



Safety and Facilities Services Committee

Minutes

**March 18, 2024, 1:30 p.m.
Council Chamber**

Present: Councillor Nicholson
Councillor Kerr
Councillor Lee
Councillor Marks
Councillor McConkey
Mayor Carter

Also Present: Councillor Giberson
F. Blanchet, Council-Committee Coordinator
K. Christopher, Council-Committee Coordinator
J. Lane, Council-Committee Coordinator
A. Grant, Commissioner, Safety and Facilities Services
P. Lyon, Director, Municipal Law Enforcement & Licensing Services
M. Medeiros, Director, Legislative Services/City Clerk
A. Banga, Chief Fire Prevention Officer
R. Garey, Director, Facilities Management Services
B. Varty, Manager, Municipal Law Enforcement Services
K. Man, Manager, Policy and Research
D. Livesey, Senior Policy Advisor

Public Meeting

Councillor Nicholson called the meeting to order and stated that all members of Committee were participating from the Chamber. Also present in the Chamber was Councillor Giberson.

Land Acknowledgement

The City of Oshawa is situated on lands within the traditional and treaty territory of the Michi Saagiig and Chippewa Anishinaabeg and the signatories of the Williams Treaties, which include the Mississaugas of Scugog Island, Curve Lake, Hiawatha and Alderville First Nations, and the Chippewas of Georgina Island, Rama and Beausoleil First Nations.

We are grateful for the Anishinaabeg who have cared for the land and waters within this territory since time immemorial.

We recognize that Oshawa is steeped in rich Indigenous history and is now present day home to many First Nations, Inuit and Métis people. We express gratitude for this diverse group of Indigenous Peoples who continue to care for the land and shape and strengthen our community. As a municipality, we are committed to understanding the truth of our shared history, acknowledging our role in addressing the negative impacts that colonization continues to have on Indigenous Peoples, developing reciprocal relationships, and taking meaningful action toward reconciliation.

We are all Treaty people.

Additional Agenda Items

Moved by Councillor Kerr

That the delegations of George Lysyk concerning Report SF-24-07 and Martin Field concerning Reports SF-24-06 and SF-24-07 be added to the Safety and Facilities Services Committee agenda for the meeting of March 18, 2024.

Motion Carried

Declarations of Pecuniary Interest

None

Presentations

None

Delegations

Moved by Councillor Kerr

That the delegations of George Lysyk and Martin Field be heard.

Motion Carried

George Lysyk - Report SF-24-07

George Lysyk addressed the Safety and Facilities Services Committee concerning Report SF-24-07 regarding Technical Amendments to Fireworks By-law 59-2014 and Tiered and Escalating Administrative Monetary Penalties.

The Committee questioned George Lysyk.

Martin Field - Report SF-24-07

Martin Field addressed the Safety and Facilities Services Committee concerning Report SF-24-07 regarding Technical Amendments to Fireworks By-law 59-2014 and Tiered and Escalating Administrative Monetary Penalties.

The Committee questioned Martin Field.

Martin Field - Report SF-24-06

Martin Field addressed the Safety and Facilities Services Committee concerning Report SF-24-06 regarding a review of Licensing By-law 120-2005 and Proposed Program Enhancements.

Referrals from Council

None

Reports from Advisory Committees

None

Items Requiring Direction

None

Public Consent Agenda

Moved by Councillor Kerr

That all items listed under the heading of Public Consent Agenda for the March 18, 2024 Safety and Facilities Services Committee meeting be adopted as recommended except Reports SF-24-06, SF-24-07 and SF-24-08.

Motion Carried

Correspondence with Recommendations

None

Staff Reports/Motions with Recommendations

SF-24-09 - Safety and Facilities Services Committee Outstanding Items List Status Report - First Quarter 2024 (All Wards)

That the Safety and Facilities Services Committee recommend to City Council:

That Report SF-24-09, dated March 13, 2024 being the Safety and Facilities Services Committee's Outstanding Items List Status Report for the first quarter of 2024 be received for information.

Public Discussion Agenda

Matters Excluded from Consent Agenda

SF-24-06 - Review of Licensing By-law 120-2005 and Proposed Program Enhancements (All Wards)

Moved by Councillor Marks

That the Safety and Facilities Services Committee recommend to City Council:

That based on Report SF-24-06, dated March 13, 2024 concerning a review of Licensing By-law 120-2005 and Proposed Program Enhancements:

1. Council approve by-laws in a final form and content acceptable to Legal Services and the Commissioner, Safety and Facilities Services Department to establish a new Business Licensing By-law to regulate certain businesses in the City of Oshawa as detailed in Section 5.4 of this Report, to repeal By-law 120-2005, and to further amend General Fees and Charges By-law 13-2003, as amended to establish applicable licensing fees as detailed in Section 5.4 of this Report; and,
2. That staff be directed to conduct a review of relevant regulations and business licensing options for Boarding Kennel and Breeders and report back to the Safety and Facilities Services Committee at a later date.

A request was made to divide the recommendation in order to vote on each part separately.

Moved by Councillor Marks

That Part 1 of the recommendation contained in Report SF-24-06 be deferred to the Safety and Facilities Services Committee meeting of April 15, 2024.

Motion Carried

The vote to adopt Part 2 of the recommendation contained in Report SF-24-06.

Motion Carried

SF-24-07 - Technical Amendments to Fireworks By-law 59-2014 and Tiered and Escalating Administrative Monetary Penalties (All Wards)

Moved by Councillor McConkey

That the Safety and Facilities Services Committee recommend to City Council:

Whereas the Fireworks By-law 59-2014, as amended (“Fireworks By-law”) is a by-law that regulates the sale and discharge of fireworks within the City of Oshawa (“City”); and,

Whereas staff regularly review the City’s by-laws to identify opportunities to enhance municipal regulatory standards; and,

Whereas Section 5.5 of Report SF-23-13 “Options to Amend Fireworks By-law 59-2014” dated March 15, 2023 identified an opportunity to establish Tiered and Escalating Administrative Monetary Penalties (A.M.P.) and implement the following amendments to increase clarity in the Fireworks By-law:

- Amend Section 9 of the Fireworks By-law to establish Tiered and Escalating A.M.P.s with the following tiers:
 - Tier 1: \$250
 - Tier 2: \$350
 - Tier 3: \$450

- Implement minor typographical changes to reflect updates in position titles and to increase clarity with respect to references to by-laws and legislation.
- Renumbering certain sections to increase clarity and ease of reference.
- Implement minor typographical changes to provide further clarity on when permits are required for the discharge of Consumer Fireworks; and,

Whereas Section 429 of the Municipal Act, 2001, S.O. 2001, c. 25 (“Municipal Act”) authorizes municipalities to establish a system of fines, impose maximum single offence fines of \$100,000 and impose total fines for multiple and continuing offences greater than \$100,000, under a by-law enacted pursuant to the Municipal Act; and,

Whereas additional municipal benchmarking has identified the opportunity to enhance existing enforcement tools by increasing fine amounts for offences that are charged and convicted under the Provincial Offences Act, R.S.O. 1990, c. P.33 by amending the fines as articulated in the Fireworks By-law to the following:

- A minimum fine of \$500 and a maximum fine not exceeding \$100,000; and,
- In the case of a continuing offence, for each day that the offence continues, a minimum fine of \$500 and a maximum fine not exceeding \$10,000, with the total of daily fines not limited to \$100,000; and,
- In the case of multiple offences, for each offence, a minimum fine of \$500 and a maximum fine not exceeding \$10,000, with the total of daily fines not limited to \$100,000;

Therefore be it resolved that Council approve the amending by-law, as set out in Attachment 1 to Report SF-24-07, to further amend Fireworks By-law 59-2014, as amended, to establish Tiered and Escalating Administrative Monetary Penalties, including other technical amendments as indicated, and to increase fine amounts for offences charged and convicted under the Provincial Offences Act, R.S.O. 1990, c. P.33.

Motion Carried

SF-24-08 - Technical Amendments to Vehicle-for-Hire By-law 31-2022 (All Wards)

Moved by Councillor Kerr

That the Safety and Facilities Services Committee recommend to City Council:

That based on Report SF-24-08, dated March 13, 2024 concerning Technical Amendments to Vehicle-for-Hire By-law 31-2022:

1. That Council approve by-laws in final form and content acceptable to Legal Services and the Commissioner, Safety and Facilities Services Department to further amend the Vehicle-for-Hire By-law 31-2022, as amended, and the General Fees and Charges By-law 13-2003, as amended to implement technical amendments and to establish additional licensing fees to further encourage the delivery of accessible taxicab services as generally outlined in Section 5.2 of this Report; and,

2. That staff be directed to report back on additional licensing measures to incentivize the Vehicle-for-Hire industry in attempts to increase the supply of wheelchair accessible services, including a Reciprocal Licensing Arrangement with Durham Region lower-tier municipalities; and,
3. That the requirements of the Public Notice Policy GOV-23-02 regarding notice to the public for the amendments to the General Fees and Charges By-law 13-2003, as amended be waived.

Amendment:

Moved by Councillor Kerr

That the recommendation be amended to add the following as Part 4: 'That staff investigate a surcharge to fund additional accessible vehicles.'

Motion Carried

The vote to adopt the recommendation contained in Report SF-24-08, as amended.

Motion Carried

Items Introduced by Council Members

SF-24-10 - Questions regarding the Active Transportation Master Plan Link 3 Recreation Trail (Ward 1)

Moved by Councillor McConkey

That pursuant to Item SF-24-10, staff report to the next Committee meeting with available answers to the following to try and satisfy the constituents questions below related to the proposed Active Transportation Master Plan Link 3 recreation:

- a. A map showing the actual trail design with elevation data, areas where guard rails or retaining walls between the creek and private property lines will be needed
- b. A map showing the trees which are in proximity to the private property lines and that were planted and tagged in the last decade for slope stability and the City identify which of the trees will need to cut down, and if any will be relocated or replaced
- c. A map showing the trail setbacks from the flood plan regulated area, and hazard and erosion areas
- d. The City's plan to ensure how the recurring flooding issues from both the creek and the Arborwood Storm Water Management Pond are to be addressed to mitigate adverse impacts to the trail infrastructure and residential properties in close proximity
- e. Has the City considered adding any planting necessary to increase privacy
- f. There are steep drop offs in some sections along the proposed trail area - which residential properties will need to have fill added behind them and the embankment regraded

- g. Has the City completed all necessary geotechnical investigations, given soil test contractors were on site Feb 22, 2024 digging holes or will there be more tests
- h. What is the expected construction start date

Amendment:

Moved by Councillor Kerr

That the motion be amended to delete the words 'following to try and satisfy the constituents' after the words 'That pursuant to Item SF-24-10, staff report to the next Committee meeting with available answers to the'

Motion Carried

The vote to adopt the motion concerning Item SF-24-10, as amended.

Affirmative (5): Councillor Nicholson, Councillor Kerr, Councillor Lee, Councillor Marks, and Councillor McConkey

Negative (1): Mayor Carter

Motion Carried (5 to 1)

Items Pulled from the Information Package

None

Closed Consent Agenda

Correspondence with Recommendations

None

Staff Reports/Motions with Recommendations

None

Closed Discussion Agenda

Matters Excluded from Consent Agenda

None

Items Requiring Direction

None

Matters Tabled

None

Adjournment

Moved by Councillor Kerr

That the meeting adjourn at 3:30 p.m.

Motion Carried