



AGENDA

GENERAL COMMITTEE

THE CORPORATION OF THE CITY OF MISSISSAUGA
www.mississauga.ca

WEDNESDAY, NOVEMBER 21, 2012 – 9:00 A.M.

COUNCIL CHAMBER – 2nd FLOOR – CIVIC CENTRE
300 CITY CENTRE DRIVE, MISSISSAUGA, ONTARIO, L5B 3C1

Members

Mayor Hazel McCallion	
Councillor Jim Tovey	Ward 1
Councillor Pat Mullin	Ward 2
Councillor Chris Fonseca	Ward 3
Councillor Frank Dale	Ward 4
Councillor Bonnie Crombie	Ward 5
Councillor Ron Starr	Ward 6
Councillor Nando Iannicca	Ward 7
Councillor Katie Mahoney	Ward 8 (Chair)
Councillor Pat Saito	Ward 9
Councillor Sue McFadden	Ward 10
Councillor George Carlson	Ward 11

Contact: Sacha Smith, Legislative Coordinator, Office of the City Clerk
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INDEX – GENERAL COMMITTEE – NOVEMBER 21, 2012

CALL TO ORDER

DECLARATIONS OF DIRECT (OR INDIRECT) PECUNIARY INTEREST

APPROVAL OF THE AGENDA

PRESENTATIONS

DEPUTATIONS

- A. Jaleesa DeSilva, Youth Coordinator and representatives from the Malton Youth Committee
- B. Rusty Rustenburg and Bill Evans, volunteers with respect to the Streetsville Park Chimney Swift Project.
- C. Saul Schwartz on behalf of Perry Saul, Perry's Pet Mart, 1310 Dundas Street East with respect to amending By-law 0152-2012 to include licensed kennels as a proper source to acquire puppies and kittens (Ward 1)
- D. Item 1 Kevin Pacheco, Owner, Beachin' Tan
- E. Item 2 Gavin Longmuir, Manager, Forestry

MATTERS TO BE CONSIDERED

- 1. Amendments to the Business Licensing By-law 1-06, as amended, to require licensing for Tanning Facilities.
- 2. Tree Permit By-law 474-05 Amendments
- 3. Port Credit On-Street Parking Fees – Request for Fee Holiday (Ward 1)
- 4. 15-hour Parking - Mill Street (Ward 11)
- 5. 15-hour Parking – Falconer Drive (Ward 11)
- 6. Downtown On-Street Paid Parking Expansion (Ward 4)

7. Highway 401 Improvements – From East of the Credit River to Trafalgar Road
8. Proposed Street Name for Condominium Application T-09002 and Proposed Street Names to be Added to the City of Mississauga Approved Street Name Reserve List (Ward 8 and City-wide)
9. Expanding Citizen Access to Local Government: Agreement with Rogers TV
10. Sublease of a building known as Adamson House at 850 Enola Avenue (Ward 1)
11. Business Improvement Areas (BIAs) Request for Cash Advances
12. Strike-Off of Taxes Deemed Uncollectable
13. Tax Sale Extension Agreement – 6086 Windfleet Crescent Roll No. 05-04-0-098-14361-0000 Fatima Gunaseeli Antonipillai
14. Contract Amendment – Infrastructure Management System (IMS) to Infor Global Solutions (Canada) Limited (Formally Hansen Information Technology) for Expanded Use of System, File Ref: FA.48.023-96, FA.49.0262-05

ADVISORY COMMITTEE REPORTS

Environmental Advisory Committee Report 8-2012 – November 6, 2012

Mississauga Cycling Advisory Committee Report 10-2012 – November 13, 2012

COUNCILLORS' ENQUIRIES

CLOSED SESSION

(Pursuant to Subsection 239 (3.1) of the *Municipal Act, 2001*)

- A. Educational Session – Administrative Penalties System

ADJOURNMENT

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MATTERS TO BE CONSIDERED

- 1. Amendments to the Business Licensing By-law 1-06, as amended, to require licensing for Tanning Facilities.

Corporate Report dated November 1, 2012 from the Commissioner of Transportation and Works with respect to amendments to the Business Licensing By-law 1-06, as amended to require licensing for tanning facilities.

RECOMMENDATION

That a By-law to amend the Business Licensing By-law 1-06, as amended, be enacted to license tanning facilities substantially similar to the draft By-law contained in (Appendix 1) to the report to General Committee dated November 1, 2012 entitled "Amendments to the Business Licensing By-law 1-06, as amended, to require licensing for Tanning Facilities" from the Commissioner of Transportation and Works.

2. Tree Permit By-law 474-05 Amendments

Corporate Report dated November 9, 2012 from the Commissioner of Community Services with respect to amendments to the Tree Permit By-law 474-05.

RECOMMENDATION

1. That the Private Tree Protection By-law be enacted to take effect on March 1, 2013, in the form provided in Appendix 1 to this Corporate Report entitled Tree Permit By-law 474-05 Amendments from the Commissioner of Community Services, to regulate the injury and destruction of trees on private property.
2. That staff be directed to apply the same policies and requirements contained within the Private Tree Protection By-law to the review and granting of Tree Removal Permission(s) in conjunction with the removal of trees through site plan, subdivision and consent applications.
3. That the Fees and Charges By-law be amended to include the permit fees set out in this Corporate Report entitled Tree Permit By-law Amendments from the Commissioner of Community Services when the Private Tree Protection By-law takes effect on March 1, 2013.

3. Port Credit On-Street Parking Fees – Request for Fee Holiday (Ward 1)

Corporate Report dated October 30, 2012 from the Commissioner of Transportation and Works with respect to a request from the Port Credit Business Improvement Area for the on-street parking fees in December 2012.

RECOMMENDATION

That General Committee provide direction regarding the Port Credit Business Improvement Area's request to waive on-street parking charges within the Port Credit Business Improvement Area for the month of December 2012.

4. 15-hour Parking - Mill Street (Ward 11)

Corporate Report dated October 29, 2012 from the Commissioner of Transportation and Works with respect to a request to implement 15-hour parking on Mill Street.

(4.)

RECOMMENDATION

That a by-law be enacted to amend By-law 555-2000, as amended, to implement 15-hour parking on Mill Street between Wyndham Street and the east limit of the roadway.

5. 15-hour Parking – Falconer Drive (Ward 11)

Corporate Report dated October 29, 2012 from the Commissioner of Transportation and Works with respect to a request to implement 15-hour parking on Falconer Drive.

RECOMMENDATION

That a by-law be enacted to amend By-law 555-2000, as amended, to remove "No Parking Anytime" on the south side of Falconer Drive between #6555 (north entrance) and Meadow Green Park and allow "15-hour parking anytime".

6. Downtown On-Street Paid Parking Expansion (Ward 4)

Corporate Report dated November 5, 2012 from the Commissioner of Transportation and Works with respect to the expansion of on-street paid parking in the Downtown area.

RECOMMENDATION

That a by-law be enacted to amend By-law 555-2000, as amended, to implement paid parking anytime on the south and west sides of Absolute Avenue from a point 75 meters (246 feet) east of Hurontario Street to a point 130 metres (427 feet) easterly and southerly thereof.

7. Highway 401 Improvements – From East of the Credit River to Trafalgar Road

Corporate Report dated November 6, 2012 from the Commissioner of Transportation and Works with respect to Highway 401 improvements from east of the Credit River to Trafalgar Road.

RECOMMENDATION

1. That the report dated November 6, 2012 from the Transportation and Works Department entitled "*Highway 401 Improvements – From East of the Credit River to Trafalgar Road*" be forwarded to the Ontario Ministry of Transportation, Region of Peel, Region of Halton and City of Brampton.

(7.)

2. That the Ontario Ministry of Transportation (MTO) be requested to further consider providing a full 12-lane Core-Distributor system on Highway 401 from the Credit River to Trafalgar Road and that City staff discuss the impacts associated with providing a full 12-lane Core-Distributor system with the MTO.
 3. That MTO be requested to consider constructing the widening of Highway 401 from the Credit River to Trafalgar Road as soon as possible.
8. Proposed Street Name for Condominium Application T-09002 and Proposed Street Names to be Added to the City of Mississauga Approved Street Name Reserve List (Ward 8 and City-wide)

Corporate Report dated November 1, 2012 from the Commissioner of Transportation and Works with respect to a proposed street name for Condominium Application T-090002 and proposed street names to be added to the City of Mississauga Approved Street Name Reserve List.

RECOMMENDATION

1. That the following be approved with respect to the naming of the private road within the proposed common element condominium development under Application T-09002, located on the east side of Mississauga Road, south of Eglinton Avenue West:
 - a) The name **Avignon** be assigned.
 - b) The standard City of Mississauga private street name signs with blue lettering on a white background indicating the name of the street be erected at the appropriate locations.
 - c) The cost of the sign be borne by Hush Homes Inc., the registered owner, but be erected by City forces.
2. That the name **Belbin** be added to the City of Mississauga Approved Street Name Reserve List.
3. That the name **Giverny** be added to the City of Mississauga Approved Street Name Reserve List subject to the name **Givemay** being removed from the current Reserve List.

9. Expanding Citizen Access to Local Government: Agreement with Rogers TV

Corporate Report dated November 7, 2012 from the Commissioner of Corporate Services and Treasurer with respect to an agreement with Rogers TV to include permission to use equipment for City productions.

RECOMMENDATION

That a by-law be enacted to authorize the Commissioner of Corporate Services and City Clerk to execute an agreement in a form acceptable to the Office of the City Solicitor with Rogers TV, a division of Rogers Communications Partnership Inc. for the use of the Robotic Camera Systems within the Council Chamber.

10. Sublease of a building known as Adamson House at 850 Enola Avenue (Ward 1)

Corporate Report dated November 8, 2012 from the Commissioner of Corporate Services and Treasurer with respect to a sublease of the Adamson House.

RECOMMENDATION

1. That Realty Services be authorized to select and retain a real estate broker with specialization in commercial real estate, to secure a suitable subtenant for the house located within 850 Enola Avenue, known as the Adamson House.
2. That, Realty Services with the assistance of Legal Services, review any sublease offers or proposals presented by the City's real estate broker and thereafter report back to Council with a recommendation for consideration and approval.

11. Business Improvement Areas (BIAs) Request for Cash Advances

Corporate Report dated November 5, 2012 from the Commissioner of Corporate Services and Treasurer with respect to providing cash advances to the BIAs.

RECOMMENDATION

That the Commissioner of Corporate Services be authorized to provide cash advances to each of the City of Mississauga BIAs of up to 50 per cent of the "previous" year BIA tax levy amount, until the final tax bills are issued.

12. Strike-Off of Taxes Deemed Uncollectable

Corporate Report dated November 6, 2012 from the Commissioner of Corporate Services and Treasurer with respect to taxes deemed uncollectable.

RECOMMENDATION

That the Commissioner of Corporate Services & Treasurer be authorized and directed to strike from the tax roll uncollectable taxes, penalties and interest totalling \$153,923.21 as outlined in the corporate report dated November 6, 2012 from the Commissioner of Corporate Services & Treasurer.

13. Tax Sale Extension Agreement – 6086 Windfleet Crescent Roll No. 05-04-0-098-14361-0000 Fatima Gunaseeli Antonipillai

Corporate Report dated November 6, 2012 from the Commissioner of Corporate Services and Treasurer with respect to a Tax Sale Extension Agreement for 6086 Windfleet Crescent.

RECOMMENDATION

That Council enact a by-law authorizing the Commissioner of Corporate Services & Treasurer to enter into an extension agreement with the owner of 6086 Windfleet Crescent extending the period of time in which the tax sale cancellation price is to be paid.

14. Contract Amendment – Infrastructure Management System (IMS) to Infor Global Solutions (Canada) Limited (Formally Hansen Information Technology) for Expanded Use of System, File Ref: FA.48.023-96, FA.49.0262-05

Corporate Report dated November 9, 2012 from the Commissioner of Corporate Services and Treasurer with respect to a contract amendment to Infor Global Solutions for an Infrastructure Management System for expanded use of system.

(14.)

RECOMMENDATION

1. That the Purchasing Agent be authorized to execute the necessary contracts for the period ending December 31, 2016 to Infor Global Solutions (Canada) Limited for the purchase of additional New Software Module Licenses, Maintenance, Support and Professional Services associated with new modules, at an estimated total cost of \$1,195,451 exclusive of taxes; with purchases subject to capital budget approval and approval of the contract and any ancillary documents by the Office of The City Solicitor and Purchasing Agent;
2. That the Purchasing Agent be authorized to extend the current Maintenance and Support Agreement from January, 2013 to December 31, 2016 to Infor Global Solutions (Canada) Limited at an estimated cost of \$1,131,449 exclusive of taxes;
3. That the Purchasing Agent be authorized to issue contract amendments to increase the value of the existing Infor Global Solutions (Canada) Limited contract where necessary to accommodate the business demand for new software licenses, maintenance, support as identified by departmental business services plans for 2013-2016, and where amount is approved in the budget;
4. That Infor Global Solutions (Canada) Limited continue to be designated a "City Standard" until December 31, 2016.

ADVISORY COMMITTEE REPORTS

Environmental Advisory Committee Report 8-2012 – November 6, 2012

(Recommendation EAC-0053-2012 to EAC-0062-2012)

Mississauga Cycling Advisory Committee Report 10-2012 – November 13, 2012

(Recommendation MCAC-0059-2012)

COUNCILLORS' ENQUIRIES

CLOSED SESSION

(Pursuant to Subsection 239 (3.1) of the *Municipal Act, 2001*)

- A. Educational Session – Administrative Penalties System

ADJOURNMENT



Corporate Report

Clerk's Files

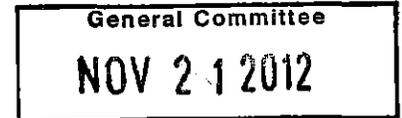
Originator's
Files

DATE: November 1, 2012

TO: Chair and Members of General Committee
Meeting Date: November 21, 2012

FROM: Martin Powell, P. Eng.
Commissioner of Transportation and Works

SUBJECT: **Amendments to the Business Licensing By-law 1-06, as amended,
to require licensing for Tanning Facilities**



RECOMMENDATION: That a By-law to amend the Business Licensing By-law 1-06, as amended, be enacted to license tanning facilities substantially similar to the draft By-law contained in (Appendix 1) to the report to General Committee dated November 1, 2012 entitled "Amendments to the Business Licensing By-law 1-06, as amended, to require licensing for Tanning Facilities" from the Commissioner of Transportation and Works.

REPORT

HIGHLIGHTS:

- Skin cancer is the most common form of cancer. In Ontario, an estimated 35,000 new cases of skin cancer were diagnosed in 2011, accounting for approximately 1/3 of all skin cancer diagnoses. Melanoma accounts for approximately 75 per cent of Canadian skin cancer deaths.
- The International Agency for Research on Cancer has classified indoor tanning equipment as a Group 1 carcinogen (carcinogenic to humans).
- Young people may have a greater susceptibility to the carcinogenic effects of ultraviolet radiation. Studies show the risk of melanoma

- is 75 per cent greater for those who first used a tanning bed before age 35 compared to those who had never tanned.
- Voluntary guidelines have been shown to be ineffective in restricting the use of tanning equipment by minors.

BACKGROUND:

On May 23, 2012, City Council adopted Resolution 0118-2012 (Appendix 2), requesting staff prepare a Corporate Report on the feasibility of amending the Business Licensing By-law 1-06, as amended, to prohibit minors from using indoor tanning beds or equipment. Further, the resolution also directed that staff consult with all stakeholders affected by such a by-law and that a motion be forwarded to Regional Council for their review, comment and input.

Subsequently, on May 24, 2012, Regional Council adopted Resolution 2012-660 referring the matter to the Medical Officer of Health for a report (Appendix 3) to Regional Council.

On September 27, 2012, Regional Council passed By-law 85-2012 (Appendix 4) prohibiting the use of commercial tanning equipment by minors. Further, they recommended that amendments be made to municipal licensing by-laws to include indoor tanning facilities and prohibit the use of commercial tanning equipment by minors in order to facilitate inspection and enforcement.

COMMENTS:

The Peel Medical Officer Of Health noted in his report (italicized below) to Regional Council, the following information:

“Health Issues: Restricting the use of commercial indoor tanning equipment by minors.

2. *Findings*

a) *Skin Cancer*

Skin cancer is the most common form of cancer. In Ontario, an estimated 35, 000 new cases of skin cancer were diagnosed

in 2011, accounting for approximately 1/3 of all cancer diagnoses.

Skin cancer is categorized based on the type of cells involved. There are three main types of skin cancer: basal cell carcinoma, squamous cell carcinoma and melanoma. The majority of skin cancers are basal and squamous cell carcinomas, which are usually localized and cured with excision. Malignant melanoma accounts for less than 10 per cent of all skin cancers diagnosed in Ontario, but it is of particular concern because it accounts for approximately 75 per cent of skin cancer deaths.

The incidence of melanoma in Canada has increased more than three-fold over the past 35 years. Over 2800 new cases are expected to be diagnosed in Ontario in 2012. Although the majority of people who are diagnosed with melanoma are in their 50s and 60s, it is one of the most common cancers and leading causes of cancer deaths in young adults. In Ontario, it is the fourth most common cancer diagnosed in young adults aged 15-29.

Sun exposure is the main environmental cause of skin cancer, due to the cellular damage caused by ultraviolet (UV) radiation. Both UVA and UVB radiation contribute to the development of skin cancer, although UVB radiation poses the greater risk.

b) Ultraviolet Radiation

UV radiation has a shorter wavelength and is more energetic than visible light. It is divided into three wavelength ranges:

- *UVA is long-range UV radiation; it is not as energetic as UVB, but can penetrate deep into the skin, causing immediate tanning and premature skin aging. It is not readily absorbed by the ozone layer.*

- *UVB radiation is higher energy radiation. It can penetrate the epidermis (the outer layer of the skin) and is responsible for delayed tanning and sunburns. The ozone layer absorbs most UVB radiation; only about 5 per cent reaches the earth.*
- *UVC radiation is harmful even with short exposures and is filtered out by the ozone layer.*

The sun is the main source of UV radiation. Other sources of exposure include artificial UV radiation from lights used in industrial and medical applications, and in indoor tanning equipment. The International Agency for Research on Cancer classified solar radiation as a Group 1 carcinogen (carcinogenic to humans) in 1992. Artificial tanning equipment was reclassified from a Group 2A (probably carcinogenic to humans) to a Group 1 carcinogen in 2009.

c) *Ultraviolet Radiation and Vitamin D*

Vitamin D is an essential compound with many important functions in the body, including assisting with calcium and phosphorous absorption and supporting bone health. Humans obtain vitamin D through exposure to the sun and through the diet. Vitamin D deficiency can lead to abnormal bone development in children and an increased risk of fractures in adults. There is increasing evidence that vitamin D may also play a role in reducing the risk of many chronic diseases, including some forms of cancer, autoimmune diseases, cardiovascular disease and infectious diseases.

Most experts agree that children and adults require 800-1000 International Units of vitamin D per day. Exposure of just the hands, arms, and face to bright sunlight for five minutes three times per week during spring, summer, and fall is sufficient to produce adequate levels of vitamin D in most people.

d) *Indoor Tanning*

Indoor tanning equipment includes tanning beds (sunbeds) and tanning lamps. Modern indoor tanning equipment primarily emits UVA radiation, although a small portion is in the UVB range. The UV output of a typical indoor tanning bed is at least as great as the midday sun in southern Europe, and may be as high as 10-15 times greater in new, more powerful appliances. The UVA dose per unit time received during a typical indoor tanning session can be much greater than those experienced during daily activities or even sunbathing. In frequent tanners, the average annual UVA dose may be 1.2-4.7 times that received by the sun.

The prevalence of indoor tanning varies between populations and studies. In the United States, the proportion of individuals who reported using indoor tanning equipment in the past year ranged from 20.4 per cent of adults aged 18-29 to 7.8 per cent of adults aged 65 and older. Indoor tanning is generally most common among teen and young adults, particularly young women. In Ontario, 21 per cent of high school students reported using tanning equipment at least once by the time they reached grade 12.

Young people may have greater susceptibility to the carcinogenic effects of ultraviolet radiation. In a meta-analysis of seven studies, the risk of melanoma was 75 per cent greater for those who first used a tanning bed before age 35 compared to those who had never tanned. The risk increases with more frequent tanning. A recent United States study showed that frequent users (defined as greater than 50 hours, 100 sessions, or 10 years of indoor tanning) were 2.5 to 3 times more likely to develop melanoma than those who had never used tanning equipment.

e) *Regulation of Commercial Tanning*

i) *Existing legislation*

Federal

The Radiation Emitting Devices Act and Regulations (Tanning Equipment) set out the technical requirements for tanning equipment and replacement parts sold, leased, or imported into Canada.

Provincial

The Province of Nova Scotia passed the Tanning Beds Act on May 31, 2011. The Act prohibits the use of commercial tanning beds by anyone younger than 19 years of age and outlines signage requirements. Owners can be fined up to a maximum of \$10,000 and have their business closed for up to two years for repeated violations of the Act.

The Provinces of Newfoundland and Labrador, and Quebec recently passed similar legislation prohibiting minors from using commercial tanning equipment, and British Columbia is expected to do the same through an amendment to the Public Health Act regulations in the fall of 2012.

At the present time, the Province of Ontario does not regulate the use of tanning facilities by youth; however, a Bill is pending in the Ontario legislature that would, if enacted, result in a Provincial ban on the use of commercial tanning facilities by individuals under 18 years of age. Bill 74, An Act To Help Prevent Skin Cancer, passed first reading in the Ontario Legislative Assembly on April 26, 2012. Although introduced as a private member's bill, Premier McGuinty has recently announced that the Ontario government will adopt Bill 74 and there is a strong indication that Provincial legislation will be forthcoming. Notwithstanding this Provincial initiative,

Peel Public Health staff are of the opinion that this matter is urgent and that Regional Council should take action to implement a by-law without delay.

Regional and Local

The Capital Regional District of Vancouver Island, BC, adopted its Tanning Facility Regulations By-law on October 12, 2011, which provides that operators must not permit anyone under the age of 18 to use their tanning facilities.

The Town of Oakville amended their business licensing by-law on August 13, 2012 to prohibit the use of tanning equipment by minors.

In Peel, tanning facilities are not currently subject to business licensing by-laws or inspection at the area municipal or Regional levels of governance.

ii) Guidelines

Federal

Health Canada published voluntary guidelines for tanning salon owners, operators, and users in 2005. In addition to recommendations regarding client assessment and protective eyewear, these guidelines specifically note that children under the age of 16 years should not use tanning equipment.

Provincial

Several provinces have voluntary guidelines for indoor tanning salon owners and operators, which either prohibit indoor tanning by clients under the age of 18 or 19, or require signed parental consent.

Tanning Industry

The Joint Canadian Tanning Association (JCTA) has voluntary professional standards for members that include operator training and certification, restriction of equipment control to certified operators only, written parental consent for clients under the age of 18, mandatory protective eyewear, skin-typing clients correctly, and not allowing those with skin type 1 (who always burn and never tan) to use tanning equipment. There are no provisions for enforcement. The JCTA is advocating for legislation in all provinces that support these standards. This would make it more difficult to implement effective local controls.

3. Options for Restricting the Use of Indoor Tanning Equipment by Minors.

a) Status Quo

This would permit minors to continue to use commercial indoor tanning equipment.

b) Letter of Support to the Minister of Health and Long-Term Care for Ontario Private Member's Bill 74.

Formal support for the Bill would be welcome; however, waiting for provincial legislation to prohibit minors from using tanning equipment will result in a delay in protecting the health of minors in the Region of Peel, or a missed opportunity if the Bill does not pass or is amended to be less restrictive.

c) Voluntary Guidelines

i) Requiring parental consent

ii) Prohibiting minors from using artificial tanning equipment.

Various levels of government and other organizations, including the tanning industry, have introduced voluntary guidelines requiring parental consent or restricting the

sale of indoor tanning services to minors. As there are no legal requirements, there is no monitoring of compliance.

In the United States, no differences in tanning behaviour have been found between states that require parental consent and those that do not. In 2008, the Canadian Cancer Society commissioned a study of tanning facilities in Toronto to determine whether they were complying with Health Canada's voluntary guidelines. Among the 79 tanning facilities surveyed, 60 per cent did not ask the age of researchers who were minors, 60 per cent did not identify researchers who had type 1 skin that burns and never tans, and 99 per cent of facilities did not recommend against tanning for those researchers with skin type 1.

- d) *Legal Restrictions on the Use of Indoor Tanning Equipment by Minors (less than 18 years of age)*
 - i) *Regional by-law*
 - ii) *Amendment to municipal business licensing by-law prohibiting the use of commercial tanning equipment by minors*

Legal restrictions prohibiting the use of commercial tanning equipment by minors are consistent with the recommendations of the World Health Organization, the Canadian Cancer Society, the Canadian Paediatric Society, the Canadian Medical Association and the Ontario Medical Association. This approach recognizes the increased vulnerability of children and adolescents to the effects of UV radiation, and their immature decision-making skills. It is consistent with restrictions on minors for other harmful exposures such as alcohol and tobacco, and injury prevention legislation such as bike helmet use.

Pursuant to subsection 11(2) of the Municipal Act, 2001, Regional Council is authorized to pass by-laws with respect to the health, safety, and well-being of persons.

Compliance with the proposed Regional by-law would be achieved through a combination of annual public health inspections of each of the currently estimated 65 tanning facilities in Peel as well as through a response to complaints from the public. In addition, the proposed by-law provides for administrative fines to be levied in the instance of a by-law infraction, although the set fine schedule is subject to approval by a Regional Senior Justice, and this process is expected to take several weeks”.

The Region also requested that area municipalities invoke their business licensing powers to require tanning facilities to be licensed and to prohibit the use of commercial tanning equipment by minors. *“Such an amendment to premises and would empower the area municipalities to suspend or revoke the business license of an owner in the appropriate circumstances”.*

Mississauga and Brampton City Councils have already requested that the by-law enforcement staff investigate the feasibility of amending local business licensing by-laws to prohibit minors from using tanning equipment. Staff in all three-area municipalities were consulted in the preparation of the Region’s report.

Although it would involve a degree of regulatory overlap, it is the opinion of Peel Public Health staff that it would be most effective to pursue regulation of tanning facilities at both the Regional and area municipal levels in tandem.”

Proposed Amendments to Business Licensing By-law 1-06, as amended:

Attached as Appendix 1 is a draft by-law for Council’s consideration should Council wish to enact a by-law requiring tanning facilities to be licensed. The draft by-law includes the following provisions:

11

- “Tanning Facility” means any location, place, area, structure, or business that provides customers access to tanning equipment other than a physician’s office or medical clinic. For the purpose of this definition, tanning equipment registered to different persons at the same location and tanning equipment registered to the same person, but at different locations, shall constitute separate tanning facilities.
- No person licensed under this By-law and Schedule shall permit any person under the age of 18 to access any tanning equipment in the Tanning Facility.
- An Operator shall require that any person who appears to be under the age of 25 to present proof of age identification before permitting access to Tanning Equipment.
- The Owner shall ensure that the Tanning Equipment is maintained in good repair to prevent any mechanical safety hazards.

If Council wishes to enact a by-law, it should be substantially similar to the attached draft by-law, and the Commissioner, Transportation and Works, would be responsible for the administration of this by-law.

FINANCIAL IMPACT: Tanning facilities are not currently required to be licensed under the Business Licensing By-law 1-06, as amended and therefore are not subject to regular inspection. Peel Public Health have identified that there are approximately 43 tanning facilities located in the City of Mississauga. Licensing of the tanning facilities will not require additional staff resources. There is no financial impact.

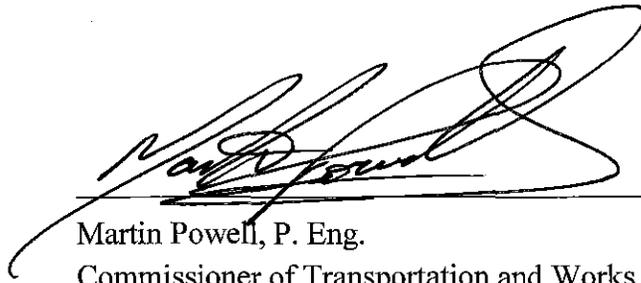
CONCLUSION: The Region of Peel enacted By-law 85-2012 prohibiting the use of commercial tanning equipment by minors. The Region of Peel has also recommended that area municipalities pass amendments to municipal business licensing by-laws to licence tanning facilities and ban tanning by minors in order to facilitate inspection and enforcement.

1K

Enforcement staff support the licensing of tanning facilities and banning tanning for minors due to the health concerns set out in the Medical Officer's of Health report.

ATTACHMENTS:

- Appendix 1: Amending By-law
- Appendix 2: Resolution 0118-2012
- Appendix 3: Peel Region Medical Officer of Health Report dated August 15, 2012
- Appendix 4: Region of Peel By-law Number 85-2012



Martin Powell, P. Eng.
Commissioner of Transportation and Works

*Prepared By: Douglas Meehan, Manager, Compliance and
Licensing Enforcement*

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APPENDIX 1

**A by-law to amend the
Business Licensing By-law 1-06, as amended,
to license commercial tanning
facilities**

WHEREAS it has been determined that ultraviolet (UV) radiation is a health hazard because it is a known carcinogen and a risk to the health of the inhabitants of the City of Mississauga;

AND WHEREAS commercial tanning facilities are a source of exposure to UV radiation;

AND WHEREAS Section 11(2) of the *Municipal Act*, 2001, S.O. c. 25 as amended, grants authority to Ontario municipalities to pass by-laws respecting the health, safety, and well-being of persons;

AND WHEREAS on September 27, 2012, the Council of the Regional Municipality of Peel passed By-law 85-2012, a By-law to regulate commercial tanning facilities within the municipality (the "Regional By-law");

AND WHEREAS the Council of the Regional Municipality of Peel requested the Corporation of the City of Mississauga (the "City") amend the Business Licensing By-law 1-06 to regulate tanning facilities by licensing tanning facilities and ban tanning for minors within the City;

NOW THEREFORE the Council of the Corporation of the City of Mississauga ENACTS as follows:

1. That section 1 of By-law 1-06, as amended, is hereby amended by adding the following terms and definitions in alphabetical order:

"Tanning Facility" means any location, place, area, structure, or business that provides customers access to tanning equipment other than a physician's office or medical clinic. For the purpose of this definition, tanning equipment registered to different persons at the same location and tanning equipment registered to the same person, but at different locations, shall constitute separate tanning facilities.

2. That section 2.(1) of By-law 1-06, as amended, is hereby amended by adding the following section:

(bb) own or operate a Tanning Facility;

3. That Section 25, Schedule 1 of By-law 1-06, as amended, relating to fees is hereby amended by adding the following:

TYPE OF LICENCE

	NEW	RENEWAL
Tanning Facility	\$195	\$168

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4. That Section 25, Schedule 2, of By-law 1-06, as amended, related to Licence Expiry Dates is hereby amended by adding the following to section 1(1) :

Schedule 28 Tanning Facility

5. That Section 25, of By-law 1-06, as amended, is hereby amended by adding the following Schedule 28 attached hereto as Appendix I.

ENACTED AND PASSED this day of , 2012.

MAYOR

CLERK

In

**SCHEDULE 28
TANNING FACILITIES**

1. For the purpose of this Schedule:

- (1) **"Customer"** means a person who uses the services of tanning facility.
- (2) **"Operator"** means an individual who:
 - a) operates the tanning facility;
 - b) assists a customer in the use of the tanning equipment; or
 - c) instructs a customer in the use of the tanning equipment and tanning facility;and includes an owner.
- (3) **"Owner"** means a person who owns the tanning facility business.
- (4) **"Proof of age identification"** means;
 - a) a Canadian driver's licence;
 - b) a Canadian passport;
 - c) a Certificate of Canadian citizenship that contains the person's photograph;
 - d) a Canadian permanent resident card;
 - e) a Canadian Armed Forces identification card; or
 - f) any other document that:
 - i. is issued by a federal or provincial authority or a foreign government, and
 - ii. contains the person's photograph, date of birth, and signature.
- (5) **"Protective Eyewear"** means a device that is worn by a user of tanning equipment to reduce the ultraviolet radiation reaching their eyes and that meets the specifications prescribed in Section 17 of the Radiation Emitting Devices Regulations (Tanning Equipment) (Canada).
- (6) **"Tanning Equipment"** means ultraviolet or other lamps intended to induce skin tanning through the irradiation of any part of the human body with ultraviolet radiation and equipment containing such lamps, including ballasts, starters, reflectors, acrylic shields, timers, and airflow cooling systems.

2. Every person licensed under this By-law shall not operate a Tanning Facility within the City of Mississauga unless the premises and the Tanning Equipment used in the facility comply with the regulations contained in this By-law.
3. No person licensed under the By-law shall permit any person under the age of 18 to access any tanning equipment in the Tanning Facility.

4. An Operator shall require that any person who appears to be under the age of 25 to present proof of age identification before permitting access to Tanning Equipment.
5. The Operator shall require customers to use Protective Eyewear during any use of the tanning equipment.
6. The Operator shall provide Protective Eyewear for purchase or use to any customers without their own personal protective eyewear.
7. The Owner shall ensure that each unit of Tanning Equipment is designed for use by only one (1) customer at a time.
8. An Owner shall not provide any prepaid, self-service automated Tanning Equipment in the Tanning Facility.
9. The Owner shall ensure that the Tanning Equipment is maintained in good repair to prevent any mechanical safety hazards.

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RESOLUTION 0118-2012
adopted by the Council of
The Corporation of the City of Mississauga
at its meeting on May 23, 2012

0118-2012 Moved by: Bonnie Crombie

Seconded by: Chris Fonseca

WHEREAS the use of indoor tanning facilities has a measurable affect on the increase in the incidences of skin cancer, specifically Melanoma;

AND WHEREAS those under the age of 35 who use tanning beds are 75 per cent more likely to develop skin cancer, and those who have spent more than 50 hours under artificial UV rays are three times more likely to develop the disease;

AND WHEREAS Melanoma is now the second most common type of cancer in people aged 15-34;

AND WHEREAS other Canadian jurisdictions such as the province of Nova Scotia and Victoria, British Columbia have banned tanning for minors, and the province of British Columbia has recently introduced similar legislation and the municipalities of St. Thomas and Sarnia, Ontario have introduced by-laws to ban the use of indoor tanning equipment by minors;

AND WHEREAS a multitude of jurisdictions internationally have banned the use of tanning beds for minors, including Texas, California, Belgium, Germany, France, New South Wales, Australia, Spain and Portugal

AND WHEREAS prominent health care organizations and charities, including the Canadian Paediatric Society, the Canadian Dermatological Association, the Canadian Medical Association, the Canadian Cancer Society and the World Health Organization are all calling for a ban on the use of indoor tanning equipment by minors;

AND WHEREAS artificial tanning equipment is sold and used in the City of Mississauga making the matter of indoor tanning an issue of municipal concern;

AND WHEREAS the *Municipal Act*, 2001 authorizes municipalities to have broad authority in regulating matters with respect to health, safety and well-being of persons, and protection of persons and property;

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AND WHEREAS the Municipal Act, 2001 also states that the powers of a municipality under the Act shall be interpreted broadly so as to confer broad authority on the municipality to enhance the municipality's ability to respond to municipal issues;

AND WHEREAS the City of Mississauga's Compliance and Enforcement Office is already conducting a Business Licensing By-law review;

NOW THEREFORE BE IT RESOLVED THAT:

- 1) As part of the ongoing review of the Business Licensing By-law staff prepare a Corporate Report to Council on the feasibility of amending the Business Licensing By-law to prohibit minors from using indoor tanning beds or equipment;
and
- 2) Staff consult with all stakeholders affected by such a by-law;
- 3) That the motion be forwarded to Regional Council for their review, comment and input.

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REPORT
Meeting Date: September 27, 2012
Regional Council

DATE: August 15, 2012

REPORT TITLE: RESTRICTING THE USE OF COMMERCIAL INDOOR TANNING EQUIPMENT BY MINORS

FROM: Janette Smith, Commissioner of Health Services
 David L. Mowat, MBChB, MPH, FRCPC, Medical Officer of Health

RECOMMENDATION

That a by-law to regulate the use of commercial tanning equipment including a prohibition for persons under 18 years of age be presented for enactment;

And further, that the report of the Commissioner of Health Services and the Medical Officer of Health, dated August 15, 2012, titled "Restricting the Use of Commercial Indoor Tanning Equipment by Minors" and accompanying by-law be forwarded to the Region's three area municipalities to request that area municipal Councils enact business licensing requirements for tanning facilities.

REPORT HIGHLIGHTS

- Skin cancer is the most common form of cancer. In Ontario, an estimated 35,000 new cases of skin cancer were diagnosed in 2011, accounting for approximately 1/3 of all skin cancer diagnoses. Melanoma accounts for approximately 75 per cent of Canadian skin cancer deaths.
- The International Agency for Research on Cancer has classified indoor tanning equipment as a Group 1 carcinogen (carcinogenic to humans).
- Young people may have greater susceptibility to the carcinogenic effects of ultraviolet radiation. The risk of melanoma was 75 per cent greater for those who first used a tanning bed before age 35 compared to those who had never tanned.
- Voluntary guidelines are ineffective in restricting the use of tanning equipment by minors.
- Council may wish to require a process of consultation prior to finalizing the by-law.

DISCUSSION

1. Background

The Council of the Corporation of the City of Mississauga unanimously adopted Resolution 0118-2012 to explore the feasibility of amending the Business Licensing By-Law to prohibit minors from using indoor tanning beds or equipment on May 23, 2012 and forwarded the motion to Regional Council for review. Regional Council adopted Resolution 2012-660 on May 24, 2012, referring the matter to the Medical Officer of Health for a report to Regional Council.

August 15, 2012

RESTRICTING THE USE OF COMMERCIAL INDOOR TANNING EQUIPMENT BY MINORS**2. Findings****a) Skin Cancer**

Skin cancer is the most common form of cancer. In Ontario, an estimated 35,000 new cases of skin cancer were diagnosed in 2011, accounting for approximately 1/3 of all cancer diagnoses.

Skin cancer is categorized based on the type of cells involved. There are three main types of skin cancer: basal cell carcinoma, squamous cell carcinoma and melanoma. The majority of skin cancers are basal cell and squamous cell carcinomas, which are usually localized and cured with excision. Malignant melanoma accounts for less than 10 per cent of all skin cancers diagnosed in Ontario, but it is of particular concern because it accounts for approximately 75 per cent of skin cancer deaths.

The incidence of melanoma in Canada has increased more than three-fold over the past 35 years. Over 2800 new cases are expected to be diagnosed in Ontario in 2012. Although the majority of people who are diagnosed with melanoma are in their 50s and 60s, it is one of the most common cancers and leading causes of cancer deaths in young adults. In Ontario, it is the fourth most common cancer diagnosed in young adults aged 15-29.

Sun exposure is the main environmental cause of skin cancer, due to the cellular damage caused by ultraviolet (UV) radiation. Both UVA and UVB radiation contribute to the development of skin cancer, although UVB radiation poses the greater risk.

b) Ultraviolet Radiation

UV radiation has a shorter wavelength and is more energetic than visible light. It is divided into three wavelength ranges:

- UVA is long-range UV radiation; it is not as energetic as UVB, but can penetrate deep into the skin, causing immediate tanning and premature skin aging. It is not readily absorbed by the ozone layer.
- UVB radiation is higher energy radiation. It can penetrate the epidermis (the outer layer of the skin) and is responsible for delayed tanning and sunburns. The ozone layer absorbs most UVB radiation; only about 5 per cent reaches the earth.
- UVC radiation is harmful even with short exposures and is filtered out by the ozone layer.

The sun is the main source of UV radiation. Other sources of exposure include artificial UV radiation from lights used in industrial and medical applications, and in indoor tanning equipment. The International Agency for Research on Cancer classified solar radiation as a Group 1 carcinogen (carcinogenic to humans) in 1992. Artificial tanning equipment was reclassified from a Group 2A (probably carcinogenic to humans) to a Group 1 carcinogen in 2009.¹

¹ The World Health Organization/International Agency for Research on Cancer (IARC) provides government authorities with expert, independent, scientific opinion on environmental exposures that may increase the risk of cancer. Exposures are classified based on the strength of evidence that they are carcinogenic to humans. Full descriptions of the IARC groups and review process can be found on the IARC website: www.iarc.fr

August 15, 2012

RESTRICTING THE USE OF COMMERCIAL INDOOR TANNING EQUIPMENT BY MINORS

c) Ultraviolet Radiation and Vitamin D

Vitamin D is an essential compound with many important functions in the body, including assisting with calcium and phosphorous absorption and supporting bone health. Humans obtain vitamin D through exposure to the sun and through the diet. Vitamin D deficiency can lead to abnormal bone development in children and an increased risk of fractures in adults. There is increasing evidence that vitamin D may also play a role in reducing the risk of many chronic diseases, including some forms of cancer, autoimmune diseases, cardiovascular disease and infectious diseases.

Most experts agree that most children and adults require 800-1000 International Units of vitamin D per day. Exposure of just the hands, arms, and face to bright sunlight for five minutes three times per week during spring, summer, and fall is sufficient to produce adequate levels of vitamin D in most people.

d) Indoor Tanning

Indoor tanning equipment includes tanning beds (sunbeds) and tanning lamps. Modern indoor tanning equipment primarily emits UVA radiation, although a small portion is in the UVB range. The UV output of a typical indoor tanning bed is at least as great as the midday sun in southern Europe, and may be as high as 10-15 times greater in new, more powerful appliances. The UVA dose per unit time received during a typical indoor tanning session can be much greater than those experienced during daily activities or even sunbathing. In frequent tanners, the average annual UVA dose may be 1.2-4.7 times that received by the sun.

The prevalence of indoor tanning varies between populations and studies. In the United States, the proportion of individuals who reported using indoor tanning equipment in the past year ranged from 20.4 per cent of adults aged 18-29 to 7.8 per cent of adults aged 65 and older. Indoor tanning is generally most common among teen and young adults, particularly young women. In Ontario, 21 per cent of high school students reported using tanning equipment at least once by the time they reached grade 12.

Young people may have greater susceptibility to the carcinogenic effects of ultraviolet radiation. In a meta-analysis of seven studies, the risk of melanoma was 75 per cent greater for those who first used a tanning bed before age 35 compared to those who had never tanned. The risk increases with more frequent tanning. A recent United States study showed that frequent users (defined as greater than 50 hours, 100 sessions, or 10 years of indoor tanning) were 2.5 to 3 times more likely to develop melanoma than those who had never used tanning equipment.

e) Regulation of Commercial Tanning

1) Existing legislation

Federal

The Radiation Emitting Devices Act and Regulations (Tanning Equipment) set out the technical requirements for tanning equipment and replacement parts sold, leased, or imported into Canada.

August 15, 2012

RESTRICTING THE USE OF COMMERCIAL INDOOR TANNING EQUIPMENT BY MINORS

Provincial

The Province of Nova Scotia passed the *Tanning Beds Act* on May 31, 2011. The Act prohibits the use of commercial tanning beds by anyone younger than 19 years of age and outlines signage requirements. Owners can be fined up to a maximum of \$10,000 and have their business closed for up to two years for repeated violations of the Act.

The Provinces of Newfoundland and Labrador, and Quebec recently passed similar legislation prohibiting minors from using commercial tanning equipment, and British Columbia is expected to do the same through an amendment to the *Public Health Act* regulations in the fall of 2012.

At the present time, the Province of Ontario does not regulate the use of tanning facilities by youth; however, a Bill is pending in the Ontario legislature that would, if enacted, result in a Provincial ban on the use of commercial tanning facilities by individuals under 18 years of age. Bill 74, *An Act To Help Prevent Skin Cancer*, passed first reading in the Ontario Legislative Assembly on April 26, 2012. Although introduced as a private member's bill, Premier McGuinty has recently announced that the Ontario government will adopt Bill 74 and there is a strong indication that Provincial legislation will be forthcoming. Notwithstanding this Provincial initiative, Peel Public Health staff are of the opinion that this matter is urgent and that Regional Council should take action to implement a by-law without delay.

Regional and Local

The Capital Regional District of Vancouver Island, BC, adopted its Tanning Facility Regulations By-law on October 12, 2011, which provides that operators must not permit anyone under the age of 18 to use their tanning facilities.

The Town of Oakville amended their business licensing by-law on August 13, 2012 to prohibit the use of tanning equipment by minors.

In Peel, tanning facilities are not currently subject to business licensing by-laws or inspection at the area municipal or Regional levels of governance.

ii) Guidelines

Federal

Health Canada published voluntary guidelines for tanning salon owners, operators, and users in 2005. In addition to recommendations regarding client assessment and protective eyewear, these guidelines specifically note that children under the age of 16 years should not use tanning equipment.

Provincial

Several provinces have voluntary guidelines for indoor tanning salon owners and operators, which either prohibit indoor tanning by clients under the age of 18 or 19, or require signed parental consent.

August 15, 2012

RESTRICTING THE USE OF COMMERCIAL INDOOR TANNING EQUIPMENT BY MINORS

Tanning Industry

The Joint Canadian Tanning Association (JCTA) has voluntary professional standards for members that include operator training and certification, restriction of equipment control to certified operators only, written parental consent for clients under the age of 18, mandatory protective eyewear, skin-typing clients correctly, and not allowing those with skin type 1 (who always burn and never tan) to use tanning equipment. There are no provisions for enforcement. The JCTA is advocating for legislation in all provinces that supports these standards. This would make it more difficult to implement effective local controls.

3. Options for Restricting the Use of Indoor Tanning Equipment by Minors

a) Status Quo

This would permit minors to continue to use commercial indoor tanning equipment.

b) Letter of Support to the Minister of Health and Long-Term Care for Ontario Private Member's Bill 74.

Formal support for the Bill would be welcome; however, waiting for provincial legislation to prohibit minors from using tanning equipment will result in a delay in protecting the health of minors in the Region of Peel, or a missed opportunity if the Bill does not pass or is amended to be less restrictive.

c) Voluntary Guidelines

- i) Requiring parental consent
- ii) Prohibiting minors from using artificial tanning equipment

Various levels of government and other organizations, including the tanning industry, have introduced voluntary guidelines requiring parental consent or restricting the sale of indoor tanning services to minors. As there are no legal requirements, there is no monitoring of compliance.

In the United States, no differences in tanning behaviour have been found between states that require parental consent and those that do not. In 2008, the Canadian Cancer Society commissioned a study of tanning facilities in Toronto to determine whether they were complying with Health Canada's voluntary guidelines. Among the 79 tanning facilities surveyed, 60 per cent did not ask the age of researchers who were minors, 60 per cent did not identify researchers who had type 1 skin that burns and never tans, and 99 per cent of facilities did not recommend against tanning for those researchers with skin type 1.

d) Legal Restrictions on the Use of Indoor Tanning Equipment by Minors (less than 18 years of age)

- i) Regional by-law
- ii) Amendment to municipal business licensing by-law prohibiting the use of commercial tanning equipment by minors

Legal restrictions prohibiting the use of commercial tanning equipment by minors are consistent with the recommendations of the World Health Organization, the Canadian

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August 15, 2012

RESTRICTING THE USE OF COMMERCIAL INDOOR TANNING EQUIPMENT BY MINORS

Cancer Society, the Canadian Paediatric Society, the Canadian Medical Association and the Ontario Medical Association. This approach recognizes the increased vulnerability of children and adolescents to the effects of UV radiation, and their immature decision-making skills. It is consistent with restrictions on minors for other harmful exposures such as alcohol and tobacco, and injury prevention legislation such as bike helmet use.

Pursuant to subsection 11(2) of the *Municipal Act, 2001*, Regional Council is authorized to pass by-laws with respect to the health, safety, and well-being of persons. Compliance with the proposed Regional by-law would be achieved through a combination of annual public health inspections of each of the currently estimated 65 tanning facilities in Peel as well as through a response to complaints from the public. In addition, the proposed by-law provides for administrative fines to be levied in the instance of a by-law infraction, although the set fine schedule is subject to approval by a Regional Senior Justice, and this process is expected to take several weeks.

It is also open to the Region's area municipalities to invoke their business licensing powers to require tanning facilities to be licensed and to prohibit the use of commercial tanning equipment by minors. Such an amendment to municipal business licensing by-laws would serve to facilitate identification of premises and would empower the area municipalities to suspend or revoke the business license of an owner in the appropriate circumstances.

Mississauga and Brampton City Councils have already requested that by-law staff investigate the feasibility of amending local business licensing by-laws to prohibit minors from using tanning equipment. Staff in all three area municipalities in the Region have been consulted in the preparation of this report.

Although it would involve a degree of regulatory overlap, it is the opinion of Public Health staff that it would be most effective to pursue regulation of tanning facilities at both the Regional and area municipal levels in tandem.

FINANCIAL IMPLICATIONS

Tanning businesses are not currently subject to regular inspection, regardless of whether tanning services are offered in a personal service setting or as a stand-alone business. Implementation of regulations, re-inspections, and complaint follow-up in the approximately 65 tanning facilities currently operating in Peel Region is estimated to require 0.25 full time equivalent public health inspector which will be resourced from within the existing complement.

CONCLUSION

Peel Public Health recommends a Regional by-law prohibiting the use of commercial tanning equipment by minors (less than 18 years of age), with amendments to municipal business licensing by-laws to include indoor tanning facilities and prohibit the use of commercial tanning equipment by minors in order to facilitate inspection and enforcement.

A by-law prepared by staff accompanies this report, and includes the following provisions:

Age – Operators may not permit minors to use indoor tanning equipment. Anyone who appears to be less than 25 years must be required to present proof of age before using tanning equipment.

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August 15, 2012

RESTRICTING THE USE OF COMMERCIAL INDOOR TANNING EQUIPMENT BY MINORS

Signage – Operators must post warning signs conspicuously in the reception area, as well as in the immediate proximity of each piece of tanning equipment, outlining health risks associated with UV exposure and the restriction on minors.

Inspection and enforcement – By-law enforcement officers and the Medical Officer of Health or his/her designate (public health inspector) may enter at any time in order to determine whether regulations in the by-law are being enforced.

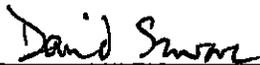


Janette Smith
Commissioner of Health Services



David L. Mowat, MBChB, MPH, FRCPC
Medical Officer of Health

Approved for Submission:



D. Szwarc, Chief Administrative Officer

For further information regarding this report, please contact Dr. David L. Mowat at extension 2566 or via email at david.mowat@peelregion.ca

Authored By: Dr. Kate Bingham

c. Legislative Services
MC Manager, Financial Support Unit (FSU)

APPENDIX 4

THE REGIONAL MUNICIPALITY OF PEEL

BY-LAW NUMBER 85-2012

A by-law to regulate commercial tanning facilities within the municipality.

WHEREAS it has been determined that ultraviolet (UV) radiation is a health hazard because it is a known carcinogen and a risk to the health of the inhabitants of the Region of Peel;

AND WHEREAS commercial tanning facilities are a source of exposure to UV radiation;

AND WHEREAS subsection 11(2) of the *Municipal Act, 2001*, S.O. 2001, c.25, as amended, grants authority to Ontario municipalities to pass by-laws respecting the health, safety, and well-being of persons;

AND WHEREAS the Council of The Regional Municipality of Peel has by resolution passed on the 27th day of September, 2012, authorized the enactment of a by-law to regulate commercial tanning facilities within the municipality;

NOW THEREFORE the Council of the Region of Peel hereby ENACTS as follows:

DEFINITIONS

1. In this by-law:

"Customer" means a person who uses the services of a tanning facility.

"Medical Officer of Health" means the Medical Officer of Health for the Regional Municipality of Peel, duly appointed under the *Health Protection and Promotion Act*, R.S.O. 1990, c. H.7, as amended, and includes any appropriately delegated staff acting on his or her behalf;

"Operator" means an individual who:

- a) operates the tanning facility;
- b) assists a customer in the used of the tanning equipment; or
- c) instructs a customer in the used of the tanning equipment and tanning facility;

and includes an owner.

"Owner" means a person who owns the tanning facility business.

"Pathogen" means any organism that can cause human illness.

"Proof of age identification" means:

- a) a Canadian driver's license;
- b) a Canadian passport;
- c) a certificate of Canadian citizenship that contains the person's photograph;
- d) a Canadian permanent resident card;
- e) a Canadian Armed Forces identification card; or
- f) any other document that
 - i) is issued by a federal or provincial authority or a foreign government, and
 - ii) contains the person's photograph, date of birth, and signature.

"Protective eyewear" means a device that is worn by a user of tanning equipment to reduce the ultraviolet radiation reaching their eyes and that meets the specifications prescribed in Section 17 of the Radiation Emitting Devices Regulations (Tanning Equipment) (Canada).

"Sanitize" means the effective elimination of pathogens from surfaces of tanning equipment and protective eyewear by an approved product that provides a sufficient concentration of chemicals to eliminate pathogens after a specified contact time.

"Tanning equipment" means ultraviolet or other lamps intended to induce skin tanning through the irradiation of any part of the human body with ultraviolet radiation and equipment containing such lamps, including ballasts, starters, reflectors, acrylic shields, timers, and airflow cooling systems.

"Tanning facility" means any location, place, area, structure, or business that provides customers access to tanning equipment

other than a physician's office or medical clinic. For the purpose of this definition, tanning equipment registered to different persons at the same location and tanning equipment registered to the same person, but at different locations, shall constitute separate tanning facilities.

"Ultraviolet radiation" means electromagnetic radiation with wavelength in air between one hundred nanometers and four hundred nanometers.

"Warning placard" means a placard prescribed by this by-law as shown in Schedule "A" attached to and forming part of this by-law.

APPLICATION

2. This by-law applies to all tanning facilities in the Region of Peel.
3. No person shall operate a tanning facility unless:
 - a. The premises and the tanning equipment used in the facility comply with the regulations contained in this by-law; and
 - b. The tanning equipment in the tanning facility complies with the regulations specified for tanning equipment under the *Radiation Emitting Devices Act (Canada)* and its Regulations.

SIGNAGE REQUIREMENTS

4. The operator shall post a warning placard, as illustrated in Schedule "A", in a conspicuous location within one meter of each unit of tanning equipment in the tanning facility. The placard shall have dimensions not less than 215.9 mm X 279.4 mm and shall be readily legible, clearly visible, and not obstructed by any barrier, equipment, or other item present so that the warnings can be easily viewed by customers prior to use of the tanning equipment.

PROTECTIVE EYEWEAR

5. The operator shall require customers to use protective eyewear during any use of the tanning equipment.
6. The operator shall provide protective eyewear for purchase or use to any customer without their own personal protective eyewear.

EQUIPMENT AND FACILITY REQUIREMENTS

7. An owner shall not operate a tanning facility within a residential dwelling.
8. The owner shall provide at all times, in the tanning facility, an adequate supply of hot and cold water for hand washing, operating, and cleaning purposes.
9. The owner shall ensure that the floors, walls, and ceilings of the tanning facility are made of materials that can be easily cleaned and the operator shall ensure that the said floors, walls, and ceilings are kept in a clean condition at all times.
10. The owner shall ensure that each unit of tanning equipment is designed for use by only one customer at a time.
11. An owner shall not provide any prepaid, self-service automated tanning equipment in the tanning facility.
12. The owner shall ensure that the tanning equipment is maintained in good repair to prevent any mechanical safety hazards.

SANITATION

13. The operator shall ensure that any previously used protective eyewear has been properly sanitized with a liquid disinfectant before it is provided to a customer. The operator must use a sanitizer intended and documented for use on protective eyewear.
14. The operator shall ensure to properly sanitize the tanning equipment, including handrails, headrests, and hard surfaces after every use by a customer.
15. An operator shall not require the customer to sanitize the tanning equipment or protective eyewear and shall not post any

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signs requesting that such sanitation be performed by the customer.

ACCESS BY YOUTH PROHIBITED

16. An operator shall not permit any person under the age of 18 to access any tanning equipment in the tanning facility.

17. An operator shall require that any person who appears to be under the age of 25 present proof of age identification before permitting access to tanning equipment.

OFFENSES AND PENALTIES

18. Every person other than a corporation who contravenes any provision of this by-law is guilty of an offence and on conviction is liable, for every day or part thereof upon which such offence occurs or continues, to a fine of not more than \$10,000 for a first offence and not more than \$25,000 for any subsequent conviction.

19. Every corporation which contravenes any provision of this by-law is guilty of an offence and on conviction is liable, for every day or part thereof upon which such offence occurs or continues, to a fine of not more than \$50,000 for a first offence and not more than \$100,000 for any subsequent conviction.

20. Without limiting any other section of this by-law, every person who contravenes any provision of this by-law is guilty of an offence and on conviction is liable to a fine as provided for in the *Provincial Offences Act*, R.S.O. 1990, c. P.33.

21. In this by-law "subsequent conviction" means a conviction for an offence which offence occurs after the date of conviction for an earlier offence under this by-law.

22. Where any person contravenes any provision of this by-law, such person shall be responsible for all costs incurred by the Region directly related to the contravention.

23. Where any person contravenes any provision of this by-law, a municipal law enforcement officer, or public health inspector acting under the direction of the Medical Officer of Health may direct such person to comply with this by-law within a specified time. Every person so directed shall comply with such direction without delay and within the time specified, calculated from the day of such direction.

INSPECTIONS

24. A municipal law enforcement officer, or public health inspector acting under the direction of the Medical Officer of Health, may enter and inspect all buildings, structures or parts thereof that are subject to this by-law at any reasonable time for the purposes of determining whether there is compliance with this By-law.

IMPLEMENTATION DATES

25. This by-law shall come into full force and effect on January 1, 2013

SEVERABILITY OF SECTIONS

26. If any section or sections of this by-law, or parts thereof are found by any Court of competent jurisdiction to be illegal or beyond the power of Council to enact, such section or sections or parts thereof shall be deemed to be severable from this by-law and all other sections or parts of this by-law shall be deemed to be separate and independent therefrom and to be properly enacted and to be of full force and effect.

GENERAL

27. Schedule "A" attached hereto forms a part of this by-law.

This by-law may be referred to as the "Region of Peel's Tanning Facility By-law".

READ THREE TIMES AND PASSED IN OPEN COUNCIL this 27th day of September, 2012.

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K. Lockyer

E. Kolb

Regional Clerk

Regional Chair

SCHEDULE "A" TO BY-LAW 85-2012

WARNING

- Overexposure to ultraviolet radiation (UV) causes skin and eye burns
- UV exposure can be hazardous to your health and, in the long term, can contribute to premature skin aging and skin cancer
- Use protective eyewear
- Follow operating instructions
- Drugs and cosmetics may increase UV effects
- UV effects are cumulative
- Greater risks are associated with early and repeated exposure

Adapted from the Radiation Emitting Devices Regulations, CRC, c. 1370 Part XI Tanning Equipment 5.(c)(iii)

PART I: PROVINCIAL OFFENCES ACT

THE CORPORATION OF THE REGIONAL MUNICIPALITY OF PEEL

BY-LAW NUMBER 85-2012

A BY-LAW TO REGULATE COMMERCIAL TANNING FACILITIES WITHIN THE MUNICIPALITY

Item	Short Form Wording	Provision creating or defining offence	Set Fine
1	Failure to post warning placard within one metre of tanning equipment	s. 4	\$500.00
2	Failure to require protective eyewear	s. 5	\$250.00
3	Failure to provide protective eyewear	s. 6	\$250.00
4	Operate tanning facility within a residential dwelling	s. 7	\$250.00
5	Failure to provide adequate supply of hot and cold water	s. 8	\$250.00
6	Unauthorized provision of prepaid, self-service automated tanning equipment	s. 11	\$500.00
7	Failure to sanitize protective eyewear	s. 13	\$250.00
8	Failure to sanitize tanning equipment	s. 14	\$250.00
9	Permit underage use of tanning equipment	s. 16	\$500.00
10	Failure to require proof of identification	s. 17	\$500.00

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NOTE: the general penalty provision for the offences listed above is section 20 of the By-law 85-2012, a certified copy of which has been filed.



Corporate Report

Clerk's Files

Originator's
Files BL.08-
TRE

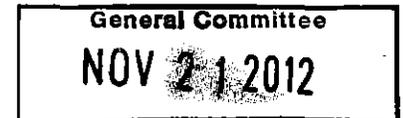
2.

DATE: November 9, 2012

TO: Chair and Members of General Committee
Meeting Date: November 21, 2012

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

SUBJECT: **Tree Permit By-law 474-05 Amendments**



- RECOMMENDATION:**
1. That the Private Tree Protection By-law be enacted to take effect on March 1, 2013, in the form provided in Appendix 1 to this Corporate Report entitled Tree Permit By-law 474-05 Amendments from the Commissioner of Community Services, to regulate the injury and destruction of trees on private property.
 2. That staff be directed to apply the same policies and requirements contained within the Private Tree Protection By-law to the review and granting of Tree Removal Permission(s) in conjunction with the removal of trees through site plan, subdivision and consent applications.
 3. That the Fees and Charges By-law be amended to include the permit fees set out in this Corporate Report entitled Tree Permit By-law Amendments from the Commissioner of Community Services when the Private Tree Protection By-law takes effect on March 1, 2013.

**REPORT
HIGHLIGHTS:**

Four (4) public consultation meetings were held to present the proposed amendments to the Tree Permit By-law and permit process. Public feedback was divided between those who felt that the proposed amendments were too restrictive and those who sought stronger

measures to protect the urban forest.

Based on the feedback received, the by-law amendments have been revised as follows:

- The permit requirement has been reduced from five (5) or more trees to three (3) or more trees with a diameter greater than 15 cm (6 in).
- No permit is required to remove up to two (2) trees with a diameter greater than 15 cm (6 in).

The recommendation to regulate the removal of single trees is not being pursued as part of the proposed amendments.

The Tree Permit/ Permission fee will no longer be capped so that a fee will be charged for every healthy tree being included in the permit/permission. The program will be cost neutral as the additional fees will cover overhead costs of additional staff and resources.

BACKGROUND:

On March 7, 2012, recommendation GC-0103-2012 was approved by Council to refer the report dated February 8, 2012 from the Commissioner of Community Services entitled "Proposed Amendments to the Tree Permit By-law 474-05" for public consultation, followed by a final report to General Committee.

Four public consultation meetings were held to present the following proposed amendments to Tree Permit By-law 474-05:

- Permit required to remove individual trees measuring 30 cm (12 in) in diameter or greater
- Permit required to remove 5 or more trees with a diameter greater than 15 cm (6 in) and less than 30 cm (12 in) per calendar year
- Permit is NOT required to remove 4 trees 15 cm (6 in) – 29 cm (11 in)
- Permit is NOT required to remove any tree with a diameter of 15 cm(6in) or less
- One replacement tree is to be provided on site for every 15 cm (6 in) diameter of healthy tree removed
- Contribution to Corporate Replacement Tree Planting Fund for every replacement tree not planted on site (x\$430 (2012))
- No fee or replacement trees required for a permit issued to remove dead, dying or hazardous trees
- Revised fines for contraventions of the by-law

- Short title of the by-law to be changed to "Private Tree Protection By-law"
- Revised permit fees

COMMENTS:**PROPOSED AMENDMENTS PRESENTED TO THE PUBLIC****Public Input**Public Information Centres

Approximately 100 people attended the following four public information centres (PICs):

- May 12, 2012 - Mississauga Valley Community Centre (afternoon)
- May 14, 2012 - Saint Gregory Elementary School (evening)
- May 23, 2012 - Port Credit Memorial Arena (afternoon and evening session)

Surveys

A survey (Appendix 2) was available both online and at each PIC for residents to complete. Three hundred and fifteen (315) surveys were submitted. A summary of the survey results is provided in Appendix 3.

In addition to the comments received at the PICs and on the surveys, the City received numerous emails from residents. Appendix 4 highlights the key messages contained in the feedback received from the public.

Discussion of Public Comments

Feedback from the consultation process indicates that while the majority of participants appreciated the value of the urban forest; there are diverging opinions on how to regulate the removal of trees on private lands.

While the proposal to regulate the removal of individual trees was met with both positive and negative feedback, there was strong support and public interest in strengthening the current bylaw to better protect the urban forest.

Based on feedback, the recommendations to amend the by-law have been adjusted.

Individual Trees

The proposal to regulate the removal of individual trees with a diameter of 30 cm (12 in) or greater received support from fifty (50) percent of the 2012 survey respondents. This represents an increase in public support from 2001 when twenty eight (28) percent of the respondents supported the removal of individual trees as indicated in Appendix 5.

Supporters of the proposed amendment cited the ecological and community benefits of preserving midsized trees. Opponents to the amendment objected to the increased regulation and higher cost of permit requirements to homeowners.

As a result of public input, the proposal to regulate the removal of individual trees will not be pursued at this time.

Multiple Trees

Feedback from the consultation process indicates that there is stronger support for a tree permit process based on the removal of multiple trees versus individual trees. Seventy (70) percent of the 2012 survey respondents supported the removal of multiple trees before requiring a permit. This is an increase in support from 2001 when forty eight (48) percent of respondents supported the removal of multiple trees.

The use of the calendar year to administer the current permit process was identified as an issue for the public as eight (8) trees of any diameter can be removed over a short time frame between December and January without the requirement to obtain a permit under the current by-law. Due to the administration and enforcement benefits of using the calendar year as a time frame for issuing permits, this practice will continue. However reducing the number of trees that can be removed without a permit would lessen the impact of tree removal based on the calendar year.

The multiple tree provisions of the by-law will be adjusted to reduce the number of trees that can be removed without a permit which will address public concerns about clear cutting of sites because of the calendar year time frame.

Replacement Trees

While the survey results generally support replacement tree planting amendments, concerns were raised at the PICs and in the received written correspondence.

Respondents asked that consideration be given to the size of the property and the amount of existing tree canopy when calculating the number of replacement trees required.

Given the feedback on the challenges of planting replacement trees on some properties and the concerns over the associated costs, an option which provides more flexibility is preferred. This can be achieved by removing the requirement to obtain a permit to remove an individual tree and to allow two trees to be removed prior to obtaining a permit. Homeowners would therefore not be required to provide replacement planting when removing up to two trees on their property. This proposal will therefore reduce of the cost of replacement tree planting and/or contributions to the Replacement Tree Planting Fund.

Dead, Dying or Hazardous Trees

The consultation process allowed staff to educate residents as to why a permit is required to remove dead, dying and hazardous trees so that the health and condition of trees to be removed can be verified. Staff will use this information to monitor the health and condition of the City's urban forest canopy. Not requiring a permit fee or replacement tree planting for the removal of these types of trees was generally supported.

PROPOSED BY- LAW AMENDMENTS

1. Size and Number of Trees

The proposal to regulate the removal of individual trees will not be pursued at this time. The following proposals will strengthen the current by-law by reducing the number of trees that can be removed prior to the requirement to obtain a permit from four (4) to two (2). Amendments relating to size and number of trees are outlined in the following chart:

	Existing By-law	Proposed By-law
Individual Trees	N/A	N/A
Multiple Trees	Permit is required to remove 5 or more trees greater than 15 cm (6 in) in diameter per calendar year	Permit is required to remove 3 or more trees greater than 15 cm (6 in) in diameter per calendar year

	<p>Permit is NOT required to remove up to 4 trees of any diameter greater than 15cm per calendar year</p> <p>Permit is NOT required to remove any tree with a diameter of 15 cm(6in) or less</p>	<p>Permit is NOT required to remove up to 2 trees of any diameter greater than 15cm per calendar year</p> <p>Permit is NOT required to remove any tree with a diameter of 15 cm(6in) or less</p>
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2. Tree Replacement Policies and Costs

	Existing By-law	Proposed By-law
Replacement Trees	1 replacement tree for every healthy tree removed	1 replacement tree for every healthy tree removed less than 50 cm (20in) diameter 2 replacement trees for every healthy tree removed 50 cm (20in) diameter or greater
Contribution to Corporate Replacement Tree Planting Fund	Cost for every replacement tree not planted on site (x\$430 (2012))	Cost for every replacement tree not planted on site (x\$452 (2013))

Contributions to the Replacement Tree Planting Fund will continue to be based on the fee schedule within the Fees & Charges By-law.

3. Offences and Penalties

Fines are now governed under Section 429 of the Municipal Act allowing a municipality to establish fines for offences in a by-law passed under the Municipal Act. As outlined below, the proposed by-law includes an increase in the dollar amount of the fines that can be collected for contraventions:

Existing By-law	Proposed By-law
Individuals	
First Conviction <ul style="list-style-type: none"> \$10,000(max) or \$1,000/tree (which ever is greater) 	<ul style="list-style-type: none"> \$25,000(max) \$2,500/tree * (max)
Subsequent Conviction <ul style="list-style-type: none"> \$25,000(max) or \$2,500/tree (whichever is greater) 	<ul style="list-style-type: none"> \$50,000 (max) or \$5,000/tree * (max) *\$500 /tree (min)
Corporations	
First Conviction <ul style="list-style-type: none"> \$50,000(max) or \$5,000/tree (whichever is greater) 	<ul style="list-style-type: none"> \$50,000 (max) \$5,000/tree* (max)
Subsequent Conviction <ul style="list-style-type: none"> \$100,000(max) or \$10,000/tree (whichever is greater) 	<ul style="list-style-type: none"> \$100,000(max) \$10,000/tree* (max) *\$500 /tree (min)

4. By-law Name Change

The short title of the by-law will be changed to the “Private Tree Protection By-Law”.

5. Permit Fees

The proposed amendments will be supported by a new fee structure that will include a permit fee to remove three (3) trees 15 cm (6 in) in diameter or greater. The maximum fee cap for additional trees being removed per permit application will be discontinued:

Existing By-law *	Proposed By-law
\$336 for the removal of up to 5 trees greater than 15 cm (6 in) in diameter. \$75 for each additional tree removed Maximum fee capped at \$1,505	\$336 for the removal of up to 3 trees greater than 15 cm (6 in) in diameter. \$75 for each additional tree removed No maximum fee
*2013 Proposed Fees as per the	Fees and Charges By-law

ADMINISTRATION OF THE BY-LAW

Volume of Applications

The number of tree permit/permission applications will increase as a result of the proposed amendment requiring a permit for the removal of three (3) or more trees 15 cm (6in) in diameter or greater.

Staff project an additional eighty nine (89) will be received and reviewed per year, including applications to remove dead, dying or hazardous trees. Under the current by-law, 75 applications are received per year.

By-law Contraventions

Since 2007, fourteen (14) charges have been laid as a result of contraventions to the Tree Permit By-law. To date all cases brought before the courts have resulted in convictions of the land owner and or the retained tree contractor who performed the work. The number of by-law contraventions will likely increase when the proposed By-law amendments are implemented.

Staff Requirements

Based on the estimated increase in the number of permits/permissions and to successfully implement and enforce the amended By-law and ensure permit/permission applications are administered in a timely manner, a contract Private Tree By-law inspector along with contract part time administrative support will be required. The implementation is cost neutral as the permit fees will cover the salary of the contract staff and associated overhead costs.

As the number of tree permit/permission applications and required resources are estimates, the program will be carefully monitored to ensure appropriate resource allocation.

STRATEGIC PLAN:

The Green Pillar for Change in the Strategic Plan identifies the need to conserve, enhance and connect natural environments in the City of Mississauga.

FINANCIAL IMPACT:

The proposed amendments to the Tree Permit By-law and associated permit fee structure will result in a cost neutral program for 2013. An additional \$54,000 in revenue is projected with the increase in the number of permits; offset by additional contract inspection and customer service/administrative staffing costs.

CONCLUSION:

Public meetings conducted in May 2012 obtained input from residents, landowners and arboricultural contractors regarding the proposed amendments presented by staff in February 2012. Based on the received input, the proposal to regulate the removal of individual trees will not be pursued at this time. Multiple tree provisions have been strengthened so that a permit will now be required to remove three (3) or more trees 15 cm (6 in) in diameter or greater. This approach will assist in protecting and preserving the urban forest while respecting the individual needs of residents and landowners.

The program will be cost neutral as the additional fees will cover overhead costs of contract staff resources.

A public awareness and education program regarding the proposed amendments will be initiated in January 2013, with the amended By-law being implemented on March 1st 2013.

ATTACHMENTS:

- Appendix 1: Private Tree Protection By-law
- Appendix 2: 2012 Tree Permit Process Survey
- Appendix 3: Summary of 2012 Tree Permit Process Survey Results
- Appendix 4: Public Consultation Feedback
- Appendix 5: Comparison of 2001 and 2012 Survey Results
- Appendix 6: Tree Permit Process



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

Prepared By: Jane Darragh, OALA, MCIP, Planner, Park Planning

A bylaw to prohibit and regulate
and protect the destruction or
injuring of trees

WHEREAS section 8(1) of the *Municipal Act, 2001*, S.O. 2001, c. 25, as amended ("*Municipal Act, 2001*") provides that the powers of a municipality under any act shall be interpreted broadly so as to confer broad authority on a municipality to enable it to govern its affairs as it considers appropriate;

AND WHEREAS section 11(2)5 of the *Municipal Act, 2001* provides that a local municipality may adopt by-laws for the economic, social and environmental well-being of the municipality;

AND WHEREAS section 11(3)5 of the *Municipal Act, 2001* provides that a local municipality may pass a by-laws in the areas of culture, parks, recreation and heritage;

AND WHEREAS, without limiting the broad municipal powers, section 135 and sections 139 to 141 of the *Municipal Act, 2001* provide municipalities with further authority to regulate and prohibit the destruction or injuring of trees;

AND WHEREAS section 429(1) of the *Municipal Act, 2001* provides that a municipality may establish a system of fines for a by-law passed under this Act;

AND WHEREAS section 436 of the *Municipal Act, 2001* provides that a municipality may pass by-laws providing that the municipality may enter on land at any reasonable time for the purpose of carrying out an inspection to determine compliance with a by-law or an order made pursuant to the by-law;

AND WHEREAS section 444 of the *Municipal Act, 2001* provides that a municipality may make an order to require a Person to discontinue contravening a by-law and to do the work required to correct the contravention;

AND WHEREAS section 445 of the *Municipal Act, 2001* provides that a municipality may make an order requiring a Person who contravened a by-law or who caused or permitted the contravention or the owner or occupier of the land on which the contravention occurred to do work to correct the contravention;

AND WHEREAS section 446 of the *Municipal Act, 2001* provides that a municipality may proceed to do things at a Person's expense which that Person is otherwise required to do under a by-law but has failed to do and the costs incurred by a municipality may be recovered by adding the costs to the tax roll and collecting them in the same manner as property taxes;

AND WHEREAS the Council of The Corporation of the City of Mississauga recognizes the ecological and aesthetic value of trees and is desirous of managing the injury and destruction of trees;

NOW THEREFORE the Council of The Corporation of the City of Mississauga ENACTS as follows:

PART I: DEFINITIONS

1. In this By-law,

“Arborist” means a person with a diploma or degree involving arboriculture from an accredited college or university, a Registered Professional Forester, an accredited Certified Arborist under the International Society of Arboriculture or with a demonstrated history of tree preservation experience or a Registered Consulting Arborist with the American Society of Consulting Arborists.

“Arborist Report” means a report prepared by an Arborist which provides details on the species, size, and health of a Tree to be Destroyed, Injured, removed or retained and describes tree protection measures or other mitigating measures to be implemented.

“Calendar Year” means the timeframe from the beginning of January 1 to the end of December 31 of that same year.

“Commissioner” means the City’s Commissioner of Community Services or his/her designate.

“City” means The Corporation of the City of Mississauga or where the context requires the geographical jurisdiction of the City of Mississauga.

“Council” means the elected Council of the City.

“Dead” means a Tree that has no living tissue.

“Destroy” or “Destruction” means to cause directly or indirectly, the removal, ruin, uprooting or death of a Tree whether by accident or by design, and includes the removal, ruin, uprooting or death of a Tree caused by any one or more of the following activities:

- (a) removing, cutting, girdling, or smothering of the Tree or roots;
- (b) interfering with the water supply;
- (c) setting fire to a Tree;
- (d) the application of chemicals on, around, or near the Tree;
- (e) compaction or re-grading within the tree protection zone up to any existing paved surfaces;
- (f) damage caused by new development or construction related activities including driveways;
- (g) storing any materials within a tree protection zone; or
- (h) neglect.

“Diameter” means:

- (a) the measurement of the diameter of the trunk of a Tree measured from outside the bark at a height of 1.4 metres above existing grade of the ground adjoining its base; or
- (b) where there are multiple stems on a Tree, the total of the diameters of the stems measured from outside the bark on each stem at a height of 1.4 metres above existing grade of the ground adjoining its base.

“Dying” means a Tree that is terminally diseased or will no longer be viable to maintain in a safe or healthy condition.

“Emergency Work” means work necessary to terminate an immediate danger to life or property and includes work associated with watermain repairs, utility repairs and structural repairs to a building where the work is necessary to terminate an immediate danger to life or property.

“Fees and Charges By-law” means the City’s Fees and Charges By-law 307-11, as amended, or its successors.

“Golf Course” means an area of land laid out and operated as a golf course and includes putting greens and driving ranges.

“Government Body” means the City of Mississauga, Regional Municipality of Peel, a conservation authority established under provincial legislation and any Ministry or agent of the Federal or Provincial government.

“Hazard” means a tree that is a potential safety concern to property or life but not an immediate threat.

“Heritage Advisory Committee” means the advisory committee of Council which makes recommendations on the identification, conservation, preservation and designation of the City’s cultural heritage property.

“Heritage Tree” means a Tree that has received designation under Part IV of the *Ontario Heritage Act, 2005*, S.O. 2006, c.6, as amended.

“Hoarding” means a fence or similar structure used to enclose a portion of a property to protect an existing Tree(s) or other vegetation.

“Injure” or “Injury” means to cause, directly or indirectly, whether by accident or design, lasting damage or harm to a Tree, and includes any damage or harm to a Tree caused by one or more of the following activities:

- (a) removing, cutting, girdling, or smothering of the Tree or roots;
- (b) interfering with the water supply;
- (c) setting fire to a Tree;
- (d) the application of chemicals on, around, or near the Tree;
- (e) compaction or re-grading within the tree protection zone up to any existing paved surfaces;
- (f) damage caused by new development or construction related activities including driveways;
- (g) storing any materials within a tree protection zone; or
- (h) neglect.

“Lot” means a parcel of land having specific boundaries which is capable of legal transfer.

“Nursery” means a Lot on which the principal business of selling plants, shrubs, and Trees occurs.

“Officer” means a person employed by the City to perform the duties of enforcing By-laws and appointed by Council as a Municipal Law Enforcement Officer as designated in the City of Mississauga By-law 299-04, as amended, or its successors.

“Owner” means the registered owner of a Lot, and his or her respective successors and assigns, or his or her agent.

“PDC” means the City of Mississauga Planning and Development Committee.

“Permit” means a permit issued under this By-law to Injure or Destroy a Tree on private property within the City.

“Person” means any individual, public or private corporation, partnership, association, firm, trust, public agency, municipality, or other entity and includes any legal representative(s) acting on behalf of or under the authority of such an entity.

“Pruning” means the appropriate removal of not more than one-third of the live branches or limbs of a Tree or more than one-third of the live branches or limbs on a Tree as part of a consistent annual pruning program.

“Replacement Tree(s)” means a tree(s) that is required under this By-law to replace an existing Tree that is approved for Destruction.

“Replacement Tree Planting Fund” means the fund set aside for the purpose of planting Trees in locations within the City other than the Lot where a Tree has been Injured or Destroyed.

“Tree” means a self-supporting woody plant which may reach a height of at least 4.5 metres at maturity.

PART II: SCOPE

2. This By-law shall apply to all private property within the City.

PART III: ADMINISTRATION AND ENFORCEMENT

3. The Commissioner shall be responsible for the administration and enforcement of this By-law, which shall include, but not be limited to, the administration and management of the City's Replacement Tree Planting Fund.
4. The Commissioner shall prescribe all forms necessary to implement this By-law, and may amend such forms from time to time as the Commissioner deems necessary.

PART IV: APPLICATION FOR DESIGNATION UNDER THE ONTARIO HERITAGE ACT

5. An application to designate a Tree(s) to be of cultural heritage value or interest shall be made in accordance with the *Ontario Heritage Act, 2005*.

PART V: GENERAL PROHIBITION AND EXCEPTIONS

6. (1) No Person shall Injure or Destroy a Heritage Tree unless they receive approval to do so under the requirements of the *Ontario Heritage Act, 2005*.
- (2) No Person shall Injure or Destroy 3 or more Trees each with a Diameter greater than 15 centimetres on a Lot within one Calendar Year without first obtaining a Permit pursuant to this By-law.
- (3) Despite subsection (2), a Permit is not required to Injure or Destroy a Tree:

- (a) if the number of Trees with a Diameter greater than 15 centimetres being Injured or Destroyed on the Lot in a Calendar Year is 2 or less;
- (b) where the Tree has a Tree Diameter of 15 centimetres or less;
- (c) for Emergency Work;
- (d) as a result of activities or matters undertaken by a Governmental Body or a school board for the construction of a school building or part thereof;
- (e) for the purpose of Pruning the Tree;
- (f) for Trees located on rooftop gardens, interior courtyards, or solariums;
- (g) for Trees on a Nursery or Golf Course;
- (h) by a Person licensed under the *Surveyors Act* to engage in the practice of cadastral surveying or his agent while making a survey;
- (i) for the purpose of satisfying a condition to a development permit authorized by regulation made under section 70.2 of the *Planning Act*, as may be amended or replaced from time to time, or as a requirement of an agreement entered into under the regulation;
- (j) for the purpose of satisfying a condition to the approval of a site plan, a plan of subdivision, or a consent under sections 41, 51, and 53 of the *Planning Act*, as may be amended or replaced from time to time, or as a requirement of a site plan or subdivision agreement under those sections of the Act;
- (k) where the removal of a Tree(s) is specifically required in an order made under the City's Property Standards By-law;
- (l) by a transmitter or distributor as defined in the *Electricity Act, 1998* for the purpose of constructing and maintaining a transmission system or a distribution system, as defined under that Act;
- (m) if an approval has been provided under subsection 6(1); or
- (n) where the removal of a dead or dying Tree(s) is required for an Owner to comply with the requirements of a Province of Ontario Registered Management Forestry Plan that specifically encompasses the Owner's Lot.

PART VI: PERMIT

7. Where an Owner applies for a Permit for the Injury or Destruction of a Tree(s) on the Owner's Lot, he or she shall submit the following to the Commissioner:
 - (a) a completed application form;
 - (b) a plan to the satisfaction of the Commissioner illustrating the Trees to be Injured or Destroyed, the Tree(s) to be retained, and any other measures to be taken in relation to the Injury or Destruction of the Tree(s) or Tree preservation, as required by the Commissioner;
 - (c) the fees as described in the Fees and Charges By law;
 - (d) an Arborist Report, if required by the Commissioner;
 - (e) the written consent of the adjacent property Owner if the base of the Tree(s) to be Injured or Destroyed is partially located on the adjacent property Owner's property; and

- (f) the written consent of the Owner of the Lot where the subject Trees are located, if the Person who is applying for the Permit is not the Owner of the Lot.
8. If an applicant for a Permit under section 7 does not provide all the required documentation to the Commissioner within the timeframe as specified by the Commissioner, or if the application is 2 years old, the applicant shall be deemed to withdraw the application and shall not be entitled to any refunds of any payments made.
 9. Despite section 8, the Commissioner may extend the timeframe for an application where the Commissioner determines that the applicant is actively taking steps to move the application forward.

PART VII – ISSUANCE OF A PERMIT

10. The Commissioner may issue a Permit for any one or more of the following reasons:
 - (a) the Tree is Dead or Dying;
 - (b) the Tree is a Hazard;
 - (c) the Tree location conflicts with any of the following:
 - (i) the proposed building permit plans that comply with the zoning of the land;
 - (ii) a proposed pool enclosure; or
 - (iii) the expansion of parking areas that complies with the zoning of the land;
 - (d) there will be no negative impact on flood or erosion control, or slope stability;
 - (e) the Lot on which the Tree is located is designated under the *Ontario Heritage Act, 2005* and a written report by the City's Heritage Coordinator has been provided, indicating that:
 - (i) the Tree is not relevant to the heritage designation of the Lot; or
 - (ii) the Tree is relevant to the heritage designation of the Lot but the City's Heritage Advisory Committee has approved the Injury or Destruction of the Tree, or
 - (f) the Injury or Destruction of the Tree is otherwise acceptable to the Commissioner.
11. (1) The Commissioner may issue a Permit subject to conditions which may include but are not limited to any one or more of the following:
 - (a) the requirement for a Replacement Tree(s);
 - (b) satisfactory plans for Tree preservation and replanting; and
 - (c) Hoarding to be provided around a Tree(s) not subject to Injury or Destruction, and plans indicating the location and type of Hoarding to the satisfaction of the Commissioner.
- (2) Where the planting of a Replacement Tree(s) has been imposed as a condition, the Commissioner may require any one or more of the following:
 - (a) the Replacement Tree(s) be located on the same Lot in a location, number, size; and/or species to the satisfaction of the Commissioner;
 - (b) a replanting plan be filed to the satisfaction of the Commissioner;

- (e) a written undertaking by the Owner to carry out the replacement planting;
 - (f) monies or a letter of credit in a form satisfactory to the Commissioner be delivered to the Commissioner to cover the costs of the Replacement Trees, and the maintenance of the Tree(s) for a period of up to two (2) years; or
 - (g) payment of each Replacement Tree not replanted on the Owner's Lot be made into the City's Replacement Tree Planting Fund. The payment for each such Tree shall be the cost of each street Tree planting as provided in the Fees and Charges By-law.
12. (1) A Permit shall be valid for a maximum of one (1) year from the date of issuance.
- (2) For the purposes of this By-law, a Permit holder includes any one (1) or more of the following:
- (a) the Owner of a Lot;
 - (b) an agent that has obtained a Permit on behalf of the Owner; and
 - (c) any Person conducting any work pursuant to a Permit.
13. (1) A Permit holder shall comply or ensure the compliance of all the provisions and conditions of the Permit and this By-law.
- (2) In addition to subsection (1), a Permit holder shall ensure that the Permit is securely posted on the Lot from which the Trees are to be Injured or Destroyed, in a location visible from the street for the period during which work is undertaken to Injure or Destroy a Tree.
14. The issuance of a Permit under this By-law does not relieve any person from the necessity of acquiring any other license or permit or complying with any other applicable laws, by-laws, regulations, and requirements of other governmental authority.

PART VIII – REFUSAL OF A PERMIT

15. Where the Commissioner has decided not to issue a Permit under sections 10 or 11, the application for the Permit has been refused.
16. In addition to section 15, the Commissioner may refuse to issue a Permit, for any one (1) or more of the following reasons:
- (a) where the application for a Permit is incomplete;
 - (b) where an application for rezoning, a consent, a minor variance, a plan of subdivision or a site plan to the land on which the Tree is located has been submitted to the City but has not received final approval;
 - (c) where the Tree is an endangered, threatened or special concern Tree species as defined in the provincial *Endangered Species Act, 2007*, S.O. 2007, c.6, as may be amended or replaced from time to time;
 - (d) where the Tree belongs to a Tree species of special concern, as defined in the *Species at Risk Act, 2002*, S.C. 2002, c. 29, as may be amended or replaced from time to time;
 - (e) where environmentally sensitive areas, ecological systems, natural landforms or contours will not be adequately protected and preserved;
 - (f) where significant vistas will not be adequately protected and preserved; or

(g) where the Tree is relevant to the heritage designation of a Lot as determined by the City's Heritage Coordinator.

17. If the Commissioner refuses to issue a Permit, he or she shall advise the Owner and provide the Owner with written reasons for the refusal.

PART IX – PERMIT REVOCATION

18. The Commissioner may revoke a Permit at any time, for any one (1) or more of the following reasons:
- (a) the Permit was issued because of mistaken, false, or incorrect information received from the Owner;
 - (b) the Owner has failed to comply with any conditions attached to the Permit;
 - (c) the Owner has failed to comply with any order issued under this By-law; or
 - (d) the Owner has failed to comply with any of the provisions in this By-law.
19. The Permit holder of a revoked Permit shall immediately cease or ensure the immediate cessation of all the activities for which a Permit has been issued upon revocation of the Permit.
20. Where a Permit holder of a revoked Permit has Injured or Destroyed any Tree under the revoked Permit, the Permit holder may be ordered to replace the Tree at the expense of the Permit holder.
21. If the Permit holder fails to comply with an order made under section 20 the City may replace the Tree and use any securities posted by the Permit holder under the revoked Permit to pay for any costs associated with carrying out the work.
22. If the costs incurred by the City in carrying out any work under section 21 are greater than the securities posted by the Permit holder under the revoked Permit, any costs not covered by the securities shall be a debt owed by the Permit holder to the City and the City may recover the costs of carrying out the work by adding the costs to the tax roll of the property in question and collecting them in the same manner as property taxes.
23. A Permit is the property of the City and is not transferable unless otherwise authorized by the Commissioner.

PART X: ORDER

24. (1) If an Officer determines that a Person has caused or permitted the contravention of this By-law, the Officer may issue an order requiring the Person who caused or permitted the contravention to discontinue the contravention.
- (2) An order issued under subsection (1) shall include:
- (a) the particulars of the contravention;
 - (b) the steps necessary to rectify the contravention; and
 - (c) the date by which there must be compliance with the order.
25. Without limiting subsection 24(1) an order may be issued to a Person to immediately cease and desist all work relating to the Injury or Destruction of a Tree without a Permit.

26. (1) Without limiting subsection 24(2)(b) the order may require that any Injured or Destroyed Tree be replaced on the Lot with a Replacement Tree, and further specify the species and location of any Replacement Tree.
- (2) Where an Officer determines that an Injured or Destroyed Tree cannot be replaced on the Lot, the Officer may order that the Replacement Tree be located on City property in an area to be determined by the Officer or that payment in lieu of the replacement Tree be provided to the City's Replacement Tree Planting Fund.
27. An order may be served by:
- (a) delivering it personally to the Owner and/or the Person conducting work on the Owner's property;
- (b) sending it by registered mail to the last known address of the Owner, which service shall be deemed five (5) days after mailing; or
- (c) posting it on the Owner's property.
28. (1) No Person shall fail to comply with an order.
- (2) If the Person fails to comply with an order the City may replace the Tree and use any securities posted by the Person to pay for any costs associated with carrying out the work required under the order.
- (3) If no securities are posted by the Person or if the securities posted are insufficient to cover the costs incurred by the City in carrying out any work where the Person has failed to do so under an order, the costs incurred by the City shall be a debt owed by the Person to the City and the City may recover the costs of carrying out the work by adding the costs to the tax roll of the Lot in question and collecting them in the same manner as property taxes.

PART XI: APPEAL TO PDC

29. An Owner who has been refused the issuance of a Permit may appeal the refusal to the PDC within 30 days after the issuance of the Permit by sending a written request with reasons for the appeal and the applicable appeal fee, in person or by registered mail, to the City Clerk.
30. For greater clarity, section 29 does not include an appeal of any condition under a Permit.
31. For the purposes of section 29, a written request shall include reasons for the appeal and the applicable appeal fee as provided under the Fees and Charges By-law.
32. An appeal shall not be processed if the Owner fails to provide written reasons for the appeal or the applicable fee has not been paid.
33. Where an appeal date before the PDC has been scheduled and the appellant who has been given notice of the hearing does not attend at the appointed time and place, the PDC may proceed in the absence of the appellant and the appellant will not be entitled to any further notice in the proceedings.
34. (1) The PDC may uphold or reverse or vary the Commissioner's decisions, and/or may subject the appellant to conditions as the PDC deems appropriate. The PDC shall set out the reasons of its decision in writing.
- (2) Council may uphold or reverse PDC's decision, or do any act or make any other decision as it deems appropriate.
- (3) Council's decision is final and binding.

35. An appeal made under this Part does not act as a stay of any order issued under this By-law, which shall take effect on the day it is served or deemed served, and shall continue to be effective until Council renders a decision indicating otherwise.

PART XII - INSPECTION

36. An Officer acting under this By-law may, at any reasonable time, enter and inspect any property, including all buildings and structures thereon, to determine any one (1) or more of the following:
- (a) whether there is compliance with this By-law;
 - (b) whether there is compliance with a Permit issued under this By-law;
 - (c) whether there is compliance with any conditions that may be attached to a Permit; or
 - (d) whether there is compliance with any order issued under this By-law.

PART XIII: OFFENCE AND PENALTY

37. Every Person who contravenes any provision of this By-law, including an order made under this By-law, is guilty of an offence and is liable to a fine, including the fines set out in this Part, and such other penalties as provided for in the *Provincial Offences Act*, R.S.O. 1990, c.P.33, as amended and the *Municipal Act, 2001*, as each may be amended from time to time.
38. For the purposes of section 40 the Injuring or Destroying of more than two (2) Trees in contravention of this By-law or an order made under this by-law shall be designated as a multiple offence.
39. (1) Any Person who contravenes any provision of this By-law or an order is guilty of an offence and is liable:
- (a) on a first conviction, to a fine of not more than \$25,000; and
 - (b) on any subsequent conviction, to a fine of not more than \$50,000.
- (2) Notwithstanding subsection (1), where the Person convicted is a corporation, it is liable:
- (a) on a first conviction, to a fine of not more than \$50,000; and
 - (b) on any subsequent conviction, to a fine of not more than \$100,000.
40. (1) Any Person who Injures or Destroys more than two (2) Trees with a Diameter greater than 15 centimetres in contravention of this By-law or an order is guilty of an offence and is liable:
- (a) on a first offence, to a fine of not more than \$2,500 per Tree, and
 - (b) on any subsequent conviction, to a fine of not more than \$5,000 per Tree.
- (2) Notwithstanding subsection (1), where the Person convicted is a corporation, it is liable:
- (a) on a first conviction, to a fine of not more than \$5,000 per Tree; and
 - (b) on any subsequent conviction, to a fine of not more than \$10,000 Tree.
- (3) The minimum fine for subsection 40(1) shall be \$500 per Tree.

Tree Permit By-law > ONLINE SURVEY QUESTIONS

Section One: General permit

Do you believe property owners should have the right to remove any tree, regardless of number or size, from private property without obtaining a permit from the City of Mississauga? YES/NO

Section Two: Multiple tree removal requirements

Do you support the current by-law that requires property owners to obtain a permit prior to removing **five (5) or more** trees from private property? YES/NO

Do you support the proposed change requiring a permit to be issued prior to the removal of five (5) or more trees with a diameter **greater than 15 cm (6 in) and less than 30 cm (12 in)**? YES/NO

Section Three: Single tree removal requirements

Do you support the proposed change requiring property owners to obtain a permit to remove a single tree with a diameter of 30 cm (12 in) or greater? YES/NO

If no, do you support one of the following options for single tree removal?

- 30 cm is too large and should be reduced
- 30 cm is too small and should be increased
- Other

Section Four: Replacement trees

Do you support requiring replacement planting as a condition of the permit? YES/NO

Do you support the proposed change requiring one (1) replacement tree for every 15 cm (6 in) of tree diameter removed? YES/NO

If no, do you support ONE of the following?

- Two (2) replacement trees for one (1) tree removed
- Three (3) replacement trees for one (1) tree removed
- Other

Section Five: Permit Fees

The City of Mississauga does not charge for permits for dead, dying or hazardous trees.

Current by-law fees are:

- \$320 to remove five (5) healthy trees, 15 cm in diameter or greater
- \$71 for each additional tree to a maximum fee of \$1433

Do you agree or disagree with the new fee structure:

- | | |
|---|----------------|
| \$150 to remove five (5) healthy trees between 15–29 cm (6–11 in) in diameter | Agree Disagree |
| \$100 for each additional tree between 15–29 cm (6–11 in) in diameter | Agree Disagree |
| \$150 to remove any one (1) tree 30 cm (12 in) in diameter or greater | Agree Disagree |

Summary of 2012 Tree Permit Process Survey Results

Respondents who <u>do not</u> support some form of a tree permit by-law	37%
Respondents who support the current by-law that requires a permit to remove 5 or more trees from private property	70%
Respondents who support the proposed change that requires a permit to remove 5 or more trees with a diameter greater than 15 cm (6 in) and less than 30 cm (12 in)	77%
Respondents who support the proposed change that requires a permit to remove a single tree with a diameter of 30 cm (12 in) or greater	50.3%
Respondents who <u>do not</u> support the proposed change that requires a permit to remove a single tree with a diameter of 30 cm (12 in) or greater	49.7%
Respondents who support requiring replacement planting as a condition of the permit	58%
Respondents who support the proposed change requiring one replacement tree for every 15cm (6 in) of tree diameter removed	75%
Respondents who support the proposed fee changes:	62%
<ul style="list-style-type: none"> • \$150 to remove 5 healthy trees between 15-29 cm (6-11 in) in diameter 	54%
<ul style="list-style-type: none"> • \$100 for each additional tree between 15-29 cm (6-11 in) in diameter 	45%
<ul style="list-style-type: none"> • \$150 to remove any 1 tree 30 cm (12 in) in diameter or greater 	

Comparison of Results from Tree Permit By-law Surveys in 2001 & 2012

	2001	2012
Total Respondents	411	315
Respondents who <u>do not</u> support some form of a tree permit by-law	52%	37%
Respondents who support some form of a tree permit by-law	48%	63%
Respondents who support regulating the removal of a single tree	28%	50.3%
Respondents who <u>do not</u> support regulating the removal of a single tree	72%	49.7%
Respondents who support regulating the removal of multiple trees	48%	70%

Tree Permit Bylaw Public Consultation Feedback

- The current by-law works well
- The current by-law results in clear cutting of properties for development which in turn changes the character of the existing neighbourhoods
- Reduce the number of trees but stay away from permits required to remove single trees
- Protect midsized trees to ensure continued urban forest canopy growth
- Residents should be allowed to cut down two or more trees before a permit is required
- Homeowners do not want to be told by the City what they can or cannot do to manage their private property
- The calendar year time frame is a loophole in the current bylaw which allows 8 trees to be removed without a permit in a short period of time
- A permit should not be required to remove invasive species such as Norway Maples
- A permit should not be required to remove dead, dying or hazardous trees
- The proposed single tree permit and replacement tree policy is too expensive for homeowners
- The size of the lot and existing tree canopy should be taken into consideration when determining replacement tree requirements
- The private tree bylaw should be easy to understand and enforce (Keep it simple)
- The proposed fee structure is a cash grab
- The City should educate the public about planting trees and the importance of the urban forest in the overall health of the community.

THE TREE PERMIT/PERMISSION PROCESS

Trees are a valuable asset to the community, add natural beauty to urban surroundings and play a key role in our social, economic and environmental surroundings.

As part of its ongoing plan to be an environmentally responsible community, The City of Mississauga Council has enacted the Private Tree Protection By-law (XXX) ("By-law") with respect to regulating the injury and removal of multiple trees on private property. The tree permit policies regulate the removal of trees by requiring landowners to obtain a City of Mississauga ("City") permit to remove and replant trees under specific conditions. It also enables the City to impose fines and penalties for unauthorized removal of trees from privately-owned land.

The following is a condensed version of the By-law. The complete version of the By-law is available on the City's website at www.mississauga.ca.

Definitions

The following are definitions with respect to the By-law:

"Tree" means a self-supporting woody plant which may reach a height of at least 4.5 metres at maturity.

"Diameter" means:

- (a) the measurement of the diameter of the trunk of a Tree measured from outside the bark at a height of 1.4 metres above existing grade of the ground adjoining its base.*
Or
- (b) where there are multiple stems on a Tree, the total of the diameters of the stems measured from outside the bark on each stem at a height of 1.4 metres above existing grade of the ground adjoining its base.*

"Dead" means a Tree that has no living tissue.

"Dying" means a Tree that is terminally diseased or will no longer be viable to maintain in a safe or healthy condition.

"Pruning" means the appropriate removal of not more than one-third of the live branches or limbs of a Tree or more than one-third of the live branches or limbs on a Tree as part of a consistent annual pruning program.

"Injure" or "Injury" means to cause, directly or indirectly, whether by accident or design, lasting damage or harm to a Tree, and includes any damage or harm to a Tree caused by one or more of the following activities:

- (a) removing, cutting, girdling, or smothering of the Tree or roots;*
- (b) interfering with the water supply;*
- (c) setting fire to a Tree;*
- (d) the application of chemicals on, around, or near the Tree;*
- (e) compaction or re-grading within the tree protection zone up to any existing paved surfaces;*
- (f) damage caused by new development or construction related activities including driveways;*
- (g) storing any materials within a tree protection zone; or*
- (h) neglect;*

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"Emergency Work" means work necessary to terminate an immediate danger to life or property and includes work associated with watermain repairs, utility repairs and structural repairs to a building where the work is necessary to terminate and immediate danger to life or property;

"Hazard" means a tree that is a potential safety concern to property or life but not an immediate threat;

"Arborist" means a person with a diploma or degree involving arboriculture from an accredited college or university, a Registered Professional Forester, an accredited Certified Arborist under the International Society of Arboriculture or with a demonstrated history of tree preservation experience or a Registered Consulting Arborist with the American Society of Consulting Arborists;

"Arborist Report" means a report prepared by an Arborist which provides details on the species, size, and health of a Tree to be Destroyed, Injured, removed or retained and describes tree protection measures or other mitigating measures to be implemented;

Tree Removal in Conjunction with a Site Plan, Consent or Subdivision Application

If tree removal is proposed through the review of a site plan, consent or subdivision application, the applicant will be required to apply for and receive a Tree Removal Permission Permit as part of the review of the planning application. The same standards outlined within the Tree Permit process including fees and conditions for removal will be applied as conditions to the site plan, consent and subdivision applications prior to the granting of a Tree Removal Permission.

When a Permit/Permission is Required

A Tree Permit is required to remove 3 or more Trees each with a Diameter greater than 15 centimetres on a Lot within one Calendar Year.

When a Permit/Permission is Not Required

A permit is not required to injure or remove a tree under the following circumstances:

- (a) if the number of Trees with a Diameter greater than 15 centimetres is being Injured or Destroyed on the Lot in a Calendar Year is 2 or less;
- (b) where the Trees have a Tree Diameter of 15 centimetres or less;
- (c) for Emergency Work;
- (d) as a result of activities or matters undertaken by a Governmental Body or a school board for the construction of a school building or part of thereof;
- (e) for the purpose of pruning a Tree;
- (f) for Trees located on rooftop gardens, interior courtyards, or solariums;
- (g) for Trees on a Nursery or Golf Course;
- (h) by a person licensed under the *Surveyors Act* to engage in the practice of cadastral surveying or his agent while making a survey;
- (i) for the purpose of satisfying a condition to a development permit authorized by regulation made under section 70.2 of the *Planning Act*, as may be amended or replaced from time to time, or as a requirement of an agreement entered into under the regulation;
- (j) for the purpose of satisfying a condition to the approval of a site plan, a plan of subdivision, or a consent under sections 41, 51, and 53 of the *Planning Act*, as may be amended or replaced from time to time, or as a requirement of a site plan or subdivision agreement under those sections of the Act;

- (k) where the removal of a Tree(s) is specifically required in an order made under the City's Property Standards By-law;
- (l) by a transmitter or distributor as defined in the *Electricity Act, 1998* for the purpose of constructing and maintaining a transmission system or a distribution system, as defined under that Act;
- (m) if permission has been approved to remove a Heritage Tree under the Ontario Heritage Act, 2005.
- (n) where the removal of a Tree(s) is required for an Owner to comply with the requirements of a Province of Ontario Registered Management Forestry Plan that specifically encompasses the Owner's Lot.

NOTE: Permission to injure or destroy trees shall be subject to the same review and criteria as a Tree Permit Application.

Requirement for the Submission of a Permit/Permission

The following information is to be submitted for a Tree Permit/Permission to be considered a complete application:

- a) A completed Tree Permit/Permission application form;
- b) Four copies of a plan illustrating the location and diameter of the trees to be injured or removed. The location for the trees to be injured or removed shall be illustrated by showing the distance from the property lines and buildings on the lot. In addition, the plan shall also include any new buildings or additions and those trees to be retained;
- c) Payment of the required fees;
- d) If the base of a tree straddles a property line, the written consent of the affected adjacent property owner is required;
- e) An arborist report may be required which provides details on the species, size and health of a tree to be injured, destroyed or removed. Note: If all trees are considered dead, dying or hazardous consult with the Forestry Section to determine if an arborist report is required.

Fees

Fees are updated annually and are listed within the City's website or alternatively you can call the Forestry Section by dialling 3-1-1. If all trees are considered dead, dying or hazardous by the Forestry Section, no fee is required.

Criteria for the Review of a Tree Permit/Permission Application

The Forestry Section's review of an application will take into account the species, size, and health of a tree. Consideration will also be given to property limitations, the number of trees on site, the context of the site and the owner's reasons to remove the tree. Approval will typically be issued for dead or dying trees that may be a hazardous.

Requests to injure or remove trees will be reviewed in conjunction with any related Building Permit, Pool Enclosure Permit, Site Plan, Official Plan Amendment, Rezoning, Subdivision, Committee of Adjustment and Erosion and Sediment Control applications. The Forestry Section, in conjunction with the Planning and Building Department, may request amendments to a development application in order to preserve a tree.

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Conditions on the Issuance of a Tree Permit/Permission

The following are conditions that may be imposed:

- a) Hoarding (a protective fence around a tree) may be required to protect those trees being preserved during construction on site;
- b) Replacement trees will be required to be planted on the subject lot. The number of replacement trees required will be one (1) replacement tree for every healthy tree removed with a diameter less than 50cm (20 inches) and two (2) replacement trees for every healthy tree removed with a diameter of 50cm (20 inches), or over. The tree replacement ratio may increase/decrease dependant upon the following factors; existing canopy cover, the size of the lot, the condition and species of trees to be removed. The location of the replacement trees on the lot shall be to the satisfaction of the Forestry Section. The replacement tree shall be balled and burlapped, and have a minimum diameter of 6 cm (2.4 inches). The owner will have to provide four (4) copies of a replanting plan and a written undertaking to ensure that the replacement planting is carried out to City standards.
- c) If replacement tree(s) are required, monies or a letter of credit in a form satisfactory to the City may be required to cover the costs of the replacement trees and the warranty of the trees for a period of up to two (2) years at which time an inspection will be performed and the monies returned.
- d) For every replacement tree not provided on site, a payment shall be required to the City's replacement tree planting fund. The cost for each tree shall be the same as the tree planting replacement fee as outlined in the City's Fees and Charges By-law.

Where Do I Submit an Application and Who Can I Contact for Assistance?

Applications can be obtained and submitted or mailed to the Forestry Section, 950 Burnhamthorpe Road West, P.O. Box 1850, Station B, Mississauga, Ontario, L4Y 3W6. You may call 3-1-1 for assistance.

Process Times

The typical processing time is 30 days from the submission of a complete application. The process time may vary if additional information is required or if reviewed in conjunction with other development applications.

Once a Permit is approved

- a) The approval of a Tree Permit/Permission shall be valid for only one (1) year from the date of issuance;
- b) The approved Tree Permit/Permission shall be posted on the lot from which the trees are to be injured or destroyed in a location visible from the street edge for the period during which the trees are being injured or removed.

Refusal of an Application

If the Forestry Section's recommendation is to refuse the Tree Permit/Permission, a report shall be presented to the Planning and Development Committee and subsequently Council. Council will decide whether to approve or refuse the Tree Permit/Permission. The owner may appear before the Planning and Development Committee and Council to speak to the application.

Fines

Any person who contravenes any provision of the By-law is guilty of an offence. Fines vary depending on the number of convictions and whether the person is an individual or a corporation.

Questions and Answers with Respect to the Tree Permit/Permission Process

1. When is a permit/permission **not** required?

For the injury or removal of up to two (2) trees per calendar year each with a diameter greater than 15 cm (6 inches) or for the injury or removal of any tree with a diameter 15 cm (6 inches) or less.

2. How do I measure the diameter of a tree?

Measure the circumference (like measuring your waist) of the tree at 1.4m (4 ½ feet) above the ground. Use a calculator to divide the number by pi (3.1416). This will give you the diameter. The diameter is the width of the tree trunk.

3. What if there are multiple trunks on my tree?

A multiple trunk tree will be considered as one tree. The diameter is determined by combining the diameter of the three (3) largest trunks or stems measured approximately 140 cm (55 inches) above the existing grade.

4. Do I have to apply for a separate permit for every tree I cut down?

No, under one application you can include as many trees as you wish.

5. If my neighbour is cutting down trees, what can I do?

If a tree permit was issued to remove trees, it is to be posted in a visible area on the property during the period the trees are being removed. If you do not see a permit, you may contact the Forestry Section by dialling 3-1-1 (after hours number is 905.615.3000) to determine if a permit was issued.

6. If I apply for a Building Permit, Pool Enclosure Permit, Official Plan Amendment, Rezoning, Minor Variance, or an Erosion and Sediment Control application is a separate tree permit application required?

Yes, but only if the proposed development will cause the injury or removal of a tree that is regulated by the By-law. The submission of a Questionnaire to determine if a Tree Permit is needed will be required in conjunction with all development applications. When a Tree Permit is required in association with a development application, the applications will be reviewed concurrently.

7. What is the process for site plan, consent and subdivision applications?

For site plan, consent and subdivision applications, the applicant will be required to obtain Tree Removal Permission through the review of the planning application.



Corporate Report

Clerk's Files

Originator's
Files

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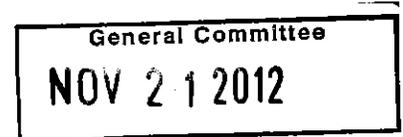
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DATE: October 30, 2012

TO: Chair and Members of General Committee
Meeting Date: November 21, 2012

FROM: Martin Powell, P. Eng.
Commissioner of Transportation and Works

SUBJECT: **Port Credit On-Street Parking Fees – Request for Fee Holiday
(Ward 1)**



RECOMMENDATION: That General Committee provide direction regarding the Port Credit Business Improvement Area's request to waive on-street parking charges within the Port Credit Business Improvement Area for the month of December 2012.

BACKGROUND: The Christmas shopping season is an important opportunity to do business and Business Improvement Areas (BIAs) must compete with shopping malls and plazas that do not charge for parking. Parking in the other City BIAs is free, with the exception of a small lay-by parking area in Clarkson.

The Transportation and Works Department is in receipt of a request from the Port Credit BIA to waive on-street parking charges within the Port Credit BIA for the month of December 2012. The BIA has advised that the Board of Directors of the Port Credit BIA recently passed a motion to request that during the month of December, the City allow residents to park in the BIA area without cost, and that the parking meters and pay and display machines be bagged accordingly.

COMMENTS:

Parking charges function as a tool to manage parking demand and create additional streams of revenue for parking maintenance and the development of new parking facilities. Developing and maintaining parking is costly, particularly with respect to the purchase of land and the construction of parking structures. While some funding is collected through the Payment-in-lieu of Parking (PIL) program in various parts of the City, additional funding is generated through the implementation of parking charges.

Parking charges are implemented throughout the commercial district of Port Credit through a program of individual parking meters and parking pay and display machines (multi-bay pay-and-display ticket spitters) located within the lay-bys along Lakeshore Road East, Port Street East, and on each side street adjacent to the commercial developments.

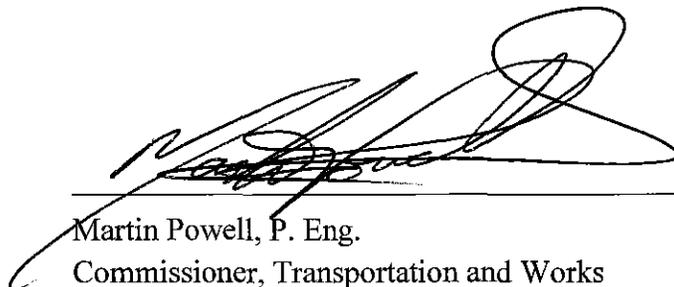
Pay for parking is used to regulate prime storefront parking through enforcement of the maximum two-hour parking duration. This encourages more frequent vehicle turnover, which is necessary to ensure that prime storefront parking spaces are available for customers rather than employee parking. Long-term customer and employee parking are encouraged in the municipal parking lots located in various locations throughout the BIA. Removal of the charge for parking would also remove the incentive for employee and long-term parking customers to use the off-street parking lots.

To help ensure that prime storefront on-street parking continues to be made available for valued customers during the busy holiday shopping season, the Transportation and Works Department and Smart Commute Mississauga will work with the Port Credit BIA to issue a communiqué to BIA member businesses encouraging them and their employees to use alternatives like public transit, carpooling and walking.

The anticipated revenue for the month of December has been estimated between \$15,000 and \$20,000. Waiving parking charges in the Port Credit BIA would eliminate this revenue and the ultimate contribution to the PIL fund. To facilitate the waiving of parking charges, Transportation and Works Department staff would bag the parking meters and machines throughout the Port Credit BIA on Friday, November 30, 2012 and un-bag the parking meters and machines on Wednesday, January 2, 2013.

FINANCIAL IMPACT: The parking charges could be waived within the BIA for the month of December. As a result, it is estimated that between \$15,000 and \$20,000 in gross revenue would be lost and not be contributed to the PIL fund.

CONCLUSION: The Port Credit Business Improvement Area (BIA) has requested that parking charges be waived within the Port Credit BIA for the month of December to coincide with the Christmas shopping season. The parking charges could be waived within the BIA for the month of December. As a result, it is estimated that between \$15,000 and \$20,000 would not be contributed to the PIL fund. There would also be a negative impact on parking management within the BIA as prime parking would tend to be used by longer-term parking demand.



Martin Powell, P. Eng.
Commissioner, Transportation and Works

Prepared by: Tomasz Brzeziak, Parking Coordinator



Corporate Report

Clerk's Files

Originator's
Files

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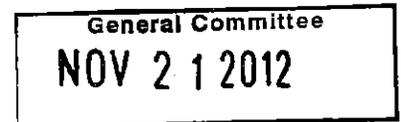
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DATE: October 29, 2012

TO: Chair and Members of General Committee
Meeting Date: November 21, 2012

FROM: Martin Powell, P. Eng.
Commissioner of Transportation and Works

SUBJECT: **15-hour Parking**
Mill Street (Ward 11)



RECOMMENDATION: That a by-law be enacted to amend By-law 555-2000, as amended, to implement 15-hour parking on Mill Street between Wyndham Street and the east limit of the roadway.

BACKGROUND: The Transportation and Works Department is in receipt of a request from the Ward Councillor to implement 15-hour parking on the south side of Mill Street between Wyndham Street and the east limit of the roadway.

COMMENTS: 15-hour parking can be accommodated on the south side of Mill Street between Wyndham Street and the east limit of the roadway, allowing two-way traffic to be maintained as parking is currently prohibited at anytime on the north side of Mill Street. The Transportation and Works Department supports the implementation of 15-hour parking on the south side of Mill Street between Wyndham Street and the east limit of the roadway.

Typically this type of request for a parking regulation change is addressed by a petition being circulated to the affected residents to

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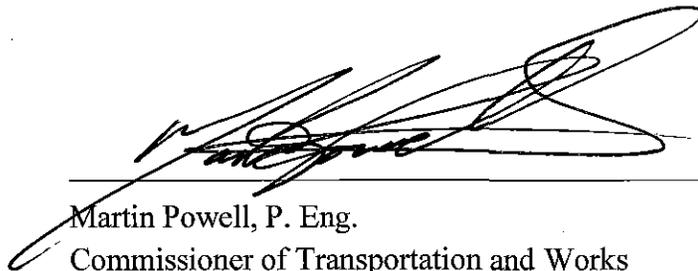
determine the level of support. As this is a direct request by the Ward Councillor, a parking questionnaire was not mailed to the area residents. The Ward Councillor has subsequently requested a report be brought forward.

The Ward Councillor supports the implementation of 15-hour parking on the south side of Mill Street between Wyndham Street and the east limit of the roadway.

FINANCIAL IMPACT: Costs for the sign installation can be accommodated in the 2012 Current Budget.

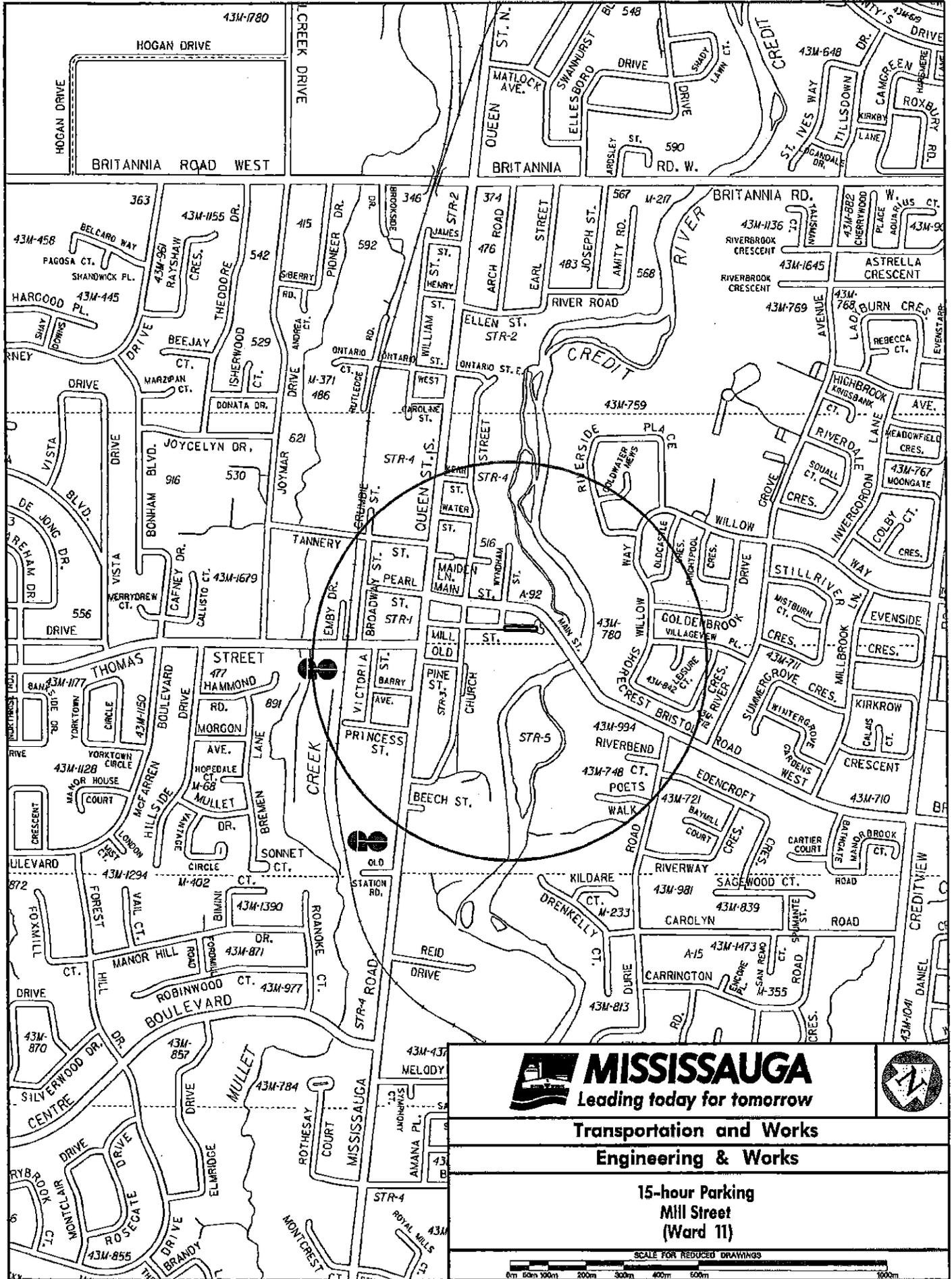
CONCLUSION: The Transportation and Works Department supports the implementation of 15-hour parking on the south side of Mill Street between Wyndham Street and the east limit of the roadway.

ATTACHMENTS: Appendix 1: Location Map: 15-hour Parking Mill Street (Ward 11).



Martin Powell, P. Eng.
Commissioner of Transportation and Works

Prepared By: Denna Yaunan, A.Sc.T., Traffic Technician



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**Transportation and Works
Engineering & Works**

**15-hour Parking
Mill Street
(Ward 11)**

SCALE FOR REDUCED DRAWINGS





Corporate Report

Clerk's Files

Originator's
Files

5.

DATE: October 29, 2012

TO: Chair and Members of General Committee
Meeting Date: November 21, 2012

FROM: Martin Powell, P. Eng.
Commissioner of Transportation and Works

SUBJECT: **15-hour Parking**
Falconer Drive (Ward 11)

General Committee

NOV 21 2012

RECOMMENDATION: That a by-law be enacted to amend By-law 555-2000, as amended, to remove "No Parking Anytime" on the south side of Falconer Drive between #6555 (north entrance) and Meadow Green Park and allow "15-hour parking anytime".

BACKGROUND: The Transportation and Works Department received a request from the Ward Councillor's office to remove the "No Parking Anytime" regulation on the south side of Falconer Drive between #6555 (north entrance) and Meadow Green Park and allow "15-hour parking anytime", based on the current demand for parking on the south side of Falconer Drive.

COMMENTS: Transportation and Works Department staff conducted a site inspection on Falconer Drive which revealed that parking on the north side of Falconer Drive between #121 "A Private Condominium Community" and Meadow Green Park has reached capacity. The south side of Falconer Drive between #6555 (north entrance) and Meadow Green Park is currently signed as "No Parking Anytime".

Staff recommends that in order to accommodate the demand for parking on the south side of Falconer Drive, the "No Parking Anytime" regulation between #6555 (north entrance) and Meadow Green Park be changed to "15-hour parking anytime". The width of the roadway can support parking on both sides while maintaining the safe passage of two-way traffic.

Typically this type of request for a parking regulation change is addressed by a petition being circulated to the affected residents to determine the level of support. Due to the results of the site inspection, of which the Councillor is aware of, a parking questionnaire was not mailed to the area residents. The Ward Councillor has subsequently requested a report be brought forward.

The Ward Councillor supports the above proposal.

FINANCIAL IMPACT: Costs for the sign installations can be accommodated in the 2012 Current Budget.

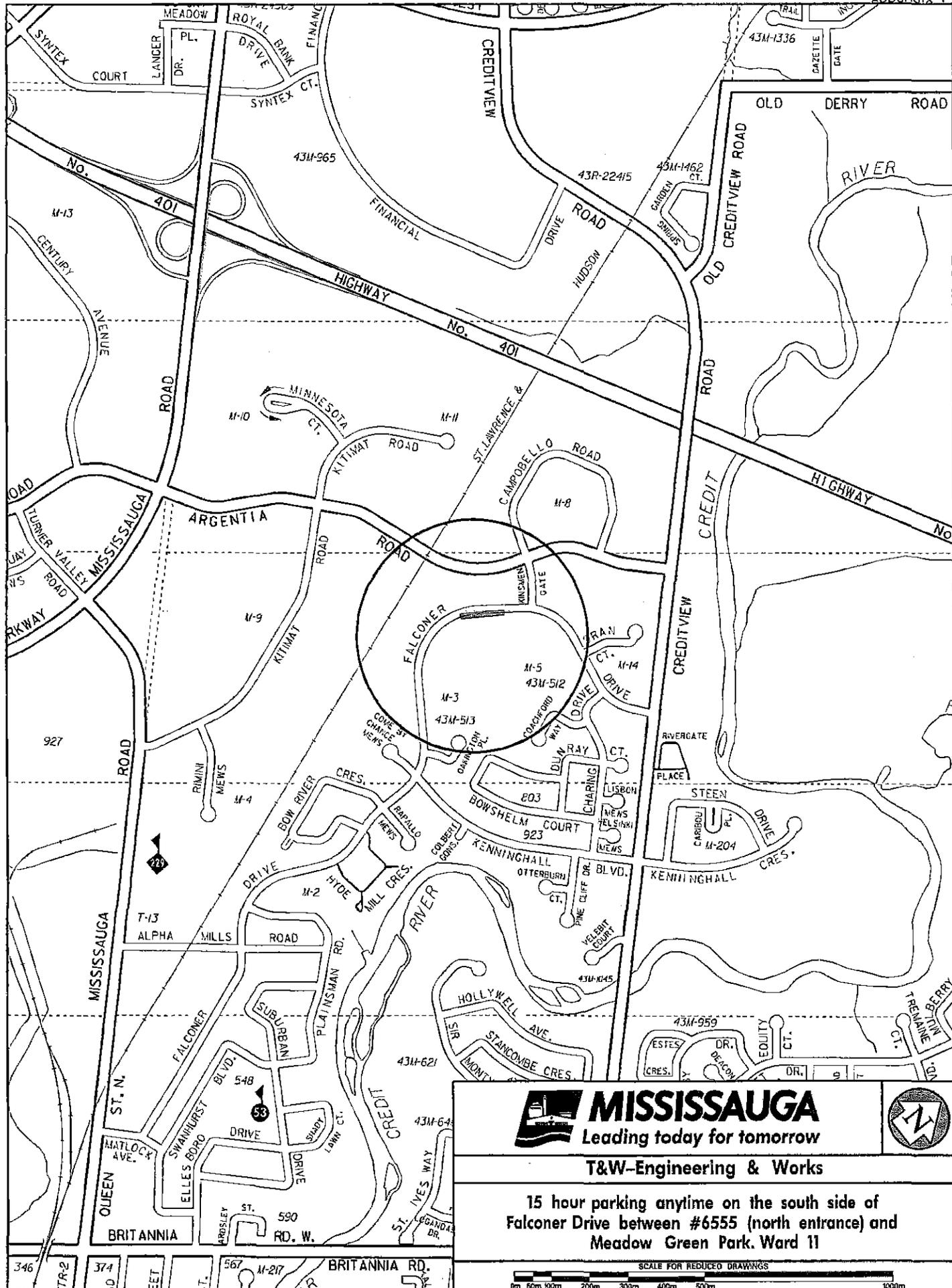
CONCLUSION: The Transportation and Works Department recommends the removal of the "no parking anytime" regulation on the south side of Falconer Drive between #6555 (north entrance) and Meadow Green Park and the subsequent implementation of "15-hour parking anytime" limits in its place.

ATTACHMENTS: Appendix 1: Location Map: 15-hour parking anytime on the south side of Falconer Drive between #6555 (north entrance) and Meadow Green Park (Parking regulation changes on Falconer Drive) (Ward 11)



Martin Powell, P. Eng.
Commissioner of Transportation and Works

Prepared By: Dino Castronovo, Traffic Technician





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T&W-Engineering & Works

15 hour parking anytime on the south side of Falconer Drive between #6555 (north entrance) and Meadow Green Park. Ward 11

SCALE FOR REDUCED DRAWINGS





Corporate Report

Clerk's Files

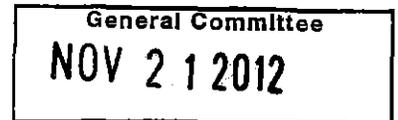
Originator's
Files

MG.23.REP

6.

DATE: November 5, 2012

TO: Chair and Members of General Committee
Meeting Date: November 21, 2012



FROM: Martin Powell, P. Eng.
Commissioner of Transportation and Works

SUBJECT: **Downtown On-Street Paid Parking Expansion (Ward 4)**

RECOMMENDATION: That a by-law be enacted to amend By-law 555-2000, as amended, to implement paid parking anytime on the south and west sides of Absolute Avenue from a point 75 meters (246 feet) east of Hurontario Street to a point 130 metres (427 feet) easterly and southerly thereof.

BACKGROUND: On February 11, 2009, Council endorsed the "*Parking Strategy for Mississauga City Centre: Final Report.*" The strategy recommended implementing on-street paid parking in the Downtown to establish an economic value for parking, demonstrate civic leadership regarding the use of parking pricing to encourage more sustainable transportation options, decouple the cost of parking from the cost of building use and contribute to the capital and operating cost recovery of parking investments.

COMMENTS: The construction of Absolute Avenue between Hurontario Street and Burnhamthorpe Road East was completed to accommodate the development of the Absolute Towers in the downtown. This new roadway construction resulted in on-street parking on the south and west sides of Absolute Avenue which serves the new condominiums and the ground-level businesses.

The "*Parking Strategy for Mississauga City Centre: Final Report*",

The "Parking Strategy for Mississauga City Centre: Final Report", supported implementing paid parking on Absolute Avenue upon construction completion. Absolute Avenue is located at the northeast corner of Hurontario Street and Burnhamthorpe Road, and is somewhat isolated from the main core of the Downtown. Paid parking has been in place in the neighbouring commercial developments for some time now.

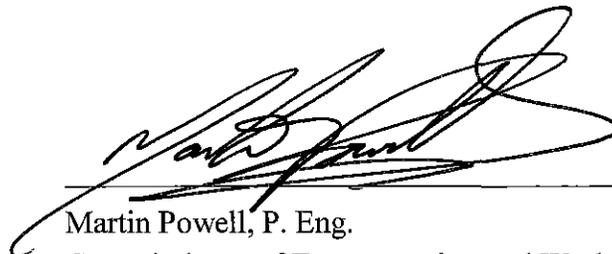
Based on the above, the Transportation and Works Department recommends implementing paid parking anytime on the south and west sides of Absolute Avenue. Implementing 24-hour paid parking will align Absolute Avenue with the current Downtown paid parking operations and tariff.

The Ward Councillor supports the above recommendation for a six (6) month trial period, at which time a review will be conducted and a summary will be submitted to the Ward Councillor.

FINANCIAL IMPACT: The costs for additional sign installations can be accommodated in the 2012 Current Budget. The cost for the required two Pay and Display machines can be accommodated in the 2012 Current Budget.

CONCLUSION: The Transportation and Works Department supports implementing paid parking anytime on the south and west sides of Absolute Avenue from a point 75 meters (246 feet) east of Hurontario Street to a point 130 metres (427 feet) easterly and southerly thereof.

ATTACHMENTS: Appendix 1: Location Map: Absolute Avenue

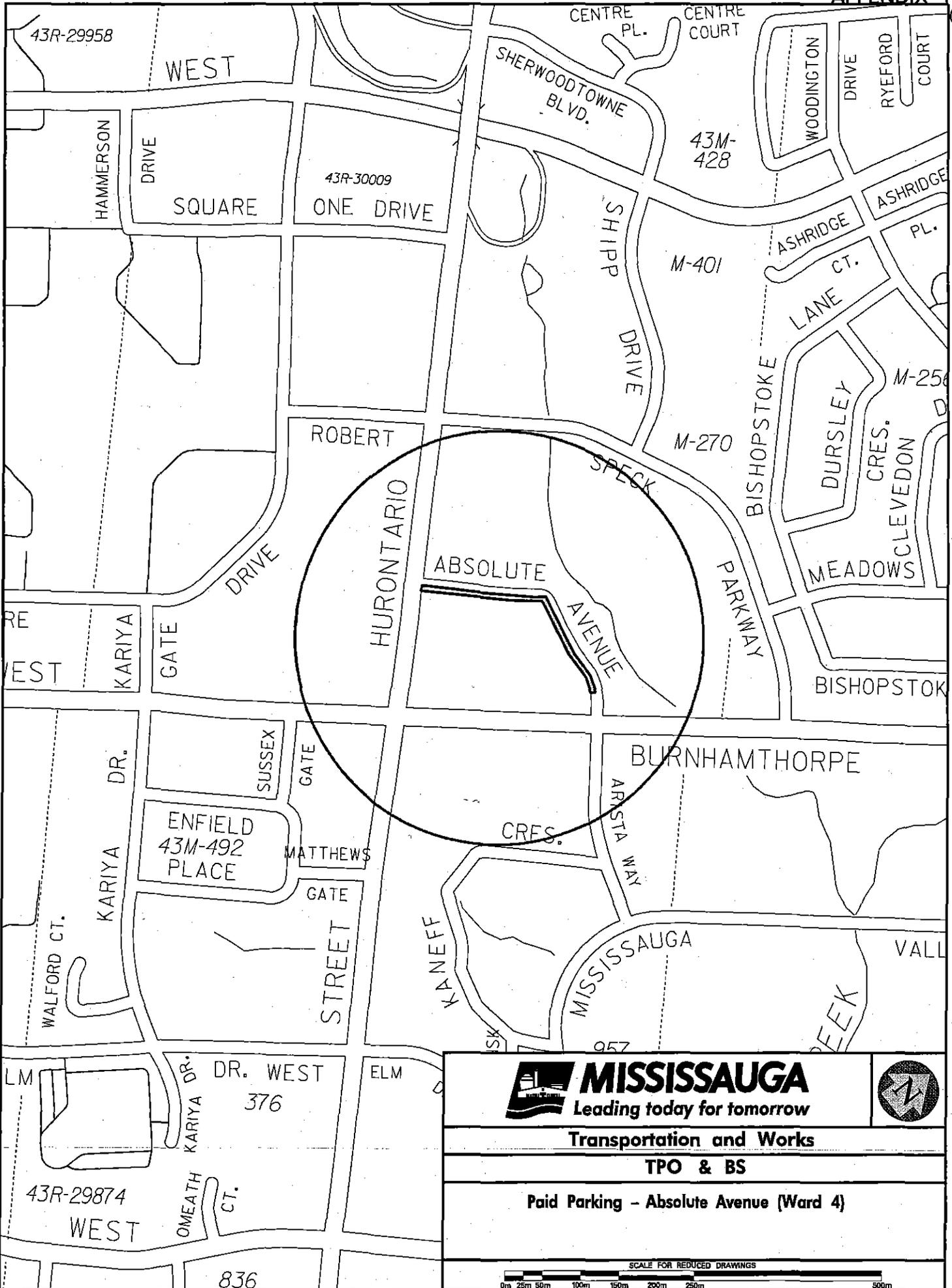


Martin Powell, P. Eng.

Commissioner of Transportation and Works

*Prepared By: Tomasz Brzeziak, Parking Coordinator
Transportation Project Office*

66



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Transportation and Works		
TPO & BS		
Paid Parking - Absolute Avenue (Ward 4)		
<p>SCALE FOR REDUCED DRAWINGS</p>		



Corporate Report

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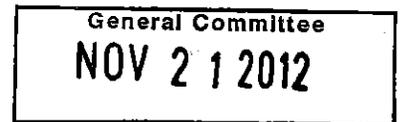
Originator's
Files

MG.23.REP

7.

DATE: November 6, 2012

TO: Chair and Members of General Committee
Meeting Date: November 21, 2012



FROM: Martin Powell, P.Eng.
Commissioner of Transportation and Works

SUBJECT: **Highway 401 Improvements – From East of the Credit River to
Trafalgar Road**

RECOMMENDATION:

1. That the report dated November 6, 2012 from the Transportation and Works Department entitled "*Highway 401 Improvements – From East of the Credit River to Trafalgar Road*" be forwarded to the Ontario Ministry of Transportation, Region of Peel, Region of Halton and City of Brampton.
2. That the Ontario Ministry of Transportation (MTO) be requested to further consider providing a full 12-lane Core-Distributor system on Highway 401 from the Credit River to Trafalgar Road and that City staff discuss the impacts associated with providing a full 12-lane Core-Distributor system with the MTO.
3. That MTO be requested to consider constructing the widening of Highway 401 from the Credit River to Trafalgar Road as soon as possible.

**REPORT
HIGHLIGHTS:**

- The Ontario Ministry of Transportation (MTO) held the second and final Public Information Centre (PIC) for the Highway 401 Improvements Preliminary Design and Class Environmental Assessment (EA) Study, from east of the Credit River to Trafalgar

Road, on October 3, 2012. The purpose of the PIC was to present findings and receive input on the evaluation of design alternatives, the preliminary details of the recommended plan and the proposed mitigation strategies to minimize potential environmental and community impacts

- This study is scheduled for completion in late 2012/early 2013. A Transportation Environmental Study Report (TESR) will be prepared and made available for a 30-day public review period at the completion of the study. The TESR will document the transportation opportunities, the generation, assessment and evaluation of alternatives, the recommended plan, a summary of environmental issues and potential mitigation measures and a summary of consultation undertaken throughout the study
- This report provides a description of the proposed improvements to Highway 401 and an overview of City staff comments on the proposed recommended plan for the study
- MTO should be requested to construct a full 12-lane Core-Distributor system for the entire length of the highway under study (the Credit River to Trafalgar Road)

BACKGROUND:

In September 2010, the Ontario Ministry of Transportation (MTO) retained URS Canada Inc. to undertake a Preliminary Design and Class Environmental Assessment (EA) Study for improvements to 9.7 km (6 miles) of Highway 401 from east of the Credit River in the City of Mississauga to Trafalgar Road in the Town of Milton and the Town of Halton Hills. The Study Area is included in Appendix 1.

This report provides an overview of the EA study and the comments identified by City of Mississauga staff.

Study Recommendations

Based on the analysis from the study, this section of Highway 401 does not meet current or future traffic demands and improvements are needed to support projected growth. The study has identified the capacity and operational needs for this section, and recommends the following improvements to this section of the Highway 401 corridor:

- Widen Highway 401 to a 12-lane Core-Distributor system from the

Credit River to Winston Churchill Boulevard

- Widen Highway 401 to a 10-lane Simple Freeway (no collectors) from Winston Churchill Boulevard to 407ETR
- Widen Highway 401 to a 12-lane Core-Distributor system from 407ETR to Trafalgar Road
- Provide bridge replacements at the Credit River, Creditview Road and CP Rail
- Widen the Derry Road bridge
- Construct a new bridge west of 407ETR for Highway 401 westbound transfer lanes
- Provide for a sidewalk and a multi-use trail on the Creditview Road Bridge (subject to cost-sharing agreements with the City)
- Implement geometric improvements to the Winston Churchill Boulevard interchange ramps
- Implement adjustments to ramps at the 407ETR and Mississauga Road interchanges to accommodate the widened Highway 401 cross-section
- Expand and improve the carpool lot at Mississauga Road
- Construct a new carpool lot at Winston Churchill Boulevard
- Extend the Mullet Creek Culvert including minor channel relocation
- Implement various drainage improvements and culvert extensions
- Provide Intelligent Transportation Systems (ITS), installation of high mast illumination and overhead signing upgrades

The study considered the alternative of providing a continuous Core-Distributor system for this entire section of the Highway 401. It was found that, although a continuous Core-Distributor system optimizes operations by marginally improving travel time and minimizing slow down areas and weave areas, this would result in greater impacts to the natural environment (vegetation communities, stormwater management ponds and culvert extensions), properties adjacent to Highway 401 and lands that have archaeological potential. Traffic demand forecast work indicated that 10 lanes between Winston Churchill Boulevard and 407ETR would be sufficient. Additional traffic analysis undertaken indicated that the relative speed reductions associated with a localized 10-lane basic cross-section through the 407ETR interchange area on Highway 401 would not significantly affect the expected travel times through this section of the Highway 401 corridor as compared to a continuous Core-Distributor system. In addition, the 10-lane section

would optimize the use of existing infrastructure by utilizing the existing bridges at the Highway 401/407ETR and Winston Churchill Boulevard interchanges, result in fewer utility impacts, present considerably fewer construction challenges, and provide a cost savings of approximately \$150M compared to a Core-Distributor system through this area.

Public Consultation

The second and final Public Information Centre (PIC) for the Highway 401 improvements was held in Mississauga on October 3, 2012. The purpose of the PIC was to present findings and receive input on the evaluation of alternatives, the preliminary details of the recommended plan and the proposed mitigation strategies to minimize potential environmental and community impacts. Approximately 37 visitors attended the PIC, including municipal representatives. Most of the attendees supported the widening of Highway 401.

MTO staff also held a meeting with City of Mississauga staff on September 17, 2012.

COMMENTS:

Following review of the material presented at Public Information Centre #2, staff has the following comments:

Transportation and Works

It is recommended that MTO further consider providing a continuous 12-lane Core-Distributor system for this entire section of Highway 401. Highway 401 is a key goods movement corridor and a continuous Core-Distributor system would be supportive of the efficient movement of goods, which is important to the economic vitality of the City and, more broadly, the province. In addition, the continuous Core-Distributor system would support the additional connections proposed at the Highway 407/Highway 401 Interchange as part of the GTA West Study. With the surrounding land uses from the City's emerging Meadowvale Business Park Corporate Centre and employment areas associated with Halton Region, the proposed 10-lane section between Winston Churchill Boulevard and Highway 407 has the potential for bottlenecks and pressures on the system. In addition, considering long-term growth, widening to 12 lanes may be required, which will result in the highway between Winston Churchill Boulevard and Highway 407

being disrupted and reconstructed twice. City staff would like to further discuss the impacts associated with providing a full 12-lane Core-Distributor system with the MTO.

MiWay (Mississauga Transit) currently provides service along Highway 401 within the study area. Current transit service levels along Highway 401 are modest due to congestion issues that prohibit the City from considering further transit improvements (additional transit routes, frequency, etc.). The proposed transit improvements (e.g. HOV lanes) will allow Mississauga Transit as well as other transit agencies to consider improving frequency as well as hours of service along this corridor. During the construction phase, Mississauga Transit cannot reroute buses to an alternate route, therefore, two-way traffic must be maintained at all times.

Transportation and Works requests further details regarding the lengthened conveyance structures and any corresponding creek corridor works that may fall within the full extent of work limits for the proposed Highway 401 improvements, at the appropriate future project stage. We request that the City be included in the future circulation of any documents and/or drawings pertaining to the above.

The MTO's recommended plan includes an "extension of the Mullet Creek Culvert including minor channel relocation." Additional details of this proposed work, including any engineering drawings, should be provided to Transportation and Works.

The MTO's recommended plan proposes the re-alignment of Mullet Creek and extension of the Highway 401 box culvert. It is to be noted that Mullet Creek from Derry Road West to Highway 401 is considered a stormwater management facility for quantity control. Specifically, flows are controlled by the conveyance capacity of the Highway 401 box culvert, resulting in the temporary detention of larger storm events in the upstream engineered channel. As such, the City requests that the stormwater management function of this area be maintained in the proposed works.

As the study progresses into preliminary and detail design, construction staging and traffic management measures to reduce local traffic impacts during construction are to be identified and reviewed by the

Transportation and Works Department.

The MTO's recommended plan has identified replacing the existing Creditview Road 2-lane bridge with a new 2-lane bridge. The City's future plans for this roadway include a 4-lane cross-section with provisions for both a multi-use trail and sidewalk. Although the City's future plans will not be included as part of this study, MTO has advised that the design of the new 2-lane bridge will accommodate the future bridge widening, sidewalk and multi-use trail. The City will be undertaking a Class Environmental Assessment for the widening of the Creditview Road bridge from 2 to 4 lanes, which is scheduled to commence early 2013. The widening of the Creditview Road bridge to address the City's future plans as well as a cost-sharing agreement will be discussed with MTO during the detail design stage of this project.

The City requests consideration to fast-track the removal and replacement of the Creditview Road bridge in advance of the permanent removal of the Second Line bridge over Highway 401.

Goods movement is considered important to the economic vitality of the City. It is understood that while designated truck lanes are not being considered as part of this study, it does not preclude the potential future implementation of truck lanes on Highway 401. MTO has advised that it is currently funding a research initiative with the University of Toronto that is exploring the effect of exclusive truckway facilities in central Ontario. MTO is also undertaking a jurisdictional review of truckway facilities to help develop a framework for the application of truck lanes along key provincial highways. In addition, there is a Transportation Association of Canada (TAC) study that is emerging on this subject and MTO is actively involved in defining the study's scope.

The widening of Highway 401 from the Credit River to Trafalgar Road is not included in MTO's 2011 to 2015 Southern Ontario Highway Program. To maintain Mississauga's and Ontario's economic competitiveness it is critical that improvements to Highway 401 through Mississauga support the movement of goods. In this respect, the City encourages MTO to expedite the EA for this study and construct the widening of Highway 401 from the Credit River to Trafalgar Road as soon as possible to support broader provincial interests of goods movement, economic sustainability and job creation.

Planning and Building

As part of the detail design stage of this project, the Planning and Building Department should be included in the future circulation of any documents and/or drawings pertaining to the Mullett Creek and Credit River crossings, to ensure that the natural areas associated with these features are protected, enhanced and expanded in accordance with the City of Mississauga Official Plan policies.

Community Services

As part of the Transportation Environmental Study Report, Heritage Planning requires that a Heritage Impact Statement and Archaeological Assessment be included for this project. Depending on the final scope of work, the following heritage properties would potentially be impacted:

- Hustler Farm, 7564 Tenth Line (designated under the Ontario Heritage Act)
- Sanford Farm, 1220 Old Derry Road (designated under the Ontario Heritage Act)
- Harris Farm, 6545 Creditview Road
- Mississauga Road Scenic Route (cultural landscape)
- Creditview Road Scenic Route (cultural landscape)
- Credit River Corridor (cultural landscape)

The City's Credit River Parks Strategy Master Plan Concept and Cycling Master Plan identify a multi-use trail under the Highway 401 bridge along the east side of the Credit River as a "Proposed Primary Off-Road Route". This future route will be an extension of the Culham Trail and will provide a connection through the Credit Valley in this area. The Transportation Environmental Study Report should document the provisions to accommodate the City's future multi-use trail and it should be included on the preliminary design plans. A cost-sharing agreement will be discussed with MTO during the detail design stage of this project.

Corporate Services

Following finalization of the design plans, Corporate Services (Realty Services) should be advised if any City lands will be impacted by this project. If so, MTO should identify which parcels will be impacted and type of property impact (i.e. acquisition, permanent easement or temporary easement).

STRATEGIC PLAN: **MOVE:** Developing a Transit-Oriented Study - Connecting Mississauga to adjacent municipalities and increasing transportation capacity to alleviate overall congestion.

PROSPER: Cultivating Creative and Innovative Businesses - Promoting Mississauga as a global hub of creative and innovative activity.

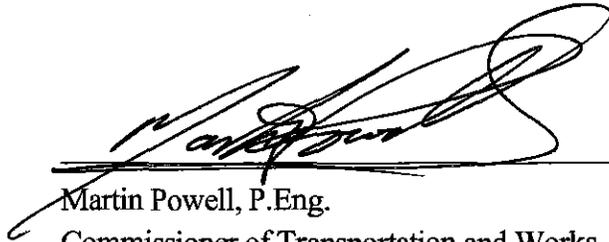
FINANCIAL IMPACT: The City's future plans for Creditview Road include a 4-lane cross-section with provisions for both a multi-use trail and sidewalk. Although the City's future plans will not be included as part of this study, MTO has advised that the design of the new 2-lane bridge will accommodate the future bridge widening, sidewalk and multi-use trail. The widening of the Creditview Road bridge to address the City's future plans and cost-sharing will continue to be discussed with MTO during the detail design stage of this project. The City's contribution for this project would be funded by Development Charges.

The City's Credit River Parks Strategy Master Plan Concept and Cycling Master Plan identify a multi-use trail under the Highway 401 bridge along the east side of the Credit River as a "Proposed Primary Off-Road Route". This future route will be an extension of the Culham Trail and will provide a connection through the Credit Valley in this area. A cost-sharing agreement will be discussed with MTO during the detail design stage of this project. The City's contribution for this project would be funded by Development Charges.

CONCLUSION: As indicated in the City's Official Plan, the City supports the widening of Highway 401. Staff will continue to work with the MTO on this study and will ensure that City comments are addressed in the final TESR.

7h

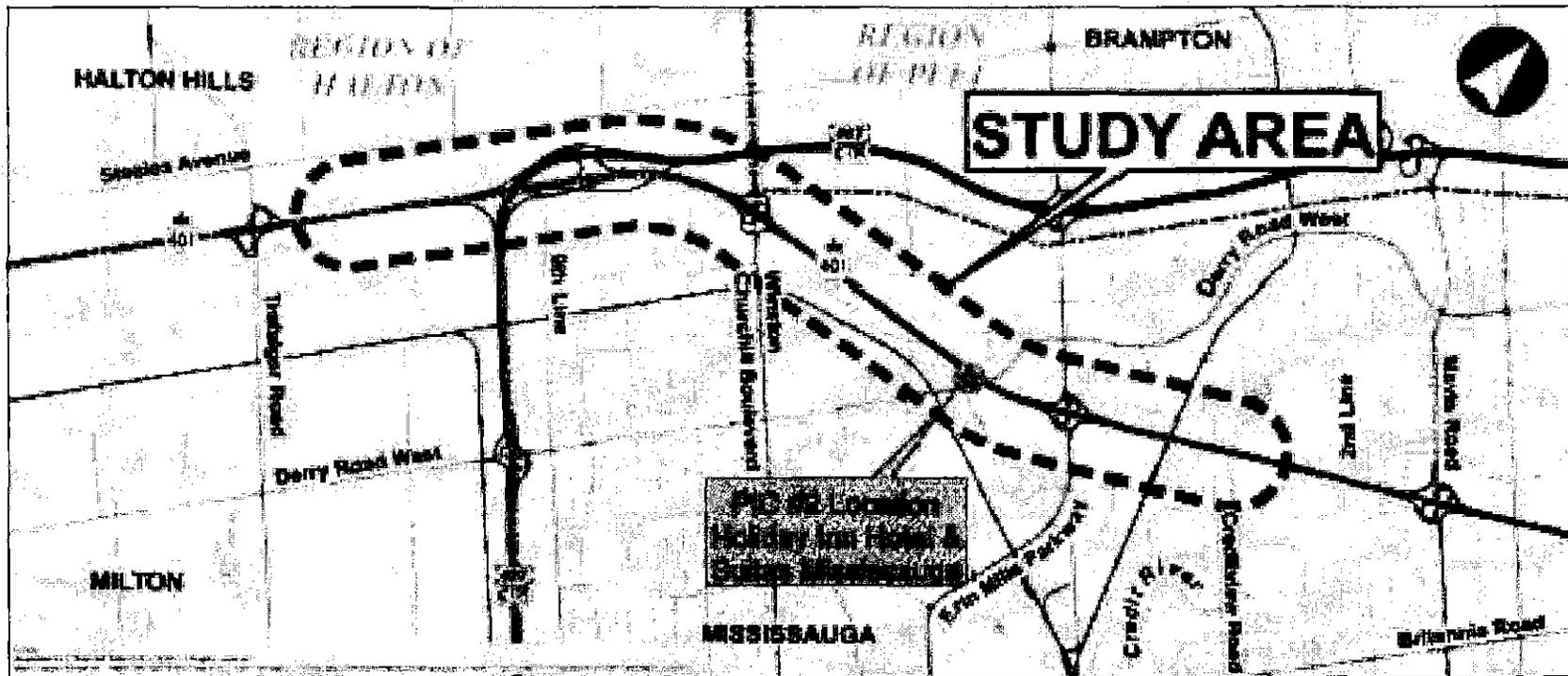
ATTACHMENTS: Appendix 1: Highway 401 Improvements – From East of the Credit River to Trafalgar Road: Study Area



Martin Powell, P.Eng.
Commissioner of Transportation and Works

*Prepared By: Leslie Green, P.Eng.
Transportation Project Leader, Transportation Planning*

Appendix 1: Highway 401 Improvements Preliminary Design and Class Environmental Assessment Study (East of the Credit River to Trafalgar Road)
Study Area





Corporate Report

Clerk's Files

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Files

RT.13.STR
MG.23.REP
T-09002

8.

DATE: November 1, 2012

TO: Chair and Members of General Committee
Meeting Date: November 21, 2012

FROM: Martin Powell, P.Eng.
Commissioner of Transportation and Works

SUBJECT: **Proposed Street Name for Condominium Application T-09002
and Proposed Street Names to be Added to the City of
Mississauga Approved Street Name Reserve List
(Ward 8 and City-wide)**

General Committee
NOV 21 2012

- RECOMMENDATION:**
1. That the following be approved with respect to the naming of the private road within the proposed common element condominium development under Application T-09002, located on the east side of Mississauga Road, south of Eglinton Avenue West:
 - a) The name **Avignon** be assigned.
 - b) The standard City of Mississauga private street name signs with blue lettering on a white background indicating the name of the street be erected at the appropriate locations.
 - c) The cost of the sign be borne by Hush Homes Inc., the registered owner, but be erected by City forces.
 2. That the name **Belbin** be added to the City of Mississauga Approved Street Name Reserve List.
 3. That the name **Giverny** be added to the City of Mississauga Approved Street Name Reserve List subject to the name **Givemay** being removed from the current Reserve List.

8a

BACKGROUND:

Condominium development T-09002 contains a private road which is required to be named. The following names were submitted for review and approval by the Region of Peel Street Name Committee so they may be assigned or placed on the City of Mississauga Approved Street Name Reserve List:

Avignon	Giverny	Reims	Troyes
Belbin	Marseille	Seine	Versailles

COMMENTS:

The Region of Peel Street Name Committee has reviewed and approved the names **Avignon, Belbin and Giverny**. In the case of **Giverny**, the name **Givemay** would first have to be removed from the current Mississauga Approved Street Name Reserve List. The other names were refused because of pronunciation, spelling difficulties or similarity to existing street names.

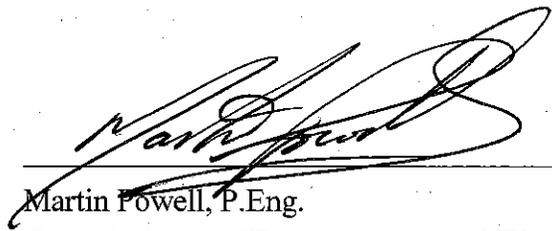
FINANCIAL IMPACT: Not Applicable

CONCLUSION:

The Region of Peel Street Name Committee has no objection to the name **Avignon** being assigned to the proposed private street within the condominium development T-09002, and the names **Belbin and Giverny** being added to the City of Mississauga Approved Street Name Reserve List.

ATTACHMENTS:

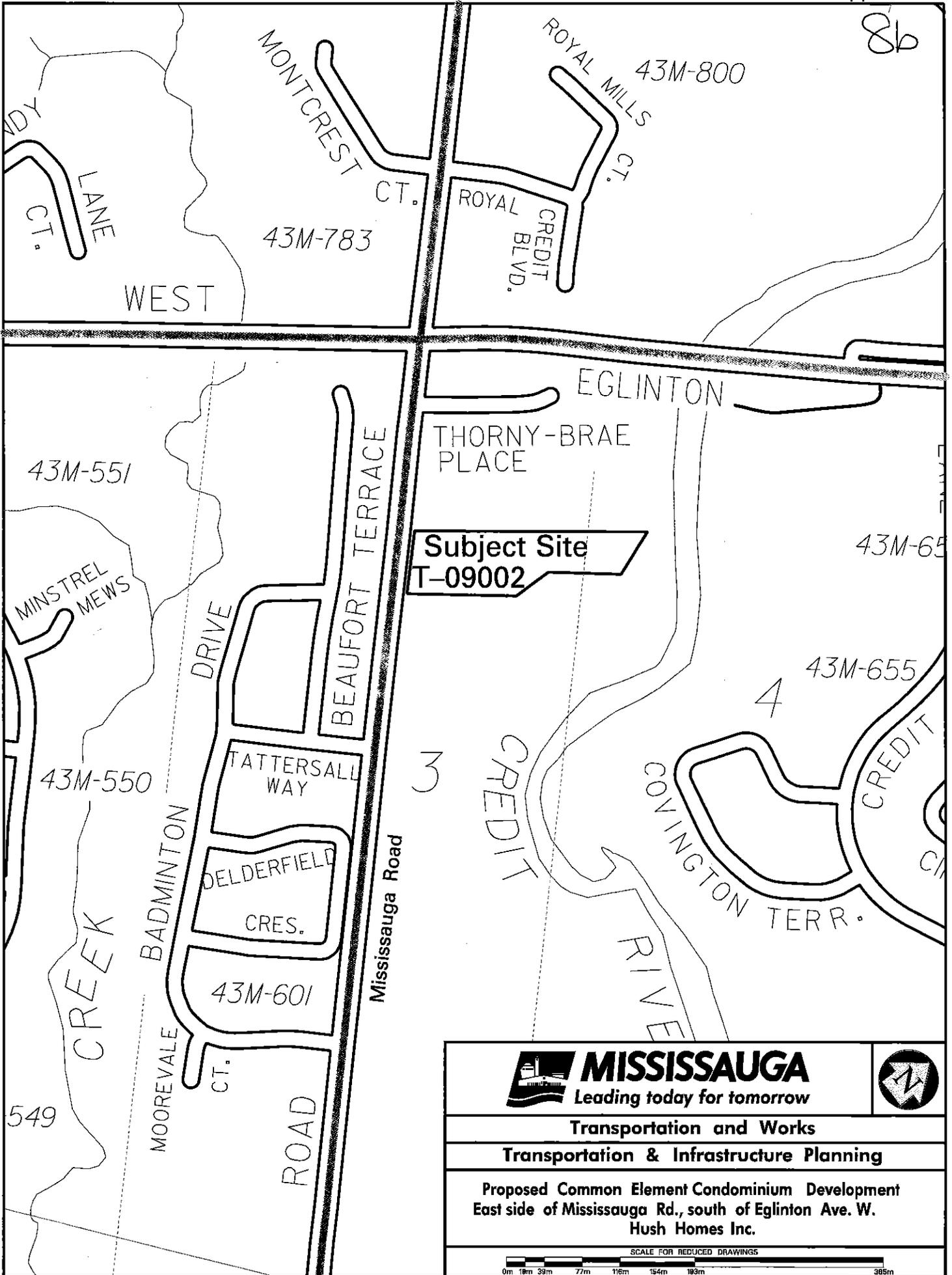
Appendix 1 - Site Location Map



Martin Powell, P.Eng.
Commissioner of Transportation and Works

Prepared By: *Joe Alava, C.E.T.*
Development Engineering Technologist

8b

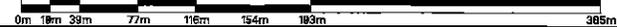


Transportation and Works

Transportation & Infrastructure Planning

**Proposed Common Element Condominium Development
East side of Mississauga Rd., south of Eglinton Ave. W.
Hush Homes Inc.**

SCALE FOR REDUCED DRAWINGS





Corporate Report

Clerk's Files

Originator's
Files

9.

DATE: November 7, 2012

TO: Chair and Members of General Committee
Meeting Date: November 21, 2012

FROM: Brenda R. Breault, CMA, MBA
Commissioner of Corporate Services and Treasurer

SUBJECT: **Expanding Citizen Access to Local Government:
Agreement with Rogers TV**

General Committee

NOV 21 2012

RECOMMENDATION: That a by-law be enacted to authorize the Commissioner of Corporate Services and City Clerk to execute an agreement in a form acceptable to the Office of the City Solicitor with Rogers TV, a division of Rogers Communications Partnership Inc. for the use of the Robotic Camera Systems within the Council Chamber.

**REPORT
HIGHLIGHTS:**

- The City of Mississauga has had an agreement in place with Rogers TV since 2005 allowing Rogers TV to provide TV broadcast services to the citizens of Mississauga through the airing of Council Meetings and other events of interest within the Council Chambers.
- The agreement with Rogers TV has been updated to permit the City to use the Robotic Camera System (once staff is trained) in order to stream on the City's website, General Committee (GC), Planning and Development Committee (PDC) and Budget Committee, all of which Rogers does not currently do.
- Citizens will then have access to GC, PDC and Budget Committee via online streaming through a link on the City's web site.
- This arrangement supports the City's Communications Master Plan in terms of promoting citizen participation – both online and off with increased access to local government via the City's web site.

BACKGROUND:

In 2005, Mississauga City Council approved Report "Robotic Camera Systems Installation: Council Chambers" – GC, October 5, 2005, that allowed Rogers, at no cost to the City, to install eight (8) cameras in Council Chambers in order to broadcast on Rogers Cable 10, Council meetings and various events. As well, Rogers agreed to train City staff (AV technicians) to operate the equipment when not in use by Rogers.

Previous to the installation of the cameras, Rogers required a production truck and crew and equipment to produce shows. By installing the cameras, they require fewer people and equipment.

Since the installation, Rogers has regularly covered Council meetings as well as other events, at the request of the City including public open houses, special meetings and town halls.

COMMENTS:

There has been considerable feedback from members of Council and the public for increased access to local government via a variety of channels.

In regard to accessing Council meetings for example, citizens have the option of:

- attending in person
- watching the session live on Rogers TV Cable 10, if they subscribe to it
- watching the online streaming via the Rogers TV web site

Staff initiated discussions with Rogers TV about expanding their regular television coverage to other committees of Council. Expanded coverage would allow citizens increased access to information about City programs and services as well as enhance awareness to how City decisions are made. Rogers TV advised staff that they did not have the staffing resources to commit to these meetings. More importantly, Rogers TV is limited in their ability to expand their broadcast of municipal meetings as per CRTC requirements for community-based programming. Nevertheless, Rogers TV was open and responsive to training City staff to use the equipment as well as support our efforts to deliver online access to additional meetings via the web.

In discussions with the City Clerk and Information Technology staff, Communications staff reviewed how to best move forward with this citizen engagement initiative.

Proposed Arrangement with Rogers TV

Under the proposed arrangement with Rogers TV, citizens will be able to view General Committee, Planning and Development Committee and Budget Committee meetings via live streaming through the City's web site. Archived copies of the meetings will be available on the City's web site.

In order to provide this access, staff will use Rogers TV equipment, with their permission, and deliver the online streaming productions on the City's web site. Staff plans to launch this new coverage early in 2013.

Access to Local Government

This model supports greater and easier access for citizens to be informed and involved in local government. As well, online streaming on the City's web site allows the City to be ready for future changes to agenda management being proposed by the Clerk's Office.

It is important to note that providing citizen access via online streaming of additional committee meetings is aligned to the City's Communication Master Plan which supports the need to address: "the technology challenges and increased citizen demand for new and collaborative communication channels such as multi-media, with a focus on digital, video, and innovative creative design...".

STRATEGIC PLAN: This initiative supports the City's Strategic Plan Pillar of "Connect"

FINANCIAL IMPACT: Funding for resources to operate the cameras during the meetings is included in the Legislative Services proposed 2013 budget.

9c

CONCLUSION:

That the City of Mississauga enter into a new agreement with Rogers TV, a division of Rogers Communications Partnership Inc. to include permission to use equipment for City productions.

Brenda R. Breault

Brenda R. Breault, CMA, MBA
Commissioner of Corporate Services and Treasurer

Prepared By: Ivana Di Millo, Director, Communications



Corporate Report

Clerk's Files

Originator's Files PO.13.ENO

DATE: November 8, 2012

TO: Chair and Members of General Committee
Meeting Date: November 21, 2012

General Committee
NOV 21 2012

FROM: Brenda R. Breault, CMA, MBA
Commissioner of Corporate Services and Treasurer

SUBJECT: **Sublease of a building known as Adamson House at 850 Enola Avenue (Ward 1)**

- RECOMMENDATION:**
1. That Realty Services be authorized to select and retain a real estate broker with specialization in commercial real estate, to secure a suitable subtenant for the house located within 850 Enola Avenue, known as the Adamson House.
 2. That, Realty Services with the assistance of Legal Services, review any sublease offers or proposals presented by the City's real estate broker and thereafter report back to Council with a recommendation for consideration and approval.

REPORT HIGHLIGHTS:

- For the past 20 years the Adamson House was subleased to The Royal Conservatory of Music (the "RCM"), who advised the City that they would not renew the lease upon expiry.
- Realty Services posted a Request for Proposal ("RFP") on the City webpage and an advertisement in the Mississauga News to sublease the Adamson House. No proposals were received.
- It is proposed that Realty Services engage a real estate broker specialized in commercial leasing to market the Adamson House with the objective of securing a quality sub-tenant.

10a

BACKGROUND:

The subject property, known as the Adamson House is located within Adamson Estate at 850 Enola Avenue which is owned by Credit Valley Conservation Authority ("CVCA") and leased to the City. At its meeting on February 29, 2012 City Council adopted GC-0117-2012 which authorised Realty Services to enter into negotiations with CVCA to acquire a lease renewal for the Adamson Estate. Realty Services has recently negotiated the renewal of the lease with CVCA for an additional five (5) year term, with an automatic extension of further five (5) years.

The Adamson Estate contains an area of approximately 20 acres, comprised of both land and a water lot and is legally described as Part Lot 12, Concession 3, South of Dundas Street and Blocks B and D and Part of Block C, Registered Plan 377 and designated as Parts 1 to 15 inclusive on Expropriation Plan No. 376678 V.S. in the City of Mississauga, Regional Municipality of Peel, in Ward 1.

With the adoption of By-law 458-91 on September 9, 1991, Council approved the leasing of a building known as "Adamson House" located at 850 Enola Avenue to The Royal Conservatory of Music (the "RCM") for a term of 20 years commencing May 1992 at the annual rents of \$2,400 in Year One, \$4,800 in Year Two, \$7,200 in Year Three, \$9,600 in Year Four, \$12,000 in Year Five, \$14,400 in Year Six and \$35,000 for Year Seven, with the annual rent to be increased annually in accordance with CPI thereafter. The RCM was also responsible for costs of all utilities, day-to-day maintenance and janitorial services of the building. The City was responsible for the general and major maintenance of the building. The RCM had also agreed to contribute a maximum of \$214,000 to the renovation and repair of the building, which was paid to the City in full prior to the commencement of the term. Adamson House is a two storey building containing an area of approximately 5,000 square feet.

By way of a letter dated May 31, 2011, the RCM advised the City that it will not renew the lease upon expiry.

COMMENTS:

Realty Services was initially advised that CVCA might be considering a shorter term lease and, taking over the Adamson House for its own use. In early December 2011, CVCA indicated that they would not be pursuing the use of the Adamson House but may wish to use the second floor of the adjacent building, known as the Adamson Folly.

The current zoning of the property is OS2-10 (Open Space Zone) which permits the following uses:

- passive recreational uses (park)
- active recreational uses (sports fields)
- stormwater management facilities
- offices
- academy for the performing arts
- specialty hospital

The building known as the Adamson House has been designated under Part IV of the Ontario Heritage Act.

In addition to the above restrictions, there are some physical limitations to the building, such as limited parking, lack of air-conditioning and, the interior is currently partitioned into many smaller rooms. It is the City's expectations that any leasehold improvements undertaken to the Adamson House will be paid for by the subtenant.

It is conceivable that a small to medium size professional user might be interested in the subject building considering the impressive surrounding grounds, the quiet location and unique heritage elements of the building.

Realty Services recently conducted a Request for Proposal ("RFP") to sublease the Adamson House. The RFP was posted on the City website and advertised in the Mississauga News. However, no proposals were received.

10c

Given the unique heritage features and location of the subject property, it is proposed that Realty Services engage a real estate broker specialized in commercial leasing to market the subject property with the objective of securing a quality sub-tenant for the Adamson House who has the ability pay market rent. Utilizing a real estate broker would provide a wider exposure to the market than a request for proposal process by leasing the Adamson House through MLS, cooperating brokers and advertising. In addition, the real estate broker would be more active in its marketing and seek out potential tenants in the market and from its own client list that may be interested in this type of property. Furthermore, the City would be able to obtain professional advice/opinions on the leasing of the property.

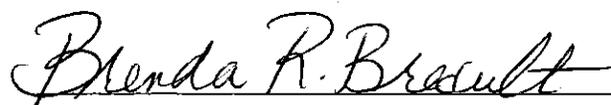
Realty Services will canvass several qualified Real Estate brokers specializing in commercial leasing to obtain quotes for services in selecting an appropriate service provider for this assignment.

The proposed tenancy of the Adamson House will align with the CVCA Head Lease term of five (5) years, with an extension of further five (5) years.

FINANCIAL IMPACT: The real estate broker's fees for the leasing of Adamson House will be contingent on the term and/or final total rent of the lease, and will be paid once the City and the Sub-tenant have executed the Sublease Agreement of the property. Commercial real estate fees are normally charged based on either a percentage of the total rent revenue or, on a dollar amount per square foot per year basis, and the entire fee is generally paid upfront once an agreement is executed. It is estimated that the real estate fee incurred will be in the range of approximately \$3,500 to \$5,500 per year based on the term of the lease. Funding for this cost will be provided from the Various Surplus Land Disposals account, PN 11-850.

CONCLUSION: It is recommended to renew the lease with CVCA, and then subsequently engage a commercial real estate professional for the purpose of leasing the Adamson House.

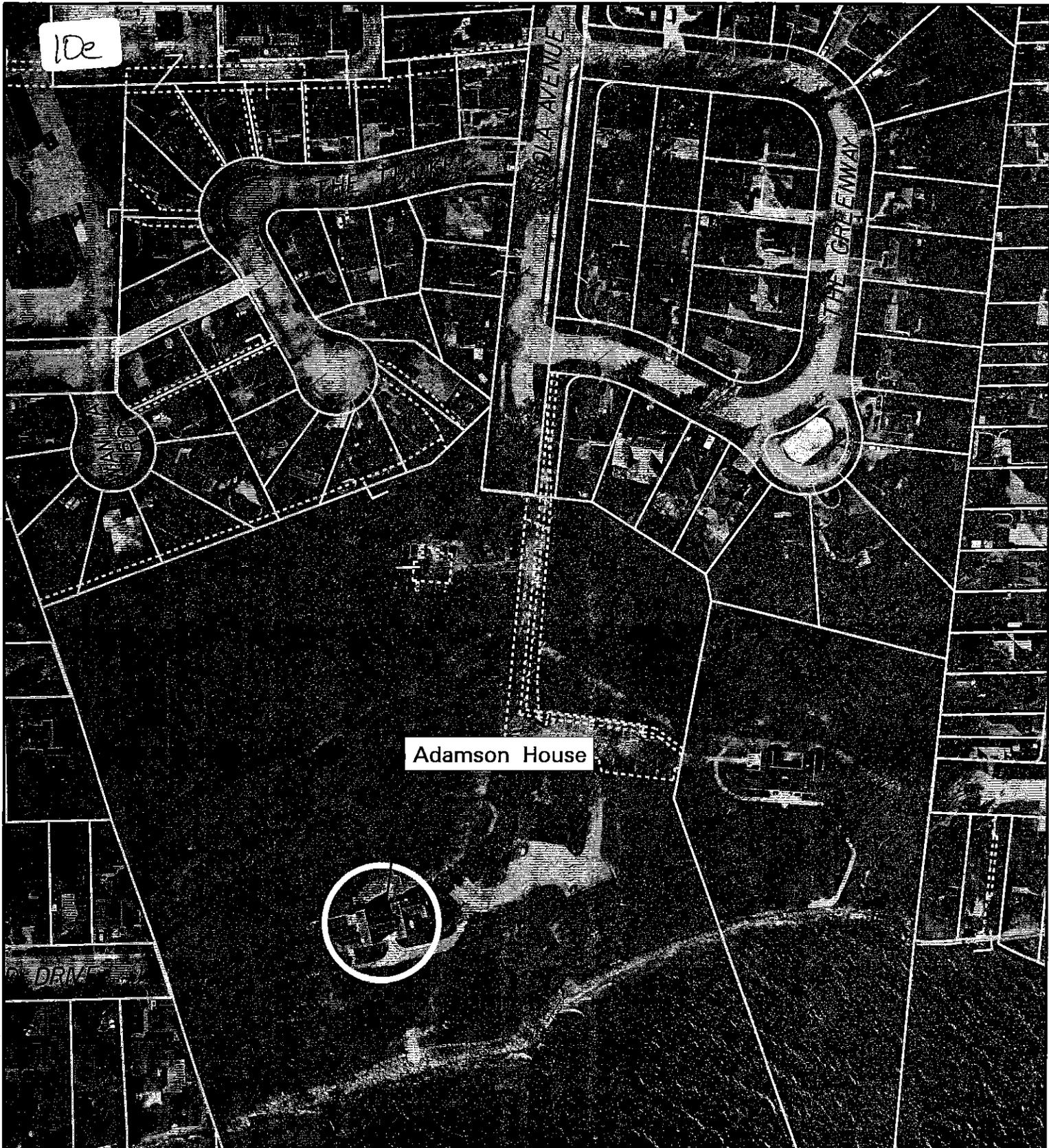
ATTACHMENTS: Appendix 1: Location of Subject Property.



Brenda R. Breault, CMA, MBA
Commissioner of Corporate Services and Treasurer

Prepared By: Stephen Law, Project Leader

10e



Adamson House



MISSISSAUGA

Leading today for tomorrow



Corporate Services

Realty Services

Location of Subject Property
 Adamson House, 850 Enola Avenue
 File No. PO.13.ENO (Ward 1)

SCALE FOR REDUCED DRAWINGS



Corporate Report

Clerk's Files

Originator's
Files

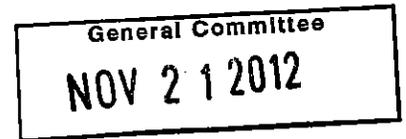
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DATE: November 5, 2012

TO: Chair and Members of General Committee
Meeting Date: November 21, 2012

FROM: Brenda R. Breault, CMA, MBA
Commissioner of Corporate Services and Treasurer

SUBJECT: **Business Improvement Areas (BIAs) Request for Cash Advances**



RECOMMENDATION: That the Commissioner of Corporate Services be authorized to provide cash advances to each of the City of Mississauga BIAs of up to 50 per cent of the "previous" year BIA tax levy amount, until the final tax bills are issued.

BACKGROUND: The City currently has three BIAs - Port Credit, Streetsville, and Clarkson. Each BIA prepares an annual budget which is submitted to their Board of Directors for final approval. Following approval by the BIA Board of Directors, the approved budget must then be sent to the City by mid-March to be added to the final City tax levy.

The City's Finance staff reviews each BIA budgets and levy requirements for reasonability and forwards the budget and levy request information to the Revenue Division to be incorporated into the final tax levy bylaw which is presented to Council in May of each year.

Once the BIA budgets and levy request are approved by City Council, the BIA levies are added to the City's final tax bill. After the Tax by-law has been passed by Council and before the City collects the full levy amounts due from the associated businesses, Finance transfers the requested BIA levy less any advances previously made to the BIA.

Any uncollectible BIA tax levy amounts or approved write-offs are subsequently charged back to each BIA the following year and must be absorbed within their annual BIA operating budgets.

COMMENTS:

The BIAs rely on cash advances from the City to help sustain their operations during the first half of the year, until Council approves the BIA tax levy. Without these advances, the BIAs are unable to adequately support their operations or projects during the first half of the year and this situation could cause the BIAs financial hardship.

Section 205 (3) of the *Municipal Act, 2001* establishes specific limitations on a BIA Board of Management. A BIA Board of Management shall not :

- (a) spend any money unless it is included in the budget approved by the municipality or in a reserve fund established under section 417;
- (b) incur any indebtedness extending beyond the current year without the prior approval of the municipality;
- (c) or borrow money. 2001, c. 25, s. 205 (3).

All City of Mississauga BIA Boards are requesting Council's consideration and authorization to enable the City to issue cash advances to the BIAs of up to 50 per cent of the previous year's BIA levy prior to the current year's tax levy being approved by City Council.

FINANCIAL IMPACT:

There is no financial impact on the City by advancing a portion of their annual levy. The advances are recognized as a City receivable until such time the final levy is transferred to the BIAs.

Below is a summary of the 2012 BIA levies and the maximum financial exposure associated with the 50 per cent advances in 2013:

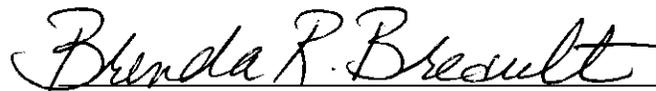
	Previous Year Budget Levy (2012)	50 % Advance In 2013
Streetsville BIA	\$226,000	\$113,000
Clarkson BIA	\$63,200	\$31,600
Port Credit BIA	\$536,568	\$268,284
Total Advances		\$412,884

If a BIA becomes insolvent or dissolved by Council, the City would be able to recapture the advance receivable through a subsequent tax levy on the former BIA membership.

Section 214 (1) of the *Municipal Act, 2001* states that upon the repeal of a by-law under subsection 204 (1), the board of management is dissolved and the assets and liabilities of the board become the assets and liabilities of the municipality. It also states that if the liabilities of the BIA Board exceed assets, the City may recover the difference by imposing a charge on all rateable property in the former improvement area that is in a prescribed business property class.

CONCLUSION:

Each of the BIAs requests Council's consideration in providing cash advances of up to 50 percent of the previous year BIA tax levy in advance of the final levy transfer to help sustain their operations during the first half of a calendar year.



Brenda R. Breault, CMA, MBA
Commissioner of Corporate Services and Treasurer

Prepared By: Mark Beauparlant, Manager, Corporate Financial Services



Corporate Report

Clerk's Files

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Originator's
Files

DATE: November 6, 2012

TO: Chair and Members of General Committee
Meeting Date: November 21, 2012

FROM: Brenda R. Breault, CMA, MBA
Commissioner of Corporate Services & Treasurer

SUBJECT: **Strike-Off of Taxes Deemed Uncollectable**

General Committee

NOV 21 2012

RECOMMENDATION: That the Commissioner of Corporate Services & Treasurer be authorized and directed to strike from the tax roll uncollectable taxes, penalties and interest totalling \$153,923.21 as outlined in the corporate report dated November 6, 2012 from the Commissioner of Corporate Services & Treasurer.

REPORT HIGHLIGHTS:	<ul style="list-style-type: none">• \$153,923.21 of uncollectable property taxes on 12 properties is being recommended for write off.
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BACKGROUND: Section 354(2)(a) of the *Municipal Act* allows for the removal of unpaid taxes from the tax roll if the Council of the local municipality, on the recommendation of the Treasurer, writes off the taxes as uncollectable.

COMMENTS: Staff have determined that taxes billed on a number of properties are uncollectable and should be written off. Details of the properties including the reason the amounts are being recommended for write off are provided below.

Roll No / Address	Tax Year(s)	Amount
05-04-0-099-06990 6920 Haines Artist Way	1998	\$ 8,765.11

A residential subdivision was developed at this site and the property was divided into a number of lots. MPAC deleted this roll number and created new roll numbers for the individual lots. The remaining tax balance was not transferred to the individual lots within one year of receipt of the apportionment record from MPAC as required by legislation.

Roll No / Address	Tax Year(s)	Amount
05-4-0-144-26130 0 South Parade Crt	1998-1999	\$ 24,407.19

MPAC erred by duplicating the assessment on this property. This property is a condominium. The individual units were also assessed a prorated share. As a result there was a duplicate billing of the taxes. It would be inappropriate to pursue collection as the taxes have been collected under various other roll numbers.

Roll No / Address	Tax Year(s)	Amount
05-04-0-144-26125 0 South Parade Crt	1998-1999	\$ 10,615.49

MPAC erred by duplicating the assessment on this property. This property is a condominium. The individual units were also assessed a prorated share. As a result there was a duplicate billing of the taxes. It would be inappropriate to pursue collection as the taxes have been collected under various other roll numbers.

Roll No / Address	Tax Year(s)	Amount
05-04-0-144-25030 0 South Parade Crt	1998-1999	\$ 40,133.69

MPAC erred by duplicating the assessment on this property. This property is a condominium. The individual units were also assessed a prorated share. As a result there was a duplicate billing of the taxes. It would be inappropriate to pursue collection as the taxes have been collected under various other roll numbers.

Roll No / Address	Tax Year(s)	Amount
05-04-0-144-26135 0 South Parade Crt	1998-1999	\$ 8,825.96

MPAC erred by duplicating the assessment on this property. This property is a condominium. The individual units were also assessed a prorated share. As a result there was a duplicate billing of the taxes. It would be inappropriate to pursue collection as the taxes have been collected under various other roll numbers.

Roll No / Address	Tax Year(s)	Amount
05-40-0-143-07818 2008-255 Webb Dr	2009	\$ 35.93

The property was assessed through an apportionment of land and the apportionment amount was entered against an incorrect roll number. A tax certificate was issued on the correct roll number advising that all outstanding taxes had been paid. In accordance with the *Municipal Act*, tax certificates are legally binding on the municipality and the balance outstanding on the incorrect roll number cannot be recovered.

Roll No / Address	Tax Year(s)	Amount
05-04-0-200-24174 35 Trailwood Dr	2009	\$ 44.99

MPAC erred by duplicating the assessment on this parking unit which was assessed under the condominium unit as well. As a result there was a duplicate billing of the taxes. It would be inappropriate to pursue collection as the taxes have been collected under another roll number.

Roll No / Address	Tax Year(s)	Amount
05-12-0-004-06401 0 Queen St S	2005-2011	\$ 2,596.80

The property was offered for tax sale by the City pursuant to the provisions of Part XI of the *Municipal Act*. There was no successful purchaser. As a result, the property has been vested to the City and the tax arrears should be written off.

Roll No / Address	Tax Year(s)	Amount
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05-30-0-074-12307 1528-1395 Williamsport Dr	2007-2009	\$ 5,590.29
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MPAC erred by duplicating the assessment of the common elements of this condominium property. The common elements were assessed as part of the individual units as well as under a separate roll number. As a result, there was a duplicate billing of the taxes. It would be inappropriate to pursue collection as the taxes have been collected under various other roll numbers.

Roll No / Address	Tax Year(s)	Amount
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05-01-0-015-00500 1594 Hurontario St	2006-2009	\$ 41,953.95
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MPAC erred by duplicating the assessment of this property which is already assessed under two other roll numbers. As a result, there was a duplicate billing of the taxes. It would be inappropriate to pursue collection as the taxes have been assessed under the other roll numbers.

Roll No / Address	Tax Year(s)	Amount
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05-04-0-142-04600 66 Agnes St	2007-2010	\$ 10,090.99
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MPAC erred by duplicating the assessment on this property. The property was assessed under two roll numbers. As a result there was a duplicate billing of the taxes. It would be inappropriate to pursue collection as the taxes have been collected under another roll number.

Roll No / Address	Tax Year(s)	Amount
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05-03-0-068-18801 0 Constitution Blvd	2006	\$ 862.82
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MPAC erred by duplicating the assessment on this property. The property was assessed under two roll numbers. As a result there was a duplicate billing of the taxes. It would be inappropriate to pursue collection as the taxes have been collected under another roll number.

FINANCIAL IMPACT: The write-off when approved will be charged back as follows:

City	\$ 41,319.63
Region	\$ 76,820.44
Education – English Public	\$ 33,590.35
Education – English Separate	\$ 2,152.05
Education – French Public	\$ 5.66
Education – French Separate	\$ 35.08

CONCLUSION:

Taxes totalling \$153,923.21 been deemed uncollectable and should be removed from the tax roll pursuant to section 354(2)(a) of the *Municipal Act*.

Brenda R. Breault

Brenda R. Breault, CMA, MBA
Commissioner of Corporate Services & Treasurer

Prepared By: Connie Mesih, Manager, Revenue & Taxation



Corporate Report

Clerk's Files

Originator's
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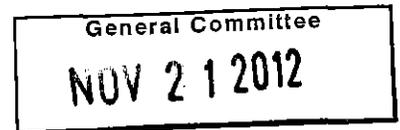
13.

DATE: November 6, 2012

TO: Chair and Members of General Committee
Meeting Date: November 21, 2012

FROM: Brenda R. Breault, CMA, MBA
Commissioner of Corporate Services and Treasurer

SUBJECT: **Tax Sale Extension Agreement**
6086 Windfleet Crescent
Roll No. 05-04-0-098-14361-0000
Fatima Gunaseeli Antonipillai



RECOMMENDATION: That Council enact a by-law authorizing the Commissioner of Corporate Services & Treasurer to enter into an extension agreement with the owner of 6086 Windfleet Crescent extending the period of time in which the tax sale cancellation price is to be paid.

BACKGROUND: The property located at 6086 Windfleet Crescent is owned by Fatima Gunaseeli Antonipillai. The owner failed to pay the property taxes owed and a Tax Arrears Certificate was registered on the property on June 27, 2012. Realty taxes in the amount of \$12,542.40 are overdue with a portion of the arrears dating back to 2009. If the tax arrears are not paid, the property will be subject to a tax sale. The owner has proposed a payment arrangement to pay the cancellation price.

COMMENTS: The *Municipal Act, 2001*, S.O. 2001, c. 25, as amended provides a one year period from the time of the Tax Arrears Certificate registration to redeem the property and avoid a tax sale. That one year period on the

subject property expires on June 27, 2013. A by-law to authorize an extension agreement is only permitted if enacted prior to the expiration of the redemption period.

An extension agreement allows the owner to make partial payments that would not be possible without such an agreement.

FINANCIAL IMPACT: The terms of the extension agreement allow the property owner to make monthly minimum payments of \$2,000.00 beginning November 1, 2012 and ending on June 1, 2013, payable by the end of each month for a total of 8 months. The balance of the Cancellation Price is to be paid in full by June 30, 2013.

Penalty and interest continue to accrue on the account until the balance outstanding is fully paid. Failure to meet any payment date and amount specified in the agreement will reinstate the tax sale process.

CONCLUSION: The tax sale of 6086 Windfleet Crescent (Roll No. 05-04-0-098-14361-0000) can be avoided if the owner enters into an extension agreement under section 378 of the *Municipal Act* and adheres to the terms of the agreement. Failure to meet the payment dates and amounts specified in the agreement will reinstate the tax sale process.



Brenda R. Breault, CMA, MBA
Commissioner of Corporate Services and Treasurer

Prepared By: Connie Mesih, Manager, Revenue & Taxation



Corporate Report

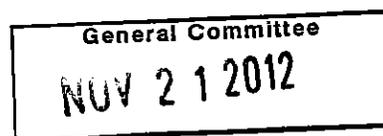
Clerk's Files

Originator's
Files

14.

DATE: November 9, 2012

TO: Chair and Members of General Committee
Meeting Date: November 21, 2012



FROM: Brenda R. Breault, CMA, MBA
Commissioner of Corporate Services and Treasurer

SUBJECT: **Contract Amendment –Infrastructure Management System (IMS)
to Infor Global Solutions (Canada) Limited (Formally Hansen
Information Technology) for Expanded Use of System
File Ref: FA.48.023-96, FA.49.0262-05**

-
- RECOMMENDATION:**
1. That the Purchasing Agent be authorized to execute the necessary contracts for the period ending December 31, 2016 to Infor Global Solutions (Canada) Limited for the purchase of additional New Software Module Licenses, Maintenance, Support and Professional Services associated with new modules, at an estimated total cost of \$1,195,451 exclusive of taxes; with purchases subject to capital budget approval and approval of the contract and any ancillary documents by the Office of The City Solicitor and Purchasing Agent;
 2. That the Purchasing Agent be authorized to extend the current Maintenance and Support Agreement from January, 2013 to December 31, 2016 to Infor Global Solutions (Canada) Limited at an estimated cost of \$1,131,449 exclusive of taxes;
 3. That the Purchasing Agent be authorized to issue contract amendments to increase the value of the existing Infor Global Solutions (Canada) Limited contract where necessary to accommodate the business demand for new software licenses, maintenance, support as identified by departmental business services plans for 2013-2016, and where amount is approved in the budget;

- 4. That Infor Global Solutions (Canada) Limited continue to be designated a "City Standard" until December 31, 2016.

<p>REPORT HIGHLIGHTS:</p>	<ul style="list-style-type: none"> • Hansen – Infor 10 enterprise system is the City IT standard for, Asset Management and Maintenance for Roads, Intersections, Sidewalks, Facilities, Parks, Trees, Vehicles, Equipment, and 3-1-1 Call Centre Service Requests. • Over the past 15 years, use of Hansen has expanded to every City department with over 700 users. • Through the 2013-2016 business plan and budget process, additional business needs using this software solution have been identified. • This report requests the authority to add new software module licences, support and maintenance, and professional services associated with this Enterprise System for the period ending December 31, 2016, subject to annual budget approval in future years.
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BACKGROUND:

In 1997, Hansen Information Systems was awarded the contract to supply an Infrastructure Management System (IMS) to the City of Mississauga.

Since then, system use has expanded to more than 700 users including 311 Call Centre, Facilities, Transportation & Works, Forestry, Recreation and Parks, and Geomatics. This includes accessing Hansen data in the field by an increasingly mobile application focused workforce. Hansen was purchased by Infor Global Solutions (Canada) Limited in 2011 and continues to be a vendor of record as approved by Council (GC-0547-97) as well as a City IT Standard (GC-0176-12).

The purpose of this report is to recommend the extension of the existing Service and Maintenance Agreement for current Software License which expires December 31, 2013 to December 31, 2016 and execute new contracts for additional New Software Module Licenses, Maintenance, Support and Professional Services associated with new modules to the period ending through to December 31, 2016, to cover the purchase of new modules, and to support current initiatives and several planned initiatives identified in the 2013 – 2016 business plans and budgets.

PRESENT STATUS:

Currently the City has software site licencing for the following Hansen modules:

1. Asset Management
 - a. Buildings, Equipment, Fleet, Park, Plant, Roadway, Trees, Street, Vehicles, and Storm Water Asset types;
2. Asset Analysis and Management tools;
3. Permits
 - a. Building, Licencing, Trade and Use Permit types;
4. Customer Service (3-1-1 Call Centre);
5. Inventory Control;
6. Service Contracts and Work Management (work orders).

It should be noted that while 'Hansen' is the commonly accepted name for the application, Infor Global Solutions is moving forward rebranding the product under the Infor banner. The existing contract with Infor Global Solutions (Canada) Ltd is set to expire in December 2013.

COMMENTS:

As Hansen evolved the application, additional functionality and flexibility were added to the software making it easier to maintain and satisfy a wider variety of clients' needs. A number of separate similar systems have been consolidated into this single enterprise system, supported by a central IT support group. The City has site licensing for all the modules it currently uses, which has allowed for continued deployments of existing functionality to new business areas.

Over the next 5 years, growth of the Hansen -- Infor 10 enterprise system is based on prioritized and approved budget requests in response to citizen needs, internal client and management requests. The following new Hansen -- Infor modules have been identified through the 2012 approved budget, and the proposed 2013 -- 2016 business plan budget, business plans to meet ongoing and future service objectives;

Purchase Of New Modules:**1. Dynamic Portal and Web Services**

Dynamic Portal provides the public facing interface for Citizens on the web. Web Services enables the real time processing of information.

Together, these modules will provide Citizen Self Serve capabilities for accessing information, reporting issues throughout the City like graffiti or potholes and requesting service or specific permits in real time.

The Communications Master Plan recognizes the need to provide these services as a priority to meet citizen expectations for self-services.

2. Call Centre, Case Management, Asset Valuation and Configured Assets Modules

The Call Centre module is specifically designed with functionality to support call centre staff by enabling the display of knowledge text and GIS mapping directly related to a citizen inquiry. Recording call information is simplified and staff are ready to respond with relevant information.

The Case Management module handles the By-Law enforcement process from the time a case is filed to the time it is resolved. This module will allow the recording of a bylaw violation, such as a hazardous condition or a nuisance that requires abatement. Required fees, conditions, property affected, contacts and inspections are tracked, and the case is advanced through its bylaw enforcement process.

The Asset Valuation Module provides the ability to keep an accurate and detailed record of the value of every asset in an inventory, including changes in the asset's value over time due to depreciation, revaluation, or improvements.

The Configured Assets module provides the ability to create customized asset types for specific City assets that do not fall under the predefined standards provided in the Hansen software. Rather than relying on a single catchall miscellaneous asset type, Configured Assets lets work groups define as many of their own asset types as they need. For example, a Configured Asset type of Art could be created to manage all city artwork, maintenance and lifecycle information.

Professional Services for the New Modules & Development:

Professional Services provided by Infor Global Solutions (Canada) Limited are required from time to time for the setup, configuration and training for the above modules, as well as development of specific functional enhancements.

From a procurement perspective, Materiel Management and Legal Services support the recommendation contained herein.

**FINANCIAL
IMPACT:**

SUMMARY	2012	2013	2014	2015	2016	Grand Total in CAN \$
I. New Licenses	38,000	52,250	442,700	-	-	532,950
II. Maintenance & Support for New Licenses	633	18,050	107,673	114,133	120,981	361,470
III. Professional Services for New Licenses	10,888	68,643	221,500	-	-	301,031
Sub Total- New License, Maintenance, Support and Professional Services						1,195,451
IV. Current Maintenance & Support for existing Licenses	-	258,640	274,158	290,607	308,044	1,131,449
Total	49,521	397,583	1,046,031	404,740	429,025	2,326,900

Sufficient capital funding is in place to support the 2012 initiatives (PN 7533) which includes Dynamic Portal 3-1-1 Customer Service, Dynamic Portal GIS (Maps) and Web Services – Assets.

The 2013 costs are included in the 2013 budget as submitted
Costs for future growth initiatives in 2014-2016 are subject to Budget approval.

CONCLUSION:

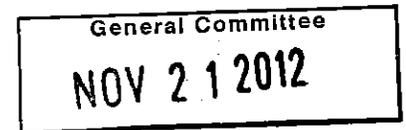
Infor Global Solutions (Canada) Limited (Formally Hansen Information Technology) has been the City's Vendor of Record for the last 15 years for Infrastructure Management System (IMS) and has been approved as a City Standard. This report recommends approval to purchase additional new software module licenses within this application as well as ongoing maintenance and support, and related professional services on a single source basis to the period ending December 31, 2016 in order to support the business service asset management and customer service needs.



Brenda R. Breault, CMA, MBA
Commissioner of Corporate Services and Treasurer

Prepared By: Shawn Slack, MBA, Director, Information Technology

REPORT 8-2012



TO: CHAIR AND MEMBERS OF GENERAL COMMITTEE

The Environmental Advisory Committee presents its eighth report for 2012 and recommends:

EAC-0053-2012

1. That the PowerPoint presentation entitled "DADA: Dads Against Dirty Air" by Steve Rieck and Mike Jones, Chair of DADA, a registered charity in Peel, to the Environmental Advisory Committee on November 6, 2012 be received; and
2. That the Environmental Advisory Committee requests that the requests made by the DADA representatives be referred back to staff for follow up.

(EAC-0053-2012)

EAC-0054-2012

That the PowerPoint presentation entitled "Natural Heritage and Urban Forest Strategy" by Olav Sibille, Planner and Mirek Sharp, Consultant from North-South Environmental, to the Environmental Advisory Committee on November 6, 2012 be received.

(EAC-0054-2012)

EAC-0055-2012

That the PowerPoint presentation entitled "Sustainable Neighbourhood Retrofit Action Plan" by Muneef Ahmad, Water Resources Engineer, to the Environmental Advisory Committee on November 6, 2012 be received.

(EAC-0055-2012)

EAC-0056-2012

That the PowerPoint presentation entitled "Living Green Master Plan" by Mary Bracken, Environmental Specialist, to the Environmental Advisory Committee on November 6, 2012 be received.

(EAC-0056-2012)

EAC-0057-2012

That the PowerPoint presentation entitled "Tree Permit By-law" by Jane Darragh, Planner, to the Environmental Advisory Committee on November 6, 2012 be received.

(EAC-0057-2012)

EAC-0058-2012

That the minutes of the previous Environmental Advisory Committee meeting on October 2, 2012 be received.

(EAC-0058-2012)

EAC-0059-2012

1. That the Memorandum, dated October 19, 2012 from Brenda Osborne, Director, Environmental Division, be received; and

2. That the matter of organizing a future off-site educational or training session for the Environmental Advisory Committee be circulated to Committee Members via email for their feedback; and
3. That a date, location and agenda would be established at that time.
(EAC-0059-2012)

EAC-0060-2012

That the chart from Environmental Staff with respect to upcoming agenda items and Environmental Advisory Committee role, be received.
(EAC-0060-2012)

EAC-0061-2012

That the chart dated November 6, 2012 by Karen Morden, Legislative Coordinator, with respect to outstanding issues from the Environmental Advisory Committee, be received.
(EAC-0061-2012)

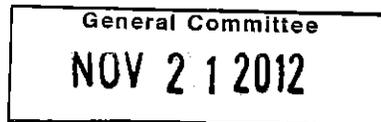
EAC-0062-2012

That the Memorandum, dated October 22, 2012 from Karen Morden, Legislative Coordinator with respect to the scheduled meeting dates for the Environmental Advisory Committee for the year 2013, be received.
(EAC-0062-2012)

**MISSISSAUGA CYCLING
ADVISORY COMMITTEE**

November 13, 2012

REPORT 10-2012



TO: CHAIR AND MEMBERS OF GENERAL COMMITTEE

The Mississauga Cycling Advisory Committee presents its tenth report for 2012 and recommends:

MCAC-0059-2012

That the presentation made by Matthew Williams, Transportation Planner regarding the Hurontario-Main LRT project be received for information.

(MCAC-0059-2012)