Regional Municipality of Waterloo

Administration and Finance Committee

Agenda

Tuesday, December 6, 2016

Approximately 10:00 a.m. (Immediately following Community Services Committee)

Regional Council Chamber

150 Frederick Street, Kitchener

1. Declarations of Pecuniary Interest under the “Municipal Conflict of Interest Act”

2. Public Hearing of Development Charges Complaint under Subsection 20(4) of the “Development Charges Act”, 1997, as Amended

   2.1 Report COR-FSD-16-33, Development Charges Complaint – Grerei Investment Ltd. – 130 Saltsman Drive, City of Cambridge

   2.2 Opening Address – Region of Waterloo (Richard Brookes)

   2.3 Opening Address – Grerei Investment Ltd. (Peter Buza, Sorbara Law)

   2.4 Committee Discussion

   2.5 Closing Address – Region of Waterloo (Richard Brookes)

   2.6 Closing Address – Grerei Investment Ltd. (Peter Buza, Sorbara Law)

2.7 Recommendation of Committee

   Recommendation:

   That the Regional Municipality of Waterloo dismiss the Complaint of Grerei Investment Ltd., dated November 4, 2016, attached as Appendix “B,” in regards to the Regional Certification of Development Charges CAM-0044-16, as set out in report COR-FSD-16-33, dated December 6, 2016.

3. Delegations

2269251
Consent Agenda Items

Items on the Consent Agenda can be approved in one motion of Committee to save time. Prior to the motion being voted on, any member of Committee may request that one or more of the items be removed from the Consent Agenda and voted on separately.

4. Request to Remove Items from Consent Agenda

5. Motion to Approve Items or Receive for Information

5.1 COR-FSD-16-34, Annual Indexing of Regional Development Charges (Information)

5.2 COR-FFM-16-14, LEED Designations Update (Information)

5.3 HRC-CIT-16-04, Approval of Accessibility Policy and Update on Accessibility Plan 2016 Status Report

Recommendation:

That the Regional Municipality of Waterloo approve the Standards for Accessibility Policy Statement, attached as Appendix A in report HRC-CIT-16-04, dated December 6, 2016.

5.4 HRC-CIT-16-06, Grand River Accessibility Advisory Committee Terms of Reference Update

Recommendation:

That the Regional Municipality of Waterloo approve the Terms of Reference for the Grand River Accessibility Advisory Committee (GRAAC) as amended, as outlined in Report HRC-CIT-16-06, dated December 6, 2016.

5.5 COR-TRY-16-114, 2017 Temporary Borrowing By-laws

Recommendation:

That the Regional Municipality of Waterloo authorize the Chief Financial Officer, by By-law, to borrow funds as required on a temporary basis to meet current and capital expenditures in 2017 to a maximum of $118.0 million for current expenditures and $75.0 million for capital expenditures, as outlined in report COR-TRY-16-114 dated December 6, 2016.
6. Information/Correspondence

6.1 Council Enquiries and Requests for Information Tracking List – No items pending

7. Other Business

8. Next Meeting – January 10, 2017

9. Motion to go into Closed Session

That a closed meeting of the Administration and Finance and Planning and Works Committees be held on Tuesday, December 6, 2016, immediately following the Administration and Finance Committee meeting in the Waterloo County Room in accordance with Section 239 of the Municipal Act, 2001, for the purposes of considering the following subject matters:

a) personal matters about identifiable individuals regarding committee appointments
b) personal matters about identifiable individuals regarding committee appointments
c) personal matters about identifiable individuals regarding committee appointments
d) personal matters about identifiable individuals regarding committee appointments
e) personal matters about identifiable individuals regarding committee appointments
f) personal matters about identifiable individuals regarding committee appointments
g) receiving of advice that is subject to solicitor-client privilege related to a legal matter
h) proposed or pending litigation, receiving of legal advice subject to solicitor-client privilege and proposed or pending acquisition of land in the City of Cambridge

10. Adjourn
Region of Waterloo
Corporate Services
Financial Services & Development Financing

To: Chair Sean Strickland and Members of the Administration and Finance Committee
Date: December 6, 2016
File Code: F27-20
Subject: Development Charges Complaint – Grerei Investment Ltd. – 130 Saltsman Drive, City of Cambridge

Recommendation:

That the Regional Municipality of Waterloo dismiss the Complaint of Grerei Investment Ltd., dated November 4, 2016, attached as Appendix “B,” in regards to the Regional Certification of Development Charges CAM-0044-16, as set out in report COR-FSD-16-33, dated December 6, 2016.

Summary: Nil

Report:

1. Introduction

On November 4, 2016, Grerei Investment Ltd. (the “Complainant”) submitted a complaint to the Region (the “Complaint”) pursuant to section 20 of the Development Charges Act, 1997 (the “DC Act”). The Complaint relates to whether each of the five (5) units in the Complainant’s new 50,229.8 square foot building at 130 Saltsman Drive, Cambridge (the “Building”) should be charged at the reduced rate of “non-residential (industrial)” pursuant to By-law 14-046 of The Regional Municipality of Waterloo, A By-law to Establish Development Charges for The Regional Municipality of Waterloo (“DC By-law”). The Region had originally assessed the entire 5 unit, 50,229.8 square foot building at the non-residential (non-industrial) rate of $9.84 per square foot resulting in a development charge payable of $494,261. At the time of the permit, there was a potential tenant being negotiated for all units within the building. Upon further discussion with the City of
Cambridge (the “City”), the Region confirmed that it would review and reconsider the non-residential (industrial) rate of $4.92 per square foot being applied to the entire building upon receipt of a redacted copy of the signed lease to demonstrate that the space satisfied the definition of “industrial” as prescribed by the RDC By-law. Ultimately the tenant was not secured and all 5 units remain vacant. As a result, the 5 units were to remain assessed at the original non-residential (non-industrial) rate of $9.84 per square foot as these units do not meet the definition of “industrial” as prescribed by the Region’s DC By-law. The complainant has paid the development charges at the original assessed amount of $494,261.

The purpose of this report is to outline the process that has been established by the DC Act and Council for the Complaint, and provide background in relation to the Complaint filed as well as the response of staff.

2. Process for a Complaint

Section 20 of the DC Act states as follows:

Complaint to council of municipality

20. (1) A person required to pay a development charge, or the person’s agent, may complain to the council of the municipality imposing the development charge that,

(a) the amount of the development charge was incorrectly determined;

(b) whether a credit is available to be used against the development charge, or the amount of the credit or the service with respect to which the credit was given, was incorrectly determined; or

(c) there was an error in the application of the development charge by-law.

Time limit

(2) A complaint may not be made under subsection (1) later than 90 days after the day the development charge, or any part of it, is payable.

Form of complaint

(3) The complaint must be in writing, must state the complainant’s name, the address where notice can be given to the complainant and the reasons for the complaint.

Hearing

(4) The council shall hold a hearing into the complaint and shall give the complainant an opportunity to make representations at the hearing.
Notice of hearing

(5) The clerk of the municipality shall mail a notice of the hearing to the complainant at least 14 days before the hearing.

Council’s powers

(6) After hearing the evidence and submissions of the complainant, the council may dismiss the complaint or rectify any incorrect determination or error that was the subject of the complaint. (emphasis added)

The key to this provision of the DC Act is that Council must find that there has been an incorrect determination or error in the application of the DC By-law before it grants the requested remedy.

Pursuant to Report F-14-088, dated June 27, 2014, Council delegated the power to hold a complaint hearing to this Committee. In holding such a hearing, this Committee should comply with principles of procedural fairness including providing the Complainant with an opportunity to provide representations at the hearing.

Decisions of this Committee are final and binding. Section 22 of the DC Act provides that a complainant can appeal any decision of this Committee to the Ontario Municipal Board.

The Region provided the Complainant 14 days notice of the hearing scheduled for December 6, 2016 pursuant to the notice requirements in the DC Act.

3. The Development

On or about July 27, 2016, the Region received a Regional/Educational Certification Request Form, pursuant to the Region’s DC By-law, that was completed by the City. This request was based on the Complainant’s application for a building permit to construct the Building. The Regional Certification Request Form is attached as Appendix “A” to this report. Based on the information provided by the City, staff calculated the Regional Development Charges (“RDCs”) as follows:

<table>
<thead>
<tr>
<th>Original Assessment - Paid by Complainant</th>
</tr>
</thead>
<tbody>
<tr>
<td>Gross Floor Area (sq ft)</td>
</tr>
<tr>
<td>--------------------------</td>
</tr>
<tr>
<td>50,229.8</td>
</tr>
</tbody>
</table>

4. The Complaint

The Complaint is attached as Appendix “B” to this report. In general terms, the Complaint states that the entire Building should be assessed at the reduced “industrial” rate because the City has issued an “Industrial Building Permit” for a shell (“Shell Permit”) and should
therefore be considered Industrial. The Complaint notes that the building, while vacant, is being advertised as an industrial building within an industrial park. The Complaint does concede, however, that there is the possibility of a non-industrial tenant. As the building will be finished based upon the future tenant's needs, the Complainant desires to have the industrial rate applied now until such time as the “Finishing Permit” is issued by the City. The Complainant relies on subsection 4(8) of the DC By-law which states as follows:

(8) If two or more of the actions described in Subsections 2(2)(a) to (g) inclusive of the Act occur, or if the same action occurs more than once at different times in respect of the Development of land then an additional Development Charge shall apply in respect of the subsequent action where the Development which is the subject of the subsequent action would have attracted a greater Development Charge than was paid or payable in respect of the earlier action, but in no case shall a refund be made of any Development Charge paid and in no case shall the total Development Charge payable in respect of the Development exceed the highest charge applicable to the Development as a whole.

5. Response to the Complaint

In general terms, the DC Act is a provincial statute that allows municipalities to enact by-laws for the collection of development charges, which are in the form of a tax, to pay for future growth related municipal services.

Subject to certain restrictions as set out in the DC Act, municipalities are able to make their own policy decisions concerning how they impose and collect development charges. For example, some municipalities only impose development charges for residential development while others impose development charges for all development. Some municipalities exempt universities, churches or hospitals from development charges while others do not.

The Region’s DC By-law, based on the policy decisions of Council, imposes development charges for all development in Waterloo Region, unless exempted. The DC By-law then classifies this development as either Residential Use or Non-Residential Use.

In 2014, the Region made the policy decision to provide a reduced rate for “industrial” within the Non-Residential Use. This was intended to provide an incentive to employers to create new “industrial” jobs and property taxes in Waterloo Region. The charge rate in the Cities for development that meets the definition of “industrial” is $4.92 per square foot while the rate for non-industrial is $9.84.

Under the Region’s development charge by-law, the definition of “industrial” is as follows:

“Industrial” means a building or buildings or portion of a building that are to be used for or in connection with;
(i) the production, compounding, processing, packaging, crating, bottling, packing or assembly of raw or semi-processed goods or materials ("manufacturing") or Warehousing;

(ii) research or development activities in connection with the manufacturing;

(iii) retail sales by a manufacturer, if retail sales are an Accessory Use at the Site where manufacturing is carried out; or,

(iv) office or administrative purposes if they are:
   
   1. carried out as an Accessory Use to the manufacturing or Warehousing; and
   
   2. in or attached to the building or structure used for such manufacturing or Warehousing; (emphasis added)

Staff takes the position that applicants for building permits bear the onus to provide the necessary information to satisfy this definition and to receive the reduced rate for “industrial.” This can be done by providing detailed drawings, leases from tenants, etc.

Staff has consulted with the City and has determined that neither the issuance of an Industrial Shell Permit nor industrial zoning for the Building necessarily means that the Complainant has satisfied the definition of “industrial” in the DC By-law. On the Building Permit, there is a two stage process where developers first obtain a Shell Permit for the building construction and then a Finishing Permit later for the interior of the building. The City advised that developers regularly apply initially for an Industrial Shell Permit and then apply later for a Commercial Finishing Permit if a commercial tenant is eventually obtained. The City advised that developers regularly apply for an Industrial Shell Permit at the first instance because the building permit fee is less for industrial than commercial.

On the zoning, the Building is located in a M3 industrial zoning. However, this designation has numerous permitted uses which do not meet the definition of “industrial” in the DC By-law. For example, M3 industrial zoning permits: a motor vehicle repair shop, a courier business, a trade union hall and a veterinary clinic. Thus, there is no real significance to an Industrial Shell Permit or industrial zoning other than the potential that the eventual tenants could be “industrial” as per the definition in the DC By-law. See Appendix C - Letter from the City of Cambridge Re: Development Charge Calculations for Industrial Buildings – 130 Saltsman Drive, dated November 23, 2016, and Appendix D – email between Region and City staff, dated November 25, 2016.
Staff does not support the Complainant’s contention that the Region should allow the “Industrial” development charge rate for the Shell Permit now and then re-adjust the development charge at the Finishing Permit stage depending on the eventual tenants and uses. Pursuant to the DC By-law, the Region only collects development charges when square footage is constructed or there is a change in use from residential to commercial pursuant to the local municipalities’ zoning by-law. It does not collect development charges when square footage is interior finished and as such would not receive a request to certify development charges based on Finishing Permits from the local municipality. This means that the building permit for construction of the shell is the only instance under the DC-Bylaw in which the Region imposes the proper charge. In the case of an industrial mall, Finishing Permits may be issued for each unit individually over time as they are leased and completed which could, in some instances, take several years.

Staff acknowledges the Complainant’s reference to subsection 4(8) of the DC By-law but staff has interpreted this section to apply to situations where a second building permit is issued for a Development that entails an increased or modified square footage area. In such a case, the Region would be entitled to the increased development charges.

Staff notes two recent precedents where similar issues were dealt with on DC complaints before this Committee. The first was the complaint of Puddicombe House Inc./2464476 Ont. Inc., heard August 11, 2015, which was confirmed on appeal by the Ontario Municipal Board. Here, the Complainant was constructing a 15,000 square foot banquet hall that included a 5,000 square foot unfinished basement area. The Complainant contended that the unfinished basement area – which had previously been planned as a future spa - met the definition of an “Accessory Building” in the DC By-law because the Complainant had marked it as a “mechanical room” in its design drawings. The Complainant also contended that the Region could recoup any additional development charges at a later time if the Complainant changed the unfinished basement area to a spa through a further Finishing Permit. Committee rejected these arguments on the basis that the Complainant did not show, in substance, that the unfinished basement area was a mechanical room and that the development charge pursuant to the DC By-law applied on the first building permit for actual square footage and not any secondary Finishing Permit.

The second was the complaint of 3S Realty Inc., heard January 12, 2016, wherein the Complainant was constructing a three unit building in an industrial zoned area. The first unit was leased for an industrial use, the second unit was leased for a commercial use and the third unit was vacant. The Complainant contended that the entire building should receive the reduced “industrial” rate because one unit met the definition. Committee rejected this position but also considered and rejected the secondary issues that the industrial zoning should satisfy the definition of “industrial” in the DC By-law and that the Region should allow the reduced rate for the vacant unit and recoup such if the unit was eventually finished for a non-industrial tenant.
6. Recommendation

The recommendation of staff is that the Region dismiss the Complaint on the grounds that the proposed development does not meet the definition of “industrial” as prescribed by the Region’s DC By-law.

Staff recognizes that this position could appear to be unfair because the Complainant may eventually lease its proposed building, in whole or part, to an “industrial” tenant. However, staff contends that maintaining the application date for the square footage building permit is proper because it avoids the potential for adjustments and readjustments over a course of time if the date is allowed to be fluid. Staff is also concerned that the Complainant’s position would “water down” many of the exemptions in the DC By-law so that developers could contend that an exemption applies based on little or no evidence with the contention that the Region can recoup the proper development charge when the Finishing Permit is eventually issued.

Corporate Strategic Plan:

This report supports Focus Area 1 – Thriving Economy. Development charges provide an important source of funding for infrastructure needed to accommodate planned growth.

Financial Implications: Nil

Other Department Consultations/Concurrence:

The Legal Services Division assisted in the preparation of this report.

Attachments:

Appendix “A” – Regional Certification of Development Charges CAM-0044-16

Appendix “B” – Grerei Investment Ltd. Complaint Letter and Supporting Schedules

Appendix “C” – Letter from City of Cambridge Re: Development Charge Calculations for Industrial Buildings – 130 Saltsman Drive

Prepared By: Erin Gray, Financial Analyst, Transportation/RDC

Approved By: Craig Dyer, Commissioner, Corporate Services/Chief Financial Officer
Appendix A

Regional Certification of Development Charges
Only Valid Until Dec. 31, 2016
Prepared by: Josh Udit

Received by Region of Waterloo: July 27, 2016
Response to Area Municipality: Aug. 21/16
Certification Number: CAM-0044-16

Property Information:

<table>
<thead>
<tr>
<th>Street Address</th>
<th>130 Saltsman Dr</th>
</tr>
</thead>
<tbody>
<tr>
<td>Owner</td>
<td>Greer Investments Limited</td>
</tr>
<tr>
<td>Assessment Roll #</td>
<td>3006-140-022-700-01-0000</td>
</tr>
<tr>
<td>Settlement Area</td>
<td>Cambridge</td>
</tr>
<tr>
<td>Plan / Tract / Conc.</td>
<td>Plan 58M-302</td>
</tr>
<tr>
<td>Lot / Block / Unit</td>
<td>BLK 1</td>
</tr>
<tr>
<td>Reference Plan #</td>
<td>----</td>
</tr>
<tr>
<td>Part(s)</td>
<td>----</td>
</tr>
</tbody>
</table>

Development:

RDC Calculation is Based on Building Permit # 16-004278
and is for a Maximum Development of:
50229.8 Square Foot Building
Non-Residential (Non-Industrial)

Service: Full

Allowances / Exemptions / Credits:

<table>
<thead>
<tr>
<th></th>
<th># of Units</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>----</td>
</tr>
<tr>
<td></td>
<td>----</td>
</tr>
<tr>
<td></td>
<td>----</td>
</tr>
</tbody>
</table>

Net Development:

\[
\begin{align*}
\text{Development} & \quad 50229.8 \\
\text{Allowances / Exemptions / Credits} & \quad 0.00 \\
\text{Net Development} & \quad 50229.80 \\
\text{Rate} & \quad 9.84 \\
\text{RDC} & \quad 494,261.23
\end{align*}
\]

Total Regional Development Charge: $494,261.23

Regional Certification: [Signature] for Treasurer

Building Permit Issued On: 

Date Remitted to Region of Waterloo: 

Amount $ 

2275244 Page 8 of 59
Appendix B

4 November 2016
Regional Council
Region of Waterloo
Office of the Regional Clerk
150 Frederick Street, 2nd Floor
Kitchener, ON N2G 4J3

Attention: Kris Fletcher, Regional Clerk

Dear Ms. Fletcher:

Re: Complaint concerning Regional Development Charges assessed for Industrial Building Permit 16 004278 000 00 (Construction of Industrial Building Shell at 130 Saltsman Drive, Cambridge)

Please accept this letter as a complaint made by our client, Greeri Investment Ltd. ("Greeri"), under Section 20 of Ontario’s Development Charges Act, 1997 (the “Act”). The basis of the complaint is that the amount of the Region’s development charges was incorrectly determined and that there was an error in the application of the Region’s development charge by-law.

We request that a hearing into the complaint be convened pursuant to subsection 20(4) of the Act.

www.sorbaralaw.com
Experience • Quality • Service
Background

Greari is the owner of an industrial building under construction at 130 Saltsman Drive in the City of Cambridge. The land at 130 Saltsman Drive is zoned industrial and situated in an industrial park known as the Cambridge Business Park.

On 12 August 2016 the City of Cambridge issued Industrial Building Permit 16 004278 000 00 for the construction of an industrial building shell at 130 Saltsman Drive. The building permit that was issued allows for the construction of a “shell” for an industrial building with approximately 50,000 square feet of floor area. The permit is attached as Exhibit ‘A’.

In assessing development charges for the industrial building shell, Regional Municipality of Waterloo staff chose to apply non-industrial (eg commercial) development charge rates known as “Non-Residential (Excluding Industrial)” rates. The building developer complains that by charging commercial rates for industrial development Regional staff incorrectly applied By-Law Number 14-046 - A By-Law to Establish Development Charges for the Regional Municipality of Waterloo (“the By-Law”). Development charges should have been calculated using the lower industrial “Non-Residential (Industrial)” rates because the permit was issued for the construction of an industrial building shell in an industrial park.

As a result of Regional staff’s incorrect application of the By-Law, Regional development charges levied under the By-Law were almost exactly double, or $247,130 higher than the correct industrial development charges.

The question of applicable development charges had been discussed by Regional staff and the builder prior to the issuance of a building permit. On the day prior to the building permit being issued, Regional staff indicated to the builder by email that they would review their decision to levy the higher commercial charges because the owner had a potential industrial tenant (see Exhibit ‘B’). However, the tenant in question was not secured. On 12 October 2016 Regional staff indicated that they would not change their decision to charge commercial development charges for an industrial building shell because the developer had “no signed contract with an industrial tenant” (see Exhibit ‘B’).

While no tenant has been secured as of the time of this writing, the building is being advertised for lease for industrial use. Sample marketing materials are provided as Exhibit ‘C’.

The Legal Grounds for this Complaint

The Region of Waterloo’s decision to impose commercial development charge rates for an industrial building shell is challenged as an incorrect application of the By-Law for several reasons. First, in setting development charges for non-residential development, the By-Law distinguishes between industrial and non-industrial developments and levies
significantly lower rates on industrial developments (see By-Law, Sched. A, Part II). Given that the By-Law distinguishes between industrial and non-industrial development, the correct application of the By-Law demands the imposition of industrial development charges on an industrial building being built in an industrial park.

Second, Regional staff’s rationale for imposing commercial development charges — that there is “no signed contract with an industrial tenant” — is not an acceptable rationale for imposing commercial rates in this case. Section 6 of the Development Charges Act, 1997 requires a development charges by-law to set out the rules for determining the amount of a development charge. Nowhere in the By-Law is it stated that the absence of a signed contract with an industrial tenant requires the imposition of commercial development charges. Since this is not stated, it is not reasonable to use the lack of a tenant as the sole reason for imposing commercial development charges on industrial development.

It is also noted that while there is no contract with an industrial tenant, there is also no contract with a commercial tenant and therefore nothing to support the view that this is not an industrial development. Further, the location (industrial park), zoning (industrial) and nature of the building (industrial) all provide positive evidence that industrial development charges should be charged. If Regional staff are making a decision about the development charges to impose in this case, all evidence points to the imposition of industrial development charges.

Third, higher development charges than those set out for industrial buildings in the By-Law should not have been charged because the By-Law provides no mechanism for refunding the difference between commercial and industrial charges once the owner has secured industrial tenants. Once the owner secures industrial tenants, the owner will have no recourse to having been arbitrarily charged an extra $247,130 for commercial development rates.

Finally, subsection 4(8) of the By-Law and subsection 2(2)(g) of the Act provides a mechanism to levy additional development charges where subsequent building permits are required. If the owner were to secure a commercial tenant, the Region could therefore charge additional development charges because a subsequent building permit would be required to finish some or all of the building for commercial use.

Policy Concerns
As noted in the June 2014 Development Charges Background Study supporting the Region’s development charges By-Law:

\[ \text{... the decline in existing industrial floorspace through demolitions, obsolescence, less intensive use, and shift reductions is expected to continue to be substantial. When taken together with the declining trend in new industrial construction, the net increase in floorspace and employment in this sector is forecast to be very small.} \]

www.sorbaralaw.com
I Experience • Quality • Service I
The effect of Regional staff's decision to levy a charge that is $247,130 higher than the correct charge is to further discourage industrial development and employment in the Region. The same staff decision also undermines the June 27, 2014 resolution of Regional Council which approved "a 50% discount of the non-residential development charge rate ... applicable to Industrial Development" (see Special Regional Council Minutes attached as Exhibit 'D', at page 4).

At the same Regional Council meeting of June 27, 2014, staff report F-14-088 was on the Agenda (see Consolidated Special Council Agenda with extract of Report F-14-088 appended, attached as Exhibit 'E'). Report F-14-088 recommended the 50% discount for industrial development even while noting that there was a cost to this discount. Importantly, the report noted that "[e]ncouraging industrial development has long term benefits with respect to employment and property taxes." (see page 8 of 42 in Report F-14-088 appended to Agenda, Exhibit 'E'). In the same staff report, charts demonstrated that the 50% reduction of development charges for industrial development positioned Cambridge, Kitchener and Waterloo more favourably as compared to comparators like Brantford, Guelph, Hamilton and Halton Hills (see pages 27 and 28 of 42 in Report F-14-088 appended to Agenda, Exhibit 'E').

Conclusion

For the foregoing reasons, the complainant considers Regional staff's choice to impose incorrectly determined higher development charges in this case to be arbitrary and unfair and not founded in either good legal or policy principles. It requests that Regional Council:

a. overturn the staff decision to charge non-industrial development charges in connection with Industrial Building Permit 16 004278 000 00;

b. instruct staff to levy only industrial development charges for the same permit; and,

c. instruct staff to refund any payment made to the municipality that exceeded applicable industrial development charges, plus interest, all calculated in accordance with Section 25 of the Development Charges Act.

Thank you for your attention to this complaint. Notice may be given to the undersigned at the address provided on the letterhead.

Sincerely,

SORBARA, SCHUMACHER, McCANN LLP

Peter Buza

www.sorbaralaw.com

Experience • Quality • Service
EXHIBIT A

Industrial Building Permit
Industrial Building Permit

<table>
<thead>
<tr>
<th>Permit</th>
<th>16 004278 000 00</th>
</tr>
</thead>
<tbody>
<tr>
<td>Issue Date</td>
<td>12-August-2016</td>
</tr>
<tr>
<td>To Construct</td>
<td>Shell Industrial Mall</td>
</tr>
<tr>
<td></td>
<td>NEW INDUSTRIAL MALL - BUILDING 1 SHELL ONLY</td>
</tr>
<tr>
<td>Project Location</td>
<td>130 Saltman Dr.</td>
</tr>
<tr>
<td></td>
<td>Cambridge N3H 4R7</td>
</tr>
<tr>
<td>Lot</td>
<td>Plan: 58M-302 Unit:</td>
</tr>
<tr>
<td>Conditions</td>
<td>For Plumbing inspections please call Larry Peterson at (519) 621-0740 ext. 4888. For inspections please call Mary Carol at (519) 621-0740 ext. 4241. Site Copy of Permit Drawings to be Available for Field Inspection at all times during Construction. P. Eng. Field Review Reports Required to be Submitted for Review. Backflow prevention device to be selected &amp; installed according to By-Law 166-00. Separate Sign Permit Required for Erection of Signs. This permit has been reviewed and issued under 2012 Building Code, O. Reg. 332/12</td>
</tr>
</tbody>
</table>

### BUILDING INSPECTIONS / REPORTS

<table>
<thead>
<tr>
<th>Sprinkler Drawing Review</th>
<th>Commencement of Const.</th>
<th>Architectural Reports</th>
</tr>
</thead>
<tbody>
<tr>
<td>Structural Reports</td>
<td>Mech. / Elec. Reports</td>
<td>Fire Sprinkler Design</td>
</tr>
<tr>
<td>Foundation Inspection</td>
<td>Fouling and Fnd. Reports</td>
<td>Fire Sprinkler Design</td>
</tr>
<tr>
<td>Insulation Inspection</td>
<td>Vapour &amp; Air Barrier Insp.</td>
<td>Fire Sprinkler Design</td>
</tr>
<tr>
<td>Site Services Inspection</td>
<td>Site Service Reports</td>
<td>final grading Inspection</td>
</tr>
<tr>
<td>Aboveground R.I. Plumbing</td>
<td>Backflow Prevention Insp./Report</td>
<td>Final Inspection</td>
</tr>
<tr>
<td>Rough in HVAC Inspection</td>
<td>HVAC Reports</td>
<td>Final Inspection</td>
</tr>
<tr>
<td>Fire Separation Inspection</td>
<td>Fire Access Route Insp.</td>
<td>Final Inspection</td>
</tr>
<tr>
<td>Sprinkler System Report</td>
<td>Final Grading Inspection</td>
<td>Final Inspection</td>
</tr>
</tbody>
</table>

The inspections/reports listed above are mandatory for this project. Please contact your assigned inspector regarding these inspections. 24 hours notice is required.

Permit Number must be used when requesting inspections.

The Chief Building Official may revoke a permit if, after 6 months of issuance, the construction or demolition in respect of which it was issued has not, in the opinion of the Chief Building Official, been seriously commenced. This permit card must be placed in a conspicuous place visible on the job site.

Notice: Electrical installation and modifications require inspections. Please contact the Electrical Safety Authority at 1-877-372-7233

Dennis Purcell, Chief Building Official
EXHIBIT B

Emails
Hi Terry, further to our conversation this afternoon, we have certified the development charges for 130 Saltsman Drive based on 50,229.8 square feet at the non-residential (non-industrial) rate of $9.84/sq ft. for total Regional Development Charges owing of $494,261.23. You have since provided additional information relating to a potential tenant in the building and requested that the Region review to determine if this information is sufficient for the proposed development to meet the definition of "industrial" as prescribed by the Region's Development Charge By-law. Should the development meet the definition of "industrial" as prescribed by the Region's by-law the applicable rate would be $4.92 per square foot. We will need a few days to complete our review of the information provided and I will be in touch once we have completed our review.

Please do not hesitate to contact me should you have any questions.

Thanks,
Shane Fedy CPA, CMA
Manager, Infrastructure Financing
Region of Waterloo
PH: (519) 575-4757 x 3197
SFed@regionofwaterloo.ca

Confidentiality Notice: This email correspondence (including any attachments) may contain information which is confidential and/or exempt from disclosure under applicable law, and is intended only for the use of the designated recipient(s) listed above. Any unauthorized use or disclosure is strictly prohibited. If you are not the intended recipient, or have otherwise received this message by mistake, please notify the sender by replying via email, and destroy all copies of this original correspondence (including any attachments). Thank you for your cooperation.

No virus found in this message.
Checked by AVG - www.avg.com
Version: 2016.0.7752 / Virus Database: 4633/12791 - Release Date: 08/11/16
Peter Buza

From: Erin Gray [EGray@regionofwaterloo.ca]
Sent: October-12-16 2:17 PM
To: Mark Schumacher
Subject: 130 Saltisman Drive

Hello Mark

Further to our discussion, we have reviewed the Development Charges certification with our legal team. At the time of permit the burden lies with the developer to prove that they qualify for an industrial rate as opposed to the commercial rate. In this instance the burden of proof was not met as there was no signed contract with an industrial tenant. At this point, the Region’s position remains that the property should be charged the full non-residential rate.

Please feel free to contact me if you have any further questions

Erin Gray CPA, CA
Financial Analyst
Region of Waterloo
Phone (519) 575-4757 Ext. 3623
Fax (519) 575-4547
e-mail: EGray@regionofwaterloo.ca
EXHIBIT C

Marketing Materials
Industrial Property For Lease

130 Saltsman Drive

130 Saltsman Drive, Cambridge, ON N3H4R7

- Total Space: 50,000 SF
- Available: 
- Rental Rate: $6.50 CAD/SF/Year
- Property Type: Industrial
- Property Sub-type: Flex Space
- Construction Status: Under Construction/Proposed
- Building Size: 50,000 SF
- Build to Suit: Yes
- Listing ID: 19788593
- Last Updated: 20 days ago

Find Out More...

1 Space Available

Display Rental Rate as Entered

Space 1

- Space Available: 50,000 SF
- Rental Rate: $6.50 CAD/SF/Year
- Space Type: Flex Space
- Lease Type: Modified Net
- Date Available: May 2016

Description

New 50,000 sq. ft. development. Units starting at 10,000 sq. ft. This new building will be built on Saltsman Drive at Maple Grove Road. The site is fully accessible to Hwy. 401 and numerous nearby amenities.

Maple Grove and Saltsman

http://looplink.waterloo.cbrc.ca/NetLoopLink/ProfilePrintProfile.aspx?tdid=cbrcwaterloo&SID=19788593&ShowAudit=false
AVAILABLE JANUARY 1ST, 2017

PROPERTY DETAILS

130 SALTSMAN DRIVE

New 50,000 sq ft development. Units starting at 10,000 sq ft. This new building will be built on Saltsman Drive between Maple Grove Road and Barnes Road. The site is fully accessible to Hwy. 401 and numerous nearby amenities.

+ Total Available Space: ±10,000 - 50,000 sq. ft.
+ 2 Dock & 1 Drive-In per 10,000 sq. ft.
+ Clear Ceiling Height: 28’
+ Power: 400 Amps
+ Fiber Optic Cable
+ Possession: Fall 2016
+ LED lighting throughout
+ Zoning: M3
+ Lease Rate: $6.50 per sq. ft.
+ CAM EST. Estimate at $3.18 per sq. ft. (includes 5% of fixed min. rent management fee)
+ R30 insulation in roof, R20 insulation in walls
+ Includes 5% finished office

IDEAL FOR:

+ Manufacturing/ Packaging
+ Distribution/ Warehousing
+ Wholesaling plus other industrial related uses
+ Data/Technology Services
+ Marketing, Media, Printing Services

Back Concept Drawing
INDUSTRIAL SPACE FOR LEASE

LOCATION MAP

SITE

PUBLIC TRANSIT ACCESS
There are 2 routes that have stops located on the corner of Maple Grove Road and Saltsman Drive:
+ Route 203 going between Conestoga College and Cambridge Centre
+ Route 72 going through Cambridge Business Park to the Sportsworld Crossing Terminal with links to Route 52 Fairview Park Mall and Route 200 to Conestoga Mall and Ainslie Street Terminal

CONTACT US
Dietmar Sommerfeld**, CCIM
Senior Vice President, Broker
+1 519 340 2314
dietmar.sommerfeld@cbre.com

WILL HUNTER**, BBA
Sales Representative, Broker
+1 519 340 2307
will.hunter@cbre.com

Julie Garasto
Client Services, Assistant
+1 519 340 2316
julie.garasto@cbre.com

CBRE Limited, Brokerage | 101 Frederick Street | Suite 810 | Kitchener, ON | N2H 5R2 | www.cbre.ca | *Sales Representative, **Broker

The disclosures and obligations to CBRE Limited, its affiliated companies, and all other divisions of the Corporation are included in the information described in this booklet. The information is for information purposes only and is subject to change without notice. CBRE Limited is not bound by any representations or warranties arising from the information in this booklet. CBRE Limited reserves the right to change any property description at any time without notice. It is strongly recommended that any interested parties have the information verified by independent sources.
EXHIBIT D

Special Regional Council Minutes

(Extract only: documents appended to Minutes not included here)
Special Regional Council Minutes

Friday, June 27, 2014

The following are the minutes of the Special Council meeting held at 2:00 p.m. in the Regional Council Chamber, 150 Frederick Street, Kitchener, Ontario, with the following members present: Chair K. Seiling, L. Armstrong, J. Brewer, T. Cowan*, D. Craig, R. Deutschmann, T. Galloway, J. Haalboom, B. Halloran, R. Kelterborn, G. Lorentz, S. Strickland, J. Wideman, and C. Zehr.

Members Absent: C. Millar, J. Mitchell

Declarations of Pecuniary Interest under The “Municipal Conflict Of Interest Act”

None declared.

Motion to Go Into Committee Of The Whole

Moved by J. Brewer

Seconded by J. Wideman

That Council go into Committee of the Whole to consider reports.

Carried

T. Galloway assumed the Chair for the Committee of the Whole portion of the meeting. He made introductory comments, noting this is a continuation of the discussion from the June 17, 2014 Administration and Finance Committee meeting regarding Regional development charges. He advised the Working Group met on Wednesday and highlighted the additional items to be brought forward. The staff report on the agenda today reflects the recommendations from the Working Group. He stated staff will provide a presentation and then Committee members will debate the recommendations. No additional delegations will be heard at this meeting.

1661388
a) F-14-088, Additional Information for 2014 Development Charges By-law Review

Craig Dyer, Chief Financial Officer provided a presentation, a copy of which is appended to the original minutes. The presentation highlighted the background, context for development charges, considerations, recommendations, implementation and next steps.

T. Galloway requested which items members would like taken separately. The following items were taken separately from the main motion:

   Items 2 a), b), c), 3 c), g), h) and i)

General questions were asked by Councillors related to development charge rates for residences versus condominium units, was there shortfall in the period of 2009 – 2014, money in budget for reductions. C. Dyer responded to the questions, noting it was not necessary to go back to the taxpayer to cover shortfalls but there was an impact on the amount to be borrowed. He advised the budgets are based on the By-law in place over the last five years and is also dependent on development activity.

*T. Cowan entered the meeting at 2:45 p.m.

There was discussion regarding the possibility of trading off of development charges and borrowing. It was clarified that development charge dollars cannot be used to fund voluntary exemptions and exemptions should not be related to borrowing. C. Dyer stated that any borrowing for growth related capital costs does not impact taxpayers unless the development charge payments in the future are not sufficient.

It was noted what is supplied through development charges, namely water and sewer services where in rural areas property owners need to put in wells and septic systems at their own cost.

The main motion was put forward and it was agreed to take the requested items separately.

Moved by J. Witeeman

Seconded by S. Strickland

2. That the Regional Municipality of Waterloo, having considered the input provided by the public and stakeholders regarding the development charge rates as calculated in the Background Study, take the following action with respect to Regional Development Charges and incorporate such action in the new Regional Development Charges By-law as applicable:

   a. Set the residential development charge rates in the Development Charge by-law at the rates described in the "2014 Recommended" column of 1661388
Council Minutes

Table 1 in Appendix A of Report F-14-088, incorporating a 10% deferral of water, wastewater and roads capital projects.

Carried

Moved by J. Wideman
Seconded by S. Strickland

2. That the Regional Municipality of Waterloo, having considered the input provided by the public and stakeholders regarding the development charge rates as calculated in the Background Study, take the following action with respect to Regional Development Charges and incorporate such action in the new Regional Development Charges By-law as applicable:

   b. Set the non-residential development charge rates in the Development Charge by-law at the rates described in the “2014 Recommended” column of Table 2 in Appendix A of Report F-14-088, incorporating a 10% deferral of water, wastewater and roads capital projects.

Carried

R. Deutschmann proposed an amendment to paragraph 2 c) to reduce the discount to 40% and provide a discount for non-profit organizations. Councillors debated the proposal and questions were raised as to the definition of non-profit. It was stated that development charges are one of the key issues for companies building in the Region.

A recorded vote was requested.

Moved by R. Deutschmann
Seconded by D. Craig

2. That the Regional Municipality of Waterloo, having considered the input provided by the public and stakeholders regarding the development charge rates as calculated in the Background Study, take the following action with respect to Regional Development Charges and incorporate such action in the new Regional Development Charges By-law as applicable:

   c. Approve a 40% discount of the non-residential development charge rate established under recommendation 2(b) applicable to Industrial Development and provide a discount for non-profit organizations.
Motion Lost

Yeas: L. Armstrong, D. Craig, R. Deutschmann, J. Haalboom, B. Halloran, R. Kelterborn


The original motion for paragraph 2 c) and 3 c) was brought forward.

Moved by J. Wideman

Seconded by S. Strickland

2. That the Regional Municipality of Waterloo, having considered the input provided by the public and stakeholders regarding the development charge rates as calculated in the Background Study, take the following action with respect to Regional Development Charges and incorporate such action in the new Regional Development Charges By-law as applicable:

   c. Approve a 50% discount of the non-residential development charge rate established under recommendation 2(b) applicable to industrial Development.

   Carried

Moved by J. Wideman

Seconded by S. Strickland

3. That the Regional Municipality of Waterloo, having considered the input provided by the public and stakeholders regarding development charge policy and implementation options, take the following action with respect to Regional Development Charges and incorporate such action in the new Regional Development Charges By-law as applicable:

   c. Take no action with respect to the request to provide Regional development charge exemptions for non-profit organizations and community groups

   Carried

1661388
R. Deutschmann proposed an amendment to paragraph 3 g) to eliminate the phasing out of the exemption for the Downtown Core exemption and provide a consistent approach while promoting development in the core areas. The intent would be to mirror the policy of Cambridge and Kitchener related to the downtown core exemptions. There was discussion about the costs and how it would be funded.

With respect to the City of Waterloo, it was suggested they need to be treated the same. It was agreed to withdraw the motion on the floor for paragraph 3 g) in order to deal with paragraph 3 h) before paragraph 3 g).

Moved by R. Deutschmann

Seconded by D. Craig

3. That the Regional Municipality of Waterloo, having considered the input provided by the public and stakeholders regarding development charge policy and implementation options, take the following action with respect to Regional Development Charges and incorporate such action in the new Regional Development Charges By-law as applicable:

   g. Provide an up to 100% exemption of the Downtown Core Regional Development Charge in Kitchener and Cambridge, incorporating the expanded area in the City of Kitchener on July 1, 2016, with all downtown core area exemptions to end no later than March 1, 2019, with the applicability and amount of such exemption being subject to the respective local municipal development charges by-law including a downtown core area exemption in respect of the lands shown in Schedule "D" to the Regional Development Charges By-law and the percentage exemption amount provided for in such local by-laws.

Motion Withdrawn

Page 19 of the staff report was referenced, specifically option C) and this was brought forward for consideration.

S. Strickland requested a recorded vote.

Moved by S. Strickland

Seconded by J. Wideman

3. That the Regional Municipality of Waterloo, having considered the input provided by

1661388
the public and stakeholders regarding development charge policy and implementation options, take the following action with respect to Regional Development Charges and incorporate such action in the new Regional Development Charges By-law as applicable:

h. Commit in the Regional Development Charges By-law to provide a downtown core exemption for the City of Waterloo on the same basis as described in paragraph 3 (g) if the City of Waterloo also introduces a core area exemption for local development charges. (Map to be inserted of the proposed Waterloo exemption area as Schedule “D” to the By-law)

Carried, unanimously


Paragraph 3 g) as amended was brought forward for consideration.

S. Strickland requested a recorded vote.

Moved by R. Deutschmann

Seconded by D. Craig

3. That the Regional Municipality of Waterloo, having considered the input provided by the public and stakeholders regarding development charge policy and implementation options, take the following action with respect to Regional Development Charges and incorporate such action in the new Regional Development Charges By-law as applicable:

g. Provide an up to 100% exemption of the Downtown Core Regional Development Charge in Kitchener and Cambridge, incorporating the expanded area in the City of Kitchener on July 1, 2016, with all downtown core area exemptions to end no later than March 1, 2019, with the applicability and amount of such exemption being subject to the respective local municipal development charges by-law including a downtown core area exemption in respect of the lands shown in Schedule "D" to the Regional Development Charges By-law and the percentage exemption amount provided for in such local by-laws.

Carried

Yeas: J. Brewer, T. Cowan, D. Craig, R. Deutschmann, J. Haalboom, B. Halloran, R. Kelterborn, G. Lorentz, S. Strickland, J. Wideman

1661388
K. Seiling noted the intent is if the local municipality decreases or drops their exemption, the Region will do the same in order to mirror the policy.

The balance of the recommendations were then dealt with. Paragraph 3 i) was removed as it was addressed with the revised paragraph 3 g).

Moved by J. Wideman

Seconded by S. Strickland

1. That the Regional Municipality of Waterloo approve the Development Charge Background Study dated March 2014 as amended, including the capital program contained in the study, for the purpose of complying with Section 10 of the Development Charges Act, 1997.

3. That the Regional Municipality of Waterloo, having considered the input provided by the public and stakeholders regarding development charge policy and implementation options, take the following action with respect to Regional Development Charges and incorporate such action in the new Regional Development Charges By-law as applicable:
   
   a. Extend the period of time for eligible redevelopment and brownfield credits from 5 years to 7 years;
   
   b. Determine eligibility for the statutory 50% industrial expansion exemption based on the existing building on a site as of the effective date of the new Regional Development Charges by-law, being August 1, 2014;
   
   d. Continue the current practice of not providing a Regional development charge exemption for non-exempt educational institutions;
   
   e. Take no action with respect to the request from the Waterloo Region Homebuilders’ Association to delay the effective date of new Regional development charge rates by 3 months;
   
   f. Take no action with respect to the request from the City of Cambridge to phase in the Regional development charges.

4. That Regional Council determined that no further public meeting is necessary in order to consider the changes made to the proposed Development Charge by-law, pursuant to Section 12 of the Development Charges Act, 1997.

5. That the 2014-2023 capital program, as approved by Council on January 15, 2014, 1661388
be amended to include the development charge revenues as calculated in the capital program contained in the Background Study.

6. That having reviewed the development charge rates and determined the rates to be included in the Development Charges by-law, direct staff to monitor the development charge collections and capital program expenditures and report back annually on any shortfalls which may result to assist Council in determining the sufficiency of the rates established under the Development Charge by-law and the appropriateness of re-opening the by-law at that time, with the first report not later than fall 2015.

7. That the Administration and Finance Committee be delegated the authority of Council to conduct hearings relating to complaints made under Section 20 of the Development Charges Act, 1997.

8. That the Regional Development Charges By-law, as set out in Appendix H to Report F-14-088, be approved with an effective date of August 1, 2014.

Carried

Communications

a) Polocorp Inc.

Received for information.

b) Langs

Received for information.

K. Selling resumed the Chair.

Motion for Committee Of The Whole to Rise And Council Resume

Moved by J. Wideman

Seconded by T. Cowan

That Committee of the Whole rise and Council resume.

Carried

Motion to Adopt Proceedings of Committee Of The Whole

Moved by J. Brewer

Seconded by T. Cowan

1661388
That Council adopt the proceeding of the Committee of the Whole.

Carried

Enactment of By-Laws – (First, Second & Third Readings)

Moved by B. Halloran

Seconded by S. Strickland

a) That a By-law to Establish Development Charges for the Regional Municipality of Waterloo be read a first, second and third time, finally passed and numbered 14-046 signed by the Regional Chair and Regional Clerk and sealed with the Regional Seal.

b) That a By-law to Confirm the Actions of Council of June 27, 2014 be read a first, second and third time, finally passed and numbered 14-047 signed by the Regional Chair and Regional Clerk and sealed with the Regional Seal.

Carried

Adjourn

Moved by J. Brewer

Seconded by L. Armstrong

That the meeting adjourn at 4:15 p.m.

Carried

Regional Chair, K. Seiling

Regional Clerk, K. Fletcher

1661388
EXHIBIT E

Consolidated Special Council Agenda

with

Extract of Report F-14-088 Appended

(other documents
appended to Agenda not included)
Regional Municipality of Waterloo
Consolidated Special Council Agenda
Regional Development Charges

Friday, June 27, 2014
* 2:00 p.m. (Note Time Change)
Regional Council Chamber
150 Frederick Street, Kitchener, ON

*Denotes Item(s) Not Part of Original Agenda

The purpose of the meeting is to continue the discussion of the Administration and Finance Committee with respect to the Regional Development Charges and to make a decision regarding Regional Development Charges

1. Declaration of Pecuniary Interest Under the “Municipal Conflict of Interest Act”

2. Motion to Go Into Committee Of The Whole
   a) Opening comments by T. Galloway
   b) F-14-088, Additional Information for 2014 Development Charges By-law Review
      * c) Review and discussion of Development Charges recommendations

3. Communications
   * a) Polocorp Inc.
   * b) Langs (includes correspondence from 15 different agencies across Waterloo Region)

4. Motion for Committee Of The Whole To Rise And Council Resume

1656931
5. Motion to Adopt Proceedings Of Committee Of The Whole

6. Enactment of By-Laws – First, Second & Third Readings
   a) A By-law to Establish Development Charges for the Regional Municipality of Waterloo
   b) A By-law to Confirm the Actions of Council – June 27, 2014

7. Adjourn
Region of Waterloo
Finance Department
Financial Services & Development Financing

To: Regional Chair Ken Seiling and Members of Regional Council

Date: June 27, 2014

File Code: F27-50

Subject: Additional Information for 2014 Development Charges By-law Review

Recommendation:

1. That the Regional Municipality of Waterloo approve the Development Charge Background Study dated March 2014 as amended, including the capital program contained in the study, for the purpose of complying with Section 10 of the Development Charges Act, 1997.

2. That the Regional Municipality of Waterloo, having considered the input provided by the public and stakeholders regarding the development charge rates as calculated in the Background Study, take the following action with respect to Regional Development Charges and incorporate such action in the new Regional Development Charges By-law as applicable:

   a. Set the residential development charge rates in the Development Charge by-law at the rates described in the “2014 Recommended” column of Table 1 in Appendix A of Report F-14-088, incorporating a 10% deferral of water, wastewater and roads capital projects;

   b. Set the non-residential development charge rates in the Development Charge by-law at the rates described in the “2014 Recommended” column of Table 2 in Appendix A of Report F-14-088, incorporating a 10% deferral of water, wastewater and roads capital projects;

   c. Approve a 50% discount of the non-residential development charge rate established under recommendation 2(b) applicable to industrial Development.
3. That the Regional Municipality of Waterloo, having considered the input provided by the public and stakeholders regarding development charge policy and implementation options, take the following action with respect to Regional Development Charges and incorporate such action in the new Regional Development Charges By-law as applicable:

   a. Extend the period of time for eligible redevelopment and brownfield credits from 5 years to 7 years;

   b. Determine eligibility for the statutory 50% industrial expansion exemption based on the existing building on a site as of the effective date of the new Regional Development Charges by-law, being August 1, 2014;

   c. Take no action with respect to the request to provide Regional development charge exemptions for non-profit organizations and community groups;

   d. Continue the current practice of not providing a Regional development charge exemption for non-exempt educational institutions;

   e. Take no action with respect to the request from the Waterloo Region Homebuilders’ Association to delay the effective date of new Regional development charge rates by 3 months;

   f. Take no action with respect to the request from the City of Cambridge to phase in the Regional development charges;

   g. Phase out the Downtown Core Regional Development Charge exemption, incorporating the expanded area in the City of Kitchener on July 1, 2016, on the following basis:

      i. Aug. 1, 2014 - Dec. 31, 2016 = 100% exemption


      iii. Jan. 1, 2018 – Dec. 31, 2018 = 50% exemption

      iv. From Jan. 1, 2019 onward = no exemption;

   h. Take no action with respect to the request from the City of Waterloo to phase in the residential and non-residential development charge increases within the Uptown Waterloo Urban Growth Centre;

   i. Take no action with respect to the request from Fusion Homes for an additional Regional development charge exemption applicable to the expanded area of the City of Kitchener’s downtown core for the 5 year term of the Regional Development Charges by-law.
4. That Regional Council determine that no further public meeting is necessary in order to consider the changes made to the proposed Development Charge by-law, pursuant to Section 12 of the Development Charges Act, 1997.

5. That the 2014-2023 capital program, as approved by Council on January 15, 2014, be amended to include the development charge revenues as calculated in the capital program contained in the Background Study.

6. That having reviewed the development charge rates and determined the rates to be included in the Development Charges by-law, direct staff to monitor the development charge collections and capital program expenditures and report back annually on any shortfalls which may result to assist Council in determining the sufficiency of the rates established under the Development Charge by-law and the appropriateness of re-opening the by-law at that time, with the first report not later than fall 2015.

7. That the Administration and Finance Committee be delegated the authority of Council to conduct hearings relating to complaints made under Section 20 of the Development Charges Act, 1997.

8. That the Regional Development Charges By-law, as set out in Appendix H to Report F-14-088, be approved with an effective date of August 1, 2014.

Summary:

This report provides additional information to Regional Council to assist in its deliberations with respect to the Region’s Development Charges (RDC) By-law. The recommendations described herein have been endorsed by the Working Group and were developed taking into account the following:

- Development charge reserve balances have been decreasing and the Region needs to maximize the development charge revenue collected over the life of the by-law. Development charge collections need to increase in order to sufficiently fund the costs associated with development. The proposed increase in residential development charge rates is reflective of the cost of providing growth related services.

- The majority of the increase in the residential development charge is required to offset development charge reductions put in place in 2009 while the economy was in recession. Revenue over the 5 years of the current by-law was $80 million less than the permissible maximum and the deferred implementation of 5 months in 2009 cost an additional $10 million in foregone RDC revenue.

- Growth does not pay for growth, despite this being a principle established by the province. Ineligible services and costs, a mandatory 10% discount for some services, mandatory exemptions, and a ten year backward looking service level
standard make it impossible for “growth to pay for growth.” The result is an ever increasing burden on taxpayers and ratepayers. Development charges fund only 25% of the Region's 10 year capital program.

- As a result of reduced RDC collections and growth being less than projected, the Region issued $70 million in debt in 2013 to finance growth related wastewater capital costs. For the next 20 years, the first $5 million annually in wastewater RDC revenue is needed simply to fund the associated debt servicing costs. It is estimated that up to $250 million in additional debt will be issued over the next ten years in order to put the infrastructure in place needed to service growth, with resulting debt servicing costs of $15-$18 million per year. This presents an ever increasing risk to the property taxpayer and water and wastewater ratepayers if RDC collections are reduced and/or are insufficient to meet the debt servicing costs. The need to collect a sufficient amount of development charges to cover such costs has never been greater.

- Recent business investment and location decisions have spawned discussion with regards to implementing incentives for industry to both locate and expand in the Region.

- The regional component of the total development charge has increased significantly, and as a result the cost of discretionary exemptions is borne predominantly by the Region.

- Regardless of where development occurs in the Region, new Regional infrastructure is required to provide the capacity to support the growth.

- Regional development charges should be comparable to those of the Region's neighbours.

The report provides a description, analysis, options and rationale relating to development charge rates, policies and implementation options. The existing RDC by-law expires on July 31, 2014.

Report:

1. Background

The Region is required to undertake a review of the Regional Development Charge and the Regional Development Charge By-law every five years. The current RDC By-law expires on July 31, 2014.

Before passing a new Development Charge By-law, a municipality is required to prepare a Background Study. This Background Study and the draft development charge by-law must be made available to the public at least two weeks prior to a
statutory public meeting where the Council will hear representations on the proposed By-law. The draft Background Study dated March 2014 was presented to Administration and Finance Committee on April 1, 2014 (F-14-043) and posted on the Region’s website. The draft RDC By-law was posted on the Region’s website on May 21, 2014.

It is required that Council hold a public meeting to hear input on the Background Study and the draft development charge by-law before the by-law is approved. The public meeting was held on June 4, 2014. Staff submitted report F-14-073 to the Administration & Finance Committee on June 17, 2014 which included the proposed RDC by-law. The Committee deferred consideration of the proposed RDC by-law pending the receipt of additional information relating to certain implementation options. The purpose of this report is to provide such information.

The development charge rates are the subject of recommendations 2(a), 2(b) and 2(c). Development charge implementation and policy matters are the subject of recommendations 3(a) to 3(i).

The Development Charge working group comprised of councillors Tom Galloway (chair of the working group), Jim Wideman, Jane Brewer, Carl Zehr, Todd Cowan, Claudette Millar, Les Armstrong, Ken Seling and Regional staff met on June 25, 2014 to review and finalize the recommendations. The Development Charge working group has endorsed and is putting forward these recommendations for Council’s consideration.
Recommendation 2(c) – Discount for industrial development

Approve a 50% discount of the non-residential Development Charge rate established under recommendation 2(b) applicable to Industrial Development.

Description:

- The working group has discussed possible incentives to encourage industrial development within the Region.
- Existing industrial buildings receive a statutory exemption for an expansion of up to 50% of existing gross floor area.
- Development charges are but one of many factors affecting a business location decision.
- It is proposed that the industrial development charge be discounted by 50%.
- This discount would be paid for from the property tax and user rate budgets.
- Over the five year term of the by-law, and based on growth forecast in the Background Study, the estimated cost of providing this discount is $7 million.
- The City of Kitchener’s new Development Charge by-law includes the following motion: “That the industrial development charge rate be reduced by 50% as shown in Table 2 for the period of July 1, 2014 to March 1, 2019, provided the Region of Waterloo reduces their industrial development charge rate by 50%.”
- The City of Cambridge’s new development charge by-law (approved on June 23, 2014) does not include a discounted rate for industrial development, although Cambridge staff will report back to Council with options for providing industrial exemptions and discounts.

Rationale for recommendation:

The proposed discount positions the Region well with respect to industrial development charges (see Appendix B for municipal comparators). Encouraging industrial development has long term benefits with respect to employment and property taxes.

The Region has budgeted $1.87 million for all discretionary RDC exemptions in the property tax and user rate budgets for 2014. This amount is estimated to be sufficient to meet the expected cost of the discount proposed for the industrial non-residential charge in 2015, together with the current exemptions proposed.
November 23, 2016

Regional Municipality of Waterloo
Mr. Richard Brookes – Legal Services
150 Frederick St., 3rd Floor
Kitchener ON N2G 4J3

Re: Development Charge Calculations for Industrial Buildings – 130 Saltsman Drive

Dear Richard:

The following letter has been requested by the Region of Waterloo as the owner of 130 Saltsman Drive has appealed the Region of Waterloo development charges in relation to the industrial mall proposed to be constructed on the site.

It is my understanding that the Region is preparing a report for the December 6, 2016 Council Meeting to explain the appealed development charges and as such the Region has requested that the City of Cambridge prepare the following letter to explain the general Building Permit and Development Charges processes of the City of Cambridge and particularly the case of 130 Saltsman Drive which is an application for a proposed industrial mall.

Building Permits

Upon the submission of a building permit application for a proposed industrial building to the City of Cambridge, City building staff determine if the proposed building meets the definition of ‘industrial’ based on the information provided in the building permit, this is
typically the shell permit stage. An industrial shell permit is issued based on the Ontario Building Code (OBC) definition of ‘industrial occupancy’ as well as the permitted uses in the City of Cambridge Zoning By-law. The OBC defines industrial occupancy as “the occupancy or use of a building or part of a building for assembling, fabricating, manufacturing, processing, repairing or storing of goods and materials”. Once the permit is ready to be issued, the development charges are calculated and collected from the applicant.

If the applicant is submitting a shell permit, a finishing permit is required to complete the construction of the building. A finishing permit may be received showing commercial uses, after an industrial shell permit has been granted due to a change in the intended use of the building (i.e. based on the needs of prospective tenants). There is no further circulation or collection of development charges at this stage. Building permits required at later dates for changes in tenants will also not require recirculation and collection of development charges.

Development Charges

The City of Cambridge has development charge rates for residential uses and non-residential uses. For the purposes of calculating City of Cambridge development charges non-residential uses are defined as “all commercial, industrial institutional and other uses not included in the residential definition including lodging houses exceeding 10 or more rooms, hotels and motels”. Therefore the City has one development charge rate for any non-residential development (industrial, commercial, institutional etc.). The Region of Waterloo has two types of non-residential development charges, an ‘industrial’ rate and an ‘excluding industrial’ rate.

130 Saltsman Drive

In the case of 130 Saltsman Drive, the development is proposed to be a multi-unit industrial building (industrial mall) containing five units. The property is zoned M3 (industrial zoning) in the City of Cambridge Zoning By-law No. 150-85, as amended. An industrial mall is defined in the City’s Zoning By-law as “a building or a group of buildings held in single ownership or by participants in a condominium corporation or cooperative and divided into units for separate occupancy by different industrial uses for which common loading and parking facilities and other common services may be but not necessarily are provided”. According to the City of Cambridge Zoning By-law section 3.4.2.2 (p) office uses are permitted in an industrial mall provided that any single office establishment does not exceed 2500m² of gross leasable commercial floor area. Other commercial uses are also permitted in an industrial mall provided that these other commercial uses combined do not occupy more than 25% of the gross leasable commercial floor area of the entire building (please refer to Appendix A). Therefore
under the current zoning one of the five units proposed in this situation can be used for a non-industrial use. The applicant indicated a potential tenant was considering using all five units for a furniture manufacturing company which would meet the Region of Waterloo’s definition of industrial use. In this case the applicant was asked to provide a signed lease agreement to the Region of Waterloo to prove that all five units would be used strictly for industrial uses, and no commercial uses. The City does not require this type of agreement. However, the lease agreement with the prospective tenant fell through and the applicant was no longer able to prove the building would be used strictly for industrial uses. The range of uses permitted in the M3 Zone would permit several uses which would not be considered industrial under the Region of Waterloo Development Charge By-law 14-046 (refer to Appendix B for a list of permitted uses in the M3 Zone). Therefore the Regional development charges were calculated by the Region based on the Region of Waterloo’s ‘non-residential, excluding industrial’ rate.

Yours truly,

[Signature]

Jacqueline Hannemann, MCIP, RPP
Planner – City of Cambridge
Appendix A
City of Cambridge Zoning By-law 150-85, as Amended – Section 3.4.2.2 (p) – Permitted Uses in an Industrial Mall
(m) a courier or delivery service (not permitted in an M1 or M2 zone: see section 3.4.3.1(b));

(n) a propane transfer facility or private propane transfer facility (see section 2.5.1);

(o) training and recreation facilities for the employees of the industry located on the same site;

3.4.2.2 one or more of the following uses if located in an industrial mall provided, however, that not more than 2500 m² of gross leasable commercial floor area shall be used by any single establishment in the industrial mall for such purposes:

(i) the executive and administrative offices of any industrial use located off-site elsewhere but not necessarily in the City of Cambridge, including the floor space required to accommodate the in-house technical and professional services of such industry;

(ii) the offices of a professional business consultant such as architectural, engineering, town planning, land surveying, market research, management and industrial design;

(iii) the offices of a place of worship or a non-profit institution;

(iv) a food services establishment, travel agency, fitness club (including the instruction of dance, martial arts and wrestling), bank, trust company, credit union, legal services or health care service and sports training and development but not including a commercial recreational establishment or place of amusement which all above uses may not occupy more than 25% of the gross leasable commercial floor area of the entire building, and must be an integral part of a building containing other permitted uses;

(q) a trade union hall;

(r) an establishment for the display, sales and services of industrial and commercial motor vehicles and motorized equipment having a Gross Vehicle Weight of at least 5600 kg and, as an accessory use to the principal use, for the retail sale of replacement parts for such vehicles and equipment, but not including the display, sales or service of, or sale of replacement parts for, a passenger vehicle, recreational vehicle, bus, pickup truck, panel truck, van, or other motor vehicle or motorized equipment having a Gross Vehicle Weight of less than 5600 kg (not permitted in an M1 or M2 zone: see section 3.4.3.1(b));

(s) training facilities for industrial trades, including employee rehabilitation facilities;

(t) an auto service mall, but does not include an auto body repair shop, automobile sales, automobile service station or gas bar, in accordance with section 3.4.1.9;
Appendix B
City of Cambridge Zoning By-law 150-85, as Amended – Section 3.4.3.1- Permitted uses in M-Class Zones

3.4.2.2 – General Industrial Uses (list of permitted uses considered general industrial)

3.4.1.1 – Factory Sales Outlet (regulations for factory sales outlet within an industrial zone)

3.4.1.2 – Offices in Industrial Zones (regulations for office uses in industrial zones)
Section 3
Zone Regulations

(b) a cartage company;

(c) a builder's yard or contractor's yard;

(d) an establishment for the lease or rental of motor vehicles and/or trailers and transport trailers;

(e) a transport driver training school;

(f) a transportation depot;

(g) sales and service of transport trailers.

3.4.3 Regulations Applicable in M-Class Zones

In an M-class zone, no land shall be used and no building or structure shall be erected, located or used except in accordance with the provisions of sections 1, 2 and 3.4.1 of this by-law and the following regulations:

1. Permitted Uses

<table>
<thead>
<tr>
<th>Uses Permitted</th>
<th>M1</th>
<th>M2</th>
<th>M3</th>
<th>M4</th>
<th>M5</th>
<th>M6</th>
<th>M7</th>
</tr>
</thead>
<tbody>
<tr>
<td>(a) industrial business park uses</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>(b) general industrial uses (other than a motor vehicle repair shop, or auto body repair shop, an auto service mall, an establishment for the display, sales and service of motor vehicles and motorized equipment, a bonded customs warehouse or a courier or delivery service) where no outdoor storage is provided and all operations are entirely conducted within wholly enclosed buildings</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>(c) general industrial uses</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>(d) heavy industrial uses</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

City of Cambridge Zoning By-Law 3.4 Industrial Use Class Zones p.131
### Section 3  
Zone Regulations

<table>
<thead>
<tr>
<th>Uses Permitted</th>
<th>M1</th>
<th>M2</th>
<th>M3</th>
<th>M4</th>
<th>M5</th>
<th>M6</th>
<th>M7</th>
</tr>
</thead>
<tbody>
<tr>
<td>(e) transport uses, including</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>(i) a transport terminal;</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>(ii) a cartage company;</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>(iii) a builder's yard or contractor's yard;</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>(iv) an establishment for the lease or rental of motor vehicles and/or trailers and transport trailers;</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>(v) a transport driver training school;</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>(vi) a transportation depot</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>(vii) sales and service of transport trailers</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>(f) an asphalt or concrete batching plant</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>(g) a junk yard, salvage yard or wrecker's yard</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>(h) an impounding yard</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>(i) a public storage unit</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>(j) a factory sales outlet in accordance with section 3.4.1.1</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>(k) offices in accordance with section 3.4.1.2</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>(l) a day nursery or day care centre</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>(m) a use permitted in all industrial zones in accordance with section 2.1.1</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>(n) an accessory use, building or structure</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

3.4 Industrial Use Class Zones

City of Cambridge Zoning By-Law
Section 3
Zone Regulations

(c) a hotel in which at least 50 guest rooms are provided.

2. General Industrial Uses

Include:

(a) the manufacture, processing, production, fabrication, packaging, assembly, sub-assembly, stamping, treating, finishing, refining, distilling, testing, warehousing including a bonded customs warehouse, storage and stockpiling of products, goods, materials, patterns, tools and dies, but do not include a heavy industrial use as described below, an impounding yard, transport terminal uses as described below, an asphalt or concrete batching plant, a builder's or building contractor's yard, a wrecker's or salvage yard or a junk yard;

(b) a computer programming, data processing or other data services establishment;

(c) an establishment for the development of and/or instruction in, computer assisted design and computer assisted manufacturing;

(d) an establishment for the development, application and use of cybernetics, telecommunications or other advanced technological equipment, processes or programs, or in providing advanced technological services to other industry;

(e) an establishment for industrial research and development;

(f) a laboratory for quality control or product development;

(g) a printing and/or publishing establishment;

(h) a dry cleaning plant in which a depot for the receipt and delivery of dry cleaned articles may also be provided;

(i) a motor vehicle repair shop or auto body repair shop (not permitted in an M1 or M2 zone; see section 3.4.3.1(b));

(j) a caterer's establishment;

(k) a lumber yard in conjunction with which an establishment for the storage and sale of home improvement supplies may also be provided as an accessory use;

(l) a contractor's establishment, which may include a plumbing, heating, air conditioning, electrical or other related general contractor's but does not include a contractor's yard or a retail sales office;
Section 3  Zone Regulations

(m) a courier or delivery service (not permitted in an M1 or M2 zone; see section 3.4.3.1(b));

(n) a propane transfer facility or private propane transfer facility (see section 2.5.1);

(o) training and recreation facilities for the employees of the industry located on the same site;

(p) one or more of the following uses if located in an industrial mall; provided, however, that not more than 2500 m² of gross leasable commercial floor area shall be used by any single establishment in the industrial mall for such purposes:

(i) the executive and administrative offices of any industrial use located off-site elsewhere but not necessarily in the City of Cambridge, including the floor space required to accommodate the in-house technical and professional services of such industry;

(ii) the offices of a professional business consultant such as architectural, engineering, town planning, land surveying, market research, management and industrial design;

(iii) the offices of a place of worship or a non-profit institution;

(iv) a food services establishment, travel agency, fitness club (including the instruction of dance, martial arts and wrestling), bank, trust company, credit union, legal services or health care service and sports training and development but not including a commercial recreational establishment or place of amusement which all above uses may not occupy more than 25% of the gross leasable commercial floor area of the entire building, and must be an integral part of a building containing other permitted uses;

(q) a trade union hall;

(r) an establishment for the display, sales and services of industrial and commercial motor vehicles and motorized equipment having a Gross Vehicle Weight of at least 5600 kg and, as an accessory use to the principal use, for the retail sale of replacement parts for such vehicles and equipment, but not including the display, sales or service of, or sale of replacement parts for, a passenger vehicle, recreational vehicle, bus, pickup truck, panel truck, van, or other motor vehicle or motorized equipment having a Gross Vehicle Weight of less than 5600 kg (not permitted in an M1 or M2 zone; see section 3.4.3.1(b));

(s) training facilities for industrial trades, including employee rehabilitation facilities;

(t) an auto service mall, but does not include an auto body repair shop, automobile sales, automobile service station or gas bar, in accordance with section 3.4.1.9;
Section 3
Zone Regulations

(u) an establishment for the storage and recycling of tires which is not closer than 500 m to a residential zone and approved by the City of Cambridge Fire Department for compliance with the regulations of the Ontario Fire Code;

(v) an establishment for the sales, rental, leasing and service of small equipment and business machines;

(w) a landscaping and gardening centre sales and service;

(x) a veterinary clinic, boarding, training and grooming of household pets;

(y) an establishment for the instruction in arts and crafts and a crafts person shop;

(z) a rental establishment;

(aa) a security or janitorial service;

(bb) a public beverage making establishment;

(cc) an establishment for lease or rental of motor vehicles but does not include the lease or rental of trailers and transport trailers (not permitted in the M1 or M2 zone);

(dd) an establishment for the sale of automotive parts and equipment parts;

(ee) a photocopying service establishment;

(ff) a recording studio;

(gg) a call centre.

3. Heavy Industrial Uses

Include:

(a) an abattoir;

(b) an establishment for the slaughter and dressing of poultry;

(c) a meat packing establishment, or establishment for the production or processing of sausages, smoked meat or fish;

(d) a tannery;

(e) a sugar refinery;
3.4 Industrial Use Class Zones

3.4.1 Regulations Applicable in All Industrial Use Class Zones

1. Factory Sales Outlets

Notwithstanding the provisions of section 3.4.3 of this by-law, any manufacturing industry established in any industrial use class zone may sell to the general public at retail the products manufactured or assembled by the establishment on the premises from a factory sales outlet located within the building in which such products are manufactured if the gross leasable floor area of such factory sales outlet does not exceed 20% of the total floor area of the building.

2. Offices in Industrial Zones

The office floor area required by an industrial use specified in section 3.4.2 for its own executive and administrative purposes or to accommodate in-house technical and professional services may be located:

(a) in the same building as the industrial use;

(b) in a separate building on the same lot as the building occupied by such industrial use provided that all buildings on the same lot are held in single ownership or by participants in a condominium corporation or cooperative;

(c) in an industrial mall;

(d) in an office building permitted in an M1 zone;

(e) in a trailer located on the same lot and situated on such lot in accordance with the regulations prescribed in section 3.4.3.2 of this by-law; provided, however, that any trailer used for the purposes of providing office accommodation for an industrial use shall be considered as an expedient and temporary use pending the completion of construction of permanent office accommodation within a building on the lot.

3. Special Regulations for Motor Vehicle Repair Shops and Auto Body Repair Shops

Notwithstanding section 3.4.3.1(c) of this by-law, in an industrial use class zone no land shall be used and no building or structure shall be erected, located or used for the purposes of a motor vehicle repair shop or auto body repair shop except in accordance with the regulations prescribed in sections 2 and 3.4.1.4 and 3.4.3.2 of this by-law and the following regulations:
Appendix D

From: Jacqueline Hannemann <HannemannJ@cambridge.ca>
Sent: Thursday, November 24, 2016 12:27 PM
To: Richard Brookes; Shane Fedy; Erin Gray
Subject: RE: 130 Saltsman Drive - Letter from City

Richard,

Please see my comments below in red.

Thanks,

Jacqueline Hannemann, BES, MCIP, RPP
Planner – Site Development and Zoning

City of Cambridge
Development and Infrastructure Department
Planning Division
Development Planning Section
50 Dickson Street, 3rd Floor, P.O. Box 669
Cambridge, ON, N1R 5W8
(519) 621-0740 ext. 4289
HannemannJ@Cambridge.ca

From: Richard Brookes [mailto:RBrookes@regionofwaterloo.ca]
Sent: Thursday, November 24, 2016 10:06 AM
To: Jacqueline Hannemann; Shane Fedy; Erin Gray
Subject: RE: 130 Saltsman Drive - Letter from City

Thanks Jacqueline.

ZONING

I just want to make sure I understand completely. The “industrial mall” part confuses it a bit.

Pursuant to the City’s zoning, 130 Saltsman as an “industrial mall” with 5 units in M3 zoning could be comprised of the following once all the tenants are in place:

Unit 1 – printing establishment (which is permitted in “general industrial uses”)

Unit 2 – caterer’s establishment (which is permitted in “general industrial uses”)

Unit 3 – trade union hall (which is permitted in “general industrial uses”)

Unit 4 – offices of a place of worship (under 2500 m2 cap - which is permitted in “general industrial uses”)

Unit 5 – manufacture (which is permitted in “general industrial uses”)
Correct – according to our Zoning By-law an industrial mall with 5 units could be comprised of the above tenants/uses as they are all considered permitted general industrial uses.

BUILDING PERMIT

I also wanted to confirm that the building permit fee for an industrial building permit (shell and finishing) is less than a commercial building permit (shell and finishing) and that is why many building permit applicants start off with the industrial building permit on the shell. i.e. it is cheaper. However, the building permit fees are re-calculated if the developer starts as industrial for the shell permit and ends with commercial for the finishing permit.

Correct.

Thanks.

Richard Brookes, Solicitor
The Regional Municipality of Waterloo
Corporate Resources Department, Legal Services Division
150 Frederick Street, 3rd Floor
Kitchener, ON N2G 4J3
Phone (519) 575-4458
Fax: (519)575-4466
email: rbrookes@regionofwaterloo.ca

NOTE: This email is intended only for the named recipient(s) above and may contain information that is privileged, confidential and/or exempt from disclosure under applicable law. If you have received this message in error, or are not the name recipient(s), please immediately notify the sender and delete this email message.

Complainant: Grerei Investment Limited
Municipality (upper tier): Regional Municipality of Waterloo
By-Law: 14-046 (Region of Waterloo)
Property: 130 Saltsman Drive, Cambridge, Ontario
Building Permit: Industrial Building Permit 16 004278 000 00

AFFIDAVIT OF STEVEN HANLEY, P.ENG.

I, Steven Hanley, P.Eng., of the City of Kitchener in the Region of Waterloo, MAKE OATH AND SAY:

1. I am a Project Engineer employed by GranVal Construction Limited ("GranVal"). GranVal is the design-build firm retained by the Complainant, Grerei Investment Limited, as the lead design consultant and construction contractor for the industrial building shell being built under Industrial Building Permit 16 004278 000 00 at the municipal address 130 Saltsman Drive, Cambridge, Ontario (the “Industrial Building Shell”).

2. I am responsible for reviewing the design of the Industrial Building Shell and certifying the drawings submitted with the Application for a Permit to Construct or Demolish for the Industrial Building Shell. I am also involved in reviews of the Industrial
Building Shell construction. Previously, I acted as the designer of a similar building on the same property identified as 120 Saltsman Drive, Cambridge, Ontario. As such, I have knowledge of the matters contained in this Affidavit. Where such knowledge is based on information and belief, I have stated the source of that information and the basis for my belief.

3. Based on the design of the Industrial Building Shell, once the work authorized by Permit 16 004278 000 00 is complete, the facility will be an insulated building shell with two bathrooms, plumbing, lighting, electrical service, and heating. The 50,229.8 square foot interior of the shell will have no demising (partition) walls and, aside from the bathrooms, there will be no floor, wall or ceiling finishes other than the metal linings of the walls and ceilings that retain insulation. Systems such as electrical and the overhead radiant heating will generally be exposed to view where they run along walls or across the ceiling.

4. Most commercial uses are prohibited by the M3 zoning applicable to the Industrial Building Shell. Attached hereto and marked as Exhibit “A” is a true copy of section 3.4 of the City of Cambridge Zoning By-Law which covers the main usage provisions governing industrial zoning.

5. Based on my knowledge of the design of the Industrial Building Shell and my experience with designing and monitoring the construction and development of similar buildings, I believe that:

(a) any use or occupancy of the building will require an Application for a Permit to Construct or Demolish to be submitted and approved by the City of Cambridge; and,
(b) should the City of Cambridge M3 zoning allow what would be termed a "non-industrial" use under the Region of Waterloo's development charges By-Law 14-046, any portions of the Industrial Building Shell used in such manner would require the installation of finishes, partitions, demising walls and/or other alterations to the building that would require the issuance of a building permit and the submission of an Application for a Permit to Construct or Demolish.

6. I make this Affidavit in support of the Complainant's Complaint and for no other or improper purpose.

SWORN BEFORE ME at the City of Cambridge, in the Regional Municipality of Waterloo on November ........, 2016

[Signature]
Commissioner for Taking Affidavits
(or as may be)

[Signature]
STEVEN HANLEY

[Signature]
PETER BUZA
3.4 Industrial Use Class Zones

3.4.1 Regulations Applicable in All Industrial Use Class Zones

1. Factory Sales Outlets

Notwithstanding the provisions of section 3.4.3 of this by-law, any manufacturing industry established in any industrial use class zone may sell to the general public at retail the products manufactured or assembled by the establishment on the premises from a factory sales outlet located within the building in which such products are manufactured if the gross leasable floor area of such factory sales outlet does not exceed 20% of the total floor area of the building.

2. Offices in Industrial Zones

The office floor area required by an industrial use specified in section 3.4.2 for its own executive and administrative purposes or to accommodate in-house technical and professional services may be located:

(a) in the same building as the industrial use;

(b) in a separate building on the same lot as the building occupied by such industrial use provided that all buildings on the same lot are held in single ownership or by participants in a condominium corporation or cooperative;

(c) in an industrial mall;

(d) in an office building permitted in an M1 zone;

(e) in a trailer located on the same lot and situated on such lot in accordance with the regulations prescribed in section 3.4.3.2 of this by-law; provided, however, that any trailer used for the purposes of providing office accommodation for an industrial use shall be considered as an expedient and temporary use pending the completion of construction of permanent office accommodation within a building on the lot.

3. Special Regulations for Motor Vehicle Repair Shops and Auto Body Repair Shops

Notwithstanding section 3.4.3.1(c) of this by-law, in an industrial use class zone no land shall be used and no building or structure shall be erected, located or used for the purposes of a motor vehicle repair shop or auto body repair shop except in accordance with the regulations prescribed in sections 2 and 3.4.1.4 and 3.4.3.2 of this by-law and the following regulations:
(a) no *derelict motor vehicle* shall be parked or stored on the *lot* unless screened from view by a solid fence or wall not less than 2.0 m in height;

(b) no fuel shall be sold at retail from a *motor vehicle repair shop* or *auto body repair shop*;

(c) used motor vehicles may be sold at a *motor vehicle repair shop* or *auto body repair shop* provided:

(i) not more than two vehicles per service bay shall be sold from the site;

(ii) the sale of used motor vehicles is an *accessory use* to such *motor vehicle repair shop* or *auto body repair shop*.

4. Location and Screening of Outdoor Storage Areas

(a) subject to clause (b), no outdoor storage of equipment, goods and materials shall be provided in any M-class zone:

(i) between the *street line* and *regulatory building line* and, if provided between the *regulatory building line* and *established building line*, shall be screened from view along the *regulatory building line*;

(ii) within the minimum *exterior side yard* required by this by-law and, if provided in any part of an *exterior side yard* which is greater than the minimum required by this by-law, shall be screened from view along the line of the *exterior side yard* required by this by-law;

(b) any outdoor storage of equipment, goods or materials in an M7 zone shall be screened from view by one or any combination of a solid fence or wall or earth berm not less than 2.5 m in height erected around the entire perimeter of the outside storage area.

5. Use of Vacant Industrial Lands for Non-Industrial Purposes

Notwithstanding the provisions of section 3.4.3.1 of this by-law, vacant lands in any industrial use class zone may be used for one or more of the following purposes provided that no building or structure is erected, located or used in conjunction therewith:

(a) *farming* where no intensive animal operation, fur farming or fish farming is involved;

(b) market gardening;

(c) landscape gardening;
(d) non-commercial recreational use.

6. Core Areas Industrial Development

The commercial site development specifications prescribed for the C1 zone in section 3.3.3.2 of this by-law may be substituted for the site development specifications prescribed in section 3.4.3.2 for M-class zones where an industrial use is located in an M2, M3 or M4 zone within the area shown outlined by a heavy black line on Special Area Zoning Maps Z4, Z5 and Z6 attached to and forming part of this by-law; provided, however, that all of the other provisions of this by-law applicable to development in an M2, M3 or M4 zone shall continue to apply.

7. Front Yard and Exterior Side Yard Requirements in Industrial Use Class Zones

Subject to section 3.4.1.6, a front yard and exterior side yard of at least 6.0 m shall be provided in any industrial use class zone except in the following locations where a minimum front yard and exterior side yard of 12.0 m are required:

(a) in an M1 zone;

(b) within the area north of Highway 401 and west of Speedsville Road;

(c) within the area bounded by Highway 401, Hespeler Road, Eagle Street and the CN railway tracks;

(d) within the area bounded by Highway 401, the easterly city limits, the proposed east-west arterial road and Hespeler Road, save and except the area abutting the east side of Hespeler Road between the proposed east-west arterial road and Dunbar Road;

(e) within the area bounded by Dundas Street, Elgin Street North, Samuelson Street, Clyde Road, the easterly city limits and Moffatt Creek;

(f) within the area bounded by the north side of Maple Grove Road on the east side of Fountain Street and south and west of Middle Creek.

8. Yards Required for Hotels

A minimum side or rear yard of 7.5 m shall be provided for any hotel erected, located or used in an M1 zone where:

(a) the principal entrance to such hotel is obtained through such side yard or rear yard;
(b) a wall of such hotel contains a window to a habitable room facing such side yard or rear yard.

9. *Auto Service Malls* in Industrial Zones

(a) subject to clause (b) of this subsection, *auto service malls* may be established in the following locations:

(b) (i) the site is located in an M3, M4, M5, M6 or M7 zone;

(ii) the regulations prescribed in section 3.4.3.2 shall apply to an *auto service mall* located in an industrial zone;

(iii) notwithstanding section 3.4.1.9(b)(ii), the gross leasable commercial floor area for such *auto service mall* shall not be less than 500 m² or greater than 5000 m²;

(iv) no single establishment in an *auto service mall* shall have a gross leasable commercial floor area less than 75 m²;

(v) off-street parking shall be provided in accordance with sections 2.2.1;

(vi) planting strips and fencing shall be provided in accordance with section 2.4.

10. Special Regulations for *Drive-Through Facilities*

A *drive-through facility* must be a minimum distance of 30 m from the boundary of an abutting residential or institutional zone, minus the minimum distance required for an interior side yard or rear yard of such abutting R-class zone or an N-class zone, except where there is a noise barrier wall having a minimum height of 1.8 m or a building wall located between the drive-through facility and a dwelling or institutional use, the minimum distance shall be 15 m from the boundary of an abutting residential or institutional zone, minus the minimum distance required for an interior side yard or rear yard of such abutting R-class zone or an N-class zone.

11. Special Regulations for Places of Worship

Notwithstanding the provisions of Section 3.4.3 of this by-law, lands within the regeneration and transition areas shown on Map Z9 may also be used for a place of worship in accordance with the regulations of Section 3.2. (By-law 160-10)
3.4.2 Industrial Uses

For the purposes of section 3.4.3 and the other provisions of this by-law,

1. Industrial Business Park Uses

Include:

(a) a general industrial use as described in section 3.4.2.2 where no outdoor storage is provided and all operations are conducted within wholly enclosed buildings but do not include a motor vehicle repair shop, or auto body repair shop, an auto service mall, an establishment for display, sales and service of motor vehicles and motorized equipment, a bonded customs warehouse or a courier or delivery service;

(b) an office building in which at least 1,860 m² of gross floor area are provided for occupancy by one or more of the following uses:

   (i) printing, publishing or broadcasting facilities;

   (ii) a data services establishment;

   (iii) a branch bank or trust company;

   (iv) a food services establishment which occupies not more than 500 m² of the gross floor area of the building and which is not freestanding on the site;

   (v) the offices of a professional business consultant, architectural, engineering, town planning, land surveying, market research, management, industrial design, legal services or health care services;

   (vi) the executive and/or administrative or business offices of one or more of the following:

      (1) an industrial enterprise whose industrial activities may be conducted off-site elsewhere but not necessarily within the City of Cambridge;

      (2) a financial, insurance or real estate establishment;

      (3) a religious or non-profit institution;

      (4) a retail/wholesale business in which no sales are offered on site; and

      (5) a service industry specifically limited to construction, transportation, communication and utilities uses;
(c) a hotel in which at least 50 guest rooms are provided.

2. General Industrial Uses

Include:

(a) the manufacture, processing, production, fabrication, packaging, assembly, sub-assembly, stamping, treating, finishing, refining, distilling, testing, warehousing including a bonded customs warehouse, storage and stockpiling of products, goods, materials, patterns, tools and dies, but do not include a heavy industrial use as described below, an impounding yard, transport terminal uses as described below, an asphalt or concrete batching plant, a builder's or building contractor's yard, a wrecker's or salvage yard or a junk yard;

(b) a computer programming, data processing or other data services establishment;

(c) an establishment for the development of and/or instruction in, computer assisted design and computer assisted manufacturing;

(d) an establishment for the development, application and use of cybernetics, telecommunications or other advanced technological equipment, processes or programs, or in providing advanced technological services to other industry;

(e) an establishment for industrial research and development;

(f) a laboratory for quality control or product development;

(g) a printing and/or publishing establishment;

(h) a dry cleaning plant in which a depot for the receipt and delivery of dry cleaned articles may also be provided;

(i) a motor vehicle repair shop or auto body repair shop (not permitted in an M1 or M2 zone: see section 3.4.3.1(b));

(j) a caterer's establishment;

(k) a lumber yard in conjunction with which an establishment for the storage and sale of home improvement supplies may also be provided as an accessory use;

(l) a contractor's establishment, which may include a plumbing, heating, air conditioning, electrical or other related general contractor's but does not include a contractor's yard or a retail sales office;
(m) a courier or delivery service (not permitted in an M1 or M2 zone: see section 3.4.3.1(b));

(n) a propane transfer facility or private propane transfer facility (see section 2.5.1);

(o) training and recreation facilities for the employees of the industry located on the same site;

(p) one or more of the following uses if located in an industrial mall; provided, however, that not more than 2500 m² of gross leasable commercial floor area shall be used by any single establishment in the industrial mall for such purposes:

(i) the executive and administrative offices of any industrial use located off-site elsewhere but not necessarily in the City of Cambridge, including the floor space required to accommodate the in-house technical and professional services of such industry;

(ii) the offices of a professional business consultant such as architectural, engineering, town planning, land surveying, market research, management and industrial design;

(iii) the offices of a place of worship or a non-profit institution;

(iv) a food services establishment, travel agency, fitness club (including the instruction of dance, martial arts and wrestling), bank, trust company, credit union, legal services or health care service and sports training and development but not including a commercial recreational establishment or place of amusement which all above uses may not occupy more than 25% of the gross leasable commercial floor area of the entire building, and must be an integral part of a building containing other permitted uses;

(q) a trade union hall;

(r) an establishment for the display, sales and services of industrial and commercial motor vehicles and motorized equipment having a Gross Vehicle Weight of at least 5600 kg and, as an accessory use to the principal use, for the retail sale of replacement parts for such vehicles and equipment, but not including the display, sales or service of, or sale of replacement parts for, a passenger vehicle, recreational vehicle, bus, pickup truck, panel truck, van, or other motor vehicle or motorized equipment having a Gross Vehicle Weight of less than 5600 kg (not permitted in an M1 or M2 zone; see section 3.4.3.1(b));

(s) training facilities for industrial trades, including employee rehabilitation facilities;

(t) an auto service mall, but does not include an auto body repair shop, automobile sales, automobile service station or gas bar, in accordance with section 3.4.1.9;
(u) an establishment for the storage and recycling of tires which is not closer than 500 m to a residential zone and approved by the City of Cambridge Fire Department for compliance with the regulations of the Ontario Fire Code;

(v) an establishment for the sales, rental, leasing and service of small equipment and business machines;

(w) a landscaping and gardening centre sales and service;

(x) a veterinary clinic, boarding, training and grooming of household pets;

(y) an establishment for the instruction in arts and crafts and a craftsperson shop;

(z) a rental establishment;

(aa) a security or janitorial service;

(bb) a public beverage making establishment;

(cc) an establishment for lease or rental of motor vehicles but does not include the lease or rental of trailers and transport trailers (not permitted in the M1 or M2 zone);

(dd) an establishment for the sale of automotive parts and equipment parts;

(ee) a photocopying service establishment;

(ff) a recording studio;

(gg) a call centre.

3. **Heavy Industrial Uses**

   Include:

   (a) an abattoir;

   (b) an establishment for the slaughter and dressing of poultry;

   (c) a meat packing establishment, or establishment for the production or processing of sausages, smoked meat or fish;

   (d) a tannery;

   (e) a sugar refinery;
(f) an establishment for the rendering of fat or tallow;

(g) an establishment for curing tobacco;

(h) an establishment for the cultivation of yeast;

(i) an establishment for nitrating cotton or other materials;

(j) an establishment for the storage or distribution of inorganic liquids or gases in a battery or tank farm at low or atmospheric pressure;

(k) an establishment for curing rubber;

(l) an establishment for the production or pulverizing of charcoal;

(m) a coke oven;

(n) an establishment for the extraction, refining or smelting of metals;

(o) an establishment for the production of metal ingots, billets or bars;

(p) an establishment for the extrusion or rolling of metals;

(q) a blooming operation;

(r) an establishment for refining, distilling, separating or cracking petroleum, tar or petrochemicals;

(s) an establishment for the production of hydrocarbon gases;

(t) an establishment for mixing or blending tar or petroleum products in the production of paving, roofing or water proofing materials, or for the incorporation of tar or petroleum products in roofing or water proofing materials, or for the storage of petroleum, tar or other petrochemicals in a battery or tank farm at low or atmospheric pressure;

(u) an establishment for the bulk storage of fuels or fuel oils, other than an automobile service station or gas bar;

(v) an establishment for the manufacture or processing of gypsum, lime, Plaster of Paris or calcimine;

(w) an establishment for the manufacture of:

(i) beet sugar;
(ii) bleaching compound;

(iii) bricks, tiles or clay products where no asphalt or concrete baking plant is used on the site of the manufacturing operation;

(iv) calcium carbide as part of an operation for the production of acetylene gas;

(v) casein;

(vi) caustic soda or sodium hydroxide;

(vii) coal tar distillates or products;

(viii) coal or wood distillates;

(ix) creosote;

(x) explosives, fireworks, ammunition, matches, acetylene, ammonia, chlorine or hydrogen; of hydrochloric, nitric, picric or sulphuric acid or their derivatives, with the prior approval of council;

(xi) glue or glue size;

(xii) graphite;

(xiii) lampblack;

(xiv) organic fertilizers;

(xv) paint, varnish, shellac or turpentine;

(xvi) paper or paper board;

(xvii) potash;

(xviii) synthetic resins;

(x) transport uses as described in section 3.4.2.4.

4. Transport Uses

Include:

(a) a transport terminal;
(b) a cartage company;

(c) a builder’s yard or contractor’s yard;

(d) an establishment for the lease or rental of motor vehicles and/or trailers and transport trailers;

(e) a transport driver training school;

(f) a transportation depot;

(g) sales and service of transport trailers.

3.4.3 Regulations Applicable in M-Class Zones

In an M-class zone, no land shall be used and no building or structure shall be erected, located or used except in accordance with the provisions of sections 1, 2 and 3.4.1 of this by-law and the following regulations:

1. Permitted Uses

<table>
<thead>
<tr>
<th>Uses Permitted</th>
<th>In Zone</th>
</tr>
</thead>
<tbody>
<tr>
<td>(a) industrial business park uses</td>
<td></td>
</tr>
<tr>
<td>(b) general industrial uses (other than a motor vehicle repair shop, or auto body repair shop, an auto service mall, an establishment for the display, sales and service of motor vehicles and motorized equipment, a bonded customs warehouse or a courier or delivery service) where no outdoor storage is provided and all operations are entirely conducted within wholly enclosed buildings</td>
<td></td>
</tr>
<tr>
<td>(c) general industrial uses</td>
<td></td>
</tr>
<tr>
<td>(d) heavy industrial uses</td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>M1</th>
<th>M2</th>
<th>M3</th>
<th>M4</th>
<th>M5</th>
<th>M6</th>
<th>M7</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Uses Permitted</td>
<td>In Zone</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>------------------------------------------------------------------------------</td>
<td>---------</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>(e) transport uses, including</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>(i) a transport terminal;</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>(ii) a cartage company;</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>(iii) a builder's yard or contractor's yard;</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>(iv) an establishment for the lease or rental of motor vehicles and/or trailers and transport trailers;</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>(v) a transport driver training school;</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>(vi) a transportation depot</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>(vii) sales and service of transport trailers</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>(f) an asphalt or concrete batching plant</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>(g) a junk yard, salvage yard or wrecker's yard</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>(h) an impounding yard</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>(i) a public storage unit</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>(j) a factory sales outlet in accordance with section 3.4.1.1</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>(k) offices in accordance with section 3.4.1.2</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>(l) a day nursery or day care centre</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>(m) a use permitted in all industrial zones in accordance with section 2.1.1</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>(n) an accessory use, building or structure</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
2. Site Development Specifications

<table>
<thead>
<tr>
<th></th>
<th>Zone</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>M1</td>
</tr>
<tr>
<td>(a) minimum lot frontage (metres)</td>
<td>50</td>
</tr>
<tr>
<td>(b) minimum lot area (square metres)</td>
<td>5000</td>
</tr>
<tr>
<td>(c) minimum front yard</td>
<td></td>
</tr>
<tr>
<td>(d) minimum interior side yard (metres)</td>
<td>5</td>
</tr>
<tr>
<td>(e) minimum exterior side yard</td>
<td></td>
</tr>
<tr>
<td>(f) minimum side yard abutting a residential use class zone (metres) (see section 2.4)</td>
<td>7.5</td>
</tr>
<tr>
<td>(g) minimum rear yard (metres)</td>
<td>7.5</td>
</tr>
<tr>
<td>(h) minimum rear yard abutting a residential use class zone (metres) (see section 2.4)</td>
<td>7.5</td>
</tr>
<tr>
<td>(i) minimum side or rear yard abutting Highway 401 (metres)</td>
<td>14</td>
</tr>
<tr>
<td>(j) minimum side or rear yard abutting a railway line or spur (metres)</td>
<td>nil</td>
</tr>
<tr>
<td>(k) planting strips and fencing</td>
<td></td>
</tr>
<tr>
<td>(l) propane storage, transfer or dispensing facilities</td>
<td></td>
</tr>
</tbody>
</table>
The Regional Municipality of Waterloo
Standing Committee on Administration and Finance


Complainant: Grerei Investment Limited
Municipality (upper tier): Regional Municipality of Waterloo
By-Law: 14-046 (Region of Waterloo)
Property: 130 Saltsman Drive, Cambridge, Ontario
Building Permit: Industrial Building Permit 16 004278 000 00

AFFIDAVIT OF ALFONS GEISSLER

I, Alfons Geissler, of the City of Kitchener in the Province of Ontario, MAKE OATH AND SAY:

1. I am a Vice-President of the Complainant, Grerei Investment Limited ("Grerei") and, as such, I have knowledge of the matters contained in this Affidavit. Where such knowledge is based on information and belief, I have stated the source of that information and the basis for my belief.

2. Grerei is developing a new industrial building at 130 Saltsman Drive, Cambridge, Ontario. The building shell is under construction as of today's date under the authority of Industrial Building Permit 16 004278 000 00 and is subject to City of Cambridge Industrial M3 zoning.

3. Attached hereto and marked as Exhibit ‘A’ and Exhibit ‘B’ are photographs of the new building shell under construction on December 1, 2016.
4. Grerei is the investor-owner of several existing industrial buildings in Cambridge, Ontario, including those located at:

   (a) 1030 Fountain Street;

   (b) 120 Saltsman Drive;

   (c) 125 Vondrau Drive;

   (d) 95 Vondrau Drive; and,

   (e) 50 Barnes Avenue.

5. As of today's date, no tenants have been confirmed for the new building at 130 Saltsman Drive.

6. It is my expectation and belief that the tenants secured for the new building at 130 Saltsman Drive will be industrial tenants who will use the building for warehousing, storage and distribution or industrial activities that include or are connected to manufacturing. This would be consistent with Grerei's experience in its other industrial buildings in Cambridge, which are also tenanted by industrial users.

7. I make this Affidavit in support of the Complainant's Complaint and for no other or improper purpose.

SWORN BEFORE ME at the City of Waterloo, in the Regional Municipality of Waterloo on December ............, 2016

[Signature]
Commissioner for Taking Affidavits (or as may be)

PETER BUZA

[Signature]
ALFONS GEISSLER
EXHIBIT 'A' - FRONT OF INDUSTRIAL BUILDING SHELL UNDER CONSTRUCTION
EXHIBIT 'B' - REAR OF INDUSTRIAL BUILDING SHELL UNDER CONSTRUCTION
Region of Waterloo
Corporate Services
Financial Services & Development Financing

To: Chair Sean Strickland and Members of the Administration and Finance Committee

Date: December 6, 2016 File Code: F27-50

Subject: Annual Indexing of Regional Development Charges

Recommendation:
For Information

Summary:

- The Region’s Development Charges (RDC) By-law 14-046 provides for automatic indexing adjustments without by-law amendments.

- The indexing adjustment of 1.3% will be applied to RDCs on January 1, 2017 based on the change to the Statistics Canada Quarterly, Construction Price Statistics table 327-0043 Non-residential Building Construction Price index (formerly catalogue number 62-007) as prescribed in the Regulations to the Development Charges Act.

- Newly approved RDCs for Transit and Waste Management will not be indexed on January 1, 2017.

- The detailed schedules of the 2017 RDC rates, by service, for residential and non-residential development are included as Attachments #1 and #2 to this report respectively.
Report:

The Region’s development charges are governed by By-law 14-046 which was passed by Regional Council on June 27, 2014 and came into force on August 1, 2014. The by-law includes a provision to index the RDC rates annually on January 1st of each year in accordance with the Regulations under the Development Charges Act (DCA) being the Statistics Canada Quarterly, Construction Price Statistics catalogue number 62-007. The RDC by-law was amended on November 30, 2016 to include new RDC rates for Waste Management and revised Transit RDC rates. As set out in Report COR-FSD-16-32 “Development Charges for Transit and Waste Management” dated November 22, 2016, the proposed RDC rates for “other services” are to be indexed January 1, 2017 while the rates for Waste Management and Transit would remain as presented in the report.

Indexing of Development Charges

The Statistics Canada Quarterly, Construction Price Statistics, Non-residential Building Construction Price table 327-0043 (previously referred to as catalogue number 62-007) has increased by 1.3% between October 2015 and September 2016. Accordingly, the Region of Waterloo’s RDC rates under By-law 14-046 will increase by 1.3% on January 1, 2017. The following table shows the price index values recorded during 2015 and 2016.

<table>
<thead>
<tr>
<th>Statistics Canada</th>
</tr>
</thead>
<tbody>
<tr>
<td>Table 327-0043</td>
</tr>
<tr>
<td>Non-residential Building Construction Price Index</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Q3 - 2015</th>
<th>Q4-2015</th>
<th>Q1-2016</th>
<th>Q2-2016</th>
<th>Q3-2016</th>
</tr>
</thead>
<tbody>
<tr>
<td>155.3</td>
<td>155.8</td>
<td>156.0</td>
<td>156.7</td>
<td>157.3</td>
</tr>
</tbody>
</table>

As shown above, the construction price index has increased consistently throughout the period. The increases are mainly due to continuous increases in material prices.
The table below provides a summary of the RDC rate adjustments as a result of the indexing and as a result of the approval of an amending by-law for Transit and Waste Management approved by Regional Council on November 30, 2016. These new rates will be effective from January 1, 2017.

<table>
<thead>
<tr>
<th></th>
<th>Rate In Effect Jan 1- Dec 31, 2016</th>
<th>Adjustment Per Amending By-law</th>
<th>Indexing</th>
<th>Rate in effect Jan 1, 2017</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Cities</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Residential</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Single / Semi Detached</td>
<td>$ 18,062</td>
<td>$ 2,926</td>
<td>$ 224</td>
<td>$ 21,212</td>
</tr>
<tr>
<td>Townhouse</td>
<td>$ 13,561</td>
<td>$ 2,197</td>
<td>$ 168</td>
<td>$ 15,926</td>
</tr>
<tr>
<td>Apartment</td>
<td>$ 9,836</td>
<td>$ 1,594</td>
<td>$ 123</td>
<td>$ 11,553</td>
</tr>
<tr>
<td>Lodging</td>
<td>$ 5,559</td>
<td>$ 900</td>
<td>$ 68</td>
<td>$ 6,527</td>
</tr>
<tr>
<td><strong>Non-Residential</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Non- Industrial</td>
<td>$ 9.84</td>
<td>$ 1.46</td>
<td>$ 0.11</td>
<td>$ 11.41</td>
</tr>
<tr>
<td>Industrial</td>
<td>$ 4.92</td>
<td>$ 0.74</td>
<td>$ 0.06</td>
<td>$ 5.72</td>
</tr>
<tr>
<td><strong>Townships</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Residential</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Single / Semi Detached</td>
<td>$ 17,480</td>
<td>$ 255</td>
<td>$ 227</td>
<td>$ 17,962</td>
</tr>
<tr>
<td>Townhouse</td>
<td>$ 13,124</td>
<td>$ 192</td>
<td>$ 170</td>
<td>$ 13,486</td>
</tr>
<tr>
<td>Apartment</td>
<td>$ 9,519</td>
<td>$ 139</td>
<td>$ 124</td>
<td>$ 9,782</td>
</tr>
<tr>
<td>Lodging</td>
<td>$ 5,380</td>
<td>$ 79</td>
<td>$ 69</td>
<td>$ 5,528</td>
</tr>
<tr>
<td><strong>Non-Residential</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Non- Industrial</td>
<td>$ 9.40</td>
<td>$ 0.01</td>
<td>$ 0.11</td>
<td>$ 9.52</td>
</tr>
<tr>
<td>Industrial</td>
<td>$ 4.70</td>
<td>$ 0.01</td>
<td>$ 0.06</td>
<td>$ 4.77</td>
</tr>
</tbody>
</table>

The detailed schedules of the indexed RDC rates, by service, are included as Attachments #1 and #2. It should be noted that indexing was not applied to the recently approved RDC rates for Transit and Waste Management Services, as set out in report COR-FSD-16-32.
Corporate Strategic Plan:

This report supports strategic objectives found in the Corporate Strategic Plan, and particularly Focus Area 1.2 - Plan for and provide the infrastructure and services necessary to create the foundation for economic success.

Financial Implications:

Development charge indexing is an automatic provision within the RDC by-law to ensure that the RDC rates are adjusted to the rate of inflation. Without indexing, the development charge revenue collected over the term of the by-law would not be sufficient to finance project cost increases resulting from inflation.

Other Department Consultations/Concurrence: Nil

Attachments:

Attachment #1 – Region of Waterloo Residential Development Charges, effective January 1, 2017

Attachment #2 – Region of Waterloo Non-residential Development Charges, effective January 1, 2017

Prepared By: Cathy Deschamps, Director, Financial Services & Development Financing

Approved By: Craig Dyer, Commissioner of Corporate Services/Chief Financial Officer
Region of Waterloo

Residential Development Charges

Effective January 1, 2017

<table>
<thead>
<tr>
<th>SERVICE CATEGORY</th>
<th>Single / Semi Dwelling</th>
<th>Townhouse Dwelling</th>
<th>Apartment Dwelling</th>
<th>Lodging Unit</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>City</td>
<td>Township</td>
<td>City</td>
<td>Township</td>
</tr>
<tr>
<td>General Government</td>
<td>111</td>
<td>111</td>
<td>82</td>
<td>82</td>
</tr>
<tr>
<td>Police Service</td>
<td>262</td>
<td>262</td>
<td>198</td>
<td>198</td>
</tr>
<tr>
<td>Paramedic Services</td>
<td>94</td>
<td>94</td>
<td>71</td>
<td>71</td>
</tr>
<tr>
<td>Airport</td>
<td>227</td>
<td>227</td>
<td>170</td>
<td>170</td>
</tr>
<tr>
<td>Operations</td>
<td>122</td>
<td>122</td>
<td>90</td>
<td>90</td>
</tr>
<tr>
<td>Transit</td>
<td>3,465</td>
<td>-</td>
<td>2,601</td>
<td>-</td>
</tr>
<tr>
<td>Library</td>
<td>-</td>
<td>215</td>
<td>-</td>
<td>161</td>
</tr>
<tr>
<td>Waste Management</td>
<td>255</td>
<td>255</td>
<td>192</td>
<td>192</td>
</tr>
<tr>
<td>Transportation</td>
<td>9,348</td>
<td>9,348</td>
<td>7,019</td>
<td>7,019</td>
</tr>
<tr>
<td>Water Supply</td>
<td>2,108</td>
<td>2,108</td>
<td>1,583</td>
<td>1,583</td>
</tr>
<tr>
<td>Wastewater</td>
<td>5,220</td>
<td>5,220</td>
<td>3,920</td>
<td>3,920</td>
</tr>
<tr>
<td>Total Full Services</td>
<td>21,212</td>
<td>17,962</td>
<td>15,926</td>
<td>13,486</td>
</tr>
</tbody>
</table>
Region of Waterloo

Non-residential Development Charges

Effective January 1, 2017

<table>
<thead>
<tr>
<th>SERVICE CATEGORY</th>
<th>Non-Residential (Excluding Industrial)</th>
<th>Non-Residential (Industrial)</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Per Square Foot</td>
<td>Per Square Foot</td>
</tr>
<tr>
<td></td>
<td>City</td>
<td>Township</td>
</tr>
<tr>
<td>General Government</td>
<td>0.06</td>
<td>0.06</td>
</tr>
<tr>
<td>Police Service</td>
<td>0.14</td>
<td>0.14</td>
</tr>
<tr>
<td>Paramedic Services</td>
<td>0.05</td>
<td>0.05</td>
</tr>
<tr>
<td>Airport</td>
<td>0.28</td>
<td>0.28</td>
</tr>
<tr>
<td>Operations</td>
<td>0.07</td>
<td>0.07</td>
</tr>
<tr>
<td>Transit</td>
<td>1.89</td>
<td>0.00</td>
</tr>
<tr>
<td>Library</td>
<td>0.00</td>
<td>0.00</td>
</tr>
<tr>
<td>Waste Management</td>
<td>0.01</td>
<td>0.01</td>
</tr>
<tr>
<td>Transportation</td>
<td>5.20</td>
<td>5.20</td>
</tr>
<tr>
<td>Water Supply</td>
<td>1.08</td>
<td>1.08</td>
</tr>
<tr>
<td>Wastewater</td>
<td>2.63</td>
<td>2.63</td>
</tr>
<tr>
<td><strong>Total Full Services</strong></td>
<td><strong>$ 11.41</strong></td>
<td><strong>$ 9.52</strong></td>
</tr>
</tbody>
</table>
Region of Waterloo
Corporate Services
Facilities and Fleet Management

To: Chair Sean Strickland and Members of the Administration and Finance Committee

Date: December 6, 2016
File Code: A19-90

Subject: LEED Designations Update

Recommendation:
For Information

Summary:
This report advises Committee and Council that the Region has been awarded Gold level Certification under the Canada Green Building Council’s (CaGBC) LEED Canada Rating system for the Courthouse Renovation at 20 Weber Street, Kitchener and highlights the benefits of designing and building to the LEED standard.

Report:
Leadership in Energy and Environmental Design (LEED) is an internationally recognized and renowned rating system for green buildings in 150 countries. The Canada Green Building Council (CaGBC) and the LEED Canada Rating System have contributed to sustainable Canadian architectural design and urban landscape development, helping redefine Canadian living and working spaces. Since 2004, the CaGBC has registered over 5,000 LEED buildings in Canada, the second highest number in the world. (www.cagbc.org).

In 2005, the Region of Waterloo (Region) adopted a minimum sustainable design and construction standard of LEED™ Silver for new Regional facilities with over 500 m² (5,400 ft²) of occupied space (Report CR-FM-05-004, April 20, 2005). Since then, the Region has achieved LEED designations for various building locations across the
spectrum of services. A recent report to Council (Report COR-FFM-16-02 dated February 23, 2016) highlighted those LEED certified facilities.

The LEED rating system has set high expectations on how sustainable buildings should be constructed, encompassing key themes of energy management, water savings, CO$_2$ emission reductions, reduced landfill waste, material selection and occupant comfort. However, without measurement it is difficult to confirm engineering projections for key themes such as energy conservation and CO$_2$ reductions. Included below are the two most recent Region facilities to be LEED certified, one with a completed performance report and the second just beginning the data gathering phase.

**GRT Maintenance Facility, 85 Chandler Drive, Kitchener**

A year-long measurement and verification program was recently completed for the GRT Maintenance Facility (LEED Gold), and the consultant’s report was submitted to the Region on November 21, 2016. Results indicate that in its first year of operation, the new GRT facility is performing better than expected, achieving an overall energy savings of 56%, and annual energy cost savings of approximately $165,000 as compared to a non-LEED building. Preliminary engineering calculations projected energy savings of 47% per year.

**Courthouse Renovation, 20 Weber St. East, Kitchener**

The Region was successful with its application for LEED certification of this facility, obtaining LEED Gold designation on October 14, 2016. With the certification in hand, the year-long measurement and verification program has started. While results will not be verified until next year, it is expected that the facility performance will be in line with engineering projections that energy consumption will be reduced by 37% as compared to a non-LEED building. These energy savings are achieved through the implementation of LED lighting fixtures/controls; new spray foam insulation throughout the building and the use of efficient mechanical equipment.

Materials such as carpets, caulking, paints, and glues with low volatile organic compound (VOC) emissions were used in the construction of this facility, leading to improved air quality for occupants. Existing furniture was re-used wherever practical for cubicles and offices, resulting in both financial and environmental benefits.

**Corporate Strategic Plan:**

Incorporating LEED requirements to construction projects supports Focus Area 3, Environment and Sustainable Growth and Focus Area 5, Responsive and Engaging Government Services.
Financial Implications:

The administrative costs associated with having each building certified has varied from project to project depending on size and complexity. On average, those costs range from $5,000 - $10,000 and include third party reviews to satisfy the CaGBC that LEED requirements are being met.

The incremental design and construction cost to achieve LEED certification varies from project to project and is roughly 3-4% of the total construction value. The additional costs of achieving LEED certification do result in direct benefits to the Region, both tangible and intangible. A recent research report on green buildings globally by Dodge Data & Analytics indicate that lower lifecycle costs for operating LEED facilities are a key driver for constructing green buildings. While operational costs vary from site to site and according to local climate conditions, the 2015 survey reports a median decrease in operating costs of 8% across respondents in the first year of building operation.

Other Department Consultations/Concurrence: Nil

Attachments: Nil

Prepared By: Richard Schafer, Manager, Project Management

Approved By: Craig Dyer, Commissioner, Corporate Services/Chief Financial Officer
Region of Waterloo

Human Resources and Citizen Service

Citizen Service

To: Chair Sean Strickland and Members of the Administration and Finance Committee

Date: December 6, 2016

File Code: A34-41

Subject: Approval of Accessibility Policy and Update on Accessibility Plan 2016 Status Report

Recommendation:

That the Regional Municipality of Waterloo approve the Standards for Accessibility Policy Statement, attached as Appendix A in report HRC-CIT-16-04, dated December 6, 2016.

Summary:

Under the Accessibility for Ontarians with Disabilities Act, 2005 (AODA) Integrated Accessibility Standard Regulation (IASR) (Ontario Regulation 191/11) the Region of Waterloo is required to meet standards in accessibility in the areas of information and communication, employment, transportation, the design of public spaces, and customer service. In 2016 the Province of Ontario amended the IASR, making changes to the accessibility standards in customer service. In response to those amendments, the Region of Waterloo has updated the Standards for Accessibility Policy. This report provides an overview of update to the Accessibility Policy which, once approved, will meet the policy requirements of the IASR.

In addition, this report also provides an update on the Region of Waterloo’s overall accessibility compliance with the AODA, presents the status report on the Multi-Year Accessibility Plan 2013-2017, and reports on the activities of the Grand River Accessibility Advisory Committee.
This Region of Waterloo Accessibility Plan 2016 Status Report, along with the previous reports and the full Multi Year Accessibility Plan are available on the Reign’s website at www.regionofwaterloo.ca/accessibility.

Report:

Standards for Accessibility Policy Update

In 2012 Regional Council approved the Standards for Accessibility Policy, meeting the requirements of both the Integrated Standards Regulation (O.Reg. 191/11) (IASR) and the Accessibility Standards for Customer Service (O.Reg.429/07), and providing direction for employees and volunteers on how to implement the AODA accessibility standards.

In 2016 the Province of Ontario amended the IASR to integrate the Customer Service Standards, and repealed the Accessibility Standards for Customer Service (O. Reg.429/07). The attached Standards for Accessibility Policy has been revised to reflect these regulatory changes. These policy revisions include:

- Updated the Policy Statement to better align with the language used in the IASR.
- Added definitions to provide staff with a better understanding of the application of the policy.
- Added Operational Principles for Communication Supports, Accessible Formats, Feedback, Temporary Disruptions, and Support Persons, to align with the details in the IASR and provide clarity to staff on how to meet these requirements.
- Added Operational Principles for Emergency Planning, Libraries, and Websites and Web Content, to provide direction to staff on these requirements which came into effect after the last revision of the Policy.
- Added training information to better meet the requirements of the IASR.
- Administrative changes to reflect the updated language in the IASR (e.g. the inclusion of “and facilities” wherever “goods and services” are stated).

The draft Policy has been reviewed by the Grand River Accessibility Advisory Committee, and their advice on ensuring the policy contains inclusive language has been incorporated into the present policy. Once approved, the Standards for Accessibility Policy will be distributed to all staff through the Training Registration System and posted to the Region’s internal Portal website. The policy will also be made available to the public on the Region’s internet site. The Standards for Accessibility Policy will reviewed in the event of any revisions to existing standards or the creation of new standards released under the AODA.
Update on AODA Compliance

This following section provides an overview of the current state of the Integrated Standards Regulation (O.Reg. 191/11) (IASR), the progress made by the Region of Waterloo to meet compliance, and planning that is in place for future needs. A summary of the actions completed in 2016, and planned actions for 2017, can be found in the Region of Waterloo Accessibility Plan 2016 Status Report.

General Requirements: Training

Since December, 2013, the Region of Waterloo has met all of the training requirements for the IASR. To support existing training, a series of 23 online learning modules were developed, providing job-specific information on how to meet each provision in the IASR. These online learning modules have been identified as either mandatory or optional for every job description at the Region. These will be launched by the end of 2016, every employee will be required to complete all of their mandatory training by mid-2017, and the records of completed training will be maintained electronically for simplified reporting. This enhanced training program ensures a high level of due diligence in delivering, recording, and maintaining training on all accessibility standards.

General Requirements: Planning

The final year for the Multi-Year Accessibility Plan is 2017, after which the IASR requires the plan to be reviewed and updated. Throughout 2017 both internal and external consultations will begin for the next 5-year plan, which will define the Region’s strategy to prevent and remove barriers and meet the requirements of the AODA from 2018-2022. This planning process will be integrated within a corporate Diversity and Inclusion plan, to strategically remove barriers and create an inclusive and welcoming Region of Waterloo.

Customer Service

As stated above, the Province of Ontario has repealed the Accessibility Standards in Customer Service Regulation (O.Reg.429/07), integrating and updating these standards in the IASR. To ensure compliance with the revised standards, the Region has updated the Standards for Accessibility Policy, and revised training materials and resources. Once the online training has been completed, the revisions to the Customer Service Standards in the IASR will be fully implemented.

Information and Communication

The requirements for accessible information and communications are some of the most public-facing provisions that impact every program area at the Region. The final
outstanding IASR requirement – to ensure all new websites are created to WCAG 2.0 Level AA standard – must be met when the Region launches a new corporate website, which is proposed for 2018. An internal work group, led by Corporate Communications and including staff from Citizen Service, Corporate Publishing, and Information and Technology Services, has been providing corporate oversight in the implementation of the Information and Communications Standards.

In 2016 the work group established corporate AODA standards for accessible communication that staff can easily understand and achieve, supported and built on the job-specific online learning modules to create an extensive training program, and developed support materials and resources to support staff who are creating accessible documents, posting to the website, hosting public meetings, posting videos, and performing other communication activities. The group has also implemented an accessible Word template which has been deployed to all staff, and created a system of support for staff involving the ITS Help Desk. An internal communications campaign has been launched to inform staff of the expectations for meeting accessibility standards for communications, to inform them of required training, and to promote the supporting materials and resources. Throughout 2017 the work group will continue to promote how accessible information and communications impact staff, support training, provide advice and expertise, as well as prepare staff for the increased AODA standards that will be met with the launch of the new website in 2018.

**Employment**

The Region of Waterloo has been compliant with all of the provisions of the Employment Standards since 2014. In 2016 the Accessibility Directorate of Ontario (ADO) identified the Employment Standards as the next standard for review and update. The ADO has committed to establishing a Standard Review Committee in late 2016, and to review the standard in 2017. It is expected that draft updates to the standard will be available for comment in 2017 or later.

**Transportation**

The Transportation Standards impact transit services (including conventional transit, specialized transit, and light rail), and taxi regulation. The final transit requirements - to update the eligibility criteria for specialized transit and to implement electronic pre-boarding stop announcements on conventional transit - will be implemented by January 1, 2017. The next 5-year Business Plan for Specialized Services is being currently being developed, and will identify priority areas for improvement for the next 5 years.

In 2016 the Region of Waterloo Taxi By-Law was updated to include accessibility considerations. Also in 2016 improvements were made in the taxi identification bumper
plate to make it more visible. In 2017 an Accessibility Fund will be created, and an accompanying Work Group will be established to identify how to use the Accessibility Fund to improve accessible taxi access in the community.

The ADO has been actively reviewing and updating the Transportation Standards. It is expected that draft updates to the standard will be made available on the regulatory registry for comment in the coming months.

**Accessible Built Environment**

As of January, 2016 all new and significantly renovated spaces must meet the requirements of the Design of Public Spaces standards. Throughout 2016 Region staff in Facilities and Fleet Management, Transportation, Transit Services, Design and Construction, and Rapid Transit have been collaborating to establish the Region of Waterloo Accessible Design Standards, to incorporate the accessibility components of the AODA, Ontario Building Code, and other best practices into a single standard document. This document, which also aligns with the design standards used by local municipalities, will be finalized by the relevant Departments by December, 2016. Throughout 2017 Facilities and Fleet Management will be conducting accessibility audits on Regional facilities, prioritizing those with the highest occupancy and public visitors.

**Other Accessibility Considerations**

The Minister Responsible for Accessibility, the Honorable Tracy MacCharles, has been given the mandate to develop a Health Standard under the AODA, in collaboration with the Ministry of Health and Long Term Care. In the summer of 2016 the ADO conducted pre-consultation surveys, and plans to establish a Standard Development Committee to create this new standard. The new standard may have implications at the municipal level for both Public Health and Emergency Services as well as for Seniors’ Services. Over the next year staff will monitor for opportunities to participate in the development and/or comment on this new standard for accessibility.

**The Grand River Accessibility Advisory Committee**

In addition to reporting on the progress made towards identifying, preventing, and removing barriers, the Region of Waterloo Accessibility Plan 2016 Status Report is Regional Council’s annual update on the activities of the Grand River Accessibility Advisory Committee (GRAAC). As an advisory committee of Council, Regional staff rely on the advice of GRAAC to ensure programs and services are meeting the needs of persons with disabilities. Through 2016 GRAAC providing advice on a number of GRT and LRT features, the Draft Region of Waterloo Accessible Design Standards, Ontario Works Discretionary Benefits, the Community Wellness Initiative, and a number of other programs and services listed in the Status Report.
On October 27, 2016 the GRAAC reviewed the draft Region of Waterloo Accessibility Plan 2016 Status Report, along with the Grand River Transit Accessibility Plan. Comments from the committee were:

- Ensure an appropriate budget has been allocated to the accessibility of all new websites and all content on those sites.
- Review GRT’s PlusOne application process to focus on a customer's need for a support person, not a diagnosis of disability.
- Have bus stop announcements state if the stop is accessible.

All GRAAC comments have been forwarded to appropriate staff for consideration and follow up.

**Corporate Strategic Plan:**

Focus Area 5: Responsive and engaging government services; Objective 5.2: Provide excellent citizen-centred services.

**Financial Implications:**

There are some components included in the revisions of the Standards for Accessibility Policy that have a cost associated with them, such as the principles related to websites and web content. However, these principles have been in place since the requirements under the IASR came into effect, with the expectation that implementation of these principles are accommodated within appropriate program budgets (e.g. website refresh budget). The costs for training and distribution of the Standards for Accessibility Policy have been accommodated within the Human Resources and Citizen Service departmental budget, Citizen Service section.

The cost of creating and distributing the Region of Waterloo Accessibility Plan 2016 Status Report is accommodated within the Human Resources and Citizen Service departmental budget, Citizen Service section. The costs of completing the accessibility improvements identified in the plan will need to be accommodated within appropriate program budgets.

**Other Department Consultations/Concurrence:**

The revisions of the Standards for Accessibility Policy were created in consultation with staff from Corporate Communications, and Planning, Development and Legislative Services, and Community Services. Staff from Corporate Communications, Facilities Management and Fleet Management, Finance, Human Resources and Citizen Service,
and Transit Services were consulted in the preparation of the Region of Waterloo Accessibility Plan 2016 Status Report. Both the policy and the status report were provided to all senior management for review and feedback via Coordinating Committees.

Attachments

Appendix A: Standards for Accessibility Policy 10.3: Standards for Accessibility Policy

A hard copy of the Region of Waterloo Accessibility Plan 2016 Status Report will be available in the Councillors’ Library.

Prepared By:  Vanessa Lopak, Service Planning Associate

Deb Bergey, Manager, Client Experience and Service Improvement

Approved By:  Jane Albright, Commissioner, Human Resources and Citizen Service
Title: Standards for Accessibility

Responsibility: Human Resources and Citizen Service

Approval Level: Council

Applies to: All Regional Staff, Councillors, and Volunteers

Policy Statement:

The Regional Municipality of Waterloo (the “Region”) is committed to inclusion, promoting diversity in Regional programs and services, and understanding and meeting the needs of all those we serve. The Region will meet the needs of people with disabilities in a manner that:

- Is free from discrimination;
- Uses reasonable efforts to ensure there are equal opportunities for people with disabilities to obtain, use, or benefit from the Region’s goods, services, programs, and facilities;
- Protects the dignity and independence of all people, and;
- Strives to provide responsive and integrated services.

The Region will meet this commitment by removing and preventing barriers to accessibility and by meeting our accessibility requirements under Ontario’s accessibility laws, including the Accessibility for Ontarians with Disabilities Act and the Ontario Human Rights Code.

Definitions:
1. “Alternate formats” may include, but are not limited to, large print, recorded audio and electronic formats, braille and other formats usable by persons with disabilities.

2. “Assistive device” means a piece of equipment a person with a disability uses to help with daily living, including but not limited to a wheelchair or walker, white canes, hearing aids, oxygen tanks, or communication boards.

3. “Communication supports” may include, but are not limited to captioning, alternative and augmentative communication supports, plain language, sign language and other supports that facilitate effective communications.

4. “Dignity” means service is provided in a way that allows the person with a disability to maintain self-respect and the respect of other people.


6. “Equal Opportunity” means service is provided to a person with a disability in such a way that they can access goods and services equal to that given of others.

7. “Independence” means when a person with a disability is allowed to do things on their own without unnecessary help or interference from others.

8. “Integration” means service is provided in a way that allows the person with a disability to benefit from the same services, in the same place, and in the same or similar way as other customers, unless an alternate measure is necessary to enable a person with a disability to access goods or services.

9. An animal is a “service animal” for a person with a disability if:

   a. the animal can be readily identified as one that is being used by the person for reasons relating to the person’s disability, as a result of visual indicators such as the vest or harness worn by the animal; or

   b. the person provides documentation from one of the following regulated health professionals confirming that the person requires the animal for reasons relating to the disability:

      i. A member of the College of Audiologists and Speech-Language Pathologists of Ontario.
      ii. A member of the College of Chiropractors of Ontario.
      iii. A member of the College of Nurses of Ontario.
      iv. A member of the College of Occupational Therapists of Ontario.
v. A member of the College of Optometrists of Ontario.
v. A member of the College of Physicians and Surgeons of Ontario.
vii. A member of the College of Physiotherapists of Ontario.
viii. A member of the College of Psychologists of Ontario.
ix. A member of the College of Registered Psychotherapists and Registered Mental Health Therapists of Ontario.

10. “Support person” means, in relation to a person with a disability, another person who accompanies him or her in order to help with communication, mobility, personal care or medical needs or with access to goods, services or facilities.

11. “Temporary disruption” means a short term planned or unplanned disruption to facilities or services that people with disabilities usually use to get goods and services.

Operating Principles:

The Region develops policies, practices, and procedures which contribute to ensuring that goods, services, programs, and facilities are accessible for persons with disabilities. The following principles shall be met when developing such policies, practices, and procedures.

Accessibility Planning

The Region will establish, implement, maintain and document a multi-year accessibility plan in accordance with the AODA and the Integrated Accessibility Standard Regulation (O. Reg. 191/11). The multi-year accessibility plan will outline the ways the Region will identify, prevent and remove barriers and meet the requirements of the standards developed under the AODA.

The multi-year accessibility plan will be:

- Reviewed and updated at least once every five years; and
- Established, reviewed, and updated in consultation with persons with disabilities and the municipal accessibility advisory committee.
- An annual status update report on the progress of measures taken to implement the multi-year accessibility plan will be prepared. The multi-year accessibility plan and accompanying status update reports will be posted to the Region’s website and provided in alternate formats upon request.

Procurement

Whenever possible, Regional staff will incorporate accessibility design, criteria and features when procuring or acquiring goods, services, or facilities.
When not practicable to incorporate accessibility design criteria and features when procuring or acquiring goods, services or facilities, staff shall provide, upon request an explanation.

**Communication Supports**

The Region will communicate with people with disabilities in a manner that takes into account their disability. The Region will provide communication supports to members of the public upon request, in a timely manner, and at no cost to the requestor.

Regional staff members will consult with the requestor to determine the suitability of the communication support.

If Regional staff members are unable to obtain the required communication support, they will consult with the requestor to determine a practicable and appropriate method for communication.

**Alternate Formats**

The Region will provide alternate formats and communication supports of information that are produced or controlled by the Region to members of the public and other third parties upon request.

This will be done in a timely manner, at a cost that is no more than the cost charged for the original format.

Regional staff members will consult with the requestor to determine the suitability of the accessible format.

When it is not practicable to provide an alternate format the Region will provide an explanation and a summary of the document in an accessible format.

**Feedback on Regional Services**

The Region has established a process for receiving and responding to feedback on the manner in which the Region provides goods, services, and facilities to persons with disabilities. The Region will ensure that the feedback process is accessible to persons with disabilities by providing or arranging for the provision of alternate formats and communication supports, upon request.

Members of the public may provide feedback through the Region’s website, through the General Enquiries email address, by telephone, and in person.

All feedback received from the public regarding the accessibility of services will be provided to all relevant Regional staff members who will take appropriate action.
Obtaining Public Feedback

The Region will provide, upon request, accessible formats and communication supports when seeking public input, feedback, and advice, when practicable.

Should Regional staff be unable to provide a requested accessible format or communication support, they will work with the citizen to determine alternate means for participation in citizen feedback.

Fares, Fees, and Charges

Persons with disabilities will not be charged more to access Regional programs or services than that charged for the same program or service to persons without disabilities, in accordance with the Regional Fees and Charges By-Law (12-001).

Should an accessible format or communication support cost more for the Region to provide to a person with a disability than a typical format or communication method to a person without a disability, the person with the disability will be charged the same price as that charged to the person without the disability and the originating Department will subsidize any additional cost.

Owners and operators of taxicabs licensed by the Region are prohibited from charging additional fares or fees to persons with disabilities than those for persons without disabilities, or for the storage of mobility aids or mobility assistive devices.

Temporary Disruptions

If there is a temporary disruption in any Regional services or facilities that people with disabilities usually use, the Region will give notice of the disruption, consistent with the Region of Waterloo’s Notice Policy. The notice will include the reason for the disruption, how long it will last, and will list any alternatives, if available.

Notice may be given by posting the information in a conspicuous place on the premises, through use of social media, or by posting the notice on the Region’s website.

Support Persons

The Region will allow people with disabilities to be accompanied by a support person in all Region-owned and operated public facilities.

The Region reserves the right to require the person with a disability be accompanied by a support person, in the event that it is considered necessary to protect the health and safety of the person with a disability or others on the premises. The decision to require a support person to accompany a person with a disability will be made in consultation with the person with the disability, and in consideration of available evidence. If it is
determined that support person is required, the Region shall waive any fees or fares for the support person, if one exists.

The Region will provide notification of any applicable admission fees or fares that apply to support persons by posting such admission fee or fare where all other fees or fares are posted.

**Service Animals**

The Region welcomes service animals into all Region-owned or operated facilities where the public is allowed. Service animals will be allowed to accompany a person with a disability to allow them to access facilities and services.

If a service animal is otherwise excluded from the premises by law, Regional staff members will ensure that other measures are available to enable the person with a disability to obtain, use or benefit from the goods or services provided by the Region.

**Use of Assistive Devices**

The Region will allow people with disabilities to use their own personal assistive devices to obtain, use, or benefit from Regional goods, services, or facilities.

If a person with a disability is unable to access the Region’s services through the use of their own personal assistive device, Regional staff members will work with the customer to determine any alternate means for accessing services.

**Emergency Procedures, Plans, and Public Safety Information**

The Region will provide emergency procedures, plans, and public safety information in an accessible format or with communication supports, as soon as practicable, upon request.

**Libraries**

The Region will provide access to or arrange for the provision of access to accessible library materials where they exist. Information about accessible materials can be found on the Region of Waterloo Library website.

**Websites and Web Content**

In accordance with the AODA Integrated Accessibility Standards Regulation (O. Reg. 191/11), the Region will ensure that websites owned by the Region, and web content on those sites that was published after January 1, 2012 are created in a manner in keeping with the expectations of the Web Content Accessibility Guidelines 2.0 (WCAG). All existing Region websites and applicable content on those sites will follow the WCAG 2.0
at Level A. Those existing websites and applicable content on those sites will follow the WCAG 2.0 at Level AA by January 1, 2021. All new Region websites and applicable content on those sites will be created in accordance to the WCAG 2.0 at Level AA. If an individual is having difficulty accessing any Region owned websites, or content found on those sites, they can contact the Region through the General Enquiries email address, by telephone, and in person.

To ensure web content accessibility, Region staff responsible for posting web content will receive training to ensure web content and PDF documents are created in accordance with the WCAG 2.0.

Departments responsible for purchasing a document or video that will be available on any Region website shall ensure that the document or video is created in a manner that ensures compliance with the WCAG 2.0.

The Region will put forward efforts to ensure that documents provided to the Region on behalf of a third party, which will be posted on the Region’s website, and not in direct control of the Region through a contractual relationship, will be remediated in accordance with the WCAG 2.0, unless it is not practicable to do so.

In the event that it is not practicable to remediate a third party document which the Region is not in direct control through a contractual relationship, a member of the public may contact the Region to arrange for the information to be provided in an alternate format or with communication supports, upon request. The Region will consult with the requesting individual to determine suitability of format.

Training

The Region will provide training to:

- All people who are an employee of, or a volunteer with the Region
- All people who participate in the development of Regional policies; and,
- All other people who provide goods, services, or facilities on behalf of the Region.

The training will include:

- An overview of the Ontario Human Rights Code as it relates to persons with disabilities
- A review of the Accessibility for Ontarians with Disabilities Act, 2005
- Specific review of the requirements of the Integrated Accessibility Standards Regulation requirements, based on the duties associated with the employee
- How to interact and communicate with people with various types of disabilities.
• How to interact with people with disabilities who use assistive devices or require the assistance of a service animal or the assistance of a support person.
• How to use equipment or devices available on the Region premises or otherwise provided by the Region that may help with the provision of goods, services, or facilities to a person with a disability
• What to do if a person with a disability is having difficulty accessing the Region’s goods, services, or facilities.

The training will be appropriate to the duties of the employee, volunteer, and other people. Employees will be trained as soon as practicable. Training will be provided to the aforementioned individuals with respect to any policy changes on an ongoing basis. The Region will log and retain records containing the details of the training provided, the number of people trained, location, and date the training was completed.

Accessible Workplace

The Region meets the requirements of the Integrated Accessibility Standards Regulation (O.Reg. 191/11) under the AODA and, in particular, Part III Employment Standards of such Regulation by:

• Ensuring the recruitment process is inclusive of people with disabilities;
• Informing employees of supports available for employees with disabilities;
• Accommodating employees with disabilities under the AODA in the areas of:
  o Workplace emergency response information;
  o Information and communications needed to perform the employee’s job or that is generally available to employees in the workplace; and
  o Other accommodations as required under the Accommodation of Special Needs Policy (III-17).
• Taking into account employee accommodations in:
  o Performance management;
  o Career development and advancement; and
  o Redeployment; and
  o Developing and implementing a return to work process for employees who have been absent from work due to a disability and require disability-related accommodations in order to return to work.

Accessible Transportation

Conventional and Specialized Transit Services

The Region is committed to providing accessible transit services through both conventional and specialized transit, in accordance with the Integrated Accessibility Standards (O.Reg. 191/11) under the AODA and, in particular, Part IV, Transportation Standards, of such Regulation. This will be accomplished through the development and
implementation of policies, practices, procedures, resources, equipment, and training in the provisions outlined in the Integrated Accessibility Standards Regulation under the AODA.

**Regionally Licensed Transportation**

Owners and operators of taxicabs licensed by the Region will operate in accordance with the Accessibility Standards for Customer Service (Ontario Regulation 429/07) under the AODA and the Integrated Accessibility Standards (Ontario Regulation 191/11) under the AODA. Without limitation, the Region requires that taxicabs licensed by the Region make available vehicle registration and identification information in an accessible format.

**Design of Public Spaces**

The Region will comply with the requirements found in in Part IV.1 of the Integrated Accessibility Standards Regulation (O.Reg. 191/11) where applicable, in relation to public spaces.

**Review Period:**

This policy shall be reviewed once per Council term and will be revised in light of any legislative or organizational changes.

**Responsibilities:**

Regional Council and staff are responsible for adhering to the parameters of this policy and for ensuring the needs of people with disabilities are addressed in goods, services, programs, and facilities.

**Monitoring / Contraventions:**

The Manager, Client Experience and Service Improvement, shall be responsible for receiving all concerns or questions related to this policy. Upon receipt of a concern or question the Manager, Client Experience and Service Improvement shall notify the staff member responsible and, if appropriate, the Department Head and Director responsible for the area, or in the case of Regional Council, the Regional Chair.

**See Also:**

[Human Resources Policy: Equal Employment Opportunity (I-07)]

[Human Resources Policy: Emergency Workplace Response Information for Employees with Disabilities (I-39)]
Human Resources Policy: Performance Management (II-02)

Human Resources Policy: Mandatory Training (II-06)

Human Resources Policy: Accommodation of Special Needs (III-17)

Human Resources Policy: Selection/Interview Process (V-04)

Council/Legislated Policy: Notice Policy (07-02)

Taxi By-Law 04-070 Amended by By-Law 08-055

Taxicab Meters By-Law 04-069 Amended by By-Law 11-060

Purchasing By-Law 04-093 Amended by By-Law 10-028

Fees and Charges By-Law 12-001 Schedules

Accessibility for Ontarians with Disabilities Act, 2005 S.O. 2005 c.11

Integrated Accessibility Standards Regulation Ont. Reg 191/11
Region of Waterloo
Human Resources and Citizen Service
Citizen Service

To: Chair Sean Strickland and Members of the Administration and Finance Committee

Date: December 6, 2016  File Code: C05-40

Subject: Grand River Accessibility Advisory Committee Terms of Reference Update

Recommendation:

That the Regional Municipality of Waterloo approve the Terms of Reference for the Grand River Accessibility Advisory Committee (GRAAC) as amended, as outlined in Report HRC-CIT-16-06, dated December 6, 2016.

Summary:

The Grand River Accessibility Advisory Committee (GRAAC) was established by Regional Council on August 12, 2003, to meet the requirements of the Ontarians with Disabilities Act, 2001 (ODA). This joint committee of seven area municipalities (The Region of Waterloo, the cities of Kitchener and Waterloo, and the townships of North Dumfries, Wellesley, Wilmot, and Woolwich) provides vision and direction to members of Council and staff as the participating municipalities develop plans to remove barriers and improve accessibility for people with disabilities.

The present report provides an update to the Terms of Reference for the committee. These updates are in response to legislative changes, to allow for community agency representation on the committee, and to provide clarity on committee roles.

Report:

GRAAC Terms of Reference

The current GRAAC Terms of Reference were approved by Regional Council on April
Within the Terms of Reference, the authority to establish the committee is granted by the *Ontarians with Disabilities Act, 2001* and the *Accessibility for Ontarians with Disabilities Act, 2005*. In December, 2015 sections of the *Ontarians with Disabilities Act, 2001* related to the establishment and mandate of municipal accessibility advisory committees were repealed by the Province of Ontario, as such authority and mandate are duplicated in the AODA. The revised GRAAC Terms of Reference updates all references to the legislative authority for the committee.

The proposed Terms of Reference also includes an update to the Committee Size and Composition, allowing for staff representatives of community agencies to serve as members on the committee. Certain disability areas are consistently under-represented on the committee, such as members with experience with mental health disabilities. The inclusion of agency representation can allow the committee to recruit for agencies that serve people with disabilities that are under-represented. Applications from agencies will be reviewed and accepted based on the agency’s merit to represent persons with disabilities. The agency will be appointed to the committee for a 4-year term, eligible for one renewal, as with any membership appointee. However, the agency may determine who from their organization may represent them on GRAAC. This provides flexibility for the agency, in the event of any agency staffing changes that may arise, while providing an end date to the commitment of serving on GRAAC. It is expected that this change will strengthen the committee’s ability to serve people with a wide range of disabilities.

Additional updates to the Terms of Reference provide clarity on the role of municipal staff advisors to the committee and outlines the committee’s decision making limitations when the committee does not have quorum.

These revised Terms of Reference were drafted collaboratively with staff from the cities of Kitchener and Waterloo, and the townships of North Dumfries, Wellesley, Wilmot, and Woolwich. The draft Terms of Reference were provided to the Grand River Accessibility Advisory Committee on November 24, 2016, for comment.

Appendix A of this report contains a final proposed version of the revised Terms of Reference.

**Corporate Strategic Plan:**

Establishment of the Grand River Accessibility Advisory Committee is a requirement under the *Accessibility for Ontarians with Disabilities Act, 2005*. Having an accessibility advisory committee supports the Corporate Strategic Plan Focus Area 5: Responsive and engaging government services; Objective 5.2: Provide excellent citizen-centred services.
Financial Implications:
Nil

Other Department Consultations/Concurrence:
Nil

Attachments
Appendix A: Grand River Accessibility Advisory Committee Terms of Reference

Prepared By: Vanessa Lopak, Service Planning Associate
Deb Bergey, Manager, Client Experience and Service Improvement

Approved By: Jane Albright, Commissioner, Human Resources and Citizen Service
Appendix A:  
Grand River Accessibility Advisory Committee  
Terms of Reference  

Name of Committee  
The Committee shall be known as the Grand River Accessibility Advisory Committee or "GRAAC".  

Legislated Definitions  
"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, an information or communications barrier, an attitudinal barrier, a technological barrier, a policy or practice; ("obstacle").  
"Councils" means the elected councils of the participating municipalities.  
"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  
(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").  

"Legislation" means the Ontarians with Disabilities Act, 2001, as amended or the Accessibility for Ontarians with Disabilities Act, 2005, as amended, as applicable.  
"Participating Municipalities" means the municipalities listed in Section 15 of these terms of reference.
Purpose of Provincial Legislation

The purpose of the Province of Ontario’s accessibility Legislation is to improve opportunities for persons with disabilities and to provide for their involvement in the identification, removal and prevention of barriers to their full participation in the life of the Province.

Mission Statement of the Grand River Accessibility Advisory Committee

The Grand River Accessibility Advisory Committee shall assist the participating municipalities in fulfilling the purpose of the Legislation by providing vision and advice in regards to the identification, prevention, and removal of barriers.

Mandate

1.1 The authority to establish the Grand River Accessibility Advisory Committee exists under the provisions of the Legislation.

1.2 The Grand River Accessibility Advisory Committee shall operate in accordance with the procedures set out in this document.

1.3 The Grand River Accessibility Advisory Committee is the advisory committee to participating municipalities for fulfilling the purpose of the Legislation.

Legislated Duties and Functions

In fulfilling the purpose of the Legislation, the Grand River Accessibility Advisory Committee shall:

1.4 Advise Councils, as required by legislation, regarding the preparation, implementation and effectiveness of the accessibility plans of the participating municipalities.

1.5 Advise participating municipalities on the accessibility of buildings, structures or premises, or part of a building, structure or premise, that the municipalities lease, purchase, construct or significantly renovate.

1.6 Review in a timely manner and advise participating municipalities on the accessibility of site plans and drawings described in Section 41 of the Planning Act that the Grand River Accessibility Advisory Committee selects, having regard to the approved barrier-free best practices of the participating municipalities.

1.7 Perform other functions specified in the Legislation and any associated regulations.
Other Duties
The Grand River Accessibility Advisory Committee may undertake the following duties provided that the legislated duties and functions set out in Section 6 are being addressed to meet statutory requirements:

1.8 Review matters provided for review from participating municipalities and respond with advice as appropriate.

1.9 Consult with persons with disabilities, community groups and organizations representing persons with disabilities in order to capture and communicate emerging issues to participating municipalities.

1.10 Refer issues and make recommendations or suggestions for action to appropriate groups, agencies, committees and organizations in the community to address barriers that affect persons with disabilities.

1.11 Provide advice to participating municipalities on ways to address issues for the inclusion of persons with disabilities relating to the provision of the services provided by the participating municipalities.

1.12 Provide advice to participating municipalities with respect to government directives and regulations relating to the status of persons with disabilities including regulations for the Legislation.

1.13 Provide advice on existing and proposed procurement processes of the participating municipalities with respect to the purchase of goods or services with regard to accessibility for persons with disabilities.

1.14 Liaise with other local accessibility advisory committees including, but not limited, to the City of Cambridge and the City of Guelph.

1.15 Provide feedback to participating municipalities regarding these terms of reference and advise on changes if required. Changes must comply with statutory requirements and shall require the ratification of participating municipalities.

Committee Size and Composition

1.16 Voting Members
The Committee will be comprised of 11-15 volunteer laypersons or agency representatives appointed by the councils of the participating municipalities, with one vote each, represented as follows:

- A majority of the members shall include persons with disabilities representing the interests of citizens with varying disabilities. These Committee members shall reflect the cross-disability nature of the definition of “disability”.
• Remainder of the committee could include:
  a) parents/caregivers of a person with a disability, who may also be persons with a disability.
  b) laypersons interested in disability issues, who may also be persons with a disability.
  c) staff representatives from agencies related to disability issues.

Although no residency requirement is outlined under Provincial legislation, municipalities will strive to ensure representation of members from all the participating municipalities.

1.17 Other Participants

Council Liaisons:

Mayors of participating municipalities and the Regional Chair will serve in a non-voting ex officio capacity. Members of Councils of the participating municipalities are invited to attend all meetings and may liaise on issues relating to their municipality and communicate their municipality's perspective on matters. Councillors will act in a non-voting capacity.

Staff Advisors:

Each participating municipality will assign one Staff Advisor to attend meetings of the Grand River Accessibility Advisory Committee to serve in an advisory/resource capacity. Other staff may participate for specific issues. Staff Advisors will serve in a non-voting capacity.

Staff Advisors may advise on procedural matters relative to how a meeting is to be conducted giving regards to these terms of reference and Roberts Rules of Order. When appropriate, Staff Advisors may consult with the Co-chairs to clarify such matters.

Staff Advisor Group

Staff Advisors shall participate on the GRAAC Staff Advisor Group and assist in identifying issues that need review by the Grand River Accessibility Advisory Committee. The Grand River Accessibility Advisory Committee may call upon the resources of the Staff Advisors as needed. The Co-Chairs of the Grand River Accessibility Advisory Committee will work in consultation with the Staff Advisors to set the agenda for each meeting. The Staff Advisors will convey the feedback and advice of the Grand River Accessibility Advisory Committee back to participating municipalities.

Selection and Qualifications of Members

GRAAC is an advisory committee of the participating municipalities. Recruitment and selection of members is the responsibility of the participating councils. The task of
recommending members is assigned to the members of the Staff Advisor Group who are responsible for carrying out a bias-free recruitment and selection process, and for submitting the names of persons or agencies recommended for appointment to their respective councils for approval.

Committee members are chosen for their life experience with a disability and their knowledge of such and/or expertise in barrier-free initiatives or disability issues. Each member of the Committee shall serve as an independent representative to the Committee and shall give regard to the concerns of diverse disability groups.

Applications from agencies are accepted based on the agency’s merit to represent persons with disabilities; the agency may determine who from their organization may represent them on GRAAC.

In order to avoid potential conflict of interest, employees of participating municipalities are not eligible to be voting members of the Committee.

**Term of Appointments**

The term of appointment for voting members of the Grand River Accessibility Advisory Committee shall be 4 years to a maximum of 8 continuous years.

**Committee Procedures and Operations**

1.18 Co-Chairs

Co-Chairs will be elected from among the Committee members annually at the first meeting of the new Committee and will preside over meetings and committee business. Co-Chairs may not chair sub-committees of the Grand River Accessibility Advisory Committee.

1.19 Sub-Committees

As required, sub-committees may be established. The Committee will approve terms of reference for each sub-committee created and each sub-committee shall operate in accordance with its terms of reference. Sub-committees may draw upon members from the Grand River Accessibility Advisory Committee and may also include individuals who are not members. This may include, from time to time, individuals or organizations with a particular area of expertise. Staff Advisors and Council Liaisons shall not be voting members of sub-committees. Their role is to serve in an advisory/resource capacity and provide input on matters that relate to their respective municipalities.

1.20 Minutes and Agendas

The GRAAC Staff Advisor Group will assign an Administrative Support Person to serve the Grand River Accessibility Advisory Committee. Minutes will be taken and distributed by the Administrative Support Person. Agendas will be assembled and distributed by the Administrative Support Person in consultation with the Co-Chairs.
minutes will be distributed electronically or in an alternate format upon request no less than one (1) week prior to the meeting and will be sent to all members of the Grand River Accessibility Advisory Committee, the GRAAC Staff Advisor Group and Council Liaisons.

Minutes of meetings will be managed in accordance with municipal records management practices. Minutes and agendas will be made available in alternate formats upon request. Approved minutes will be posted on all participating municipalities websites. The participating municipality that provides administrative support to GRAAC shall be the keeper of the original agendas and minutes.

1.21 Meetings

Members of the Grand River Accessibility Advisory Committee will determine a schedule of dates, times and location of meetings. The Committee will meet no less than four (4) times each year. Meetings will be open to the public except if the subject matter being considered is within a category defined in Section 239 (2), (3) or (3.1) of the Municipal Act 2001 as amended, in which case the meeting may be closed. When a matter is considered in a closed meeting, members shall maintain confidentiality of the subject matter.

1.22 Quorum

A quorum shall consist of a majority of the Voting Members appointed to the Committee. If quorum is not achieved at a meeting, the meeting may continue but no decisions may be made and no resolutions may be passed. Any items on the Agenda requiring a decision or resolution of the Committee will be deferred to the next scheduled meeting.

1.23 Voting

Members will work toward a consensus model for decision making; if this is not possible a simple majority vote will be held. In the event of a majority vote all voting members who are present have the right to vote in favour of the motion, in opposition of the motion or to abstain from voting. In the instance of a tie, the Co-chair chairing the meeting will break the tie. The Co-chair may vote on any motion.

1.24 Delegations

Delegations are welcome to attend meetings of the Grand River Accessibility Advisory Committee for issues that fall within the guidelines of these terms of reference. Delegations may address the Committee for five minutes and the Committee may grant an additional five minutes. Delegations will be approved by the Co-Chairs and a delegation guide will be completed for each delegation.

1.25 Reporting and Communication
The Committee will provide advice and feedback to participating municipalities through the GRAAC Staff Advisor Group. The Co-Chairs or other approved member of the Committee will be the official spokesperson to the media and the public.

1.26 Conflict of Interest

Voting members will be subject to the Conflict of Interest Policy attached as Schedule “A” to these terms of reference. All Voting Members, Staff Advisors and Council Liaisons shall abide by the policy. Persons in violation of the policy may be asked to refrain from active participation with the Committee at the discretion of the participating municipalities.

1.27 Absences

If a Committee member is absent for three consecutive meetings without notice or justifiable reason, their membership will be reviewed by the GRAAC Staff Advisor Group.

Remuneration

Committee members shall serve without remuneration. Expenses related to the accommodation of Voting Members who are persons with disabilities and which are necessary to facilitate a Voting Member’s participation in the activities of the Grand River Accessibility Advisory Committee shall be compensated in accordance with the GRAAC Accommodation Procedure.

Dissolution of the Committee

Formal dissolution of the Committee will require a resolution from the Councils of the participating municipalities. Dissolution of the Committee may be triggered by one of the following:

- Expiration of term
- Completion of task or mandate
- Resolution of issues
- Legislative requirement no longer exists
- Merger with another committee
- Following the annual review process
- Recommendation by the Grand River Accessibility Advisory Committee, staff, or Council of the participating municipalities.

Participating Municipalities

The participating municipalities are the municipalities of:
- City of Kitchener
- City of Waterloo
- Township of North Dumfries
- Township of Wellesley
- Township of Wilmot
- Township of Woolwich
- Regional Municipality of Waterloo
GRAAC Terms of Reference
Schedule “A”
Conflict of Interest Policy

Operating Principles:
Members of the Grand River Accessibility Advisory Committee (GRAAC) have a duty to conduct themselves in an impartial and objective manner. While the municipalities value the participation of citizens on GRAAC, it is recognized that appointees have a broad range of interests and, from time to time, actual or potential conflicts of interest or the appearance of such conflicts may arise. The purpose of this policy is to enable the Committee to deal with such conflicts in as open and appropriate a way as possible.

It is understood that members of the GRAAC will perform their duties in such a way as to promote public confidence and trust in the integrity, objectivity and impartiality of the Committee. No member shall directly or indirectly receive any profit from his/her position, provided that reasonable expenses may be paid in the performance of their duties.

If the Councils of the participating municipalities determine, at their discretion, that a Member has failed to fulfill their obligations pursuant to this policy, the Councils may remove the Member from the Committee. No notice is required, nor any hearing of the matter, prior to the Councils making the decision to remove the Member.

Policy Definitions
“Affected Party” means any individual, partnership, corporation, organization or other legal entity which has an interest in property, objects or other assets which are the subject matter of consideration by the Committee; “Business associate” means an individual in a formal partnership or in a shared ownership of a company or enterprise with a Member;

"Participating Municipalities" means, the municipalities listed in Section 15 of the Grand River Accessibility Advisory Committee Terms of Reference.

“Committee” is the Grand River Accessibility Advisory Committee as established by the participating municipalities;

“Immediate family” means a parent, child, spouse, partner or common-law spouse of a Member;

“Member” is an individual formally appointed to the Committee by the councils of the participating municipalities, but does not include any elected member of Municipal Council or a member of municipal staff.
Conflicts

Conflicts of interest arise when Members may financially benefit, directly or indirectly, from their membership on a Committee. Such involvements include, but are not limited to, the following:

- Members being the Affected Party or employed by or doing business with the Affected Party
- Members’ immediate family being the Affected Party or employed by or doing business with the Affected Party
- Members’ business associates being the Affected Party or employed by or doing business with the Affected Party
- A conflict of interest may be actual, potential or apparent. The same duty to disclose applies to each. The pecuniary interests of a Member’s immediate family or business associate are considered to also be the pecuniary interests of the Member. Full disclosure in itself does not remove a conflict of interest.

Declaring a Conflict

It is important that Members be sensitive to appearance and perception, and err on the side of transparency. In case of conflicts, whether actual, potential or apparent, Members are expected to fully disclose the conflict as soon as it arises and before the Committee makes any decisions in the matter where the conflict exists.

Once such a disclosure has been made, the Member involved shall abstain from voting and shall not participate in the discussion of the matter which gave rise to the conflict. The affected Member must not in any way, whether before during or after the meeting, attempt to influence the outcome of any discussion or voting on the matter. If the meeting at which the matter is discussed is not open to the public, in addition to the above, the Member must leave the meeting room for the duration of any discussion and voting on the matter.

In cases where one or more of the Committee’s Members has abstained from voting as a result of conflict, such Members shall be identified in the minutes of the meeting.

Individual Members are encouraged to seek independent advice on conflicts or potential conflicts.

Where the number of Members who, by reason of conflict, are disallowed from participating in a meeting such that the remaining Members no longer constitute a quorum as set out in the Committee’s Terms of Reference, then remaining Members shall be deemed to constitute a quorum provided there are not less than two Members present.
Solicitation

No Member may in any way, either overtly or otherwise, use the fact of their membership on the Committee to solicit business for their own benefit or the benefit of their immediate family or business associates.

Acceptance of Policy

Each Member will receive a copy of this policy. Members will be asked to sign an acknowledgement stating that they have received, read and accepted the policy in its entirety and that they agree to be bound by its terms.
Region of Waterloo
Corporate Services
Treasury Services

To: Chair Sean Strickland and Members of the Administration and Finance Committee

Date: December 6, 2016

File Code: F04-01

Subject: 2017 Temporary Borrowing By-laws

Recommendation:

That the Regional Municipality of Waterloo authorize the Chief Financial Officer, by By-law, to borrow funds as required on a temporary basis to meet current and capital expenditures in 2017 to a maximum of $118.0 million for current expenditures and $75.0 million for capital expenditures, as outlined in report COR-TRY-16-114, dated December 6, 2016.

Summary:

This report provides information on routine, temporary borrowing and recommends approval of temporary borrowing for 2017 as required to meet current and capital expenditures.

Report:

The Municipal Act authorizes municipalities to borrow monies to meet current expenditures pending the receipt of revenue and to borrow monies to meet capital expenditures pending the issuance of debentures.

Municipal Act Provisions

Section 407 of the Municipal Act permits a municipality to authorize temporary borrowing until taxes are collected and other revenues are received in an amount Council considers necessary to meet the current expenditure of the municipality. The Region has on-going operational expenditures throughout the year while tax revenue is
not received until the Area Municipalities levy for and remit the Region’s share of property taxes. The by-law for temporary borrowing enables the Region to borrow funds as needed during this time to ensure it has an adequate cash flow to meet its operating commitments. As set out in the Municipal Act, the maximum amount of borrowing at any one time, including amounts outstanding, is 50% of estimated revenue from January 1 to September 30th and 25% of estimated revenues from October 1 to December 31. Given that the 2017 operating budget has not yet been approved, the Municipal Act requires the borrowing limits be based on estimated revenue for 2016 ($828.6 million). As such, the limit on temporary borrowing for current expenditures would be $414.3 million for the first nine months and $207.2 million for the remaining three months.

Section 405 of the Municipal Act permits a municipality to authorize temporary borrowing for capital works to be financed in whole or in part by the issuance of debentures. Capital expenditures are on-going throughout the year while debentures to finance the works are generally issued on an annual basis. A by-law for temporary borrowing enables the Region to, if required, fund the capital projects throughout the year and issue debentures at a later date. While the preliminary capital budget for 2017 includes $149.6 million of debenture financing, the amount to be debentured will likely be in the range of 60% to 75% of that amount.

**Staff Recommendation**

While the Municipal Act would permit the Region of Waterloo to authorize temporary borrowing to a maximum of $414.3 million for current expenditures and $149.6 million for capital expenditures in 2017, staff is recommending significantly lower maximums. The recommended maximum of $118.0 million for operating expenses is approximately 25% of the 2016 tax levy and 28% of the maximum allowed under the Act. Temporary borrowing for current expenditures would generally only be required in the first few months of the year pending the receipt of tax levies from the Area Municipalities. The recommended maximum of $75.0 million for capital expenditures is 50% of the maximum allowed under the Act for 2017 and based on past amounts and timing of capital expenditures and planned debenture issues.

It should be noted that passing temporary borrowing by-laws does not mean that the Region will actually borrow funds. The enactment of the by-laws allows the Region to act quickly in the unlikely event of a cash flow shortage. Staff are not expecting that such borrowing will be required in 2017 for either operating or capital purposes. Temporary borrowing has not been required in any of the past sixteen (16) years. The passing of the temporary borrowing by-laws is a “housekeeping” matter to ensure accordance with the Municipal Act and is a prudent financial management practice.
Corporate Strategic Plan:

The approval of temporary borrowing by-laws aligns with the Responsive and Engaging Government Services Focus Area of the 2015-2018 Corporate Strategic Plan and the objective to ensure Regional programs and services are efficient, effective and provide value for money.

Financial Implications:

The 2017 Corporate Financial budget includes a provision of $40,000 to cover interest expense in the unlikely event that temporary borrowing is required.

Other Department Consultations/Concurrence: Nil

Attachments:

Attachment 1 – Draft By-law to Authorize the Temporary Borrowing for Current Expenditures Pending the Receipt of Revenues

Attachment 2 – Draft By-law to Authorize the Temporary Borrowing for Capital Expenditures Pending the Receipt of Debenture Proceeds

Prepared By: Angela Hinchberger, Director of Treasury Services/Deputy Treasurer

Approved By: Craig Dyer, Commissioner, Corporate Services/Chief Financial Officer
Attachment 1 – Draft By-law to Authorize the Temporary Borrowing for Current Expenditures Pending the Receipt of Revenues

By-Law Number 16-0xx
of
The Regional Municipality of Waterloo

A By-law to Authorize the Temporary Borrowing for Current Expenditures Pending the Receipt of Revenues

Whereas the Council of the Regional Municipality of Waterloo deems it necessary to pass and enact a by-law to authorize the temporary borrowing of monies by the Region to meet current budget expenditures for the year 2017 pending receipt of current revenue;

And Whereas Section 407(1) of the Municipal Act, 2001, as amended, (the “Act”) provides that a municipality may authorize temporary borrowing, until the taxes are collected and other revenues are received, of the amount council considers necessary to meet the current expenditures of the municipality for the year;

And Whereas the Act imposes limitations on the amounts that may be borrowed such that the amounts borrowed at any one time plus any outstanding amounts of principal borrowed and accrued interest shall not exceed 50% of the total estimated revenues of the municipality from January 1 to September 30 in the same year and 25% of the total estimated revenues of the municipality from October 1 to December 31 in the same year;

And Whereas the Act requires that until the budget is adopted in a year, the limits shall temporarily be calculated using the estimated revenues of the municipality set out in the budget adopted for the previous year;

And Whereas the total estimated revenues for the Regional Municipality of Waterloo are $828.6 million based on the 2016 operating budget approved by Regional Council on January 13, 2016;

The Council of the Regional Municipality of Waterloo enacts as follows:

1. The Regional Municipality of Waterloo is hereby authorized to borrow, from time to time, a sum or sums of monies not exceeding in the aggregate $118.0 million from January 1, 2017 to September 30, 2017 and $118.0 million from October 1, 2017 to December 31, 2017 to meet the current operations including sinking funds, principal and interest payments falling due within the fiscal year and the sums required by law to provide for the purposes of the Region.

2. The Regional Chair and the Treasurer of the Regional Municipality of Waterloo are hereby authorized to borrow such sums with any person, firm or
banker and authorized to sign and execute the required promissory notes, banker's acceptances, hypothecations, agreements and other such documents, writings and papers which shall give effect to the foregoing.

3. This By-law shall come into force and effect on January 1, 2017 and shall remain in force and effect until December 31, 2017.

By-law read a first, second and third time and finally passed in the Council Chamber in the Regional Municipality of Waterloo this 14th day of December A.D., 2016.

__________________________  __________________________
Regional Clerk              Regional Chair
Attachment 2 – Draft By-law to Authorize the Temporary Borrowing for Capital Expenditures Pending the Receipt of Debenture Proceeds

By-Law Number 16-0xx
of
The Regional Municipality of Waterloo

A By-law to Authorize the Temporary Borrowing for Capital Expenditures Pending the Receipt of Debenture Proceeds

Whereas the Council of the Regional Municipality of Waterloo deems it necessary to pass and enact a by-law to authorize the temporary borrowing of monies by the Region for capital expenditures within the year 2017 pending receipt of debenture financing;

And Whereas Section 405(1) of the Municipal Act, 2001, as amended, (the "Act") provides that a municipality may authorize temporary borrowing to meet expenditures made in connection with a work to be financed in whole or in part by the issue of debentures;

And Whereas the Act requires the proceeds obtained through temporary borrowing for an expenditure made in connection with a work to be applied to the approved work;

And Whereas the total maximum estimated debenture financing for the Regional Municipality of Waterloo for 2017 is $149.8 million as set out in the preliminary 2017 capital budget to be approved by Regional Council on January 11, 2017;

The Council of the Regional Municipality of Waterloo enacts as follows:

1. The Regional Municipality of Waterloo is hereby authorized to borrow, from time to time, a sum or sums of monies not exceeding in the aggregate $75.0 million from January 1, 2017 to December 31, 2017 to fund expenditures incurred for capital projects where the approved funding source is debenture financing and the debenture proceeds have not yet been received.

2. The Regional Chair and the Treasurer of the Regional Municipality of Waterloo are hereby authorized to borrow such sums with any person, firm or banker and authorized to sign and execute the required promissory notes, banker’s acceptances, hypothecations, agreements and other such documents, writings and papers which shall give effect to the foregoing.

3. This By-law shall come into force and effect on the January 1, 2017 and shall remain in force and effect until December 31, 2017.

By-law read a first, second and third time and finally passed in the Council Chamber in the Regional Municipality of Waterloo this 14th day of December A.D., 2016.

Regional Clerk

Regional Chair

Document Number: 2279453