City Council Minutes

Council Chambers, City Hall

January 13, 2025

Present: Councillor Baldwin
Councillor Beamer
Councillor Bierk
Councillor Crowley
Councillor Duguay
Councillor Haacke
Councillor Lachica
Mayor Leal
Councillor Parnell
Councillor Riel
Councillor Vassiliadis

Staff: Alan Barber, Associate City Solicitor
Richard Freymond, Commissioner, Finance & Corporate Support Services
Natalie Garnett, Deputy City Clerk
Greg Giles, Director, Engineering and Capital Works
John Kennedy, City Clerk
Sheldon Laidman, Commissioner, Community Services
Sarah McDougall Perrin, Advisor, Government Relations
Jennifer McFarlane, Commissioner, Municipal Operations (Acting)
Jasbir Raina, Chief Administrative Officer
Brendan Wedley, Director, Strategic Communications & Service Peterborough
Blair Nelson, Commissioner, Infrastructure, Planning & Growth Management

Call to Order

The meeting was called to order at 6:00 p.m.

Ceremonial Presentation

Kinsmen Club of Peterborough

A presentation was made to the Kinsmen Club of Peterborough in recognition of their efforts for the annual Santa Claus parade.

Approval of Minutes

Moved by Councillor Crowley
Seconded by Councillor Vassiliadis

That the Council meeting minutes of November 4, November 12 and December 2, 2024 be approved.

For (11): Councillor Baldwin, Councillor Beamer, Councillor Bierk, Councillor Crowley, Councillor Duguay, Councillor Haacke, Councillor Lachica, Mayor Leal, Councillor Parnell, Councillor Riel, and Councillor Vassiliadis

Carried (11 to 0)

Disclosure of Pecuniary Interest

There were no disclosures of Pecuniary Interest.

Registered Delegations

Motion re: Bill 242

Rob Hailman, 500 Murray St

Consent Items

Moved by Councillor Bierk
Seconded by Councillor Vassiliadis

That items Agreement- Report FCSFS25-002, Proposed Property Acquisition, Nine Ships 1825 Presentation – Report LSCLK25-001, Tax Adjustments under Section 356 and Tax Appeals under Sections 357 358 and 359 of the Municipal Act 2001 – Report FCSFS25-001, Incorporation of a Municipal Services Corporation as an Eligible Tourism Entity – Report LSOCS25-001, and Service Manager Consents for Community Housing Amalgamation – Report CSSS25-001 be approved on consent.

For (11): Councillor Baldwin, Councillor Beamer, Councillor Bierk, Councillor Crowley, Councillor Duguay, Councillor Haacke, Councillor Lachica, Mayor Leal, Councillor Parnell, Councillor Riel, and Councillor Vassiliadis

Carried (11 to 0)

Agreement, Report FCSFS25-002

That Council approve the recommendation outlined in Report FCSFS25-002, dated January 6, 2025 of the Commissioner, Finance and Corporate Support Services as follows:

That Council authorize staff to proceed as outlined in Closed Session Report FCSFS25-002 dated January 6, 2025, of the Commissioner, Finance and Corporate Support Services, respecting an agreement between the City of Peterborough and the County of Peterborough for consolidated municipal services.

Proposed Property Acquisition

That the information provided by the Commissioner of Community Services and the City Solicitor respecting a proposed property acquisition be received.

Nine Ships 1825 Presentation, Report LSCLK25-001

That Council approve the recommendation outlined in Report LSCLK25-001, dated January 6, 2025, of the City Clerk as follows:

That the presentation by Nine Ships 1825, the Peter Robinson Irish Emigration 200th Anniversary Commemoration Committee be received for information.

Tax Adjustments under Section 356 and Tax Appeals under Sections 357, 358 and 359 of the Municipal Act, 2001, Report FCSFS25-001

That Council approve the recommendations outlined in Report FCSFS25-001, dated January 6, 2025 of the Commissioner, Finance & Corporate Support Services as follows:

a) That tax reductions in the amount of $187,971.83 calculated in accordance with Sections 357, 358 and 359 of the Municipal Act, 2001 and attached to report FCSFS25-001 as Appendix A be received.

b) That land apportionments under Section 356 of the Municipal Act, 2001 be received.

Incorporation of a Municipal Services Corporation as an Eligible Tourism Entity, Report LSOCS25-001

That Council approve the recommendation outlined in Report LSOCS25-001 dated January 6, 2025 of the Commissioner, Legislative Services as follows:

That Council adopt the proposed business case study in the form comprising Appendix A to Report LSOCS25-001 respecting the establishment of a municipal services corporation as an eligible tourism entity.

Service Manager Consents for Community Housing Amalgamation, Report CSSS25-001

That Council approve the recommendations outlined in Report CSSS25-001, dated January 6, 2025 of the Commissioner of Community Services as follows:

a) That Council, acting as the Service Manager under the Housing Services Act, S.O. 2011, c. 6, Sched. 1, approve the amalgamation of Thrive Housing and Support with Northminster Court under the name of Thrive Housing and Support; and

b) That Council, acting as Service Manager, delegate to the Commissioner of Community Services authority to give consent for future amalgamations of community housing providers, under the Housing Services Act, 2011, and that the Commissioner of Community Services be delegated authority to execute such documents as are necessary to give effect to the foregoing terms and in forms acceptable to the City Solicitor.

Provincial Legislation, Report LSOCS25-002

Moved by Councillor Beamer
Seconded by Councillor Haacke

That Council approve the recommendation outlined in Report LSOCS25-002 dated January 6, 2025 of the City Solicitor as follows:

That Council consider Closed Session Report LSOCS25-002 dated January 6, 2025 of the City Solicitor respecting Bill 242, Safer Municipalities Act, 2024.

For (9): Councillor Baldwin, Councillor Beamer, Councillor Crowley, Councillor Duguay, Councillor Haacke, Mayor Leal, Councillor Parnell, Councillor Riel, and Councillor Vassiliadis

Against (2): Councillor Bierk, and Councillor Lachica

Carried (9 to 2)

Motion re Bill 242

Moved by Councillor Beamer
Seconded by Councillor Haacke

Whereas:

1. **A municipality's parks and open spaces are critical infrastructure that support a strong community, and the public's shared and safe use of the municipality's parks and open spaces is integral to ensuring that support.**

2. **Ontario's municipalities are struggling to maintain their parks and open spaces for their shared and safe use by the public as a result of the increasing proliferation of encampments and illicit activities related thereto.**

3. **Municipalities that enforce their standards regulating or prohibiting encampments in their parks and open spaces must have regard to the availability of shelter space for those who need shelter.**

4. **On January 27, 2023, Justice Valente of the Ontario Superior Court of Justice rendered his judgment in *Waterloo (Regional Municipality) v. Persons Unknown and to be Ascertained* (2023), [2023] O.J. No. 417 (Waterloo Decision) which declared that the municipality's by-law violated section 7 of the *Charter* and was therefore inoperative insofar as it applied to prevent encampment residents from erecting temporary shelters on a site when the number of homeless individuals in the region exceeded the number of accessible shelter beds.**

5. **The Waterloo Decision's analysis of the adequacy of shelter beds suggests an unworkable and unclear standard that goes beyond the number of shelter spaces and that includes the requirement to provide shelter spaces that must accommodate illicit drug use and other activities that could put shelter residents, workers and volunteers at risk. The result is that**

municipalities are impaired in their enforcement of their standards and have lost or are losing control of their parks and open spaces.

6. **On December 12, 2024, the Honourable Paul Calandra, Minister of Municipal Affairs and Housing, introduced Bill 242, Safer Municipalities Act, 2024. Among its various initiatives, Bill 242 proposes to amend section 2 of the Trespass to Property Act by adding aggravating factors that must be considered in the court's determination of a penalty under that section. However, the key challenge is that a municipality's exercise of its rights at common law and under section 9 of the Trespass to Property Act to remove encampments from the municipality's parks and open spaces remains potentially subject to the unworkable and unclear standard for the adequacy of shelter space suggested by the Waterloo Decision.**

7. **In these circumstances, municipalities need provincial legislation that clearly defines a workable standard for shelter space for the purposes of a municipality's jurisdiction to enforce its standards regulating or prohibiting encampments in its parks and open spaces.**

Now therefore, be it resolved:

1. **That the provincial government be respectfully requested to amend Bill 242 to clearly define a workable standard for shelter space for the purposes of a municipality's jurisdiction to enforce its standards regulating or prohibiting encampments in its parks and open spaces.**

2. **That, without limitation, Bill 242 provides that a municipality will have met the standard for shelter space for the purposes of the municipality's jurisdiction to enforce its standards regulating or prohibiting encampments in its parks and open spaces:**

    a) despite the establishment and enforcement of shelter rules including rules that prohibit drug use and other activities that could put shelter residents, workers and volunteers at risk; and

    b) if an official designated by the municipality is satisfied that the number of available shelter spaces is at least equal to the aggregate of the number of individuals actually seeking shelter and the number of individuals against whom the municipality is planning to enforce its standards regulating or prohibiting encampments in its parks and open spaces.

3. **That a copy of this resolution be sent to:**
    a) Peterborough - Kawartha MPP Dave Smith;
    b) Honourable Doug Ford, Premier;
    c) Honourable Paul Calandra, Minister of Municipal Affairs and Housing;
    d) Honourable Doug Downey, Attorney General;
    e) Association of Municipalities of Ontario; and to
    f) Councils of each of Ontario's municipalities.

For (10): Councillor Baldwin, Councillor Beamer, Councillor Crowley, Councillor Duguay, Councillor Haacke, Mayor Leal, Councillor Parnell, Councillor Riel, and Councillor Vassiliadis

Against (2): Councillor Bierk, Councillor Lachica

Carried (9 to 2)

Notice of Motion

There were no Notices of Motion.

Approval of By-laws

Moved by Councillor Duguay
Seconded by Councillor Baldwin

That By-law 25-002 be approved.

For (9): Councillor Baldwin, Councillor Beamer, Councillor Crowley, Councillor Duguay, Councillor Haacke, Mayor Leal, Councillor Parnell, Councillor Riel, and Councillor Vassiliadis

Against (2): Councillor Bierk, and Councillor Lachica

Carried (9 to 2)

Other Business

There were no items of Other Business.

Confirmation By-law

Moved by Councillor Beamer
Seconded by Councillor Crowley

That By-law 25-003, Being a By-law to confirm the proceedings of the Council at its meeting held on January 13, 2025, be approved.

For (11): Councillor Baldwin, Councillor Beamer, Councillor Bierk, Councillor Crowley, Councillor Duguay, Councillor Haacke, Councillor Lachica, Mayor Leal, Councillor Parnell, Councillor Riel, and Councillor Vassiliadis

Carried (11 to 0)

Adjournment

Moved by Councillor Crowley
Seconded by Councillor Parnell

That this meeting be adjourned at 7:09 p.m.

For (11): Councillor Baldwin, Councillor Beamer, Councillor Bierk, Councillor Crowley, Councillor Duguay, Councillor Haacke, Councillor Lachica, Mayor Leal, Councillor Parnell, Councillor Riel, and Councillor Vassiliadis

Carried (11 to 0)

_____

John Kennedy

City Clerk

_____

Jeff Leal

Mayor