

AGENDA

THE TWELFTH MEETING OF THE ONE HUNDRED AND TWENTY-FIFTH COUNCIL OF THE CORPORATION OF THE CITY OF ST. THOMAS

**COUNCIL CHAMBERS 6:00 P.M. CLOSED SESSION
CITY HALL 7:00 P.M. REGULAR SESSION**

APRIL 3RD, 2006

ROUTINE PROCEEDINGS AND GENERAL ORDERS OF THE DAY

OPENING PRAYER

DISCLOSURES OF INTEREST

MINUTES

DEPUTATIONS

COMMITTEE OF THE WHOLE

REPORTS OF COMMITTEES

PETITIONS AND COMMUNICATIONS

UNFINISHED BUSINESS

NEW BUSINESS

BY-LAWS

PUBLIC NOTICE

NOTICES OF MOTION

ADJOURNMENT

CLOSING PRAYER

THE LORD'S PRAYER

Alderman T. Shackelton

DISCLOSURES OF INTEREST

MINUTES

Confirmation of the minutes of the meetings held on March 20th and March 28th, 2006.

DEPUTATIONS

COMMITTEE OF THE WHOLE

Council will resolve itself into Committee of the Whole to deal with the following business.

PLANNING AND DEVELOPMENT COMMITTEE - Chairman H. Chapman

UNFINISHED BUSINESS

NEW BUSINESS

Request for Removal of Part Lot Control - Lots 1-6, 9-20 on Plan 11M-160 Semi-Detached Lots
- H. J. Hayhoe Ltd.

BUSINESS CONCLUDED

ENVIRONMENTAL SERVICES COMMITTEE - Chairman M. Turvey

UNFINISHED BUSINESS

NEW BUSINESS

Operations and Maintenance Standards - Parks Division

Report ES32-06 of the Supervisor of Parks. Page 9

Operations and Maintenance Standards Manual - Parks Division Attached.

BUSINESS CONCLUDED

PERSONNEL AND LABOUR RELATIONS COMMITTEE - Chairman D. Warden

UNFINISHED BUSINESS

NEW BUSINESS

BUSINESS CONCLUDED

FINANCE AND ADMINISTRATION COMMITTEE - Chairman C. Barwick

UNFINISHED BUSINESS

Corporate Credit Cards

South Block Development Charges

Report of the Director of Finance and City Treasurer. **To follow**

Downtown Development Board - 2006 Budget

NEW BUSINESS

Parking Permit Request

Report ES41-06 of the Director, Environmental Services. Page 10

Chip Wagon Location - Snack Wacky Foods

Report TR 15-06 of the Purchasing Agent/Licensing Officer. Page //

BUSINESS CONCLUDED

COMMUNITY AND SOCIAL SERVICES COMMITTEE - Chairman B. Aarts

UNFINISHED BUSINESS

NEW BUSINESS

BUSINESS CONCLUDED

PROTECTIVE SERVICES AND TRANSPORTATION COMMITTEE - Chairman T. Shackelton

UNFINISHED BUSINESS

Captain Dennis A. Redman No.2 Fire Station

Request for "No Standing" Zone - Forest Park Walkway

Intersection of Redan Street and Woodworth Avenue

No Parking Signage - Miller Street

Report ES 37-06 of the Supervisor Roads & Transportation. Pages 12 to 26

NEW BUSINESS

St. Anne's Community Festival - Travel Trailer Siting

Report ES 36-06 of the Supervisor Roads & Transportation. Pages 27 to 29

Lease of Airport Lands - St. Thomas Municipal Airport

Report CC14-06 of the Airport Superintendent. Pages 30 & 31

BUSINESS CONCLUDED

REPORTS PENDING

ESDA SERVICING MASTER PLAN AND CLASS ENVIRONMENTAL ASSESSMENT - J. Dewancker

ENVIRONMENTALLY SENSITIVE LAND USE - P. Keenan

DRIVEWAY RECONSTRUCTION - MAPLE STREET - J. Dewancker

REVIEW OF CITY BUS ROUTES - J. Dewancker

FOREST AVENUE SIDEWALK - J. Dewancker

REDEVELOPMENT OF HORTON STREET MARKET - W. Day

ALMA COLLEGE - Management Board

SCHOOL AREA REVIEW PROCEDURES - FOR ELEMENTARY SCHOOL CHILDREN - D. White

COUNCIL

Council will reconvene into regular session.

REPORT OF COMMITTEE OF THE WHOLE

Planning and Development Committee - Chairman H. Chapman

Environmental Services Committee - Chairman M. Turvey

Personnel and Labour Relations Committee - Chairman D. Warden

Finance and Administration Committee - Chairman C. Barwick

Community and Social Services Committee - Chairman B. Aarts

Protective Services and Transportation Committee - Chairman T. Shackelton

A resolution stating that the recommendations, directions and actions of Council in Committee of the Whole as recorded in the minutes of this date be confirmed, ratified and adopted will be presented.

REPORTS OF COMMITTEES

PETITIONS AND COMMUNICATONS

Elgin-Oxford Legal Clinic - Social Benefits Tribunal Venue Location

A letter has been received from the Elgin-Oxford Legal Clinic requesting Council's support in their request that the Social Benefits Tribunal reverse its decision to hold tribunal hearings from Elgin County appellants in London. Pages 32 to 36

2006 Canada Post Literacy Awards

An invitation to nominate an individual, organization or business for a 2006 Canada Post Literacy Award has been received from Barbara Stanyar, General Manager Communications Canada Post.

The deadline for nominations is May 26th, 2006.

St. Thomas & District Labour Council - Day of Mourning - April 28th, 2006

A letter has been received from Beverley Wright, St. Thomas & District Labour Council, requesting that the City of St. Thomas Council proclaim April 28th, 2005 as the "Day of Mourning" in the City of St. Thomas. An invitation to attend the ceremony being held on April 28th, 2006 at 4:30 p.m. in Pinafore Park is extended to all City Council members.

Ontario Family Fishing Weekend

A letter was received from Rhonda Barkley, Liaison, Ontario Family Fishing Weekend Steering Committee, requesting that Council proclaim the weekend of July 7th to 9th, 2006 as "Ontario Family Fishing Weekend".

2006 Senior of the Year Awards

A letter has been received from Jim Bradley, Minister Responsible for Seniors, inviting Councils to honour one outstanding local senior in their municipality who has enriched the social, cultural or civic life of the community, without thought of personal or financial gain. A completed form must be submitted by April 28, 2006.

Elgin St. Thomas Health Unit - Free Ice Time for Local Schools

A letter has been received from Cynthia St. John, Chief Administrative Officer Elgin St. Thomas Health Unit, regarding the reinstatement of free ice time for local schools to promote healthy lifestyles for children and youth in the community. Page 37

Ontario Medicine Act Amendment - Resolution

A copy of a resolution has been received from Nancie Irving, Clerk Town of Aylmer, supporting a resolution from the Township of Malahide regarding amendments to the Ontario Medicine Act to permit the granting of licences to recognized physicians.

A copy of a resolution has been received from Sandra Heffren, Deputy Clerk County of Elgin, supporting a resolution from the Township of Malahide regarding amendments to the Ontario Medicine Act to permit the granting of licences to recognized physicians.

Preserve National Child Care Program - Resolution

A copy of a resolution has been received from Sandra Heffren, Deputy Clerk County of Elgin, requesting federal and provincial governments preserve the national child care program and ensure the five-year funding commitment to national early learning and child care system.

Letter of Thanks

A letter of thanks has been received from Marion Harries, for Council's support by granting a request for City Pins.

UNFINISHED BUSINESS

"Solid Pension - Secure Future" - C.A.W. Local 1001

Request for Letter of Tolerance - Fence Encroachment onto Road Boulevard Area - 10 Pol Court

City of St. Thomas 125th Anniversary

Minimum Maintenance Standards for Heritage Properties

NEW BUSINESS

Proposed Four-Year Term of Office for Municipal Elected Officials

Motion by Alderman Barwick -

WHEREAS the proposed four-year term seems to represent the interests of the GTA and other metro areas; and

WHEREAS a four-year term will serve as a detriment for aspiring municipal politicians because of the commitments;

NOW THEREFORE BE IT RESOLVED THAT: The Council of the Corporation of the City of St. Thomas be opposed to a four-year term of office; and further,

THAT: Copies of this resolution be forwarded to the Honourable Dalton McGuinty, Premier of Ontario and the Honourable John Gerretson, Minister of Municipal Affairs and Housing.

BY-LAWS

First, Second and Third Reading

1. A by-law to confirm the proceedings of the Council meeting held on the 3rd day of April, 2006.
2. A by-law to amend By-Law 50-88, being Zoning By-Law for the City of St. Thomas (removal of holding zone symbol - Blocks 9, 10, 22 & 23, Plan 11M-98 - Inn Services Inc.)
3. A by-law to authorize the Mayor and Clerk to execute and affix the Seal of the Corporation to a certain agreement between the Corporation of the City of St. Thomas and Her Majesty the Queen in Right of Ontario, as represented by the Minister of Health and Long-Term Care. (service agreement - Valleyview Home for the Aged)
4. A by-law to authorize the Mayor and Clerk to execute and affix the Seal of the Corporation to a certain contract between the Corporation of the City of St. Thomas and Aveiro Constructors Limited. (Design Build - Pinafore Park Service Building Addition and Renovation)
5. A by-law to authorize the Mayor and Clerk to execute and affix the Seal of the Corporation to a certain agreement between the Corporation of the City of St. Thomas and First Base Solutions Inc. (Aerial Orthophoto Licensing Agreement)
6. A by-law to establish development charges for the Corporation of the City of St. Thomas. (South Block Area)
7. A by-law to amend By-Law 45-89, being the Traffic By-Law for the City of St. Thomas. (No Parking Zone - Miller Street from Redan Street to north end of Miller Street)

PUBLIC NOTICE

NOTICES OF MOTION

CLOSED SESSION

OPEN SESSION

ADJOURNMENT

CLOSING PRAYER

the subject lots provided all costs are borne by the applicant and the By-law includes an expiration date of April 30th, 2008.

Financial Considerations:

Some staff, administrative and legal costs will be incurred in the preparation and registration of the by-law, and the monitoring of the property conveyances. In accordance with the Tariff of Fees By-law for planning applications (By-Law 9-93, as amended) all costs associated with the process of removing part lot control, are to be borne by the applicant. No cost will be incurred by the municipality.



Patrick J. C. Keenan
Director of Planning

Reviewed By:

Env. Services

Treasury

City Clerk

Other



Corporation of the
City of St. Thomas

-9-

Report No.

ES32-06

File No.

Directed to:

Ald. Marie Turvey, Chair and Members of the Environmental Services Committee of Council

Date

March 12, 2006

Department: **Environmental Services**

Prepared By:

Ross Tucker – Supervisor of Parks

Attachment

- Operations and Maintenance Standards Manual – Parks Division

Subject:

Operations and Maintenance Standards – Parks Division

Recommendation:

- That the updated Operations and Maintenance Standards for the Parks Section of the Environmental Services' Operations Division be adopted.

Origin

Upon the assumption of the Parks Services by the Environmental Services Department, in keeping with the other Operation Sections of the Department where prudent Quality Standards and Policy and Procedures are in place, a similar set of standards has been prepared for the Parks Section. This is an updated version from our original manual that was submitted to Council on May 6, 2003.

Analysis

The mission statement for the Parks Section of the Operations Division may be worded as follows: "the City is committed to providing it's parks and athletic field users a cost effective, customer centered service that is safe, timely, aesthetically pleasing, competent and courteous. Further, it shall encourage and promote the wise use of plants and grasses and carry out it's operations effectively and efficiently."

In order for the Parks Division to function within operational limits, it was essential to establish specific levels of service desired for each component. When established in measurable terms, the Operations and Maintenance Standards provide an objective basis for decision making on the part of the supervisor, and afford it's user groups a standard by which the assets or facilities shall be maintained.

This revised submission of the Parks Operations and Maintenance Standards is intended to define the framework by which over time, all of it's assets and facilities will be inventoried with a clearly itemized level of services. A total of six (6) functional areas have been identified, and these include: Parkland, Outdoor Recreational Facilities, Playgrounds, Turf, Forestry, Equipment and Physical Buildings.

Changes to the Parks Operations Manual include the addition of a Forestry Section. Additional amendments to the original Manual reflect the inclusion of new parks and boulevards that have been assumed by the Parks Division, (i.e., the inclusion of a new weekly grass cutting schedule). The purpose of these revisions is to ensure that the Parks Section has an up-to-date inventory for efficient monitoring of facilities and the ability to provide due diligence.

Respectfully submitted,

Ross Tucker
Supervisor of Parks

Reviewed By:

Treasury

Env Services

Planning

City Clerk

HR

Other



Corporation of the

City of St. Thomas

-10-

Report No.

ES41-06

File No.

Directed to: Ald. Cliff Barwick, Chair and Members of the Finance and Administration Committee of Council

Date
March 28, 2006

Department: Environmental Services

Prepared By: John Dewancker, Director

Attachment

Subject: Parking Permit Request

Recommendation:

- That the fee schedule for parking spaces within the City parking lots as outlined in report E41-06 be maintained and be applied consistently.

Origin

Request by an owner of a property within the Downtown Development area for complementary annual parking permits (20) to accommodate a potential new business. the name of the property owner is not mentioned in this report to protect the privacy of the individual.

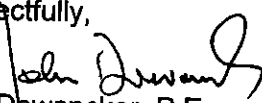
Analysis

The current schedule for the issuance of annual permits for parking spaces within City parking lots located within the core area of the City are as follows:

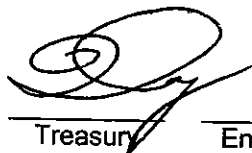
Hepburn and City Hall parking lots	\$350.00 per annum plus taxes
Central, Curtis, Hiawatha, Midtown and Hincks parking lots	\$300.00 per annum plus taxes
Unimproved parking lots: (Upper St. Catharines, Moore, Elgin, Horton Metcalfe)	\$250.00 per annum plus taxes
Daily parking permits	\$2.00

It is recommended that the above noted fees and rates be maintained and be applied consistently.

Respectfully,


John Dewancker, P.Eng.,
Director, Environmental Services

Reviewed By:



Treasury

Env Services

Planning

City Clerk

HR

Other



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Corporation of the
City of St. Thomas

Report No.

TR 15-06

File No.

9-92

Directed to:

Chairman Cliff Barwick and Members of the
Finance and Administration Committee

Date

March 27, 2006

Department:

Licensing (Treasury)

Attachments:

Prepared By:

Mike Hoogstra, Purchasing Agent/Licensing Officer

None

Subject:

Chip Wagon Location Approval for Snack Wacky Foods

Recommendation:

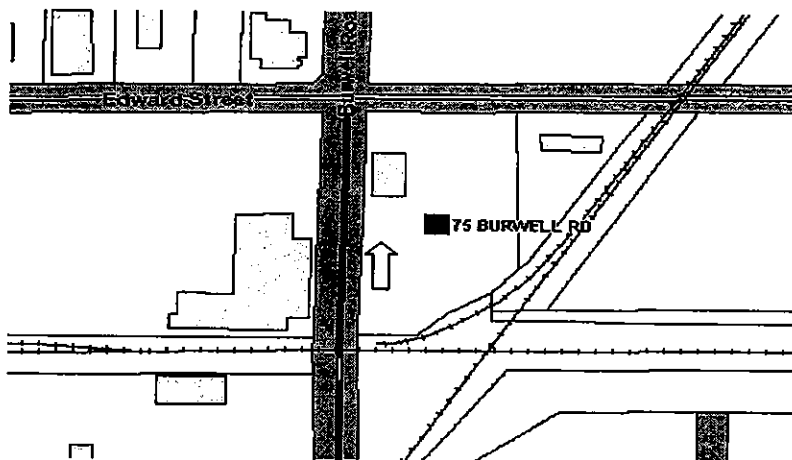
It is recommended that Council approve the location of the proposed chip wagon, to be operated as Snack Wacky Foods by Herman Klassen, at 75 Burwell Road (Berry Hill Limited property) subject to inspections by the St. Thomas Fire Department and Elgin-St. Thomas Health Unit.

Background:

The City advertised for Mobile Refreshment licenses in the Elgin County Market and St. Thomas Times Journal on February 24th and February 25th. Applications for the operation of the available licenses closed at 12:00 noon on March 15, 2006.

The chip wagon license operated in previous years by Dibby Jeans was not renewed. During the licensing application period one application was received by Herman Klassen for this available license. The total number of licenses for chip wagons in the city is two and Fries R Us has renewed the second license.

By-Law No. 9-92, section 6.1 states "the location for the operation of each chip wagon shall be approved by Council by resolution." The proposed location of the chip wagon at Berry Hill Limited will be the southwest corner of the property next to the existing parking lot. An arrow on the location map below indicates the proposed location.



The St. Thomas Fire Department and Elgin-St. Thomas Health Unit have been advised and will ensure compliance with all current standards and regulations.

Staff are available to answer any questions members may have.

Respectfully submitted,

Mike Hoogstra
Purchasing Agent/Licensing Officer

Reviewed By:

Treasury

Env Services

Planning

City Clerk

HR

Other



Corporation of the

City of St. Thomas

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Report No.

ES37-06

File No.

05-014-06

Directed to: Alderman Terry Shackelton, Chair and Members of the Protective Services and Transportation Committee

Date
April 3, 2006

Department: Environmental Services Department

Prepared By: Dave White - Supervisor of Roads and Transportation

Attachment
#1 Report ES35-05 Possible Parking Restrictions, #2 Letter from resident, #3 By-law amendment

Subject: No Parking Zone Signage Miller Street - Access for Emergency Services

Recommendation:

It is recommended that:

1. The traffic by-law 45-89 Schedule II (No Parking Zones) be amended as required; and,
2. As per the resident request, a No Parking Anytime restriction be implemented on the west side of Miller Street from Redan Street to the north end of Miller Street.

Origin

At its regular meeting on April 4 2005, Council received report ES35-05 (attached) as information and recommended that the Ontario Fire Code and Building Code requirement for emergency vehicles along the City's local standards roadway system be applied on a site specific and as needed basis.

In addition, at its regular meeting on February 13, 2006 Council passed the resolution; "THAT: The letter from Rose Gibson, 17 Miller Street, requesting No Parking signage on Miller Street be referred to the Environmental Services Department for a report".

Analysis

Miller Street was constructed to Minor Local Road standards, which is less than 9.9m wide. Therefore this road section requires a parking restriction on one side to accommodate the minimum required fire route width of 5.94m.

In addition to insufficient road width (Fire Route requirement), a number of other factors are considered when determining which side of the road would get the restriction. It is preferable that at least two of the following conditions are in place;

1. the side with the existing fire hydrants would get the restriction so that emergency service is not hampered wherever possible,
2. the side with more street access would get the restriction so that sight distance for vehicles entering the road would be increased,
3. the inside of a horizontal curve would get the restriction so that sight distance for vehicles traveling the road would be increased,
4. the side with the existing partial restriction would get the restriction to provide a consistent approach,
5. the side with existing hydro/streetlight poles would get the restriction so that sign installation and maintenance is at a minimum.

Applying the five conditions to Miller St, the following restriction is recommended;

- West side of Miller Street from Redan Street to the north end of Miller Street – Complies with Conditions 1 & 5.

Therefore, as a result of this analysis it is recommended that No Parking Zones be implemented on the west side of Miller Street from Redan Street to the north end of Miller Street.

Financial Considerations

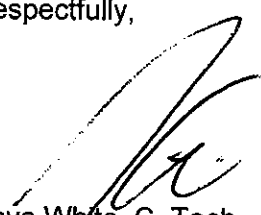
Costs associated with the installation of "no parking" signs are contained in the 2006 Operating Budget.

Alternatives

Impose the parking restrictions as indicated in this report.

Do not impose the parking restrictions.

Respectfully,



Dave White, C. Tech - Supervisor of Roads and Transportation
Environmental Services

Reviewed By:

Treasury

 Env Services

Planning

City Clerk

HR

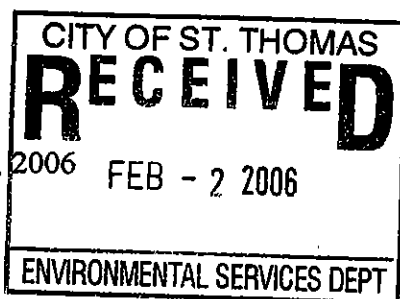
Other

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Rose Gibson
17 Miller St.
St. Thomas ON
N5P 3E6
(519)631-9094

Wednesday, January 25, 2006 FEB - 2 2006

Mayor Jeff Kohler
Council Members
St. Thomas City Staff



ENVIRONMENTAL SERVICES		
JD		
IA	✓	
BC		
CF		
DW	✓	City of St. Thomas
RT		
JF		
		City Clerk's Dept.
FILE		

RE: Deputation to consider Miller St. to have parking only on the east

Dear Sir/Madam

During a council meeting of October 8, 2002, St. Thomas Fire Chief Roy Lyons, at that time provided a propose letter, enforcement of parking be limited to one side (letter attach).

I'm asking council to consider the above proposal to allow the signage **No Parking** on the west side of Miller St. To ensure safe efficient fire and medical efforts are not hindered due to crowded parking.

Miller St. (map attach)

- street width 18.23
- street length 150.43 running north from Redan St.
- ally thoroughway at the north end, running west onto Balaclava St (large trucks unable to use)
- fire hydrant located on the west side near north end of the street

Please consider my above recommendation for the safety of my neighbors. I look forward to attending the earliest council meeting for further discussion on this matter.

Sincerely

Rose Gibson

Rose Gibson

REFERRED TO	
J. DEWANCKER	
D. WHITE	<i>mb</i>
FOR	
DIRECTION	<input type="checkbox"/>
REPORT OR COMMENT	<input checked="" type="checkbox"/>
INFORMATION	<input type="checkbox"/>
FROM <i>M. KONEFAL</i>	



THE CORPORATION OF THE CITY OF
ST. THOMAS
Fire Department

305 Wellington Street
St. Thomas, Ontario
N5R 2T2

Telephone: (519) 631-0210
Fax: (519) 631-0215

Date: October 8, 2002

Mr. John Roberts

Traffic Co-Coordinator

Dear John:

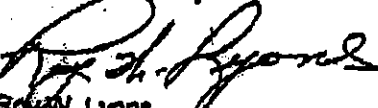
The St. Thomas Fire Department has been approached, by yourself, several times with concerns from citizens of St. Thomas about parking and no parking issues on city streets. We usually send out staff to check the streets for access, turn radius, as well as width of the roadway and the location of fire hydrants.

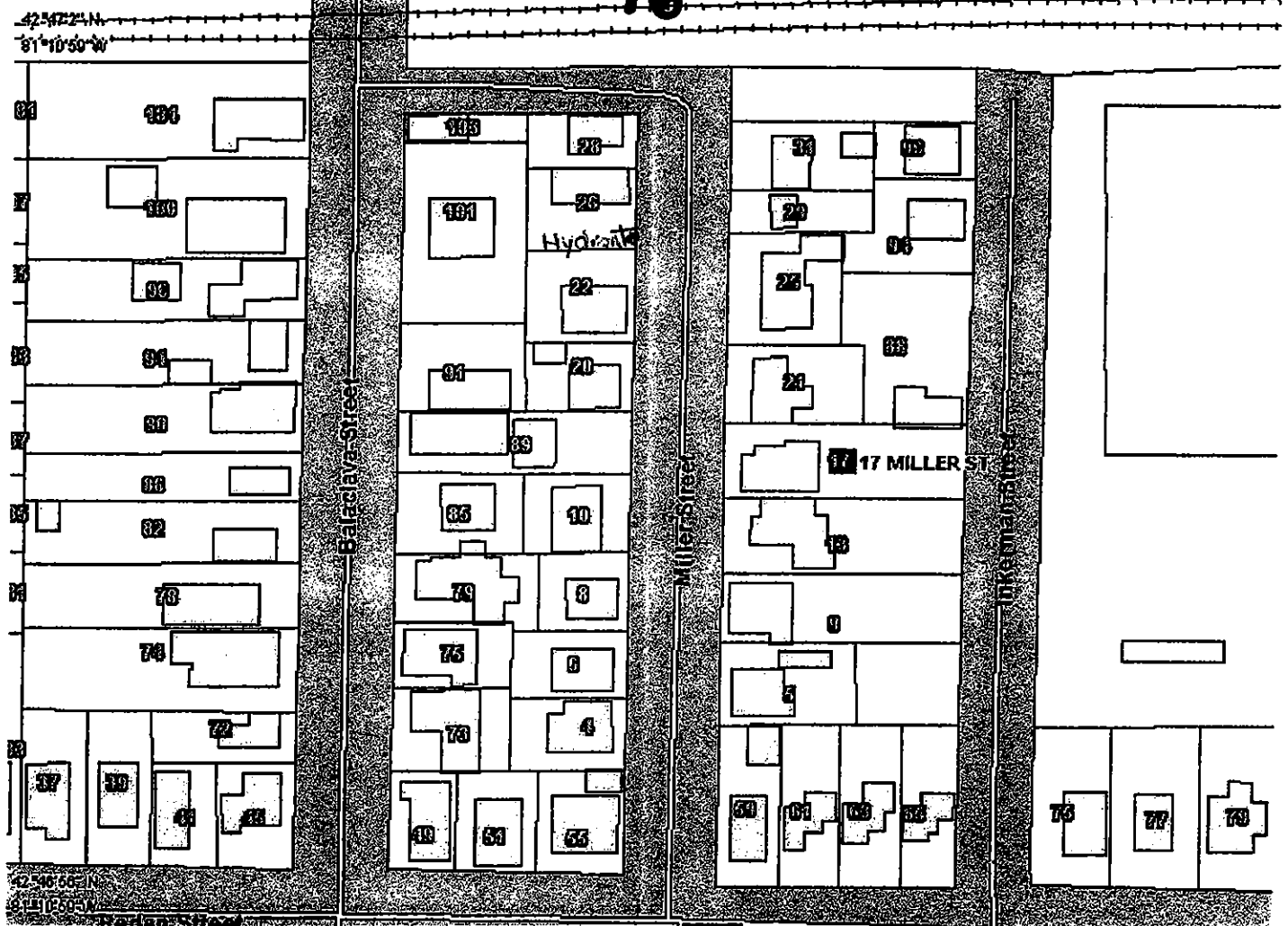
We would like to take this opportunity to propose a standard response for any request for parking concerns on any city street.

If any city street is 25 feet or less wide (the fire code requires 19.5 feet for emergency vehicles) we would request that parking be prohibited on one side of that road, and the side with the fire hydrants be the prohibited side. This would give emergency vehicles un-restricted passage, room to operate at an emergency scene and not have to worry about the possibility of having the hydrants blocked by cars.

Hope this will assist with concerns for parking from any citizen in the future.

Yours in fire safety


Roy W. Lyons





Corporation of the
City of St. Thomas

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Report No.

ES35 -05

File No.

Directed to: Chairman Terry Shackelton and Members of the Protective Services & Transportation Committee of Council

Date
March 28, 2005

Department: Environmental Services

Prepared By: John Dewancker, Director

Attachment

- map showing City roadway system
- excerpts of Fire Code and Ontario Building Code
- City Roadway cross section

Subject: St. Thomas Local Road System – Possible Parking Restrictions.

Recommendation:

- That Report ES 35-05 be received as information.
- That the Ontario Fire Code and Building Code requirement for emergency vehicles along the city's local standards roadway system be applied on a site specific and as needed basis.

Origin:

At the March 14, 2005, meeting of the Protective Services and Transportation Committee, Members requested that a report be prepared to review the implications of a section of the Ontario Fire Code in respect to any required additional parking restrictions along City's roadway system. This section of the Fire Code/Building Code requires that all routes for fire emergency vehicles be minimum 6m (19.5 ft.) wide unless it can be shown that a lesser width is satisfactory.

Analysis:

Upon review, any roadway with a pavement width less than 9.9m (32.5 ft. = 6.5' + 19.5' = 6.5'), which allows two vehicles, each 2m (6.5') wide to be parked on either side of the road while creating the minimum required fire route width of 5.94 (19.5ft), would need to have a parking restriction on one side.

The current City of St. Thomas, engineering standards for urban roads indicate the following pavement width for each category of roads.

	Pavement width
Minor Local Road	7.0 m
Local Road	8.3 m
Modified Collector Road	9.3 m
Minor Collector Road	9.8 m
Major Collector Road	11.3 m
Arterial Road	14.0 m

In view of the above, in order to strictly adhere to the above fire and building code requirements, all local streets in the City would need to include a parking restriction on one side of each street. A map showing the extent of the City's local roadway system is attached herewith for the information of the Members. It must be noted however, that the width of a large fire engine is not more than 3m (10 ft.) and that the subject Building Code width requirement for emergency vehicles of 6m (19.5 ft.) therefore includes a vehicle clearance requirement of 2.9m (9.5 ft.). This clearance requirement is mainly for fire vehicle deployment purposes in front of a building and to a lesser extent for transportation purposes. This may also be the reason why municipalities have not adopted a universally applicable policy to restrict parking on one side of all local roads, but instead have applied this code requirement on a site specific and as needed basis.

In essence, the following three options remain available for implementation:

- Adopt a no parking restriction on one side of all roads with a pavement width of less than 9.9m.
- Apply the fire code requirement for access for emergency vehicles on a site specific and as needed basis (recommended).
- Do not require the city-wide adoption of a 6m wide (19.5 ft.) emergency vehicle path in conjunction with on street parking.

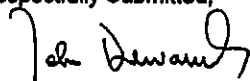
Financial Considerations

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The attached map showing the City's local roadway system provides for a total length of local roads of 143km. Implementation of option #3 (parking restriction on one side of all local streets) would require a capital expenditure in excess of \$150,000 for installation of no parking signs. In addition, extensive Public input would be required to establish a no parking zone or a semi-monthly alternating no parking zone (similar to Toronto policy) on all City local streets.

Staff will be pleased to answer any further questions by Council at the meeting of April 4, 2004.

Respectfully Submitted,



John Dewancker, P.Eng.
Director, Environmental Services

Reviewed By: Treasury Env Services Planning City Clerk HR Other

Excerpt from Ontario
FIRE CODE

2.4.4.2.

Portable
extinguishers

Portable
extinguishers
for flaming
meals and
drinks

Devices
having open
flames

2.4.4.2.(1) Flaming meals or drinks shall not be served in Group "B" Division 2 occupancies.

(2) Flaming meals or drinks shall be ignited only at the location of serving in places of public assembly.

(3) A 1A: SBC or higher rated portable extinguisher, conforming to the requirements of Part 6, shall be available where refueling of appliances and containers used for flaming meals or drinks takes place.

(4) Refueling of appliances shall not be carried out in the dining area.

2.4.4.3. A 1A: SBC or higher rated portable extinguisher, conforming to the requirements of Part 6, shall be located on the serving cart or table where flaming meals and drinks are being served.

2.4.4.4. Devices having open flames shall be securely supported in noncombustible holders and located or protected so as to prevent accidental contact of the flame with combustible materials.

Subsection 2.4.5. Use of Hazardous Materials

2.4.5.1. Flammable liquids shall not be used for cleaning purposes except where the cleaning is an essential part of a process.

2.4.5.2. Flammable gases shall not be used to inflate balloons.

Subsection 2.4.6. Electrical Hazards

Electrical
wiring

2.4.6.1. Temporary electrical wiring shall not be used where it presents a fire hazard.

SECTION 2.5 FIRE DEPARTMENT ACCESS TO BUILDINGS

Subsection 2.5.1. General

Application



2.5.1.1. This Subsection applies to fire access routes and access panels or windows provided to facilitate access for fire fighting operations shall not be obstructed by vehicles, gates, fences, building materials, vegetation, signs or any other form of obstruction.

Maintaining
access free of
obstructions

2.5.1.2.(1) Fire access routes and access panels or windows provided to facilitate access for fire fighting operations shall not be obstructed by vehicles, gates, fences, building materials, vegetation, signs or any other form of obstruction.

Fire
Department
connections

(2) Fire department sprinkler and standpipe connections shall be clearly identified and maintained free of obstructions for use at all times.

Maintenance

2.5.1.3. Fire access routes shall be maintained so as to be immediately ready for use at all times by fire department vehicles.

Signs

2.5.1.4. Approved signs shall be displayed to indicate fire access routes.

SECTION 2.6 SERVICE EQUIPMENT

Subsection 2.6.1. Heating, Ventilating and Air-Conditioning

Defective
equipment

2.6.1.1. Defective appliances in a building shall be removed, repaired or replaced when the defective appliances create a hazardous condition.

are located, these *major occupancies* need not be considered as *major occupancies* for the purposes of this Subsection, provided they are not classified as Group F, Division 1 or 2 occupancies.

(2) A helicopter landing area on the roof of a building need not be considered a *major occupancy* for purposes of Subsection 3.2.2. where such landing area is not more than 10% of the area of the roof.

3.2.2.9. Crawl Spaces

(1) For the purposes of Articles 3.2.1.4. and 3.2.1.5., a crawl space shall be considered as a *basement* if it is

- (a) more than 1 800 mm (5 ft 11 in) high between the lowest part of the floor assembly and the ground or other surface below,
- (b) used for any occupancy,
- (c) used for the passage of flue pipes, or
- (d) used as a plenum in combustible construction.

(2) A floor assembly immediately above a crawl space is not required to be constructed as a *fire separation* and is not required to have a *fire-resistance rating* provided the crawl space is not required to be considered as a *basement* by Sentence (1).

3.2.2.10. Streets

(1) Every building shall face a *street* located in conformance with the requirements of Articles 3.2.5.5. and 3.2.5.6. for access routes.

(2) For the purposes of Subsections 3.2.2. and 3.2.5. an access route conforming to Subsection 3.2.5. is permitted to be considered as a *street*.

(3) A building is considered to face 2 *streets* provided not less than 50% of the building perimeter is located within 15 m (49 ft 3 in) of the *street* or *streets*.

(4) A building is considered to face 3 *streets* provided not less than 75% of the building perimeter is located within 15 m (49 ft 3 in) of the *street* or *streets*.

(5) Enclosed spaces, tunnels, bridges and similar structures, even though used for vehicular or pedestrian traffic, are not considered as *streets* for the purpose of this Part.

3.2.2.11. Exterior Balconies

(1) An exterior balcony shall be constructed in

accordance with the type of construction required by Articles 3.2.2.20. to 3.2.2.83., as applicable to the occupancy classification of the building.

3.2.2.12. Exterior Passageways

(1) An elevated exterior passageway used as part of a *means of egress* shall conform to the requirements of Articles 3.2.2.20. to 3.2.2.83. for *mezzanines*.

3.2.2.13. Occupancy on Roof

(1) A portion of a roof that supports an occupancy shall be constructed in conformance with the *fire separation* requirements of Articles 3.2.2.20. to 3.2.2.83. for floor assemblies.

3.2.2.14. Roof-Top Enclosures

(1) A roof-top enclosure for elevator machinery or for a *service room* shall be constructed in accordance with the type of construction required by Articles 3.2.2.20. to 3.2.2.83.

(2) A roof-top enclosure for elevator machinery or for a *service room*, not more than one storey high, is not required to have a *fire-resistance rating*.

(3) A roof-top enclosure for a stairway shall be constructed in accordance with the type of construction required by Articles 3.2.2.20. to 3.2.2.83.

(4) A roof-top enclosure for a stairway need not have a *fire-resistance rating* nor be constructed as a *fire separation*.

3.2.2.15. Storeys below Ground

(1) If a building is erected entirely below the adjoining finished ground level and does not extend more than one storey below that ground level, the minimum precautions against fire spread and collapse shall be the same as are required for basements under a building of 1 storey in building height having the same occupancy and building area.

(2) If any portion of a building is erected entirely below the adjoining finished ground level and extends more than one storey below that ground level, the following minimum precautions against fire spread and collapse shall be taken:

- (a) except as permitted by Sentence (3), the basements shall be *sprinklered*,
- (b) a floor assembly below the ground level shall be constructed as a *fire separation* with a *fire-resistance rating* not less than

parts of the *building*, except that this requirement does not apply to elevator cars. (See Appendix A.)

(2) The voice communication system referred to in Sentence (1) shall include provision for silencing the *alarm signal* in a single stage fire alarm system when voice messages are being transmitted, but only after the *alarm signal* has sounded initially for not less than

- (a) 30 s in Group B, Division 2 or 3 *major occupancy*, and
- (b) 60 s in all other *occupancies*.

(3) The voice communication system referred to in Sentence (1) shall include provision for silencing the *alert signal* and the *alarm signal* in a 2 stage fire alarm system when voice messages are being transmitted, but only after the *alert signal* has sounded initially for not less than

- (a) 30 s in Group B, Division 2 or 3 *major occupancy*, or
- (b) 60 s for all other *occupancies*.

(4) The voice communication system referred to in Clause (1)(b) shall be designed so that voice instructions can be transmitted selectively to any zone or zones while maintaining an *alert signal* or *alarm signal* to other zones in the *building*.

(5) The 2-way communication system referred to in Clause (1)(a) shall be installed so that emergency telephones are located in each *floor area* near *exit* stair shafts.

3.2.5. Provisions for Fire Fighting

(See A-3, Fire Fighting Assumptions, in Appendix A.)

3.2.5.1. Access to Above Grade Storeys

(1) Except for *storeys* below the *first storey*, direct access for fire fighting shall be provided from the outdoors to every *storey* that is not *sprinklered* and whose floor level is less than 25 m (82 ft) above *grade*, by at least one unobstructed window or access panel for each 15 m (49 ft 3 in) of wall in each wall required to face a *street* by Subsection 3.2.2.

- (2) An opening for access required by Sentence (1) shall
 - (a) have a sill no higher than 900 mm (2 ft 11 in) above the inside floor, and
 - (b) be not less than 1 100 mm (3 ft 7 in) high by not less than
 - (i) 550 mm (21½ in) wide for a *building* not designed for the storage or use of dangerous goods, or

- (ii) 750 mm (2 ft 6 in) wide for a *building* designed for the storage or use of dangerous goods.

(3) Access panels above the *first storey* shall be readily openable from both inside and outside, or the opening shall be glazed with plain glass.

3.2.5.2. Access to Basements

(1) Direct access from at least one *street* shall be provided from the outdoors to each *basement*

- (a) that is not *sprinklered*, and
- (b) that has horizontal dimension more than 25 m (82 ft).

(2) The access required by Sentence (1) is permitted to be provided by

- (a) doors, windows or other means that provide an opening not less than 1 100 mm (3 ft 7 in) high and 550 mm (21½ in) wide, with a sill no higher than 900 mm (2 ft 11 in) above the inside floor, or
- (b) an interior stairway immediately accessible from the outdoors.

3.2.5.3. Roof Access

(1) On a *building* more than 3 *storeys* in *building height* where the slope of the roof is less than 1 in 4, all main roof areas shall be provided with direct access from the *floor areas* immediately below, either by

- (a) a stairway, or
- (b) a hatch not less than 550 mm (21½ in) by 900 (2 ft 11 in) mm with a fixed ladder.

(2) Clearance and access around roof signs or other obstructions shall provide

- (a) a passage not less than 900 mm (2 ft 11 in) wide by 1 800 mm (5 ft 11 in) high, clear of all obstructions except for necessary horizontal supports not more than 600 mm (23½ in) above the roof surface,
 - (i) around every roof sign, and
 - (ii) through every roof sign at locations not more than 15 m (49 ft 3 in) apart, and
- (b) a clearance of not less than 1 200 mm (3 ft 11 in) between any portion of a roof sign and any opening in the exterior wall face or roof of the *building* in which it is erected.

3.2.5.4. Access Routes

(1) A *building* which is more than 3 *storeys* in *building height* or more than 600 m² (6,460 m²) in *building area* shall

- be provided with access routes for fire department vehicles
- (a) to the principal entrance, and
 - (b) to each *building* face having access openings for fire fighting as required by Articles 3.2.5.1. and 3.2.5.2. (See Appendix A.)

3.2.5.5. Location of Access Routes

(1) Access routes required by Article 3.2.5.4. shall be located so that the principal entrance and every access opening required by Articles 3.2.5.1. and 3.2.5.2. are located not less than 3 m (9 ft 10 in) and not more than 15 m (49 ft 3 in) from the closest portion of the access route required for fire department use, measured horizontally from the face of the *building*.

- (2) Access routes shall be provided to a *building* so that
- (a) for a *building* provided with a fire department connection, a fire department pumper vehicle can be located adjacent to the hydrants referred to in Article 3.2.5.16.,
 - (b) for a *building* not provided with a fire department connection, a fire department pumper vehicle can be located so that the length of the access route from a hydrant to the vehicle plus the unobstructed path of travel for the fire fighter from the vehicle to the *building* is not more than 90 m (295 ft 3 in), and
 - (c) the unobstructed path of travel for the fire fighter from the vehicle to the *building* is not more than 45 m (147 ft 8 in).

(3) The unobstructed path of travel for the fire fighter required by Sentence (2) from the vehicle to the *building* shall be measured from the vehicle to the fire department connection provided for the *building*, except that if no fire department connection is provided, the path of travel shall be measured to the principal entrance of the *building*.

(4) If a portion of a *building* is completely cut off from the remainder of the *building* so that there is no access to the remainder of the *building*, the access routes required by Sentence (2) shall be located so that the unobstructed path of travel from the vehicle to one entrance of each portion of the *building* is not more than 45 m (147 ft 8 in).

3.2.5.6. Access Route Design

- (1) A portion of a roadway or yard provided as a required access route for fire department use shall
- (a) have a clear width not less than 6 m (19 ft 8 in), unless it can be shown that lesser widths are satisfactory,
 - (b) have a centreline radius not less than 12 m (39 ft 4

in),

- (c) have an overhead clearance not less than 5 m (16 ft 5 in),
 - (d) have a change of gradient not more than 1 in 12.5 over a minimum distance of 15 m (49 ft 3 in),
 - (e) be designed to support the expected loads imposed by fire fighting equipment and be surfaced with concrete, asphalt or other material designed to permit accessibility under all climatic conditions,
 - (f) have turnaround facilities for any dead-end portion of the access route more than 90 m (295 ft 3 in) long, and
 - (g) be connected with a public thoroughfare.
- (See Appendix A.)

3.2.5.7. Water Supply

(1) An adequate water supply for fire fighting shall be provided for every *building*. (See Appendix A.)

(2) Hydrants shall be located within 90 m (295 ft 3 in) horizontally of any portion of a *building* perimeter which is required to face a *street* in Subsection 3.2.2.

3.2.5.8. Reserved.

3.2.5.9. Reserved

3.2.5.10. Reserved.

3.2.5.11. Reserved.

3.2.5.12. Reserved.

3.2.5.13. Automatic Sprinkler Systems

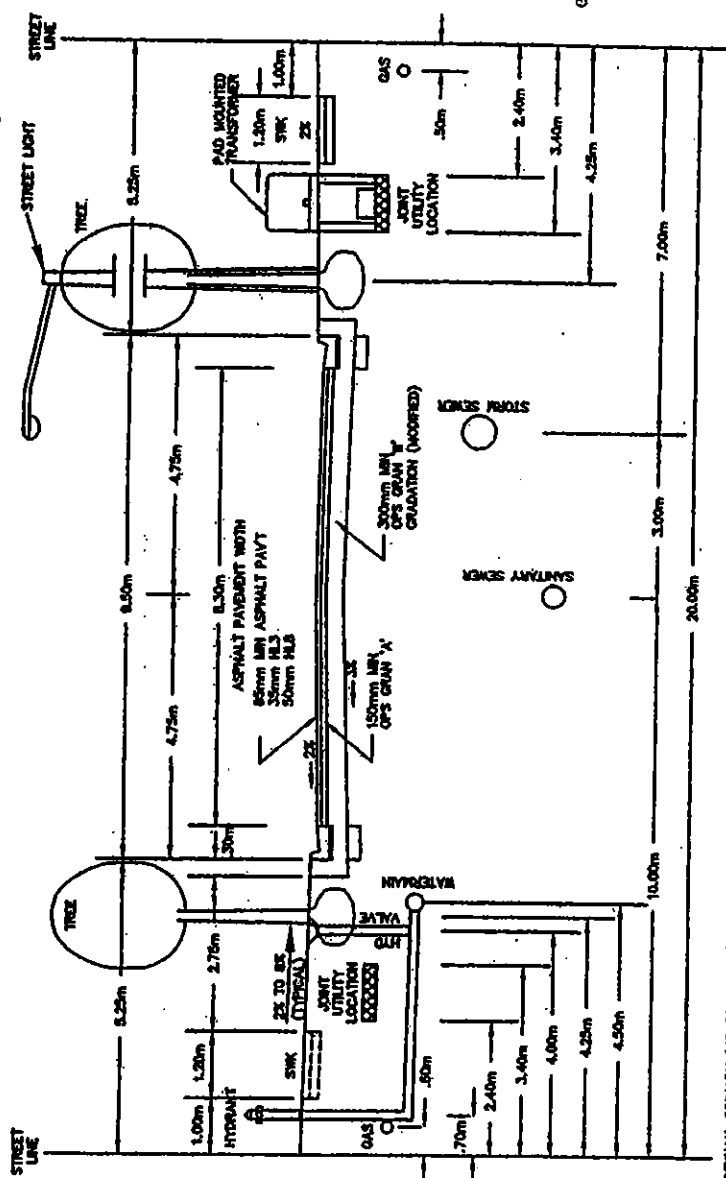
(1) Except as permitted by Sentences (2), (3) and (4), an automatic sprinkler system shall be designed, constructed, installed and tested in conformance with NFPA 13, "Standard for the Installation of Sprinkler Systems". (See Appendix A.)

(2) Instead of the requirements of Sentence (1), NFPA 13R, "Standard for the Installation of Sprinkler Systems in Residential Occupancies up to and Including Four Stories in Height", is permitted to be used for the design, construction, installation and testing of an automatic sprinkler system installed in a *building* of residential occupancy that is not more than 4 storeys in *building* height.

(3) Instead of the requirements of Sentence (1), NFPA 13D, "Standard for the Installation of Sprinkler Systems in

- 1) STREET LIGHTS, SIDEWALK, PRIMARY CABLES AND TRANSFORMERS TO BE ON OPPOSITE SIDE OF WATERMAIN.
- 2) FOR NEW SUBDIVISIONS, SIDEWALK IS TO BE ON ONE SIDE OF THE ROAD IF THE ROAD IS A CRESCENT ROAD OR A CUL-DE-SAC WITH A WALKWAY.
- 3) DURING SIDEWALK CONSTRUCTION, THE SIDEWALK FURUS ON THE JOINT UTILITY SIDE ARE TO BE HELD BY MEANS OTHER THAN STEEL STAKES.
- 4) NEW DESIGN IS TO INCORPORATE ROLL-OVER STYLE CURBS AND GUTTER.

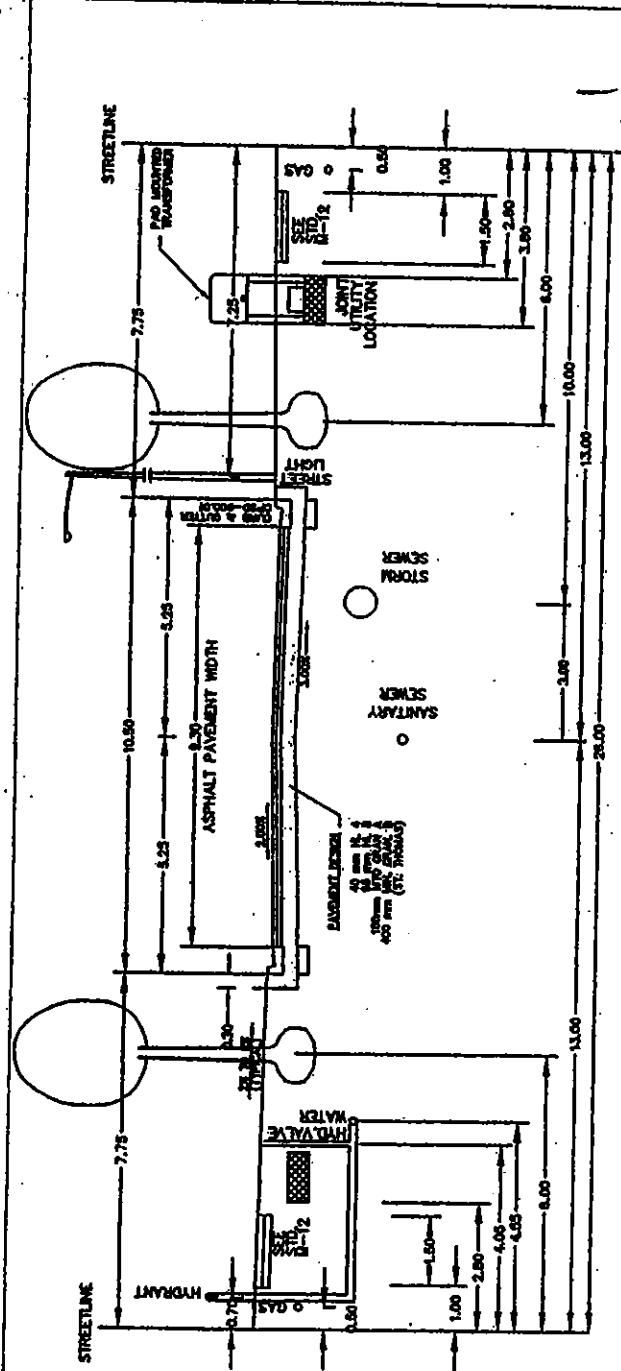
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NOTES

- 1) STREET LIGHTS, SIDEWALK, PRIMARY CABLES AND TRANSFORMERS TO BE ON OPPOSITE SIDE OF WATERMAIN.
- 2) FOR NEW SUBDIVISIONS, SIDEWALK IS TO BE ON ONE SIDE OF THE ROAD.
- 3) DURING SIDEWALK CONSTRUCTION, THE SIDEWALK FORMS ON THE JOINT UTILITY SIDE ARE TO BE HELD BY MEANS OTHER THAN STEEL STAKES.

[illegible]



NOTES:

- 1) STREET LIGHTS, SIDEWALK, PRIMARY CABLES AND TRANSFORMERS TO BE ON OPPOSITE SIDE OF WATERMAIN.
- 2) FOR NEW SUBDIVISIONS, SIDEWALK IS TO BE ON BOTH SIDES OF THE ROAD.
- 3) DURING SIDEWALK CONSTRUCTION, THE SIDEWALK FURROWS ON THE JOINT UTILITY SIDE ARE TO BE HELD BY MEANS OTHER THAN STEEL STAKES.
- 4) LOTS FRONTING ONTO THE ROAD ARE TO HAVE A MINIMUM LOT FRONTAGE OF 16 METRES.
- 5) ALL ENTRANCES OFF STREET TO BE DOUBLE DRIVEWAYS WITH MINIMUM WIDTH OF 6.5 METRES.
- 6) PARKING ON ONE SIDE OF STREET ONLY AS DESIGNATED BY THE CITY ENGINEER.

CITY OF ST THOMAS ENVIRONMENTAL SERVICES DEPARTMENT Engineering and Transportation Division		DRAWN BY: GCR CHECKED BY: M-4A	
MODIFIED URBAN COLLECTOR ROAD CROSS-SECTION		SCALE: N.T.S. DATE: OCTOBER 2000	
CITY ENGINEER		CITY ENGINEER	
NO		NO	
DESCRIPTION OF REVISION		DESCRIPTION OF REVISION	
GCR		GCR	
DATE		DATE	
INITIAL		INITIAL	

CITY OF ST. THOMAS

BY-LAW NO. -2005

A by-law to amend By-Law 45-89, being
a By-Law to revise and consolidate certain
by-laws regulating Traffic and the Parking
of Motor Vehicles.

THE COUNCIL OF THE CORPORATION OF THE CITY OF ST. THOMAS ENACTS AS
FOLLOWS:

1. That Schedule No. II, No Parking Zones, be amended by the addition of the of the following:

Column 1 <u>Highway</u>	Column 2 <u>Side or Sides</u>	Column 3 <u>From</u>	<u>To</u>	Column 4 <u>Period</u>
Miller Street	West	Redan Street	North end of Miller Street	Anytime

2. This by-law shall come into force on the day of passing.

READ a First and Second time this Xth day of XXXXXX, 2006.

READ a Third time and Finally passed this Xth day of XXXXXX, 2006.

W. Graves, City Clerk

Jeff Kohler, Mayor



Corporation of the

City of St. Thomas

-27-

Report No.

ES 36-06

File No.

Directed to: Mayor Jeff Kohler and Members of the Committee of the Whole

Date
April 3, 2006

Department: Environmental Services

Attachment

Prepared By: Dave White, Supervisor of Roads and Transportation

Letters from St. Anne's
Community Festival

Subject: St. Anne's Community Festival – Travel Trailer Uses

Recommendation:

It is recommended that:

1. This report be received for the information of Council.
2. Permission be granted to allow workers associated with the St. Anne's Community Festival to park recreational vehicles and travel trailers in the parking lot of the North American Railway Hall of Fame at 750 Talbot Street.

Report:

Origin

On February 22, 2006 a letter was received from the St. Anne's Community Festival and was forwarded to the Special Events Committee regarding Travel Trailer/Camper Sleeping quarters. At its meeting of March 2, 2006, the Special Events Committee received and reviewed this information and the committee approved the event with no further requirements. At its meeting of March 13, 2006 City Council approved the St. Anne's Festival as a community festival.

The St. Anne's Community Festival and the Iron Horse Community Festival utilize a carnival attraction provider. In past years, permission has been sought to allow the workers associated with the carnival operations to park their recreational vehicles and travel trailers within the City limits. Last year (2005), the recreational vehicles and travel trailers were parked on the old Co-Op Property south of Centre Street and east of Moore Street owned by the Banghart Family. For 2006, The St. Anne's Festival has received approval from the North America Railway Hall of Fame (owners of the Canada Southern Railway Station at 750 Talbot Street) to allow the property (parking lot) surrounding the station to be used for the purpose of parking trailers and campers to serve as sleeping quarters for carnival employees.

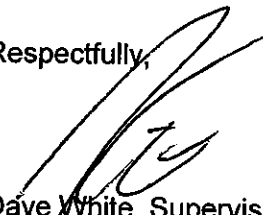
Analysis

The St. Anne's Community Festival and the Iron Horse Community Festival are two of the many attractions to the City during the course of a year. The festivals are held in the first week of March and the last week of August respectively. Although held outside and subject to the weather, both festivals are considered successful.

The St. Anne's Festival is held on the grounds of the St. Anne's parish and St. Raphael's School. In the past the accommodation (recreational vehicles and travel trailers) for the workers have been permitted to park on the school playing field. Over the last 3-4 years the school has determined that it is not desirable or appropriate to have the accommodation for the carnival workers in such close proximity to elementary school children.

The Community Festivals rely on this type of arrangement for sleeping accommodations in order to efficiently operate their event and has not resulted in any issues for the public.

Respectfully,


Dave White, Supervisor, Roads and Transportation
Environmental Services

Reviewed By:

Treasury


Env Services

Planning

City Clerk

HR

Other



- 28 -

St. Anne's Community Festival

"Helping Others in OUR Community!"

20 Morrison Drive, St. Thomas, Ontario N5R 4S6

Telephone: (519) 631-3640

Fax: (519) 631-7938

Mr. W. Graves, City Clerk
City of St. Thomas
P.O. Box 520, City Hall
St. Thomas, Ontario N5P 3V7

FEB 20 2006

Re: Travel Trailer Siting - St. Anne's Community Festival

Dear Mr. Graves:

The 35th Annual St. Anne's Community Festival is to take place on June 7, 8, 9, 10, 2006 on the grounds of the Parish.

Attached is a copy of the letter of permission from the North America Railway Hall of Fame granting permission to allow the property (parking lot) surrounding the station to be used for the purpose of parking trailers and campers to serve as sleeping quarters for the St. Anne's carnival employees for the period of Sunday, June 4, 2006 to Sunday, June 11, 2006.

Assuming you grant permission for the above, we will request a Certificate of Insurance from World's Finest Shows for public liability and property damage insurance with a covering limit of \$5,000,000.00, certifying that the City of St. Thomas has been named as an additional insured for this event only, and this certificate will be submitted to you prior to the start of the event.

Please be advised that our insurance company, Catholic Mutual will also provide a Certificate of Coverage showing the City of St. Thomas as an Additional Protected Person(s) and you will also be sent a copy of that coverage.

All of the necessary conditions will be adhered to as in former years. Thank you for your co-operation.

Sincerely,

Father Rick Dales, Pastor

RD:cf

Enclosure



-29-

January 31, 2006

Dear St. Anne's Committee Members,

North America Railway Hall of Fame, owners of the Canada Southern Railway Station at 750 Talbot Street, in St. Thomas; grant permission to allow the property (parking lot) surrounding the station to be used for the purpose of parking trailers and campers to serve as sleeping quarters for the St. Anne's carnival employees.

Our organization would like to take this opportunity to tell your members about our restoration efforts being undertaken this year. Our new roof will be completed shortly and the next stage is to restore our windows and begin to return the interior to its past glory.

To this end we have a number of fundraising efforts happening this year. Adopt-a-Window is a campaign aimed at restoring all of the station windows. We have yet to have our formal kick-off to this campaign and all ready it is proving to be a success. Please accept our invitation to attend the "2nd Annual Strawberry Social / Fundraising Kick-off" event being held this year in June. We will notify your members of the date by invitation. This event will be free to the public.

In closing, we extend our best wishes and hope for the continued success of the St. Anne's Community Festival and its Members.

Sincerely,

Tanya Vernack
Secretary / Treasurer
North America Railway Hall of Fame



Corporation of the
City of St. Thomas

-30-

Report No.

CC-14-06

File No.

Directed to: Alderman T. Shackelton and Members of the Protective
Services and Transportation Committee

Date
February 27, 2006

Department: City Clerk's

Attachment

Prepared By: Dale Arndt, Airport Superintendent

Subject: Lease of Airport Lands - St. Thomas Municipal Airport

Recommendation:

That we concur with the assignment of lease of Airport Lands (Part 2, Reference Plan 11R-4001) at the St. Thomas Municipal Airport from Mr. John Dorscht to Can-Du Air Ltd.

Origin:

Request from the solicitors for Mr. John Dorscht to transfer his small lot hangar to Can-Du Air Ltd, 188 Myrtle Street, St. Thomas, Ontario, N5R 2G9.

Analysis:

In a letter dated February 7th, 2006, the solicitors for Mr. Dorscht indicated that he wishes to transfer the hangar to Can-Du Air Ltd.

Similar requests have been made by individuals wishing to assign their lease of Airport Lands. The initial term of this lease is 20 years computed from the 1st day of 2000. (Approximately 16 years remain)

I am aware of the company that wishes to purchase the hangar and agree with the proposed sale.

Existing Policy:

Council has authorized the assignment of lease of Airport Lands from one hangar owner to another provided that the perspective purchaser has met with Council approval.

Financial Consideration:

An administration fee of \$200.00 has been charged and received from Mr. Dorscht.

Respectfully submitted,

Dale Arndt,
Airport Superintendent

Reviewed By:

Treasury

Env
Services

Planning

City
Clerk

Comm
Services

Other

-31-

Trade Mark Agent
Commissioner
Notary Public
Geologist
Lawyer

By fax 633-9019

February 27, 2006

City of St. Thomas
Box 520
St. Thomas, ON
N5P 3N7

Attention: Maria

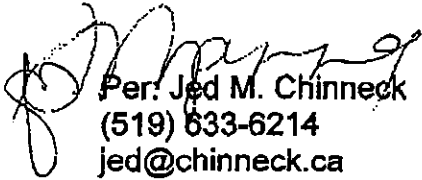
Dear Sirs

Re: Dorscht sale to Can-Du Air Ltd.
Hangar on leased land - St. Thomas Airport

We confirm we act for vendor John Dorscht in the above sale to Can-Du Air Ltd. to close April 30, 2006.

Further to Dale's call to our office today to advise there is a balance owing by our client of \$4,943.71 for lease payments and taxes, we undertake to pay same to the City from the sale proceeds, as per our client's instructions. If this amount should increase by the closing date, April 30, 2006, please fax us an amount owing by April 29th. Thank you.

Yours very truly,

**JMC Lawyers
Professional Corporation**Per: Jed M. Chinneck
(519) 633-6214
jed@chinneck.ca
www.chinneck.ca
JMC:dsMar. 20/06
refaxing as requested



- 32 -

Elgin-Oxford Legal Clinic

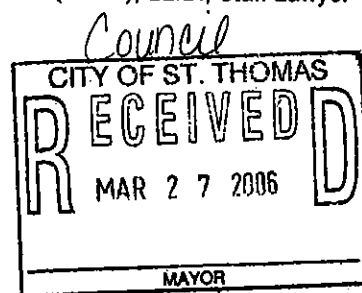
Kenneth J. Brooks, B.A., LL.B. Executive Director
Karen Schmidt, Community Legal Worker

Elena Dempsey, B.A. (Hons.), LL.B., Staff Lawyer
Jim Szpytman, B.A. (Hons.), LL.B., Staff Lawyer

March 23, 2006

Mayor Jeff Kohler & Council
Corp. of the City of St. Thomas
P.O. Box 520
545 Talbot Street
St. Thomas, ON
N5P 3V7

MAR 27 2006



Dear Mayor Kohler:

Please find enclosed a letter that I recently sent to Chisanga Puta-Chekwe, chair of the Social Benefits Tribunal. As you will see, the Tribunal has changed its hearing venue such that appellants from Elgin County will now be expected to travel to London for hearings. This will be a tremendous hardship for appellants. In addition, the additional costs to Ontario Works for St. Thomas-Elgin and the clinic would offset any cost savings that the Tribunal hoped to have. In my submission, this is the wrong decision for the Tribunal to make, and I urge you to do what you can to assist in having this changed. This is detrimental to low-income residents of St. Thomas and Elgin county, and your support for those whose voice is not often heard would be appreciated.

I would be pleased to talk to you further about this.

Yours truly,
ELGIN-OXFORD LEGAL CLINIC

Kenneth J. Brooks
Barrister & Solicitor
Executive Director

P.O. Box 517, 98 Centre Street
St. Thomas, Ontario N5P 3V6
Telephone: (519) 633-2638
Toll-free: 1-866-611-2311
Fax: (519) 633-7624

Satellite Offices: Woodstock
Tillsonburg
Aylmer
West Lorne
Ingersoll



Kenneth J. Brooks, B.A., LL.B. Executive Director
Karen Schmidt, Community Legal Worker

Elena Dempsey, B.A. (Hons.), LL.B., Staff Lawyer
Jim Szpytman, B.A. (Hons.), LL.B., Staff Lawyer

March 22, 2006

Mr. Chisanga Puta-Chekwe
Chair, Social Benefits Tribunal
1075 Bay Street, 7th Floor
Toronto, Ontario
M5S 2B1

Dear Mr. Puta-Chekwe:

Our clinic is funded by Legal Aid Ontario to represent low-income residents of Elgin and Oxford Counties. As a clinic, I'm sure you can appreciate that we attend hearings of the Tribunal on a regular basis. My office recently received notice that hearings already scheduled to be heard in St. Thomas for Elgin County residents had been changed to London. I was advised that future Elgin County hearings would also be heard in London as opposed to Elgin County. This is a significant change that was made without having consulted those who regularly attend these hearings, and detrimentally affects all those involved, with the exception of the Tribunal. As a result, I am asking that this decision be reversed.

At one point in time, hearings in Elgin County were held in more than one venue. Hearings were held in Aylmer as well as St. Thomas. For some time now, they have just been held in St. Thomas.

In making this decision, it is clear that the Tribunal has not considered who attends these hearings. All of those who attend are low-income people. Clearly the majority of appellants are recipients of Ontario Works benefits. As a result, they do not have the financial means to travel to another county for hearings. There are a significant number of appellants who do not own a vehicle. In consulting with the local Ontario Works office, they reviewed their upcoming hearings that are to be held in London, and not one of the appellants owns a car. This is not unusual for social assistance recipients since benefits are insufficient to cover those costs. As a result, transportation to hearings in London is a considerable hurdle.

By moving these hearings from St. Thomas to London, I would suggest that this results in a denial of access to justice for the poor. There will be appellants who will not be able to pursue their appeals because they will not be able to find transportation to London. In addition, it could create a hardship for witnesses to attend. That could result in appellants attending without possible witnesses who could be crucial to

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Ingersoll

possible success with their appeals.

As already stated, there are a significant number of appellants who do not have vehicles. Access to transportation is a significant problem in this area. This is not an urban area with a public transit system. Ontario Works advise that there is a Greyhound bus from St. Thomas to London. It would cost an appellant \$26 to take the bus, which is a large sum for those on Ontario Works benefits. The next problem is that it only runs on Mondays, Wednesdays and Fridays, departing at 12:20 p.m. and arriving in London at approximately 1:00 p.m. To return to St. Thomas, the appellant would have to catch the bus from downtown London at 4:10 p.m. It is therefore clear on the face of it that this would not work. Appellants could not attend 9:00 a.m. hearings and would not arrive in time for 1:00 p.m. hearings. Even if they took the Greyhound bus, the appellant would have to find their way from downtown London to CPRI, which would require city transportation or a cab. This results in additional costs and additional time.

It should be noted that the Greyhound bus does not travel from other parts of Elgin County. Demographically, two-thirds of the Elgin population reside outside of St. Thomas. We have a significant number of clients from Aylmer and West Elgin. There is no bus from those areas.

Ontario Works also advised me that when they checked, the cost of a taxi from St. Thomas to CPRI was approximately \$50.00 each way. Should the Tribunal expect that an Ontario Works recipient would have to spend \$100.00 out of their monthly benefits in order to attend a hearing in London? Again, if the appellant resided in a place such as Aylmer, the costs would be higher. Any appellant on Ontario Works would not be able to afford the transportation costs to attend a hearing in London.

In addition to the costs, there are other factors. Many of the appeals concern the denial of ODSP benefits. Many of those appellants are disabled. The time it would take to travel to a hearing would be another hurdle. From St. Thomas, it will take about 40 minutes each way, whereas from West Elgin or Aylmer, it will be at least an hour. As many appellants who are in chronic pain could advise, spending an hour in a car can be debilitating in itself. For the many who do not have access to a motor vehicle, if they are able to find a friend, family member or neighbour who might be willing to drive them to London, is it reasonable to expect that person to take the amount of time required? Since the Tribunal has now started block hearings, it is possible that if the driver is employed, they might have to take an entire day from work. Besides the considerable driving time, they would have to consider the possible two hours they would be waiting while the appellant was tied up waiting for their hearing to finish.

The appellant is involved in the process to appeal a matter involving their monthly income, whether its availability or amount. As many of the members assure appellants at a hearing, the Tribunal is supposed to be an objective body that is there to determine the issues in a fair manner. The decision to move hearings from the county of their residence to an area that is relatively inaccessible takes away the appearance that the Tribunal is an objective body. It gives the appearance that the Tribunal has created a barrier that effectively prevents an appellant from having access to a hearing of the issues.

As I also stated earlier, this decision detrimentally affects all those involved with the exception of the Tribunal. Clearly it does not affect time issues for the Tribunal, and perhaps addresses some costs issues. It is clear that it would not significantly affect

mileage issues for the Tribunal. Its members do not reside in London and so travel from other areas. The mileage from other areas to CPRI is close to that to travel to St. Thomas from the 401. So the Tribunal does not save any significant costs on mileage. Since CPRI is a Ministry property, apparently the Tribunal will save on the costs for hearing rooms. The costs for the meeting rooms used have been less than \$100.00 per day, and so that is the only real benefit that can be found.

To say that this is a cost saving measure is very shortsighted as it fails to take into account the costs of others involved in the process. I have already outlined the costs to appellants. The cost to one appellant for the cab fare to the proposed site could be more than the cost to the Tribunal for having the hearing in St. Thomas. In addition, there will be additional costs to Ontario Works. They will have the mileage costs of travelling to CPRI. From St. Thomas to CPRI is approximately 28 km each way, and so Ontario Works will no doubt have this expense to carry for their Case Presenting Officer. In addition, Ontario Works will have the additional time required by the CPO. If they had hearings scheduled for both 9:00 a.m. and 1:00 p.m., if the hearings are in St. Thomas, it is possible to return to the office between hearings. If in London, the CPO could end up being there all day. So Ontario Works ends up paying mileage costs, plus any other expenses associated with being out of the office, plus potentially having lost that staff member for the entire day. That may be a considerable expense to Ontario Works.

There is also a cost to my office. We have four caseworkers, including three lawyers, who do appeals. On many days, more than one of us appears at hearings. It is conceivable that we will end up paying the mileage costs for more than one staff person to attend each day of hearings. In addition, there are also the same time factors. The round trip travel time would take up to 1½ hours of a lawyer's time, unlike the 15 minutes it would take in St. Thomas. If one of the lawyers is there for more than a half day, there could be additional expenses. On occasion, we have also assisted the costs to appellants by treating their travel costs as a disbursement. We would not be able to do that for every appellant however, and the cost comes from Legal Aid funds.

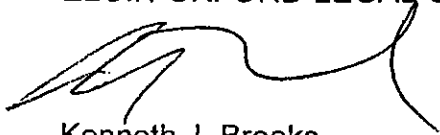
It seems clear that the Tribunal does not save any time or significant mileage costs, and will save on the cost of a hearing room. The other parties will have greater costs in terms of mileage, time and other expenses. It will cost appellants, as well as Ontario Works and the Clinic. Should the Tribunal have to be reminded that the additional costs to Ontario Works and to the Clinic, which is funded by Legal Aid, which is funded by the provincial government, would inevitably have to be absorbed from government resources? It is clear that it will end up costing government revenues more as a result of this decision even though it appears to save the Tribunal funds. If the point behind this exercise were simply to save the Tribunal the cost of a hearing room, it would have been more reasonable to consult with local stakeholders to determine what other facilities might be available.

I therefore urge the Tribunal to reverse this decision. This decision creates an unacceptable barrier to access to justice by essentially denying appellants the opportunity to attend their hearing. If they are able to somehow attend, the costs to appellants is unacceptably high taking into consideration that most are recipients of Ontario Works. In addition, the cost savings to the Tribunal are offset by the increased costs to others involved in the appeal process, such as Ontario Works and the legal clinic.

I suggest that the Tribunal should consult with local stakeholders such as Ontario Works as well as us in order to discuss why this change might seem appropriate to the Tribunal, and then to determine the alternatives, keeping in mind the most important party in the process, namely the appellants. It seems clear that the impact on the appellants has not been considered in making this decision.

I look forward to hearing from you,

Yours truly,
ELGIN-OXFORD LEGAL CLINIC



Kenneth J. Brooks
Barrister & Solicitor
Executive Director

cc. Hon. Steve Peters, MPP
Hon. Chris Bentley, MPP
Hon. Michael Bryant
Hon. Sandra Pupatello
Mayor Jeff Kohler
Warden – Elgin County
Legal Aid Ontario



**elgin
st.thomas
health unit**

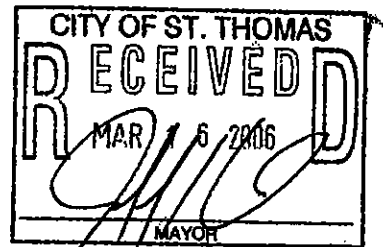
-37. COUNCIL APRIL 3, 2006

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March 15, 2006

Mayor Jeff Kohler
The Corporation of the City of St. Thomas
545 Talbot Street
P.O. Box 520, City Hall
St. Thomas, ON N5P 3V7



Dear Jeff:

RE: Ice Rink Time for School Children

MAR 17 2006

As a follow up to our conversation earlier this year about donated ice rink time for schools, I looked into the matter further regarding what challenges will be faced with the change in practice that includes charging schools for ice rink time.

As you know, public health is committed and mandated to promote healthy living which includes addressing the tremendous overweight/obesity rates in the City of St. Thomas and the County of Elgin. Over the past 15 years, overweight/obesity rates in children and youth have tripled for boys and doubled for girls in Canada. Public health advocates for partners to work together to address trends such as these and to make changes that have a positive impact for our children and youth.

We have heard from our elementary schools that they have enjoyed offering skating to their students during the school day in the past. We have also heard from those schools that the policy change that now charges the schools for ice time will have an impact on their ability to continue to do so. At present, several schools have applied for and are using healthy living monies to afford the rink time but these monies will no longer be available beyond March 2007.

Listed below is what we determined, after connecting, with 15 elementary schools (as part of our school health program):

# of schools that participated in school time skating prior to rental fee	# of schools that have continued to use the ice after the rental fee started	# of schools continuing to rent but have reduced their frequency due to rental costs	# of those schools who continue to offer this but do so using healthy living dollars
14/15 (93%)	9/15 (60%)	4/9 (44%)	4/9 (44%)

The Elgin St. Thomas Health Unit believes that if the ice rink costs were waived for students to skate during the school day, more schools would take advantage of this generosity and thus, more children and youth would benefit. The Health Unit would appreciate the City of St. Thomas re-considering its policy of charging ice time in this regard thereby taking a leadership role in contributing to healthy lifestyles for our children and youth.

Health Unit staff would welcome the opportunity to meet with you to review the above information. Thank you in advance Jeff for considering our request.

Kindest regards,

Cynthia St. John
Chief Administrative Officer
Elgin St. Thomas Health Unit

Carolyn Kuntz
Director, Health Promotion
Elgin St. Thomas Health Unit

REFERRED TO
W. DAY
F. JOHNSON
D. MORGAN