



# REGIONAL MUNICIPALITY OF WATERLOO CONSOLIDATED COUNCIL AGENDA

Wednesday, October 26, 2011  
**Closed Session 6:45 p.m.**  
**WATERLOO COUNTY ROOM**  
Regular Meeting 7:00 p.m.  
REGIONAL COUNCIL CHAMBER  
150 Frederick Street, Kitchener, ON

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\*Denotes Item(s) Not Part of Original Agenda

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1. **MOMENT OF SILENCE**

2. **ROLL CALL**

3. **MOTION TO GO INTO CLOSED SESSION**

THAT a closed meeting of the Council be held on Wednesday, October 26, 2011 at 6:45 p.m. 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) receiving of legal advice and opinion that is subject to solicitor-client privilege related to a legal agreement

4. **MOTION TO RECONVENE IN OPEN SESSION**

5. **DECLARATION OF PECUNIARY INTEREST UNDER THE MUNICIPAL CONFLICT OF INTEREST ACT**

6. **PRESENTATIONS**

- a) City of Kitchener Urban Design Award for Waterloo Region Museum, presented by Carl Zehr

7. **PETITIONS**

8. **DELEGATIONS**

- \* a) Gary Broderick Re: 13 a) Memo: Gary Broderick Appeal to Regional Council of Decision of Licensing and Retail Committee

9. **MINUTES OF PREVIOUS MEETINGS**

- a) Closed Library – September 27, 2011
- b) Closed Council – October 5, 2011
- c) Council – October 5, 2011
- d) Community Services – October 18, 2011
- e) Closed Committee – October 18, 2011
- f) Administration & Finance – October 18, 2011
- g) Planning & Works – October 18, 2011
- h) Economic Development & Promotion – October 18, 2011

10. **COMMUNICATIONS**11. **MOTION TO GO INTO COMMITTEE OF THE WHOLE TO CONSIDER REPORTS**12. **REPORTS****Finance Reports**

- a) [F-11-072](#), Waterloo Region Housing's 2011/12 General Insurance Program 1
- b) [F-11-073](#), P2011-46 Plow Equipment 3

**Committee Reports**

- a) Planning & Works - attached & marked [PS-110927](#) 5
- b) Community Services – attached & marked [SS-111018](#) 7
- c) Administration & Finance - attached & marked [FS-111018](#) 9
- \* Closed Administration & Finance – attached & marked [CFS-111018](#) 10A
- d) Planning & Works - attached & marked [PS-111018](#) 11
- \* Closed Planning & Works – attached & marked [CPS-111018](#) 14A
- e) Economic Development & Promotion – attached & marked [EDS-111018](#) 15

**Chief Administrative Officer****Regional Chair**

- a) [RC-11-006](#), Well Interference Advisory Committee Appointments 17

**Regional Clerk**13. **OTHER MATTERS UNDER COMMITTEE OF THE WHOLE**

- a) [Memo](#): Gary Broderick Appeal to Regional Council of Decision of Licensing and Retail Committee 19
- \* b) [CR-RS-11-074](#), Land Acquisition – 518 Dutton Drive, Waterloo 33
- \* c) [E-11-108](#), Posted Speed Limit on Homer Watson Boulevard (Regional Road 28) Approaching Block Line Road 37

14. **MOTION FOR COMMITTEE OF THE WHOLE TO RISE AND COUNCIL RESUME**15. **MOTION TO ADOPT PROCEEDINGS OF COMMITTEE OF THE WHOLE**16. **MOTIONS**17. **NOTICE OF MOTION**18. **UNFINISHED BUSINESS**

**19. OTHER BUSINESS****20. QUESTIONS****21. ENACTMENT OF BY-LAWS – FIRST, SECOND & THIRD READINGS**

- a) A By-law to Expropriate Certain Lands for Road Improvements to Trussler Road (Regional Road 70), in the City of Kitchener and Township of Wilmot
- b) A By-law to Amend By-law 06-072, as Amended, Being the Region's Traffic and Parking By-law (Rates of Speed, Homer Watson Boulevard (Regional Road 28), Kitchener)
- c) A By-law to Confirm the Actions of Council – October 26, 2011

**22. ADJOURN**



## REGION OF WATERLOO

### FINANCE DEPARTMENT Administration Division

Report: F-11-072

**TO:** Chair Ken Seiling and Members of Regional Council

**DATE:** October 26, 2011 **FILE CODE:** F28-30

**SUBJECT:** WATERLOO REGION HOUSING'S 2011/12 GENERAL INSURANCE PROGRAM

#### RECOMMENDATION:

THAT the Regional Municipality of Waterloo accept the bid of Frank Cowan Company Limited for the 2011/12 General Insurance Program for Waterloo Region Housing in the amount of \$314,307.03 inclusive of the SHSC fee of \$15,625.47 and all applicable taxes.

**SUMMARY:** Nil

#### REPORT:

On June 29, 2011, Council passed a motion objecting to the refusal of the Social Housing Services Corporation (SHSC) to allow for competitive bidding for insurance in 2011/2012. Staff is pleased to report that on August 15, 2011, due to the pressures exerted by all the stakeholders involved, SHSC changed their position on this matter to allow alternative broker arrangements for only those who had this exemption for the previous year. Waterloo Region Housing (WRH) is one of these providers who were granted alternative broker arrangements in 2010/2011 via the SHSC's formal process, so we are again allowed to follow this same process for the WRH insurance programs in 2011/2012.

The Waterloo Region Housing's General Insurance Program is outside the Region of Waterloo's Municipal Insurance Pool's Program due to the additional coverage requirements set by the Social Housing Service's Corporation (SHSC). This insurance program renews on November 1, 2011 and coverage is subject to Council's approval. This program covers the 2,559 units transferred from the Province in 2001 and now owned by the Region. Staff obtained the required bid from the SHSC's Group Insurance Program administered by AON Reed Stenhouse Inc. and a bid from the Frank Cowan Company Limited, the only other competitor able to meet the SHSC's insurance program requirements. The quotes are as follows:

Frank Cowan Company Limited (inclusive of the SHSC fee)	\$314,307.03
AON Reed Stenhouse Inc. (SHSC fee not applicable)	\$349,075.32

The 2011/12 annual insurance program cost of \$314,307.03 is an increase of \$21,969.00 or 7.5% over that which was charged in 2010/11. Under legislation, the SHSC charges a 5% administration fee, which is mandatory to LHC's (Local Housing Corporations), to cover their operational costs for administering their insurance program. The Region's SHSC fee for 2011/12, which is included in the \$314,307.03, is \$15,625.47.

#### CORPORATE STRATEGIC PLAN:

Award of this contract meets Focus Area 5 of the Region's Corporate Strategic Plan in that we ensure all Regional programs and services are efficient and effective and demonstrate accountability to the public.

**FINANCIAL IMPLICATIONS:**

Frank Cowan Company Limited	\$298,681.56
SHSC Fee	<u>15,625.47</u>
	Sub-total \$314,307.03
Less: Municipal Rebate of 86.46% of HST on SHSC Fee	<u>(1,554.22)</u>
	Total <u>\$312,752.81</u>

Total net cost for the 2011/2012 General Insurance Program for Waterloo Region Housing will be \$312,752.81. Sufficient funds for this expense are included in the preliminary 2012 base budget.

**OTHER DEPARTMENT CONSULTATIONS/CONCURRENCE:**

Planning, Housing and Community Services staff have assisted with the documents submitted to market and are in agreement with the recommendation proposed.

**ATTACHMENTS:** Nil

**PREPARED BY:** C. Smith, Risk Manager

**APPROVED BY:** A. Hinchberger, Acting Chief Financial Officer



**REGION OF WATERLOO**  
**FINANCE DEPARTMENT**  
**Procurement & Supply Services**

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**TO:** Regional Chair Ken Seiling and Members of Regional Council

**DATE:** October 26, 2011

**FILE CODE: F18-40**

**SUBJECT: P2011-46 PLOW EQUIPMENT**

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**RECOMMENDATION:**

THAT the Regional Municipality of Waterloo accept the proposal of Viking Cives Ltd. for the purchase of Plow Equipment at a total price of \$537,522.92 including all applicable taxes.

**SUMMARY:** Nil

**REPORT:**

Bids were called for the supply of Plow Equipment to be installed on two (2) cab and chassis units that were purchased on June 1, 2011 (CAO Report P11-015). The proposal included an option to purchase additional plow equipment, in the event pre-budget approval was given for 2012 vehicle purchases. On September 14, 2011, Council granted pre-budget approval (Report CR-FM-11-019 dated September 6, 2011) and the Region is purchasing two (2) additional cab and chassis units. Therefore, the Region is exercising the option included in P2011-46 to purchase two (2) additional pieces of plow equipment for 2012 to be installed on the new replacement cab and chassis, for a total purchase of four (4) units of plow equipment.

Proposals were called for the supply of two units (2) of Plow Equipment and were advertised in The Record, on the Region's website and the OPBA website and were opened in the presence of C. Bogusat, L. Smith and D. Schmidt.

The following proposals were received for two (2) units of plow equipment:

		Standard Equipment	Optional Aluminum Body
Viking Cives Ltd.	Mount Forest, ON	\$247,630.46	\$21,131.00
Larochelle Equipment	Brockville, ON	\$268,558.06	No Bid

While the Region's standard dump box is aluminum, there is only one supplier that manufactures that type of box eliminating other manufacturers from the bidding process. Therefore in order to retain an open and fair bidding process, a standard steel truck body was specified as part of the proposal with optional pricing for aluminum dump boxes to be supplied.

Both Fleet Maintenance and Transportation Operations staff reviewed the proposals received. Evaluation of the proposals were based on the Region's standard evaluation criteria and as a result of the evaluation, Viking Cives Ltd. scored the highest in the evaluation and was low bid on the proposal.

Typically the Region receives two to three bids when it advertises for this type of equipment. Recently, Tenco out of Quebec has been less aggressive in marketing its product in this part of

Ontario and Alliston Equipment Ltd. from Ontario has not been bidding on municipal tenders for several years. This leaves only two manufacturers in this area - Viking Cives Ltd. & Larochelle Equipment.

Therefore, staff recommends that Proposal P2011-46 be awarded to Viking Cives Ltd. for the supply of two combination spreader/aluminum dump bodies as specified to be mounted on the equipment purchased as part of the 2011 procurement process and further that the Region of Waterloo exercise its option to purchase two additional combination spreader/aluminum dump bodies as specified to be mounted on the equipment purchased as part of the 2012 vehicle procurement process.

#### **CORPORATE STRATEGIC PLAN:**

This recommendation satisfies Focus Area 5, Service Excellence by ensuring Regional programs and services are efficient and effective and demonstrate accountability to the public.

#### **FINANCIAL IMPLICATIONS:**

P2011-46	\$537,522.92
Less: Municipal Rebate of 86.46% of HST (11.24%)	<u>(53,465.93)</u>
Total	<u>\$484,056.99</u>

The Transportation Equipment Reserve includes \$530,000 for two (2) cab and chassis replacing units 1251 and 1252, complete with winter maintenance equipment in 2011 and a similar amount for the replacement of units 1253 and 1254 in 2012. The cost for the supply of 4 additional combination spreader/aluminum dump bodies as per Region of Waterloo specifications is \$537,522.92 including HST and \$484,056.99 net of the HST rebate.

The final date of acceptance for this proposal is December 7, 2011.

#### **OTHER DEPARTMENT CONSULTATIONS/CONCURRENCE:**

Fleet Maintenance and Transportation Operations staff has reviewed the proposals and concur with the recommendation.

**ATTACHMENTS:** Nil

**PREPARED BY:** *C. Whitlock*, Director, Procurement & Supply Services

**APPROVED BY:** *A. Hinchberger*, Acting Chief Financial Officer

**THE REGIONAL MUNICIPALITY OF WATERLOO  
PLANNING AND WORKS COMMITTEE**

**Summary of Recommendations to Council**

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1. THAT The Regional Municipality of Waterloo direct and authorize the Regional Solicitor to take the following actions with respect to the expropriation of lands for the road improvements to University Avenue, in the City of Waterloo, in the Region of Waterloo as detailed in report CR-RS-11-059 dated September 27, 2011:

1. Complete application(s) to the Council of the Regional Municipality of Waterloo, as may be required from time to time, for approval to expropriate land, which is required for the road improvements to University Avenue and described as follows:

**Fee Simple Partial Taking:**

1. Part of Lot 2, Registered Plan 1050, being Part 1, on Reference Plan 58R-17179, PIN 22691-0047(LT) (251 Glenridge Drive)
  2. Part of Lot 77, Registered Plan 1050, being Part 4, on Reference Plan 58R-17179, PIN 22354-0005(LT) (240 Mayfield Avenue)
  3. Part of Lot 1, Registered Plan 1076, being Part 5, on Reference Plan 58R-17179, PIN 22355-0053(LT) (239 Mayfield Avenue)
  4. Part of Lot 3, Municipal Compiled Plan of Lot 6, German Company Tract, being Parts 1 and 2, on Reference Plan 58R-17180, PIN 22691-0046(LT) (130-140 University Avenue)
  5. Part of Lots 10 and 11, Registered Plan 501, being Part 3, on Reference Plan 58R-17180, PIN 22358-0054(LT) (115 University Avenue East)
  6. Part of Lot 10, Registered Plan 501, being Parts 4 and 5, on Reference Plan 58R-17180, PIN 22358-0055(LT) (119 University Avenue East)
  7. Part of Condominium Element Waterloo North Condominium Plan Number 23, being Part 6, on Reference Plan 58R-17180, PINS 23023-0001(LT) to 23023-0108(LT) (121 University Avenue East)
  8. Part of Lot 5, Registered Plan 1132, being Part 2, on Reference Plan 58R-17172, PIN 22355-0057(LT) (147 University Avenue East)
2. Serve notices of the above application(s) required by the Expropriations Act;
  3. Forward to the Chief Inquiry Office any requests for a hearing that may be received;
  4. Attend, with appropriate Regional staff, at any hearing that may be scheduled;



PS-110927

5. Discontinue expropriation proceedings or any part thereof, in respect of the above described lands, or any part thereof, upon the registration on title of the required documentation to complete a transaction whereby the required interests in the lands are conveyed; and
6. Do all things necessary and proper to be done, and report thereon to Regional Council in due course.

September 27, 2011

**THE REGIONAL MUNICIPALITY OF WATERLOO  
COMMUNITY SERVICES COMMITTEE**

**Summary of Recommendations to Council**

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The Community Services Committee recommends as follows:

1. THAT the Regional Municipality of Waterloo approve the participation of the Emergency Medical Services Division in the Emergency Medical Services Technology Interoperability Framework (EMS-TIF) Project;

AND THAT the Director, Emergency Medical Services be authorized to execute Tiered Response Agreements with the local municipalities pertaining to participating Fire Departments, as well as any required EMS-TIF agreements and/or letters of intent with the Crown in Right of the Province of Ontario by its Ministry of Health and Long Term Care, subject to such agreements and letters of intent being satisfactory to the Regional Solicitor, as outlined in Report PH-11-049, dated October 18, 2011.

2. THAT the Regional Municipality of Waterloo approve the following with regard to the Investment in Affordable Housing for Ontario Program (IAH), as described in Report P-11-084, dated October 18, 2011:

- a) Agree to participate in the investment in Affordable Housing for Ontario Program;
- b) Authorize the Regional Chair and Regional Clerk to execute an Administration Agreement with the Province and other such agreements and documentation in a form satisfactory to the Regional Solicitor, as may be required to participate in Investment in Affordable Housing for Ontario Program (IAH);
- c) Authorize the Commissioner of Planning, Housing and Community Services to execute and deliver all documentation required by the Province of Ontario and the Region of Waterloo for the purpose accessing funding from the Investment in Affordable Housing for Ontario Program (IAH); and
- d) Direct staff to prepare a report containing recommendations for a Program Delivery and Fiscal Plan for consideration by Regional Council prior to February 28, 2012.

3. THAT the Regional Municipality of Waterloo, in its capacity as Service Manager under the *Social Housing Reform Act*, approve the transfer of ownership of the community rental housing property located at 284 Clyde Road in the City of Cambridge from "Slovak Villa" to Victoria Park Community Homes Inc. and enter into such agreements as described in Report CR-RS-11-064/P-11-077, dated October 18, 2011, as may be required to effect this transfer with the form and content of such agreements to be satisfactory to the Regional Solicitor.

4. THAT the Regional Municipality of Waterloo terminate its agreement under the Domiciliary Hostel Program with Waring Estates Limited with respect to the residence located at 97 Concession Street, Cambridge, Ontario, effective as of the date of the closure of the purchase of sale of the residence;

AND THAT the Regional Municipality of Waterloo enter into a Domiciliary Hostel Agreement with 2287599 Ontario Inc., with respect to the residence located at 97 Concession Street, Cambridge, Ontario at a per diem rate of up to \$47.75 for a maximum of 20 beds, effective as of the date of the closure of the purchase of sale of the residence, as outlined in Report SS-11-044, dated October 18, 2011.

5. THAT the Regional Municipality of Waterloo approve an increase of 1.60 full time equivalent (FTE) Personal Support Workers (PSW) effective October 18, 2011 to be fully funded by the Ministry of Health and Long Term Care;

AND THAT the 2011 Operating Budget for Seniors' Services be increased by \$99,045 gross and \$0 net Regional Levy, to be funded by the Ministry of Health and Long Term Care, as outlined in Report SS-11-045 dated October 18, 2011.

October 18, 2011

**THE REGIONAL MUNICIPALITY OF WATERLOO  
ADMINISTRATION AND FINANCE COMMITTEE**

**Summary of Recommendations to Council**

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The Committee recommends as follows:

1. THAT the Regional Municipality of Waterloo take the following actions with respect to the Community Environmental Fund, as described in Report CR-FM-11-022/P-11-085, dated October 18, 2011:
  - a) establish the *Community Environmental Fund* by integrating the existing Environmental Stewardship Fund with the previously approved in-principle Community Sustainability Fund; and
  - b) approve the Terms of Reference of the new Community Environmental Fund as described in the *Guidelines and Application Package* within Appendix B of Report CR-FM-11-022/P-11-085, dated October 18, 2011.
2. THAT the proposed Real Property Acquisition By-law substantially in the form attached as Appendix "A" to Report CR-RS-11-065 be placed on an upcoming agenda of Regional Council for its consideration following public notice of the said proposed By-law being provided in accordance with the Region's Notice Policy 07-02, as amended. [CR-CS-11-065]

AND THAT the proposed by-law include a requirement for quarterly reporting to Regional Council.

October 18, 2011

**THE REGIONAL MUNICIPALITY OF WATERLOO  
ADMINISTRATION AND FINANCE COMMITTEE**

**Summary of Closed Recommendations to Council**

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The Administration and Finance Committee recommends as follows:

1. THAT The Regional Municipality of Waterloo direct staff, in relation to Tender T2011-109- GRT Strasburg Road Facility Expansion (the "Project"), to re-tender the building construction portion of the Project (the GRT Strasburg Road Facility Expansion).

October 18, 2011

**THE REGIONAL MUNICIPALITY OF WATERLOO  
PLANNING AND WORKS COMMITTEE**

**Summary of Recommendations to Council**

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The Planning and Works Committee recommends as follows:

1. THAT the Region of Waterloo accept P-11-079, Monthly Report of Development Activity for September 2011, dated October 18, 2011.
2. THAT the Regional Municipality of Waterloo approve the permanent operation of Route 21 – Elmira;

THAT the Regional Municipality of Waterloo approve the following action regarding the expansion of the Grand River Transit fleet to implement this service:

- a) Include a budget provision of \$1,015,000 in the 2012 GRT Capital Budget to be funded from debentures for the purchase of two (2) buses (net of HST rebate) and associated equipment and grant pre-budget approval for the purchase of these two buses prior to the approval of the 2012 budget;
- b) Accept the proposal from NovaBus, a Division of Prevost Car Inc. for the 2012 delivery of two (2) diesel transit buses at a price of \$1,079,561.32 including HST; and
- c) Authorize the issuance of debentures in an amount not to exceed \$1,015,000 not to exceed a 10 year term for this purchase;

AND THAT the net operating and debt financing costs of this service be area rated to the Township of Woolwich. [P-11-080]

3. THAT the Regional Municipality of Waterloo approve the expropriation of the lands for the purposes of construction of road improvements to Trussler Road, in the City of Kitchener and the Township of Wilmot, in the Region of Waterloo as detailed in Report CR-RS-11-067 dated October 18, 2011 described as follows:

Fee Simple Partial Taking:

- a) Part Lot 1, Concession 1, Block „A’, Township of Wilmot, being Part 2, on Reference Plan 58R-16917, PIN 22186-0233(LT) (1465 Trussler Road)
- b) Part Lot 1, Concession 1, Block „A’, Township of Wilmot, being Part 3, on Reference Plan 58R-16917, PIN 22186-0232(LT) (1359 Trussler Road)
- c) Part Lot 136, German Company Tract, City of Kitchener, being Part 5, on Reference Plan 58R-16917, PIN 22728-0010(LT) (1434 Trussler Road)
- d) Part Lot 135, German Company Tract, City of Kitchener, being Part 6, on Reference Plan 58R-16917, PIN 22728-0009(LT) (no municipal address)

- e) Part Lots 129, 133 & 134, German Company Tract, City of Kitchener, being Part 9, on Reference Plan 58R-16917, PIN 22728-0005(LT) (no municipal address)
- f) Part Lot 129, German Company Tract, City of Kitchener, being Part 11, on Reference Plan 58R-16917, PIN 22727-0022(LT) (808 Trussler Road)
- g) Part Lot 15, South side of Huron Road, Plan 585 and Part Lot 149, German Company Tract, City of Kitchener, being Part 12, on Reference Plan 58R-16920, PIN 22723-0006(LT) (no municipal address)
- h) Part Lot 1, Concession 2, Block „A“, Township of Wilmot, being Parts 13 and 14, on Reference Plan 58R-16920, PIN 22207-0025(LT) (1743 Trussler Road)

AND THAT staff be instructed to register a Plan of Expropriation for the property within three months of the granting of the approval to expropriate the property, as required by the *Expropriations Act*;

AND THAT the registered owners be served with a Notice of Expropriation and Notice of Possession for the property after the registration of the Plan of Expropriation;

AND THAT if no agreement as to compensation is made with an owner, the statutory Offer of Compensation and payment be served upon the registered owners of the property in the amount of the market value of the interests in the land as estimated by the Region's appraiser in accordance with the *Expropriations Act*;

AND FURTHER THAT the Regional Solicitor be authorized to discontinue expropriation proceedings or any part thereof, in respect of the above described lands, or any part thereof, upon the registration on title of the required documentation to complete the transaction.

- 4. THAT the Regional Municipality of Waterloo approves the proposed improvements as outlined in Report E-11-091 for Westmount Road (Regional Road No. 50) from Greenbrook Drive to Highland Road in the City of Kitchener.
- 5. THAT the Regional Municipality of Waterloo enter into a Consultant Services Agreement with IBI Group of Waterloo, Ontario to provide consulting engineering services for the preliminary design, detailed design, contract administration and construction inspection for King Street Reconstruction in the St. Jacob's Settlement Area, Township of Woolwich at an upset limit of \$334,548.00 plus applicable taxes for the preliminary design and detailed design phases with contract administration and construction inspection to be paid on a time basis;

AND THAT the Region of Waterloo approve an increase in project costs of \$66,998.00 plus applicable taxes gross and \$0 net to facilitate the preliminary and detailed design phases of the work undertaken for the Township of Woolwich, with contract administration and construction inspection to be paid on a time basis. [E-11-099]

6. THAT the Regional Municipality of Waterloo appoint four Regional Councillors to the Rapid Transit Steering Committee including:
- Chair of the Regional Planning and Works Committee;
  - Chair of the Regional Administration and Finance Committee;
  - Chair of the Regional Community Services Committee; and
  - Regional Councillor Claudette Millar to represent the City of Cambridge;

AND THAT The Regional Municipality of Waterloo approve the hiring of seven permanent and four non-permanent staff to be added to the Rapid Transit and Legal Services Divisions, as described in Report No. E-11-105, dated October 18, 2011.

7. THAT the Regional Municipality of Waterloo takes the following action regarding the Grand River Transit's 2012 replacement bus purchase:
- a) grant pre-budget approval for the purchase of eighteen (18) transit buses prior to the approval of the 2012 budget.
  - b) accept the proposal from NovaBus, a Division of Prevest Car Inc., for the 2012 delivery of eighteen (18) diesel transit buses at a price of \$9,716,051.88 including all applicable taxes.
  - c) authorize the issuance of debentures in an amount not to exceed \$8,015,000 for a term not to exceed 10 years for this purchase. [E-11-093]
8. THAT in regard to vehicular and pedestrian safety concerns for the Roundabout located at the intersection of Homer Watson Boulevard and Block Line Road, staff be directed as follows:
- a. To change all signs from "yield for pedestrians" to "stop for pedestrians";
  - b. To reduce the speed limit to 50 km per hour on Homer Watson Boulevard from Bleams Road to Ottawa Street;
  - c. Overhead signs should not be installed until Regional Council has reviewed where the pedestrian crossing will be located; and
  - d. To review additional signage regarding vehicular signaling and no passing in the roundabout.

October 18, 2011



**THE REGIONAL MUNICIPALITY OF WATERLOO  
PLANNING AND WORKS COMMITTEE**

**Summary of Closed Recommendations to Council**

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The Planning and Works Committee recommends as follows:

1. THAT the Regional Municipality of Waterloo approve, enter into an Agreement for, and execute all documentation related to, the acquisition of lands for improvements to University Avenue described as Part Lot 2, Plan 1050, being Part 1, on Reference Plan 58R-17179, in the City of Waterloo, Regional Municipality of Waterloo from Andrew Tokulah Stephen for the sum of \$19,000.00, plus associated costs to the satisfaction of the Regional Solicitor.
2. THAT the Regional Municipality of Waterloo approve, enter into an Agreement for, and execute all documentation related to, the acquisition of land for road improvements to Weber Street West described as Part Lots 20 and 21, Plan 131, being 245 Weber Street West, in the City of Kitchener, Regional Municipality of Waterloo from Miguel Arturo Garcia and Julia Veraly Garcia for the sum of \$192,000.00, plus associated costs, plus payment of \$9,600.00, as full and final compensation for the Vendor's moving and other disturbance costs, with all documentation to be to the satisfaction of the Regional Solicitor.

October 18, 2011

**THE REGIONAL MUNICIPALITY OF WATERLOO  
ECONOMIC DEVELOPMENT AND PROMOTION COMMITTEE**

**Summary of Recommendations to Council**

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The Economic Development and Promotion Committee recommends as follows:

1. THAT the Regional Municipality of Waterloo approve an Economic Development and Promotion grant in the amount of \$150,000 for the 2012 Waterloo Region International Plowing Match to be funded from the Capital Levy Reserve Fund. [F-11-070]

October 18, 2011



**REGIONAL MUNICIPALITY OF WATERLOO**

**OFFICE OF THE REGIONAL CHAIR**

**COUNCIL REPORT**

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**TO:** Members of Regional Council

**DATE:** October 26, 2011

**SUBJECT:** Well Interference Advisory Committee Appointments

**RECOMMENDATION:**

**That Councillors Les Armstrong, Todd Cowan, Rob Deutschmann, Ross Kelterborn and Jim Wideman be appointed to the Well Interference Advisory Committee for the 2010-2014 term of Regional Council and that the Regional Chair appoint other members as may be required.**

**BACKGROUND:**

During the Inaugural Meeting, appointments were not made to the Well Interference Advisory Committee. These appointments will permit the Committee to meet if required.

Respectfully Submitted,  
*Ken Seiling*, Regional Chair



Region of Waterloo Date: October 26, 2011

## MEMORANDUM

To: Chair Ken Seiling and Members of Regional Council  
From: Mike Grivicic, Council/Committee Support Specialist  
Subject: Gary Broderick Appeal to Regional Council of Decision of Licensing and Retail Committee  
File Code: C05-00

On September 19, 2011, the Licensing and Retail Committee held a meeting where hearings for taxi drivers were convened under By-law 04-069, the Taxi-Cab Meter By-law. An excerpt of the by-law describing the Region's authority to conduct the hearings is provided:

55. (1) *The Regional Municipality of Waterloo, in addition to any other penalty or remedy, may refuse to grant or to renew, or may suspend or revoke a licence under this By-law by reason of the ground that the conduct of the person applying for or holding the licence, or where the person is a corporation, that the conduct of the corporation's officers, directors, employees or agents, affords reasonable cause to believe that the person will not carry on or engage in its business in accordance with the law or with honesty and integrity.*
- (2) *For greater certainty, "law" under subsection (1) of this section includes the laws and regulations of Canada and the Province of Ontario and the by-laws of The Regional Municipality of Waterloo, including this By-law, and any other municipality having lawful jurisdiction.*
- (3) *Before acting under subsection (1) of this section, a hearing shall be held whereupon the Statutory Powers Procedure Act, R.S.O. 1990, c. S. 22, or any successor thereof, with the exception of sections 17, 17.1, 18 and 19, shall apply.*
- (4) *Where reasonably appropriate, and as an alternative or in addition to refusing to grant or renew, or revoke or suspend a licence under this Bylaw, The Regional Municipality of Waterloo may impose special conditions upon the person as a requirement of being issued or holding a licence.*
- (5) *The authority under this section shall be exercised by the Licensing and Retail Committee."*

At the meeting, a hearing was held for Gary Broderick, City Cabs Taxi Driver, License #5461, the details of which are outlined below.

On September 2, 2011, notice was served for a hearing to be held with respect to the taxi driver's license of Gary Broderick at the meeting of the Committee on September 19, 2011. At that hearing, evidence was introduced as to the driver's record of convictions and the previous probation of the driver's taxi license from May 2009 – March 2010.

The recommendation of staff was based on the Committee's guidelines for penalties and mitigating reasons for consideration. Staff recommended a suspension of the taxi driver's license for twenty-one (21) days, to be followed by one (1) year of probation of his taxi license, with conditions attached to ensure the driver's compliance with the *Highway Traffic Act*. Following consideration of the evidence, it was the decision of the Committee to level a suspension of his taxi driver's license for twenty-one (21) days followed by one (1) year of probation, in accordance with the staff recommendation.

At the hearing, the driver was advised of his right to appeal the decision provided for in the By-law, which states:

55.1 (1) *Any person who was the subject of a hearing under section 55 of this By-law may apply to the Clerk within fifteen (15) days of the decision of the Licensing and Retail Committee with a request that Council review the decision in regard to any refusal, revocation, suspension or special condition. An application under this subsection shall set out the relief sought and the grounds for the review.*

(2) *Upon receipt of an application under subsection (1) of this section, the Clerk shall submit the application and the decision of the Licensing and Retail Committee to Council for a review. The person applying for the review shall be given notice of the Council meeting where the review will occur and shall be permitted to attend as a delegation.*

(3) *Any decision of the Licensing and Retail Committee in regard to any revocation, suspension or special condition shall be stayed until the review by Council is completed.*

(4) *After conducting a review under subsection (2) of this section, Council may confirm the decision of the Licensing and Retail Committee, grant the relief sought, in whole or in part, or grant any other relief as it deems appropriate.*

A written appeal of the Committee's decision was received from G. Broderick on October 4, 2011, within the period provided by and in accordance with the By-law. The suspension of the taxi license which was to have taken effect on October 17, 2011 but has been stayed until the review of the decision by Council is completed.

On October 13, the driver was notified via telephone and written correspondence that the appeal of the Committee's decision would be heard at the Regional Council meeting of October 26, 2011. As well, the driver was advised that he could register to appear before Council as a delegation with regard to the appeal. The driver had earlier been provided with the excerpt of the Taxi Cab Meter By-law pertaining to licensing hearings and appeal, and a copy of the materials provided in the Council package has been also provided to the driver.

Attached to this memo for Council's consideration:

- Certified copy of driver's extended driving record from the Ministry of Transportation, Office of the Registrar of Motor Vehicles
- Excerpt of minutes of the Licensing and Retail Committee meeting of September 19, 2011
- Licensing and Retail Committee Penalties and Mitigating Reasons
- G. Broderick request for review of Licensing and Retail Committee's decision

Other related materials available upon request

- Transcript of portion of Licensing and Retail Committee meeting of September 19, 2011 related to G. Broderick
- Copy of G. Broderick Taxi Cab Driver's License
- Copy of probation letter to G. Broderick, dated May 8, 2009
- Notice of Hearing to G. Broderick, dated September 2, 2011
- Notice of Decision to G. Broderick, dated September 21, 2011

Ministry of  
Transportation

Office of the Registrar  
of Motor Vehicles

Building A  
2680 Keele Street  
Downsview, Ontario  
M3M 3E6

Ministère des  
Transports

Bureau du registraire  
des véhicules automobiles

Édifice A  
2680 rue Keele  
Downsview (Ontario)  
M3M 3E6



I hereby certify that the paper or  
papers annexed hereto constitute true statements  
containing information from the records of the  
Ministry of Transportation required to be kept  
under the Highway Traffic Act.

Given under my hand and the  
seal of the Ministry of Transportation,  
this *30TH DAY OF AUGUST 2011*.

A handwritten signature in black ink that reads "R. Fleming".

Robert Fleming  
Registrar of Motor Vehicles  
*Registraire des véhicules automobiles*





**STATUS DEFINITIONS** (Applicable for Driver Record Search Only)

<b>LICENSED</b>	Driver's licence is valid.
<b>SUSPENDED</b>	Driver's licence is under suspension for failure to comply with regulations specified in the Highway Traffic Act or Criminal Code of Canada.
<b>UNLICENSED CANCELLED</b>	Licence is no longer valid for any of the following reasons: -Driver has moved to other jurisdiction -Licence fee refunded / not paid -Licence returned voluntarily -Failure to comply with ministry requirements.
<b>UNLICENSED</b>	Driver's licence has expired within the last 12 months. (Driver may renew by paying renewal fees and passing any applicable tests.)
<b>UNLICENSED UNRENEWABLE</b>	Driver's licence has expired for more than 12 months. (Driver must visit Driver Examination Centre and pass any applicable tests.)
<b>NEVER LICENSED</b>	Individual has never held a permanent Ontario driver's licence. The reference number has been created to record convictions / accidents / suspensions, etc.
<b>DEATH REPORT</b>	The ministry has received a report that this driver is deceased. The report has been recorded, but not confirmed.
<b>PENDING LICENCE</b>	An applicant has just applied for an Ontario driver licence. (A successful written test must be completed before a licence can be issued.)
<b>EXTENDED DRIVER RECORD SEARCH</b>	An extended driver record search includes a history of all Criminal Code convictions, suspensions and reinstatements that are on the driver record. Highway Traffic Act convictions, suspensions and reinstatements in the previous 3 years are also included.
<b>EXPLANATORY NOTES:</b>	Date represents the conviction date for any convictions and effective date for all other entries shown on the Statement of Driving Record.  It is the policy of the ministry to exclude from the public record any defaulted fine suspension which has been cancelled and licence reinstated as a result of payment.

**DÉFINITION DES STATUS** (Pour une recherche dans le dossier du conducteur seulement)

<b>TITULAIRE D'UN PERMIS DE CONDUIRE</b>	Le permis de conduire est valide.
<b>SUSPENDU</b>	Le permis de conduire est suspendu en raison du non-respect des règlements du Code de la route ou du Code criminel du Canada.
<b>PERMIS DE CONDUIRE ANNULÉ</b>	Le permis n'est plus valide pour l'une des raisons suivantes: -Le conducteur / la conductrice n'habite plus en Ontario -Les droits du permis ont été remboursés / n'ont pas été payés. -Le conducteur / la conductrice a rendu volontairement son permis -Non-respect des exigences du ministère.
<b>PERMIS DE CONDUIRE EXPIRÉ</b>	Le permis de conduire a expiré au cours des 12 derniers mois. (Le conducteur / la conductrice peut le renouveler en payant les droits prévus et en réussissant les examens pertinents.)
<b>ANNULÉ ET NON RENOVELABLE</b>	Le permis de conduire est expiré depuis plus de 12 mois. (Le conducteur / la conductrice doit se rendre à un centre d'examen de conduite pour subir les examens pertinents.)
<b>N'A JAMAIS EU DE PERMIS</b>	Cette personne n'a jamais eu de permis de conduire permanent de l'Ontario. Le numéro de référence a été créé pour enregistrer les condamnations, accidents, suspensions, etc.
<b>RAPPORT DE DÉCÈS</b>	Le ministère a reçu un rapport l'avisant que le conducteur / la conductrice est décédé(e). Ce rapport a été enregistré, mais non confirmé.
<b>PERMIS DE CONDUIRE EN ATTENTE</b>	La personne vient de faire une demande de permis de conduire de l'Ontario. (Elle doit réussir un examen des connaissances des règles de la circulation avant qu'un permis de conduire ne lui soit délivré.)
<b>RECHERCHE APPROFONDIE AU DOSSIER DE CONDUITE</b>	La recherche approfondie au dossier de conduite comprend une liste de toutes les déclarations de culpabilité prononcées en vertu du Code criminel, de toutes les suspensions et de tous les rétablissements qui y sont inscrits, ainsi que les déclarations de culpabilité, suspensions et rétablissements en vertu du Code de la route au cours des trois dernières années.
<b>NOTES EXPLICATIVES</b>	La date fait référence à la date de condamnation et à la date d'entrée en vigueur de toutes les autres entrées figurant sur le relevé du dossier de conduite.  En vertu de sa politique, le ministère n'inscrit pas dans les dossiers auxquels le public a accès les suspensions pour amende impayée ayant été annulées et les permis remis en vigueur par suite du paiement de l'amende.

meeting. The recommendations being made by staff are based on the past precedents of the Committee and also the mitigating reasons aforementioned.

## LICENSING HEARINGS

### a) BRODERICK, GARY – City Cabs Taxi Driver, Licence #5461

#### Evidence – M. Sawdon

M. Sawdon noted that this hearing was adjourned from May 30, 2011 to allow the defendant to attend to a family obligation.

The Committee Clerk swore in the defendant.

M. Sawdon submitted the following evidence:

Exhibit A: Copy of the driver's taxi-cab driving license.

Exhibit B: Certified copy of owner's extended driving record from the Ministry of Transportation, Office of the Registrar of Motor Vehicles

Exhibit C: Copy of probation letter to the defendant, dated May 8, 2009

#### Reply evidence from defendant

G. Broderick noted that he has an outstanding speeding offence that is not included on the submitted driver's record, and he is meeting with the prosecutor in the near future to seek a reduction of the potential penalty. M. Sawdon indicated that those charges could be included in the current hearing.

G. Broderick provided additional details on the driving offenses, as well as noting that he drives part-time for two nights per week.

M. Sawdon emphasized that one speeding charge occurred within a community safety zone.

#### Recommendation - M. Sawdon

M. Sawdon recommended that the Licensing and Retail Committee place the taxi driver's license on suspension for twenty-one (21) days, immediately followed by one (1) year of probation, with monthly abstract checks during that time, and that the defendant shall obey all provisions of the *Highway Traffic Act* while operating a taxi-cab, and that the driver shall not receive any additional demerit points under the *Highway Traffic Act*. He noted that the notion of progressive penalties would suggest that suspension of the driver's taxi license is in order.

G. Broderick clarified for the Committee that the recommended suspension would result in forgoing six days of driving a taxi, and emphasized that the loss of pay for those days would affect his ability to provide for his family. He provided additional details for the Committee to consider regarding the speeding offense occurring in the community safety zone.

#### Committee discussion and recommendation

The Committee debated the evidence provided from staff and the defendant.

MOVED by L. Armstrong  
SECONDED by J. Mitchell

THAT the Licensing and Retail Committee take the following action with respect to Taxi-cab Driver License #5461, Gary Broderick:

- a) Gary Broderick, the license holder, receive a twenty-one (21) day suspension of his taxi-cab driver license, commencing October 17, 2011;
- b) following the suspension, the license holder be placed on probation for one (1) year effective November 6, 2011, during which time monthly abstract checks will be conducted;
- c) for a one (1) year period following the suspension, the license holder shall obey all provisions of the *Highway Traffic Act* while operating a taxi-cab;
- d) for a one (1) period following the suspension, the license holder shall not to receive any additional demerit points under the *Highway Traffic Act*; and
- e) any additional moving violations or demerit points during this probation period will result in another hearing before the Committee with a recommendation for a suspension or revocation of the Regional taxi-cab driver's license.

CARRIED

**b) GREWAL, SIMARDEEP – City Cabs Taxi Driver, Licence #5650**

Evidence – M. Sawdon

The Committee Clerk swore in the defendant.

M. Sawdon submitted the following evidence:

Exhibit A: Copy of the driver's taxi-cab driving license.

Exhibit B: Certified copy of owner's extended driving record from the Ministry of Transportation, Office of the Registrar of Motor Vehicles

Exhibit C: Copy of probation letter to the defendant, dated May 31, 2011

Reply evidence from defendant

S. Grewal acknowledged the insurance card violation and observed that the owner of the taxi cab paid the ticket for the violation. He asked the Committee for leniency in making its judgment.

The Committee ascertained that other people were passengers in his cab when the offences occurred. It was clarified that driving without a valid insurance card is considered a moving violation.

S. Grewal related his family circumstances, emphasizing his role as sole income-earner. He related that he will take an advanced defensive driving course, and expressed his desire to become a taxi owner/operator in the future.

Recommendation - M. Sawdon

In view of the nature of the defendant's charge incurred during probation, M. Sawdon recommended extending the end date of the defendant's current probation from February 28, 2012 to September 19, 2012. He emphasized that any additional speeding charge in that time would lead to a recommendation to suspend the defendant's taxi license.

# L & R Services Staff Recommendations - Penalties and Mitigating Reasons - Licensing and Retail Committee

*Prepared by Licensing & Regulatory Services*

*Formula:*

*For each demerit point = one month probation + for each moving violation conviction = 1 months probation = total penalty*

<b>Penalty</b>	<b>Reason</b>	<b>Result</b>
1. 11 months probation	7 demerit points 4 moving violations	Licence holder on probation for 11 months during which time monthly driver abstract checks will be conducted.  Licence holder for a period of 11 months shall obey all provisions of the Highway Traffic Act while operating a limousine and/or taxi cab.  Licence holder for a period of 11 months shall not receive any additional demerit points.
2. 13 months probation	8 demerit points 5 moving violations	Licence holder on probation for 13 months during which time monthly driver abstract checks will be conducted.  Licence holder for a period of 13 months shall obey all provisions of the Highway Traffic Act while operating a limousine and/or taxi cab.  Licence holder for a period of 13 months shall not receive any additional demerit points.
3. 15 months probation + 1 week suspension	9 demerit points 6 moving violations	Licence holder on probation for 15 week during which time monthly driver abstract checks will be conducted.  Licence holder for a period of 15 months shall obey all provisions of the Highway Traffic Act while operating a taxi-cab and/or limousine.  Licence holder for a period of 15 months shall not receive any additional demerit points.

<b>Penalty</b>	<b>Reason</b>	<b>Result</b>
4. 17 months probation + 2 weeks suspension	10 demerit points  7 moving violations	Licence will be suspended for 2 weeks followed by:  Licence holder on probation for 17 months during which time monthly driver abstract checks will be conducted.  Licence holder for a period of 17 months shall obey all provisions of the Highway Traffic Act while operating a taxi-cab and/or limousine.  Licence holder for a period of 17 months shall not receive any additional demerit points.
5. To be determined by MOT Actions, + / or 21 months probation	12 demerit points  9 moving violations	Licence Holder on Probation for 21 months or Licence Revoked.
6. Revocation, Per MOT revocation of licence	14 demerit points  11 moving violations	Licence Revoked
<b>Penalty</b>	<b>Reason</b>	<b>Result</b>
7. Licence Revocation (Permanent)	Sexual Offences Drinking and Driving	

**PENALTIES AND MITIGATING REASONS**  
**- LICENSING & RETAIL COMMITTEE**

<b>NUMBER OF DEMERIT POINTS</b>	<b>times # of months</b>	<b>RESULTING PENALTY</b>
1	1	1 months of probation
2	1	2 months of probation
3	1	3 months of probation
4	1	4 months of probation
5	1	5 months of probation
6	1	6 months of probation
7	1	7 months of probation
8	1	8 months of probation
9	1	9 months of probation plus 1 week suspension
10	1	10 months of probation plus 2 week suspension
11-15		Dependent of MOT Actions, i.e, probation, suspension, revocation OF Ont. Drivers' Licence
<i>Formula:</i>		
<i>For each demerit point = one month probation</i>		
<i>For each moving violation = 1 month probation</i>		
<i>e.g. (# of demerit points x 1) + (# of moving violations x 1) = penalty</i>		
<b>NUMBER OF MOVING VIOLATIONS</b>	<b>times # of months</b>	<b>RESULTING PENALTY</b>
3	1	3 months of probation
4	1	5 months of probation
5	1	6 months of probation
6	1	7 months of probation
7	1	7 months of probation
8	1	8 months of probation
9	1	9 months of probation

## **Licensing and Retail Committee Penalty Guidelines for Taxi-cab Drivers – Mitigating Reasons for Consideration**

- Did conduct/convictions occur while operating a taxi-cab, limo, etc?
  - Nature, number and gravity of offence(s)?
  - Moving violations?
  - How long have they been licensed? With ROW?
  - License file check: any adverse incident, comments, reports, previous hearings?
  - Conduct and attitude at hearing?
  - Support from brokers, owners, colleagues or others?
  - Other?
- 

### **Examples of why decisions have been recommended to Council from the Committee:**

- The number of demerit points present on (insert name) drivers abstract
- (insert name) was previously on probation for his Taxi-cab Drivers License
- There have been convictions for (#) moving violations
- Based on past precedents set by the Licensing and Retail Committee

OCT. 4 / 11 (2)

TO - REGIONAL CLERK (WATERLOO)

FROM - GARY BRODERICK

19 BRANDY CRES. KIT. ON

TEL. 519-208-450

DEAR SIR / MADAM,

I AM REQUESTING AN

APPEAL REGARDING THE

SUSPENSION OF MY TAXI

LICENCE # 5461 FROM

OCT. 17/11 TO NOV. 6/11.

THE REASONS FOR MY  
APPEAL ARE AS FOLLOWS.

- THE BULK OF MY INCOME  
IS FROM DRIVING TAXI

EVERY FRI. & SAT NIGHT.

- AFTER NOT WORKING

MOST OF THE SPRING &

EARLY SUMMER I FINALLY

STARTED WORKING STEADY

EVERY WEEKEND WITH

THE TAXI - OWNER I AM

WITH NOW. FINDING AN

OWNER (TAXI) TO WORK

FOR ON A STEADY BASIS

IS HARD TO DO AND

MY SUSPENSION COULD

JEOPARDIZE MY WORK

WITH THIS CURRENT

OWNER.



③ - MY WIFE ONLY WORKS PART-TIME AND MY INCOME IS ESSENTIAL TO KEEPING OUR HOUSE-HOLD FINANCIALLY AFLOAT.

- MY WIFE & I HAVE A NINE YEAR OLD DAUGHTER.

- MY 88 YEAR OLD FATHER HAS JUST MOVED IN WITH US FROM MISSISSAUGA AND HAS ONLY A SMALL PENSION TO LIVE ON.

④

- THIS SUSPENSION WOULD GREATLY AFFECT MY WIFE, DAUGHTER AND FATHER.

THANKYOU FOR YOUR CONSIDERATION.

SINCERELY,

Georg Brubaker