, CPS/Talent Acquisition	Christine.Gabany@mississauga.ca
Christopher Tham	Communications Advisor CPS/P&B, CPS/Corporate Communications	christopher.tham@mississauga.ca
Ihor Witowych	Mgr Transit Operations - Employees, T&W/MTOP Operations A	ihor.witowych@mississauga.ca
Jennifer Cowie Bonne	Mgr Community & Neighbourhood Dev, CMS/Community & Neighbourhood Development	jennifer.cowiebonne@mississauga.ca
Jennifer Cowan	Accessibility Specialist, CPS/F&PM/FDA	Jennifer.cowan@mississauga.ca
Lorena Smith	Community Dev Coord Older Adults, CMS/Community & Neighbourhood Development	lorena.smith@mississauga.ca
Lydia Kowalyk	Mgr Materiel Mgt - Internal Services, CPS/Materiel Management- Internal	Lydia.Kowalyk@mississauga.ca
Marie-France Chartrand	Legal Counsel, CMO/Legal Services	marie-france.chartrand@mississauga.ca
Megan Palmateer	Digital Coord (NC), CPS/Corporate Marketing	megan.palmateer@mississauga.ca
Michael Foley	Mgr Mobile Licensing Enforcement, T&W/Mobile Licensing Enforce	Michael.Foley@mississauga.ca
Mojan Jianfar	Planner, Culture Planning, CMS/Culture Planning	mojan.jianfar@mississauga.ca
Pamela Shanks	Corporate Policies Analyst, CPS/Corporate Performance & Innovation	Pamela.Shanks@mississauga.ca
Rasul Kassam	Accessibility Supervisor, CPS/F&PM/Facilities Dev. & Accessibility	RasulKassam@mississauga.ca
Shaesta Hussen	Planner, P&B/Development Services	shaesta.hussen@mississauga.ca
Stefan Szczepanski	Mgr Parks Development, CMS/Park Development	Stefan.Szczepanski@mississauga.ca
Stuart Young	Mgr Parks Operations - North, CMS/Parks Operations North	Stuart.Young@mississauga.ca
Trish Sarnicki	Legislative Coord, CPS/Legislative Services	trish.sarnicki@mississauga.ca
Virginia Kalapaca	Project Leader Landscape Architect, CMS/Parks Program Delivery A	virginia.kalapaca@mississauga.ca

**2017 Annual Accessibility Report &
2018-2022 Multi-Year Accessibility Plan**

Section 14: Appendix A

A3. Accessibility Policy

Corporate Policy & Procedure

Policy Title: Accessibility

Policy Number: 03-08-05

Section:	Corporate Administration	Subsection:	Provision Of City Services
Effective Date:	January 5, 2017	Last Review Date:	December, 2016
Approved by: Council		Owner Division/Contact: Facilities Development and Accessibility, Facilities and Property Management, Corporate Services	

Policy Statement – Statement of Commitment

The City of Mississauga is committed to implementing, maintaining and enhancing accessibility with respect to employment and the use of all City goods, services, programs and facilities in a timely manner for all persons with disabilities in a manner that:

- Respects their dignity and independence
- Ensures reasonable efforts are made to provide an opportunity equal to that given to others, and
- Allows persons with disabilities to benefit from the same services, in the same place and in a similar way to others, to the greatest extent possible

Purpose

The purpose of this policy is to outline the requirements developed under the *Accessibility for Ontarians with Disabilities Act, 2005* (AODA), specifically Ontario Regulation 191/11, the Integrated Accessibility Standards (IASR), which establishes the accessibility standards pertaining to information and communications, employment, transportation, the built environment (design of public spaces) and customer service, as well as additional general requirements that the City must comply with.

This policy will provide the framework for compliance with the requirements. All City Corporate Policies and Procedures, by-laws standards and guidelines must comply with the standards developed under the AODA.

Legislative Requirements

The *Accessibility for Ontarians with Disabilities Act, 2005* requires organizations to establish policies, practices and procedures governing how the organization will achieve accessibility through meeting its requirements and compliance dates under the Regulations, e.g. Ontario Regulation 191/11, the Integrated Accessibility Standards (IASR).

Policy Number: 03-08-05

Effective Date: January 5, 2017

Policy Title: Accessibility

Last Review Date: December, 2016

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The requirements set out in the AODA Regulations are not a replacement or a substitution for those established under the Ontario *Human Rights Code*, nor do the standards limit any obligations owed to persons with disabilities under any other legislation.

Scope

This policy applies to the employment life cycle and the provision of goods, services or facilities to employees and members of the public or other third parties by, or on behalf of, the City of Mississauga.

This policy and its related procedures apply to all staff, elected officials, citizen members of committees and volunteers acting on behalf of the City of Mississauga or third parties who are responsible for delivering services to employees, members of the public or other third parties, unless otherwise stated.

Definitions

The definitions used in this policy are based on the definitions provided in the AODA.

“Accessible Formats” may include, but are not limited to, large print, recorded audio and electronic formats, Braille and other formats usable by persons with disabilities.

“Assistive Devices” means technical aids, communication devices, or medical aids modified or customized for use in increasing, maintaining or improving the functional ability of a person with a disability and may include, but are not limited to, wheelchairs, walkers, white canes used by people who are blind or who have low vision, note taking devices, portable magnifiers, recording machines, assistive listening devices, personal oxygen tanks and devices for grasping. Assistive Devices may accompany the customer or already be on the premises and are used to assist persons with disabilities in carrying out activities or in accessing the services provided by the City of Mississauga.

“Bus” means a motor vehicle designed for carrying 10 or more passengers and used for the transportation of persons.

“Career Development and Advancement” means the provision of additional responsibility within an employee’s current position or movement from one job to another within the organization that may be higher in pay, provide greater responsibility, or be at a higher level in the organization.

“Communication Supports” may include, but are not limited to, captioning, alternative and augmentative communication supports, plain language, assistive listening devices (ALD), American Sign Language (ASL) interpreters and other supports that facilitate effective communications.

"Conventional Transportation Services" means any public passenger transportation services on transit buses, motor coaches or rail-based transportation that operate solely within the Province of Ontario and that are provided by a designated public sector transportation organization.

"Disability" is defined by the Ontario *Human Rights Code* and the AODA as:

- Any degree of physical disability, infirmity, malformation or disfigurement that is caused by bodily injury, birth defect or illness and, without limiting the generality of the foregoing, includes diabetes mellitus, epilepsy, a brain injury, any degree of paralysis, amputation, lack of physical co-ordination, blindness or visual impediment, deafness or hearing impediment, muteness or speech impediment, or physical reliance on a guide dog or other animal or on a wheelchair or other remedial appliance or device
- A condition of mental impairment or a developmental disability
- A learning disability, or a dysfunction in one or more of the processes involved in understanding or using symbols or spoken language
- A mental disorder, or
- An injury or disability for which benefits were claimed or received under the insurance plan established under the workplace safety and insurance act, 1997

"Performance Management" means a program that defines and assesses employee performance, productivity and effectiveness, with the goal of facilitating employee success.

"Public Spaces" means outdoor recreational trails, beach access routes, boardwalks, ramps, outdoor public use eating areas, outdoor play spaces, outdoor paths of travel (including ramps, stairs and curbs, accessible pedestrian signals and rest areas), accessible parking, service counters and includes maintenance and restoration of these public spaces.

"Redeployment" means assignment of an employee to another job or department within the organization as an alternative to layoff, when a particular job or department within the organization has been down-sized or eliminated.

A "Service Animal" is any animal that provides essential assistance to a person with a visible or invisible disability.

"Support Person" means, in relation to a person with a disability, another person who accompanies them in order to help with communication, mobility, personal care or medical needs or with access to goods or services.

"Taxicab" means a motor vehicle as defined in the *Highway Traffic Act*, other than a car pool vehicle, having a seating capacity of not more than six persons, exclusive of the driver, hired for one specific trip for the transportation exclusively of one person or group of persons, one fare or charge only being collected or made for the trip and that is licensed as a taxicab by a municipality.

Compliance

City staff will comply with the requirements of the AODA in accordance with the requirements outlined below. Staff with direct responsibility for any of the requirements of the Regulations shall receive additional training appropriate to their duties.

Ontario Regulation 191/11 - Integrated Accessibility Standards

1. General Requirements

- 1.1. Establish accessibility policies - develop, implement and maintain policies governing how the organization achieves or will achieve accessibility through meeting its requirements referred to in the Regulation
- 1.2. Establish accessibility plans - establish, implement, maintain and document a multi-year accessibility plan and review it every five years. Progress on the plan will be provided annually to the Mississauga Accessibility Advisory Committee (AAC) and Council
- 1.3. Procurement - incorporate accessibility criteria and features, except where it is not practical to do so. If not practical, the City shall provide an explanation, upon request
- 1.4. Incorporate accessibility features when designing, procuring or acquiring self-service kiosks (interactive electronic terminals, including point-of-sale devices), intended for public use that allow users to access services and/or products
- 1.5. Provide training on the requirements of the AODA Regulations and on the Ontario *Human Rights Code* as it pertains to persons with disabilities

2. Information and Communications Standards

- 2.1 Upon request, provide or arrange for the provision of Accessible Formats and Communication Supports for persons with disabilities in a manner that takes into account the person's accessibility needs and at a cost that is no more than the regular cost charged to other persons, including:
 - 2.1.1 The processes for receiving and responding to feedback - forward feedback to the applicable department or section for action (e.g. rectify a physical barrier); respond in a timely manner and copy staff in Accessibility Planning, Facility Development & Accessibility Section, Facilities & Property Management Division, Corporate Services Department ; provide updates if the resolution involves multiple steps or is lengthy
 - 2.1.2 Information (text, audio, digital or images) available to the public regarding emergency procedures, plans or public safety information
 - 2.1.3 Accessible websites and web content - web content must conform to the Worldwide Web Consortium's Web Content Accessibility Guidelines (WCAG), in accordance with the Regulations' timelines
 - 2.1.4 Public libraries - provide access to or arrange for the provision of access to accessible materials where they exist

3. Employment Standards

- 3.1 The Employment Standards requirements do not apply to volunteers and other unpaid individuals
- 3.2 Recruitment process – notify employees and the public about the availability of accommodation for applicants with disabilities during the assessment or selection process
- 3.3 Notify successful applicants of City policies and any other additional supports pertaining to the accommodation of employees with disabilities
- 3.4 Consult with employees, upon request, to provide or arrange for the provision of accessible formats and communication job supports that meet their accessibility needs
- 3.5 Provide individualized workplace emergency response information to employees whose disability is such that it is necessary and the City is aware of the need for accommodation. Provide this information, with the employee's consent, to the person designated to provide assistance. Review this information when the employee moves to a different location, when the employee's overall accommodations needs or plans are reviewed and when the City reviews its general emergency response plans
- 3.6 Develop and have in place a written process for the development of documented individual accommodation plans for employees with disabilities. Include individualized workplace emergency response information, if requested
- 3.7 Develop and have in place a return to work process for employees who have been absent due to a disability and require disability-related accommodations in order to return to work
- 3.8 Performance Management - take into account the accessibility needs of employees with disabilities, as well as documented individual accommodation plans
- 3.9 Career Development and Advancement or Redeployment - take into account the accessibility needs of employees with disabilities, as well as documented individual accommodation plans

4. Transportation Standards - Mississauga is a provider of Conventional Transportation Services and Taxicab licences only.

- 4.1 Make current information on accessibility equipment and features of vehicles, routes and services available to the public
- 4.2 Take reasonable steps to accommodate persons with disabilities if the accessibility equipment on a vehicle is not functioning
- 4.3 Conduct employee and volunteer accessibility training related to the standards' requirements, including any revisions, and keep a record of the training
- 4.4 Hold at least one annual public meeting involving persons with disabilities
- 4.5 Establish, implement, maintain and document emergency preparedness and response policies that provide for the safety of persons with disabilities
- 4.6 Fares for persons with disabilities cannot exceed normal fares. If a Support Person travels with a person with a disability, only a single fare is required

Policy Number: 03-08-05

Effective Date: January 5, 2017

Policy Title: Accessibility

Last Review Date: December, 2016

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- 4.7 Identify the process for managing, evaluating and taking action on customer feedback in accessibility plans. Ensure the feedback is accessible by providing or arranging for accessible formats and communication supports, upon request
- 4.8 General responsibilities, upon request - deploy accessible devices; allow adequate boarding/deboarding time; assist with safe storage of mobility aids/mobility assistive devices
- 4.9 Transit stops - ensure that persons with disabilities are able to board/deboard a transportation vehicle at the closest available safe location, if the official stop is not accessible and the safe location is along the same transit route
- 4.10 Ensure that Assistive Devices are stored in the passenger compartment within reach of the person with the disability who uses the aid or device.
- 4.11 Priority seating - ensure that there is clearly marked priority seating for persons with disabilities
- 4.12 Service disruptions - when aware in advance, make alternate accessible arrangements known as soon as possible
- 4.13 Announcements - pre-boarding announcements (on request) of the route, next stop, etc.; onboard audible verbal announcement of all destination points is required
- 4.14 Technical requirements – grab bars; safe, non-slip surfaces and steps; storage for Assistive Devices; stop-requests and emergency response controls; suitable lighting and signage; indicators and alarms (refer to Regulation 191/11 for complete details).
- 4.15 Consult with the AAC in the development of accessible design criteria for bus stops and shelters
- 4.16 Taxicabs
 - 4.16.1 Consult with the AAC to determine the proportion of on-demand accessible Taxicabs required in the community
 - 4.16.2 Ensure higher fares for persons with disabilities are not charged
 - 4.16.3 Ensure a fair for the storage and transportation of Assistive Devices is not charged
 - 4.16.4 Place vehicle registration and identification information on the rear bumper of the Taxicab and make the information available in alternative formats, upon request.
- 5. Built Environment – Design of Public Spaces Standards – applies to new construction and major changes to existing features after December 31, 2012. The *Ontario Building Code* (OBC) governs new construction and renovations, mainly for interior design. The Ministry of Municipal Affairs and Housing is responsible for administering the OBC
 - 5.1 Recreational trails/beach access routes - meet minimum requirements for trails and beach access routes (i.e. clear width), post signs with specific information at the start of trails
 - 5.2 Outdoor public eating areas like rest stops or picnic areas – provide a minimum number of accessible tables
 - 5.3 Outdoor play spaces (e.g.) playgrounds in parks and local communities – consult with persons with disabilities to assist in incorporating accessibility for children with various disabilities into play spaces

- 5.4 Outdoor paths of travel (e.g.) sidewalks, ramps, stairs, curb ramps, rest areas and accessible pedestrian signals – meet minimum requirements for sidewalks; install accessible pedestrian signals at intersections
- 5.5 Accessible parking (on and off street) – refer to Accessible Parking requirements in the IASR for off street parking, which includes Type A (van accessible) and Type B (standard space). Consult with the AAC on the need, location and design of accessible on-street parking spaces.
- 5.6 Service-related elements like service counters, fixed queuing lines and waiting areas – have a minimum of one accessible counter when providing services to the public
- 5.7 Maintenance and restoration of public spaces – ensure accessibility-related equipment and features are maintained.

6. Customer Service Standard

6.1 Use of Assistive Devices

- 6.1.1 A person with a disability must be permitted to enter the premises with the device and to utilize the device, unless excluded by law
- 6.1.2 Where excluded by law, staff must provide an explanation and other arrangements must be explored in order to provide service
- 6.1.3 Assistive Devices that are available for access to specific services and programs must be kept in good working order and appropriate staff must know how to use the equipment or device
- 6.1.4 The public must be informed of their availability

6.2 Use of Service Animals

- 6.2.1 Care and control of Service Animals are the responsibility of the person using them
- 6.2.2 If it is not readily apparent that the animal is a Service Animal, then documentation from a regulated health professional confirming that the person requires the animal for reasons relating to the disability is required
- 6.2.3 A person with a disability must be permitted to enter those areas of the premises that are open to the public or third parties with the Service Animal and to keep the animal with them unless otherwise excluded by law from the premises (e.g. animals are not allowed in places where food is manufactured, prepared or processed)
- 6.2.4 Where excluded by law, or where the Service Animal may affect the health and safety of other customers, other arrangements must be explored in order to meet the needs of both customers while providing service to the person with a disability

6.3 Use of Support Persons

- 6.3.1 If assisted by a Support Person, the person with a disability must not be prevented from having access to the Support Person

- 6.3.2 If a participant fee is charged (e.g. admission or registration fee) the fee must be waived for the accompanying Support Person
- 6.3.3 A person with a disability may be required to be accompanied by a Support Person if it is the only means available to allow the person to access the provider's goods or services and, at the same time, protect the health and/or safety of the person with a disability or others on the premises. The City will:
 - Consult with the person with a disability to understand their needs
 - Consider health or safety reasons based on available evidence
 - Determine if there is no other way to protect the health or safety of the person or others on the premises
- 6.4 Notice of Temporary Disruptions
 - 6.4.1 Notice of the disruption must be provided to the public in a timely manner
 - 6.4.2 Notice must include information about the reason for the disruption, its anticipated duration and a description of alternative facilities or services, if any, that are available
 - 6.4.3 Notice will be given by posting the information at a conspicuous place on the premises (on doors, at service counters, on bulletin boards, etc.); by posting it on the City's website or by such other method as is reasonable in the circumstances
- 6.5 Notice of Availability of Documents
 - 6.5.1 The City will provide notice to the public that this policy and any documents that describe practices and procedures with respect to the Regulations are readily available in an alternative format upon request
 - 6.5.2 Notice will be posted at a conspicuous place (e.g. the City's external web site)

Framework for Compliance

The City of Mississauga is committed to removing and preventing barriers for persons with disabilities. The City meets the requirements of the Regulations through the following methods, processes and actions:

1. Strategic Plan - The City of Mississauga's Strategic Plan defines the City's priorities, processes and short and long-term plans and prioritizes budget and resource allocations. One of the Plan's key Strategic Goals is to Ensure Affordability and Accessibility "to provide a range of affordable and accessible housing, transit and service options."
2. City of Mississauga's Official Plan - The Official Plan ensures that all changes within the urban environment will be considered for their capacity to create successful places where all people will collectively thrive.

3. City of Mississauga Accessibility Plan – available to the public on the City's external website and filed annually, the plan identifies barriers to persons with disabilities and the initiatives the municipality will take for the removal of those barriers.
4. MiWay – Mississauga Transit's Accessibility Plan - This report provides an annual update on activities MiWay has undertaken to meet the goal of improving accessibility in its services and facilities. The Plan is in conformance with the requirements of the AODA and related Regulations and is available to the public on the City's external website.
5. Mississauga Accessibility Advisory Committee (AAC) - The AAC, an advisory committee to Council, makes recommendations and advises and assists the City in promoting and facilitating a barrier-free Mississauga for citizens of all abilities (universal accessibility), including persons with disabilities. A majority of the members of the AAC are persons with disabilities.
6. The City of Mississauga incorporates accessibility into its By-Laws and Corporate Policies. Examples of By-Laws and Policies with reference to accessibility planning include:

By-Laws

- Accessible Parking By-Law 134-83
- Parks By-Law 186-05
- Public Vehicle Licensing By-Law 420-04
- Purchasing By-Law 374-06
- Traffic By-Law 550-00
- Transit By-Law 425-03

Policies

Human Resources:

- Employee Recruitment
- Health and Safety Management System
- Short and Long Term Accommodation
- Salary Administration

Corporate Administration:

- Access to and Acceptable Use of Information Technology Resources
- Documentation Standards
- Employee Records
- Provision of Audio Visual Equipment

Note: All Corporate Policies, regardless of whether or not they specifically address accessibility, are reviewed with an accessibility lens.

Policy Number: 03-08-05

Effective Date: January 5, 2017

Policy Title: Accessibility

Last Review Date: December, 2016

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7. Training - The following persons shall receive training on the requirements of the Regulations and on the Ontario *Human Rights Code* as it pertains to persons with disabilities:
- a) all employees and volunteers
 - b) all persons who participate in developing the organization's policies, and
 - c) all other persons who provide goods, services or facilities on behalf of the organization

Training must be provided as soon as practical and on an ongoing basis in connection with changes to the policies, practices and procedures governing the Regulations. The City will maintain records of the training provided, including the dates and the number of individuals to whom it was provided.

8. Transportation and Works Operator Standard Practice Instruction Manual – The Manual, comprised of a series of standard operating procedures for transit employees, outlines the requirements of the AODA and related Regulations and how the requirements will be met.
9. Procurement Request Form (PRF) and Contract Managers Guidebook – The Guidebook includes a checklist to ensure accessibility considerations and requirements are part of the procurement cycle, including the planning and document development stages.
10. City of Mississauga Facility Accessibility Design Standards - In recognition of the diverse needs of employees, residents and visitors to the City, the mandate of the Facility Accessibility Design Standards is to outline design criteria which are intended to generate built environments that are more inclusive. The City recognizes that the application of the criteria is dependent on the ability of the City to apply the criteria in compliance with legislation such as the *Ontario Building Code* and the *Planning Act*.

Revision History

Reference	Description
GC-0859-2012 – 2012 12 12	
June 17, 2013	Mayor & Council and LT approval to add Built Environment
January, 2017	Scheduled review – revised to reflect legislated changes to the IASR; other minor housekeeping edits.



2017 Annual
**Accessibility
Report**

December 2017





2017 annual accessibility report

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2017 annual accessibility report

Executive Summary

The City of Mississauga is committed to improving transit accessibility for people with disabilities. The 2017 Annual Accessibility Report documents the planning and implementation activities undertaken by MiWay in 2017 to make all its services and facilities accessible.

The 2017 Annual Report fulfills MiWay's obligations under the Accessibility for Ontarians with Disabilities Act (AODA), to publish an annual status report.

MiWay continues to provide a transportation system that ensures its services and operations are accessible to everyone. MiWay's plans will result in all services and facilities being accessible before the accessibility deadline of 2025, as established by the AODA.

MiWay is committed to:

- The continuous improvement of accessible transit services;
- Working toward ensuring its facilities and premises are barrier free;
- Ensuring employment opportunities are barrier free; and
- Implementing communication services that respect the abilities of all customers, employees and the public at large.

Consistent with the requirements under the Integrated Accessibility Standards Regulation (IASR), MiWay's 2017 Accessibility Report will be provided to the public for review during the City of Mississauga's Accessibility Advisory Committee (AAC) meeting on February 5, 2018.

A final copy of the 2017 Annual Accessibility Report will be posted on MiWay's website and will be available in alternate accessible formats, upon request.

1.0 MiWay's Accessibility Policy

MiWay is committed to achieving an accessible transit system within the City of Mississauga. To meet the principles and goals outlined in the Accessibility for Ontarians with Disabilities Act (AODA), MiWay will ensure that:

- Its services are provided in a way that maintains and respects the dignity and independence of all customers;
- All infrastructure and services related to transit are developed with accessibility in mind;
- Policies, procedures and protocols are implemented that work towards identifying, removing and preventing barriers to people with disabilities.



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2.0 MiWay's Service Profile

MiWay operates conventional, fixed route transit service within the boundaries of the City of Mississauga. As part of the Greater Toronto Area, MiWay connects to commuter rail and regional bus service provided by GO Transit, and integrates service with neighbouring municipalities. The system connects with Brampton Transit to the north, Oakville Transit to the west, and the Toronto Transit Commission (TTC) to the east, with direct connections to the Islington and Kipling Subway Stations.

MiWay has made substantial progress in achieving its goal of providing accessible service. Currently all MiWay terminals/transit hubs within the City of Mississauga are accessible, along with all of its routes. MiWay's entire fleet now consists of accessible buses – that is, all MiWay buses are low floor, kneeling buses equipped with ramps that allow passengers to board/exit with ease. MiWay buses are equipped with automated stop announcements and visual display.

Conventional Services – 2017 Service Profile

Types of Services	Conventional fixed route transit service. School Routes - Trips to and from local secondary schools within Mississauga to supplement conventional transit service.
Service Area	Primarily within the City of Mississauga boundaries, with service integration into neighbouring municipalities (Brampton, Toronto, and Oakville)
Hours of Operations	Monday to Friday: 3:56 AM to 3:21 AM Saturday: 4:17 AM to 2:53 AM Sunday: 6:19 AM to 2:09 AM
Annual Revenue Ridership	39.5 Million
Annual Revenue Service Hours	1.44 Million (Annual Vehicle hrs: 1.54 Million)
Annual Revenue Kilometres	31.6 Million
Number of Routes	79 Routes (as of Dec. 2017): 7 Express Routes; 55 Regular Routes; 17 School Routes
Fleet Composition	472 accessible buses

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3.0 Integrated Accessibility Standards Regulation (IASR):

MiWay's main focus for accessibility planning has been on the implementation of the requirements under the Integrated Accessibility Standards Regulation (IASR) 2011. MiWay has been proactive and has accomplished much in relation to accessibility improvements within our facilities, policies, and services. A significant portion of the requirements set out within the IASR's Transportation Standard are currently in effect and compliance has already been achieved.

3.1 IASR Transportation Compliance Initiatives (effective Jan. 1, 2017)

There are no new transportation compliance initiatives in 2017. For further details related to IASR 191/11 compliance initiatives and subsequent work plan, please refer to Appendix 1.0.

4.0 2017 Initiatives and Achievements

4.1 Real Time Bus Updates:

Since 2016, MiWay customers have been receiving up-to-the-minute information about their next bus with real time schedule information on the Plan a Trip tool. Real-time uses data gathered from GPS technology to provide up-to-the-minute information about the next bus.

As of March 1, 2017 a new real-time feature is now available under the "Next Trip" section of Plan a Trip that allows customers to see where their bus is on a map. Like the real-time bus arrival estimates, the position of the bus on the map is updated every 60 seconds. Real time bus updates is available on the any device including desktop, tablet, or mobile (responsive website).

This information is also available on digital signs at the City Centre Transit Terminal and at Mississauga Transitway stations. The digital signs at the Mississauga Transitway stations display up-to-the-minute next trip information.

Customers will see:

The time the bus is scheduled to arrive

Within 10 minutes of the bus arrival a real-time countdown will appear

Lastly, when the bus is arriving in real-time

Next Bus
109 S Meadowvale EXP
Arrive 2:18 PM

Arrive 2:18 PM

Arrives 2 min

Arriving



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4.2 Transit Infrastructure:

A fundamental aspect of the expansion of accessible conventional services within Mississauga's existing transit system is the ongoing upgrade of stops, shelters, bus pads and sidewalk connections.

On September 29, 2017 MiWay, with funding through the Public Transit Infrastructure Fund (PTIF), has started work on three infrastructure projects to enhance public transit safety in Mississauga.

Dedicated bus lanes (left and right turn improvements) – MiWay is improving intersections across the city to enhance visibility to bus-only turn lanes and address the safety concern of motorists using these bus only lanes as a way of making both right and left turns. Adding high visibility red paint will eliminate car traffic in these lanes and ensure the safety of both pedestrians and other vehicle traffic using the intersection.

Bus stop/queue jump lanes – As the City upgrades transit signals in preparation for the introduction of signal prioritization, bus queue jump lanes (identified with red paint) have been added at key bus stop locations to assist with bus travel flow along Burnhamthorpe Road, between Dixie and Hurontario. MiWay will continue to work and identify other key intersections across the city where adding bus queue jump lanes will improve both bus and vehicle traffic flow.

Bus landing pads – Excavation and concrete installation of the outer lanes near high activity bus stops is underway to strengthen the bus stopping zone. The work will replace damaged road surfaces to improve safety, comfort and reduce/eliminate operational issues such as excessive wear and tear on buses. 120 locations have been identified for improvement.

In 2017 alone, MiWay installed approximately 367 new bus pads throughout the City to make access to transit more convenient and accessible. In order for a route to be considered accessible, in addition to buses, all transit infrastructure along the route must also be accessible, which means for bus stop pads to be installed at every stop (if feasible) and connect with the existing sidewalk network where possible. Currently only about 4.9% (approximately 168 of 3,433) of stops within the City of Mississauga are inaccessible mainly due to the absence of sidewalks.

Rear Concrete Pad Installation Program:

To further improve access to MiWay's accessible conventional services, additions to existing concrete bus stop pads will be the main focus going forward. The extension or addition of a "tail" to the existing pads will allow for passengers to safely exit from the back door of the buses without stepping down into mud or grass. Of the 367 pads

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installed in 2017, approximately 215 were dedicated to rear door concrete pad extensions.

MiWay has set a goal of creating an accessible system by which all stops within the boundary of the City of Mississauga, to the extent possible, will be accessible. The City's Sidewalk Program budget was increased to assist in achieving this goal. All current sidewalk improvements and installations have been prioritized to provide connections to MiWay stops and services. As progress is made, and sidewalks are constructed to improve pedestrian linkages, MiWay will continue to install the necessary infrastructure to improve accessibility throughout our system.

Sidewalk Program:

The programming of sidewalks is led by the City of Mississauga's Active Transportation Office in the Transportation & Infrastructure Planning Division, with input from MiWay's Service Development Team in support of transit accessibility. The timing of this work is subject to the priority schedules set by the Transportation & Infrastructure Planning division, budget availability and City of Mississauga Council approval.

In 2017, approximately 4 kilometres of new sidewalks were constructed, with the majority of locations being those that provide connections to MiWay stops and services. Funding through the Public Transit Infrastructure Fund allowed for additional sidewalk installations and will continue in 2018. In 2018, the focus of the annual sidewalk program will continue to be transit accessibility improvements. Approximately 5 kilometres of new sidewalk construction is being programmed for 2018. Since 2010, approximately 44 kilometres of sidewalk have been added throughout the City of Mississauga to improve accessibility.

Installation of Tactile Plates:

To make transit more accessible, the City of Mississauga is installing tactile plates along MiWay's most popular transit routes and major transit terminals. Tactile plates have been installed at over 100 intersections along Dundas Street, Burnhamthorpe Road, Bloor Street, Eglinton Avenue and Mavis Road. In addition, tactile plates will also be installed at major terminals such as South Common Mall Bus Terminal, Westwood Mall Terminal and Meadowvale Town Centre. Additional tactile plates will be installed through 2018, up to as many as 400 intersections.

This \$4 million project will be funded by the city and the federal government, through the Public Transit Infrastructure Fund.

4.3 Information & Communication:

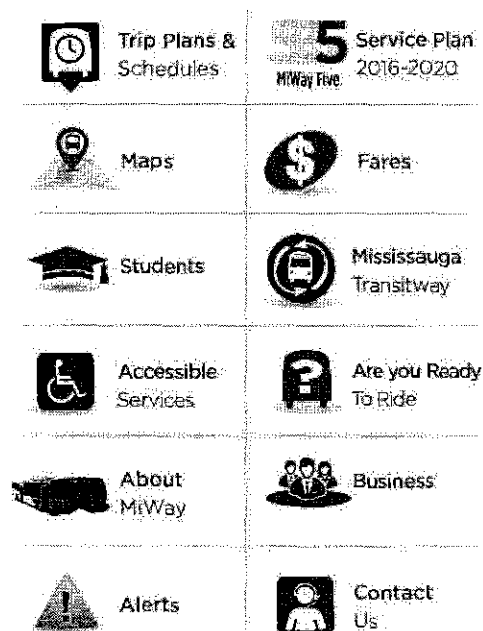
With the recent improvements to MiWay's Accessible Services, MiWay continues to review and update its web content and print material pertaining to accessibility.

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Web Content:

In an effort to enhance usability, improvements are continuously made to MiWay's new Accessible Services webpage, which can now be easily accessed through miway.ca. Information pertaining to accessible services, policies and procedures is categorized and distributed in multiple formats to ensure information is easily accessible for all customers. Providing education content, MiWay ensures easy step-by-step instructions on how to board/exit a MiWay bus for new riders.

Web accessibility has been improved with the addition of accessible downloadable PDF documents available online, such as the Accessible Bus Services Guide and the Service Changes web page. Web content is now more accessible for visual aids and computer screen readers by creating consistent styles among headers/titles, links and lists to ensure they are distinct from paragraph copy. In addition to this, MiWay continues to provide web descriptions for screen readers such as image ALT tags and web link title attributions.



The number of inaccessible PDF documents was reduced on miway.ca and many were made into accessible web pages. The font size and styles have been enhanced on these web pages such as those related to Service Changes, MiWay Student Ambassador Program. MiWay continues to ensure new website content is made accessible by testing webpages for accessibility, including MiWay's two new microsites, student.miway.ca and transitway.miway.ca.

Print Content:

To improve accessibility in MiWay's print material, all print material produced has been reviewed and revisions made to font type, colour sizes, spacing, line height and contrast.

MiWay's Accessible Bus Services brochure, which contains the same information on policies and procedures as those available online, is frequently updated and is available at all City terminals and facilities. The Accessible Bus Services brochure is also made available on MiWay's website as well as in alternate accessible formats upon request.



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4.4 Accessibility Customer Service Training Improvement

The Accessible Customer Service Training course has been delivered to new transit operators training program since 2009. This course consists of in-class lesson and a role play on-the-bus simulation. In 2017, the MiWay Training Department set out a project mandate to review their course curriculum to determine if any continuous improvement was required.

Needs Assessment: A comprehensive needs analysis was completed to help determine the benefits and shortcomings of the Transit Operator Training Program.

Learning Objectives and Outcomes: The needs analysis provided an opportunity to redesign the learning approach to new Transit Operators and improve their learning and retention of the content and create an appreciation toward those with accessibility needs.

A new course called Accessibility Customer Services Part 2 was designed. The goal of the training course was to reinforce the eLearning "May I Help You" and enhance the in-class learning experience by connecting their learners to MiWay specific conversations, as well as, enhance the hands on-the-bus simulation role play with more time and activities.

The new course outline consists of:

- Mandatory Homework by the New Operators who shall complete the eLearning "May I Help You" Accessible Customer Service Module independently and complete 10 exercise questions that connect the eLearning module to the role of a Transit Operator
- In-Class session has the following topics: What is Accessible Customer Service at MiWay, What can I do as a Transit Operator, 5 Transit Specific Case studies Frequently Asked Questions, and What If stories.
- The in-class structure first opens with facts and data. The group explains to the Instructor in their own words their answers to the exercise questions
- In-class emphasizes more on what a transit operator can do to help be more accessible customer service focused. The in-class is 2 hours long with 1 hour focused on the learner engagement.
- The hands on-the-bus simulation consists of 1 hour role play where operators demonstrate and preform being a passenger in a wheel chair, a passenger with a Service Animal, a passenger with arthritis, a passenger who is blind and uses a cane.

The new course has been delivered to participants, and feedback received states that the Accessible Customer Service is one of the most helpful modules. Instructors noticed an increase in participation and retention during the new training course.

MiWay's Training Department will continue to make improvements to this course as we strive to teach and encourage our new Transit Operators to show compassion and responsiveness towards all our passengers.



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4.5 Customer Feedback:

MiWay welcomes customer feedback. Customers can contact the MiWay contact centre, visit the information booth at the City Centre Transit Terminal, complete the online feedback form, reach out to us through Twitter or see one of our Customer Service Ambassadors roaming our MiWay transit network.

Launched in August 2016, MiWay Customer Service Ambassadors are available where customers are. They are roaming the MiWay transit network, riding busses and visiting terminals and various bus stops to assist customers. Customers can ask a question, provide feedback or just say hello to one of our friendly staff. MiWay Customer Service Ambassadors can be easily identified from their bright orange t-shirts in the summer months, but as the temperature drops riders just need to spot the blue jackets for assistance.

Our Customer Service Representatives are adept at assisting customers in the development of individual travel plans that meet individual needs. In addition, the Customer Service Team will answer any general inquiries about all MiWay services. Inquiries about specific requests or concerns are logged and forwarded to the appropriate department for comment and follow up. Issues related to accessibility or accessible services are forwarded to the MiWay Service Development team for action.

MiWay has extended its customer services on our social media channel @MiWayHelp on Twitter. Here customers can participate in more conversations with MiWay about transit services, ask questions and provide feedback, with the aim of ensuring customers receive first contact resolution. Assistance is available 7 days a week, weekdays, 7 am to 7 pm, weekend/holiday, 8 am to 6 pm.

MiWay Customer Service Ambassadors



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4.6 MiVoice

On October 25th, 2017 MiWay introduced a new online feedback forum called MiVoice. The purpose of this online forum is to provide an opportunity and a means for MiWay to hear our customers' thoughts on taking transit in Mississauga. Whether customers are daily or occasional riders, or have never taken MiWay before, their feedback will help inform how we shape and improve service for all our customers.

MiVoice

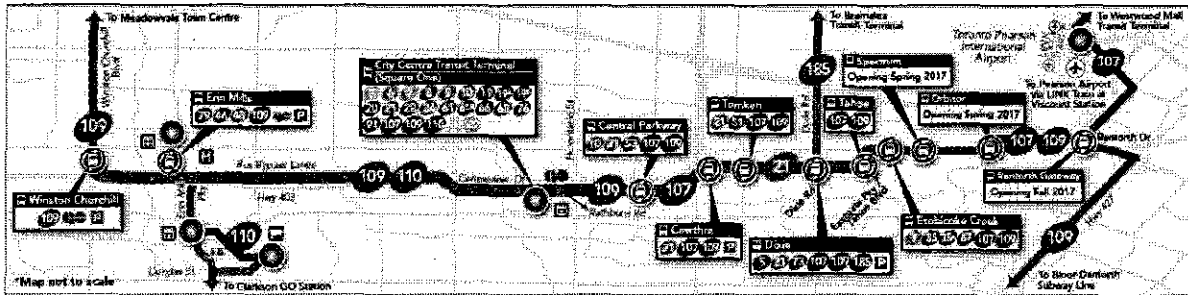
Join MiWay's new
feedback panel
and have your say

Register today at
miway.ca/mivoice

By joining MiWay's new online panel, customers will have their voices heard as we continue to evolve and shape MiWay service offerings. Through MiVoice, MiWay will be hosting surveys on various topics and will invite registered users to participate. Based on customers' registration profiles they will be selected to participate in surveys that matter to them. As with all MiWay surveys, all responses are confidential – we will not share any information without your consent.

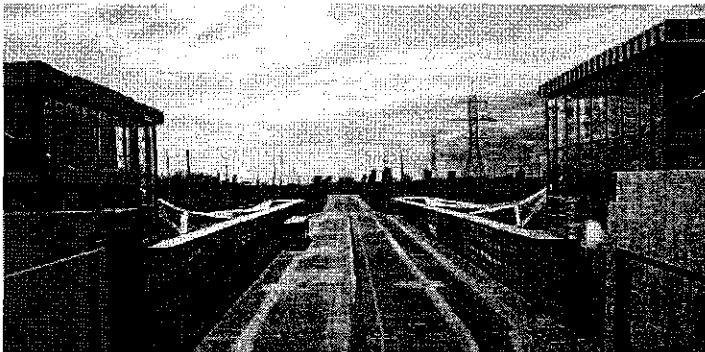
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5.0 Mississauga's Transitway



The Mississauga Transitway is a dedicated bus only transit corridor that will provide east-west travel across Mississauga. When completed, the 18-kilometre transitway will have twelve stations beginning at Winston Churchill Boulevard in the west and ending at Renforth Drive in the east.

The City of Mississauga is responsible for the construction of the Transitway east segment and includes eight stations: Central Parkway, Cawthra, Tomken, Dixie, Tahoe, Etobicoke Creek, Spectrum, and Orbitor. GO Transit (a division of Metrolinx) is responsible for the construction of one station in the east at Renforth and two stations in the west at Winston Churchill and Erin Mills.



Design and construction of the Mississauga Transitway stations and facilities have incorporated the Universal Design Principles and the guidelines and objectives set out within the City of Mississauga's Accessibility Plan and the City of Mississauga Accessibility Design Handbook and Facility Accessibility Design Standards.

Accessible Transitway Stations:

Aligned with the City's commitment to meet the Accessibility for Ontarians with Disabilities Act, 2005 (AODA) requirements, all Transitway stations are equipped with elevators (where required). Featuring accessible elements, they enable greater navigation within the station and a more convenient and comfortable experience.



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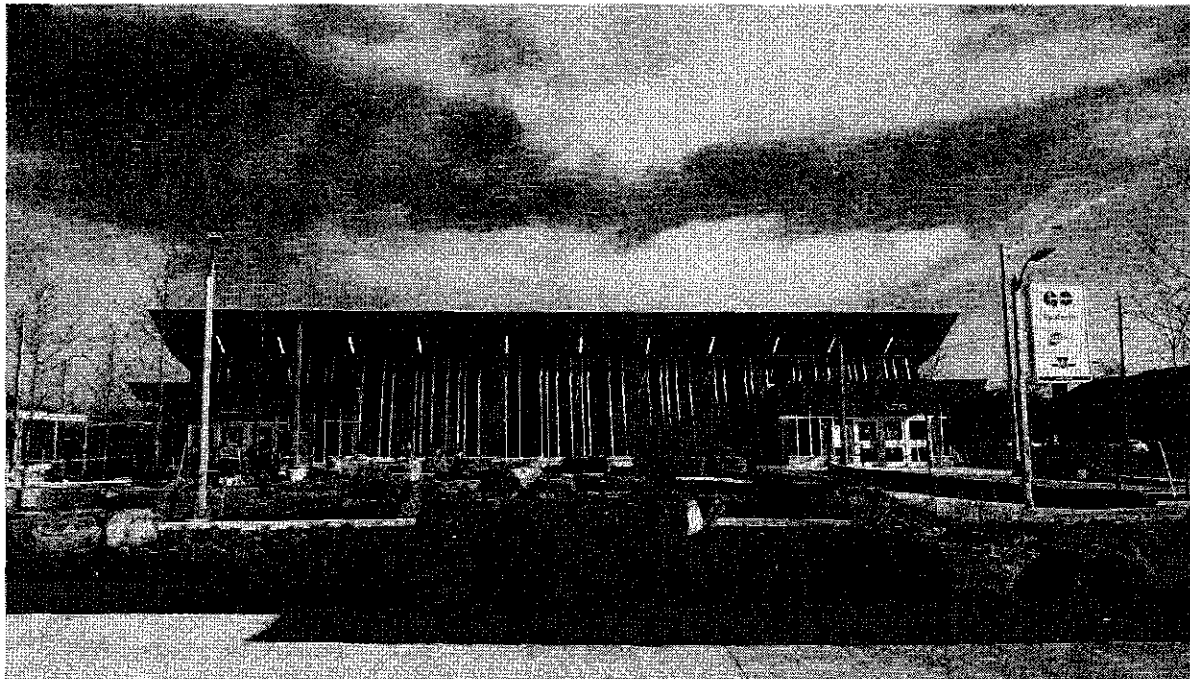
Where required, stations feature safe crossing between platforms via ramps, designed with accessible features. Tactile way-finding strips have been incorporated at all Transitway stations for easier navigation inside the stations, between all entrances and elevators.

5.1 Project Status:

MiWay's two newest stations, Spectrum and Orbitor in the Airport Corporate Centre opened on May 9th, 2017. In December 2017, the final station on the Mississauga Transitway opened for service. The final station at Renforth brings together three bus services – MiWay, GO Transit and the Toronto Transit Commission (TTC) – in one transit facility and is the first of its kind in Mississauga. Renforth Station provides transit riders with more travel options to connect to and from Toronto, Pearson Airport and across the region.

With the entire Transitway now complete, it provides extensive bus service for thousands of riders per day, making it faster and easier to travel to, from and through Mississauga and the GTA.

For more information on the Mississauga Transitway visit www.miway.ca/transitway.



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6.0 Hurontario Light Rail Transit (LRT)

The Hurontario LRT (HuLRT) project is located on Hurontario Street from Port Credit GO Station in the City of Mississauga to the Gateway Terminal in the City of Brampton. This Light Rail Transit (LRT) project will bring 20 kilometres of fast, reliable, rapid transit to the cities of Mississauga and Brampton along the Hurontario corridor.



New, modern light rail vehicles will travel in a dedicated right-of-way and serve 22 stops serving 2 urban growth centres, 4 mobility hubs, and connections to GO Transit's Milton and Lakeshore West rail lines, MiWay, Brampton Transit, and the Mississauga Transitway. The LRT will provide up to 5 minute service frequencies both ways during peak periods. Light Rail Vehicles will operate in a segregated guideway ensuring reliable and convenient service to passengers.

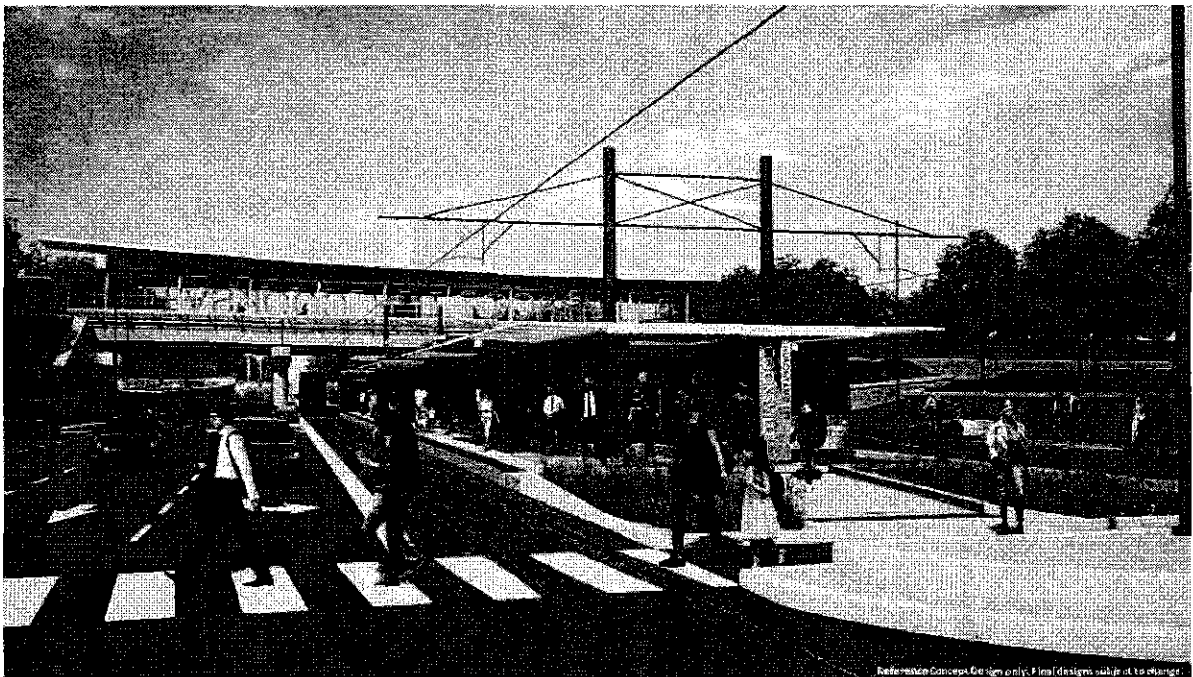
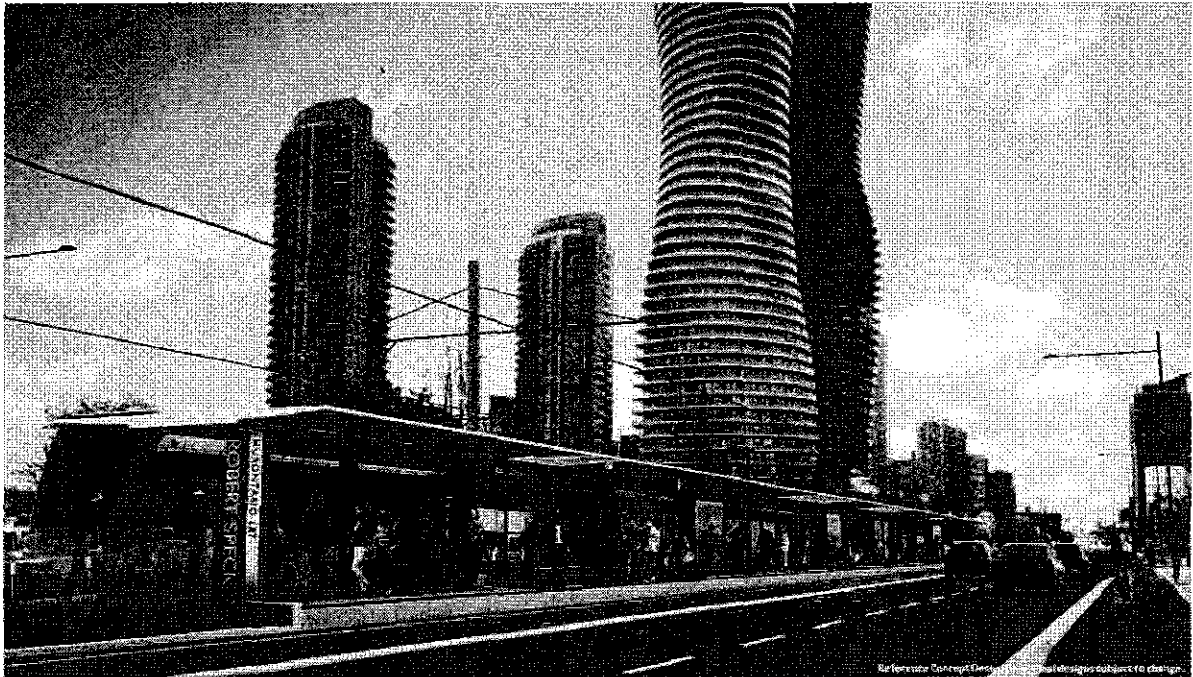
Urban design for the Hurontario Light Rapid Transit (LRT) will incorporate universal design principles through the provision of:

- Pedestrian signals
- Step free access
- Wayfinding systems for people with visual disabilities
- Easy access for strollers and mobility devices
- Level boarding meeting accessibility standards
- Wide sidewalks with curb ramps at all intersections

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The Hurontario LRT will be a significant benefit to the communities of Mississauga and Brampton, and be an integral component of the GTHA's broader transportation network. Construction is scheduled to begin in 2018, with an anticipated completion in 2022. Funded through a \$1.4 billion commitment from the Province of Ontario, the Hurontario LRT is a signature project of the Moving Ontario Forward plan.





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7.0 Consultation of the Report

In the preparation of this plan, MiWay has conducted the following consultation activities:

- Consultation with the City of Mississauga's Accessibility Advisory Committee (AAC) to ensure input is received from all members;
- Consultation with the residents of the City of Mississauga to ensure input is received from the general community (public meeting/AAC meeting held February 5th, 2018); and
- Consultation with MiWay's operating and support staff to ensure that those responsible for delivery of accessible service provide input.

8.0 Plan Approval & Communication Strategy

Transit Management Team approved the 2017 Accessibility Report at its January 9th, 2018 meeting. The required communication of the plan will include the following:

- Release of the approved report to the City of Mississauga's Accessibility Advisory Committee;
- Inclusion of the approved report in the City of Mississauga's 2017 Annual Report of the Multi-Year Accessibility Plan;
- Inclusion of the approved report on MiWay's website; and
- Notification of the availability of the approved report in the Accessible Bus Services brochure.

9.0 Conclusion & Next Steps

MiWay has made great strides in achieving its goal of being an accessible transit service for all City of Mississauga residents.

MiWay's Accessibility Report provides an update on activities undertaken by staff to improve accessibility to all of its services and facilities. This Plan summarises the results, to date, of the extensive planning and implementation activities MiWay has undertaken over the years to make the system more accessible.

Where feasible, MiWay is incorporating Universal Design Principles into the design of the system and the supporting infrastructure. By adopting these Principles MiWay is confident that - in time - the services offered by MiWay will accommodate the needs of not just the disability community but the greater population.



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10.0 For more Information

Questions or comments about MiWay's Accessibility Plan or general inquiries on our Accessible Services are always welcome.

For Travel Times & Route Planning Assistance, Information Representatives are available:

Weekdays:	7:00 am to 7:00 pm
Weekends/Holidays:	8:00 am to 7:00 pm
E-mail:	<u>miway.info@mississauga.ca</u>

To provide customer feedback, customer service representatives are available:

Weekdays:	7:00 am to 7:00 pm
Weekends/Holidays:	8:00 am to 6:00 pm
Online Form:	<u>Online Feedback Form</u>

TTY Phone: 905-615-3886
(Tele-typewriter phone for persons who are Deaf, deafened, or hard-of-hearing)

Weekdays:	7:00 am to 7:00 pm
Weekends/Holidays:	8:00 am to 6:00 pm

MiWay – Website: [MiWay Website](#)

MiWay – Mailing Address: 3484 Semenyk Court
Mississauga, Ontario L5C 4R1

Follow us on Twitter: @MiWayHelps

If you require this document in an alternate format, please contact MiWay at miway.info@mississauga.ca or call (905) 615-4636 (INFO).



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Appendix 1.0

Integrated Accessibility Standards Regulation Requirements for MiWay (Mississauga Transit)

Transportation Standard			
Sec.	IASR Requirements	Compliance Deadline	Status
34	<p>Availability of information on accessibility equipment, etc.</p> <p>All conventional transportation service providers shall make available to the public current information on accessibility equipment and features of their vehicles, routes and services.</p> <p>Conventional transportation service providers shall, upon request, provide the information in an accessible format.</p>	January 1, 2012	<p>Completed</p> <p>MiWay's Accessible Services Guide contains information on its accessible services, policies, and procedures. This brochure is available in print as well as online at miway.ca</p> <p>Information on accessibility services is available in an accessible format, upon request.</p>
35	<p>Non-functioning accessibility equipment</p> <p>If the accessibility equipment on a vehicle is not functioning and equivalent service cannot be provided, conventional transportation service providers shall take reasonable steps to accommodate persons with disabilities and the transportation service provider shall repair the equipment as soon as is practicable.</p>	July 1, 2011	<p>Completed</p> <p>MiWay's existing policy and training requires Operators to notify Transit Control on any accessibility equipment that may require repair or replacement as soon as practicable.</p> <p>Operator Training includes instructions on what to do in an emergency situation and helps Operators take reasonable steps to ensure the safety of all passengers, especially passengers with disabilities.</p>
36	<p>Accessibility training</p> <p>Conventional transportation service providers shall conduct employee and volunteer accessibility training.</p> <p>The accessibility training shall include training on: (a) the safe use of accessibility equipment and features; (b) acceptable modifications to procedures in situations where temporary barriers exist or accessibility equipment on a vehicle fails; and (c) emergency preparedness and response procedures that provide for the safety of persons with disabilities.</p>	January 1, 2014	<p>Completed / Ongoing</p> <p>The City of Mississauga's Human Resources division have developed a training design that outlines the learning objectives, and training content for the staff e-learning and in-class workshops. The IASR training was launched for all employees in June 2013.</p> <p>In 2017, MiWay's Training Department completed a needs analysis which led to the redesign to the learning approach for new Transit Operators and improve their learning and retention of the content and create an appreciation toward those with accessibility needs.</p>

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37	<p>Emergency preparedness & response policies</p> <p>Conventional transportation service providers,</p> <p>(a) shall establish, implement, maintain and document emergency preparedness and response policies that provide for the safety of persons with disabilities; and</p> <p>(b) shall make those policies available to the public.</p> <p>Conventional transportation service providers shall, upon request, provide the policies in an accessible format.</p>	January 1, 2012	<p>Completed</p> <p>The emergency preparedness and response policy document has been prepared and posted on miway.ca.</p> <p>Information is also available in an accessible format, upon request.</p>
38	<p>Fares, support persons</p> <p>No conventional transportation service provider shall charge a fare to a support person who is accompanying a person with a disability.</p> <p>It is the responsibility of a person with a disability to demonstrate their need for a support person to accompany them on the conventional service and to ensure that the appropriate designation for a support person is in place.</p>	January 1, 2014	<p>Completed</p> <p>MiWay's Support Person Policy allows customers who need assistance to board, pay their fare, access the seating area or exit, to be accompanied by a Support Person.</p> <p>MiWay defines a Support Person as a person whose presence is essential to provide care and assistance to a passenger with a disability, regardless of the nature of their disability.</p> <p>Only a single fare is required when a passenger with a disability travels with a Support Person (this includes CNIB card holders).</p>
41, 43	<p>Accessibility plans, conventional transportation services</p> <p>Conventional transportation service providers shall identify the process for managing, evaluating and taking action on customer feedback.</p> <p>Every conventional transportation service provider shall annually hold at least one public meeting involving persons with disabilities to ensure that they have an opportunity to participate in a review of the accessibility plan and are given the opportunity to provide feedback.</p>	January 1, 2013	<p>Completed</p> <p>MiWay has produced a multi-year Accessibility Plan, and continues to produce an Annual Status Report on progress made within MiWay to make services more accessible.</p> <p>The Accessibility Plans are presented and supported by City Council as well as the City of Mississauga's Accessibility Advisory Committee at its first yearly meeting, which is open to the public.</p>



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44	<p>General responsibilities</p> <p>Conventional transportation service providers shall,</p> <ul style="list-style-type: none"> (a) deploy lifting devices, ramps or portable bridge plates upon request; (b) ensure that adequate time is provided to persons with disabilities to safely board, be secured and deboard transportation vehicles and that assistance be provided, upon request, for these activities; (c) assist with safe and careful storage of mobility aids or mobility assistive devices used by persons with disabilities; and (d) allow a person with a disability to travel with a medical aid. <p>Conventional transportation service providers shall, upon request, make information on the matters available in an accessible format.</p>	January 1, 2012	<p>Completed</p> <p>MiWay provides mandatory training on Accessibility Standards for Customer Service, in accordance with Ontario Regulation 191/11. The training ensures employees are aware of the key components of the Customer Service Standard; the requirements for assisting customers with disabilities; how to correctly operate the equipment when boarding or de-boarding customers with disabilities, particularly those who use assistive devices such as wheelchairs or scooters; and, sensitivity training on the provision of service to persons with disabilities.</p> <p>MiWay continually reviews the content, format, and delivery methods of its sensitivity, disability, and diversity training programs with a view towards improving their impact and effectiveness, and integrating improvements into its new and existing employee training programs.</p>
45	<p>Alternative accessible method of transportation</p> <p>Except where not practicable to do so, a conventional transportation service provider that does not provide specialized transportation services shall ensure that any person with a disability who, because of his or her disability, is unable to use conventional transportation services is provided with an alternative accessible method of transportation.</p>	January 1, 2013	<p>Completed</p> <p>Region of Peel's TransHelp services are available for customers who are unable to use conventional transit and acts as an alternative accessible method of transportation for passengers with disabilities.</p>
46	<p>Fares</p> <p>No conventional transportation service provider shall charge a higher fare to a person with a disability than the fare that is charged to a person without a disability.</p> <p>Conventional transportation service providers that do not provide specialized transportation services shall make available alternative fare payment options to persons with disabilities.</p>	<p>July 1, 2011</p> <p>January 1, 2013</p>	<p>Completed</p> <p>MiWay does not charge a higher fare for passengers with disabilities. The various fare media options available can be used by all customers.</p> <p>Presto System is available on all MiWay buses and acts as an easy alternative fare payment option for all passengers (when cash, passes, or tickets are not an option).</p>

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47	<p>Transit stops</p> <p>Conventional transportation service providers shall ensure that persons with disabilities are able to board or deboard at the closest available safe location, as determined by the operator that is not an official stop, if the stop is not accessible.</p>	January 1, 2012	<p>Completed</p> <p>MiWay's existing policy allows customers to board or deboard a MiWay bus at the closest safe location if the official stop is inaccessible.</p> <p>Operators are also trained to notify Transit Control of any stop that is inaccessible.</p>
48	<p>Storage of mobility aids, etc.</p> <p>Every conventional transportation service provider shall, if safe storage is possible, ensure that mobility aids and mobility assistive devices are stored in the passenger compartments of its transportation vehicles.</p>	January 1, 2012	<p>Completed</p> <p>MiWay's existing policy allows customers to board with mobility aids and mobility assistive devices, as long as the aisles are kept clear at all times for emergency situations.</p>
49	<p>Courtesy seating</p> <p>Every conventional transportation service provider shall ensure that there is clearly marked courtesy seating for persons with disabilities on its transportation vehicles.</p> <p>The courtesy seating shall be located as close as practicable to the entrance door.</p> <p>The courtesy seating shall be signed to indicate that passengers, other than persons with disabilities, must vacate the courtesy seating if its use is required by a person with a disability.</p> <p>Every conventional transportation service provider shall develop a communications strategy designed to inform the public about the purpose of courtesy seating.</p>	January 1, 2012	<p>Completed</p> <p>MiWay revised its existing Courtesy Seating Policy to state that the front seats on all MiWay buses were reserved for passengers with disabilities. This ensures that priority seating on buses is there for people who need it. People of all ages with mobility and other disabilities can be assured of easily accessible places to sit.</p> <p>New 'Priority Seating' decals were produced and installed on all MiWay buses.</p> <p>A Communication Plan was prepared and delivered through website, event, media releases and print.</p>
50	<p>Service disruptions</p> <p>Where a route or scheduled service is temporarily changed and the change is known in advance of the commencement of the trip, conventional transportation service providers shall make available alternate accessible arrangements to transfer persons with disabilities to their route destination and ensure information on alternate arrangements is communicated taking into account the person's disability.</p>	July 1, 2013	<p>Completed / Ongoing</p> <p>MiWay issues alerts on route detours when they are known in advance. Information is made available at miway.ca, as well at affected terminals and stops.</p> <p>MiWay has made improvements to its alert system by issuing real time alerts to customers advising them on cancellations, detours, and/or delays that are specific to routes.</p> <p>MiWay staff have launched a new Twitter account @MiWayHelps through which some communication updates are posted.</p>



2017 annual accessibility report

51	<p>Pre-boarding announcements Every conventional transportation service provider shall ensure that there are, on request, pre-boarding verbal announcements of the route, direction, destination or next major stop.</p> <p>Every conventional transportation service provider shall ensure that there are electronic pre-boarding announcements of the route, direction, destination or next major stop on its transportation vehicles.</p>	<p>July 1, 2011</p> <p>January 1, 2017</p>	<p>Completed Beginning in January 2014, MiWay implemented external announcements on all buses. The announcements include the route name, number and direction. This is the same service information that is displayed on the destination sign.</p>
52	<p>On-board announcements Every conventional transportation service provider shall ensure that there are audible verbal announcements of all destination points or available route stops on its transportation vehicles.</p> <p>Every conventional transportation service provider shall ensure that all destination points or available route stops, are announced through electronic means; and are legibly and visually displayed through electronic means.</p>	<p>July 1, 2011</p> <p>January 1, 2017</p>	<p>Completed MiWay currently has Voice and Visual Stop Announcement Systems to announce and display pre-recorded stop information, prior to arriving at a stop. In addition to the automated announcement of stops, information is displayed visually over on-board display signs, allowing passengers to see the stop information as it is announced.</p>
78	<p>Duties of municipalities, general Any municipality that provides conventional transportation services shall consult with its municipal accessibility advisory committee, the public and persons with disabilities in the development of accessible design criteria to be considered in the construction, renovation or replacement of bus stops and shelters.</p> <p>Every municipality shall identify planning for accessible bus stops and shelters in its accessibility plan.</p>	<p>January 1, 2013</p>	<p>Completed The City of Mississauga's Accessibility Design Handbook was revised in 2015 to match the new Ontario Building Code and IASR, Design of Public Spaces requirements. The document is now referred to as the City of Mississauga 2015 Facility Accessibility Design Standards. This document has been prepared with the support of the Accessibility Advisory Committee. Details from this document are used in the design of MiWay Shelters.</p>

2017 annual accessibility report

Information and Communication Standards			
11	<p>Feedback</p> <p>Every obligated organization that has processes for receiving and responding to feedback shall ensure that the processes are accessible to persons with disabilities by providing or arranging for the provision of accessible formats and communications supports, upon request.</p> <p>Every obligated organization shall notify the public about the availability of accessible formats and communication supports.</p>	January 1 st , 2014	<p>Completed / Ongoing</p> <p>Customers can contact the MiWay contact centre, visit the information booth at the City Centre Transit Terminal, complete the online feedback form available on miway.ca/contactus, reach out to us through Twitter or speak to one of our Customer Service Ambassadors roaming the MiWay transit network.</p>
12	<p>Accessible formats and communication supports</p> <p>Except as otherwise provided, every obligated organization shall upon request provide or arrange for the provision of accessible formats and communication supports for persons with disabilities, in a timely manner that takes into account the person's accessibility needs due to disability; and at a cost that is no more than the regular cost charged to other persons.</p> <p>The obligated organization shall consult with the person making the request in determining the suitability of an accessible format or communication support. Every obligated organization shall notify the public about the availability of accessible formats and communication supports.</p>	January 1 st , 2016	<p>Completed / Ongoing</p> <p>Currently all MiWay print material is available in an accessible format, upon request. Web accessibility has also been improved with accessible PDF documents being added to the service changes web page. The number of PDF documents were reduced on MiWay.ca and all made into accessible web pages or well-structured PDF documents which can be read by screen readers.</p> <p>Accessible Document Training will continue to be provided to staff in 2017, this includes how to create accessible PDFs. Initial training sessions began in February 2013. An Accessible Documents Reference Guide was compiled to accompany the in-class training.</p>
14	<p>Accessible websites and web content</p> <p>Designated public sector organizations and large organizations for their internet websites shall meet the requirements of this section in accordance with the following schedule:</p> <p>By January 1, 2014, new internet websites and web content on those sites must conform with WCAG 2.0 Level A.</p> <p>By January 1, 2021, all internet websites and web content must conform with WCAG 2.0 Level AA</p>	<p>January 1, 2014, new internet websites and web content</p> <p>January 1, 2021, all internet websites and web content</p>	<p>Completed / Ongoing</p> <p>New web content management system acquired, implementation goal is for WCAG 2.0, Level AA starting in 2016 as new content/features are implemented.</p> <p>The City has renewed with Site Improve for 2017 to run accessibility checks on our websites</p> <p>Website accessibility improvements will coincide with the new web content management system.</p>

City of Mississauga Corporate Report



<p>Date: 2018/04/26</p> <p>To: Chair and Members of General Committee</p>	<p>Originator's files:</p>
<p>From: Gary Kent, CPA, CGA, Commissioner of Corporate Services and Chief Financial Officer</p>	<p>Meeting date: 2018/05/16</p>

Subject

Funding Request for Churchill Meadows Community Centre & Park (Ward 10)

Recommendation

1. That the Corporate Report titled "Funding Request for Churchill Meadows Community Centre & Park" dated April 26, 2018 from the Commissioner of Corporate Services & Chief Financial Officer be received.
2. That funding of \$2,475,000 be transferred from the Development Charges Recreation Reserve Fund (31315) and funding of \$275,000 be transferred from the Tax Capital Reserve Fund (33121) to PN 15319 Community Parks Phase 1 for a revised gross/net budget of \$12,616,046.
3. That project PN12307 HO Corridor Oakville Credit River Design be amended to include a recovery budget of \$1,151,800 and return \$115,180 to Tax Capital Reserve Fund (33121) and \$1,036,620 to Development Charges Recreation Reserve Fund (31315) with a revised net budget of \$217,352.
4. That project PN12308 HO Corridor Oakville Toronto River Design be amended to include a recovery budget of \$1,114,400, and return \$111,440 to the Tax Capital Reserve Fund (33121) and \$1,002,960 to the Development Charges Recreation Reserve Fund (31315) with a revised net budget of \$1,337,200.
5. That project PN13331 Multi-use Trails ORT 07 be amended to include a recovery budget of \$555,500, and returning \$55,550 to the Tax Capital Reserve Fund (33121) and \$499,950 to the Development Charges Recreation Reserve Fund (31315) with a revised net budget of \$666,646.
6. That all necessary by-law(s) be enacted.

Report Highlights

- Churchill Meadows CC & Park tender came in over budget by \$7,250,000.
- Through cost containment strategies, \$4,500,000 savings were realized and this resulted in a net budget shortfall of \$2,750,000.
- Due to a heated and saturated construction market, higher than expected prices for steel, concrete, drywall and other raw materials have driven the overall tender price to come in over budget.
- In order to address the budget shortfall driven primarily by market conditions and unanticipated site development costs, the project team is requesting additional funding in the amount of \$2,750,000.

Background

The project is comprised of a two phased development for a 52 acre green field site in Ward 10.

Phase 1 development for the first 24 acres includes the following:

- Community Centre comprised of: triple gym, recreational 6 lane pool, therapy tank, change rooms and community rooms.
- Park comprised of: 2 lit artificial turf soccer fields with 1 seasonal dome, storm water pond and trail network.
- Project to be designed to Leadership in Environmental and Energy Design (LEED Certification) as required for major City building and site projects.

Phase 2 development for remaining 28 acres is currently unfunded within the 10 year Parks and Forestry budget and includes 1 cricket pitch, 1 artificial turf soccer field, supporting amenities including parking and natural heritage area.

Phase 1 project budget by funding sources as follows:

Park (including Seasonal Dome)	\$15,106,940
Community Centre (including Pool)	\$37,369,158
<u>Transit Loop (including Shelters)</u>	<u>\$1,000,000</u>
Total Project Budget:	\$53,506,098

Phase 1 project budget by cost allocation as follows:

Direct Construction Costs	\$44,000,000
<u>Indirect Construction Costs</u>	<u>\$9,506,098</u>
Total Project Costs	\$53,506,098

Direct construction costs represent the anticipated tender amount by general contractors to bid on the project and build out as per the tender set of drawings and specifications. This includes all construction work related to the Community Centre, Park and Transit Loop.

Indirect construction costs represent all other project costs and include fees, permits, furniture and equipment, road work allowances for streetlights and other amenities, miscellaneous other costs as well as project contingencies and project chargebacks.

As standard protocol for Facilities & Property Management capital building projects, the project cost consultant prepared direct construction cost estimates through the design phases of the project. Class D (schematic design), Class C (detailed design), Class B (working drawings) and Class A (pretender) indicated tender costs to be in the \$45,000,000 range. This represents an approximate 2% variance from the approved budget for direct construction costs (\$44,000,000) and is within range for industry best practices to go to market.

The project schedule called for preliminary site preparation work to be underway in Fall 2017 and completed through Winter 2018 with anticipated direct construction work to commence in Spring 2018.

The site preparation work has been completed and the plan was to start construction in April 2018 once the main contract had been awarded.

The overall project schedule calls for the Community Centre & Park to open in Fall 2020.

Present Status

Five (5) General Contractors were prequalified to bid on this project based on previous proven experience building community centres and similar park amenities. Four (4) of the prequalified General Contractors submitted bids.

Staff confirmed the low bid amount submitted by Aquicon Construction Ltd was bid compliant and met all project requirements including completion dates as outlined in the tender documents. It should be noted that staff have had success working with Aquicon Construction Ltd as they built Meadowvale Community Centre and that building opened in 2016 on time and under budget.

However, the low bid amount of \$51,242,000 represented a variance of \$7,242,000 or 16% over the approved direct construction budget of \$44,000,000.

Comments

Tender Analysis

Further detailed review and analysis of the low bid revealed three (3) main drivers for the budget variance as follows:

- Heated Market Conditions
- Site Grading costs for the entire 52 acre site
- Higher than anticipated trade costs for a number of sub-trades

After reviewing the market conditions, it was determined that two projects similar in scope were tendered in the same time period by different municipalities and both came in over budget. The lowest bids for both tenders were approximately 20-25% over their respective pre tender estimates. Additionally, Facilities & Property Management has seen a rise in tender prices for other capital building projects in the range of 10 -15% in the past 4 months.

It seems the influx of infrastructure money from various levels of government in particular for transit and civil projects has saturated the market and prices have risen due to high demand and limited supply. In addition, our cost consultant and low bidder have advised that due to trade, tariff and international uncertainty around US/China relations, material commodities including steel/rebar and finishes such as drywall and insulation have increased by up to 30%.

In addition, the site development costs for the entire 52 acre site represented the largest risk and uncertainty for the project team. During the detailed design phase and final permit approvals, it was determined that significant site grading work for Phase 2 park development area (28 acres) must be completed now as part of Phase 1 work for the site to drain properly.

A review of the tender breakdown from the low bidder revealed that completing the earthworks and grading requirements for the Phase 2 area represented \$1,660,580 of the total \$51,242,000 low bid. Furthermore, the tender documents stated that 30,000 cubic meters of clean fill from another T&W site nearby the property would be delivered to the site as part of the site preparation work. However, only 5,000 cubic meters of clean fill was delivered to the site and an addendum was issued late in the tender period instructing bidders to bring in additional clean fill at a cost premium of approximately \$500,000. Therefore, a total of \$2,160,580 premium can be attributed to park site development costs not originally forecast when the project budget was established.

After a detailed review of sub-trade costs that made up the tender, it was determined a number of trade prices for site development (concrete, asphalt, site grading and site services) and building finishes (cladding, glazing and ceilings) came in much higher than expected.

Strategy to address Budget Shortfall

To address the \$7,250,000 (rounded) budget shortfall, the project team reviewed all direct and indirect project costs to see where revisions and cuts could be made without impacting the project design and schedule.

Staff decided that any changes requiring major re-design and resubmission of permits and approvals would not be considered as that would delay the project by another 6 months or longer and require a retender of the project. It was felt that retendering the project in the current heated market may result in an even higher tender price than currently received from the low bidder.

A detailed value engineering exercise was undertaken as follows:

- It was determined a number of Indirect Construction costs for furniture, signage (park and building) and program equipment could be reduced by \$550,000 without materially impacting the project design.

- It was further determined that allowances carried within the Indirect Construction budget for fees, permits, site servicing connections (hydro, gas, water, fibre) and inspections, testing and commissioning came in lower than expected and another \$1,200,000 could be reduced from the Indirect Construction costs budget.
- After further review of the building glazing system, a proposed revision to change the design from structural glazing to standard glazing panels will result in \$1,000,000 savings to the low tender bid.
- By changing the building cladding system from aluminum custom panels to standard metal panels will result in \$350,000 savings to the low tender bid.
- Additionally, by changing the interior pool ceiling from a contiguous fabric insulated ceiling system to a standard stucco ceiling system with sound attenuation panels will result in another \$400,000 savings to the low tender bid.
- Furthermore, staff decided to reduce the project contingency by \$1,000,000. It was felt there is enough remaining contingency money carried in the project budget to ensure project risks are managed within acceptable risk tolerances.

By implementing the above cost reductions, the \$7,250,000 tender shortfall has been reduced by \$4,500,000. This leaves a project budget shortfall of \$2,750,000 (\$7,250,000 - \$4,500,000).

To address the remaining \$2,750,000 budget shortfall, there were a number of items that were reviewed in greater detail including further revisions to building finishes, reductions and modifications to mechanical and electrical systems and deletion of various site features.

Staff felt any further revisions would have a detrimental and irreversible negative impact on the fit and finish of the building and site and are recommending against going that route. Also, considering the typical lifecycle of major building projects is typically 35 years, staff felt any further cuts would result in higher operational, maintenance and energy costs in the next 10 to 20 years and that was not a desired outcome for the project team to pursue.

Additionally, staff felt it was important to maintain the fit and finish standard and keep the energy and environmental aspects that have become the expected benchmark for City buildings based on the recently completed Meadowvale Community Centre project.

Financial Impact

Recommended Approach to Address Budget Shortfall

Staff are requesting \$2,750,000 additional funding to ensure the low bid tender can be awarded now and construction can commence in May 2018.

By completing park site development costs for Phase 2 work now and in consideration of a heated construction market, the \$2,750,000 represents costs that were not anticipated when the original project budget was developed. It should be noted that the additional \$2,750,000 represents a 5% increase to the original \$53,506,098 project budget.

The Parks & Forestry Division has been working closely with the Region of Peel's Sustainable Transportation section to share development of multi-purpose trails that align with both the City's and Region's trail network. The Region has agreed to pay for 50% of all Design and Construction costs, excluding staff chargebacks and administrative expenses for ORT trails projects (PN12307, PN12308 and PN13331). This agreement will result in a funding adjustment to the ORT Trails projects to reflect the recovery with Region of Peel. This will result in \$2,821,700 City funding being returned to Tax Capital and DC Recreation Reserve Funds, offsetting the additional funding request for Churchill Meadows Community Centre & Park.

The return of funding to the Tax Capital and DC Recreation Reserve funds as a result of grants and recoveries received will have no negative impact on the trails projects. Trail projects originally funded through Tax and Development Charges will proceed as scheduled.

As a result of the Regional contribution, staff had planned to return surplus monies through the December 2018 Works In Progress (WIP) Corporate Report but as there is a budget shortfall for the Churchill Meadows Community Centre & Park project, staff are using this opportunity to make the necessary budget adjustments through this Corporate Report.

Conclusion

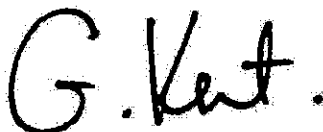
The Churchill Meadows Community Centre & Park project was competitively bid by four (4) General Contractors and came in over budget by \$7,250,000. Through a number of cost reduction strategies, the budget shortfall was reduced by \$4,500,000 to \$2,750,000.

In order to address the budget shortfall dictated primarily by market conditions and unanticipated site development costs, the project team is requesting additional funding in the amount of \$2,750,000. This represents a 5% variance on the \$53,506,098 original project budget.

In addition, the project team considered the option of further cuts and felt the risk of major changes to the current design and its impact to pending approvals (site plan application, building permit, LEED designation) and overall project schedule and even higher tender results if retendered at a later date was not an option that should be considered.

Attachments

Appendix 1: Site Plan – Phase 1 and 2



Gary Kent, CPA, CGA, Commissioner of Corporate Services and Chief Financial Officer

Prepared by: Raj Sheth, P.Eng., Director, Facilities & Property Management



City of Mississauga Corporate Report



Date: 2018/03/19

To: Chair and Members of General Committee

From: Paul Mitcham, P. Eng, MBA, Commissioner of
Community Services

Originator's files:

Meeting date:
2018/05/16

Subject

**Adopt Revised Designation By-law
2625 Hammond Road (Ward 8) (the "Property")**

Recommendation

1. That a revised heritage designation by-law for 2625 Hammond Road be adopted consistent with the general intent of the Conservation Review Board recommendations in accordance with the Corporate Report from the Commissioner of Community Services, dated March 19, 2018.
2. That the existing heritage designation by-law be repealed upon the new by-law coming into force.

Report Highlights

- The City designated the south half of the Property, under the *Ontario Heritage Act*, in 1984
- In 2014, Council adopted a motion to designate the entire Property
- The owner objected and Council referred the matter to the Conservation Review Board (CRB)
- The CRB was not persuaded that the heritage designation be expanded but recommended an amendment to the existing designation by-law, as well as the consideration of other items, as per a "Summary of Issues"
- Staff recommend that a revised designation by-law be adopted that is consistent with the general intent of the CRB recommendations

Background

The City designated approximately half – the southern half ("Part 1" on the reference plan) – of the subject 8637.28 m² (2.13 acre) Property under the *Ontario Heritage Act*, R.S.O. 1990, c. 0.18, in 1984 (By-law No. 224-84). (A location map, the existing designation by-law, corresponding reference plan, and aerial photograph of the Property with the reference plan

overlaid, are attached as appendices 1 to 4 respectively.) The designated portion contains a 19th century farmhouse and outbuildings, including a small cottage atop a root cellar. The northern portion of the Property, which is not designated under the *Ontario Heritage Act*, includes a green space with no buildings, composed of a valley, watercourse and vegetation.

In 2012 the Property owners filed a rezoning application (OZ 12/013) and plan of subdivision application (T-M12001) to permit seven building lots over the entirety of the Property. In June 2014, Council refused these applications at a public meeting of the Planning and Development Committee and directed staff to proceed with investigating the cultural heritage value of the entire Property. These applications have been appealed to the Ontario Municipal Board and a settlement negotiation process.

In September 2014 Council adopted a notice of intention to designate the entire Property under the *Ontario Heritage Act*. The owner objected. As required, under section 29 of the *Ontario Heritage Act*, Council referred the objection to the Conservation Review Board (CRB). The outcome of this hearing forms the basis of this report.

Comments

CRB did not support designation of the property's North half

The CRB hearing took place from July 27 to 29, 2015. The City called heritage landscape specialist Wendy Shearer as its expert witness. The objector called an arborist – Amy Choi – and a heritage planner – David Cuming – as its witnesses. The CRB summarized its recommendation in a 35 page report, dated November 12, 2015 (the "CRB Report"); it is attached as Appendix 5. (Please note that the bracketed numbers in this report reference paragraphs in the CRB Report.) Ultimately, the CRB was "not persuaded" (89) that the designation of 2625 Hammond Road should be expanded to include the north half of the Property, on the basis of the evidence presented.

Summary of the arguments presented

The CRB Report states that Shearer, "explained that heritage conservation policy and practice have evolved since By-law 224-84 was passed in 1984, to now embrace the cultural landscape setting and context of the property...as contributors to a property's heritage significance"(26).

Shearer evaluated the Property as, "an agricultural heritage landscape;" her position was "that the geographic boundary of By-law 224-84 arbitrarily divides one cultural heritage resource, the 19th century Hammond farmstead into two parts." The CRB Report summarizes Shearer's opinion that, "the by-law also omits the natural features of the land that, in her opinion, have attained cultural (human) meaning." She agrees with the City's attempt to reconstitute this

resource into one landscape as an, "appropriate way to consider a complex landscape such as this" (32).

In contrast, Cuming's opinion, according to the CRB Report, "was that all of the design or physical values, and historical or associative values of the property are vested in the c. 1866 former Hammond dwelling as the principal heritage attribute of the property". The report continues that, [Cuming] generally supports By-law 224-84 as a, "sound mechanism for the management of a property with a dwelling as the main feature". Although he would not press for By-law 224-84 to be amended, he recognizes that there is merit in updating this older by-law to meet the provisions of the 2005 amendments to the Act (48).

Shearer opined that the Property is a recognizable reminder of 19th century settlement and that the integration of the natural elements was purposeful and deliberate; i.e. the Property's natural elements informed the design of the Property. Cuming refuted these claims, though he agreed that the house's, "location on the highest elevation is purposeful as it gives prominence to the dwelling" (52). (This is an important point that will be returned to below.)

CRB recommended the City consider amending the By-law

The CRB recommended that the City not proceed with the by-law proposed in 2014 but, that the City instead "weigh the advantages of amending By-law 224-84 to clarify or correct the statement explaining the property's cultural heritage value or interest and the description of the property's heritage attributes"(2). Specifically the CRB recommended (93):

- Not to proceed with a by-law under section 29(14) of the *Ontario Heritage Act* to protect the entire Property;
- Not to repeal by-law 224-84; and
- Consider amending By-law 224-84 for the purposes of clarity

City Rationale to Repeal and Replace the By-law instead

The CRB recommended that the City, "weigh the advantages" of an amendment instead. The 1984 by-law is certainly in need of an update, especially in light of the 2005 amendments to the *Ontario Heritage Act*, which reference heritage attributes; and Ontario Regulation 9/06, which is reproduced on pages 5 and 6 of the CRB Report.

However, the update should extend slightly beyond clarification, as it should include the new attributes, most of which were agreed upon by both parties. The CRB opens the door to additional content; the second last clause of the CRB Report states the following:

(92) By-law 224-84 lacks the statement of cultural heritage value or interest prescribed by the Act since 2005 for new designations, but it remains valid. If the City finds merit in updating By-law 224-84 through the amending provisions of the Act, the Review Board

recommends that items identified in the Summary of Issues in this Report be considered as part of this amendment.

The CRB recommends amending the designation by-law for the purposes of clarification (2) (93) yet it simultaneously recommends other content be considered (92). Therefore, rather than an amendment under subsection 30.1(2) of the *Ontario Heritage Act*, staff recommends a revised designation by-law under section 29. (An amendment under subsection 30.1(1) is not proposed as this would require a new notice of intent to designate.) In order to be consistent with the CRB's recommendation, the boundary of the proposed by-law would not extend beyond that enacted in 1984.

Summary of New By-law Content

The substance of heritage designation by-laws is found in its schedules. "Schedule A" is the designation statement and description of heritage attributes. "Schedule B" is the reference plan. The proposed revised by-law would contain the reference plan attached to By-law 224-84 ("Schedule B") but, the designation statement and description of heritage attributes ("Schedule A") would be revised. The proposed "Schedule A" is attached as Appendix 6.

Besides the standard description of the property, the recommended "Schedule A" includes:

- Wording proposed on behalf of the objector, by Cuming, in case of an amendment;
- Additional heritage attributes, most of which were agreed upon; and
- Additional statements of cultural heritage value or interest

New Designation Statement

The rationale for the content will be described briefly below. A more detailed explanation is attached as Appendices 7 and 8. Appendix 7 is a "track changes" version of Appendix 6, to demonstrate how it departs from Cuming. It employs numeric coding to direct the reader to the corresponding explanation in Appendix 8. Appendix 8 explains "Schedule A" section by section.

In its "Summary of Issues," the CRB states:

(66) There is no dispute among the Parties that the southern portion of Part 3, Plan 43R-3594, is of cultural heritage value or interest as prescribed by O. Reg. 9/06. This southern portion is currently protected by By-law 224-84. The by-law does not contain a statement of cultural heritage value or interest that has been prescribed by the Act for new designations since 2005. If By-law 224-84 is to be amended, the issue will be in agreeing to the nature and extent of that cultural heritage value or interest under O. Reg. 9/06. The City contention that the property has value for being representative of a 19th century farmstead, is not accepted by the Owners/Objector.

In the event of an amendment, Cuming proposed language for the by-law ("Schedule A") in his witness statement. The pertinent excerpt is attached as Appendix 9. Both parties agreed to this wording (33) (67); however, Shearer did not view it as comprehensive.

The CRB implies that this wording may be used but, that it may also require adjustment:

(67) The description of the c. 1866 dwelling as a heritage attribute must be in the context of how it contributes to that stated value or interest. As such, the final wording of the statement of cultural heritage value or interest may result in the need to adjust the description contained in Mr. Cuming's proposed wording.

While staff finds merit in employing Cuming's language, it is not sufficient. Cuming's statement of cultural heritage value or interest does not account for the outbuilding, which subsequent staff research to the 2014 staff report found was developed by a subsequent owner to the Hammonds.

Updated Heritage Attributes & Additional Statements of Cultural Heritage Value based on agreement of the parties

As mentioned previously, the CRB recommends that other items be considered in the heritage designation by-law. The agreed upon heritage attributes include the: (i) root cellar; (ii) elevated siting of the house; and (iii) driveway alignment. These are proposed for inclusion in "Schedule A"; however, they also require a corresponding statement of cultural heritage value or interest.

Additionally, the CRB agreed to a landmark value statement: "The Review Board agrees that the Hammond House contributes to the landmark status of the property within the meaning of section 1.(2)3.iii, and is adequately protected by the existing designation on the southern portion of the property" (88).

As such, in addition to the agreed upon attributes mentioned above, the following additional statements of cultural heritage value or interest are proposed (in an abbreviated and simplified manner):

- The property yields information that contributes to an understanding of Toronto Township's evolving farm culture
- The property is a landmark within its community
- The property is visually linked to its surroundings

Explanation of "visual link" value statement and its introduction as a new heritage attribute

Because the last statement of cultural heritage value or interest and an ensuing new heritage attribute may be more contentious, it will be explored in more detail here in the Corporate Report, rather than the appendix.

There is a visual connection between the house and the public right-of-way. The house can be seen from the namesake road on which it fronts. As mentioned previously, Cuming agreed that the house's, "location on the highest elevation is purposeful as it gives prominence to the dwelling" (52). The Random House definition of "prominent" is, "standing out so as to be seen easily; conspicuous, particularly noticeable". There is a design component to the placement of the house; it was designed to be visible from its surroundings. As such, there is a visual link between the house and its surroundings. Shearer said as much in her testimony:

(35) According to Ms. Shearer, the layout of this "agricultural cultural landscape" can be traced to purposeful and conscious decisions made at the outset by the Hammonds (and possibly the earlier owners, the Carpenters) when establishing their farm. In her opinion, the integration of the natural topography of the hundred acres into the farm layout is legible in the 2.15 acres.¹

(36) For example, Ms. Shearer asserts that the highest elevation was chosen for the location of the dwelling to ensure visual prominence within the farm and within the area. This highest elevation, combined with the deliberate orientation, deep setback, and near proximity of the dwelling to Hammond Road, achieved a "visual link from the public realm with the setting of the house." As demonstrated during the Review Board site visit, the primary historic view of the dwelling is still open in two locations: an oblique view southeast from the terminus of the driveway at Hammond Road; and at the southwest corner of the lot where an opening in the vegetation frames the west facade.

The CRB indicates that two views are still available of the house from Hammond Road, one of which is provided by the opening of the driveway, but the CRB Report remains silent on whether or not such views constitute heritage attributes.

In the "Summary of Issues," the CRB Report states that heritage attributes "must be within the boundary of the protected property" (74). In making this point, the CRB cites CRB1109 Township of Muskoka Lakes – Intention to Designate three Properties known as Township Dock at Lake Muskoka; Portage Landing at Moon River; and Shield Parking Lot, in the Town of Bala, 12 March 2013. (The report is attached as Appendix 10.)

This 2013 report also examines: "When does a view support and contribute to the cultural heritage value interest of a property, as opposed to being an aesthetic"?

(pages 19-20) In applying this question of support and contribute to vs. aesthetic, there was evidence given that the construction of a swing bridge at Bala allowed steamboats to enter Lake Muskoka beginning in 1870. Navigational reasons dictated the location of the wharf and Township Dock. This suggests the site is functional and not chosen for its aesthetics. As such, it is difficult to accept the "scenic views across to Bala Bay (Lake Muskoka) and to forest and cottages" as a heritage attribute that supports and

¹ According to City records, the property is 8637.28 m²

contributes to the identified cultural heritage value or interest of this property. The view is aesthetic.

This passage suggests that, in this instance, if the site was chosen for aesthetic reasons, the view contributes to the property's heritage character.

In the case of the Hammond House, the site may have been chosen for aesthetic reasons but, the agreed upon idea is that **there was some design intent**, to create a visual link (Shearer) or sense of prominence (Cuming). As such, the visual connection from the property edge to the house is a legitimate aspect of the property's cultural heritage value.

The visibility of the house from the public realm is important to maintain the visual link that was established between the house and its surroundings. The elevated siting is an attribute of this link as is the driveway alignment, which provides one of the views. Staff propose adding an additional heritage attribute that was not agreed to: the house's visibility from the property edge.

Council may elect not to include this additional heritage attribute and the "visual link" value statement. However, their omission would then compromise the driveway alignment and the elevated siting of the house as heritage attributes since these attributes do not readily relate to the other statements of cultural heritage value or interest.

Next Steps

Subsection 29(14) of the *Ontario Heritage Act* provides that after considering the CRB report, Council, without a further hearing shall either:

- Pass a by-law designating the property – the details of which are at the discretion of Council; or
- Withdraw the notice of intent to designate.

The staff recommendation is that Council pass the revised by-law, to designate the property, per the details of this report.

Financial Impact

There is no financial impact.

Conclusion

In 2014 the City adopted a notice of intention to designate the entire Property at 2625 Hammond Road under the *Ontario Heritage Act*. The owner objected and the Conservation Review Board (CRB), the appeal body for Part IV designations, heard the matter in July 2015.

With the evidence that was presented, the City was unable to persuade the CRB that the heritage designation should be expanded to include the north half of the Property. Instead, the CRB recommended that Council consider amending the existing designation by-law on the

south half of the Property but, also consider adding additional content, as per its "Summary of Issues."

The revision of the heritage designation by-law relies on agreed upon attributes, as per the CRB report, additional statements of cultural heritage value or interest because, in the case of the landmark one, it was agreed to by the CRB, and, in the case of the others, to reconcile the inclusion of the additional attributes that are agreed to. As described above, one additional heritage attribute is also proposed: "the house's visibility from the property edge."

Because the "Summary of Issues" includes new attributes, a revised by-law is proposed rather than an amendment, as the proposal does not meet the conditions for the clarifying amendment suggested by the CRB. However, the revised by-law adheres to the general intent of the CRB recommendation. Since the revised by-law is narrower in scope than that proposed in 2014, there is no need for a further notice of intention to designate.

Attachments

Appendix 1: Location Map

Appendix 2: By-law 224-84, April 9, 1984

Appendix 3: Plan 43R-11502, March 19, 1984

Appendix 4: Spring 2015 aerial photograph of Property with reference plan overlaid

Appendix 5: CRB1407: Qureshi v. Mississauga (City), November 12, 2015

Appendix 6: Proposed Schedule A

Appendix 7: Proposed Schedule A with changes from Cuming's wording tracked

Appendix 8: Explanation of Schedule A

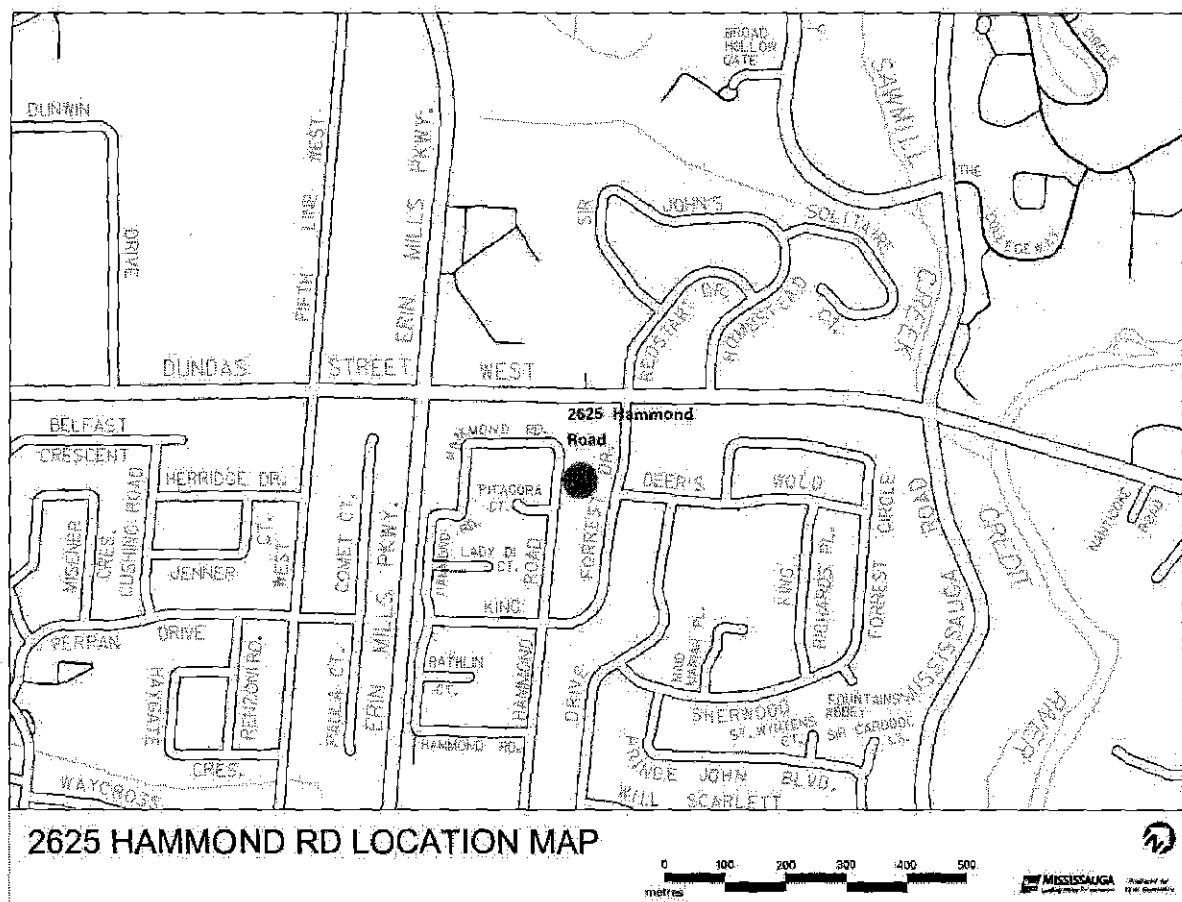
Appendix 9: Excerpt from Witness Statement of David J. Cuming, MCIP, MRTPI, RPP, CAHP, July 9, 2015 (pages 12-13)

Appendix 10: CRB1109 Township of Muskoka Lakes – Intention to Designate three Properties known as Township Dock at Lake Muskoka; Portage Landing at Moon River; and Shield Parking Lot, in the Town of Bala, 12 March 2013



Paul Mitcham, P. Eng, MBA, Commissioner of Community Services

Prepared by: Paula Wubbenhorst, Heritage Planner




 BY-LAW NUMBER 224-84

To designate the "Hammond House" located at 2625 Hammond Road, Mississauga, as being of architectural value and of historical interest.

WHEREAS The Ontario Heritage Act, R.S.O. 1980, Chapter 337, authorizes the Council of a municipality to enact by-laws to designate real property including all the buildings and structures thereon, to be of historic or architectural value or interest; and

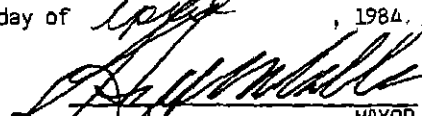
WHEREAS notice of intention to so designate the "Hammond House" located at 2625 Hammond Road, having been duly published and served and no notice of objection to such designation having been received by the Council of the Corporation of the City of Mississauga.


WHEREAS the reasons for the said designation are set out as Schedule 'A' hereto;

THEREFORE the Council of The Corporation of the City of Mississauga enacts as follows:

1. That the property, known as the "Hammond House" at 2625 Hammond Road, be designated as being of architectural value and historical interest.
2. That the City Clerk is hereby authorized to cause a copy of this by-law to be served upon the owner of the aforesaid property and upon the Ontario Heritage Foundation and to cause notice of this by-law to be published in a newspaper having general circulation in the City of Mississauga.

ENACTED AND PASSED this 9th day of June, 1984.


MAYOR


CLERK



SCHEDULE 'A' TO BY-LAW NO. 224-84

SHORT STATEMENT OF THE REASONS FOR

THE PROPOSED DESIGNATION

The Hammond House is listed on the Heritage Inventory and is recommended for designation for its architectural and contextual importance. Built by Thomas Hammond, c 1866, the house is a fine example of the type of farmhouse recommended by the Canadian Journal, The Canada Farmer in the mid-1860's. The building achieves distinction through the use of a variety of stylistic details. Architectural features of importance include the central projecting bay terminating at roof level in a gable, Italianate brackets, stone quoining and paired round headed windows in the gable ends of the rear addition. Contexturally, the house is a recognizable reminder of 19th settlement in Erindale and Mississauga.

8.3

SCHEDULE 'B' to BY-LAW 224-84

Description: Part of Lot 2, Range 1 South of Dundas Street,
Racey Tract

ALL AND SINGULAR, that certain parcel or tract of land and premises situate, lying and being in the City of Mississauga, Regional Municipality of Peel (formerly in the Township of Toronto, County of Peel), Province of Ontario and being composed of that portion of Lot 2, Range 1 South of Dundas Street, Racey Tract, designated as Part 1 on deposited plan 43R-11502.



Ian D. Robinson,
Ontario Land Surveyor.

ORIGINAL PLAN MATERIAL	
PLASTIC MATERIAL -	CRONAFLEX
SCALE -	0.005 INCH
INK -	SPECIAL 'Y'

SCHEDULE					
PART	LOT	RANGE	OWNER	PARCEL	AREA
1	2	1, S.D.S. TRACT	INDIVIDUALS HEATHER MULLING	PART OF PARCEL 2-3 SECTION 43-1 TOR TWP RANGE 1 (S.D.S.)	0.81 ACRES

I REQUIRE THIS PLAN TO BE DEPOSITED UNDER THE LAND TITLES ACT
DATE FEBRUARY 24, 1984

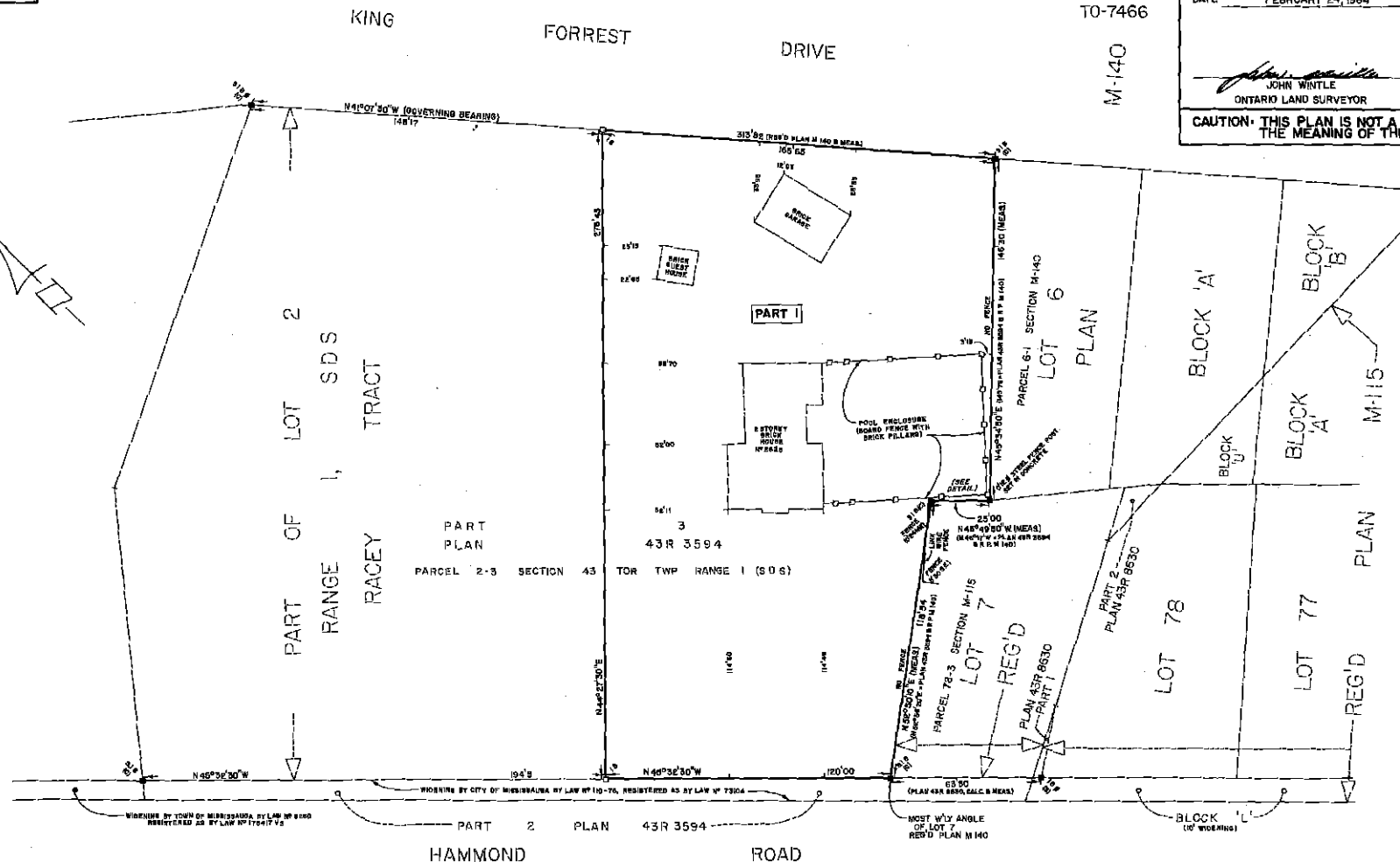
John Wintle
JOHN WINTLE
ONTARIO LAND SURVEYOR

PLAN 43R-11502
RECEIVED AND DEPOSITED
DATE 19 MAR 1984

Adrianne East Deputy
LAND REGISTRAR FOR THE
LAND TITLES DIVISION OF PEEL
(N° 43) AT 11:33 A.M.

CAUTION: THIS PLAN IS NOT A PLAN OF SUBDIVISION WITHIN THE MEANING OF THE PLANNING ACT.

EXAMINER'S APPROVAL
Mar 15, 1984
APPROVED:
H. Roesser
ASST. EXAMINER OF SURVEYS



PLAN OF SURVEY OF
PART OF LOT 2, RANGE 1
SOUTH OF DUNDAS STREET
RACEY TRACT
FORMERLY IN THE TOWNSHIP OF TORONTO
COUNTY OF PEEL
NOW IN THE
CITY OF MISSISSAUGA
REGIONAL MUNICIPALITY OF PEEL
SCALE 1 INCH = 30 FEET
JOHN WINTLE, O.L.S.
1984

- BEARINGS ARE ASSUMED ASTRONOMIC AND ARE REFERRED TO THE SOUTHWESTERLY LIMIT OF KING FORREST DRIVE, REGISTERED PLAN M-140, ON A COURSE OF N41°07'30"W.
- S.D.S. DENOTES SOUTH OF DUNDAS STREET
- * DENOTES FOUND
- -X- DENOTES PLANTED
- S.I.B. DENOTES STANDARD IRON BAR
- I.B. DENOTES IRON BAR
- Ø DENOTES ROUND
- (MEAS) DENOTES MEASURED
- (CALC) DENOTES CALCULATED
- (C) REFERS TO R.B. CODE, O.L.S.
- (S) REFERS TO STARR AND TARASICK LIMITED

SURVEYOR'S CERTIFICATE

- I CERTIFY THAT
- THIS SURVEY AND PLAN ARE CORRECT AND IN ACCORDANCE WITH THE SURVEYS ACT AND THE LAND TITLES ACT AND THE REGULATIONS MADE THEREUNDER
- THE SURVEY WAS COMPLETED ON THE 21 ST DAY OF FEBRUARY 1984

FEBRUARY 24, 1984

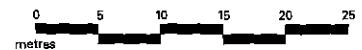
John Wintle
JOHN WINTLE
ONTARIO LAND SURVEYOR

CITY OF MISSISSAUGA
ENGINEERING DEPARTMENT
ONE CITY CENTRE DRIVE
MISSISSAUGA, ONTARIO

43R-1150



2625 HAMMOND ROAD



MISSISSAUGA

Produced by
T&W, Geomatics

FILE NO:

Conservation Review Board
Commission des biens culturels



ISSUE DATE: November 12, 2015

CASE NO.:

CRB1407

PROCEEDING COMMENCED UNDER subsection 29(5) of the *Ontario Heritage Act*, R.S.O. 1990, c. O.18, as amended.

Owners/Objector:	Latiq Qureshi and Fatima Qureshi
Subject:	Notice of Intention to Designate
Property Address:	2625 Hammond Road
Legal Description:	Part of Lot 2, Range 1, South Dundas Street, Racey Indian Tract, Township of Toronto, designated as Part 3, Plan 43R-3594
Municipality:	City of Mississauga
CRB Case No:	CRB1407
CRB Case Name:	Qureshi v. Mississauga (City)

Heard: July 27 to 29, 2015, in Mississauga, Ontario

APPEARANCES:

Parties

Counsel⁺/Representative

City of Mississauga

Bruce C. Ketcheson⁺ and Raj Kehar⁺

Latiq Qureshi and Fatima Qureshi

Scott Snider⁺ and Anna Toumanians⁺

Participant

Charlene Haupt

Self-represented

**REPORT OF THE BOARD DELIVERED BY SU MURDOCH, DANIEL NELSON
AND LAURIE SMITH**

SUMMARY OF REVIEW BOARD FINDINGS

[1] The Conservation Review Board ("Review Board") considered the evidence of the Parties and for the reasons set out in this Report recommends that the City of Mississauga ("City") not proceed with a by-law under s. 29(14) of the *Ontario Heritage Act* ("Act") to designate the entirety of the 2.15 acres of Part 3, Plan 43R-3594, municipally known as 2625 Hammond Road.

[2] The Review Board also recommends that the City not repeal By-law 224-84, which protects the southern portion of Part 3, Plan 43R-3594, but that the City weigh the advantages of amending By-law 224-84 to clarify or correct the statement explaining the property's cultural heritage value or interest and the description of the property's heritage attributes. The purpose of any such amendment would be to provide clarity for the long term protection of that portion of the property as a cultural heritage resource.

OVERVIEW

[3] The property known municipally as 2625 Hammond Road in the City of Mississauga (Part of Lot 2, Range 1, South Dundas Street, Racey Indian Tract, Township of Toronto, described as Part 3, Plan 43R-3594) is a 2.15-acre parcel of land just south of Dundas Street West and fronting on the east side of Hammond Road, with an east (rear) boundary of King Forrest Drive.

[4] This 2.15-acre parcel is the remnant of the hundred acre farmstead formerly owned by Oliver Hammond (1812-1874) and his son Thomas (1841-1892). The Hammonds were successful merchants and farmers in the Erindale (formerly Hammondville) village area. Oliver inherited the property in 1858 and the two Hammonds are presumed to have erected the existing brick dwelling about 1866. The family was associated with the property until 1932.

[5] In 1984, the City, acting under s. 29 of the Act, designated the southern portion of Part 3, Plan 43R-3594, describing it in Schedule B of designating By-law 224-84 as Part 1, Plan 43R-11502. This southern portion contains the c.1866 dwelling, part of the traditional laneway, a former root cellar rebuilt as a modern guest house, late 20th century outbuildings, contemporary landscaping, a circular drive, and other structures.

[6] In September 2014, the City issued a Notice of Intention to Designate ("NOID") (Schedule 1) under s. 29(3) to protect what is being described as the "entirety" of Part 3, Plan 43R-3594, as a property of cultural heritage value or interest as prescribed by Ontario Regulation 9/06: Criteria for Determining Cultural Heritage Value or Interest ("O. Reg. 9/06").

[7] On October 16, 2014, one of the two property owners, Latiq Qureshi, objected to the NOID. The other property owner, Fatima Qureshi, did not file a written objection but appointed the same legal counsel as Latiq Qureshi to be her Representative.

[8] Given that the southern portion of Part 3, Plan 43R-3594, is already designated, the NOID was considered by the Review Board as an intention to protect the northern portion of the 2.15 acres. The northern portion contains an open watercourse (a tributary of Loyalist Creek, also known as Governor's Creek, which enters the Credit River to the east) and treed valley lands. There are no historic buildings or structures on this northern part.

[9] The City's actual intent is to repeal By-law 224-84, replacing it with one designating by-law protecting the entire 2.15-acre parcel of land.

[10] This proceeding arises from an objection under s. 29(5) to the NOID. Although it does not arise from an application to amend a designating by-law under s. 30.1(1), there was prepared testimony from both Parties about amending the content of By-law 224-84 which protects the southern portion of the property.

[11] At the close of the hearing, direction was sought from the Parties on whether they anticipated the Review Board extending its consideration of the evidence to the amending of By-law 224-84. In their written closing arguments and reply received on September 4, 2015, the Parties submitted that the Review Board's jurisdiction under s. 29(12) is broad enough to apply the evidence heard to a consideration of the amending of By-law 224-84. Accordingly, the Review Board also gives consideration in this Report to amending that by-law.

[12] On July 27, 2015, the Review Board panel members, the City's legal counsel, the Owners/Objector and their legal counsel, and the three witnesses (David Cuming, Wendy Shearer, and Amy Choi) conducted a site visit of the property. The hearing commenced on the same day and closed on July 29, 2015. Final written submissions were filed by the parties on September 4, 2015.

DETERMINATION OF CULTURAL HERITAGE VALUE OR INTEREST

RELEVANT LEGISLATION

[13] *Ontario Heritage Act, Designation of Properties by Municipalities*

Definitions

1. In this Act,

"heritage attributes" means, in relation to real property, and to the buildings and structures on the real property, the attributes of the property, buildings and structures that contribute to their cultural heritage value or interest:

Designation by municipal by-law

29.(1) The council of a municipality may, by by-law, designate a property within the municipality to be of cultural heritage value or interest if,

- (a) where criteria for determining whether property is of cultural heritage value or interest have been prescribed by regulation, the property meets the prescribed criteria; and
- (b) the designation is made in accordance with the process set out in this section.

29.(14) After considering the report under subsection (12), the council, without a further hearing,

(a) shall,

- (i) pass a by-law designating the property,
- (ii) cause a copy of the by-law, together with a statement explaining the cultural heritage value or interest of the property and a description of the heritage attributes of the property,

(A) to be served on the owner of the property and on the Trust, and

(B) to be registered against the property affected in the proper land registry office, and

(iii) publish notice of the by-law in a newspaper having general circulation in the municipality; or

(b) shall withdraw the notice of intention to designate the property by causing a notice of withdrawal,

(i) to be served on the owner of the property and on the Trust, and

(ii) to be published in a newspaper having general circulation in the municipality.

Ontario Regulation 9/06 – Criteria for Determining Cultural Heritage Value or Interest

1.(1) The criteria set out in subsection (2) are prescribed for the purposes of clause 29(1)(a) of the Act.

1.(2) A property may be designated under section 29 of the Act if it meets one or more of the following criteria for determining whether it is of cultural heritage value or interest:

Design or Physical value

1. The property has design value or physical value because it,

- i. is a rare, unique, representative or early example of a style, type, expression, material or construction method,
- ii. displays a high degree of craftsmanship or artistic merit, or
- iii. demonstrates a high degree of technical or scientific achievement.

Historical or Associative Value

2. The property has historical value or associative value because it,

- i. has direct associations with a theme, event, belief, person, activity, organization or institution that is significant to a community,

- ii. yields, or has the potential to yield, information that contributes to an understanding of a community or culture, or
- iii. demonstrates or reflects the work or ideas of an architect, artist, builder, designer or theorist who is significant to a community.

Contextual Value

- 3. The property has contextual value because it,
 - i. is important in defining, maintaining or supporting the character of an area,
 - ii. is physically, functionally, visually or historically linked to its surroundings, or
 - iii. is a landmark.

BACKGROUND

[14] In 1977, the City passed By-law 476-77 (Exhibit 4, page 3) to designate the entire 2.15 acres of Part 3, Plan 43R-3594, for "architectural and historic value or interest" reasons. This by-law describes the c.1866 former Hammond dwelling as the sole heritage attribute.

[15] In 1984, the City repealed By-law 476-77 and passed By-law 224-84 (Exhibit 4, page 13) to designate only the southern portion of the property for its "architectural value and historical interest." The parcel protected by this by-law contains the c.1866 dwelling, part of the laneway, other structures, and landscape features.

[16] As with many designating by-laws passed prior to the amendments to the Act in 2005, the statement of the "reasons for designation" (known after 2005 as the "statement of cultural heritage value or interest and description of heritage attributes") in By-law 224-84 is brief. Schedule A of By-law 224-84 provides:

The Hammond House is listed on the Heritage Inventory and is recommended for designation for its architectural and contextual importance. Built by Thomas Hammond, c.1866, the house is a fine example of the type of farmhouse recommended by the Canadian Journal, *The Canada Farmer* in the mid-1860s. The building achieves distinction through the use of a variety of stylistic details. Architectural features of importance include the central projecting bay terminating at the roof level in a gable, Italianate brackets, stone quoining and paired

round headed windows in the gable ends of the rear addition.
Contextually, the house is a recognizable reminder of 19th [century]
settlement in Erindale and Mississauga.

[17] In August 2014, the City's Culture Division prepared a Cultural Heritage Assessment (Exhibit 4, page 116) which concludes that By-law 224-84 fails to recognize that the "natural features of the site are intrinsically linked to this history [of the property]." These "natural" features are said to contribute to the cultural value or interest of the whole 2.15 acres as a 19th century farmstead, particularly that of the Hammond family. As such, the Cultural Heritage Assessment recommends that the property would be better served by a new by-law that includes the northern portion of Part 3, Plan 43R-3594, which contains a watercourse and treed valley lands, as well as other "natural" features throughout the 2.15 acres. To achieve this, the City needed to pass a new designating by-law and repeal By-law 224-84. To this end, in September 2014, the City issued the NOID.

[18] On July 27, 2015, the Review Board commenced a hearing under s. 29(8). The scope of inquiry was to hear evidence sufficient to report to City Council whether in the opinion of the Review Board, the northern portion of the 2.15 acres should be included in a designation under s. 29 for its cultural heritage value or interest as prescribed by O. Reg. 9/06. The testimony before the Review Board was intertwined with proposed amendments to By-law 224-84. The Review Board thus considered the evidence in the context of this twofold agenda – the northern lands being proposed for inclusion in a designating by-law and the potential need to amend By-law 224-84.

[19] The City called one witness, the Owners/Objector called two witnesses, and one participant (a member of the public) gave a statement. A list of exhibits filed at the hearing is attached as Schedule 3 of this Report.

WITNESSES IN ORDER OF APPEARANCE

[20] Wendy Shearer was called by the City. Ms. Shearer was admitted as an expert

witness. She is a landscape architect and cultural heritage landscape specialist with extensive experience in "evaluating and planning for the conservation of heritage properties." She is a member of the College of Fellows of the Canadian Society of Landscape Architects and the recipient of a Lifetime Achievement Award from the Canadian Association of Heritage Professionals. The breadth of her work is outlined in her Witness Statement (Exhibit 3). Of particular note is that she is knowledgeable in "19th century settlement patterns and agricultural practices that are part of the historical development of southern Ontario."

[21] Amy Choi was called by the Owners/Objector. Ms. Choi was admitted as an expert in the identification and inventorying of tree species. She has a B.Sc. in Environmental Science and a M.Sc. in Forestry.

[22] David J. Cuming was called by the Owners/Objector. Mr. Cuming was admitted as an expert in "cultural heritage resource planning, design, conservation and management." He holds professional memberships with the Canadian Institute of Planners and the Royal Town Planning Institute. He is a Registered Professional Planner in Ontario and a member of the Canadian Association of Heritage Professionals.

[23] The Review Board reminded the witnesses that by signing the Acknowledgement of the Duty of an Expert Witness they agreed to give evidence that is "fair, objective, and non-partisan."

PARTICIPANT

[24] Charlene Haupt has been a resident of the Sherwood Forest subdivision since 1976 and is a member of the Sherwood Forest Residents' Association. She is aware of the Hammond House as a heritage property in the vicinity. Her statement advocated for protecting the property and using educational tools to interpret its origins as a mid 19th century farmstead.

CASE FOR THE MUNICIPALITY

Witness Wendy Shearer

[25] In February 2015, Ms. Shearer was retained by the City to provide her "professional opinion on the merits of the designation of the entire property at 2625 Hammond Road." She was not involved in drafting the current NOID. She categorizes the 2.15 acres of Part 3, Plan 43R-3594, as a cultural heritage landscape.

[26] As a heritage landscape specialist, Ms. Shearer explained her approach to the assessment of a cultural heritage landscape as a process of "seeking physical, on site, evidence of past activity." The challenge is always in identifying and describing what features of a property (heritage attributes) support the cultural heritage value or interest of a cultural heritage landscape, and doing so in a way that can "sustain and retain a living heritage landscape." She explained that heritage conservation policy and practice have evolved since By-law 224-84 was passed in 1984, to now embrace "the cultural landscape setting and context of the property . . . as contributors to a property's heritage significance."

[27] The methodology undertaken by Ms. Shearer for evaluating the property as what she terms "an agricultural heritage landscape" involved applying accepted definitions, policies, and guidelines for analysis. She undertook a site visit on June 8, 2015, reviewed previous designating by-laws and related documents held by the City, and examined mapping and aerial photographs. She did not conduct any independent historical research, instead relying on the Cultural Heritage Assessment prepared by the City's Culture Division in August 2014. When preparing her testimony, she reviewed Ms. Choi's July 2015 report and accompanying Updated Tree Inventory and Preservation Plan, and Mr. Cuming's Witness Statement.

[28] Ms. Shearer tested her findings against the definition of Cultural Heritage Landscape contained in the Provincial Policy Statement 2014 (the "PPS"). She cited PPS policy 2.6 *Cultural Heritage and Archaeology*, which directs that "significant built heritage resources and cultural heritage landscapes shall be conserved." She also considered the direction provided in the Ministry of Tourism, Culture and Sport's *Heritage Tool-Kit*, and the Parks Canada publication, *Standards and Guidelines for the Conservation of Historic Places in Canada (Second Edition)*.

[29] Ms. Shearer also applied the criteria used in *Cultural Landscape Inventory: City of Mississauga*, compiled in 2005 by The Landplan Collaborative Ltd. (Exhibit 12). The property is not listed in this inventory. In Ms. Shearer's opinion, this omission relates to the ongoing nature of the inventory compilation process, and not any evaluation by Landplan resulting in the rejection of the property as a cultural landscape.

[30] The final step in Ms. Shearer's evaluation was to organize her findings within the three overall categories, but not the subcategories, of O. Reg. 9/06.

[31] At this point in the proceeding, the Review Board clarified that the definitions and provisions of the Act and its Regulations are the authority for this scope of inquiry. Unlike the PPS, the Act does not define or reference the term "cultural heritage landscape." Similarly, the *Heritage Tool-Kit* and Parks Canada *Standards and Guidelines*, although useful evaluative tools, have no legislative authority. The Review Board does view the use of these definitions, policies, and guidelines by a consultant when formulating a recommendation, as an indicator of due diligence.

[32] It is Ms. Shearer's position that the geographic boundary of By-law 224-84 arbitrarily divides one cultural heritage resource, the 19th century Hammond farmstead, into two parts (separating the protected southern part from the unprotected northern part of Part 3, Plan 43R-3594). Also, the end section of the laneway near Hammond Road is omitted, whereas, the entire length of the laneway would be an appropriate boundary that is "easily recognizable." The by-law also omits the natural features of the

land that, in her opinion, have attained cultural (human) meaning. She agrees with the City's attempt to reconstitute this resource into one landscape. This is an "appropriate way to consider a complex landscape such as this."

[33] In reviewing the content of Schedule A to By-law 224-84, Ms. Shearer indicated she has "no concern" about the "architectural wording," but she concurs with Mr. Cuming on his proposed "improvements" to the description of the former Hammond farmhouse as provided in Exhibit 5, page 12, paragraph 39.

[34] Ms. Shearer's overall reading of Schedule A is that the intent in 1984 was to identify the property as a remnant farmscape. One indicator is the use of the word "farmhouse" rather than "house" as a distinction that this is being protected as a farm setting. She interprets the wording that the property is a "recognizable reminder of 19th century settlement" as meaning that the property, although now only a remnant of the hundred acres, still embodies elements of the traditional settlement pattern and farm layout of early Ontario.

[35] According to Ms. Shearer, the layout of this "agricultural cultural landscape" can be traced to purposeful and conscious decisions made at the outset by the Hammonds (and possibly the earlier owners, the Carpenters) when establishing their farm. In her opinion, the integration of the natural topography of the hundred acres into the farm layout is legible in the 2.15 acres.

[36] For example, Ms. Shearer asserts that the highest elevation was chosen for the location of the dwelling to ensure its visual prominence within the farm and within the area. This highest elevation, combined with the deliberate orientation, deep setback, and near proximity of the dwelling to Hammond Road, achieved a "visual link from the public realm with the setting of the house." As demonstrated during the Review Board site visit, the primary historic view of the dwelling is still open at two locations: an oblique view southeast from the terminus of the driveway at Hammond Road; and at the southwest corner of the lot where an opening in the vegetation frames the west facade.

[37] Ms. Shearer considers the proximity of the dwelling to the watercourse and treed valley lands to be another example of purposeful design and intent. She credits the Hammonds (and Carpenters) with choosing to integrate, not eradicate, this natural feature. Clustering the buildings beside a watercourse minimized the loss of arable land. Locating the farmhouse anywhere else would not have been an "efficient use of cultivated lands." In Ms. Shearer's opinion, the fact that the treed valley lands and watercourse were "purposely left" to naturalize was a human decision, and one that can be assigned cultural heritage value.

[38] To Ms. Shearer, the physical evidence of this "purposeful intent" is the contrast edge between the natural valley lands and the manicured landscape of the house yard. "The stream informed the location of the house" and the "edge" between the natural corridor and human landscape took on cultural/human value. "Together they tell an important story."

[39] Testimony was heard from both Parties that this hundred acres was last cultivated in 1967. The east and south fields and the orchards to the north were subsequently severed and redeveloped for residential and commercial uses. (Phase One of the Sherwood Forest housing area on the former Hammond field acreage was developed in November 1975.) A former root cellar of unknown date, northeast of the dwelling, is now the foundation of a 20th century guest cottage. All of the core farm function buildings (barns, driveshed, etc.) and related infrastructure have been removed. By 2014, Hammond Road no longer intersected with Dundas Street West. There are modern outbuildings and recent landscaping on the site.

[40] Ms. Shearer maintains that in spite of these changes and losses over time, it is still possible to distinguish elements of the traditional layout of this farmstead within the remnant 2.15 acres. To demonstrate this, an artistic rendering of the "late Oliver Hammond, Esq., Credit, Ont," farmstead published in the 1877 *Illustrated Historical Atlas of Peel County*, was entered as Exhibit 4, page 207 (Schedule 2). Ms. Shearer and Mr. Cuming both describe this depiction as "idealized." Using the depiction, Ms.

Shearer demonstrated that many of the features in 1877 are still visible on site. The following is a summary of the features she identified:

- the c.1866 dwelling (now with modifications) set perpendicular to the road;
- the generous setback, framing the view of the west front façade from Hammond Road;
- the curved alignment of the driveway running east from the road, past the house, and to the barns and northeast fields (the barns and fields are now gone);
- the creek meandering through a corridor of randomly spaced trees;
- the trees (now stumps) as indicators of the traditional tree planting practice along a laneway, and of the original grade level;
- a collection of trees first evident in 1877, deliberately retained on the property and renewed over time;
- the spatial organization of the lot evident in 1877 continues to exhibit the sense of scale of the property: tall elements are on the north side of the site, and there are elements around the property line, open spaces, and an architectural component; and
- the east and south areas around the dwelling have new landscaping but are in keeping with the traditional planting patterns evident in the 1877 depiction; these continue to “respect the 19th century framework, with new materials.”

[41] Approaching this property as an “agricultural heritage landscape,” Ms. Shearer had previously applied her findings against the statement of cultural heritage value or interest and the description of heritage attributes proposed in the City’s August 2014 Cultural Heritage Assessment (Exhibit 4, pages 145-146). (This statement of cultural heritage value or interest and the description of heritage attributes were not transferred directly to the NOID and only appear in that format in the Cultural Heritage Assessment.) She then compiled a list of “recommendations for revisions to the wording of the “draft designation statement” (Exhibit 3, pages 17-18). From this process, she assembled the following list of “key attributes” as a supplement to the list of heritage

attributes identified in the Cultural Heritage Assessment:**Design or Physical Value**

Add the following items to the Key attributes that reflect the property's physical/design value:

- the outbuilding at the rear side yard, its shape and form and materials including the stone foundation of the lower level set into the sloped stream bank and accessed [by] a door on the north side;
- the relationship and proximity of the farmhouse to the stream corridor;
- the contrast between the naturalized stream corridor and the maintained and manicured landscape surrounding the residence;
- the views to and from [stricken by Ms. Shearer during testimony] the house towards [from] Hammond Road, open at the driveway and the southwest corner framed by vegetation;
- the higher elevation of the house site compared to the adjacent streets and lots;
- the gentle grades on the south portion of the site;
- the steeper grades along the stream corridor;
- the access, curve and location of the driveway on the north side of the residence linking it with Hammond Road;
- the species variety, quantity, sizes, and ages of trees.

Historical or Associative Value

Key attributes that reflect the historical/associative value:

- its connection to Erindale village, St. Peter's Anglican Church and the area once known as Hammondsville;
- its association with the prominent Hammond family who were successful farmers on the property in the 19th century;
- the recognition of the Hammond legacy in the naming of Hammond Road in their honour.

Contextual Value

Key attributes that reflect the property's contextual value:

- it is a landmark distinct from the surrounding land pattern in its layout and its varied vegetation collection;
- its naturalized stream corridor visible at the surface;
- its distinctive architecture and higher elevation compared to the surrounding residential development.

CASE FOR THE OWNERS/OBJECTOR

Witness Amy Choi

[42] Ms. Choi prefaced her testimony with the statement that her expertise is as an arborist and not in the evaluation of cultural heritage landscapes. Her report of July 10, 2015, and accompanying charts, were prepared through Kuntz Forestry Consulting Inc. on behalf of the Property owners (Exhibit 7, Tab 3, A and B). Her methodology in updating the 2010 tree report for the Property involved a sampling of canopy trees in the naturalized area (north watercourse and valley lands), measuring these at a DBH of 1.4 metres above ground.

[43] Ms. Choi determined that the average age of the trees is 85 years, including some over 100 years. Not including the latter, the average age is 58 years. The oldest trees are on the southern bank of the creek, where the majority of trees are 20 to 65 years old. She characterized this wooded feature as lacking in shrubs but with an understorey and tree regeneration in process. The invasive Norway maple and spruce are the primary regenerators.

[44] The southern part of the property has ten trees over 60 years, including an open grown tree (Tree 620).

[45] In Ms. Choi's opinion, nothing in the creek corridor has been deliberately planted, other than orchard trees and possibly a Black Walnut for domestic nut harvest. No surviving orchard species were found. If the dead ash trees (destroyed recently by Emerald Ash Borer) are included, the species composition on the property is common in Southern Ontario.

[46] Ms. Choi investigated the surrounding area and found other locations where the watercourse is not channelized, notably the above ground section between Will Scarlett Drive and Lincoln Green. There are numerous other trees in the area, many of which have regenerated from the woodlot on the south part of the original hundred-acre Hammond farm. Their existence confirms that the trees on the subject property are not unique. She could not confirm which, if any, of the trees depicted in 1877 are still on the property.

Witness David Cuming

[47] Mr. Cuming was retained by the Owners/Objector to evaluate the City's NOID. He visited the site and reviewed all of the documents and mapping available in City files and elsewhere. He peer reviewed the August 2014 Cultural Heritage Assessment prepared by the City's Culture Division. His objective was to consider the development of the acreage over time and evaluate the findings to determine whether there is sufficient cultural heritage value or interest remaining in the 2.15 acres, notably the northern portion, to warrant protection.

[48] Mr. Cuming's opening statement was that all of the design or physical values, and historical or associative values of the property are vested in the c.1866 former Hammond dwelling as the principal heritage attribute of this property. He generally supports By-law 224-84 as a "sound mechanism for the management of a property with a dwelling as the main feature." Although he would not press for By-law 224-84 to be amended, he recognizes that there is merit in updating this older by-law to meet the provisions of the 2005 amendments to the Act.

[49] Mr. Cuming questions the credibility of the methodology and analysis undertaken by the City. Of particular concern to him is that the City did not formulate an overall statement of cultural heritage value or interest for the property, from which would flow the identification and description of the heritage attributes that support that overall value or interest. In this regard, he finds the NOID deficient. This is the basis for paragraphs 9(a) and 9(b) in the letter of objection dated October 16, 2014, which allege that the NOID is deficient in providing the required statement of cultural heritage value and description of heritage attributes. (The Review Board considers this matter in Schedule 4 of this Report.)

[50] Mr. Cuming disagrees with the City's findings and Ms. Shearer's evidence regarding the identification of the property as a representative example of a 19th century farmstead.

[51] The testimony of Mr. Cuming, as with Ms. Shearer, revolved around finding physical evidence within the 2.15 acres of the purposeful intent of the Hammonds (and the Carpenters as the earlier owners) in laying out this farm. Mr. Cuming sought evidence that illustrates cultural use intent, seeing this as distinct from features and relationships that are simply a product of the topography of the acreage.

[52] To this end, Mr. Cuming noted quotations in the City's Cultural Heritage Assessment from Thomas F. McIlwraith's publication, *Looking for Old Ontario*. In reference to a farmhouse, McIlwraith states that the "location in the middle of the farm gave best access to the fields, was within earshot of the dinner bell, and made driving the cows home for milking easy regardless of which field was in pasture." A central location allowed the proud owner "to gaze on one's domain from the house." "One writer rated view as important as water supply and more so than drainage or wind protection." Mr. Cuming pointed out that the Hammond farmhouse is not centrally located in the hundred acres. He does agree that its location on the highest elevation is purposeful as it gives prominence to the dwelling.

[53] Mr. Cuming noted how the City uses McIlwraith to corroborate its contention that the location of the Hammond farmhouse near the watercourse served the practical purpose of providing "the family with fresh flowing water." McIlwraith states: "Water has been crucial in the location of farm buildings. The earliest settlers relied on surface streams – 'living water.'" The City argues that "what is now a scenic land form today, with important watershed uses, was a critical part of the lives of the pioneering Carpenter and Hammond families" for "providing water for livestock, washing clothes, and basic irrigation."

[54] Quoting the balance of the "living water" passage in *Looking for Old Ontario*, Mr. Cuming contends that the City has misrepresented McIlwraith. The balance of the quote excerpted by the City explains that groundwater was preferable over open watercourses and "an increasing number of wells were dug from the 1860s onward." Mr. Cuming interprets McIlwraith to be saying that it was the location of the dug well, not the open

watercourse, that became the principal factor in locating the buildings on a farm. There is a dug well on the south side of the Hammond dwelling.

[55] If the intent of the Hammonds was to embrace the scenic value and enjoyment of the watercourse, Mr. Cuming queries why there are no steps to the stream, no terracing of the bank, and no viewing areas depicted in 1877 or existing today. The water was never dammed to create a pond. The dwelling does not have a double front, one oriented to Hammond Road, the other north to frame a picturesque view of the stream. The age of the former root cellar near the south bank, which now forms the stone foundation of a guest house, is unknown and not depicted in 1877.

[56] Mr. Cuming contends that any orientation of the dwelling to the north is not to the watercourse, but to the laneway flanking the south side of the watercourse and the north side of the dwelling. This lane allowed the family to move between Hammond Road to the west and the core farm buildings that were formerly located to the east of the dwelling. The historic row of planted specimen trees (depicted in 1877 and now reduced to stumps) along part of the north side of the laneway was likely a visual encumbrance to any appreciation of the stream from the dwelling.

[57] Mr. Cuming does concur that the "current entrance and asphalt driveway appear to generally follow the route of the 1877 driveway." The 1877 atlas depicts the laneway terminating farther west and with a gateway within a picket fence. A photograph identified as showing the Hammond Property in c.1870 (Figure 19, Cultural Heritage Assessment, Exhibit 4, page 138) shows a "grassed and rutted track" on the south side of the dwelling. This image appears to be reversed and there is debate on whether this is a depiction of the subject dwelling or of another location.

[58] Mr. Cuming disagrees with Ms. Shearer that cultural heritage value can be assigned to the "contrast between the naturalized stream corridor and the maintained and manicured landscape surrounding the residence." This contrast is simply a circumstance that the landscaping around the dwelling site is manicured and the valley

lands are not. Similarly, "gentle grades" and "steeper grades" are a natural topography, not a cultural heritage element.

[59] Mr. Cuming does not accept that "species variety, quantity, sizes, and ages of trees" within the valley lands can or should be protected as heritage attributes. In his opinion, these are an ever changing product of a natural process of regeneration and not a planned landscape.

[60] In the Cultural Heritage Assessment (Exhibit 4, page 124), the City assigns value to this "remnant of Loyalist Creek" as "the last remaining unchannelized portion of this historic creek through Erindale village. The remaining portions have been either buried or channelized." Mr. Cuming gave two examples of sections of open watercourses in the vicinity. This was substantiated by mapping and also identified in Ms. Choi's evidence.

[61] To Mr. Cuming, a cultural heritage landscape is a type of resource where the whole is greater than the sum of its parts. In his Witness Statement (Exhibit 5, page 14), he delineates the features evident in the 1877 depiction that:

are specifically and permanently lost:

- a. Carpenter Farm house
- b. Drive shed
- c. Barn complex and fencing
- d. Front fence and gate
- e. Front yard plantings
- f. Orchards
- g. Access and driveway over creek
- h. Treelined driveway
- i. Southern woodlot
- j. Field system and boundary fences
- k. Picket fence and boundary hedge

[62] He continues that:

Notwithstanding the contemporary residential landscape substantially remodelled since 1990, new additions or alterations to the two acre parcel or at the perimeter include:

- a. a substantial, high retaining wall to the east, adjacent to King Forrest Drive
- b. a substantial concrete embankment on the west adjacent to Hammond Road
- c. a concrete culvert and gabions to the sets
- d. a concrete and metal grate, screen culvert to the east
- e. chain link fence and gate to the east
- f. a timber fence along the north boundary
- g. a timber fence along the south boundary
- h. a substantial tree-house. (Exhibit 5, page 14),

[63] In conclusion, Mr. Cuming states that all alterations to the dwelling since it was first protected under the Act in 1977 have been approved by the City. The result is:

The former farm house now strictly serves a contemporary twenty-first century residential function and has no functions related to farming operations. (Exhibit 5, page 10)

The only built feature that remains from the one-hundred (100) acre farmscape is the former Hammond Farmhouse. (Exhibit 5, page 14)

[64] In addition, Mr. Cuming concludes that:

...the substantial loss of 98 acres of former farm land from the 100 acre original holding is a critical and detrimental loss that compromises the integrity of the former extensive cultural heritage environment. The loss of farm land together with the loss of many typical farm related features as described previously are impossible to be physically recalled in the remaining two acre parcel. (Exhibit 5, page 15)

SUMMARY OF THE ISSUES

[65] The issues raised in this proceeding relate to: whether there are cultural heritage value or interest reasons to protect the entirety of Part 3, Plan 43R-3594, using a new by-law; the scope of By-law 224-84; and whether there is merit in amending By-law 224-84. The following is the Review Board's summary of the evidence heard.

Statement of Cultural Heritage Value or Interest

[66] There is no dispute among the Parties that the southern portion of Part 3, Plan 43R-3594, is of cultural heritage value or interest as prescribed by O. Reg. 9/06. This

southern portion is currently protected by By-law 224-84. The by-law does not contain a statement of cultural heritage value or interest that has been prescribed by the Act for new designations since 2005. If By-law 224-84 is to be amended, the issue will be in agreeing to the nature and extent of that cultural heritage value or interest under O. Reg. 9/06. The City contention that the property has value for being representative of a 19th century farmstead, is not accepted by the Owners/Objector.

Hammond Dwelling as a Heritage Attribute

[67] By-law 224-84 protects the c.1866 former Hammond dwelling as the sole heritage attribute of the designated property. The Parties agree that the description of the dwelling as a heritage attribute could be improved by Mr. Cuming's proposed wording (Exhibit 5, page 12, paragraph 39). It is acknowledged that to comply with the Act, any amendment to By-law 224-84 must include a statement of cultural heritage value or interest. The description of the c.1866 dwelling as a heritage attribute must be in the context of how it contributes to that stated value or interest. As such, the final wording of the statement of cultural heritage value or interest may result in the need to adjust the description contained in Mr. Cuming's proposed wording.

Natural Features as Heritage Attributes

[68] The City contends that certain "natural" features of the acreage (grades, elevations) attained human/cultural meaning by being purposefully incorporated by the Carpenters and/or Hammonds into the design of the farm layout. The Owners/Objector disagree and consider all of the design or physical, and historical or associative values of the property to be vested in the dwelling as the sole heritage attribute. The parties agree that the choice of the highest elevation for the siting of the dwelling is culturally significant.

The Watercourse and Treed Valley Lands as Heritage Attributes

[69] The City proposes to protect the watercourse and treed valley lands in the northern portion of the property by passing a new by-law and repealing By-law 224-84. As with other topographical features, the City contends that these features attained human/cultural value when they were incorporated into the design of the farmstead by the Carpenters and Hammonds, rather than being eradicated. The Owners/Objector do not agree that the watercourse and treed valley lands hold any cultural heritage value or interest, arguing these are natural, not cultural, features.

Trees as Heritage Attributes

[70] The City considers the collective of "species variety, quantity, sizes, and ages of trees" to be more than a product of natural regeneration. Its retention within the historic farm layout is seen by the City as a conscious decision. The Owners/Objector disagree, arguing that these are natural features that have evolved without human intervention and cannot be assigned cultural value.

Former Root Cellar as a Heritage Attribute

[71] There is agreement that an outbuilding identified as a former root cellar, which now forms the foundation of a 20th century guest house, could be identified and described as a heritage attribute. This is within the boundary of By-law 224-84 but is not described.

Driveway/Laneway as a Heritage Attribute

[72] There is agreement that the driveway follows the traditional path of the laneway as depicted in 1877 and that this could be described as a heritage attribute. The western stretch of the laneway and the gateway and fence at Hammond Road depicted in 1877 no longer exist. The boundary of By-law 224-84 does not include the (modern)

west terminus of the driveway at Hammond Road. The City advocates that the full surviving length of the laneway be protected. The Owners/Objector consider the partial length already protected to be sufficient, especially given that the 1877 west section is gone.

Views

[73] The issue of whether certain views should be identified as heritage attributes was debated during the hearing. These included the view of the dwelling looking southeast from the west terminus of the driveway, and the view of the dwelling from an opening in the vegetation at the southwest corner of the lot. During the hearing, the City struck its reference to "views from the house towards Hammond Road," thereby limiting its concern to "views to the house from Hammond Road."

[74] The Review Board has established in other Hearing Reports that a view identified as a heritage attribute must be within the boundary of the protected property. It has also stated that the Act does not require nor result in any public right of access or viewing any building or structure on a protected property. (CRB1003 Township of King – Intention to Designate the Property known as 12605 Keele Street ("Shift Property"), 17 October 2012; CRB1109 Township of Muskoka Lakes – Intention to Designate three Properties known as Township Dock at Lake Muskoka; Portage Landing at Moon River; and Shield Parking Lot, in the Town of Bala, 12 March, 2013)

Contextual Landmark Criteria

[75] The Parties debated the definition of "landmark" and how a landmark is evaluated by O. Reg. 9/06. The City considers the property to be a landmark, the Owners/Objector do not.

ANALYSIS

[76] O. Reg. 9/06 sets out criteria for determining whether a property is of cultural heritage value or interest and provides that a property may be designated if it meets one or more of the criteria. In this case, the City is proposing that the 2.15-acre parcel (Part 3, Plan 43R-3594) meets the criterion for design or physical value under section 1.(2)1.i, because it is a representative example of a style or type known as a 19th century farmstead.

[77] "Heritage attributes" are defined in the Act as "in relation to real property, and to the buildings and structures on the real property, the attributes of the property, buildings and structures that contribute to their cultural heritage value or interest."

[78] The City is proposing that the northern watercourse and treed valley lands, and certain topographical features, are heritage attributes that contribute to the property's cultural heritage value or interest as a representative example of a 19th century farmstead. The Owners/Objector disagree, taking the position that these are naturally occurring aspects and that the loss of typical farm related features has fatally compromised the heritage integrity of the property as a mid 19th century farmstead.

[79] In order for the Review Board to be persuaded of the City's case, it must be satisfied that the evidence supports the following findings:

1. The 2.15-acre property is a representative example of a mid 19th century farmstead, and therefore has design or physical value or interest under section 1.(2)1.i;
2. Topographical features identified by the City as "key attributes," such as "highest elevation," "gentle grades," and "steeper grades," are heritage attributes that contribute to an understanding of the property as a mid 19th century farmstead, and that these are more than naturally occurring aspects of

this particular site;

3. The watercourse and treed valley lands are heritage attributes that were perceived in the mid 19th century as integral components of a farmstead; they contributed to the design of the farmstead and the siting of the farm buildings and fields; they were more than an encumbrance to cultivation;
4. The siting of the dwelling supported access to and enjoyment of the watercourse and treed valley lands, and therefore the siting is a heritage attribute that contributes to the design or physical value of the property;
5. The "species variety, quantity, sizes, and ages of trees" are heritage attributes that were design features of the farmstead; they are more than the product of natural regeneration without human intervention;
6. The boundaries of By-law 224-84, which take in the dwelling but not the northern part of the property, do not include all of the heritage attributes that contribute to the cultural heritage value or interest of the property.

[80] The Review Board finds that the City's characterization of the property as a style or type known as a 19th century farmstead, and its interpretation that natural aspects of the property are heritage attributes that contribute to that style or type, relies too heavily on conjecture. The City did not provide clear evidence of the typical features of the style or type, and the extent to which those features were incorporated in this farmstead by the Carpenter or Hammond families. The Review Board is not persuaded that the natural aspects of the property described by the City are attributes of a style or type known as a 19th century farmstead, or that this site meets the criteria in section 1.(2)1.i.

[81] The Review Board is not persuaded that the siting of the Hammond dwelling close to the watercourse reflects design intentions associated with a typical mid 19th century farmstead. The City's reliance on McIlwraith's reference to the need for nearby

"living water" is contradicted by McIlwraith's commentary that by the mid 1860s, when the Hammond dwelling was erected, the need for open water had been surpassed by dug wells. In this case, there is a dug well on the south side of the dwelling.

[82] There was no evidence provided of view corridors, steps, terracing, a double front façade, etc. to show that there was a functional or aesthetic relationship between the dwelling and the watercourse. The dwelling was/is oriented to the north flanking laneway; a row of specimen trees planted along a section of this laneway (depicted in 1877 and evidenced as remaining stumps) partially blocked the view of the watercourse.

[83] The siting of the dwelling in an elevated location may be a characteristic supporting the design or physical value of the dwelling. However, the Review Board is not persuaded that the natural topography of the treed valley, including elevation, the "gentle grades" and "steeper grades," is part of the design intentions of a 19th century farmstead, or that it can be considered a heritage attribute of that style or type.

[84] In making these findings, the Review Board does not deny that natural features, and a landscape design that accommodates natural features, can function as heritage attributes that contribute to cultural heritage value or interest. As well, the Review Board is not negating any natural heritage value that may exist in the open watercourse and treed valley lands, and that may warrant protection through policy measures and legislation to address conservation of natural resources that are outside of the Act.

[85] It was demonstrated that many key elements that might have been characteristic of a mid 19th century farmstead, and/or might have contributed to an understanding of the Hammond farmstead in particular, have been removed from this property: the barn complex, the driveshed, fencing, the field system, boundary fences, orchards, internal laneways, the entrance feature, and the woodlot. The Review Board finds that the surviving natural features cannot substitute for this loss of heritage integrity.

[86] As the 2.15-acre property no longer contains sufficient farm related features to be considered a representative example of a mid 19th century farmstead, it does not meet the criterion in section 1(2)1.i for design or physical value as a farmstead. The dwelling on the southern portion of the property continues to have cultural heritage value or interest under the criteria in section 1(2)1.i and ii. For this reason, the Review Board agrees with the Owners/Objector that only the southern portion of the acreage warrants continuing protection under the Act.

[87] The City is also proposing that the 2.15-acre property meets the criterion for historical value or associative value under section 1.(2)2.i because it is associated with the Hammond family. The Review Board agrees and finds that the key attribute that contributes to the historical or associative value is the former Hammond dwelling, which is adequately protected by the existing designation on the southern portion of the property.

[88] Further, the City is proposing that the 2.15-acre parcel meets the criterion for contextual value under section 1.(2)3.iii because it is a "landmark." There was some discussion during the hearing as to the scope of influence within which a landmark should be measured. The Review Board interprets this section to mean a landmark in the context of its community. Charlene Haupt, a resident of the Sherwood Forest subdivision since 1976, stated there is an awareness of the "Hammond House" in the neighbourhood. The Review Board agrees that the Hammond House contributes to the landmark status of the property within the meaning of section 1.(2)3.iii, and is adequately protected by the existing designation on the southern portion of the property.

[89] In conclusion, on the basis of the evidence before it, the Review Board is not persuaded that Part 3, Plan 43R-3594, or any part of it, can be considered as a representative example of a style or type known as a mid 19th century farmstead, for the purposes of the criterion in section 1.(2)i. The loss of farm related features has been fatal to this interpretation of the property. The Review Board also is not persuaded, in this instance, by the argument that natural features of the watercourse, treed valley lands, elevations, grades, and collection of tree species are heritage attributes that

contribute to cultural heritage value or interest. The principal heritage attribute which contributes to the cultural heritage value or interest is the former Hammond dwelling, which is found in the southern portion of the property already protected by heritage designation.

[90] Regarding By-law 224-84, there is merit in continuing the protection of the southern portion of the 2.15 acres, principally because it contains the Hammond dwelling. The cultural value of the former root house foundation is as yet undetermined.

[91] The City considers the geographic boundary of By-law 224-84 to be arbitrary and suggests that a more appropriate boundary would include the full length of the laneway/driveway. A comparison of current conditions at the site with the 1877 depiction of the farmstead suggests that this laneway has already been shortened and the entrance gateway and fencing at Hammond Road has been removed. In the opinion of the Review Board, there is no gain in amending By-law 224-84 solely for the purpose of including the current western terminus of the driveway/laneway. For the west terminus to be included, it would mean a change in the legal description of the property protected by By-law 224-84. The provision of s. 30.1(2)(a) "to clarify or correct" a by-law, may no longer apply.

[92] By-law 224-84 lacks the statement of cultural heritage value or interest prescribed by the Act since 2005 for new designations, but it remains valid. If the City finds merit in updating By-law 224-84 through the amending provisions of the Act, the Review Board recommends that items identified in the Summary of Issues in this Report be considered as part of this amendment.

RECOMMENDATIONS

[93] Based on the evidence heard, the Conservation Review Board recommends that:

The City of Mississauga not proceed with a by-law under s. 29(14) of the *Ontario*

Heritage Act to protect the entirety of the 2.15 acres of Part 3, Plan 43R-3594, municipally known as 2625 Hammond Road;

That the City of Mississauga not repeal By-law 224-84; and,

That the City of Mississauga weigh the advantages of amending By-law 224-84 to clarify or correct the statement explaining the property's cultural heritage value or interest and the description of the property's heritage attributes. The purpose of any such amendment would be to provide clarity for the long term protection of the property as a cultural heritage resource.

"Su Murdoch"

SU MURDOCH
VICE-CHAIR

"Daniel Nelson"

DANIEL NELSON
MEMBER

"Laurie Smith"

LAURIE SMITH
MEMBER

Schedule 1: Notice of Intention to Designate

Schedule 2: 1877 Depiction of Property

Schedule 3: Exhibit List

Schedule 4: Procedural Matter

If there is an attachment referred to in this document,
please visit www.elto.gov.on.ca to view the attachment in PDF format.

Conservation Review Board

A constituent tribunal of Environment and Land Tribunals Ontario

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

SCHEDULE 1

Notice of Intention to Designate

NOTICE OF INTENTION TO DESIGNATE IN THE MATTER OF THE ONTARIO HERITAGE ACT, R.S.O. 1990, CHAPTER O.18, AS AMENDED, AND IN THE MATTER OF THE LANDS AND PREMISES LOCATED AT 2625 HAMMOND ROAD of The Corporation of the City of Mississauga intends to designate these lands and premises under Part IV of the *Ontario Heritage Act*, R.S.O. 1990, c. O.18, as amended.

Physical/Design Value

The property in its entirety is 0.87 hectares (2.15 acres) in size, but the current designation only covers the southerly portion where the Hammond House and outbuildings sit.

The entire Hammond property merits designation under the *Ontario Heritage Act* as a significant cultural heritage landscape. The 1984 designation acknowledges the property's physical/design value, as the house is a representative example of *The Canada Farmer* farmhouse. In terms of design, the built form is representative of the Italianate style of architecture and it displays a high degree of craftsmanship and artistic merit. The property is also a remnant of a representative example of a nineteenth century farm, as recognized in the contextual significance stated in the 1984 heritage designation by-law. As such, the remaining undeveloped space surrounding the house contributes to the property's physical/design value.

Historical/Associative Value

The Hammond Property has historical/associative value because it is associated with the Hammond family, a family that was significant to the local community and beyond. As an early Erindale farmer and merchant and in his many roles, including auditor and Justice of the Peace, Oliver Hammond contributed substantially to nineteenth century Toronto Township society. Son Thomas was also a successful businessman. Additionally, the family helped finance St. Peter's Anglican Church, a principal component of Erindale's history. Moreover, the property yields information that contributes to an understanding of 19th century settlement culture in Toronto Township.

The City of Mississauga recognized the cultural heritage value of the Hammond House in 1984. However, the entire property merits designation under the *Ontario Heritage Act*. The natural features of the site, its elevation, the watercourse, the undulating topography, the lush vegetation and tall trees are all intrinsically linked to the site and are significant elements of its cultural heritage value.

Contextual Value

The Hammond House yields information that contributes to an understanding of nineteenth century culture. The natural features of the site are intrinsically linked to this history. They help explain the siting of the house, they are a reminder of the vast acreages our ancestors owned and farmed, and they give a sense of the significant age of the property. This area is an invaluable natural resource but, it is also a cultural heritage resource, as it helps explain the history of the Hammond property and its role as a cultural heritage landscape.

The *Ontario Heritage Tool Kit* states that "A building, or structure, together with its site, should retain a large part of its integrity – its relation to its earlier state(s) – in the maintenance of its original or early materials and craftsmanship." By retaining the relationship between the Hammond property structures, relative to the remnant green space, the context, or integrity, of the Hammond Property will be maintained.

The Hammond House has contextual value as it is a cultural heritage landscape and local landmark that is physically, functionally and historically linked to its surroundings.

Notice of Objection

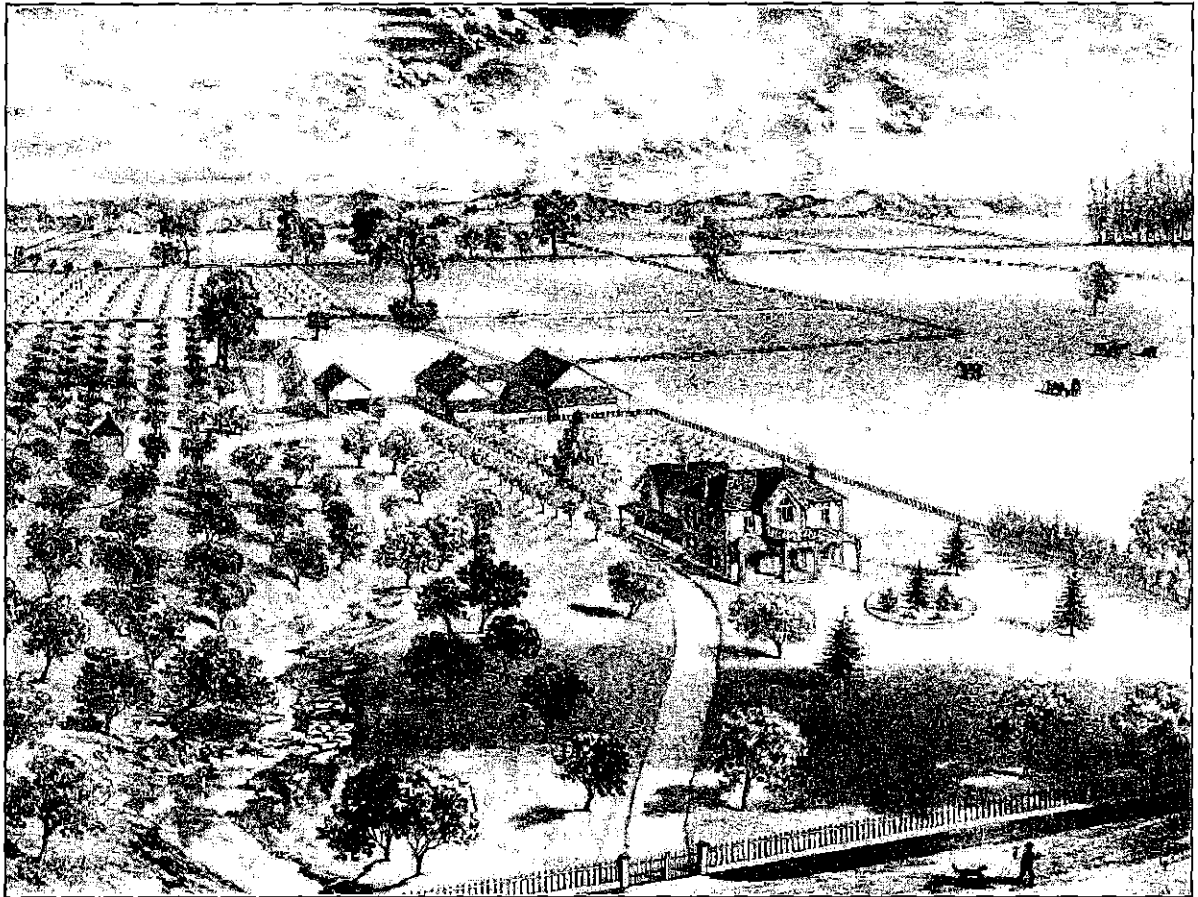
Notice of objection to the designation may be served on Crystal Greer, Director of Legislative Services and City Clerk, no later than 4:30 p.m. on Monday, October 19, 2014 via the following address: The Corporation of the City of Mississauga, 300 City Centre Drive, 2nd floor, Mississauga, ON, L5B 3C1, Attention: Crystal Greer, Director of Legislative Services and City Clerk.

CERTIFIED A TRUE COPY

DIANA RUSNO/DEPUTY CITY CLERK

SCHEDULE 2

1877 Depiction of Property



Depiction of "late Oliver Hammond, Esq., Credit, Ont.," farmstead in the *Illustrated Historical Atlas of Peel County, 1877*

8.3
SCHEDULE 3**Exhibit List**

- Exhibit 1: Affidavit of Service of Notice of Hearing on the Parties, Conservation Review Board
- Exhibit 2: Affidavit of Service of Public Notice of Hearing, City of Mississauga
- Exhibit 3: Witness Statement of Wendy Shearer, City of Mississauga
- Exhibit 4: Document Book of the Corporation of the City of Mississauga
- Exhibit 5: Witness Statement of David J. Cuming, Owners/Objector
- Exhibit 6: Reply Witness Statement of David J. Cuming, Owners/Objector
- Exhibit 7: Witness Statement of Amy Choi, Owners/Objector
- Exhibit 8: Reply Witness Statement of Amy Choi, Owners/Objector
- Exhibit 9: Plotting of Kuntz Forestry Consulting Inc. Tree Locations of Tree Core Assessments, City of Mississauga
- Exhibit 10: Heritage Property Evaluation, *Ontario Heritage Tool Kit*, Ministry of Tourism, Culture and Sport, Owners/Objector
- Exhibit 11: Extract of *Standards and Guidelines for the Conservation of Historic Places in Canada, 2nd Edition*, Parks Canada, Owners/Objector
- Exhibit 12: City of Mississauga Community Services, *Cultural Landscape Inventory, January 2005*, Owners/Objector
- Exhibit 13: Aerial image and photographs of trees in the vicinity, Owners/Objector

Subsequent to Hearing

- Exhibit 14: Final Submissions of the Owner/Objector: Latiq Qureshi, August 15, 2015
- Exhibit 15: Written Submissions of the Corporation of the City of Mississauga, August 28, 2015
- Exhibit 16: Reply Submissions of the Owner/Objector: Latiq Qureshi, September 3, 2015

SCHEDULE 4**Procedural Matter**

This proceeding involved an alleged procedural deficiency in the content of the Notice of Intention to Designate.

(a) Description of Heritage Attributes

Paragraph 9(a) in the letter of objection dated October 16, 2014, alleges procedural irregularities in issuing the NOID, specifically in failing “entirely to include a description of the heritage attributes of the property.”

Under s. 29(4)(b), “a statement explaining the cultural heritage value or interest of the property and a description of the heritage attributes of the property” is required in the notice served on the owner of the property and on the Ontario Heritage Trust (“Trust”). Under s. 29(4.1)(b) “a statement explaining the cultural heritage value or interest of the property” is required in the public notice. There is no requirement to provide a description of heritage attributes in the public notice. As such, Paragraph 9(a) in the letter of objection is interpreted by the Review Board as being in reference solely to s. 29(4)(b), which refers to notice to the property owner and the Trust.

The content of the City’s NOID is not organized as a statement of cultural heritage value or interest and description of heritage attributes. Instead, it is arranged into the three categories of criteria in O. Reg. 9/06: Design or Physical Value, Historical or Associative Value, and Contextual Value. Within each category, there is reference to cultural heritage value or interest and a delineation of heritage attributes.

It is evident in the scope of the NOID that it was written in anticipation of the City’s intent to repeal By-law 224-84 and to pass a new designating by-law protecting the entire 2.15-acre parcel. Some text in By-law 224-84 is brought forward; and some text is introduced that describes the northern portion and aspects of the whole property not

addressed by this by-law. There are references to "the remaining undeveloped space surrounding the house, the natural features of the site, its elevation, the watercourse, the undulating topography, the lush vegetation and tall trees." The inference is that these "natural" features, and not just the buildings and structures identified in By-law 224-84, contribute to cultural heritage value.

Given these references, the Review Board cannot conclude that the NOID is deficient in providing a description of the heritage attributes, as is contended by the Objector. From the start of this proceeding, all Parties understood that the northern portion of the 2.15 acres and other "natural" elements of the whole property were under consideration.

(b) Statement of Cultural Heritage Value or Interest

Paragraph 9(b) of the Objection alleges that the City "failed to properly include a statement explaining the cultural heritage value or interest of the property."

As discussed in "(a) Description of Heritage Attributes" above, the content of the NOID served on the property owner and the Trust is not organized as a statement of cultural heritage value or interest and description of heritage attributes. Instead, the City subdivided the NOID into the three categories of O. Reg. 9/06. There is no single statement of the value or interest of the whole property.

The Review Board does find that the several statements, collectively, meet the intent of the Act in identifying cultural heritage value or interest. Therefore, the Review Board does not agree with the Objector's contention that there is no statement of cultural heritage value or interest.

Description of Property – Hammond Farmhouse, approximately the south half of 2625 Hammond Road

The Hammond Farmhouse is a two storey brick residence located on the east side of Hammond Road, south of Dundas Street West. The property includes an outbuilding atop a root cellar at the ravine edge.

Statement of Cultural Heritage Value or Interest

The Hammond Farmhouse has design value as it is representative of the vernacular Italianate style of architecture with the use of Gothic detailing organized around a symmetrical arrangement of façades and building forms.

The Hammond Farmhouse has historical and associative value because it is associated with the Hammond family, a family that was significant to the local community of Erindale and Toronto Township. As a Toronto Township farmer, merchant, auditor and justice of the peace, Oliver Hammond contributed to the development of the local nineteenth century community. Son Thomas Hammond was also a successful farmer and fruit grower. The Hammond family contributed financially to the 1886 reconstruction of the second St. Peter's Anglican Church.

The property also has historical and associative value as it yields information that contributes to an understanding of Toronto Township's evolving farm culture. Major Harry Gilmore Pepall owned the property from 1934 to 1967. He was a "gentleman farmer" who generally hired others to run his farm. He built a small cottage, which he dubbed "roothouse," on the ravine edge atop an existing root cellar. It served as extra sleeping quarters for the family and their guests, as well as farmhands.

The Hammond Farmhouse has contextual value because it is a landmark within its community and it is visually linked to its surroundings.

The former Hammond Farmhouse: Description of Heritage Attributes

- The shape, form and materials of the Hammond Farmhouse, its vernacular Italianate style, symmetrical proportions and Gothic detailing
- The shape and form of the original Hammond Farmhouse roof
- The symmetrical projecting frontispiece
- The tall symmetrical brick chimneys and their shape, form and materials
- The stone quoining at the corners of the original Hammond Farmhouse
- The symmetrical and rectangular window openings of the original Hammond Farmhouse
- The stone window lintels and sills and their placement, shape, form and materials
- The paired round headed windows with round louvres, their placement, form and material
- The bracketed eaves, their material, shape form and location
- The molded brackets, their shape, form and materials and location
- The exterior panelled frieze and its shape form, materials and location
- The Credit Valley stone foundation
- The small outbuilding on the ravine edge at the rear of the property, its shape and form and original materials and stone foundation, i.e. the former root cellar
- The house's siting on an elevated location on the property

- The driveway alignment, which follows the traditional path of the laneway as depicted in the 1877 Peel atlas
- The visibility of the house from the property edge

① Description of Property – Hammond Farmhouse, approximately the south half of 2625 Hammond Road

The Hammond Farmhouse is a two storey brick residence located on the east side of Hammond Road, south of Dundas Street West. The property includes an outbuilding atop a root cellar at the ravine edge.

② Statement of Cultural Heritage Value or Interest

The Hammond Farmhouse has design value as it is representative of the vernacular Italianate style of architecture with the use of Gothic detailing organized around a symmetrical arrangement of façades and building forms.

The Hammond Farmhouse has historical and associative value because it is associated with the Hammond family, a family that was significant to the local community of Erindale and Toronto Township. As a Toronto Township farmer, merchant, auditor and justice of the peace, Oliver Hammond contributed to the development of the local nineteenth century community. Son Thomas Hammond was also a successful farmer and fruit grower. The Hammond family contributed financially to the 1886 reconstruction of the second St. Peter's Anglican Church.

③ The property also has historical and associative value as it yields information that contributes to an understanding of Toronto Township's evolving farm culture. Major Harry Gilmore Pepall owned the property from 1934 to 1967. He was a "gentleman farmer" who generally hired others to run his farm. He built a small cottage, which he dubbed "roothouse," on the ravine edge atop an existing root cellar. It served as extra sleeping quarters for the family and their guests, as well as farmhands.

④ The Hammond Farmhouse has contextual value because it is a landmark within its community **⑤** and it is visually linked to its surroundings.

⑥ The former Hammond Farmhouse: Description of Heritage Attributes

- The shape, form and materials of the Hammond Farmhouse, its vernacular Italianate style, symmetrical proportions and Gothic detailing
- The shape and form of the original Hammond Farmhouse roof
- The symmetrical projecting frontispiece
- The tall symmetrical brick chimneys and their shape, form and materials
- The stone quoining at the corners of the original Hammond Farmhouse
- The symmetrical and rectangular window openings of the original Hammond Farmhouse
- The stone window lintels and sills and their placement, shape, form and materials
- The paired round headed windows with round louvres, their placement, form and material
- The bracketed eaves, their material, shape form and location
- The molded brackets, their shape, form and materials and location

- The exterior panelled frieze and its shape form, materials and location
- The Credit Valley stone foundation
- The small outbuilding on the ravine edge at the rear of the property, its shape and form and original materials and stone foundation, ⑦ i.e. the former root cellar
- ⑧ The house's siting on an elevated location on the property
- The driveway alignment, which follows the traditional path of the laneway as depicted in the 1877 Peel atlas
- ⑨ The visibility of the house from the street edge

① Description of Property

As per the *Ontario Heritage Tool Kit*, a 2006 Ministry guide, the description of the property is recommended to:

- Describe the general character of the property and identify "those aspects of the property to which the designation applies"
- Outlines "the principal resources that form part of the designation"

② Statement of Cultural Heritage Value or Interest

The statement of cultural heritage value or interest conveys why the property merits designation as per the criteria set out in Ontario Regulation 9/06.

These two paragraphs come verbatim from the witness statement of Mr. Cuming, representing the objector.

③ This paragraph reconciles the inclusion of the outbuilding as a heritage attribute. Mr.

Cuming included the outbuilding in his proposed amendment but it does not relate to his value statements. The *Ontario Heritage Tool Kit* states that "Only attributes that relate to the values described in the *Statement of Cultural Heritage Value or Interest* should be included."

Research subsequent to the original 2014 cultural heritage assessment found that this outbuilding was constructed by a property owner subsequent to the Hammonds. Major Harry Gilmore Pepall owned the property from 1934 to 1967. In an interview conducted on June 30, 2015, his son Winsor advised City staff that his father built the small cottage "roothouse" atop an existing root cellar. It served as extra sleeping quarters for the family and their guests, as well as farmhands. As such, a value statement to this effect is proposed.¹

④ This sentence combines two value statements. The first was agreed to by the CRB:

(88) Further, the City is proposing that the 2.15-acre parcel meets the criterion for contextual value under section 1.(2)3.iii because it is a "landmark." There was some discussion during the hearing as to the scope of influence within which a landmark should be measured. The Review Board interprets this section to mean a landmark in the context of its community. Charlene Haupt, a resident of the Sherwood Forest subdivision since 1976, stated there is an awareness of the "Hammond House" in the neighbourhood. The Review Board agrees that the Hammond House contributes to the landmark status of the property within the meaning of section 1.(2)3.iii, and is adequately protected by the existing designation on the southern portion of the property.

¹ Interview by City of Mississauga Heritage Planning staff of Winsor and Ruth Anne Pepall, June 30, 2015, Oakville

⑤ The second value statement that forms part of the final sentence is new. It is proposed to account for additional heritage attributes that the CRB stated were agreed upon by both parties.

⑥ **Description of Heritage Attributes**

This list "describes the key attributes or elements of the property that must be retained to conserve its cultural heritage value or interest" (Ontario Heritage Toolkit). The first 13 attributes represent a complete transcription of those proposed by Mr. Cuming. Ms. Shearer agreed to these. Terms such as "exterior" and "on the ravine edge" are added for clarity.

⑦ The root cellar is specified as the foundation of the outbuilding. According to the CRB, the root cellar was an agreed upon attribute:

(71) There is agreement that an outbuilding identified as a former root cellar, which now forms the foundation of a 20th century guest house, could be identified and described as a heritage attribute. This is within the boundary of By-law 224-84 but is not described.

⑧ The next two attributes are also included, as the CRB stated that there was agreement between the City (Ms. Shearer) and Objector (Mr. Cuming) in these areas:

(68) The City contends that certain "natural" features of the acreage (grades, elevations) attained human/cultural meaning by being purposefully incorporated by the Carpenters and/or Hammonds into the design of physical and historical or associative values of the property to be vested in the dwelling as the sole heritage attribute. The parties agree that the choice of the highest elevation for the siting of the dwelling is culturally significant.

(83) The siting of the dwelling in an elevated location may be a characteristic supporting the design or physical value of the dwelling. However, the Review Board is not persuaded that the natural topography of the treed valley, including elevation, the 'gentle grades' and 'steeper grades,' is part of the design intentions of a 19th century farmstead, or that it can be considered a heritage attribute of that style or type.

(72) There is agreement that the driveway follows the traditional path of the laneway as depicted in 1877 and that this could be described as a heritage attribute. The western stretch of the laneway and the gateway and fence at Hammond Road depicted in 1877 no longer exist. The boundary of By-law 224-84 does not include the (modern) west terminus of the driveway at Hammond Road. The City advocates that the full surviving length of the laneway be protected. The Owners/Objector consider the partial length already protected, especially given that the 1877 west section is gone.

The elevated siting of the house and the driveway alignment are attributes that support the fact that the property is visually linked to its surroundings. As mentioned previously, the house was sited to be easily seen. The driveway provides one of the visual access points between the public realm and the dwelling.

In the context of this proposed designation, whereby the recommendation is not to expand the boundary of the existing by-law, the driveway attribute would only apply to the portion of the property included in the boundary of the existing by-law.

- ⑨ This new attribute is proposed because it supports the "visual link" value statement.

Environment and Land Tribunals Ontario
Conservation Review Board

CRB1407

PROCEEDING COMMENCED UNDER subsection 29(5) of the *Ontario Heritage Act*, R.S.O. 1990, c.O.18, as amended

Owner/Objector:	Latiq Qureshi
Owner:	Fatima Qureshi
Subject:	Notice of Intention to Designate
Property Address:	2625 Hammond Road (also known as Hammond House)
Legal Description:	Part of Lot 2, Range 1 South of Dundas Street, Racey Indian Tract, designated as Part 3, Plan 43R-3594
Municipality:	City of Mississauga
CRB Case No.:	CRB1407
CRB Case Name:	Qureshi v. Mississauga (City)

WITNESS STATEMENT OF DAVID J. CUMING, MCIP, MRTPL, RPP, CAHP

**PROFESSIONAL CONSULTING SERVICES
CULTURAL HERITAGE RESOURCE
PLANNING CONSULTATION**

Dated: July 9, 2015

Witness Statement of David J. Cuming, MCIP, MRTPI, RPP, CAHP

2625 Hammond Road satisfies two (2) sub-criterion of the historical or associative values as follows:

- 2.i Direct association of the former farm house with the theme of the nineteenth century agricultural and rural settlement, as vested solely in the existing farmhouse.
- 2.i Direct association of the former farm house with the Hammond family as vested solely in the existing farmhouse.

39. If the Conservation Review Board finds that there is some merit to amending or repealing the existing by-law and adopting a new by-law I have advised in my review of the staff report at Tab B that the statement of cultural heritage value or interest and description of heritage attributes may be amended as follows:

Statement of Cultural Heritage Value or Interest

The Hammond Farmhouse has design value as it is representative of the vernacular Italianate style of architecture with the use of Gothic detailing organized around a symmetrical arrangement of façades and building forms.

The Hammond Farmhouse has historical and associative value because it is associated with the Hammond family, a family that was significant to the local community of Erindale and Toronto Township. As a Toronto Township farmer, merchant, auditor and justice of the peace, Oliver Hammond contributed to the development of the local nineteenth century community. Son Thomas Hammond was also a successful farmer and fruit grower. The Hammond family contributed financially to the 1886 reconstruction of the second St. Peter's Anglican Church.

The former Hammond Farmhouse: Description of Heritage Attributes

- The shape, form and materials of the Hammond Farmhouse, its vernacular Italianate style, symmetrical proportions and Gothic detailing
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- The stone window lintels and sills and their placement, shape, form and materials
- The paired round headed windows with round louvres, their placement, form and material
- The bracketed eaves, their material, shape form and location

Witness Statement of David J. Cuming, MCIP, MRTPI, RPP, CAHP

- The molded brackets, their shape, form and materials and location
- The panelled frieze and its shape form, materials and location
- The Credit Valley stone foundation
- The small outbuilding at the rear of the property, its shape and form and original materials and stone foundation

The former "*Hammond Property*": lack of cultural heritage value or interest

40. On many occasions in the City staff's cultural heritage assessment the subject property now owned by the Qureshi family is described as the "*Hammond Property*" as a distinct and separate entity from the former "*Hammond Farmhouse*."
41. Describing the subject lands as the "*Hammond Property*" is both a misnomer and inappropriate. The original 100 acre farm holding, by all accounts, ceased to be a "*Hammond Property*" on its sale in 1934, over eighty (80) years ago. This equally applies to the former Hammond Farm House. While the former Hammond Farm House maintains its basic form, appearance and materials this is not the case with the subject 2.15 acre lot. The current 2.15 acre lot was never owned and occupied by any member of the Hammond family. The lot configuration bears no semblance to the scale and composition of the original 100 acre parcel owned by the Hammond family.
42. City staff has cited the 1877 illustrated depiction of the late Oliver Hammond farm house and surrounding farm land as an example of a centrally placed farm house and the ideal mixed farm layout. Staff misinterprets and misreads the illustration in many instances.
43. As I point out in my review (Tab B) the farm house was never centrally located in the 100 acre parcel but was confined to the northwest corner. The current lotting of the post-1975 plan of subdivision and the related built fabric of suburban residences, garages and landscaping is completely different and unrelated to the siting of the former farm house, the original pattern of nineteenth century mixed farming and associated agricultural practices.
44. The current two (2) acre property is currently a contemporary residential landscape substantially remodelled post-1990 when the current owners acquired and refurbished both the house and grounds.

**Conservation
Review Board**

655 Bay St Suite 1500
Toronto, ON M5G 1E5
Tel (416) 326-3594
Fax (416) 326-6209
Email: conservation.review.board@ontario.ca
Website: www.crb.gov.on.ca

**Commission des
biens culturels**

655 rue Bay Bureau 1500
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**ISSUE DATE:****March 13, 2013****CRB1109****CONSERVATION REVIEW BOARD**

RE: THE CORPORATION OF THE TOWNSHIP OF MUSKOKA LAKES – INTENTION TO DESIGNATE THREE PROPERTIES KNOWN AS TOWNSHIP DOCK AT LAKE MUSKOKA; PORTAGE LANDING AT MOON RIVER; AND SHIELD PARKING LOT, IN THE TOWN OF BALA.

Su Murdoch, Chair
Stuart Kidd, Member

This Hearing was convened under s. 29(8) of the *Ontario Heritage Act, R.S.O. 1990, Chapter O.18, amended to 2009 ("Act")*, for the purpose of reporting to the Council of the Township of Muskoka Lakes ("Township"), whether, in the opinion of the Conservation Review Board ("Review Board"), on the basis of the evidence it heard, three properties known as Township Dock at Lake Muskoka; Portage Landing at Moon River; and Shield Parking Lot, all in the Town of Bala, Township of Muskoka Lakes, should be protected by bylaw(s) under s. 29 of the Act. The legal descriptions and survey maps for these properties are contained in Exhibit 2 and in the *Analysis: Issue 6* section of this Hearing Report. These properties are separate and distinct from each other. All are owned by the Corporation of the Township of Muskoka Lakes.

Notice of this Hearing was served by the Review Board on the Parties and was published in the *Bracebridge Examiner* and the *Gravenhurst Banner* on December 12, 2012, in the manner required under the Act. The Statement of Service was filed as Exhibit 1.

The Hearing convened at 10 a.m. on January 7, 2013, at the Township of Muskoka Lakes municipal office at 1 Bailey Road, Port Carling. The Hearing ended on Thursday,

January 10, 2013, at about 5:15 p.m.

The Township originally proposed the protection of six properties under s. 29 of the Act. Two properties were withdrawn and all objections to a third property were withdrawn, leaving three properties for the Review Board's consideration. Prehearing conferences (and a site visit to Bala) were held in person on September 5 and October 9, 2012. These were attended by Ms. Murdoch, but not Mr. Kidd (who had not viewed the properties by the start of the Hearing).

AT ISSUE

The Township of Muskoka Lakes, Swift River Energy Ltd., and Paul Davidson (the "Parties") disagree on whether the properties known as Township Dock at Lake Muskoka; Portage Landing on Moon River; and Shield Parking Lot, all in the Town of Bala, Township of Muskoka Lakes, satisfy the test of *Ontario Regulation 9/06: Criteria for Determining Cultural Heritage Value or Interest* ("Regulation 9/06") for protection under s. 29 of the Act. Swift River Energy Ltd. also contends that the Township is in violation of the requirements for the Notices of Intention to Designate as prescribed by s. 29(3), s. 29(4), and s. 29(4.1) of the Act.

COUNSEL IN ORDER OF APPEARANCE

Township of Muskoka Lakes:

Harold Elston, Elstons LLP

Assisted by Aynsley Anderson, Elstons LLP

Swift River Energy Ltd.:

Steven C. Ferri, Loopstra Nixon LLP

Assisted by Jason Cicchetti, Loopstra Nixon LLP

Karen McGhee, MKE Ltd. Consulting Engineers, on behalf of Swift River Energy Ltd.

Paul Davidson (Self Represented Party) Non Attendance:

Mr. Davidson informed the Review Board in writing on December 9, 2012, that for compassionate reasons, he was unable to comply with the December 17 deadline for disclosure submissions. He did not attend the Hearing for the same reasons. As permitted under s. 7(1) of the *Statutory Powers Procedure Act* regarding non attendance of a Party that was given proper Notice, the Review Board continued with the Hearing in his absence. Mr. Davidson was notified through the Township by telephone and email on January 7 that the Review Board would "accept a written submission from you provided they [Review Board] receive it by the end of the week."

Mr. Davidson responded January 8 with direction to consider his original letter of objection dated August 23, 2011. Copies of this email correspondence were filed with the Case Coordinator. As no further submissions were received from Mr. Davidson, by which the Review Board could fully understand his objections, no further action will be taken.

PUBLIC STATEMENTS

The Review Board and the Parties agreed that given the distance driven by many to attend, and the winter driving conditions, that Public Statements would be heard at the start of the proceeding, instead of immediately prior to closing. The Review Board also agreed to accept written submissions from the Public until January 17, 2013, at 4 p.m., the deadline for the final written submissions from the Parties.

Members of the Public in Order of Appearance:

The following gave their residence (permanent or seasonal) as Bala, except as otherwise noted:

Mr. Mark Gidley
Ms. Liz Lundell, Glen Orchard
Ms. Anne Polewski
Mr. Bruno Polewsik
Ms. Nora Fountain, Torrance
Mr. Michael Webb (formerly a Party)
Ms. Anna Mallin (formerly a Party)
Ms. Gunta Towsley, Ullswater
Ms. Linda Jackson Hutton (formerly a Party)
Mr. Brad Burgess, Councillor Township of Muskoka Lakes
Mr. Terry McFadden
Mr. Allan Turnbull
Mr. Sandy Currie
Ms. Deborah Ylanko
Mr. Bill Purkis
Ms. Ruth Nishikawa, Torrance, Councillor Township of Muskoka Lakes

WITNESSES IN ORDER OF APPEARANCE

Catherine Nasmith, heritage consultant, on behalf of the Township of Muskoka Lakes

Christopher Andreae and Marcus Letourneau, heritage consultants, as a witness panel

on behalf of Swift River Energy Ltd.

JURISDICTION OF THE BOARD

All Parties were reminded that the jurisdiction of the Review Board under s. 29 of the Act is to hear evidence within the framework of Regulation 9/06. Of particular note is that the Review Board does not address any applications or issues that are under the jurisdiction of the *Planning Act* or other legislation. Evidence of this kind will be heard if it gives context to the discussion of cultural heritage value or interest and/or the integrity of any heritage attributes that may support that value or interest.

IDENTIFIED ISSUES

The evidence presented at this Hearing raised a number of issues which this Hearing Report will consider under the section *Analysis: Issues*:

Issue No. 1

Is the Township of Muskoka Lakes in violation of the requirements for the Notices of Intention to Designate ("NOID") under s. 29(3) and s. 29(4) Contents of Notice to be served on the property owner and the Ontario Heritage Trust ("Trust"); and under s. 29(4.1) Contents of Notice to be published?

Issue No. 2

What constitutes a reasonable amount of change in "scope and intent" following the issuance of the Notice of Intention to Designate?

Issue No. 3

Can a view be identified as a heritage attribute of a property for purposes of a bylaw under s. 29 of the Act? When does a view support and contribute to the cultural heritage value interest of a property, as opposed to being an aesthetic?

Issue No. 4

Can sounds be identified as heritage attributes of a property for purposes of a bylaw under s. 29 of the Act?

Issue No. 5

When does a use hold cultural heritage value or interest?

Issue No. 6

Does each property meet the test of Ontario Regulation 9/06: Criteria for Determining

Cultural Heritage Value or Interest?

MEMBERS OF THE PUBLIC

In Favour of Protection under the Act:

Mr. Mark Gidley, a business owner, discussed the importance of preserving history. He knows firsthand that the Town Dock is a busy place "then and now." He explained that the positioning and terrain of Burgess Island (also known as Portage Island) "makes this the logical portage." Although finding evidence is "difficult," he believes it has been "traversed since the early explorers." The Shield Parking Lot has a rock face exposed by rail and road construction and is "more than a parking lot." Mr. Gidley submitted information in writing (No. 1).

Ms. Liz Lundell is an educator, historian, and writer who served on the Township Municipal Heritage Committee ("MHC"). She researched and wrote statements of cultural heritage value for the subject (and other) properties for listing on the Township's Inventory [now the Register of Cultural Heritage Properties]. She considers the protection of the cultural heritage landscape(s) of Bala to be important, especially given the significance of tourism to the area. Ms. Lundell submitted information in writing (No. 2).

Ms. Anne Polewski is a member of the MHC and has a background in freshwater biology. She and Mr. Bruno Polewski circulated a selection from their postcard collection of Bala, explaining that these cards demonstrate how visitors shared the beauty of the area with others around the world. The Polewskis submitted copies of some postcards, which were later entered by the Township as Exhibit 14.

Ms. Guntá Towsley is president of the Muskoka Branch of the Architectural Conservancy of Ontario and a former member of the MHC. She has fond memories of the area and in 2009 promoted the Bala Falls area as a cultural heritage landscape or Heritage Conservation District [under Part V of the Act]. She does not want the area "sacrificed on the altar of green energy."

Ms. Linda Jackson Hutton is the curator/owner of the Bala Museum. Her family has been in Bala since the 1880s. The date at which the church was named Burgess Church likely coincides with the substitution of the name Burgess Island for the traditional name of Portage Island. By calling it Burgess Island, its significance as a portage, hence the name Portage Island, is being lost.

8.3

Mr. Brad Burgess is the great grandson of Thomas Burgess who founded Bala in 1868. The word "Bala" means in Welsh "outflow of water." The long standing use of the Town Dock as a centre of water transportation from the steamboat era to today is integral to Bala's history. Portage Island has been used as a portage route "for at least a century." There are hundreds of canoeists from YMCA Camp Pinecrest using the route today. The Shield Parking Lot is an "extraordinary" display of the Canadian Shield. He personally maintains the gardens at the site.

Mr. Terry McFadden is a real estate agent. In his profession, "he sells heritage" in the region. He is aware that Portage Landing is the shortest route for canoes.

Mr. Allan Turnbull lives on Moon River a short distance from Bala Falls. In season, he observes the portage being used three to four times a week by various groups of canoeists. His neighbour can recall portaging there over fifty years ago. Mr. Turnbull submitted copies of some postcards, which were later entered by the Township as Exhibits 13(a) and 13(b).

Mr. Sandy Currie spoke on behalf of the Moon River Property Owners' Association, an organization of about 196 families in or around Moon River, of which he is president. Some members can recall stories of Bala dating back to their ancestors in the 1860s. MRPOA is of the opinion that the Ontario Heritage Act is about recognizing what came before and protecting this for the future. The Town Dock is an important historical feature and part of the Moon River and Bala experience. It is a meeting place and site of the annual regatta. From there, you can walk to Shield Parking Lot, where hundreds of cars park annually to view the Precambrian Shield, read the plaque, start along the walkway at the north end, and view the falls. Portage Landing is a good landing spot with safe access from land or water into town. It is a popular location for swimming, especially for the public which otherwise has no water access. You can view the falls and the "First Nations marker tree." The whole core of Bala is a tourist economic hub. These places must be protected for the sake of Bala as a community. He submitted information and a map (No. 13).

Ms. Deborah Ylanko has for fifty years considered Bala to be her second home. She explained that Bala Falls is the confluence of the entire Muskoka watershed to Georgian Bay, with waters from as far away as Quebec. All travellers to/from Georgian Bay passed through the portage at Bala. Ms. Ylanko submitted information in writing (No. 14 and later submitted).

Mr. Bill Purkis lives close to the falls and is the owner of Purk's Place for thirty years. This was formerly called the Portage Boat House and was relocated when the Canadian

Pacific Railway line was built through Bala in 1907. The Shield Parking Lot is an early example of the drill – blast – fill method of highway construction. It is an important community use space where people can experience “rivers, railroads, and automobiles.” Portage Landing has been used for centuries as a portage, including by 1830s surveyor David Thompson and by Camp Pinecrest. He has portaged there. A 17th century, French made axehead was found down river from this location. The Ministry of Natural Resources’ new fencing is positioned to allow continuing access to the portage landing. The Township Dock is “linked by tradition and family heritage.” Mr. Purkis submitted letters from Carrie Bain and Mike Manchee dated January 3, 2012 [2013]; Jane Manchee dated January 4, 2013; and Stephen T. Manchee dated January 8, 2012 [2013] (No. 15).

Ms. Ruth Nishikawa is a councillor with the Township of Muskoka Lakes whose family arrived in the area in 1863. Her ancestor was a “chauffeur” transporting people around the lakes. She became involved in local heritage in the 1990s, is the past president of the Muskoka Branch of the Architectural Conservancy of Ontario, and was Chair of the MHC in 2010. The MHC’s goal has been to establish in the Township, three Heritage Conservation Districts under Part V of the Act, including the core area of Bala. It was decided that the best approach is to begin with the protection of individual properties.

Not in Favour of Protection under the Act:

Ms. Nora Fountain lives near the falls. She disagrees with the protection of the Shield Parking Lot and of Portage Landing. Parking is not “significant” in terms of cultural heritage value or interest. The “full heritage” of Portage Landing has yet to be disclosed. This is not a heavily used portage site. There has not been mention of the hydroelectric plant that was there earlier in the 20th century. She believes the Act should be used “correctly” and not as currently proposed by the Township.

Mr. Michael Webb was formerly a Party to this proceeding. His family has been associated with Moon River since 1905. He objects to the process by which the Township changed the descriptions of heritage attributes and withdrew Notices of Intention to Designate, without giving reasons for these actions. He finds the Township is poorly prepared and has provided confusing data. He wonders if this is all really about opposing the proposed hydroelectric plant. Mr. Webb submitted information in writing (No. 6).

Ms. Anna Mallin was formerly a Party to this proceeding. She objected based on the fact that there are no structures or buildings on two of the properties and the dock on the Township Dock property is new. The sites are already commemorated. Ms. Mallin

submitted information in writing (No. 7).

Additional Correspondence Received from the Public

Ann Sheffar, January 10, 2013 (in favour)
Elizabeth Laing, January 10, 2013 (in favour)
Wendy de Gomez, January 10, 2013 (in favour)

CASE FOR THE MUNICIPALITY

Exhibit 4: Township Document Book was entered by the Township.

WITNESS – CATHERINE NASMITH

Ms. Nasmith was sworn as an expert in cultural heritage. She is the principal in Catherine Nasmith Architect specializing in heritage architecture, heritage planning, and heritage conservation education. She has lived part time in Bala since 1994 and has restored some local heritage buildings. Her Curriculum Vitae is in her Witness Statement at the start of Exhibit 4, and as Exhibit 4, Tab A.

Ms. Nasmith was retained by the Township shortly after the Notice of Intention to Designate was published on August 17, 2011, for the original six properties (Exhibit 4, p. 46) and Objections were filed. Exhibit 3 is her signed *Acknowledgement of Duty as an Expert Witness*.

Methodology

The Witness Statement (Exhibit 4, p. 5; E: *Work Undertaken to Date*) outlines the steps taken by Ms. Nasmith in collaboration with the Township. At the start of her involvement, she concluded that the draft Statements of cultural heritage value or interest and the descriptions of heritage attributes (Exhibit 4, Tabs C, D, and E) are "well researched and presented" but do not meet the "format" of Regulation 9/06. She attributes this to the inexperience of the Township's Municipal Heritage Committee (as defined under s. 28 of the Act; "MHC") at drafting these requirements. In her opinion, the "substance of the designation(s) is strong" and the heritage of these properties is "unquestionably valued by the community."

Ms. Nasmith's primary task was then to determine the meaning and intent of the "key ideas" in the draft Statements and descriptions of heritage attributes and carry these forward into the scope of Regulation 9/06. As stated in section E. *Work Undertaken to Date*, No. 8 (Exhibit 4, p. 5), this involved a "review of materials identified in the

bibliographies of the Draft Designation Statements, including interviews with authors to determine sources of information"; and No. 10, "Review of Local Heritage Collections at the Township of Muskoka Lakes Public Library, Port Carling Branch." Copies of some reference materials are in Exhibit 4.

Ms. Nasmith considers each of the subject properties to be a cultural heritage landscape, within the larger cultural heritage landscape of Bala. She is aware that the MHC originally contemplated the protection of a larger area within Bala as a Heritage Conservation District under Part V of the Act ("HCD"). The Township made the decision to instead protect individual properties, bearing in mind the potential for including s. 29 properties within a future HCD. Ms. Nasmith endorses this strategy, given that amendments to the Act in 2005 now permit the inclusion of a Part IV property within a Part V HCD.

Ms. Nasmith visited the properties and collaborated with the Township in complying with the Review Board Order of October 10, 2012, which resulted in a document submitted by the Township: "Survey Sketch and Confirmation of Heritage Attributes Package dated October 31, 2012" (Exhibit 2). It provides the legal descriptions, property surveys, and descriptions of heritage attributes for each subject property. Through this process, it was determined that the Bala cenotaph is not on the property proposed for protection under s. 29 and that property was withdrawn. The Township also withdrew the Township Dock at Moon River property. This October 31 document and the "Designation Statement" for each property (Exhibit 4, Tabs Q, R, and S) were the starting point for the Review Board's consideration at the Hearing.

Policy Framework: Provincial

To explain her approach to the subject properties, Ms. Nasmith gave an overview of the policy framework for heritage conservation in Ontario and how documents such as the International Council on Monuments and Sites 2008 *Quebec Declaration on the Preservation of the Spirit of Place* (Exhibit 4, Tab K); and Parks Canada's *Standards and Guidelines for the Conservation of Historic Places in Canada (Second Edition, 2010)* (Exhibit 4, Tab J) continually influence heritage conservation policy and practice.

Section 2.6: *Cultural Heritage and Archaeology* of the Provincial Policy Statement of the Ontario Planning Act, 2005 ("PPS") was reviewed, noting the definitions for "heritage attributes" and "cultural heritage landscapes" and the emphasis on the phrase "valued by the community." (The Review Board disallowed discussion of the PPS Draft Policies September 2012 as these are not adopted.) The differences between the definition for "heritage attributes" in the PPS vs. the Act, and the lack of a definition in the Act for cultural heritage landscapes were noted.

In Ms. Nasmith's opinion, the PPS and the Act endorse "community," however defined, as the authority in determining what holds local cultural heritage value or interest and which "traditions" are multi generational. This community approach is sanctioned in the *Heritage Tool-Kit* developed by the Ministry of Tourism, Culture and Sport in 2006 as a municipal guideline for the implementation of the PPS and Regulation 9/06. She commented that community interest and concern in the subject properties is evident by the number of Public Statements and attendance at this Hearing. The postcards (Exhibit 14) demonstrate how the beauty of Bala is shared around the world.

Heritage Policy Framework: Township of Muskoka Lakes

Ms. Nasmith referenced the *Report of the Master Plan of Archaeological Resources of the District Municipality of Muskoka and the Wahta Mohawks, Volumes 1 and 2*, assembled by Archaeological Services Inc. in 1994 (Exhibit 4 Tab L) ("*Master Plan*"). This document has not been officially adopted by the District but is cited in Township policy documents and consulted "daily" by staff.

Master Plan Vol. 1, Subsection 3.1: *The Approach to Planning for Built Heritage and Cultural Landscapes* (Exhibit 4, Tab M) explains the Theme Significance and Theme Ratings A, B, C (A is highest; C lowest or minor) approach used for evaluating the cultural heritage resources of the District (Exhibit 4, Tab M, p. 202). Ms. Nasmith applied this thematic approach to the subject properties and found that aspects of Bala's history are within several Themes including early land surveys; steamboat navigation; resort era; autos and summer cottages; public parks; and rural villages (Exhibit 4, pps. 34-36). This finding supports the Township's argument for protection under the Act. She considers the aspect of power generation to be a minor Theme (Rating C).

Through cross examination, Mr. Ferri queried the validity of taking direction from the *Master Plan* and of using a Themes approach. Page 81 of the *Master Plan* (Exhibit 8; see also Exhibit 7) states: "The mapping of individual historical themes (documentary history), in and of themselves, are not useful management tools for day-to-day heritage conservation planning." (The Witness Panel for Swift River Energy Ltd. stated that the *Master Plan* was intended for use at the District, not Township level. Its Themes approach is "out of date" and superseded by Regulation 9/06 (Exhibit 5, Tab W, *Golder Assessment*, pps. 14-15).)

The *Township of Muskoka Lakes Official Plan (Consolidation June, 2010)* contains Section C - *Urban Centres*, Subsection 4.4 *Culture/Heritage Conservation* (Exhibit 4, Tab H). Ms. Nasmith considers this subsection to be confirmation of the Township's

commitment to cultural heritage conservation and proper use of the process and provisions of the Act. Subsection 4.4.3 emphasizes that "Locally significant buildings, places, and attractions, should be identified as being important to the character of the municipality."

The Township of Muskoka Lakes 4 Year – Strategic Plan, Approved February 13, 2012: Cultural Heritage: Heritage Properties, Creative Muskoka (Exhibit 4, Tab I) was also noted. The "Strategic Plan Implementation Matrix, Draft: February 7, 2012" (Exhibit 4, Tab I, p. 183) lists "Identify priority community areas for consideration as heritage districts and conduct site visits of each of these communities in conjunction with the review of Heritage Inventory: Bala, Windermere, Port Carling." This Matrix begins in 2011 and indicates progress on this objective as "ongoing."

In reviewing minutes starting March 14, 2011, of meetings of the MHC and Council regarding the protection of the subject properties (Exhibit 4, pps. 28-30), Ms. Nasmith concluded that the process undertaken by the Township complies with the Act. The original six properties are listed individually on the Township's Register of Cultural Heritage Properties (as defined by s. 27 of the Act).

In her Witness Statement: *F. Summary of My Opinion* (Exhibit 4, pps. 5-6), Ms. Nasmith concludes, "In designating these properties the municipality is following through on a course outlined in both its Strategic Plan and Official Plan." The three subject properties "are valued by the community, and their value is reflected in the desire expressed through their Council to protect them under the Act. The properties meet one of more of the criteria in Regulation 9/06, making each eligible for protection under s. 29."

In cross examination by Mr. Ferri, Ms. Nasmith stated that she does not believe the designation process under s. 29 was initiated in response to the Swift River Energy Ltd. hydroelectric development proposal for the Crown land between the north channel of Bala Falls and the Portage Landing on Moon River property. Her 2010 presentation to the MHC about HCDs under Part V of the Act only references the requirement under the Renewable Energy Approval process of the *Green Energy Act* to identify any impact on cultural heritage resources (Exhibit 6).

Ms. Nasmith's research and evaluation of each property under Regulation 9/06, and the resulting Statements and descriptions of heritage attributes are addressed in the Analysis: Issue 6 section of this Hearing Report.

CASE FOR THE OBJECTOR (SWIFT RIVER ENERGY LTD.)

Exhibit 5: Document Book, Volumes 1, 2, 3, and 4, including a flashdrive of sounds was entered by Swift River Energy Ltd. ("Swift River").

WITNESS PANEL – MARCUS LETOURNEAU AND CHRISTOPHER ANDREAE

Dr. Letourneau was sworn as an expert in cultural heritage. He has been the Senior Cultural Heritage Specialist with Golder Associates Ltd. ("Golder") since 2011 and has extensive prior experience in municipal heritage planning. His Curriculum Vitae is contained in Exhibit 5, Volume 1, Tab S. Exhibit 9 is his signed *Acknowledgement of Duty as an Expert Witness*.

Dr. Christopher Andreae was sworn as an expert in "built heritage," which was later accepted as encompassing expertise in cultural heritage. He has been the Associate Built Heritage Specialist with Golder Associates Ltd. since 2009. Prior to this he was president of Historica Research Ltd. (1980 to 2009). He has extensive experience in architectural assessment, heritage planning, and cultural landscapes, with particular attention to public works and transportation (railways, roads, bridges, water, hydroelectric power) and natural resources. While with Historica, Dr. Andreae compiled for Swift River the January 2009 *Heritage Impact Assessment of the Bala Falls, Bala, Ontario* (Exhibit 5, Vol. 1, Tab W: Appendix E). His Curriculum Vitae is contained in Exhibit 5, Volume 1, Tab U. Exhibit 10 is his signed *Acknowledgement of Duty as an Expert Witness*.

Golder Associates Ltd. was first retained in 2011 by MKE Ltd. Consulting Engineers to advise on whether Swift River Energy Ltd. should object to the Notice of Intention to Designate for the original six properties. Golder was again retained in August 2012 to consider the descriptions of the properties, Statements of cultural heritage value or interest, and descriptions of heritage attributes, as of October 31, 2012. Dr. Letourneau is the lead author of the resulting December 2012 *Cultural Heritage Assessment, Bala Falls, Township of Muskoka Lakes, Ontario* ("Golder Assessment") (Exhibit 5, Tab W) but it was Dr. Andreae who applied Regulation 9/06. Both conducted site visits and consider the *Golder Assessment* to be a team collaboration. As such, the Witnesses gave evidence as a panel.

Golder Comment on Township Process and Methodology

For a heritage conservation process to be "fair and transparent," Doctors Letourneau and Andreae ("Golder Panel") believe that the "legislative and policy designation framework" established by the Province and entrenched at the municipal level must be followed. In their opinion, the Township did not adhere to this framework, and notably, is in violation of the requirements for the published NOID under subsection 29(4.1) of the

Act (See *Analysis: Issue 1* of this Hearing Report).

Overall, the Golder Panel believes that the Township is confused between the concepts of heritage commemoration and protection under the Act. The Township's use of the term "cultural heritage landscape" is inconsistent with the "defined geographical area" definition of the PPS and is somewhat confused with the HCD concept under Part V of the Act. In addition, a s. 29 bylaw cannot regulate views not on the subject property, use, sounds, natural features, or water levels by describing them as heritage attributes. All heritage attributes must be on the real property. (These issues are considered in *Analysis: Issues 3, 4, and 5* of this Hearing Report.)

Overall, the Golder Panel also finds the Township's historical research lacking. For example, there is no geographic analysis of the 1830s Thompson survey journal. There was no aboriginal consultation regarding the traditional use of any portage or landing(s) on Portage/Burgess Island; or of the direct relationship of the Mohawk to the Portage Landing on Moon River site during the 1881 relocation from Oka, Quebec. (Golder also did not undertake aboriginal consultation.) There is a need for marine and terrestrial archaeological fieldwork for the Township Dock area. Important details about highway construction methods in the context of Shield Parking Lot are lacking. Some historical details and descriptions of the properties are in error.

Golder Methodology

The Golder Panel explained that their *Assessment* adheres to the guidelines of the *Heritage Tool-Kit*, the definitions contained in the Act, and the criteria of Regulation 9/06. They cautioned that when applying Regulation 9/06, it is important to note the emphasis on qualifiers such as rare, unique, early, and high degree for Design or Physical Value; the key word of direct in (i) "direct associations," meaning there must be a real connection to subject property under Historical or Associative Value; and that Contextual is about systems and relationships which may cross properties but have a real connection to the specific property. The Golder Panel believes the Township ignored these important qualifiers.

Based on their methodology, the *Golder Panel* concludes that only the Township Dock on Lake Muskoka could meet the test of Regulation 9/06, and not for the reasons given by the Township.

The Golder Panel research and evaluation of each property under Regulation 9/06 compared to that of the Township is addressed in the Analysis: Issue 6 section of this Hearing Report.

ANALYSIS OF ISSUES

ISSUE NO. 1

Is the Township of Muskoka Lakes in violation of the requirements for the Notices of Intention to Designate ("NOID") under s. 29(3) and s. 29(4) Contents of Notice to be served on the property owner and the Ontario Heritage Trust ("Trust"); and under s. 29(4.1) Contents of Notice to be published?

The Act prescribes the requirements for a Notice of Intention to Designate ("NOID") under s. 29(3) and s. 29(4) *Contents of Notice* to be served on the property owner and the Ontario Heritage Trust ("Trust"); and under s. 29(4.1) *Contents of Notice* to be published.

In its September 14, 2011 letters of objection, Swift River objects to the protection of these properties for several reasons, among which is that the NOID published by the Township "does not fulfill the requirements" of the Act. The NOID "is without clarification and the limits of the area are not sufficiently defined"; ownership is not specified; and the Statements of cultural heritage value or interest and descriptions of heritage attributes are not clear.

It is evident in these letters that Swift River interchanges the requirements of s. 29(4) and s. 29(4.1). In its *Written Final Submission January 17, 2013*, Swift River elaborates in *IV: Issue 1* on the issue of NOID more fully than in the letters of objection or as evidence heard during the Hearing. Of note, are its improved delineation between the two NOID requirements and its expanded argument that the Township as the property owner was not properly served Notice under s. 29(3).

Sections 29(3) and 29(4) Contents of Notice to the property owner and the Ontario Heritage Trust

In considering the matter of s. 29(3) and s. 29(4) Notice to the property owner and the Ontario Heritage Trust, the initial referral to the Review Board contains an Affidavit signed by Cheryl Mortimer, Clerk, Corporation of the Township of Muskoka Lakes, stating that the Registrar, Ontario Heritage Trust, and Linda and Jack Hutton (owners of the Bala Museum property to which all objections were later withdrawn) were notified by letters dated August 12, 2011 (Exhibit B of the Affidavit). Each letter identifies the properties and provides as enclosures the draft "Designation Statements" and "Descriptions of Heritage Attributes."

The Review Board is satisfied that the Township met the requirements of s. 29(3) and s.

29(4); and finds that Swift River's argument that the Township failed to inform itself in writing as owner of all other subject properties is redundant.

Section 29(4.1), Contents of Notice to be published

The principal evidence heard from Swift River was directed at whether the Township complied with s. 29(4.1), *Contents of Notice* to be published. Swift River and some other Objectors (withdrawn) queried the content of the published NOID. Swift River contends that confusion compounded when the NOID was "read in conjunction with the Draft Designation Statements" (*Written Final Submission January 17, 2013, IV: Issue 1*).

There are four components to this NOID:

- 29(4.1) Notice of intention to designate property that is published in a newspaper of general circulation in a municipality under clause (3) (b) shall contain,
 - (a) an adequate description of the property so that it may be readily ascertained;
 - (b) a statement explaining the cultural heritage value or interest of the property;
 - (c) a statement that further information respecting the proposed designation is available from the municipality; and
 - (d) a statement that notice of objection to the designation may be served on the clerk within 30 days after the date of publication of the notice of intention in a newspaper of general circulation in the municipality under clause (3) (b).

Description of the Property

The Review Board recognizes that the landform boundaries used to describe the properties in the NOID led to confusion, in particular in the distinction between the Township and Crown owned lands. The Portage Landing property owned by the Township is not bounded by the north falls as indicated in the NOID. The Township owns only the south part of Shield Parking Lot.

In receiving the referral, the Review Board requested clarification from the Township of the property boundaries and ownership, particularly for lands that may be owned by the Crown and, as such, exempt from the Act. This is a standard review practice. The Township clarified that it owns the Portage Landing property which abuts the south boundary of the Crown land abutting the south side of the north channel of Bala Falls. The Township owns the south part of the Shield Parking Lot site. Only the Township owned lands are being proposed for protection under s.29 of the Act. Presumably after conducting its own property Title search, the Ministry of Natural Resources withdrew its objection. It was also determined that no Canadian Pacific (Railway) lands were included and that Objection was withdrawn.

It was later found by the Township that the Bala Cenotaph is not on the identified

property, and that property was withdrawn. The Township Dock at Moon River property was also withdrawn.

The test of s. 29(4.1) is whether there was "(a) an adequate description of the property so that it may be readily ascertained." In this case, it is evident by the numbers of Objectors and Public Statements at the Hearing that the use of common property identifiers – Township Dock on Lake Muskoka, Shield Parking Lot, and Portage Landing on Moon River – was sufficient for the subject properties to be "readily ascertained." Using the legal descriptions of these properties may have proven less effective for the purpose of local identification.

The Review Board finds the description provided in the NOID to be "adequate" for the intended purpose of public identification of the subject properties.

Statement of Cultural Heritage Value or Interest

The Review Board is satisfied that the NOID contains "a statement explaining the cultural heritage value or interest" for each property. As opposed to s. 29(4), there is no requirement in s. 29(4.1) to publish a description of the heritage attributes of the property, and none was included.

Further Information Available

As required under s. 29(4) of the Act, "Designation Statements" and "Descriptions of Heritage Attributes" were provided by the Township to the Trust and the Huttons on August 12, 2011. This confirms that these were available when the public NOID was published on August 17. At the prehearings, Township Interim Director of Planning Mr. David Pink had the designation files for the original six properties in his possession and commented that "no one had asked to see them." (Swift River stated that this information was available on the Township website, for possibly only part of the appeal period.)

As required, the published NOID includes "a statement that further information respecting the proposed designation is available from the municipality" and it is proven that further information did exist during the appeal period.

Serving an Objection

The required "(d) a statement that notice of objection to the designation may be served on the clerk within 30 days after the date of publication" is in the NOID.

For the reasons given above, the Review Board does not find the Township in violation of s. 29(4.1) *Contents of Notice* to be published.

ISSUE 2

What constitutes a reasonable amount of change in "scope and intent" following the issuance of the Notice of Intention to Designate?

In this proceeding, the Township issued a series of revised Statements of Cultural Heritage Value or Interest and descriptions of heritage attributes. Swift River (and others) expressed concern that the scope and intent of these changed substantially between the August 17, 2011 NOID, the October 31, 2012 document (Exhibit 2), and as submitted in evidence at the Hearing (Exhibit 4, Tabs Q, R, and S).

Under s. 29, the Act requires that before issuing the NOID, the municipality must determine that the candidate property holds cultural heritage value or interest as prescribed by Regulation 9/06. The Statement of cultural heritage value or interest and description of heritage attributes flow from this evaluation. Based on the evidence heard, the Review Board is satisfied that the Township undertook this evaluation process and summarized the findings in the NOID.

The Act does not address the issue of how the Statement and description of heritage attributes may evolve throughout the course of the proceeding. Presumably by requiring notification to the property owner and the Trust, and by providing for a thirty day appeal period and a hearing, the Act anticipates input into the scope and intent before the municipality either withdraws the NOID or passes the s. 29 bylaw.

On August 13, 2012, the Township sought general direction from the Review Board on when revisions to the "Designation Statements" would require a new NOID. The Review Board advised that "when addressing the issue of a revised NOID, the practice of the CRB is to apply the test of whether the proposed change(s) alter the original scope or intent [giving examples]" (Exhibit 4, p. 2). There was no further correspondence from the Township on this matter. At the Hearing, Ms. Nasmith demonstrated her process of identifying and carrying forward the initial "key ideas" of the cultural heritage of each property to the Statements and descriptions of heritage attributes. She concluded that the proposed revisions did not constitute a substantive change in the "scope and intent" and, therefore, she had recommended to the Township that no new NOID was necessary.

While revisions, clarifications, and the withdrawal of a property are poor practice, in this case, the important initial query of whether Crown and Canadian Pacific owned lands

were included was settled at the start of the proceeding. There was no change in the intent of the Township to protect the identified properties for the "key" cultural heritage value or interest reasons identified at the start of the process. The description of heritage attributes is not a requirement for the published NOID.

The Township states in its *Written Argument of January 17, 2013* (No. 9, p. 4) that "While we do not claim that the steps leading up to the designation statements in their final form could not have been improved, Council, its Heritage Committee, staff and advisors, at all times acted in good faith, in a fair and transparent process, that satisfied the requirements of the Act and its Regulation." The Review Board agrees.

ISSUE NO. 3

Can a view be identified as a heritage attribute of a property for purposes of a bylaw under s. 29 of the Act? When does a view support and contribute to the cultural heritage value or interest of a property, as opposed to being an aesthetic?

In the Review Board's experience, the question of how to protect a view under s. 29 of the Act is widely debated. Sometimes this is rooted in initially approaching heritage conservation as the protection of the "sense or spirit of the place" (as described by Ms. Nasmith); and then having to translate this into the mechanics of the heritage conservation legislation. Views frequently appear in Statements of cultural heritage value or interest and/or in the description of heritage attributes. The three subject properties have views listed in the Statement and as heritage attributes.

The Act defines heritage attributes as meaning "in relation to real property, and to the buildings and structures on the real property, the attributes of the property, buildings and structures that contribute to their cultural heritage value or interest." The description of a heritage attribute must be clear in the s. 29 bylaw if the conservation provisions of the Act (and other legislation) are to be applied as intended.

In the opinion of Dr. Letourneau, a view must be internal to the property and inside its perimeter boundary, if it is to be described as a heritage attribute and, thereby be protected by the s. 29 bylaw. This makes the view, as a heritage attribute, subject to the provisions of s. 33 *Alteration*, of the Act. In his opinion, views off a property, for example the view of the CPR bridge from the Township Dock, cannot be protected under s. 29. Only mechanisms within the *Planning Act* and a municipal Official Plan can protect that "off the property" view.

Ms. Nasmith is of the opinion that a view within, to, or from a property can be described

as a heritage attribute. In her experience, describing a view as a heritage attribute in the s. 29 bylaw is important to accessing provisions of the *Planning Act* and a municipal Official Plan. She gave the example: If a cottage owner is building a new dock that affects the identified view, the cottage owner does not apply under s. 33 *Alteration*, of the Act; but the municipality may apply the *Planning Act* to protect the view identified as a heritage attribute in the s. 29 bylaw governing the affected (protected) property. Ms. Nasmith stated that this approach is endorsed in the PPS subsection 2.6.3, which recognizes the need to demonstrate that the heritage attributes of a protected property will be conserved in instances of development and site alteration on lands adjacent.

In considering s. 33.(1) of the Act, the provision is specific: "No owner of property designated under section 29 shall alter the property or permit the alteration of the property if the alteration is likely to affect the property's heritage attributes, as set out in the description of the property's heritage attributes." As such, the decision of how a view is identified in the s. 29 bylaw (in the Statement and/or in the description of heritage attributes) is critical to whether the provisions of s. 33 are applicable. Compounding this situation is that other legislation in Ontario may only prescribe that consideration be given to a "protected property" or "cultural heritage resource," without differentiating between what is in the Statement and what is described as a heritage attribute.

It appears to the Review Board that apart from this on/off the property debate, there is a more fundamental need to determine: *When does a view support and contribute to the cultural heritage value interest of a property, as opposed to being an aesthetic?*

Views are identified by the Township as heritage attributes for the three subject properties:

Township Dock on Lake Muskoka (Exhibit 4, Tab Q)

Historical and Associative

- Visual and acoustical association with CPR railway

Contextual

- Scenic views across to Bala Bay (Lake Muskoka) and to forest and cottages
- View to the south to the CPR bridge and the Lake Muskoka Portage Landing

In applying this question of support and contribute to vs. aesthetic, there was evidence given that the construction of a swing bridge at Bala allowed steamboats to enter Lake Muskoka beginning in 1870. Navigational reasons dictated the location of the wharf and Township Dock. This suggests the site is functional and not chosen for its aesthetics. As such, it is difficult to accept the "scenic views across to Bala Bay (Lake Muskoka) and to

forest and cottages" as a heritage attribute that supports and contributes to the identified cultural heritage value or interest of this property. The view is aesthetic.

The connection between the Township Dock and the railway originated in 1907 with the construction of the trackline, berm, bridge, summer station, ramp, and other infrastructure. This relationship of water to rail transportation is appropriate for the Statement, but "visual association with CPR" and "view to the south to the CPR bridge" does not seem to be a direct association, such as the view that existed between the dock/wharf, ramp, and nearby summer station, now gone.

There was insufficient evidence heard about the view of Lake Muskoka Portage Landing to comment, but the same "test" of whether this directly supports and contributes to the cultural heritage value of the Township Dock property needs to be applied.

Portage Landing on the Moon River (Exhibit 4, Tab S)

Contextual

- Scenic views, including views to north and south channels of Bala Falls, to the historic split trunk maple tree (Native Marker Tree), and unobstructed expansive westward view of Moon River, and Township Dock (Moon River)

In considering the evidence heard for Portage Landing on the Moon River, it is apparent that some people portage to/from this landing and launch site; others seek it as a destination to picnic, swim, and enjoy the setting and its scenic views. These activities at this location are identified as traditions with long term cultural heritage value or interest to residents and visitors to Bala. Given the importance of the scenic views to these traditions, the scenic views support and contribute to the cultural heritage value or interest of the property. As such, it is reasonable to identify these views in the Statement.

Recognizing the "on/off the property" debate about governance, but in the absence of any clear direction in the Act, the Review Board has no comment on Ms. Nasmith's strategy of further flagging the importance and legislative consideration of these views by also describing them as a heritage attribute.

Shield Parking Lot (Exhibit 4, Tab R)

Contextual

- Scenic views across the highway to the Moon River to the west
- Views and sounds of nearby CPR trains

The evidence heard indicates that Shield Parking Lot is in this location for reasons of highway construction and was not chosen for its aesthetics. The geography of the area, in fact, was dramatically altered by the highway construction. As such, the "scenic views across the highway to the Moon River to the west" do not support or contribute to the cultural heritage value or interest of the Shield Parking Lot property. The same applies to the views of "nearby CPR trains." Describing these views as heritage attributes is misdirected.

ISSUE NO. 4

Can sounds be identified as heritage attributes of a property for purposes of a bylaw under s. 29 of the Act?

Three of the subject properties have sounds described as heritage attributes:

Township Dock on Lake Muskoka

Historical and Associative

- Visual and acoustical association with CPR railway

Portage Landing on the Moon River

Contextual

- Sound and spray of cascading waters and of nature

Shield Parking Lot

Contextual

- Background sounds from the cascading waters of the South Bala Falls
- Sounds of water lapping on shore on the nearby Moon River
- Views and sounds of nearby CPR trains

Part IV of the Act (which contains s. 29 (municipal) and s. 34.5 (provincial)) provides for the protection of property defined as "real property and includes all buildings and structures thereon." Real property means land and those features of a fixed, immovable nature. (This differs from the provision for real and personal property under Part II: Ontario Heritage Trust; and restrictions on the definition of property in Part VI: Resources of Archaeological Value.) It is difficult to categorize sound as fixed. Sounds may be part of the "sense or spirit of the place," as argued by Ms. Nasmith. Dr. Letourneau's opinion is that in the context of the subject properties, the sounds of nature, trains, and water, simply by their transient nature, cannot be protected under s. 29 of the Act as a heritage attribute. The Review Board agrees with Dr. Letourneau.

ISSUE NO. 5

When can a "use" hold cultural heritage value or interest?

The Act does not consider the "use" of a property in the context of landuse planning. It does recognize, through Regulation 9/06, that a use can have historical or associative value through a "direct association" with "a theme, event, belief, person, activity, organization or institution that is significant to a community." An intended, unique, and/or traditional use that is directly associated with a property can gain cultural heritage value or interest to the community.

For example, there is historical or associative value in the long term use or activity associated with the Township Dock as "a key link to the primary modes of transportation" accessing Bala. Its long standing role as host of the annual Regatta is directly related to an event that is significant to the community. There is also historical or associative value found in the long term function of the Portage Landing property as both a landing/staging area for the activity of portaging and as a place for recreational activity.

These examples differ from a property being "used" for something important, but outside of its historical or associative tradition. For example, the Cranberry Festival and Farmers' Market are identified in the Statement of cultural heritage value for Shield Parking Lot. This is not to say that these activities are not important to Bala, but Shield Parking Lot, as a flat area beside a highway, only facilitates the periodic staging of these events. They could be held elsewhere and are separate from the identified cultural heritage value or interest of this property as an example of 1960s highway construction technology. Describing these new or periodic uses in association with the cultural heritage value or interest of this property is not appropriate.

ISSUE NO. 6

Does each property meet the test of Ontario Regulation 9/06: Criteria for Determining Cultural Heritage Value or Interest?

Requirement of the Act

Regulation 9/06 is the criteria prescribed for determining cultural heritage value or interest at the municipal level. It has three categories: Design or Physical Value, Historical or Associative Value, and Contextual Value, within each are three criterions.

The candidate property must be evaluated within each category, but only needs to satisfy one criterion to meet the requirement for protection under s. 29 of the Act.

1. The property has design value or physical value because it,
 - i. is a rare, unique, representative or early example of a style, type, expression, material or construction method,
 - ii. displays a high degree of craftsmanship or artistic merit, or
 - iii. demonstrates a high degree of technical or scientific achievement.
2. The property has historical value or associative value because it,
 - i. has direct associations with a theme, event, belief, person, activity, organization or institution that is significant to a community,
 - ii. yields, or has the potential to yield, information that contributes to an understanding of a community or culture, or
 - iii. demonstrates or reflects the work or ideas of an architect, artist, builder, designer or theorist who is significant to a community.
3. The property has contextual value because it,
 - i. is important in defining, maintaining or supporting the character of an area,
 - ii. is physically, functionally, visually or historically linked to its surroundings, or
 - iii. is a landmark.

Structure of the Content of a s. 29 Bylaw

The requirement for the content of a designating bylaw protecting the property under s. 29, is s. 29(6)(a)(ii) "cause a copy of the by-law, together with a statement explaining the cultural heritage value or interest of the property and a description of the heritage attributes of the property."

It is the evaluation process conducted under Regulation 9/06 that is organized into Design or Physical; Historical or Associative; and Contextual categories. The "statement explaining the cultural heritage value or interest of the property" flows from the evaluation by category. The Township "Designation Statements" provide the required Statement based on the evaluation, but also carry forward the evaluation categories into the description of heritage attributes. Given the character of the subject properties in this case, this overlap may cause future confusion if protected by a s. 29 bylaw and there is an application that will require a clear understanding of what heritage attributes are protected. For this reason, the Review Board has stroked out these divisions in the descriptions of heritage attributes proposed by the Township.

Based on past proceedings, the Review Board has taken the position that the description of heritage attributes has greater clarity if the heritage attribute(s) is identified first, then described. For example, the heritage attribute is a dwelling. It has decorative trim, a central doorcase, etc. There is no requirement to organize the

description of heritage attributes into Regulation 9/06 categories.

November 28, 2012 Designation Statements

The Township's "Designation Statements" of November 28, 2012, were before the Review Board as Exhibit 4, Tabs Q, R, and S. Overall, there are some wording inconsistencies in these Statements. For example, steamboat and steamship, Pre Cambrian and Precambrian, Muskoka Road and Musquash Road, Ministry of Transportation land should be identified as Crown land, the categories of Regulation 9/06 should be consistently identified (Design or Physical, not Physical, etc.), Burgess or Portage Island, etc. These should be corrected if the Township proceeds with drafting a s. 29 bylaw.

The following are the verbatim November 28, 2012 Designation Statements for each property. At the end of each are the Review Board comments:

Designation Statement: Bala Township Dock on Lake Muskoka

Legal Description

PIN 48154-0651 Pt. Bed of Lake Muskoka in front of Lot 14, Con 4 Medora; Pt Bed of Lake Muskoka in front of Lot 15 Medora; Pt Lot and Bl 17; Muskoka Lakes

Property Description:

The Bala Dock on Portage Island on Lake Muskoka is a small public park less than one acre in size with public dock facilities, east of Hwy 169, and located adjacent to the north falls and below the CPR rail line.

Statement of Heritage Value or Interest:

Bala Township Dock (Lake Muskoka) is located in the same area as the original "Steamship Wharf" that has existed in this location since 1870 and represents a key link to the primary modes of transportation in the late 1800s and early 1900s. Today it is used as access to downtown Bala.

Bala Township Dock's historical and associative value lies in its relation to modern and traditional transportation, facilitating tourism and recreation in Muskoka for 150 years. The Bala Township dock site is used for picnicking, and swimming, and has been the site of the annual Bala Regatta for over 100 years. Following the construction of rail lines in 1907, the dock area, then known as "Steamboat Wharf" was linked by ramp to the "Summer Station" where the arrival of passenger rail opened the area to tourists from across North America. Prior to the train, access had been by water or the Muskoka road.

The wooden dock, and its associated parkland provide open public access to the water and to the town centre. The dock is reminiscent of the earlier Steamship Wharf. The park area consists of a rough gravel drive, lawn, footpaths and is located next to the planted embankment of the CPR rail line. The park and dock is surrounded on three sides by water, Lake Muskoka, the Mill Stream, and the North Channel of Bala Falls and has an

evolved shoreline as well as the manmade dock edge. Vehicular access to the site from Gordon Street is via a bridge on adjacent property.

The site's contextual value lies in its open views to Lake Muskoka, and to nearby forest and cottages, as well as its provision of connection and transfer points between watercraft and the town centre. It is a key part of a larger cultural heritage landscape of Bala. The view from the dock or flat grassy area looking south-west to the CPR bridge relates to rail transportation, the view of the portage landing relates to water transportation and tourism themes, both important themes in the cultural landscape of Bala. Even though there is no longer passenger rail service, passing freight trains continue the visual and acoustical association between water and rail transport.

Heritage Attributes

Key attributes that reflect the property's historical and associative value are:

- Open public access to all
- A wooden dock and flat grassy area with naturalized and manmade shoreline surrounded on three sides by water
- Visual and acoustical association with CPR railway

Key attributes that reflect the property's contextual value are:

- Scenic views across to Bala Bay (Lake Muskoka) and to forest and cottages
- View to the south to the CPR bridge and the Lake Muskoka Portage Landing
- Connections between water transportation and routes to town centre under CPR bridge, and across bridge over Mill Stream

Comment

Based on the evidence heard, in summary, the cultural heritage value or interest of the Township Dock on Lake Muskoka property is in its 1870 origin and long standing purpose as a water, then water to rail and road, public transportation interchange. This and its traditional role as the host site of the annual Regatta event, hold historical and associative value. This public waterfront property supports the traditional practice of arriving and departing Bala by water, making it "important in defining, maintaining or supporting the character of the area" as a water oriented community.

The *Golder Assessment* makes the observation that marine and terrestrial archaeological fieldwork may reveal significant cultural resource findings. In this sense, the property "yields, or has the potential to yield, information that contributes to an understanding of a community or culture."

The November 28, 2012 Statement captures what appears to the Review Board to be the cultural heritage value or interest of this property. If proceeding with protection, some revisions to the Statement and description of heritage attributes are advised. These revisions are notably directed at the issues of views and sounds, and to give

clarity to what is being identified and described as a heritage attribute.

The following revision to the description of heritage attributes is only to illustrate the importance of clarity in identifying and then describing heritage attributes. Some of the Township wording has been stroked out and/or annotated by the Review Board. None of the revisions are intended as direct substitutions for use by the Township:

Description of Heritage Attributes

The heritage attribute essential to the cultural heritage value or interest of this property is the public waterfront park serving as the traditional water, then water to rail and road, public transportation interchange ("park"). Key elements of this park include:

~~Key attributes of the park that reflect the property's historical and associative value are:~~

- Open public access to all

Access cannot be regulated by the Act. This concept is captured in it being a public park. Elements of the traditional public docking and other long term public facilities could be itemized.

- A wooden dock

It is the existence of a wooden dock beside the open water that has value, not the existing dock.

- ~~and~~ the flat grassy area with naturalized and manmade shoreline surrounded on three sides by water

"Naturalized and manmade shoreline" needs further definition (What are the natural as opposed to the evolved and manmade elements?)

- ~~Visual and acoustical~~ association with CPR railway

If any survive, describe the physical elements on the property that have rail and/or road association, such as remnants of the ramp to the summer station, drives, infrastructure, etc.

Include reference to the potential for information yielded by marine and terrestrial archaeological fieldwork. (If the Township agrees, this needs to be added to the Statement of cultural heritage value or interest.)

~~Key attributes of the park that reflect the property's contextual value are:~~

- ~~Scenic views across to Bala Bay (Lake Muskoka) and to forest and cottages~~

- ~~View to the south to the CPR bridge and the Lake Muskoka Portage Landing~~
 - Connections between water transportation and routes to town centre under CPR bridge, and across bridge over Mill Stream
- Identify any physical elements on the property directly associated with routes to the town centre (?)*

Designation Statement: Portage Landing on Moon River

Legal Description

PIN 48029-0638 Pt. Lot 33, Con. 7 Wood; Pt. Lane PL3 Wood abutting the E limit of Lot 21 PL3 Wood; Pt. Lot 55 PL5 Wood; Pt. Lot 15-20 PL2 Wood; Pt. Bed of the Moon River adjacent to Lot 33, Con 7 Wood as in DM320594; DM76318; Muskoka Lakes

Property Description:

The Portage Landing Moon River is a portage site and rest area on Burgess Island in Bala, west of Muskoka Road 169, at the shore of the Moon River and next to Provincial property abutting the north channel of the Bala Falls. It is surrounded by water on two sides, the south channel of the Bala Falls and the Moon River and includes a steep embankment to the east to the edge of Muskoka Road 169.

Statement of Cultural Heritage Value or Interest:

Portage Landing on the Moon River is the traditional portage used by our First Nations and later by tourists, YMCA campers and cottagers. It defines and supports the character of Bala as a summer resort and the vista looking westward from the property is breathtaking.

The property's cultural value lies in the features which support its historic and continuous use as a portage landing and scenic outlook point; the natural shoreline, Precambrian rock outcroppings, the flat rock resting area at the water's edge and natural footpaths, native trees, grasses, wildflowers, the slight elevation above water level along with the absence of artificial lighting and buildings enhance the scenic experience.

The site has historical associative value for the Bala community and nearby Mohawk natives. It is found in early and contemporary postcard views and tourist account of the area, a point of landing for early settlers, the community of Bala and for tourists for more than 100 years. Part of a long established native canoe route from the Musquosh and Moon Rivers to Lake Muskoka, the place was passed by the explorer/cartographer David Thompson as part of his mapping of the Muskoka region starting in 1830, and is also associated with the Mohawk relocation from Oka Quebec to the Gibson Reserve, now Wahta Territory, for religious reasons, in October, 1881.

The site's contextual value lies in its relation to the important theme associated with the broader cultural landscape of Bala, tourism, and to a lesser degree transportation. In addition to its portage function, the property has public park functions including scenic

enjoyment, picnicking, and photography. The iconic split trunk maple Native Marker Tree on the adjacent property can be seen from the landing, and appears in many historic photos. The Moon River Portage Landing connects to the shortest portage routes across Burgess Island, i.e., up the side of the concrete abutment at the north falls, and across Muskoka Road 169, along the Bala Falls to the portage landings on Lake Muskoka. The portage and scenic experience is enhanced by the sound and spray from cascading waters over the north and south channels of the Bala Falls, as well as the views to the Moon River, north and south channels of the Bala Falls, cottages on the south shore of the Moon River, and to the north to Margaret Burgess Park.

Description of Heritage Attributes

Key attributes that reflect the property's historical and associative values are:

- Flat rock and stone beach landing area and shoreline with sloped launching area into the water
- Precambrian granite rock outcroppings
- Natural shoreline on the southern, western sides of the property
- Native vegetation, trees, grasses, wildflowers

Key attributes that reflect the property's contextual values are:

- Open public access to all including to the continuously used and historically important portage route across Burgess Island between the Moon River and Bala Bay Harbour, Lake Muskoka
- Slopes from the shorelines rising at various degrees to the eastern boundary of the property
- Sound and spray of cascading waters and of nature
- Scenic views, including views to north and south channels of Bala Falls, to the historic split trunk maple tree (Native Marker Tree), and unobstructed expansive westward view of Moon River, and Township Dock (Moon River)
- Absence of artificial lighting and buildings

Comment

Swift River contends that "the Township did not give an evidentiary basis to support the conclusion that this property was a point of landing for early settlers, that this is part of a long established native canoe route, that it was used by David Thompson, or that it was used by the Mohawk." (*Written Final Submission January 17, 2013*, p. 12). Dr. Andreae's analysis of the documentary evidence for Thompson's 1830s journey concludes that "Thompson actually landed on adjacent lands located to the south of Portage Landing." (Of note is that the Township wording in the Statement is that "the place was passed by the explorer/cartographer David Thompson as part of his mapping of the Muskoka region starting in 1830.") None of the cultural heritage consultants conducted aboriginal consultation with which to determine if this property is "part of a long established native canoe route from the Musquosh and Moon Rivers to Lake

Muskoka." Similarly, the significance of Portage Landing held by the Mohawk as a result of their 1881 relocation from Oka, Quebec, to the Gibson Reserve, now Wahta Territory, is unconfirmed.

Dr. Andreae also contends there is "evidence that the raising and lowering of the water levels throughout the past 100 plus years and the extensive changes in the landscape of Burgess Island would likely result in many changes to where a canoe could be brought ashore" (*Written Final Submission January 17, 2013*, p. 12). Given the construction of the north channel dam in 1873 and subsequent enlarging of the south channel, the Review Board finds this a reasonable assumption.

The surface gravel on the north part of the subject property (and the north abutting Crown land) was identified by Dr. Andreae as crushed rock "tailings" from the hydroelectric generating station formerly on the Crown land. The footpaths are not "natural" and the embankment is the result of highway construction. This makes the property a natural and cultural (human evolved) landscape.

All of these points raised by the Golder Panel are well founded and need to be taken into account if protecting this property under s. 29 of the Act.

In the opinion of the Review Board, the evidence of prime importance is found in the explanation given at the Hearing that the shortest distance between Bala Bay harbour on Lake Muskoka and the Moon River is across Portage/Burgess Island; and that the eddying of the water at the north channel of the falls on the Moon River side pushes watercraft to the south. The result on the Moon River side is that the Crown land at the south side of the north falls, and the Township land abutting the south boundary of the Crown land, become the natural landing and launch area for watercraft. The name "Portage" Island (now Burgess Island) suggests there is a tradition of portaging activity associated with this island. There is evidence in photographs (notably Exhibits 13a, 13b, 14, 15) and living memory (as heard in Public Statements and in documentation) that this location (Crown and Township lands) is a long term and popular landing and launch place for watercraft. Some "tourists, YMCA campers and cottagers" portage to/from this site; others seek it as a destination to picnic, swim, and enjoy the scenic views and setting. Based on this evidence, the Review Board finds that these traditional activities at the Portage Landing on Moon River property have cultural heritage value or interest to residents and visitors to Bala and are part of the water based experience of the area. The property is a landmark directly associated with the water based activity characteristic of the community of Bala.

The November 28, 2012 Statement captures what the Review Board agrees is the

cultural heritage value or interest of this property as a traditional landing and launch site for people in watercraft intending to portage and/or stay to enjoy the scenic views and indulge in recreational activities. If proceeding with protection under s. 29 of the Act, it is recommended that further research and consultation be undertaken to authenticate any significance of this property to early settlers; to determine whether it is "as a long established native canoe route from the Musquosh and Moon Rivers to Lake Muskoka"; and to identify any significance held by the Mohawk for this location as a result of their relocation from Oka in 1881. The description of heritage attributes would benefit from revision, both in consideration of the discussion of views and sounds, and to give clarity to what is actually being identified as a heritage attribute.

The following revision to the description of heritage attributes is only to illustrate the importance of clarity in identifying and then describing heritage attributes. Some of the Township wording has been stroked out and/or annotated by the Review Board. None of the revisions are intended as direct substitutions for use by the Township:

Description of Heritage Attributes

The heritage attribute essential to the cultural heritage value or interest of this property is the public shoreline park traditionally used for the landing and launch of watercraft for portaging purposes and/or to stay and enjoy recreational activities ("park"). Key elements of this park include:

~~Key attributes that reflect the property's historical and associative values are:~~

- ~~Flat rock and stone beach landing area and shoreline~~ with sloped launching area into the water

The flat granite rock naturally sloped into the water serving as a landing and launch area for watercraft.

The evolved features including a flat area, footpaths [if confirmed on this property], a beach partially covered in stone originating as tailings at the former hydroelectric generating station on the abutting Crown land, and (?)

The presence of trees, grasses, wildflowers, and other vegetation [natural or introduced?]

- ~~Precambrian granite rock outcroppings~~
- ~~Natural shoreline on the southern, western sides of the property~~

The unobstructed proximity to the shoreline on the southern and western sides of the property.

- ~~Native vegetation, trees, grasses, wildflowers~~

The staging area associated with portaging between Moon River and Bala Bay Harbour on Lake Muskoka (?)

Key attributes that reflect the property's contextual values are:

- Open public access to all including to the continuously used and historically important portage route across Burgess Island

Access cannot be regulated by the Act. This concept is captured in it being a public park.

- ~~▪ Slopes from the shorelines rising at various degrees to the eastern boundary of the property~~

Is this the natural geography?

- ~~▪ Sound and spray of cascading waters and of nature~~

- Scenic views, including views to north and south channels of Bala Falls, to the historic split trunk maple tree (Native Marker Tree), and unobstructed expansive westward view of Moon River, and Township Dock (Moon River) *(Consider the discussion in Issue 3 of this Hearing Report.)*

- The absence of artificial lighting and buildings.

Designation Statement: Shield Parking Lot

Legal Description

PIN 48029-0638 Pt. Lot 33, Con. 7 Wood; Pt. Lane PL3 Wood abutting the E limit of Lot 21 PL3 Wood; Pt. Lot 55 PL5 Wood; Pt. Lot 15-20 PL2 Wood; Pt. Bed of the Moon River adjacent to Lot 33, Con 7 Wood as in DM320594; DM76318; Muskoka Lakes

Property Description:

The Shield Parking Lot, east of Muskoka Road 169 in Bala, is the wedge-shaped property bounded on the north by the Ministry of Transportation Property next to the south channel of the Bala Falls, by Muskoka Road 169 on the west, and by the CPR property on the east. It is part of Lot 33, Concession VII of the former Township of Wood, now in the Township of Muskoka Lakes. Along the eastern boundary lies a large rock formation estimated to have been formed between one and two billion years ago and to be among some of the oldest rock in the earth's crust.

Statement of Cultural Heritage Value or Interest:

The Shield Parking Lot is [contains] an excellent example of a rock outcrop of the Precambrian Shield. The rock is among the oldest of the earth's crust and occupies two thirds of the surface of Ontario. It is where significant wealth in the Province is derived, forests on the surface and minerals beneath it.

The Shield Parking Lot's physical value lies in the large and representative outcrop of the Precambrian Shield. The outcrop has the typical folding and layering patterns of pink and black characteristic of the Muskoka area. The rock is made up of pink gneiss and dark layers of amphibolites.

The association of this rock-face with the broader Pre-Cambrian shield is commemorated on a plaque erected at the site by the Archaeological and Historic Sites Board of Ontario (AHSBO), in 1966, shortly after the highway opened in July, 1965. The plaque text explains how the shield impeded agriculture in the region, but led to the development of mining, lumbering and tourism as key industries. The site has associative value linked with the highway construction, the site's relation to the larger Precambrian shield, and as the site of community events such as the Bala Cranberry Festival and Farmers Market. Originally a staging area for the construction process to re-route Highway 169, the flat sand and gravel surface is representative of the changes in the town of Bala that occurred during the highway construction.

The original rock face was larger, forming the shoreline of the Moon River, but was partially blasted and the site filled during the rerouting. Along the rock formation are various species of native plants and trees including birches, white pines, sugar maples, red oaks, trembling aspens, and sumacs. There are also various wildflowers, including daisies and wild daylilies, growing along the base of the rock outcrop.

The CPR rail line, located adjacent to the site along the top of the outcrop, makes a visual and acoustical association between the Shield and industrial and tourism development, two key facets of the Muskoka economy, also themes of the cultural landscape of Bala.

This place has contextual value as a stopping and vantage point representative of the natural beauty of Muskoka, the Precambrian Shield, and its associated lakes, rivers, trees and wildlife. The rock face is a landmark in the community and contributes to a strong sense of place. The parking lot has an important view to the Moon River across Muskoka Road 169. The site also connects to viewing places on the adjacent Provincial property that provide views of the South Bala Falls, the designated Burgess Church across the channel, and sounds of adjacent waters. Located central to Bala, the lot and park facilitate touring the town's other scenic lookouts over Lake Muskoka and the Moon River.

Description of Heritage Attributes

Key attributes of the site which reflect its physical values.

- Large granite outcrop characteristic of Muskoka area, surface result from blasting for highway construction
- Flat sand and gravel surface area, resulting from highway construction, supporting stopping by the public and community festivals.

Key attributes of the site which reflect its associative values.

- Archaeological and Historic Sites Board of Ontario plaque commemorating the importance of the Precambrian Shield to the Muskoka region and to Ontario

Key attributes of the site which reflect its contextual values.

- Open public access to all
- Connection to public observation place
- The rock outcrop as a landmark
- Native trees and plants growing on and around the property
- Scenic views across the highway to the Moon River to the west
- Background sounds from the cascading waters of the South Bala Falls
- Sounds water lapping on shore on the nearby Moon River
- Views and sounds of nearby CPR trains

Comment

Based on the evidence heard, the cultural heritage value or interest of this property appears to be in the impact of a provincial government initiative of highway construction in the 1960s that resulted in dramatic change to the physical appearance of the area and in the development and operation of the community of Bala resulting from the improved road access. The November 28, 2012 Statement places more emphasis on the property as the location of Precambrian Shield, than on its relationship to highway development.

In summary, the evidence suggests that this is a quarry face, not a rock outcrop (as established by the Golder Panel). This is not a "large granite outcrop characteristic of Muskoka area" but it is "a surface result from blasting for highway construction." Drill holes where dynamite was inserted are evident on the surface. The "flat sand and gravel area" is the result of the removal of crushed rock for use elsewhere as fill; and later surface improvements. It was the staging area for the highway construction. The site is a visual landmark at an entry point into Bala from the west.

Further research is necessary to identify any significance in this method of highway construction (identified by Mr. Purkis as drill – blast – fill). Dr. Andreae suggests this is an example of the desecration of the environment that led to the development of environmental protective policies, practices, and legislation now in place in Ontario. If the Township agrees, any significance to the method of construction used; and the concept of environmental desecration could be added to the Statement of cultural heritage value or interest.

The Archaeological and Historic Sites plaque is commemorative. Given the intervention of blasting and removal, this may not be the best location for a plaque describing the "natural" landform of Precambrian Shield. The proximity of the site to the rail line, Township Dock, and Portage Landing on Moon River is secondary.

The following revision to the description of heritage attributes is only to illustrate the importance of clarity in identifying and then describing heritage attributes. Some of the

Township wording has been stroked out and/or annotated by the Review Board. None of the revisions are intended as direct substitutions for use by the Township:

Description of Heritage Attributes

The heritage attributes essential to the cultural heritage value or interest of this property are:

The flat area between the highway on the west and the quarry face on the east, as evidence of the removal of blasted rock and the use of the property as a staging area during local highway construction in the 1960s; and,

The exposed quarry face of Precambrian Shield resulting from the blasting used in this method of highway construction in the 1960s.

Key elements of these heritage attributes include:

~~Key attributes of the site which reflect its [design or] physical values~~

- ~~Large granite outcrop characteristic of Muskoka area, The exposed surface of the quarry face.~~

~~Evidence of the drill holes where dynamite was inserted.~~

- ~~The sand and gravel surface of the flat area resulting from highway construction, supporting stopping by the public and community festivals.~~

~~Describe any other physical evidence of this type of construction method.~~

~~Key attributes of the site which reflect its [historical or] associative values.~~

~~Archaeological and Historic Sites Board of Ontario plaque commemorating the importance of the Precambrian Shield to the Muskoka region and to Ontario~~

~~Is there any significant physical evidence of how the staging area was converted to a public parking facility to accommodate increased vehicular traffic resulting from the new highway?~~

~~Key attributes of the site which reflect its contextual values.~~

- ~~Open public access~~

~~Access cannot be regulated by the Act.~~

- ~~Connection to public observation place~~

- The rock outcrop as a landmark
The unobstructed view of the quarry face from the highway.
- Native trees and plants growing on ~~and around~~ the property
Evidence of the post 1960s regeneration of the land, such as the return of native species of trees and vegetation (?)
- ~~Scenic views across the highway to the Moon River to the west~~
- ~~Background sounds from the cascading waters of the South Bala Falls~~
- ~~Sounds water lapping on shore on the nearby Moon River~~

HEARING SUMMARY

The underlying premise of the Ontario Heritage Act is that a "community," however defined, is in the best position to identify what holds cultural heritage value or interest for them. Section 29 of the Act purposefully gives municipal councils and approval authorities the ability to identify, evaluate, and protect those properties within its jurisdiction that are deemed to hold value or interest.

In Bala, it is readily apparent that the natural environment and scenic beauty are closely intertwined with areas of human intervention. Identifying and evaluating properties that hold cultural heritage value or interest to the community is not difficult. The challenge, as evident in this proceeding, is transferring the "spirit and sense of place" elements of the valued natural environment and scenic beauty into the "real property," "heritage attributes," "buildings or structures" type definitions and provisions that constitute the Act. Evidence of human intervention is not the entirety of what holds value in an area like Bala. This dilemma seems evident in the series of Statements of cultural heritage value or interest and descriptions of heritage attributes drafted by the Township; and in the differing philosophical approaches and interpretations presented by the three cultural heritage expert witnesses.

It is the Review Board's conclusion that the Township conducted a reasonable and fair, albeit somewhat cumbersome, process under s. 29 of the Act. For the reasons given in the *Analysis: Issue 1* section of this Hearing Report, the Review Board does not find the Township in violation of the provisions for Notice in s. 29(3); s. 29(4); or s. 29(4.1). The Review Board accepts Ms. Nasmith's evidence that the initial "key ideas" or reasons for assigning these properties cultural heritage value or interest were carried forward from

the start of the process and are still valid.

Based on the evidence heard, the Review Board agrees with the Township that cultural heritage value or interest as prescribed by Regulation 9/06 is found in the three candidate properties. What remains is for the Township to contemplate the findings of this Hearing Report and decide if and how the wording of the November 28, 2012 Statements of cultural heritage value or interest and descriptions of heritage attributes can be more thoroughly aligned with the evidence heard.

The Review Board commends the legal counsels and the cultural heritage expert witnesses in this proceeding for their objectivity and careful analysis of these properties and the provisions of the Act. This was not an easy task. The public participation in this proceeding is also appreciated.

RECOMMENDATION

Based on the evidence heard, the Conservation Review Board agrees with the Township of Muskoka Lakes that cultural heritage value or interest as prescribed by *Regulation 9/06: Criteria for Determining Cultural Heritage Value or Interest* is found in the three candidate properties: Township Dock on Lake Muskoka; Portage Landing on Moon River; and Shield Parking Lot.

The Review Board recommends that the Township of Muskoka Lakes consider the *Analysis of Issues* contained in this Hearing Report and decide if and how the wording of the November 28, 2012 Statements of cultural heritage value or interest and descriptions of heritage attributes can be more thoroughly aligned with the evidence heard. Any resulting revisions to the Statements of cultural heritage value or interest and descriptions of heritage attributes will not require new Notices of Intention to Designate.

The Township of Muskoka Lakes can proceed with the three properties, Township Dock on Lake Muskoka; Portage Landing on Moon River; and Shield Parking Lot, under the provisions of s. 29(14) of the *Ontario Heritage Act, R.S.O. 1990, Chapter O.18, as amended to 2009*, without any further consideration by the Conservation Review Board.

"Su Murdoch"

Su Murdoch, Vice Chair
March 13, 2013

"Stuart Kidd"

Stuart Kidd, Member
March 13, 2013

SCHEDULE 1**EXHIBITS LIST**

- Exhibit 1: Affidavit of Notice of Hearing being served, as required under the Ontario Heritage Act, 4 pages, tabled by the Conservation Review Board.
- Exhibit 2: Survey Sketch & Confirmation of Heritage Attributes Package, October 31, 2012, 11 pages (printed both sides), tabled by the Conservation Review Board.
- Exhibit 3: Acknowledgement of Expert's Duty, executed by Catherine Nasmith, 1 page, tabled by Mr. Elston, Township of Muskoka Lakes.
- Exhibit 4: Witness Statement & Document Binder of Catherine Nasmith, tabs A – Z inclusive and AA – WW inclusive, table by Mr. Elston, Township of Muskoka Lakes.
- Exhibit 5: Document Binder Volumes;
1, tabs A – W inclusive,
2, tabs 1 – 11 inclusive,
3, tabs 12 – 25 inclusive, and
4, tabs 26 – 46 inclusive and AA – ZZ inclusive
all tabled by Mr. Ferri, Swift River Energy Limited.
- Exhibit 6: Excerpt titled "Cultural Heritage and the Green Energy Act" from C. Nasmith presentation to Township of Muskoka Lakes, 1 page, tabled by Mr. Elston, Township of Muskoka Lakes.
- Exhibit 7: Extract from the *Report of the Master Plan of Archaeological Resources of the District Municipality of Muskoka and the Wahta Mohawks, Volumes 1 and 2*, Page 3, 1 page, tabled by Mr. Ferri, Swift River Energy Limited.
- Exhibit 8: Extract from the *Report of the Master Plan of Archaeological Resources of the District Municipality of Muskoka and the Wahta Mohawks, Volumes 1 and 2*, Section 3 titled "Built Heritage and Cultural Landscapes in Muskoka", 2 pages, tabled by Mr. Ferri, Swift River Energy Limited.
- Exhibit 9: Acknowledgement of Expert's Duty, executed by Marcus Letourneau, 1 page, tabled by Mr. Ferri, Swift River Energy.

- Exhibit 10: Acknowledgement of Expert's Duty, executed by Christopher Andreae, 1 page, tabled by Mr. Ferri, Swift River Energy.
- Exhibit 11: Executive Summary "National Places of Faith Roundtable 2009," 5 pages, tabled by Mr. Elston, Township of Muskoka Lakes.
- Exhibit 12: "City of Kingston Properties of Cultural Heritage Value and Interest ("Listed Properties"), Consolidation February 2011, 12 pages, tabled by Mr. Elston, Township of Muskoka Lakes.
- Exhibit 13 a: Colour photo on 8.5" x 11" page submitted for information by Mr. Turnbull, one of the public presenters, showing 4 canoes with people at shore and other people swimming at the downstream side of the portage landing, 1 page, tabled by Mr. Elston, Township of Muskoka Lakes.
- Exhibit 13 b: Colour photo on 8.5" x 11" page submitted for information by Mr. Turnbull, one of the public presenters, showing 4 canoes with people portaging from the downstream side of the portage landing uphill towards Muskoka Lake, 1 page, tabled by Mr. Elston, Township of Muskoka Lakes.
- Exhibit 14: Copies of area post cards submitted for information by Ms. Polewski, one of the public presenters, 49 pages (printed both sides), tabled by Mr. Elston, Township of Muskoka Lakes.
- Exhibit 15: Colour photo on 8.5" x 11" page from 2012 showing people with canoes on shore on the downstream side of the Town property being the portage landing, 1 page, tabled by Mr. Elston, Township of Muskoka Lakes.

City of Mississauga Corporate Report



<p>Date: 2018/04/25</p> <p>To: Chair and Members of General Committee</p>	<p>Originator's files:</p>
<p>From: Paul Mitcham, P. Eng, MBA, Commissioner of Community Services</p>	<p>Meeting date: 2018/05/16</p>

Subject

Amendment to the Catering Services Agreement between the City of Mississauga and Oakville Conference and Banquet Centre Inc. (Ward 2)

Recommendation

1. That the term of the Catering Services Agreement between the City of Mississauga ("City") and the Oakville Conference and Banquet Centre Inc. (Edge Hospitality Group) be extended for the period of September 15th, 2018 through to December 31st, 2018.
2. That the Purchasing Agent be authorized to execute an amendment to the Catering Services Agreement with the Oakville Conference and Banquet Centre (Edge Hospitality Group) extending the term to December 31st, 2018 in a form satisfactory to Legal Services.
3. That all necessary by-laws be enacted.

Report Highlights

- The City currently has an agreement with Oakville Conference and Banquet Centre Inc. (Edge Hospitality Group) to provide catering services at the Harding Waterfront Estate.
- The City's Catering Services Agreement with Edge Hospitality Group expires September 14, 2018.
- Staff recommends a three and half months interim extension to the Catering Services Agreement with Edge Hospitality Group to the end of the year to ensure business continuity, while the City goes out to the market through a competitive bid process for a longer term solution.
- There are several events booked for this fall at the Harding Waterfront Estate including seventeen (17) weddings with an anticipated combined total of 1,655 attendees. Menus and invitations are typically sent out approximately four (4) months in advance. The

extension to the current catering contract with Edge Hospitality Group will ensure continuity while the procurement process is completed.

Background

The Harding Waterfront Estate, located at 2700 Lakeshore Road West, is a City owned property with a unique lakefront destination for events, primarily wedding receptions, banquets and other social functions. The Estate is eighteen (18) hectares (44.5 acres) housing the former manor house and coach house, which have been designated under the Ontario Heritage Act. The City purchased the property in 1999 from Ontario Hydro. In 2012, the buildings on the property underwent major renovations to serve as wedding and banquet facilities.

Within the current operating model, catering services are exclusively provided by Edge Hospitality Group as per the 2013 agreement with the City. This Catering Services Agreement expires September 14, 2018 and there is no remaining authority under Section 18(3) of the Purchasing By-Law 374-06 to further extend or renew the Agreement. Therefore Council approval is required for any further extensions.

Present Status

Staff recommends a three (3) and a half months extension from September 15, 2018 through to December 31, 2018. This extension is needed to ensure business continuity in the interim, while the City goes out to the market through a competitive bid process for a longer term solution. The procurement and negotiation process is expected to last up to six (6) months and will therefore not be feasible to have a new agreement in place until January 2019.

Comments

There are several events booked for this fall at the Harding Waterfront Estate including seventeen (17) weddings with an anticipated combined total of 1,655 attendees. Menus and invitations are typically sent out approximately four (4) months in advance. The extension to the current catering contract with Edge Hospitality Group will ensure continuity while the procurement process is completed.

Financial Impact

All fees from the Catering Services Agreement with Edge Hospitality Group are based on the allocation of costs between the City and Edge Hospitality Group as the Caterer. For the performance of the Catering Services, the City pays the Caterer fees that are inclusive of all expenses, staff, and equipment necessary to perform their services. The City retains a percentage fee on menu packages in the range of 16% to 21%. Based on the number of events planned for the period of September 15 – December 31, 2018, the City projects to retain approximately \$30,000 in catering revenue, which is reflected in Recreation's 2018 approved operating budget.

Conclusion

Extending the Catering Services Agreement with Edge Hospitality Group in the interim will ensure business continuity while the City pursues a longer term solution through a competitive bid process.



Paul Mitcham, P. Eng, MBA, Commissioner of Community Services

Prepared by: Aleksandra Allen, Supervisor Business Planning Services

City of Mississauga Corporate Report



<p>Date: 2018/05/03</p> <p>To: Chair and Members of General Committee</p>	<p>Originator's files:</p>
<p>From: Geoff Wright, P. Eng., MBA, Commissioner of Transportation and Works</p>	<p>Meeting date: 2018/05/16</p>

Subject

MiWay Bus Fleet and Second Generation Hybrid-Electric Buses

Recommendation

1. That the report entitled MiWay Bus Fleet and Second Generation Hybrid-Electric Buses dated May 3, 2018 from the Commissioner of Transportation and Works be approved.
2. That General Committee authorize the purchase of ten Second Generation Hybrid-Electric buses by competitive tender in 2018 for delivery in 2019 and prior approval of \$10M in the 2019 Capital Budget for bus replacements in advance of the 2019-2022 Budget and Business plan.

Report Highlights

- Fifteen of the 499 buses in the MiWay fleet are First Generation Hybrid-Electric buses while the remaining majority of buses (484) are powered by Clean Diesel fuel.
- Propulsion technologies enabling lower emission levels are emerging and available in the marketplace today.
- Second Generation Hybrid-Electric buses have been identified as a potential stepping stone on the path to a full Battery Electric bus.
- MiWay is seeking advance approval of \$10M in the 2019 Capital Budget as well as the authority to procure, by competitive tender, ten Second Generation Hybrid-Electric buses in 2018 for delivery in 2019 to gain operational experience prior to the 2020 multi-year Capital purchase of replacement buses.

Background

Bus Propulsion Systems

Including the 15 Orion First Generation Hybrid-Electric buses, the entire MiWay fleet is propelled by conventional diesel power. This makes MiWay the largest Greenhouse Gas (GHG) emitter in the Corporation. MiWay is actively looking at new technology with alternative propulsion systems that have lower emissions.

Today there are five propulsion systems available, three of which (highlighted) are proven technology: **Clean Diesel**, Battery Electric, **Second Generation Hybrid-Electric**, Hydrogen Fuel Cell, and **Compressed Natural/Renewable Gas**.

Battery Electric Technology Trials

Edmonton and Winnipeg transit systems have completed small scale (3-4 buses) trials of battery electric buses in winter/summer conditions evaluating different charging strategies. Edmonton evaluated buses with large batteries charged at the depot overnight and Winnipeg evaluated buses with smaller batteries that had to be charged at the end of each trip. These trials proved that both strategies were viable but had differing operational characteristics. Various bus manufacturers supplied equipment but each had incompatible proprietary charging equipment.

The next series of trials are on a larger scale (10+ buses) and will run over a several year period to evaluate cost/reliability and charging/grid impacts of scaling up operations. The Pan Ontario Electric Bus Trial is proceeding to procurement and Brampton and York transit systems will evaluate universal charging equipment and grid impacts on buses with small batteries and route charging. The TTC is buying 30 buses from three manufacturers (10 each) and deploying them to three garages for longer term evaluation of reliability and operating characteristics. These buses are charged at the garage overnight and due to limited electrical capacity at the facilities the buses will have to be distributed across their system. MiWay has similar electrical constraints within our facilities and in the 2019 Capital Budget there will be a request for funding to study the electrification of MiWay storage and maintenance facilities at both Central Parkway and Malton.

Edmonton and Winnipeg have shared their trial results. MiWay has joined the Canadian Urban Transit Research and Innovation Centre (CUTRIC) which gives us access to the Pan Ontario Electric Bus Trial and the TTC has advised that they will share their learnings with local transit systems. There is no need for MiWay to duplicate this work.

Fleet Replacement Schedule

The MiWay bus fleet has been replaced at irregular intervals as funding from Federal/Provincial parties was made available. As a result, between 2021 and 2023 MiWay needs to replace 231 buses (46% of the fleet). If we continue to purchase Clean Diesel buses, because of their replacement schedule (15 –18 years), we would be committed to this technology until 2041.

Full Battery Electric Buses

Technology for full Battery Electric buses is rapidly advancing however, has yet to be proven within North America beyond pilots or small scale trials.

Current obstacles include: distance/range, infrastructure to facilitate charging, and the longevity and durability of power storage systems as well as affordability.

It is not certain that full Battery Electric buses will be a mature technology by 2020 when our replacement procurement commences.

Second Generation Hybrid-Electric Buses

Second Generation Hybrid-Electric buses have been identified as a potential stepping stone on the path to the full Battery Electric bus. Not only is the technology proven, but the Second Generation Hybrids are potentially convertible to a full Battery Electric bus. Given the projected Second Generation Hybrid-Electric fleet sizes across North America, the economy of scale to convert to a full Battery Electric bus in the future appears commercially viable.

Comments

Benefits of First Generation Hybrid-Electric Buses

Fuel Reduction

The current MiWay bus fleet includes 15 First Generation Hybrid-Electric buses manufactured by Orion that, dependant on route, have realized a 14% reduction in fuel as compared to our Clean Diesel buses (although notable, this percentage is lower than advertised by the manufacturer due to the suburban nature of our routes). These Hybrid buses produce less GHG's than a conventional Clean Diesel saving 27 tons of GHG's per bus per year (average 60,000 km/yr).

Benefits of Second Generation Hybrid-Electric Buses

Because Orion is no longer manufacturing buses, New Flyer and NovaBus are the current suppliers. Both manufacturers produce Second Generation Hybrid-Electric buses and have many on the roads today with other transit properties.

Technology Advancements

The technology has advanced considerably with the Second Generation including an increase in battery life from 6 years to 12 years and "stop start" technology that cuts out the engine once stopped and restarts the engine once the brake is released thereby increasing fuel savings and further reducing emissions.

Second Generation Hybrid-Electric buses are convertible to a full Battery Electric Bus by replacing the diesel engine, generator and radiator/fan with a larger battery, likely at the mid-life expectancy of the bus (approximately 8 years), rather than overhauling the diesel engine. This conversion is not possible with the First Generation Hybrid-Electric buses as many of the sub-systems are driven mechanically from the diesel engine. The Second Generation buses have electrically driven sub-systems.

Greenhouse Gas Reduction

Second Generation Hybrid-Electric buses are advertised as producing 25% less Greenhouse Gases than the other two propulsion systems with proven technologies: Clean Diesel or Compressed Natural/Renewable Gas. These savings in our context have not been validated hence the desire to purchase and evaluate performance prior to a larger order.

Considerations with Alternately Fuelled Buses

The vast majority of buses in service today are powered by conventional Clean Diesel or Compressed Natural Gas that use internal combustion engines and transmissions to deliver drive to the wheels with some mechanically powered subsystems.

The next generation of buses will be based on a hybrid platform featuring electric motors, a battery, and fully electric subsystems.

The only uncertainty for the next generation of buses is where the electrical energy will come from. With the diesel engine removed, electricity could be generated on board by a fuel cell or stored on board in batteries charged at the garage or topped up on route.

Duty-Cycle: Fuel Savings and Range Anxiety

The key operating characteristic is the hybrid duty-cycle where regenerative braking recovers the energy lost to heat in deceleration by turning the electrical motors that drive the wheels, into generators slowing the vehicle down and at the same time transferring this electrical energy back into the batteries. It is this capability that gives fuel savings for a diesel/electric hybrid and range for fuel cell or battery bus.

In the case of Hydrogen Fuel Cell or Battery Electric Buses, the manufacturers are counting on the stop/go duty cycle to achieve the advertised range.

Transit buses have a stop/go duty cycle which lends itself to hybrid technology however, MiWay's fuel saving experience with the First Generation Hybrid-Electric buses, although notable, was lower than advertised by the manufacturer due to the suburban nature of our routes.

At present, the range of a battery bus depends on duty cycle (stop/go), passenger loads, and temperature (principally heating loads in winter) to give the bus a range of travel time. Because the range that can be achieved is less than that of a diesel powered bus, it limits the routes that these buses can be deployed to, adding complexity to vehicle allocation.

As technology improves, range anxiety will mitigate but we are not there yet.

Consequently, Second Generation Hybrid-Electric bus technology (with the option to convert to full electric) appears attractive at this time and gaining operating experience with this technology prior to a larger commitment would be prudent.

Accordingly, MiWay proposes the purchase of ten Second Generation Hybrid-Electric buses in 2018 to gain operational experience prior to our next planned bus order in 2020. This would advance the replacement of 10 of 34 buses scheduled for replacement in 2020 into 2019.

Financial Impact

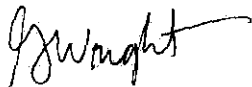
Request that \$10M from the (\$19.9M) 2020 Capital Budget be advanced into the 2019 Capital Budget. Finance has confirmed that there is sufficient gas tax reserve available and the transit capital program and will be adjusted during the 2019-2020 budget cycle. The 2020 Capital Budget request will have to be adjusted as the remaining \$9.9M is insufficient for the 24 remaining replacements and an additional \$4.5M will be required to off-set the cost premium of the Second Generation Hybrid bus plus updated contract pricing from the most recent purchases.

Conclusion

As the MiWay fleet matures and we head towards a future of full electrification, any purchase of buses remain in the fleet for a minimum of 15 years. Making an informed procurement choice today for a bus propulsion system is paramount for tomorrow.

Based on the advancements of current electric vehicles in general it is unknown when full Battery Electric buses will be viable for MiWay.

Purchasing ten Second Generation Hybrid-Electric buses now gives MiWay valuable operational experience ahead of the 2020 multi-year Capital Purchase Plan to replace 231, 2003 to 2006 vintage buses.



Geoff Wright, P. Eng., MBA, Commissioner of Transportation and Works

Prepared by: Darren Ridings, Manager, Transit Maintenance

City of Mississauga
Corporate Report



Date: 2018/04/30

To: Chair and Members of General Committee

From: Geoff Wright, P. Eng., MBA, Commissioner of
 Transportation and Works

Originator's files:

Meeting date:
 2018/05/16

Subject

Review of Noise Control Measures for Loud Vehicles Racing on Roadways

Recommendation

1. That Enforcement staff continue to regulate noise relating to all motor vehicles on private property in a manner set out in the report from the Commissioner of Transportation and Works, dated April 30, 2018 and entitled "Review of Noise Control Measures for Loud Vehicles Racing on Roadways."
2. That Legal Services be authorized to make an application to the Ministry of the Attorney General for set fines under Part 1 of the *Provincial Offences Act* for By-law 360-79, as amended, for new set fines for by-law prohibitions for the violations specific to mufflers and racing within the current City regulatory framework to provide enforcement staff and Peel Regional Police with another avenue of enforcement.

Report Highlights

Mississauga Noise By-law regulations, and enforcement responsibilities are consistent with other Ontario municipalities.

New set fines would provide another enforcement option for Enforcement staff and Peel Regional Police to ensure that motorists are safely operating their vehicles, not posing a nuisance to residents, or creating a hazard for other vehicular and/or pedestrian traffic.

- In 2017, Enforcement received a total of 43 complaints related to excessive vehicle or exhaust noise. Peel Regional Police laid 11 charges for improper mufflers or unreasonable noise and 227 charges were laid for stunt/race driving.

Background

At the October 11, 2017 Council meeting, a Councillor enquiry was made regarding the City's current noise by-law and if there were specific control measures to effectively respond to loud cars and motorcycles racing within municipal boundaries. A request was also made for a

jurisdictional scan to compare current Mississauga regulations with other Ontario municipalities and bring a report back to General Committee.

The current Mississauga Noise By-law 360-79, as amended, prohibits excessive and unusual noise being generated from motor vehicles. The term "motor vehicle" as defined within the Noise By-law includes both automobiles and motorcycles. The following restrictions are included in schedule 1 of the Noise By-law:

- Racing any motorized conveyance other than in a racing event is prohibited at all times.
- Operating a motor vehicle that causes the tires to squeal is prohibited at all times.
- Operation of any combustion engine without an effective exhaust/muffler that is in good working order and is in constant operation is prohibited at all times.

Comments

Complaint History

In 2017, a total of 1,008 noise complaints were registered with the City of Mississauga. 43 of the 1,008 service requests registered by citizens were specific to excessive vehicle or exhaust noise. Of the 43 service requests, 30 complaints were private property complaints for vehicles idling/revving the engines on a driveway on residential property. 13 of the 43 complaints were for roadway/moving vehicles generating excessive noise.

From 2012 to 2017 Peel Regional Police issued 6,312 charges relating to the *Highway Traffic Act (HTA)*. Of these 6,312, five were for improper mufflers and six were related to unnecessary or unreasonable noise. Peel Regional Police laid 227 stunt/race driving charges under Section 172 of the *HTA* between January and December 2017.

Enforcement Process

In examination of this issue, it is important to differentiate between motor vehicles operating on private property and those operating on a highway (any roadway). Enforcement staff are tasked with responding to vehicle noise disruptions that occur on private property. Should staff receive an address and/or licence plate information, a formal letter, with the intent of providing education, is sent to the subject advising that the City of Mississauga is in receipt of a complaint regarding a loud vehicle.

When vehicles are stationary and located on a private driveway, enforcement staff will respond and action complaints related to unnecessary vehicle noise, mufflers and idling. At times when excessive vehicle noise occurs on private property, enforcement staff, under the authority of the Noise By-law, may investigate and enforce the particulars of the By-law (when appropriate) to limit vehicle noise.

Set Fines

There are no set fines for these specific sections of the Noise By-law at this time, and therefore does not allow for a ticket to be issued.

Staff recommend the City of Mississauga submit an application to the Ministry of the Attorney General to obtain approved set fines specific to the Noise By-law sections that address excessive vehicle noise. Staff is seeking Council direction to submit a set fine application for the muffler and racing Noise By-law provisions. This would provide another enforcement option for municipal law enforcement officers, as well as Peel Regional Police tasked with ensuring motorists are safely operating their vehicles, not posing a nuisance to residents, or creating a hazard for other vehicular and/or pedestrian traffic.

The suggested set fine amount to be included in the set fine application is \$305 and is consistent with other Noise By-law set fines.

Police Enforcement: Highway Traffic Act

Enforcement staff have no authority to stop moving vehicles on the travelled portion of the roadway, nor is any person required to produce identification to a municipal law enforcement officer.

Vehicles on roadways are regulated under the *Highway Traffic Act (HTA)*. The *HTA* was amended in 2007 under Bill 229. This Bill effectively amended the *HTA* to prohibit the operation of any motor vehicle that does not have an effective or operational muffler, which is in good repair, and that prevents excessive, unusual or explosive noises. The new provisions also effectively restrict the installation of muffler systems, or modification to existing vehicle exhaust systems, to increase the sound emanating from a motor vehicle. The amendment also prohibits any motorist to produce any unnecessary noise. Subsections 75(1) and 75(4) of the *HTA* states:

"Muffler

75 (1) Every motor vehicle or motor assisted bicycle shall be equipped with a muffler in good working order and in constant operation to prevent excessive or unusual noise and excessive smoke, and no person shall use a muffler cut-out, straight exhaust, gutted muffler, hollywood muffler, by-pass or similar device upon a motor vehicle or motor assisted bicycle. R.S.O. 1990, c. H.8, s. 75(1).

Unnecessary noise

(4) A person having the control or charge of a motor vehicle shall not sound any bell, horn or other signalling device so as to make an unreasonable noise, and a driver of any motor vehicle shall not permit any unreasonable amount of smoke to escape from the motor vehicle, nor shall the driver at any time cause the motor vehicle to make any unnecessary noise, but this subsection does not apply to a motor vehicle of a municipal fire department while proceeding to a fire or answering a fire alarm call. R.S.O. 1990, c. H.8, s. 75(4)."

The enforcement of the *HTA* is the exclusive responsibility of Peel Regional Police within the Province of Ontario. Historically, Peel Regional Police deployed enforcement blitzes in response to community concerns regarding excessively loud vehicle mufflers in Mississauga. Peel Regional Police have initiated dedicated area focused enforcement campaigns. Fines under the *HTA* are currently set at \$110.

Peel Regional Police officers also have the discretion to issue a "Vehicle Defect Report Notice". This notice is usually issued for minor vehicular defects. This notice may require the vehicle to be inspected at a specified time/date by an officer and/or require a vehicle safety certificate.

HTA monetary fines, as they relate to excessive speed, increase as the violation increases. Penalties range from set fines of \$17.50 to \$359 for motorists exceeding posted speed limits up to 49+ km per hour. As speed infractions escalate, fines also have corresponding licence demerit points also imposed. Driver's licence demerit points can affect insurance premiums.

Any person driving in excess of 50+ km per hour over the speed limit maximum must attend court and the penalties imposed can be severe. This behaviour can also result in a person being charged with stunt driving. Stunt driving convictions have serious consequences with minimum fines of \$2,000 to a maximum of \$10,000, driver's licence suspension/restrictions on driving privileges and possible incarceration.

In consultation with Peel Regional Police Services, and Road Safety Services, it was confirmed that any enforcement pertaining to racing activities would result in *HTA* tickets being levied against offenders. Enforcement of excessive noise is not a Peel Regional Police priority, however, officers will take action when appropriate, and when the noise generated from the vehicle is clearly unacceptable. The focus of the Road Safety Services group is the enforcement of moving violations as these are the biggest factor in collisions and public safety. The ultimate outcome of their enforcement efforts is to modify driving behaviour.

Jurisdictional Scan

Mississauga Noise By-law regulations, and enforcement responsibilities are consistent with other Ontario municipalities. The Ontario Jurisdictional Scan of Noise By-laws (Appendix 1) provides an overview of the current noise provisions in other Ontario municipalities.

Financial Impact

The suggested set fine amount to be included in the set fine application is \$305 and is consistent with other Noise By-law set fines.

Conclusion

Staff recommend the City of Mississauga submit an application to the Ministry of the Attorney General to obtain approved set fines specific to the Noise By-law sections that address excessive vehicle noise.

Attachments

Appendix 1: Ontario Jurisdictional Scan of Noise By-laws



Geoff Wright, P. Eng., MBA, Commissioner of Transportation and Works

Prepared by: Craig Calder, Manager, Compliance and Licensing Enforcement

Ontario Jurisdictional Scan of Noise By-laws

Jurisdiction	Provisions Included in Municipal Noise By-law		
	Muffler Noise	Street Racing	Squealing Tires
Burlington	✓	✓	✓
Halton Hills	✓	X	X
London	✓	X	X
Markham	✓	✓	✓
Milton	✓	✓	✓
Mississauga	✓	✓	✓
Oakville	✓	X	X
Ottawa	✓	✓	✓
Richmond Hill	X	✓	✓
Toronto	✓	✓	✓
Vaughan	✓	✓	X

City of Mississauga
Corporate Report



Date: 2018/04/30 To: Chair and Members of General Committee	Originator's files:
From: Geoff Wright, P. Eng., MBA, Commissioner of Transportation and Works	Meeting date: 2018/05/16

Subject

Amendment to the Transportation Network Company Pilot Project Licensing By-Law 93-17

Recommendation

1. That the report from the Commissioner of Transportation and Works dated April 30, 2018 entitled "Amendment to the Transportation Network Company Pilot Project Licensing By-Law 93-17" be approved.
2. That the Transportation Network Company Pilot Project Licensing By-Law 93-17 be amended to extend the TNC Licensing Pilot Project PN17-092 from January 1, 2019 for an interim period not to exceed 12 months.
3. That the Public Vehicle Licensing By-law 420-04 amendments remain in force during any interim period.
4. That staff have the authority to execute payment of any and all expenses related to the extended project.
5. That staff have the authority to continue to receive revenues as set out in Schedule "C" – Licensing Fees of the Transportation Network Company Pilot Project Licensing By-Law 93-17 throughout the extended project period.
6. That the gross budget of TNC Licensing Pilot Project PN 17-092 be increased by \$850,000 offset by increased revenue budget of \$850,000 with a net zero budget impact.
7. That the eight contract positions be retained for the extended duration of the Pilot Project.
8. That all necessary by-laws be enacted.

Background

On March 29, 2017 Council provided direction that a by-law be enacted to provide for an 18-month Pilot Project beginning on July 1, 2017 and concluding on January 1, 2019. The Pilot Project permits the operation of Transportation Network Companies (TNCs) in Mississauga as outlined in the report from the Commissioner of Transportation and Works, dated March 8, 2017 entitled "Transportation Network Company (TNC) Licensing Pilot Project."

The Pilot Project, as defined, will require the collection of a yearly licence fee of \$20,000 and a further \$0.30 licence fee for each ride that originates in the City of Mississauga.

The Pilot Project enforcement team consisting of one project leader, one administrative support staff, one data analyst and five Municipal Law Enforcement Officers is currently in place. This team is collecting and analyzing data related to TNCs and the taxi industry and conducting field inspections to insure compliance with the Pilot Project By-law

The final report will be provided to General Committee on the first available date occurring in 2019.

Comments

The final report is on schedule to be submitted to General Committee on the first available date in 2019. The result being that a final decision and subsequent By-law amendment(s) cannot be completed prior to the Pilot Project concluding on January 1, 2019. Therefore, in order to ensure public safety and consumer protection during this interim period, the (TNC Pilot Project) By-law is recommended to remain in force until such time as permanent regulations are established. This will allow for the TNC enforcement team to continue conducting enforcement activities in the field.

In addition to the (TNC Pilot Project) By-law, the amendments made to the Public Vehicle Licensing By-law 420-04 are also recommended to remain in force during this interim period. The goal of these amendments was to address the issue of parity between TNCs and Taxis and it would be appropriate that these amendments remain unchanged during an extension.

During the initial period of regulation, staff experienced some technical issues related to data collection. Therefore, staff will use the data collected between September 1, 2017 and September 1, 2018 as the one year trial period as opposed to the originally identified July 1, 2017 to July 1, 2018. This change will provide a full one year business cycle of consistent data and will not affect the completion date for the project report.

Financial Impact

The projected expenditures associated with the Transportation Network Company Pilot Project during any required 2019 interim period will be fully offset by revenue. These expenditures are related to staffing costs for project leadership, analysis, administration and inspection. Also

included in the projection are additional costs for equipment, IT support, and associated inspection and mileage expenses.

Conclusion

It is the conclusion of staff that the recommendations contained in the report are necessary to continue the regulation of Transportation Network Companies during the period between the scheduled completion of the Pilot Project and the adoption of a permanent regulatory framework.



Geoff Wright, P. Eng., MBA, Commissioner of Transportation and Works

Prepared by: Michael Foley, Manager, Mobile Licensing Enforcement

City of Mississauga Corporate Report



Date: 2018/04/30

To: Chair and Members of General Committee

From: Geoff Wright, P. Eng., MBA, Commissioner of
Transportation and Works

Originator's files:
SPI 15-22

Meeting date:
2018/05/16

Subject

Notice Floodplain Agreement between the City of Mississauga and Jasbir Dhaliwal and Ranbir Dhaliwal, 1848 Balsam Avenue - Site Plan Application SPI 15-22 (Ward 2)

Recommendation

That a by-law be enacted to authorize the Commissioner of Transportation and Works and the City Clerk to execute and affix the Corporate Seal to the Notice Floodplain Agreement between Jasbir Dhaliwal and Ranbir Dhaliwal and The Corporation of the City of Mississauga to the satisfaction of the City Solicitor as outlined in the report dated April 30, 2018 from the Commissioner of Transportation and Works titled Notice Floodplain Agreement between the City of Mississauga and Jasbir Dhaliwal and Ranbir Dhaliwal, 1848 Balsam Avenue - Site Plan Application SPI 15-22 (Ward 2).

Background

Jasbir Dhaliwal and Ranbir Dhaliwal are the owners of a parcel of land located at 1848 Balsam Avenue, described as Lot 58, Plan G13, in the City of Mississauga (the 'Development Lands'). The owners have submitted a Site Plan Application to permit the construction of a 2-storey dwelling on the above noted Development Lands that is located within the floodplain of Turtle Creek.

Comments

As the proposed development is situated within the floodplain of Turtle Creek, a Notice Floodplain Agreement will be required to advise the current and future owners of the Development Lands of the potential for flooding, and to save the City harmless from any acts, actions, damages or costs which may arise in the future as a result of the approval of the application and location of the Development Lands within the floodplain. This Notice Floodplain Agreement will be registered on title.

Financial Impact


Not applicable.

Conclusion

This report is seeking authority to enter into a Notice Floodplain Agreement between the Corporation of the City of Mississauga and Jasbir Dhaliwal and Ranbir Dhaliwal for 1848 Balsam Avenue. The Agreement will warn the current and future owners of the Development Lands of the potential for flooding from Turtle Creek and save the City harmless.

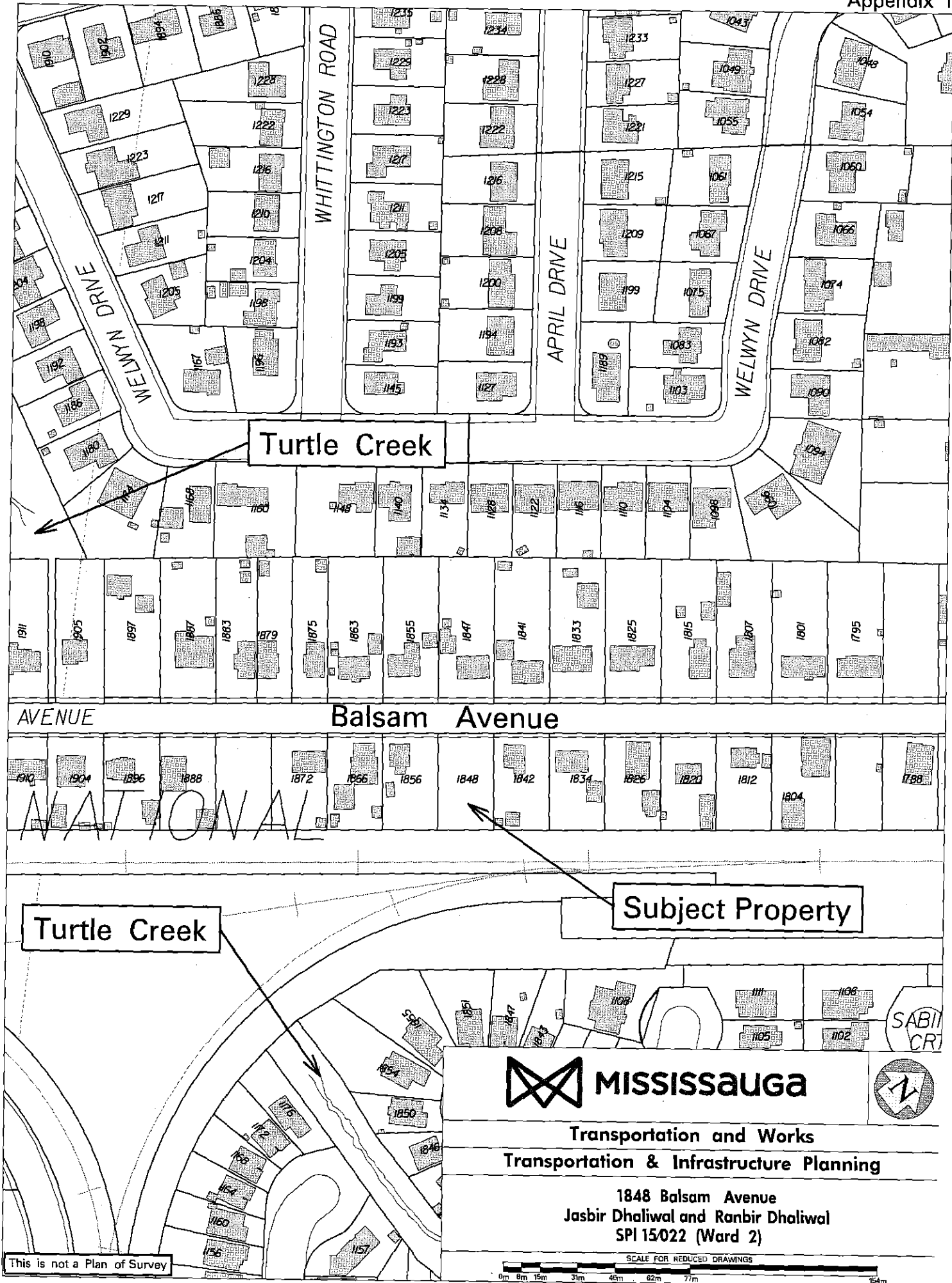
Attachments

Appendix 1: Location Map



Geoff Wright, P. Eng., MBA, Commissioner of Transportation and Works

Prepared by: Karina Maciel, Development Engineering Technician



City of Mississauga Corporate Report



Date: 2018/04/30

To: Chair and Members of General Committee

From: Geoff Wright, P. Eng., MBA, Commissioner of
Transportation and Works

Originator's files:
RT.18.STR

Meeting date:
2018/05/16

Subject

Proposed Street Name to be added to the City of Mississauga Approved Street Name Reserve List

Recommendation

That the street name Jim Tovey be approved for use in the City of Mississauga, and be added to the City of Mississauga Approved Street Name Reserve List for future use in the Lakeview or 70 Mississauga Road South developments (Ward 1).

Background

The late Jim Tovey, Councillor, Ward 1 was first elected to the City of Mississauga Council in 2010. He was a strong advocate for many projects in Ward 1 – including Inspiration Lakeview (Lakeview Legacy Project), the Lakeview Waterfront Connection and Inspiration Port Credit.

The name Jim Tovey was submitted for review to the Region of Peel Street Names Committee to be added to the City of Mississauga Approved Street Name Reserve List.

Comments

New street names proposed within the City of Mississauga are reviewed by the Region of Peel Street Names Committee, which includes staff from the City of Mississauga Transportation and Works Department and Fire and Emergency Services.

This committee reviews all names proposed for use from a regional perspective and makes recommendations on whether the proposed names should be approved. Approved names that are not immediately used are added to a reserve list for future use.

The Region of Peel Street Names Committee has reviewed the name Jim Tovey and has no objection to its use.

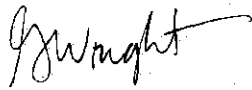
8.9

Financial Impact

There are no financial impacts to the City associated with the approval of this report.

Conclusion

The Region of Peel Street Names Committee reviewed the name Jim Tovey, and recommends that it be approved for use in the City of Mississauga, and be added to the City of Mississauga Approved Street Name Reserve List.



Geoff Wright, P. Eng., MBA, Commissioner of Transportation and Works

Prepared by: Joe Alava, Coordinator, Development Engineering

City of Mississauga Corporate Report



Date: 2018/04/26

To: Chair and Members of General Committee

From: Geoff Wright, P. Eng., MBA, Commissioner of
Transportation and Works

Originator's files:
SP 12/134, M-1780,
M-1984

Meeting date:
2018/05/16

Subject

Servicing Agreement Assumptions, City Files SP 12/134 (Ward 5), M-1780 (Ward 11) and M-1984 (Ward10)

Recommendations

1. That the City of Mississauga assume the municipal works as constructed by the developer under the terms of the Municipal Works Only Servicing Agreement for City File SP 12/134, Orlando Corporation (lands located north of Britannia Road West, south of Highway No. 401, east of Catany Road and west of Hurontario Street, in Z-44E, known as 60 Standish Court), and that the Letter of Credit in the amount of \$75,156.94 be returned to the developer. City File SP 12/134 (Ward 5)
2. That the City of Mississauga assume the municipal works as constructed by the developer under the terms of the Servicing Agreement for Registered Plan 43M-1780, Quarre Properties Inc. (lands located north of Britannia Road West, east of Erin Mills Parkway and west of the Mullet Creek, in Z-46E, known as Millcreek Business Park), and that the Letter of Credit in the amount of \$2,014,256.67 be returned to the developer and further that a by-law be enacted to assume the road allowances within the Registered Plan as public highway and part of the municipal system of the City of Mississauga. City File M-1780 (Ward 11)
3. That the City of Mississauga assume the municipal works as constructed by the developer under the terms of the Servicing Agreement for Registered Plan 43M-1984, Agro Trail Corporation (lands located north of Doug Leavens Boulevard, south of Beacham Street, east of Ninth Line and west of Lisgar Drive, in Z-56, known as Agro Trail Subdivision), and that the Letter of Credit in the amount of \$310,000.01 be returned to the developer and further that a by-law be enacted to assume the road allowances within the Registered Plan as public highway and part of the municipal system of the City of Mississauga. City File M-1984 (Ward 10)

Background

The developers identified on the attached Table of Assumptions (Appendix 1) have complied with all the requirements of the identified Servicing Agreements.

Comments

The Transportation and Works Department supports the assumption of the Servicing Agreements associated with City Files SP 12/134, M-1780 and M-1984.

Financial Impact

With the assumption of 60 Standish Court, the City will now be required to provide maintenance to 300 meters (984 feet) of storm sewer.

With the assumption of the Millcreek Business Park, the City will now be required to provide maintenance to a stormwater management facility, 3,522 meters (11,555 feet) of roadway and 2120 meters (6,955 feet) of storm sewer.

With the assumption of the Argo Trail Subdivision, the City will now be required to provide maintenance to stormwater management works, 59 meters (194 feet) of roadway and 41 meters (134 feet) of storm sewer.

Conclusion

It is in order for the City to assume the municipal works within the sites identified on the attached Table of Assumptions (Appendix 1).

Attachments

Appendix 1: Table of Assumptions

Appendix 2: Approximate location of City File SP 12/134

Appendix 3: Approximate location of City File M-1780

Appendix 4: Approximate location of City File M-1984

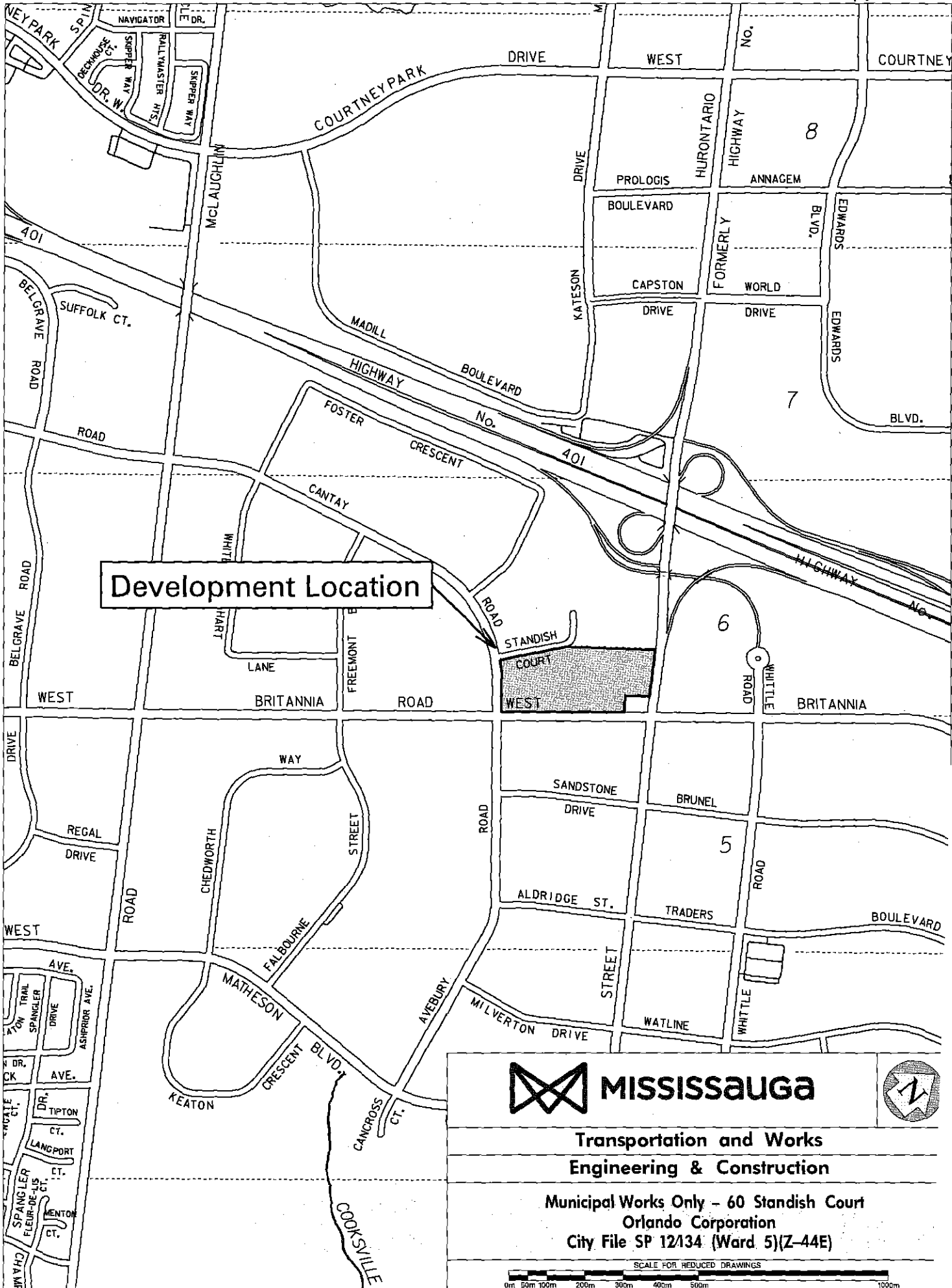


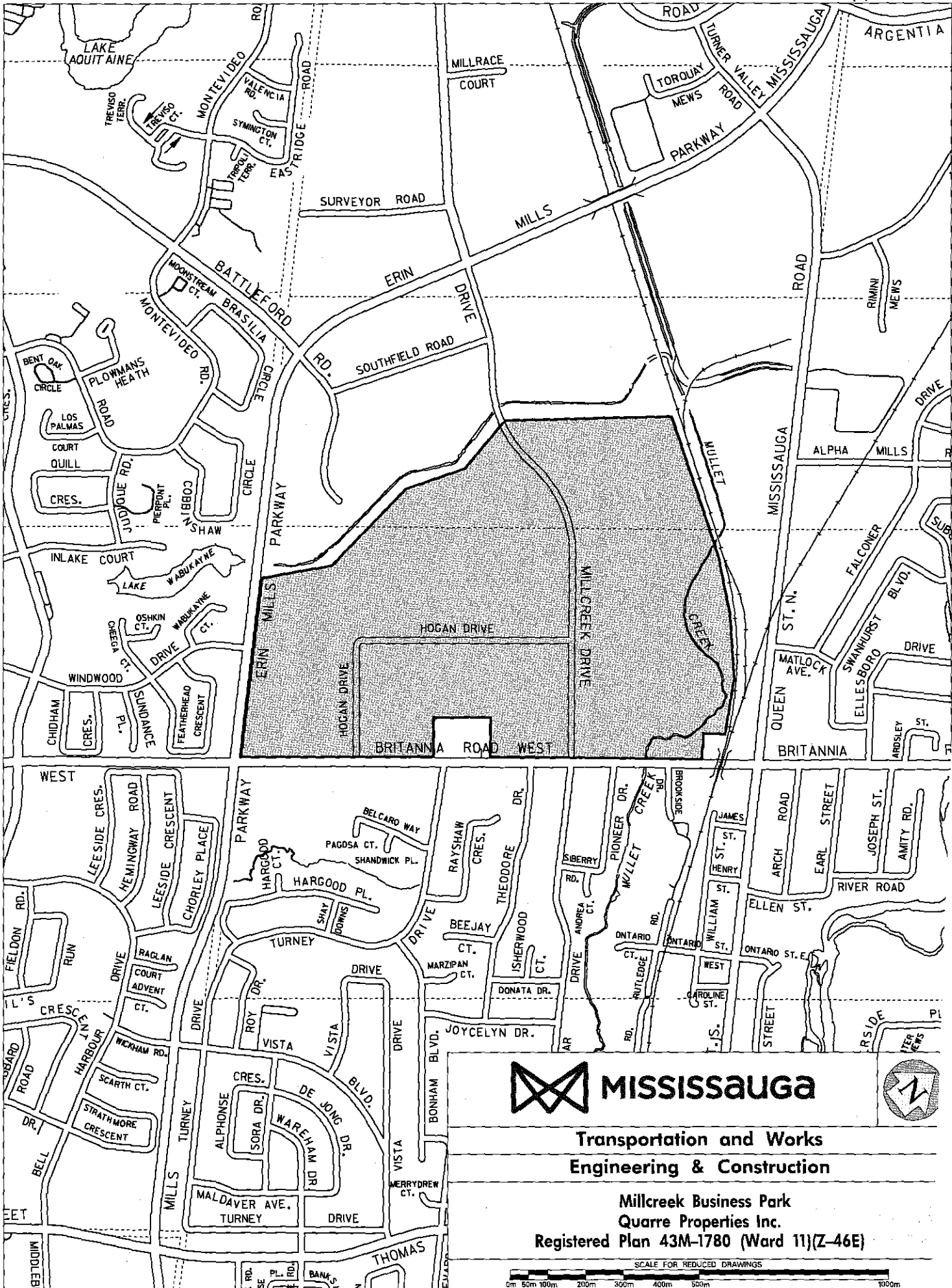
Geoff Wright, P. Eng., MBA, Commissioner of Transportation and Works

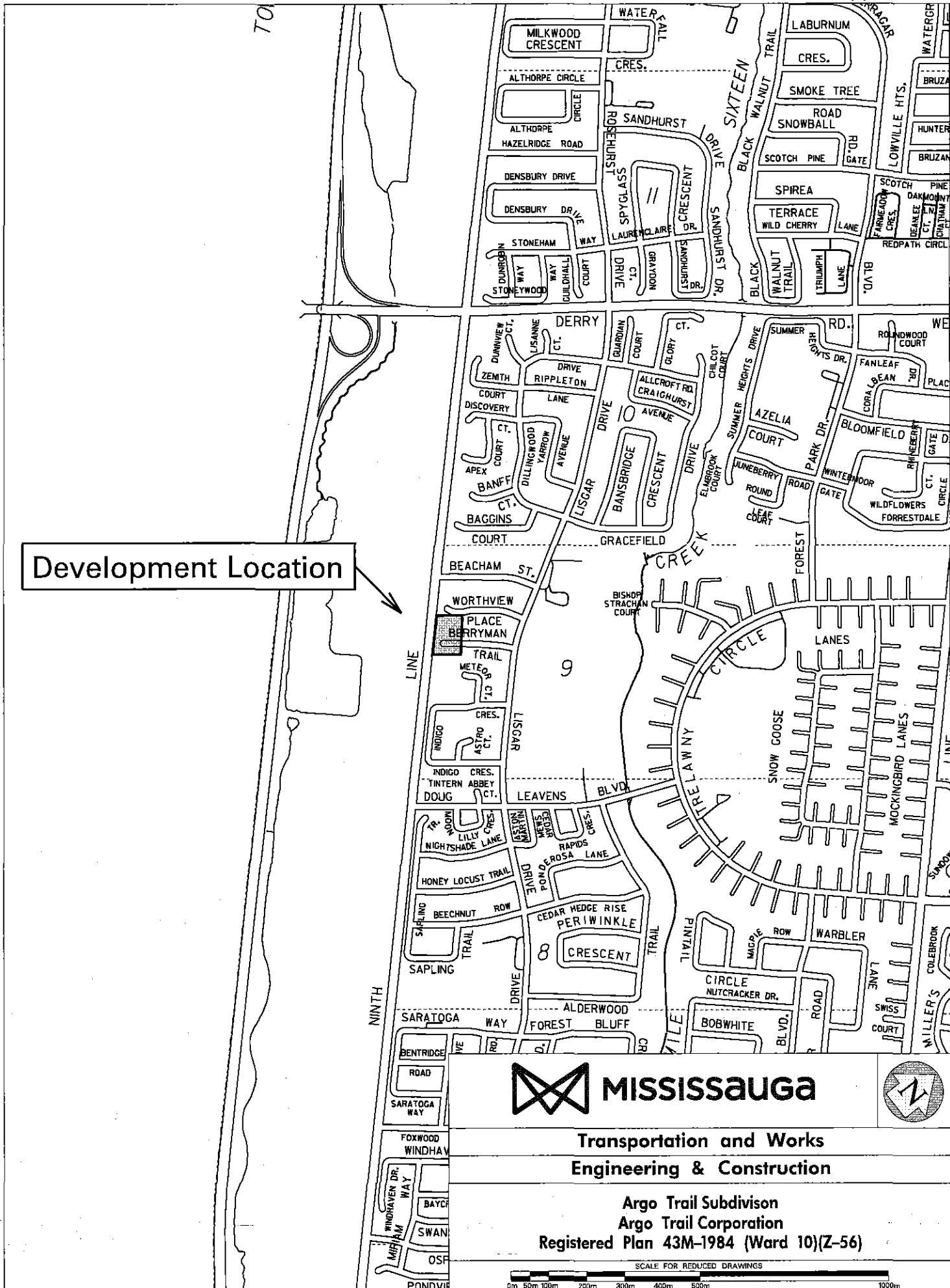
Prepared by: John King, Supervisor of Development Construction

APPENDIX 1

TABLE OF ASSUMPTIONS				
PLAN/FILE REFERENCE #	LOCATION	DEVELOPER ADDRESS	SERVICING AGREEMENT DATE	SECURITIES TO BE RELEASED
SP 12/134	North of Britannia Road West, South of Highway No. 401, East of Catany Road and West of Hurontario Street, in Z-44E.	Orlando Corporation 6205 Airport Road, Mississauga, ON L4V 1E3 Attn: Mr. D. Moores, Development Manager	January 22, 2014	\$75,156.94
M-1780	North of Britannia Road West, East of Erin Mills Parkway and West of the Mullet Creek, in Z-46E.	Quarre Properties Inc. 6205 Airport Road, Mississauga, ON L4V 1E3 Attn: Mr. D. Moores, Development Manager	November 26, 2008	\$2,014,256.67
M-1984	North of Doug Leavens Boulevard, South of Beacham Street, East of Ninth Line and West of Lisgar Drive, in Z-56.	Argo Developments Corporation 2173 Turnberry Road, Burlington, ON L7M 4P8 Attn: Mr. K. Singh, Development Manager	April 1, 2015	\$310,000.01







City of Mississauga
Corporate Report



Date: 2018/04/27

To: Chair and Members of General Committee

From: Gary Kent, CPA, CGA, Commissioner of Corporate Services and Chief Financial Officer

Originator's files:

Meeting date:
2018/05/16

Subject

Sole Source Recommendation with Microsoft Canada Inc. and its affiliates, "Microsoft" and Dell Canada Inc. for Microsoft Products, Support Services and Cloud Technologies, Contract negotiation and Award

File Ref: FA.49.322-13, FA.49.328-13, PRC000951

Recommendation

1. That the report of the Commissioner of Corporate Services and Chief Financial Officer dated April 27, 2018 and entitled Sole Source Recommendation with Microsoft Canada Inc. and its affiliates, "Microsoft" and Dell Canada Inc. for Microsoft Products, Support Services and Cloud Technologies, be received for your information.
2. That Microsoft be designated as a City Standard for the supply of Microsoft suite of Products, Services including Cloud technologies used within the City for the term of ten years, June 30, 2018 – June 29, 2028.
3. That the Purchasing Agent be authorized to execute the necessary contracts with Microsoft by adopting the provincial Microsoft Volume License Agreement (VLA) framework for the term of June 30, 2018 - September 30, 2020 with an option to extend on the same provincial VLA terms, at the estimated amount of \$5 million.
4. That the Purchasing Agent be authorized to designate the incumbent Dell Canada Inc. as the Software Advisor and Reseller to provide pre- and post-transaction assistance related to the necessary contracts with Microsoft for Microsoft suite of Products, Services and Cloud technologies for the term of June 30, 2018 – September 30, 2020 with an option to extend on the same provincial VLA terms.
5. That the Purchasing Agent be authorized to negotiate and issue contract amendments with Microsoft and Dell Canada Inc. and increase the value of the contract, where necessary to accommodate growth and future expansion including adoption of new

technology to meet business requirements and where such amount(s) are approved in the budget.

Report Highlights

- Council approved Microsoft Canada Inc. (Microsoft) to be a City Standard as per GC-0388-2013 under procurement number FA.49.328-13.
- In 2013 the contract for Microsoft Premier Support for a period of five years (2013-2018) was awarded to Microsoft under procurement number FA.49.328-13.
- In 2013 through the competitive procurement process under FA.49.322-13 the contract for supply of the Microsoft Software and related Products for a period of five years (2013-2018) was awarded to Dell Canada Inc. (Dell) as the Large Account Reseller (LAR).
- Current Agreements with Dell (FA.49.322-13) and Microsoft (FA.49.328-13) are expiring in June 2018.
- In 2016 the Ministry of Government and Consumer Services, Supply Chain Ontario established a new Microsoft Select Plus Volume License Agreement and Reseller Agreement for the provision of Microsoft's commercial off-the-shelf software products (COTS) and related support services available through the Microsoft Select Plus product list (OSS-00519307).
- Microsoft is offering to the City pricing equivalent to that offered to their channel partners to facilitate the purchase of the Microsoft suite of Products and Cloud Services directly from Microsoft.
- Microsoft requires that the City select a Software Advisor and Reseller to provide pre- and post-transaction assistance related to the Enterprise Agreement and Server and Cloud Enrollment. The City might have a need to enter into a separate agreement with the Software Advisor and Reseller for some of the products and services where pricing is provided directly from Microsoft. Microsoft pays the Software Advisor directly for their advisory services. The City selects Dell to continue our five year business relationship.

Background

Volume Licensing Agreement Framework Overview

The Microsoft Volume License Agreements (VLAs) are a framework of agreements and are not Vendor of Record (VOR) arrangements.

The terms and conditions involving the acquisition of any Microsoft product as established in other mandatory VORs supersede the terms and conditions of this Business Agreement. Acquisitions of such products must be acquired through the established channels in the VOR arrangements they are specific to. For more information on framework and a list of Volume License Agreements and the associated Vendor of Record for the Select Plus see the OPS intranet website at MYOPS or the Supply Chain Ontario Internet website at: Doing Business with Ontario.

Microsoft Suite of Products

The Microsoft suite of Products was procured through a competitive procurement process for a three-year term in 2010 and again for a five-year term in 2013 (FA.49.633-10 and FA.49.322-13, respectively) from Qualified Large Account Reseller(s) (LAR's) of Microsoft for the fulfillment of Microsoft Software and related Services consisting of a Microsoft Enterprise Agreement (EA), Enrollment for Core Infrastructure (ECI) – now called Server and Cloud Enrollment (SCE) - and Academic Select Plus Agreement.

The current agreement expires on June 2018 for the EA, ECI and SCE, and rather than procuring from qualified LAR's as was done previously, the City will purchase directly from Microsoft. The City will adopt the provincial Microsoft VLA Framework for the provision of Microsoft's commercial off-the-shelf software Products and related support services available through the Microsoft Select Plus Product list for the City's Libraries.

The Enterprise, Server and Cloud Enrollment (previously ECI) and Academic Select Plus Agreements cover any purchases and upgrades of Microsoft software.

Microsoft Support Services

Information Technology (IT) staff require access to Microsoft engineers with expert knowledge of the products used by the City. These include:

- Response to mission-critical problems 24x7
- Microsoft Risk and Health Assessment Programs (e.g. Active Directory). The RAP has been adopted as a best practice based on Internal Audit's recommendations;
- Access to Microsoft Product and technology specialists to assist in deploying new solutions quickly and correctly, helping to reduce future support and expense;
- Strategic advice and recommendations on the operation of technology and future trends.

The City has utilized Support services since 2007. In 2013, Microsoft Support Services was again adopted by Council as a "City Standard – Information Technology System" and procured for five years based on understanding of the needs at that time. The current support contract with Microsoft expires in June 2018.

Microsoft Cloud Services

The City of Mississauga Information Technology (IT) division successfully concluded a Public Cloud Services Proof of Concept (POC) at the end of June in 2017. The POC was authorized by council in June of 2015 through Corporate Report "Contract Amendment and Single Source Contract for Infrastructure as a Service Proof of Concept to include Azure Cloud Storage

subscription services and Microsoft Office 365". The intention of the POC was to test the public Cloud and how its services could be consumed to augment the traditional IT infrastructure.

As part of the POC, IT concluded that Cloud services can be integrated with the City's internal IT infrastructure. The benefits of Cloud services need to be evaluated on a case by case basis. These services will be evaluated as an option when a new system is selected or implemented.

The City is requesting to designate Microsoft a City Standard Vendor to provide Cloud services.

Software Advisor and Reseller

Microsoft requires that an Enrolled Affiliate (the City) chooses one of the authorized Licensing Solution Providers (LSP) to act as a Software Advisor. The Software Advisor means an entity authorized by Microsoft and engaged by an Enrolled Affiliate to provide pre- and post-transaction assistance related to the agreement signed between the City and Microsoft. The Software Advisor will assist in the preparation the City's orders and then transmit the orders to Microsoft. Microsoft, not the City, will pay fees to Software Advisors in exchange for their advisory services.

The City has an option to select one of ten Software Advisors approved by Microsoft.

In 2013, through the competitive procurement process under FA.49.322-13, the contract for supply of the Microsoft Software and related Products for a period of five years was awarded to Dell Canada Inc. as the LAR. Dell is one of the named ten Software Advisors the City can select from.

The City is requesting to designate Dell Canada Inc. as the Software Advisor and Reseller to continue the business relationship.

Comments

Microsoft products have been a City Standard since 2013 but have been used by City Staff for a much longer period. There is a strong need to retain the suite of Products Microsoft offers so that City Staff continue to have the tools required to complete their daily work responsibilities. The inability to continue to deploy Microsoft Products and tools would negatively affect the City and result in significant operational and compatibility issues.

IT staff continue to build, expand and maintain the current Microsoft infrastructure to meet the City's business requirements. There are ongoing changes to system configuration with growth for new and existing business solutions. City staff will continue to require access to Microsoft engineers with expert knowledge in order for the City to resolve mission-critical problems, deploy new solutions correctly and obtain advice on the operation of technology and future trends including cyber security.

Public Cloud is a rapidly growing technology. As part of the completed POC which assessed Cloud services traditionally hosted on premises, the evaluation team was able to prove and confirm that Cloud technology can be leveraged to augment the City's internal IT infrastructure. Cloud computing is a cost-effective way to leverage the most advanced technology on the market – for example Infrastructure as a Service (IaaS) will save on upfront capital expenditures for hardware and the time and expense associated with maintaining that hardware whereas Platform as a Service (PaaS) will provide the necessary architecture and software framework needed to put an application into service, without the City having to own, manage and upkeep all the required resources. The City will be best equipped to meet future business needs by adding Cloud services to our Agreement and designating Microsoft a City Standard for providing Cloud services so they can be evaluated as an option when a new system is selected or implemented.

The City has had a working business relationship with Dell for the past five years. Therefore, the City has selected Dell to be our Software Advisor to provide pre- and post-transaction assistance related to the agreements signed between the City and Microsoft. Microsoft will pay Dell for their advisory services.

Purchasing By-law Authorization

The recommendation in this report is being made in accordance with Purchasing By-law 374-06, Section 12 Schedule A, 1(a) (iv) "the complete item, service, or system is unique to one vendor and no alternative or substitute exists within Canada"; and Schedule A, 1 (b) (vii) "It is advantageous to the City to acquire the Goods and/or Services from a supplier pursuant to the procurement process conducted by another Public Body"; and Schedule A, 1 (b) (iv) "The solicitation of competitive Bids would not be economical to the City".

Notwithstanding the requirements of section 18(2)(d) of the Purchasing By-law 374-06, as amended, the Purchasing Agent shall be authorized to negotiate and issue contract amendments and increase the value of the contract with Microsoft where necessary to accommodate growth and future expansion including adoption of new technology to meet business requirements, in a form satisfactory to Legal Services and where the amount has been approved in the budget.

Information Technology, Material Management and Legal Services staff will collaborate to establish the detailed requirements, negotiate the final arrangements and prepare the requisite forms including the contract agreements.

Financial Impact

Information Technology establishes Capital requests on an annual basis, based on business requests and good state of repair, along with the operating budget that reflects yearly maintenance and support. The current estimated spend for the term of June 30, 2018 – June 29, 2021 is \$5 million; \$3.3 million from the operational budget and the remaining from capital.

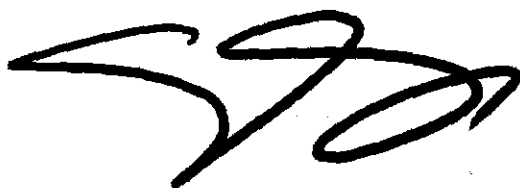
The IT capital and operating budgets have sufficient funding. All future purchases of service will be subject to budget approval.

Conclusion

Microsoft was previously declared as a City Standard in 2013. This report recommends that Microsoft continue to be designated as a City Standard for the supply of Microsoft suite of Products, Support Services and that Microsoft is to be a City Standard for providing Cloud services for a period of three years ending in June 2021 with an option to extend two additional three-year terms. Dell will be designated as the Software Advisor to facilitate pre- and post-transaction assistance. Furthermore, this report recommends that the Purchasing Agent be authorized to utilize and execute the Ontario VLA for Microsoft licenses used at the City's Libraries until September 2020 with an option to extend when the VLA is renewed. Lastly, this report recommends that the Purchasing Agent can negotiate and execute the necessary contracts and amendments with Microsoft directly.

Attachments

Appendix 1: Microsoft Canada Inc. - Statement of Work



For Gary Kent, CPA, CGA, Commissioner of Corporate Services and Chief Financial Officer

Prepared by: Sabrina Stan, IT Asset Management Specialist

Microsoft Canada Inc. – Statement of Work

The following outlines the family of Products and Support Services that will be negotiated with Microsoft and staff from Material Management, Legal Services and Information Technology as part of establishing the contract and pricing model for the term of June 30, 2018 – June 29, 2021, with an option to extend two additional 3-year terms.

- Desktop and Server suite of Products and Operating Systems
- Desktop, Server and Software management tools
- Software development tools
- SQL Server Databases and tools
- Document Management and Collaboration Tools
- Productivity Tools
- Enterprise Reporting and Business Intelligence
- Office Suite of Products
- Support Services
- Cloud Services

City of Mississauga
Corporate Report



Date: 2018/04/26

To: Chair and Members of General Committee

From: Gary Kent, CPA, CGA, Commissioner of Corporate Services and Chief Financial Officer

Originator's files:

Meeting date:
2018/05/16

Subject

Single Source Recommendation with CCG Systems Inc. (Faster Fleet Management) – Contract Renewal. File Ref: Procurement PRC000959 and CSDC Systems Inc. (Amanda) – Contract Extension. File Ref: Procurement PRC00081

Recommendation

1. That the report of the Commissioner of Corporate Services and Chief Financial Officer dated April 26, 2018 entitled Single Source Recommendation with CCG Systems Inc. (Faster Fleet Management) – Contract Renewal. File Ref: Procurement PRC000959 and CSDC Systems Inc. (Amanda) – Contract Extension. File Ref: Procurement PRC00081 be received.
2. That the Purchasing Agent be authorized to execute the necessary agreements for the period of April 1, 2019 to March 31, 2022 with CCG Systems Inc. for the supply of Faster Fleet Management system maintenance and support. The estimated cost for the upgrade and three years maintenance is \$257,698 USD exclusive of taxes.
3. That the Purchasing Agent be authorized to execute the necessary agreements for the period of December 1, 2019 to November 30, 2022 with CSDC Systems Inc. for the supply of Amanda system maintenance and support. The estimated cost for the upgrade and three years maintenance is \$131,599 USD exclusive of taxes.
4. That the Purchasing Agent be authorized to execute the contracts and all related ancillary documents with CCG Systems Inc. and CSDC Systems Inc., on a single source basis for products, professional services, software licensing and maintenance and support of all such components and modules, subject to successful negotiations, in a form acceptable to legal services.
5. That CCG Systems Inc. and CSDC Systems Inc. continues to be designated as a City Standard for the supply of Faster Fleet Management system including maintenance, support and related services for three (3) years.

Report Highlights

- Current maintenance and support contracts for both Faster and Amanda systems are expiring in 2019. The vendors indicated that the current version of Faster (v6.2) and Amanda (v4) will no longer be updated. Contract renewal/extension will allow the City to upgrade Faster Fleet Management software and Amanda System to new vendor supported versions.
- The Faster and Amanda systems support critical business functions within the Transportation and Works department. Not upgrading the systems could introduce risks to business operations as the current versions of the systems are less secure and incompatible with Windows 10 and are incompatible with the latest version of database SQL 2014. The vendor is committed to provide basic system support but will not provide further enhancements for core functionalities.
- Since 2004, City staff within Transportation & Works, Service Operations and Community Services, Fire & Emergency Services have used the Faster Fleet Management system supplied by CCG Systems Inc. for fleet maintenance, asset management, parts inventory and vehicle service records management.
- The Amanda System supplied by CSDC Systems Inc. is used by Transportation & Works, Compliance & Licensing and Mobile Licensing units to issue and manage business operations licenses.

Background

Faster Fleet Management Background:

In 2003, the City procured the Faster Fleet Management System through a competitive bidding process under FA.49.014-02. The Contract was last renewed in 2014 and will expire on March 30, 2019.

The primary users (over 125 staff) of the system are Fire, Service Centre and Transit Business Operations for service and maintenance of Fire vehicles, Transit buses and other City vehicles as well as parts inventory and service records management.

The vendor, CCG Systems Inc., has indicated that the current version of Faster (v6.2) will no longer be updated. The vendor is encouraging all clients (including the City) to upgrade to v7 as this version provides enhanced security, mobile functionalities, improved user interfaces and a more streamlined interface with other applications.

Amanda Background:

Transportation & Works Compliance & Licensing and Mobile Licensing (over 60 users) have been using the Amanda System for issuing, tracking and managing business operating licenses.

The vendor, CSDC Systems Inc., has indicated that the current version of Amanda (v4) will no longer be updated. The vendor is encouraging all clients (including the City) to upgrade to v7 as this version provides enhanced security, mobility functionalities, improved user interfaces and a more streamlined interface with other applications.

Comments

The business units and Information Technology will conduct a competitive procurement for both Faster Fleet Management System and Amanda System at the end of the contract.

Upgrading to the newer versions of Faster and Amanda will allow the City to take advantage of new features, such as mobile/web-enabled functionalities and enhance security. Business processes have evolved over the years to closely align with the systems. In the new versions, the core system functions remain the same. Therefore, upgrading the systems will result in minimal impact on business processes, user training needs as well as Information Technology and operational support processes.

Purchasing By-law Authorization

The recommendation in this report is made in accordance with Schedule A of the Purchasing By-law #374-06, items 1(b)(xi) which states that a single source procurement method may be applied when, "a need exists for compatibility with or for the maintenance and support of a City Standard and there are no reasonable alternatives, substitutes or accommodations"; and (a)(iii), wherein it states that "the Goods and or Services are only available from one supplier by reason of; the existence of exclusive rights such as patent, copyright or license".

Information Technology, Material Management and Legal Services staff will collaborate to establish the detailed requirements, negotiate the final arrangements and prepare the requisite forms including the contract agreements.

Financial Impact

The City's maintenance costs for each of three years (2019-2022) will be funded through the Information Technology annual maintenance budget, subject to Council approval.

CCG Systems Inc. will commit to system upgrade along with maintenance and support cost for three years at \$257,698 USD.

CSDC Systems Inc will commit to system upgrade along with maintenance and support cost for three years at \$131,599 USD.

Sufficient funding is in the Information Technology Maintenance Operating Budget with future increases subject to budget approval.

Conclusion

CCG Systems Inc. continue to represent the City standard for Faster Fleet Management system and CSDC Systems Inc. continue to represent the City standard for Amanda system.

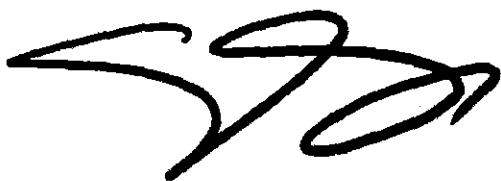
This report recommends that the Purchasing Agent be authorized to initiate contract negotiations and execute the contracts and all related ancillary documents with CCG Systems Inc. and CSDC Systems Inc., on a single source basis for application, professional services and development software including maintenance and support subject to successful negotiations, the City Solicitor's approval and an annual budget approval for a period of three years ending 2022.

It is also recommended to upgrade Faster Fleet Management system to v7 and upgrade Amanda system to v7 for better functionality, enhanced security and continued vendors' update support. This will provide sufficient time to plan and execute a competitive procurement process for this functionality and minimize impacts to the lines of business as well as the customer in the interim.

Attachments

Appendix 1: CCG Systems Inc. (Faster Fleet Management) - Statement of Work

Appendix 2: CSDC Systems Inc. (Amanda) - Statement of Work



For Gary Kent, CPA, CGA, Commissioner of Corporate Services and Chief Financial Officer

Prepared by: Harpal Singh, Project Manager, IT – Project Portfolio & Dev T&W

Appendix 1**CCG Systems Inc. (Faster Fleet Management) – Statement of Work**

The following outlines the pricing negotiated and agreed to with CCG Systems Inc. by staff from Material Management, Legal Services and Information Technology.

Contract Renewal and system upgrade for Procurement PRC000959:

System Upgrade and Professional Services Overview:

- Upgrade Faster Fleet Management system from v6.2 to v7
- Migrate data from current version to new version
- Cleanup existing data for portability to new version
- Install new TEST/DEV environment on virtual machines
- User training to be provided on the upgrade

Maintenance and Support:

CCG Systems Inc. will commit to system upgrade along with maintenance and support cost for three years at following costs.

Year	Cost (USD)
2019-2020 (year 1 maintenance & support)	\$ 24,648
2020-2021 (year 2 maintenance & support)	\$ 25,387
2021-2022 (year 3 maintenance & support)	\$ 26,148
Total maintenance & support – Three (3) years	\$ 76,184
Equipment, licenses and professional services to provide system upgrade	\$133,514
Option for additional expansion and growth (additional licenses, modules, professional services and training)	\$ 48,000
Total three (3) year cost with maintenance agreement	\$257,698

CSDC Systems Inc. (Amanda) – Statement of Work

The following outlines the pricing negotiated and agreed to with CSDC Systems Inc. by staff from Material Management, Legal Services and Information Technology.

Contract Renewal and system upgrade for Procurement PRC000814:

System Upgrade and Professional Services Overview:

- Upgrade Amanda system from v4 to v7
- Install Web Services Toolkit, Single Sign-on and Batch Scheduler modules
- Install new TEST/DEV environment on virtual machines
- User training to be provided on the upgrade

Maintenance and Support:

CSDC Systems Inc. will commit to system upgrade along with maintenance and support cost for three years at following cost.

Year	Cost (USD)
2019-2020 (year 1 maintenance & support)	\$ 10,320
2020-2021 (year 2 maintenance & support)	\$ 10,630
2021-2022 (year 3 maintenance & support)	\$ 10,949
Total maintenance & support – Three (3) years	\$ 31,899
Equipment, licenses and professional services to provide system upgrade	\$ 59,700
Option for additional expansion and growth (additional licenses, modules, professional services and training)	\$ 40,000
Total three (3) year cost with maintenance agreement	\$131,599

REPORT 2 - 2018

To: CHAIR AND MEMBERS OF GENERAL COMMITTEE

The Accessibility Advisory Committee presents its second report for 2018 and recommends:

AAC-0012-2018

That the deputation and associated presentation by Judy Kerling, Manager, Employee Health Services with respect to Human Resources: Accommodation Practices, be received.

(AAC-0012-2018)

AAC-0013-2018

That the update by David Margiotta, Manager, Performance Measurement and Master Plan Implementation, TransHelp and Mike Bechard, Project Advisor, TransHelp with respect to Accessible Transportation - Region of Peel, be received.

(AAC-0013-2018)

AAC-0014-2018

That the verbal update by Jennifer Cowan, Accessibility Specialist with respect to the Accessibility For Ontarians With Disabilities Act, 2005 (AODA) be received.

(AAC-0014-2018)

AAC-0015-2018

That the verbal update by Naz Husain, Citizen Member with respect to the Region of Peel Accessibility Advisory Committee be received.

(AAC-0015-2018)

AAC-0016-2018

1. That the Draft City of Mississauga 2017 Annual Accessibility Report & 2018-2022 Multi-Year Accessibility Plan, and 2017 MiWay Annual Accessibility Report, be received for information;
2. That the Accessibility Advisory Committee is in full support of the Draft City of Mississauga 2017 Annual Accessibility Report & 2018-2022 Multi-Year Accessibility Plan, and 2017 MiWay Annual Accessibility Report as presented.

(AAC-0016-2018)

AAC-0017-2018

1. That the Accessibility Advisory Committee supports electronic participation for advisory committee meetings, including the capability to vote, for individuals with disabilities, where an accommodation has been requested.
2. That the Accessibility Advisory Committee's request for electronic participation at advisory committee meetings be forwarded to Governance Committee for discussion and review.

(AAC-0017-2018)

AAC-0018-2018

1. That the memorandum dated April 3, 2018 from Jennifer Cowan, Accessibility Specialist with respect to the Access 2 Card Program for City of Mississauga Facilities be received for information.
2. That the matter of the Access 2 Card Program for City of Mississauga Facilities be deferred

to the next Accessibility Advisory Committee meeting on June 18, 2018.
(AAC-0018-2018)

AAC-0019-2018

That the Accessibility Advisory Committee Work Plan updated for the April 30, 2018 meeting of the Accessibility Advisory Committee be approved.
(AAC-0019-2018)

AAC-0020-2018

1. That the presentation regarding Mount Charles Park Transit Washroom to the Facility Accessibility Design Subcommittee on February 12, 2018 be received;
2. That subject to the comments on the presentation, the Facility Accessibility Design Subcommittee is satisfied with the design of the Mount Charles Park Transit Washroom.

(AAC-0020-2018)

AAC-0021-2018

1. That the presentation regarding Accessible Pedestrian Signals to the Facility Accessibility Design Subcommittee on November 27, 2017 be received;
2. That subject to the comments on the presentation, the Facility Accessibility Design Subcommittee is satisfied with the design of the Accessible Pedestrian.

(AAC-0021-2018)

AAC-0022-2018

1. That the presentation regarding the Parking Master Plan to the Facility Accessibility Design Subcommittee on March 26, 2018 be received;
2. That subject to the comments on the presentation, the Facility Accessibility Design Subcommittee is satisfied with the design of the Parking Master Plan.

(AAC-0022-2018)

REPORT 5 - 2018

To: CHAIR AND MEMBERS OF GENERAL COMMITTEE

The Heritage Advisory Committee presents its fifth report for 2018 and recommends:

HAC-0052-2018

1. That the presentation from Michelle Charkow, Goldberg Group, and Alex Temporale, Heritage Architect, ATA Architects Inc., to the Heritage Advisory Committee dated May 8, 2018, be received for information.
 2. That the letter dated May 7, 2018 from the Meadowvale Village Heritage Conservation District Advisory Sub-Committee be received.
 3. That the Memorandum dated April 30, 2018 from Paul Damaso, Director, Culture Division, entitled *Alterations to a Property adjacent to the Meadowvale Village Heritage Conservation District: 6985 Second Line West (Ward 11)*, be received for information.
- (HAC-0052-2018)

HAC-0053-2018

1. That the presentation to the Heritage Advisory Committee on May 8, 2018, by Peter Stewart, George Robb Architect and Nick Bogaert, MHBC, be received.
 2. That six oral submissions be received.
 3. That the Heritage Advisory Committee endorses a by-law to be enacted for the Old Port Credit Village Heritage Conservation District Plan Update, and repeal of by-laws 0272-2004 and 0273-2004 as outlined in the Corporate Report dated April 12, 2018, from the Commissioner of Community Services.
- (HAC-0053-2018)

HAC-0054-2018

That the request to alter the fence at the heritage designated property at 1020 Old Derry Road as per the Corporate Report from the Commissioner of Community Services dated April 4th, 2018, be approved.

(HAC-0054-2018)

HAC-0055-2018

That the request to restore three bell tower windows at the heritage designated property at 295 Queen Street South, as per the Corporate Report from the Commissioner of Community Services dated April 11, 2018, be approved.

(HAC-0055-2018)

HAC-0056-2018

That the Heritage Property Grant Program requests as outlined in the corporate report dated April 11, 2018, from the Commissioner of Community Services entitled "2018 Designated Heritage Property Grants", be approved.

(HAC-0056-2018)

HAC-0057-2018

That the Memorandum dated April 18, 2018 from Paul Damaso, Director, Culture Division, entitled *New Construction on Listed Property: 1785 Inner Circle (Ward 8)*, be received for information.

(HAC-0057-2018)

HAC-0058-2018

That the Memorandum dated April 11, 2018 from Paul Damaso, Director, Culture Division, regarding a review of the Heritage Advisory Committee Recommendation dated June 13, 2017, which was subsequently adopted by Council on July 5, 2017, with respect to a request to alter a Heritage Designated Property located at 29 Port Street West (Ward 1), be received for information.

(HAC-0058-2018)

HAC-0059-2018

That Rick Mateljan, Citizen Member, be authorized to attend the 2018 Ontario Heritage Conference in Sault Saint Marie from June 7 to 9, 2018, at an approximate cost of \$1225 (covering approximately \$300 for registration fees, approximately \$300 for travel costs, approximately \$400 for accommodation, and \$225 per diem costs (\$75 per day).

(HAC-0059-2018)

REPORT 5 / 2018

To: CHAIR AND MEMBERS OF GENERAL COMMITTEE

The General Committee presents its fifth report for 2018 and recommends:

MCAC-0018-2018

That the deputation by Michelle Berquist, Project Leader, Transportation regarding the Mississauga Moves – Transportation Master Plan be received.
(MCAC-0018-2018)

MCAC-0019-2018

That the memorandum dated May 2, 2018 from Mattea Turco, Active Transportation Coordinator regarding Cycling on the Mississauga Transitway be received.
(MCAC-0019-2018)

MCAC-0020-2018

That up to \$100.00 be spent from the 2018 Committee of Council budget for Irwin Nayer to attend the Joint Cycling Committee Meeting on June 2, 2018.
(MCAC-0020-2018)