

To: Council in Committee of the Whole

From: Tracy Adams, Chief Administrative Officer,
Office of the C.A.O.

Report Number: CNCL-23-120

Date of Report: November 15, 2023

Date of Meeting: November 20, 2023

Subject: Public Notice Policy

Ward: All Wards

File: 03-05

1.0 Purpose

The purpose of this report is to repeal Notice to the Public By-law 147-2007, as amended (“Notice By-law” or “By-law 147-2007, as amended”) and to present an updated Public Notice Policy for adoption as required by Section 270(1)(4) of the Municipal Act, 2001, S.O. 2001 c. 25 (“Municipal Act”).

Attachment 1 is the proposed Public Notice Policy.

2.0 Recommendation

It is recommended to City Council:

That based on Report CNCL-23-120 dated November 15, 2023:

1. That Council pass a by-law to repeal By-law 147-2007, as amended, and in a form and content acceptable to the City Solicitor and Director, Legislative Services/City Clerk; and,
2. That Council adopt the Public Notice Policy as generally set out in Attachment 1 to said Report; and,
3. That Council authorize staff to update the Corporate Advertising Policy as necessary to ensure consistency with the Public Notice Policy.

3.0 Executive Summary

Not Applicable

4.0 Input From Other Sources

- Corporate Leadership Team
- Corporate Communications
- Corporate Strategic Initiatives
- Legal Services
- Legislative Services
- Planning Services

5.0 Analysis

5.1 Background

Section 270(1)(4) of the Municipal Act requires a municipality to adopt and maintain a policy with respect to the circumstances in which the municipality will provide notice to the public, and, if notice is to be provided, the form, manner and timeframe(s) such notice shall be given.

As a result of Bill 130 amending the Municipal Act in 2007, the City passed Notice By-law 147-2007 on December 17, 2007 as an interim measure to identify when and how the City will provide notice to the public. Following the passage of the by-law, staff were directed to review the extensive list of matters that require public notice contained in the by-law to refine it. The amendments to refine the list of matters in 2008 is the only time this Notice by-law has been amended since its original passage

At that time, it was determined by the Clerk that a newspaper defined as “a printed publication in sheet form published regularly at intervals of not longer than a week consisting in part of news of current events of general interest and distributed to the public and/or sold to regular subscribers that, in the opinion of the Clerk, has such circulation within Oshawa as will provide reasonable notice in circumstances where notice is required to be given”. Since then, the media landscape and the way in which members of the public receive and obtain information has dramatically changed.

5.2 Statutory Notices

Notice to the public is required under several different Acts including, but not limited to, the Municipal Act, the Planning Act, the Development Charges Act, 1992 and the Ontario Heritage Act. These Acts (and/or associated regulations) generally outline the circumstances where such notice will be given and often prescribes the form and content of such notice. Statutory notice to the public under such legislation or by-law will be completed in accordance with this policy as well as any prescribed notice content as set out in each respective Act, associated regulations or by-law.

5.2.1 Ontario Heritage Act

Sections 26(4) and 39.1(3) of the Ontario Heritage Act state where a municipality is required by Part IV and Part V of the Ontario Heritage Act to publish a notice in a newspaper having general circulation in the municipality. However, notice given in

accordance with a policy adopted by a municipality under Section 270 of the Municipal Act is deemed to satisfy this requirement. Therefore, the City's Notice By-law and/or Notice Policy would satisfy the Ontario Heritage Act.

Typical Notices published under Parts IV and V of the Ontario Heritage Act may include:

- Intention to Designate a Property;
- Passing, amending or repealing a Designation By-law;
- Creation of a Heritage Study Area; or,
- Designation of a Heritage Conservation District and District Plan.

The proposed Public Notice Policy directs notices given under Parts IV or V of the Ontario Heritage Act to be provided to the public in the form and manner set out in the Public Notice Policy and therefore notice in a newspaper is not required.

5.3 Current Practice

Under the current Notice by-law, when notice is required under the policy the Clerk must publish the notice in a newspaper at least once. In addition, the Notice By-law includes the publishing of these notices on the City's dedicated Public Notices web section on the City of Oshawa website: Oshawa.ca/PublicNotices. The current website module for the Notices page also allows users to subscribe to the Public Notices newsfeed to receive all notices directly via email. Currently, there are approximately 900 subscribers to this newsfeed. In addition, these notices are posted to the City's corporate social media account, where appropriate.

5.4 Proposed Policy

The proposed Public Notice Policy (refer to Attachment 1) provides a separate policy document in lieu of a by-law. This approach is reflective of revised document templates and practices to provide consistency with respect to formatting and content for all Corporate Policies. In addition, municipal benchmarking suggests that a separate policy document is a common approach.

The key differences between the existing Notice By-law and the proposed Public Notice Policy are:

- Removal of the existing requirement for print advertising;
- Implementation of a new requirement for additional notices to be posted on bulletin boards in City Facilities; and,
- Refinement of the list of actions that require notice by the municipality.

The proposed Public Notice Policy will continue to require posting of notices on the City's website, (on the dedicated Public Notice websection). Additionally, a Communications Plan will be implemented that includes a number of tactics to encourage community members to subscribe to such postings, including but not limited to:

- Subscribe call to action to featured on the City's homepage;
- Notice to community stakeholders;

- Subscribe flyer and/or notification in City printed materials (e.g. construction notices, mailers, etc.);
- Social media “subscribe” campaign; and,
- Subscribe call to action included at the bottom of City e-newsletters.

5.4.1 Removal of Print Advertising

As outlined in the Corporate Advertising Policy, the City had previously maintained a dedicated “City Page” coordinated in local newspaper(s) where many of the required notices were published. The Oshawa Express ceased production (both print and online) in 2021; Oshawa This Week (along with numerous other Metroland community newspapers) ceased production of print newspapers in September 2023.

Where a legislated notice requirement under an Act or Regulation must be provided but there are no suitable printed newspapers that meet the definition of a Newspaper under the Legislation Act (being a document in printed form, published at regular intervals of a week or less, is circulated to the general public and consists primarily of news of current events of general interest), notice shall be given in the form and manner set out in the policy as well as any prescribed notice content set out in the relevant legislation.

Environics data indicates that the majority of the population in Oshawa regularly access and use the internet for information and communications and use the internet as their main source of news. In fact, 88.5% of Oshawa residents accessed the internet in the last seven days and 89% have a mobile phone. Given that most residents access news and information online, and that the City has already begun making efforts to encourage residents to subscribe to the City’s website for municipal news and information, it is recommended that the Public Notice Policy no longer prescribe that notice to the public be published in a newspaper at least once and that the Corporate Advertising Policy be updated to remove reference to the City Page along with minor housekeeping updates.

5.4.2 Bulletin Boards in City Facilities

The Public Notice Policy recognizes that not every community member may have regular access to the internet to view the City’s website or access to receive emailed public notices. As such, the Public Notice Policy proposes implementing the additional requirement of posting notices on bulletin boards inside City Facilities in prominent locations that are accessible to the public during the Facilities’ regular business hours, such as but not limited to the following:

- Civic Recreation Centre
- South Oshawa Community Centre
- Donovan Recreation Complex
- Delpark Homes Centre
- Northview Community Centre
- City Hall

Where bulletin boards do not currently exist, new boards will be added, such as in City Hall near Service Oshawa. When a public notice is to be posted, a copy of the notice will be

sent to all City Facilities. Staff at the City Facilities will be responsible for posting the notices on their respective boards.

In addition, the notices may be sent to other community stakeholders who will also be encouraged to post the notice on their respective public bulletin boards.

5.4.3 Refinements to the List of Actions that Require Notice

As noted, the Municipal Act requires the Public Notice Policy to include the circumstances in which the municipality will provide notice to the public. It is important to note that, with the exception of statutory notices under the Ontario Heritage Act, this list generally includes the non-statutory circumstances under which the municipality will give notice to the public. Where statutory notice is required under any Act or regulation, the City will follow the Public Notice Policy in addition to any notice content or on site signage for site specific matters.

Also removed from the list of circumstances is the amending of a procedure by-law. Most changes to the City's Council Procedure By-law 128-2022 ("Procedure By-law") are minor in nature or need to be made urgently due to other factors (i.e. Pandemic emergency). Further, nothing in the Public Notice Policy prevents the Clerk from providing additional notice to the public where appropriate or from Council directing additional notice be given for any particular matter. Where a new Procedure By-law is being enacted or completely repealed and replaced, notice in accordance with the policy would still be required.

It is also important to note that all matters considered at Standing Committee and Council meetings are noticed as part of the agenda publication which includes posting online and subscriber distribution.

6.0 Financial Implications

As the revised policy no longer requires advertisements in printed newspapers, this will result in cost savings for the municipality with respect to Corporate Advertising budgets.

7.0 Relationship to the Oshawa Strategic Plan

The recommendation in this report responds to the Oshawa Strategic Plan Goal of Accountable Leadership.



Mary Medeiros
Director, Legislative Services/ City Clerk



Tracy Adams, Chief Administrative Officer,
Office of the C.A.O.

Title:	Public Notice Policy
Number:	XX-XX
Approved By:	City Council
Administered By:	Legislative Services
Effective:	November 20, 2023
Revised:	Not Applicable

1.0 Purpose/ Background

This policy is intended to meet the requirements under Section 270(1)(4) of the Municipal Act, 2001, S.O. 2001, c. 25 (the “Act”) which requires the municipality to adopt a policy with respect to the circumstances in which the municipality shall provide notice to the public and if notice is to be provided, the form, manner and times notice shall be given.

2.0 Policy Statement

The purpose of this policy is to set out public notice provisions for matters affecting the public that are prescribed by legislation or deemed to warrant public notice.

3.0 Scope/ Application

This policy applies to instances where the municipality is required to give notice to the public under the Act or any other legislation or by-law unless Council directs other forms of notice that Council considers adequate for specific matters.

Statutory notice to the public under the Act, other legislation or by-law will be completed in accordance with this policy as well as any prescribed notice content, signage or mailing requirements.

Nothing in this policy prevents the Clerk from using additional methods of notice that, in the Clerk’s opinion are more effective or providing a longer notice period. Further, nothing in this policy prevents the Clerk from using the public notification methods contained in this policy for matters not otherwise required under this policy.

This policy does not apply to public relations materials including advertising, posters, brochures or event program advertisements.

4.0 Definitions

Act means the Municipal Act, 2001, S.O. 2001, c. 25., as may be amended.

Branch Web Representative means the individual staff member assigned in a City Branch responsible for posting material to the City’s website.

City means the Corporation of the City of Oshawa.

City Clerk or **Clerk** means the City Clerk of the City of Oshawa, or their designate.

Advertising means advertising that is placed to promote overall awareness of the City or on behalf of the Corporation

Council means Oshawa City Council as a whole.

City Facility(ies) means all physical property, buildings, facilities, lands, premises, goods and other assets owned, leased and/or maintained by the Corporation of the City of Oshawa.

Facility Distribution List (for the purposes of distribution of Public Notice Documents) means the Facility Managers.

Legislation Act means the Legislative Act, 2006, S.O. 2006, c. 21 Sched. F, as may be amended.

Ontario Heritage Act means the Ontario Heritage Act, R.S.O. 1990 c.O.18, as may be amended.

Procedure By-law means the By-law that outlines the process that Oshawa City Council follows to adopt bylaws, pass resolutions, and conducts business. It establishes rules of procedure by which Oshawa City Council and Standing Committees function and facilitate public participation.

Project Lead means the individual staff member responsible for a specific project or matter which requires notice to the public in accordance with this policy.

Public Bulletin Board means a bulletin board installed in a City Facility, visible to the general public during Regular Business Hours to be used for posting of Public Notices.

Public Notice Document means a document (either in hard copy or PDF) that is provided to City Facilities and/or other organizations for posting on public bulletin boards. A Public Notice Document will contain all of the necessary information for notice to the public as set out in Section 6.4 of this policy.

Regular Business Hours means the time period(s) as defined in the location-specific Access Policy of each City Facility.

Service Oshawa Distribution List (for the purposes of distribution of Public Notice Documents) means the Manager, Customer Service, the Supervisor, Customer Service, the Coordinator, Customer Service and the Customer Service Tech Admin.

5.0 Responsibilities

1. The Project Lead shall:
 - a. Prepare a Public Notice Document providing all necessary details regarding the matter.
 - b. Provide the Public Notice Document to their Branch Web Representative for posting to the Public Notices page on the City's Website.
 - c. Provide the Public Notice Document to the Facility Supervisors Distribution List and the Service Oshawa Distribution List.
 - d. Provide the Public Notice Document to other community stakeholders as may be appropriate (i.e. OSCC55+, Oshawa Public Libraries, etc.).
2. Branch Web Representatives shall:
 - a. Post the Public Notice information and Public Notice Document to the City's website via the Public Notice feed.
 - b. Email communications@oshawa.ca to advise that a Public Notice has been posted and request social media messaging.
3. The Facility Distribution List and Service Oshawa Distribution List shall:
 - a. Follow their usual process for posting to the Public Bulletin Board in their respective facilities for the period of time identified in the email.
4. Corporate Communications shall:
 - a. Post the Public Notice information to the City's Corporate social media accounts, as appropriate.

6.0 Practice/ Procedures

Notice of Council meetings and the meetings of its Committees shall be given in accordance with the Procedure By-law.

6.1 Statutory Notice – Except Matters under Parts IV and V of the Ontario Heritage Act

Where the City is required to give notice to the public under a provision of any other legislation or regulation with the exception of notices required under Parts IV and V of the Ontario Heritage Act, the notice shall be given in accordance with the legislation or regulation.

Where a legislated notice requirement under an Act or Regulation must be provided but there are no suitable printed newspapers that meet the definition of a Newspaper under the Legislation Act (being a document in printed form, published at regular intervals of a

week or less, is circulated to the general public and consists primarily of news of current events of general interest), notice shall be given in the form and manner set out in Section 6.4 of this policy as well as any prescribed notice content set out in the relevant legislation.

In the event of a conflict between the notice provisions of this policy and any other by-law or policy, the by-law or policy that, in the Clerk’s opinion, prescribes more effective notice provisions shall prevail.

6.2 Statutory Notice – Matters under Parts IV and V of the Ontario Heritage Act

Where the City is required to publish notice under Parts IV and V of the Ontario Heritage Act, the process for providing notice to the public as set out in Section 6.4 of this policy shall be followed.

6.3 Other Notice to the Public

The City will give notice to the public as set out in Section 6.4 of this policy for the following matters:

Municipal Act Section	Action
34(1)	Permanently closing a Highway
40	Establishing Toll Highways
11	Naming or changing the name of a highway
48	Naming or changing the name of a private road
11	Passing or amending a by-law concerning advertising devices including signs
133	Passing or amending a by-law concerning the fortification of land
150	Passing or amending a licensing by-law
150	Passing or amending a by-law requiring the registry of businesses
187	Passing or amending a by-law to change the name of the municipality
217	Passing or amending a by-law to change the composition of City Council
222	Passing or amending a by-law with respect to the establishment or dissolution of wards
238(2)	Enacting a Procedure by-law
290	Adopting all or part of a budget

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Passing or amending a by-law establishing a fee or charge

6.4 Process for Providing Notice

Where notice to the public is to be given in accordance with this policy:

1. Notice to the public shall be posted on the “Public Notices” page of the City’s website for at least the two-week period immediately preceding the Council or Committee meeting at which the matter will be considered and an opportunity is provided for members of the public to speak to or submit correspondence regarding the matter.
2. Notice to the public given under this section is sufficient even if there are times during the two-week period that the City’s website is not accessible.
3. A Public Notice Document will also be sent to City Facilities for posting on appropriate bulletin boards accessible to the public during Regular Business Hours. Notices will also be sent to other community stakeholders as determined by the Project Lead who will also be encouraged to post the notice on their respective public bulletin boards.
4. Unless otherwise prescribed, notice to the public given under this section shall contain the following information:
 - a) A general description of the matter;
 - b) The relevant section of the Act and/or regulations, if applicable;
 - c) The date, time and place of the meeting at which the matter will be considered;
 - d) Where the matter relates to specific lands, sufficient information regarding the location such as the municipal address, legal description or map;
 - e) Contact information and deadlines for submitting written comments or registering as a delegation;
 - f) Contact information for obtaining more information or clarification on the matter; and,
 - g) Contact information for obtaining the notice in an accessible manner.
5. A Public Notice Document must provide exactly the same information as a “Public Notices” page posting, and vice-versa, however the form or appearance may differ.
6. If a matter for which notice was given under this policy is deferred, continued, or otherwise delayed to a future meeting, no further notice is required provided a public statement is made at the meeting advising the matter will be considered a future meeting, specified in the statement.

7. Where notice is required to advise the public of Council’s intent to pass or of passage of a by-law, such notice shall be posted on the “Public Notices” page of the City’s website for the time period as required by legislation and a Public Notice Document will be sent to City Facilities for posting on appropriate bulletin boards accessible to the public during Regular Business Hours.

7.0 Monitoring and Evaluation

This policy is reviewed by the Director, Legislative Services/City Clerk or designate at least every three years to ensure its effectiveness and compliance with legislation and current business processes or as required based on legislative changes.

The Director, Legislative Services/City Clerk is authorized to make minor or housekeeping amendments to this policy, as required.

8.0 References

Provincial Legislation including but not limited to:

- Municipal Act, 2001, S.O. 2001, c. 25,
- Legislative Act, 2006, S.O. 2006, c. 21 Sched. F
- Ontario Heritage Act, R.S.O. 1990 c.O.18

Approved

Authority City Council	Date Date approved	Signature
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