










OTHER COMMITTEES OF COUNCIL	Terms of Reference
<p>Christmas Parade Committee</p> <p>Comprised of 8 members of the Community and the Manager of Parks &amp; Recreation.</p>	 ROUGH DRAFT Terms of Reference C
<p>Fence Viewers Committee</p> <p>Comprised of 3 residents            And staff member from Community &amp; Development Department</p>	 Line Fences Act.pdf
<p>Glendale Task Force</p> <p>Comprised of 2 Council members, 3 reps from Glendale residential area, 1 rep from Niagara College, 1 developer representative and 2 commercial/business reps – Town staff resources as required</p>	 Glendale Task Force.docx Glendale Task Force.docx
<p>NOTL Safety Committee</p> <p>Comprised of volunteers from the 5 Communities, 1 Council Member, media reps, VBA rep, and reps from DSBN and NCDS</p>	 Document1.docx
<p>Sports Wall of Fame Selection Committee</p> <p>Comprised of 3 members of local service clubs, three representatives from local sports associations and the Manager of Parks &amp; Recreation</p>	  Wall of Fame Committee.pdf      Wall of Fame Constitution.pdf
<p>Tree Advisory Committee</p> <p>Comprised of 2 or 3 residents, and representatives from the Operations Department, as required</p>	 tree Committee t of r.pdf

External Committees	Information
Cenotaph Advisory Committee	<p>Comprised of 1 Council Member and the Manager of Parks &amp; Recreation</p> <p>Residents are appointed by the Royal Canadian Legion</p>
Joint Accessibility Advisory Committee	<p>Six municipalities hired The Herrington Group to provide guidance with the AODA regulations</p> <p>Resident appointments required</p>
Niagara Compliance Audit Committee	<p>Following each Municipal Election, this Committee is created and appointed Regional Wide. No Council members or staff is appointed.</p> <p>By-law 4401-10 established the Committee and by-law 4001B-14 appointed the members for 2014</p> <p>Allan Andrews, John Bald, David Barrett, Bob Hildebrandt, Margo Pinder, James A. Cringan and Yasir Nouri</p> <p>By-law includes the Terms of Reference</p> <p> 4401-10 (Niagara Compliance Audit Con</p>
Niagara District Airport	<p>Airport Liaison Committee which is comprised of Mayor's and CAO's from Niagara Falls, St. Catharines and NOTL</p> <p>Commission, which is comprised of one Council Member and one resident from each municipality</p> <p> 4594-12_001.pdf</p>
Niagara Historical Committee	Requesting one Council Member be appointed
Niagara-on-the-Lake Chamber of Commerce	One Council member is appointed
Niagara-on-the-Lake Energy Inc. (Hydro)	<p>Comprised of 7 members - 4 citizens, 2 Council Members (one being the Lord Mayor) and the Town's Chief Administrative Officer</p>

External Committees continued	Information
Niagara-on-the-Lake Public Library Board Comprised of 2 Council Members and 5 residents The Chief Librarian and staff assist	Public Libraries Act
Niagara Parks Commission	The Lord Mayor is appointed
Niagara Peninsula Conservation Authority	Requesting a Council Member be appointed
Niagara Pumphouse Visual Arts Centre	One Council member is appointed when requested
Niagara Region - Culture Committee - Greater Niagara Circle Route Committee - Transportation Strategy Steering Committee	One municipal representative for each Committee
Shaw Festival Board of Directors	The Lord Mayor is appointed
Music Niagarad	Requesting a Council Member be appointed

Committees to be Disband	
<ul style="list-style-type: none"> <li>- Community Vision Advisory Committee</li> <li>- Branding Committee</li> <li>- Community Centre Steering Committee</li> <li>- Community Centre Fundraising Committee</li> <li>- Council Chambers Review Committee</li> <li>- Illuminated Open Sign Committee</li> <li>- Small Scale Tourist Accommodation Review Committee</li> <li>- Fair Taxation Committee</li> <li>- Student Demographic Analysis Committee</li> <li>- Licensing By-law Review Committee</li> <li>- Sign By-law Review Committee</li> <li>- Task Force on Traffic Safety Committee</li> <li>- Energy Management Committee</li> <li>- Niagara-on-the-Lake War of 1812 Bicentennial Committee</li> <li>- Parking Committee</li> </ul>	
<p>The following are not considered a Committee/Board, and therefore are being removed from the list. All Council members are called upon when needed to organize these types of functions.</p>	<p style="text-align: center;">           Firefighters Appreciation Night            Lord Mayor's Fundraiser            Senior Citizens Strawberry            Social         </p>

# **TOWN OF NIAGARA-ON-THE-LAKE CHRISTMAS PARADE COMMITTEE**

## PURPOSE OF THE COMMITTEE

To organize the Town of Niagara-on-the-Lake's Annual Christmas Parade.

## COMMITTEE ORGANIZATION

The Committee will consist of 8 members of the Community, and the Manager of Parks & Recreation.

The Committee will select a Chair, Secretary and Treasurer from the members.

## DUTIES & RESPONSIBILITIES

### Chair

1. The Christmas Parade Chair shall preside at all meetings of the Christmas Parade Committee.
2. The Chair will schedule all Committee meetings as required.
3. Organize the Floats/Bands, etc. for the Christmas Parade in the year appointed.

### Secretary

1. The keeper of all minutes of the proceedings of the Committee. All minutes shall be forwarded to Council members through the information package, for information.
2. Deliver financial information to the Committee, as required.

### Directors

1. The Manager of Parks & Recreation shall be responsible for securing funds from the community to offset the cost of parade items such as bands etc.
2. The Manager of Parks & Recreation shall supervise and conduct the business of the Christmas Parade Committee, as it may be advisable.

### Accounting

1. The Treasurer shall be responsible for all funds received and disbursed and shall provide a balance sheet of funds remaining following the parade.

### Term of Office

The Committee members are appointed in February of each year for that year's parade to be held in December, by way of a staff report. The staff report will include a financial statement from the previous parade.



[Français](#)

## Line Fences Act

R.S.O. 1990, CHAPTER L.17

**Consolidation Period:** From January 1, 2007 to the [e-Laws currency date](#).

Last amendment: 2006, c.32, Sched.D, s.6.

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#### Definitions

[1. \(1\)](#) In this Act,

“appeals division” means an appeals division established under this Act; (“division d’appel”)

“Minister” means the Minister of Municipal Affairs and Housing; (“ministre”)

“occupant” means the occupant of adjoining land that is subject or proposed to be made subject to proceedings instituted under section 4; (“occupant”)

“prescribed” means prescribed by the regulations; (“prescrit”)

“referee” means a referee appointed under this Act; (“arbitre”)

“regulations” means regulations made under this Act; (“règlements”)

“value of the work” and “costs of the work” have the same meaning and include the value of the materials used and the value of the labour performed to complete the work. (“valeur des travaux”, “coût des travaux”) R.S.O 1990, c. L.17, s. 1 (1); 2002, c. 17, Sched. F, Table.

### **Idem**

(2) Where, within the meaning of section 4, there is a dispute between owners or occupants of lands situate in different local municipalities,

“fence-viewers” means two fence-viewers of the local municipality in which is situate the land of the owner or occupant notified under section 4, and one fence-viewer of the local municipality in which is situate the land of the person instituting the proceedings under that section; (“inspecteurs des clôtures”)

“in which the land is situate” or “in which the land lies” means in which is situate the land of the owner or occupant so notified under section 4. (“où est situé le bien-fonds”, “où se trouve le bien-fonds”) R.S.O 1990, c. L.17, s. 1 (2).

### **Idem**

(3) Where, within the meaning of section 4, there is a dispute between the owner or occupant of land situate in a local municipality and the owner or occupant of land situate in territory without municipal organization,

“fence-viewers” means three fence-viewers appointed by the local municipality in which the land of the one owner or occupant is situate, and at least one of the fence-viewers shall be resident outside the municipality in the vicinity of the land of the other owner or occupant; (“inspecteurs des clôtures”)

“local municipality in which the land is situate” means the local municipality in which is situate the land of the one owner or occupant. (“municipalité locale où est situé le bien-fonds”) R.S.O 1990, c. L.17, s. 1 (3).

### **Condominium corporations**

(4) Where a declaration has been registered under the *Condominium Act*, the condominium corporation and not the owners of the individual units shall be deemed to be the owner of the land described in the declaration for the purposes of this Act and,

- (a) any payments the condominium corporation may be responsible for under this Act, including the costs of any proceeding, is a common expense for the purposes of the *Condominium Act*; and

(b) any payment to be made to the condominium corporation under this Act is an asset of the condominium corporation. R.S.O 1990, c. L.17, s. 1 (4).

### **Appointment of fence-viewers**

**2.** The council of every local municipality shall by by-law appoint such number of fence-viewers as are required to carry out the provisions of this Act and the by-law shall fix the remuneration to be paid to the fence-viewers and the remuneration may be fixed on an hourly or daily rate or a rate for each attendance or reattendance by the fence-viewers. R.S.O 1990, c. L.17, s. 2.

### **Owner of land may construct boundary fence**

**3.** An owner of land may construct and maintain a fence to mark the boundary between the owner's land and adjoining lands. R.S.O 1990, c. L.17, s. 3.

### **Owner may request fence-viewers to view and arbitrate**

**4. (1)** Where the owner of any land desires to have a fence constructed to mark the boundary between the owner's land and the land of an adjoining owner, or where such a fence exists, to have it repaired or reconstructed and where the owner has not entered into a written agreement with the adjoining owner for sharing the costs of the construction, reconstruction or repair, as the case may be, of such fence, the owner may notify in the prescribed form the clerk of the local municipality in which the land is situate that the owner desires fence-viewers to view and arbitrate as to what portion of the fence each owner shall construct, reconstruct or repair and maintain and keep up. R.S.O 1990, c. L.17, s. 4 (1).

### **Notice by clerk**

**(2)** Where the clerk of a municipality is notified under subsection (1), the clerk, or such other person as may be designated by the council for the purpose of giving notices under this section, shall notify in the prescribed form the owner mentioned in subsection (1) and the adjoining owner or the occupant of the land of the adjoining owner that he or she will on a day named, not less than one week from the service of the notice, cause three fence-viewers of the locality to arbitrate in the premises and the clerk shall notify in the prescribed form the fence-viewers not less than one week before their services are required that they are required to meet to arbitrate in the premises. R.S.O 1990, c. L.17, s. 4 (2).

### **Idem**

**(3)** A notice under subsection (2) shall be signed by the clerk or such other designated person, as the case may be, and shall specify the time, being not more than thirty days from the date of the receipt of the notice under subsection (1), and place of the meeting for the arbitration, and the notice shall be given to a person mentioned in subsection (2) by sending it to the person by registered mail at the address where the person resides or, in the case of a notice to an owner or occupant, may instead be given by leaving it with the owner or occupant at the place of residence of the owner or occupant or with some other person, over the age of eighteen years, residing thereat. R.S.O 1990, c. L.17, s. 4 (3).

### **Postponement of view**

**5. (1)** Where a day has been named under this Act for an arbitration or other proceeding requiring the attendance or reattendance of the fence-viewers, other than an appeal before the referee, the clerk of the municipality may postpone the arbitration or other proceeding to another day if in the clerk's opinion weather conditions or ground conditions



make it impracticable for the arbitration to be held on the day originally named for the attendance or reattendance and where there is a postponement, the clerk shall forthwith,

- (a) give notice of the postponement to the persons entitled to receive notice of the original attendance or reattendance; and
  - (b) give new notices in the same manner to the persons who were entitled to receive notice of the original attendance or reattendance naming a day for the arbitration or other proceeding that is not later than fifteen days after the previous day so named.
- R.S.O 1990, c. L.17, s. 5 (1).

### **Winter months**

(2) The council of every local municipality may provide by by-law that no arbitration or other proceeding requiring the attendance or reattendance of fence-viewers shall be scheduled between the 1st day of November and the 31st day of March in the next following year or during such shorter period between those dates as may be set out in the by-law. R.S.O 1990, c. L.17, s. 5 (2).

### **Idem**

(3) Where a by-law has been passed under subsection (2), a proceeding requiring the attendance or reattendance of fence-viewers during the period set out in the by-law shall be postponed until the expiry of the period. R.S.O 1990, c. L.17, s. 5 (3).

### **Idem**

(4) A by-law passed under subsection (2) does not apply to an appeal before a referee. R.S.O 1990, c. L.17, s. 5 (4).

### **Duty and liability of occupants as to notifying owners**

6. Where an occupant who is not the owner of the land is given a notice under this Act, the occupant shall immediately inform the owner of the notice, and an occupant who neglects to do so is liable for all damage caused to the owner by such neglect. R.S.O 1990, c. L.17, s. 6.

### **Duties and powers of fence-viewers**

7. The fence-viewers shall examine the premises and, if required by either adjoining owner, shall hear evidence and may examine the owners and their witnesses on oath. R.S.O 1990, c. L.17, s. 7.

### **Award of fence-viewers**

8. (1) The fence-viewers shall make an award in the prescribed form, signed by any two of them, respecting the matters in dispute and the award shall state that a fence shall be constructed and maintained and kept up to mark the boundary between the adjoining lands, or, where such a fence exists, that the fence shall be reconstructed or repaired, and shall be maintained and kept up, and the award shall specify,

- (a) the location of the fence;
- (b) that,
  - (i) each adjoining owner shall construct, reconstruct or repair, as the case may be, and maintain and keep up a designated one-half of the fence, or

- (ii) the adjoining owner designated shall construct, reconstruct or repair, as the case may be, and maintain and keep up the fence, and that the other adjoining owner shall, upon being notified by the designated adjoining owner of the costs of the work incurred from time to time, pay to the designated adjoining owner one-half of the costs incurred,

unless the fence-viewers, in the circumstances of the case, consider an award in the terms of subclause (i) or (ii) to be unjust, in which case the fence-viewers may make such award in respect of the construction, reconstruction, repair or maintenance of the fence as they consider appropriate;

- (c) the description of the fence, including the materials to be used in the construction, reconstruction, repair or maintenance and keeping up of the fence;
- (d) the date by which the construction, reconstruction or repairs shall be commenced and the date by which such work shall be completed; and
- (e) the costs of the proceedings and by which of the owners or in what proportion the costs of the proceedings are to be paid. R.S.O 1990, c. L.17, s. 8 (1).

### **Matters to be considered**

(2) In making the award, the fence-viewers shall have regard to the suitability of the fence to the needs of each of the adjoining owners or the occupants of their land, as the case may be, the nature of the terrain on which the fence is, or is to be, located, the benefit to both owners of having the boundary between their lands marked by a fence and the nature of the fences in use in the locality and may have regard to any other factors that they consider relevant. R.S.O 1990, c. L.17, s. 8 (2).

### **Where by-law in force**

(3) Where there is a by-law in force in the municipality under the *Municipal Act, 2001* or the *City of Toronto Act, 2006*, as the case may be, prescribing the height and description of lawful fences or otherwise regulating the construction of fences, the description of the fence specified in the award shall conform to the by-law. R.S.O 1990, c. L.17, s. 8 (3); 2002, c. 17, Sched. F, Table; 2006, c. 32, Sched. C, s. 30 (1).

### **Location of fence**

(4) Where, from the formation of the ground by reason of streams or other causes, it is, in the opinion of the fence-viewers, impracticable to locate the fence upon the line between the lands of the adjoining owners, they may locate it either wholly or partly on the land of either of the adjoining owners where it seems to be most convenient, but such location shall not in any way affect the title to the land. R.S.O 1990, c. L.17, s. 8 (4).

### **Employment of surveyor**

(5) Where the fence-viewers locate a fence wholly or partly on the land of either of the adjoining owners under subsection (4), the fence-viewers may employ an Ontario land surveyor to have the location of the fence described by metes and bounds. R.S.O 1990, c. L.17, s. 8 (5).

### **Fees of land surveyor**

(6) Subsections 18 (2), (3) and (4) respecting the payment of fees to fence-viewers and for the collection of amounts paid on account thereof by the municipality apply with

necessary modifications to fees payable to a land surveyor employed under subsection (5). R.S.O 1990, c. L.17, s. 8 (6).

### **Deposit of award, etc.**

9. (1) The award shall be deposited in the office of the clerk of the local municipality in which the land is situate, and may be proved by a copy certified by the clerk, and a copy of the award certified by the clerk shall forthwith be sent by the clerk by registered mail to the owners and occupants of the adjoining lands to their last known place of residence. R.S.O 1990, c. L.17, s. 9 (1).

### **Where land situate in different municipalities**

(2) Where the lands of the adjoining owners are situate in different local municipalities, a clerk under subsection (1) shall, forthwith upon the deposit of an award in his or her office, forward a copy of it certified by him or her to the clerk of the other municipality in which part of the lands are situate. R.S.O 1990, c. L.17, s. 9 (2).

### **When award received**

(3) Unless otherwise proven, the copy of the award shall be deemed to have been received by those persons mentioned in subsection (1) seven days after the mailing of the award. R.S.O 1990, c. L.17, s. 9 (3).

### **Appeal**

10. (1) An owner dissatisfied with the award may appeal therefrom to the referee for the appeals division in which the land is situate by serving on the owner or occupant of the adjoining land, within fifteen days of receiving a copy of the award made under section 8, a notice of appeal in the prescribed form and by filing a copy of the notice together with an affidavit of service of the notice in the prescribed form with, and by paying the prescribed fees to, the clerk of the local municipality in which the land is situate within that period. R.S.O 1990, c. L.17, s. 10 (1).

### **Service of notice**

(2) A notice under subsection (1) shall be served by the owner in the same manner as a notice to an owner or occupant is served by the clerk under section 4. R.S.O 1990, c. L.17, s. 10 (2).

### **Notice to referee, etc.**

(3) Upon the filing of the copies of the notices and the affidavits and the payment of the fees mentioned in subsection (1), the clerk shall forthwith notify the referee for the appeals division of the appeal and the referee shall forthwith fix the time and place for the hearing of the appeal and advise the clerk of the time and place so fixed. R.S.O 1990, c. L.17, s. 10 (3).

### **Notice of hearing**

(4) The clerk shall cause notice of the time and place of the appeal to be served on the person served with a notice under subsection (1) and on the owner giving notice under that subsection and a notice under this subsection shall be served in the same manner as a notice under section 4. R.S.O 1990, c. L.17, s. 10 (4).

### **Powers of referee**

(5) The referee shall hear and determine the appeal and may set aside, alter or affirm the award, or correct any error therein, and may examine the parties and their witnesses on

oath, and may inspect the premises and may order payment of the costs of the proceedings by either party and fix the amount of the costs. R.S.O 1990, c. L.17, s. 10 (5).

#### **Decision of referee to be final**

(6) The decision of the referee is final and the award, as altered or affirmed, shall be dealt with in all respects as it would have been if it had not been appealed from. R.S.O 1990, c. L.17, s. 10 (6).

#### **Indemnity for costs**

(7) The referee may at any time order such sum of money to be paid by the appellant to the clerk as will be a sufficient indemnity against the costs of the appeal. R.S.O 1990, c. L.17, s. 10 (7).

#### **Where land in more than one appeals division**

(8) Despite subsections (1) and (3), when the award affects land in two or more appeals divisions, the appeal may be to the referee of the appeals division in which any part of the land is situate and in such case the documents mentioned in subsection (1) shall be filed with the clerk of the municipality in the appeals division in which the appeal is to be heard. R.S.O 1990, c. L.17, s. 10 (8).

#### **Copy of decision**

(9) The clerk shall send by registered mail a copy of the referee's final decision and order, if any, in the proceedings to the parties at their last known addresses and to the Minister. R.S.O 1990, c. L.17, s. 10 (9).

#### **Payment to Treasurer of Ontario**

(10) The fees mentioned in subsection (1) shall be paid over by the clerk to the Treasurer of Ontario. R.S.O 1990, c. L.17, s. 10 (10).

#### **Owner may require award to be obeyed**

11. (1) Where the award specifies that a portion or all of the fence shall be repaired, constructed, reconstructed, maintained or kept up by one adjoining owner and that adjoining owner fails to obey the award, the other adjoining owner may by notice served on the first adjoining owner or the occupant of the land of the first adjoining owner, require the first adjoining owner to obey the award. R.S.O 1990, c. L.17, s. 11 (1).

#### **Service of notice**

(2) A notice served by an adjoining owner under subsection (1) shall be served in the same manner as a notice to an owner or occupant is served by the clerk under section 4. R.S.O 1990, c. L.17, s. 11 (2).

#### **Completion of work by owner**

(3) If the notice is not obeyed within two weeks after it has been served, the owner desiring to enforce the award may do or complete the work that the award directs and may immediately institute proceedings to recover the value of the work done or completed and the costs of the proceedings from the owner of the adjoining land. R.S.O 1990, c. L.17, s. 11 (3).

#### **Entry on property of adjoining owner**

(4) An owner, or any person acting on the owner's behalf, in doing or completing work pursuant to an award under section 8 or under subsection (3) or under subsection 13 (7), may enter on the property of the adjoining owner to the extent that it is necessary to do or complete

the work, but in making such entry or doing or completing such work shall do no unnecessary spoil or waste. R.S.O 1990, c. L.17, s. 11 (4).

### **Obstruction an offence**

(5) No person shall obstruct or threaten to obstruct a person entering onto property or doing or completing work in accordance with subsection (4) and every person who contravenes this subsection is guilty of an offence. R.S.O 1990, c. L.17, s. 11 (5).

### **Notice of amount owing in accordance with award**

(6) Where the award specifies that one adjoining owner shall pay to the designated adjoining owner a portion of the costs of the work under subclause 8 (1) (b) (ii), the designated adjoining owner may notify the other adjoining owner or the occupant of that owner's land of the amount owing in accordance with the award in the same manner as an owner may give notice under subsection (2), and, where such amount is not paid within twenty-eight days following the day on which the notice is given, the designated adjoining owner may institute proceedings to recover the amount and the costs of the proceedings from the other adjoining owner. R.S.O 1990, c. L.17, s. 11 (6).

### **Certification of fence-viewers**

(7) An owner desiring to institute proceedings under subsection (3) or (6) shall notify the clerk of the local municipality in which the land is situate that the owner desires the three fence-viewers who made the award to reattend at the premises and certify,

- (a) the default of the adjoining owner; and
- (b) the value of the work done by the owner which according to the award ought to have been done by the adjoining owner or the portion of the costs of the work done which ought to have been paid by the adjoining owner, as the case may be. R.S.O 1990, c. L.17, s. 11 (7).

### **Notice by clerk**

(8) Where the clerk of a municipality is notified by an owner under subsection (7), the clerk, or such other person as may be designated by the council for the purpose of giving notices under this section, shall forthwith notify in the prescribed form that owner and the owner or occupant of the adjoining land that he or she will, on a day named, not less than one week from the service of the notice, cause the fence-viewers to reattend at the premises and the clerk shall also notify in the prescribed form the fence-viewers not less than one week before their services are required. R.S.O 1990, c. L.17, s. 11 (8).

### **Idem**

(9) The notices in each case shall be signed by the clerk or such other designated person, as the case may be, and shall specify the time and place of the reconvening of the fence-viewers, and the notices shall be served in the same manner as a notice served under subsection 4 (3). R.S.O 1990, c. L.17, s. 11 (9).

### **Notice to another fence-viewer to attend**

(10) Where an owner notifies the clerk under subsection (7), and for any reason any of the three fence-viewers who made the award is unable to reattend at the premises, the clerk shall notify another fence-viewer of the municipality to attend in his or her place. R.S.O 1990, c. L.17, s. 11 (10).

## **Certification of value, collection of amount certified**

### **Duties of fence-viewers**

**12. (1)** The fence-viewers, upon receiving a notice served under subsection 11 (8), or upon being notified under subsection (10) of that section, shall attend in accordance with such notice, and if satisfied that the adjoining owner or the occupant of the land of the adjoining owner was duly notified under subsection 11 (1) or (6), as the case may be, and has failed to obey the award, the fence-viewers shall,

- (a) where the adjoining owner or the occupant of the land of the adjoining owner was notified under subsection 11 (1), determine the value of the work done by the owner desiring to enforce the award which is attributable to the adjoining owner and shall prepare a certificate in the prescribed form certifying the default of the adjoining owner and certifying the value of the said work; or
- (b) where the adjoining owner or the occupant of the land of the adjoining owner was notified under subsection 11 (6), determine the value of the work done by the owner desiring to enforce the award and the portion of that value payable by the adjoining owner and shall prepare a certificate in the prescribed form certifying the default of the adjoining owner and the amount payable by the adjoining owner as that owner's share of the costs of the work. R.S.O 1990, c. L.17, s. 12 (1).

### **Costs**

**(2)** The fence-viewers shall specify in a certificate under subsection (1) the costs of the proceedings described in that subsection and shall specify either that the adjoining owner or that the other owner pay the costs, or that each of them pay a specified portion of the costs. R.S.O 1990, c. L.17, s. 12 (2).

### **Idem**

**(3)** The fence-viewers shall, in the certificate, certify the amount payable by the adjoining owner as that owner's share of the costs of the proceedings described in subsection (1) and of the proceedings under section 4, less the portion of that amount payable as fees to the fence-viewers or fees to a land surveyor employed under subsection 8 (5), and the total amount certified under this subsection and subsection (1) shall become payable to the owner desiring to enforce the award. R.S.O 1990, c. L.17, s. 12 (3).

### **Deposit of certificate**

**(4)** Upon preparing a certificate under subsection (1), the fence-viewers shall forthwith deposit the certificate with the clerk of the local municipality within which the land is situate and the provisions of subsections 9 (1) and (2) respecting an award apply with necessary modifications to the certificate. R.S.O 1990, c. L.17, s. 12 (4).

### **Collection of amount as taxes**

**(5)** The clerk of the local municipality in which the land of the adjoining owner is situate shall, upon receiving a certificate prepared under subsection (1) and the award in respect of which the certificate was made, or copies thereof certified by the clerk in accordance with this Act, and upon application in writing by the owner entitled to receive the amount certified, have the total amount certified placed upon the collector's roll and the amount may be collected in the same manner as taxes, together with interest thereon accruing from the date the application was made at the same rate as late payment charges imposed by



the municipality under section 345 of the *Municipal Act, 2001* or section 310 of the *City of Toronto Act, 2006*, as the case may be, in respect of taxes due and unpaid, and is until so collected or otherwise paid a charge upon the land liable for payment thereof and when collected shall forthwith be paid over to the owner entitled thereto. R.S.O 1990, c. L.17, s. 12 (5); 2002, c. 17, Sched. F, Table; 2006, c. 32, Sched. C, s. 30 (2).

#### **Payment by treasurer**

(6) Despite subsection (5), the council of a local municipality may by by-law provide that where a certificate and an award mentioned in that subsection and made in respect of land situate within the municipality, or copies thereof certified by a clerk in accordance with this Act, are deposited with the clerk of the municipality, the treasurer of the municipality may, upon written application therefor, pay to the owner entitled to receive the amount certified, the amount so certified or a portion thereof, where the treasurer is satisfied that the owner is entitled thereto, and where an owner has received the amount certified or a portion thereof under this subsection, the owner is not entitled to make an application or receive an amount under subsection (5). R.S.O 1990, c. L.17, s. 12 (6).

#### **Collection of amount as taxes**

(7) An amount paid to an owner under subsection (6) shall be placed upon the collector's roll and may be collected in the same manner as municipal taxes together with interest thereon accruing from the date of payment at the same rate as late payment charges imposed by the municipality under section 345 of the *Municipal Act, 2001* or section 310 of the *City of Toronto Act, 2006*, as the case may be, in respect of taxes due and unpaid, and is until so collected or otherwise paid a charge upon the land liable for payment thereof. R.S.O 1990, c. L.17, s. 12 (7); 2002, c. 17, Sched. F, Table; 2006, c. 32, Sched. C, s. 30 (3).

#### **Notice by treasurer**

(8) Upon making a payment to an owner under subsection (6), the treasurer shall forthwith notify in the prescribed form the adjoining owner against whom the award is being enforced that the payment has been made. R.S.O 1990, c. L.17, s. 12 (8).

#### **Levy of amount against goods and chattels**

(9) Instead of having the amount certified placed upon the collector's roll, or instead of applying for that amount or a portion thereof under a by-law passed under subsection (6), the owner entitled to receive the amount may file a copy of the certificate and of the award in respect of which the certificate was made, certified by the clerk in accordance with this Act, with the clerk of the Small Claims Court of the division in which any part of the land affected by the award is situate, and upon being so filed, the amount may be levied against the goods and chattels and land of the adjoining owner in the same manner as the amount of a judgment of the Small Claims Court may be levied. R.S.O 1990, c. L.17, s. 12 (9).

#### **When work may be dismantled**

**13. (1)** Despite subsection 11 (3), an owner desiring to enforce an award shall not dismantle work done by the adjoining owner in respect of the fence mentioned in the award except in accordance with this section. R.S.O 1990, c. L.17, s. 13 (1).

#### **Notice**

(2) Where in the opinion of an owner work done by an adjoining owner pursuant to an award made under section 8 in respect of their lands is not in compliance with the description

of the fence or the location of the fence as specified in the award, the owner may, by notice served on the adjoining owner or occupant of the land of the adjoining owner, require the adjoining owner to make the work comply with the award. R.S.O 1990, c. L.17, s. 13 (2).

### **Particulars**

(3) A notice under subsection (2) shall specify in what particulars the work done fails to comply with the award and shall be served by an owner in the same manner as a notice to an owner or occupant is served by the clerk under section 4. R.S.O 1990, c. L.17, s. 13 (3).

### **Fence-viewers to reattend**

(4) If the notice is not obeyed within two weeks after it has been served, the owner may cause the fence-viewers to reattend at the premises to view the work and to determine whether or not the work complies with the award. R.S.O 1990, c. L.17, s. 13 (4).

### **Service of notices**

(5) Section 4 respecting the convening of fence-viewers applies with necessary modifications to the recalling of fence-viewers under subsection (4). R.S.O 1990, c. L.17, s. 13 (5).

### **Powers of fence-viewers**

(6) Where the fence-viewers determine under subsection (4) that the work does not comply with the award, they shall in the prescribed form set out their determination with reasons therefor and shall specify the action to be taken by the adjoining owner to make such work comply, the date by which such action shall commence, and the date by which the work shall be completed. R.S.O 1990, c. L.17, s. 13 (6).

### **Where owner does not comply**

(7) Where the adjoining owner does not comply with the directions given by the fence-viewers under subsection (6), the owner that initiated the proceedings under this section may, by notice to the adjoining owner or the occupant of the land of the adjoining owner, require the adjoining owner to obey the directions, and sections 11 and 12 respecting the enforcement of an award apply with necessary modifications to the enforcement of the directions given by the fence-viewers under subsection (6). R.S.O 1990, c. L.17, s. 13 (7).

### **Costs**

(8) Where the fence-viewers make a determination under subsection (6), they shall specify the costs of the proceedings under this section and that the costs be paid by the adjoining owner or the other owner or that a specified portion of the costs be paid by each of them. R.S.O 1990, c. L.17, s. 13 (8).

### **Deposit of determination**

(9) Section 9 applies with necessary modifications to a determination with directions made by the fence-viewers under subsection (6). R.S.O 1990, c. L.17, s. 13 (9).

### **Where no award, etc., made, costs of fence-viewers**

14. (1) Where the fence-viewers have attended at premises pursuant to a notice given under subsection 4 (2), subsection 11 (8) or subsection 13 (5) or (7), and have decided,

- (a) that no award shall be made because they have no jurisdiction to make the award or because the owners of the adjoining lands have requested that no award be made;
- or



(b) that no certificate or determination with directions shall be made, they shall prepare their decision in the prescribed form giving reasons therefor, and shall specify in the decision that the costs of the proceedings in respect of such attendance be paid either by one adjoining owner or by the other or that a specified portion of the costs be paid by each of them. R.S.O 1990, c. L.17, s. 14 (1).

### **Deposit of decision**

(2) Section 9 applies with necessary modifications to a decision made under subsection (1). R.S.O 1990, c. L.17, s. 14 (2).

### **Award to be a charge on land if registered**

15. (1) The award and a certificate made in respect of the award may be registered in the proper land registry office and when registered are charges upon the land affected by them. R.S.O 1990, c. L.17, s. 15 (1).

### **How registered**

(2) Registration may be by the registration of a duplicate of the award or certificate, as the case may be, or of a copy thereof, verified by an affidavit, together with an affidavit of the execution of the award or certificate. R.S.O 1990, c. L.17, s. 15 (2).

### **Enforcement of agreements**

16. Any agreement in writing in the prescribed form between owners respecting a line fence may be registered and enforced as if it were an award of fence-viewers. R.S.O 1990, c. L.17, s. 16.

### **Administrative fees of municipality**

17. (1) The council of every local municipality may by by-law fix its reasonable administrative fees to be paid to the municipality in relation to proceedings under this Act but, where maximum administrative fees are prescribed, the fees so fixed shall not exceed the maximum so prescribed. R.S.O 1990, c. L.17, s. 17 (1).

### **Idem**

(2) Subsections 18 (2), (3) and (4) respecting the payment of fees to fence-viewers and for the collection of amounts paid on account thereof by the municipality apply with necessary modifications to the administrative fees payable to the municipality under subsection (1). R.S.O 1990, c. L.17, s. 17 (2).

### **Fees**

18. (1) An Ontario land surveyor and a witness are entitled to the same compensation as if summonsed in the Small Claims Court. R.S.O 1990, c. L.17, s. 18 (1).

### **Payment of fence-viewers fees**

(2) The corporation of the local municipality shall, at the expiration of the time for appeal from an award made under section 8 or after appeal, as the case may be, and, where applicable, upon the depositing of a certificate under subsection 12 (4) or subsection 13 (7), or of a determination with directions under subsection 13 (9), or a decision under section 14, pay to the fence-viewers their fees, and shall, unless the fees or a portion thereof are forthwith repaid by the person adjudged to pay the fees or the portion thereof, place the amount unpaid upon the collector's roll, and the amount may be collected in the same manner as municipal taxes together with interest thereon accruing from the date of payment at the same rate as late

payment charges imposed by the municipality under section 345 of the *Municipal Act, 2001* or section 310 of the *City of Toronto Act, 2006*, as the case may be, in respect of taxes due and unpaid, and is until so collected or otherwise paid a charge upon the land liable for payment thereof. R.S.O 1990, c. L.17, s. 18 (2); 2002, c. 17, Sched. F, Table; 2006, c. 32, Sched. C, s. 30 (4).

#### **Where land in adjacent municipality**

(3) Where the land of the person adjudged to pay the fees or a portion thereof is not situate within the local municipality, the clerk of the municipality shall, where the land is situate in an adjacent municipality, notify the clerk of the adjacent municipality of the amount owing by such person in respect of the fees or the portion thereof, and the clerk of the adjacent municipality shall place the amount upon the collector's roll for that municipality, and the amount may be collected in the same manner as municipal taxes together with interest thereon accruing from the date of payment at the same rate as late payment charges imposed by the municipality under section 345 of the *Municipal Act, 2001* or section 310 of the *City of Toronto Act, 2006*, as the case may be, in respect of taxes due and unpaid, and is until so collected or otherwise paid a charge upon the land liable for payment thereof, and when the amount with interest or any part thereof is collected the clerk shall forthwith remit it to the clerk of the municipality that gave the notice under this subsection. R.S.O 1990, c. L.17, s. 18 (3); 2002, c. 17, Sched. F, Table; 2006, c. 32, Sched. C, s. 30 (5).

#### **Where land in unorganized territory**

(4) Where the land of the person adjudged to pay the fees or a portion thereof is situate in territory without municipal organization, the amount owing by such person in respect of the fees or the portion thereof may be recovered with interest as a debt due to the municipality from such person. R.S.O 1990, c. L.17, s. 18 (4).

#### **Unopened road allowance**

19. (1) Despite section 25, where there is an unopened road allowance lying between the lands of two owners and not enclosed by a lawful fence, it is the duty of the fence-viewers, when called upon, to divide the road allowance equally between the owners of the lands, and to require each owner to construct, keep up and maintain a just proportion of fence to mark the division line, but nothing in this section in any way affects or interferes with the rights of the municipality in the road allowance or is deemed to confer any title therein upon such owners or either of them. R.S.O 1990, c. L.17, s. 19 (1).

#### **Approval of council required**

(2) No person shall initiate proceedings for calling on the fence-viewers to act under subsection (1) without the approval of the council of the municipality in which the road allowance is situate. R.S.O 1990, c. L.17, s. 19 (2).

#### **Duties of owner of former railway land**

20. (1) Where land that was formerly used as part of a line of railway is conveyed in its entire width by the railway company to a person, the Crown in right of Ontario, a Crown agency or a municipality who is not the owner of abutting land, the responsibility for constructing, keeping up and repairing the fences that mark the lateral boundaries of the land lies with that person, the Crown in right of Ontario, the Crown agency or the municipality, respectively, if,

- (a) a farming business is carried out on the adjoining land; and
- (b) the owner of the adjoining land upon which the farming business is carried out notifies the person, Crown in right of Ontario, Crown agency or municipality, as the case may be, that the owner desires that such person or entity construct, keep up and repair the fences that mark the lateral boundaries of the land. 2006, c. 32, Sched. D, s. 6 (1).

### **Interpretation**

(2) In this section,

“farming business” means a business in respect of which,

- (a) a current farming business registration is filed under the *Farm Registration and Farm Organizations Funding Act, 1993*, or
- (b) the Agriculture, Food and Rural Affairs Appeal Tribunal has made an order under subsection 22 (6) of the *Farm Registration and Farm Organizations Funding Act, 1993* that payment or filing be waived; (“entreprise agricole”)

“owner” includes heirs, executors and assigns of the owner. (“propriétaire”) 2006, c. 32, Sched. D, s. 6 (1).

### **Notice**

(3) The notice under clause (1) (b) shall contain the prescribed information. 2006, c. 32, Sched. D, s. 6 (1).

### **Certain fences removable on notice**

21. (1) The owner of the whole or part of a line fence that forms part of the fence marking the boundary between the owner’s land and the land of an adjoining owner shall not take down or remove any part of such fence,

- (a) without giving at least six months previous notice of the owner’s intention to the owner or occupant of the adjacent land unless the owner or occupant, after demand made upon the owner or occupant in writing by the owner of the fence, refuses to pay therefor the sum determined as provided by section 8; or
- (b) if such owner or occupant will pay to the owner of the fence or part thereof such sum as the fence-viewers may award to be paid therefor under section 8. R.S.O 1990, c. L.17, s. 21 (1).

### **Other provisions of Act to apply**

(2) The provisions of this Act for determining disputes between owners of adjoining lands, the manner of enforcing awards and appeals therefrom and the prescribed forms and all other provisions of this Act, so far as applicable, apply to proceedings under this section. R.S.O 1990, c. L.17, s. 21 (2).

### **Where tree thrown across line fence**

22. (1) If any tree is thrown down by accident or otherwise so as to cause damage to a line fence, the owner or occupant of the land on which the tree stood shall forthwith remove the tree and repair the fence. R.S.O 1990, c. L.17, s. 22 (1).

### **When adjoining land-owner may remove tree**

(2) On the neglect or refusal of the owner or occupant of the land on which the tree stood so to do for forty-eight hours after notice in writing to remove the tree, the adjoining land-owner may remove it in the most convenient and inexpensive manner, and may make good the fence so damaged, and may retain the tree to remunerate the adjoining land-owner for such removal. R.S.O 1990, c. L.17, s. 22 (2).

#### **Recovery of cost**

(3) A person who repairs a fence under subsection (2) may recover the costs of the work in the same manner as an owner under subsection 11 (3) may recover the value of work done by that owner. R.S.O 1990, c. L.17, s. 22 (3).

#### **Right of entry**

(4) For the purpose of such removal, the owner of the tree may enter into and upon the adjoining land doing no unnecessary spoil or waste. R.S.O 1990, c. L.17, s. 22 (4).

#### **Fence-viewers to decide disputes**

(5) All questions arising under this section shall be adjusted by three fence-viewers of the municipality, the decision of any two of whom is binding upon the parties. R.S.O 1990, c. L.17, s. 22 (5).

#### **Act applies to lands of municipality or local board**

**23. (1)** This Act applies to lands owned by a municipality and to lands owned by a local board within the meaning of the *Municipal Affairs Act*, including a conservation authority. R.S.O 1990, c. L.17, s. 23 (1).

(2) Repealed: 2002, c. 17, Sched. F, Table.

#### **Agreements**

(3) The council of a municipality or a local board may enter into agreements with owners of land adjoining land owned by the municipality or the local board, as the case may be, for the construction, reconstruction, repair, maintenance and keeping up of line fences to mark the boundary of such lands, and any such agreement when reduced to writing in the prescribed form may be registered and enforced as if it were an agreement between owners under section 16. R.S.O 1990, c. L.17, s. 23 (3).

#### **Act binds Crown**

**24. (1)** Except as otherwise provided in subsections (2) and (3), this Act applies so as to bind the Crown in right of Ontario. R.S.O 1990, c. L.17, s. 24 (1).

#### **Exception**

(2) This Act does not apply to lands of the Crown in right of Ontario that at no time have been disposed of by the Crown in right of Ontario by letters patent, deed or otherwise. R.S.O 1990, c. L.17, s. 24 (2).

#### **Limitation**

(3) Despite any other provision in this Act, an award made under section 8 in respect of lands vested in the Crown in right of Ontario shall not require the Crown to be responsible for more than one-half of the fence or to pay to the adjoining owner an amount exceeding 50 per cent of the cost of the fence. R.S.O 1990, c. L.17, s. 24 (3).

#### **Act does not apply to public highways**

**25. (1)** Despite sections 23 and 24, this Act does not apply to any lands that constitute a public highway including lands abutting a public highway that are held as a reserve by a municipality or other public authority to separate lands abutting the reserve from the public highway. R.S.O 1990, c. L.17, s. 25 (1).

#### **Agreements under subs. 23 (3)**

**(2)** Subsection (1) does not apply so as to prevent the entering into of agreements under subsection 23 (3) with respect to line fences to mark the boundary between a public highway or a reserve and adjoining lands. R.S.O 1990, c. L.17, s. 25 (2).

#### **Non-application**

**26.** This Act, except section 20, does not apply to land in an area that is subject to a by-law for apportioning the costs of line fences passed under the *Municipal Act, 2001* or the *City of Toronto Act, 2006*, as the case may be. 2006, c. 32, Sched. C, s. 30 (6).

#### **Appeals divisions**

**27. (1)** The Lieutenant Governor in Council shall establish one or more appeals divisions, as the Lieutenant Governor in Council considers advisable, so that all lands in Ontario are in an appeals division. R.S.O 1990, c. L.17, s. 27 (1).

#### **Appointment of referee**

**(2)** The Lieutenant Governor in Council shall appoint a referee for the purposes of this Act for each appeals division. R.S.O 1990, c. L.17, s. 27 (2).

#### **Deputy referees**

**(3)** The Lieutenant Governor in Council may appoint one or more deputy referees for the purposes of this Act for each appeals division and a deputy referee has the same powers and duties as a referee and shall have jurisdiction in the appeals division named in the deputy referee's appointment. R.S.O 1990, c. L.17, s. 27 (3).

#### **Additional jurisdiction**

**(4)** A referee or deputy referee may be authorized by the Lieutenant Governor in Council to have jurisdiction in more than one appeals division. R.S.O 1990, c. L.17, s. 27 (4).

#### **Assignment of hearings**

**(5)** A deputy referee shall hear such appeals as are assigned to the deputy referee by the referee for the appeals division to which the deputy referee is appointed. R.S.O 1990, c. L.17, s. 27 (5).

#### **Remuneration**

**(6)** Referees and deputy referees shall be paid such remuneration as may be prescribed together with reasonable expenses. R.S.O 1990, c. L.17, s. 27 (6).

#### **Appeals – miscellaneous provisions**

##### **Clerk on hearing of appeals**

**28. (1)** The clerk of the municipality in which an appeal is filed under section 10 shall be the clerk for the purposes of an appeal under that section. R.S.O 1990, c. L.17, s. 28 (1).

##### **Support services**

**(2)** The corporation of the municipality in which an appeal is filed under section 10 shall provide a suitable room for holding the hearing and shall provide all necessary

stenographic and other support services as may be required for the purposes of the appeal. R.S.O 1990, c. L.17, s. 28 (2).

### **Idem**

[\(3\)](#) Support services not related to a specific appeal shall be supplied to the referees and deputy referees by the ministry of the Minister. R.S.O 1990, c. L.17, s. 28 (3).

### **Regulations by Minister**

[29.](#) The Minister may make regulations,

- (a) prescribing forms and providing for their use;
- (b) prescribing information that must be included in any notice or form required under this Act;
- (c) requiring that a form approved or provided by the Ministry be used for any purpose of this Act. 2006, c. 32, Sched. D, s. 6 (2).

### **Regulations**

[30.](#) The Lieutenant Governor in Council may make regulations,

- (a) to provide for determining how costs of line fences marking the boundary between lands situate in territory without municipal organization shall be apportioned and for providing for the manner in which any amount so apportioned shall be recovered and providing for appeals to a referee in relation to such lands;
- (b) prescribing appeals divisions, the territorial limits of the divisions and the place at which any notices to be given to the referee for any such division may be served;
- (c) prescribing fees in relation to appeals before a referee;
- (d) prescribing maximum limits of administrative fees for the purposes of section 17;
- (e) prescribing the remuneration to be paid to referees and deputy referees;
- (f) prescribing rules of procedure related to proceedings before a referee;
- (g) prescribing what may be included in determining the costs of proceedings under this Act. R.S.O 1990, c. L.17, s. 30.

### **Inspection of awards, decisions, etc.**

[31.](#) Subsection 253 (1) of the *Municipal Act, 2001* or section 199 of the *City of Toronto Act, 2006*, as the case may be, applies with necessary modifications to an award, certificate, determination, decision, notice or other document that, as a result of proceedings initiated under this Act is in the possession or under the control of the clerk or a person designated by the council under this Act for the purpose of giving notices. R.S.O 1990, c. L.17, s. 31; 2002, c 17, Sched. F, Table; 2006, c. 32, Sched. C, s. 30 (7).

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## TERMS OF REFERENCE

### TOWN OF NIAGARA-ON-THE-LAKE GLENDALE TASK FORCE COMMITTEE

#### PURPOSE

The Glendale Task Force shall:

- Identify and prioritize safety, security and parking problems and solutions experienced in the Niagara-on-the-Green neighbourhood.
- Provide feedback regarding Municipal practices, policies and by-laws related to the Glendale Community and recommend policy and by-law revisions where appropriate.
- Develop a communications strategy to foster better communication among students, Niagara College, Community Residents and Town Staff.

#### ORGANIZATION

Applications for the Glendale Task Force appointments are requested at the beginning of the term of Council and members are appointed by resolution of Town Council for the term of Council (currently 4 years) and until their successors are appointed.

The Glendale Task Force is a voluntary Committee established by Town Council in accordance with these Terms of Reference. Committee members are guided by these Terms of Reference.

Shall have access to a computer and an e-mail address in order to receive and respond to Committee communications and information.

The membership of the Glendale Task Force will consist of:

- Two (2) Town of Niagara-on-the-Lake Councillors
- Three (3) Representatives from Glendale Residential Areas
- One (1) Representative from Niagara College (may delegate an alternate)
- One (1) Developer Representative
- Two (2) Commercial/Business Representatives

#### Staff Resources

- Town of Niagara-on-the-Lake Chief Building Official (advisory)
- Town of Niagara-on-the-Lake Deputy Fire Chief (advisory)
- Town of Niagara-on-the-Lake By-law Enforcement Supervisor (advisory)
- Town of Niagara-on-the-Lake Manager of Planning (advisory)
- Town of Niagara-on-the-Lake Director, Community & Development Services (advisory)
- Town of Niagara-on-the-Lake Planner I (advisory)
- Niagara Regional Police (advisory)
  
- Non-voting participants may be invited to attend when particular expertise is requested by the membership.

Glendale Task Force minutes will be forwarded as information to the Niagara-on-the-Lake Town Council. Minutes will be forwarded to the Niagara-on-the-Lake Chief Administrative Officer.

## DUTIES & RESPONSIBILITIES

### Chair

- To chair all regular meetings
- To assure that all meetings run smoothly and expeditiously by enforcing the rules of order and ensuring that the meetings are run in accordance with these Terms of Reference
- To assure that all members have an opportunity to comment

### Vice Chair

- To assume all of the functions of the Chair when that he/she is unable to attend any regular meeting

### Administrative Support Staff

- Administrative support will prepare the recommendations of the committee.

## MANAGEMENT OF THE COMMITTEE

### Meeting Schedule & Location

The Glendale Task Force meetings will generally be held as required by consensus of the Task Force and the call of the Chair. Meetings will generally be held on Thursdays between 3:30 p.m. and 5:00 p.m.

### Committee Meetings

Elect a Chair and a Vice Chair at the beginning of their term.

Meetings will be posted in the Council calendar and open to the public as observers. Meeting participation by non members is by invitation of the Task Force.

All meetings are consistent with Council's procedural by-law.



**TERMS OF REFERENCE**  
**NIAGARA ON THE LAKE COMMUNITY SAFETY COMMITTEE**  
**FORMERLY KNOWN AS THE NIAGARA ON THE LAKE POLICING COMMITTEE**

The Niagara on the Lake Policing committee was established in 1991 as an official Committee of Council. The objective of the committee is to identify and prioritize safety within the local community.

- a) Generating support for community safety
- b) Operating crime prevention programs
- c) Conducting educational programs in schools; and
- d) Fostering a positive relationship between local youths and the police

As of January 2014 the NRP discontinued Community Policing program across the Niagara Region. The committee voted to continue operating under the new name “Niagara on the Lake Safety Committee”.

**Committee Membership**

- The membership of the Niagara on the Lake Safety Committee will consist of volunteers/representatives from:
  - Residents in the District (5)
  - Member of Council (1)
  - Niagara Regional Police ( Advisory )
  - Niagara Parks Police (Advisory)
  - Fire and Emergency Services (Advisory)
  - Town of Niagara on the Lake By-Law Enforcement (Advisory)
  - Town of Niagara on the Lake Parks & Recreation Department (Advisory)
  - Town of Niagara on the Lake Public Works Department (Advisory)
  - Media Representative from the Niagara Advance
  - Media Representative from Niagara This Week
  - Representative from Virgil Business Association
  - District School Board of Niagara
  - Niagara Catholic District School Board

Members of the Safety Committee will elect a chair at the beginning of their term. The functions of the Chair of designate shall be:

- To chair all regular Safety committee meetings
- To ensure all meetings run smoothly and expeditiously by enforcing the rules of order and ensuring that the meetings are run in accordance with the Terms of Reference.
- To ensure that all members of the Committee have an opportunity to provide comments and recommendations with respect to the safety of the residents in the district

**Duties & Responsibilities**

The Committee will meet once a month and will focus on the implementation and management of safety programs including:

- The annual Offshore Workers Bike Rodeo
- The annual Children’s Bike Safety Rodeo
- Educational Safety programs in schools

**Reporting**

The Safety Committee will forward minutes from monthly meetings as information to the Niagara on the Lake Town Council

## **Wall of Fame Committee**

Randall Crickmore, Chair  
6799 Stamford Green Dr  
Niagara Falls, ON L2J 1T9

Peter Croskery  
3 Merritt Circle, R.R. #3,  
Niagara-on-the-Lake, ON L0S 1J0

Herwig Baldauf,  
R.R. #5, 4 Firelane 12 B,  
Niagara-on-the-Lake, ON L0S 1J0

Ted Wiens,  
Box 867, 561 King Street,  
Niagara-on-the-Lake, ON L0S 1J0

Ward Simpson  
R.R. #3, 5 McFarland Gate,  
Niagara-on-the-Lake, ON L0S 1J0

Letter sent out March 24, 2009

# NIAGARA-ON-THE-LAKE - SPORTS WALL OF FAME CONSTITUTION

## 1. Objective

To honour and recognize significant contributions to/or achievements in athletics by individuals from Niagara-on-the-Lake.

## 2. Criteria

The recipient must be an individual, who through his/her energy, enthusiasm and talent, has made a significant contribution to the sporting community or has attained a significant athletic achievement.

The individual must reside, or previously have been a resident of Niagara-on-the-Lake.

Nominations can be submitted in two categories:

Athlete - Athletes to be considered for admission must be or have been outstanding in their athletic field of endeavour.

Builder - Builders are trainers, coaches, officials or executive members whose work for Niagara-on-the-Lake sport over an extended period of time has been outstanding.

## 3. Process

### a) Formation of the Committee

The initial Selection Committee will be formed by the Niagara-on-the-Lake Parks & Recreation Department and the Niagara-on-the-Lake Kinsmen Club.

The Selection Committee (hereafter named the Committee) will consist of three members of local service clubs, three representatives from local sports associations and the Director of Parks & Recreation.

In subsequent years, the Committee members will be determined by the outgoing Committee within the approved Committee structure.

### b) Committee Organization

The Committee will select a Chair and Vice Chair.

The Chair will schedule all meetings and preside at all meetings. The Vice Chair, in the absence of the Chair, shall preside at all meetings.

The Chair can recommend additional Committee Members subject to Committee approval.

### c) Role of the Committee

The Committee will promote and encourage nominations for the Wall of Fame.

The Committee will review all nominations received and select a maximum of two individuals annually (four recipients to be selected in the first year).

The Committee will make the necessary arrangements for the framed picture and plaque to be placed on the wall.

#### 4. Path to Induction

Nominations are made by the general public and sent to the Niagara-on-the-Lake Parks & Recreation Office with supporting evidence by December 31<sup>st</sup>.

Nominations must be made in writing on the Wall of Fame nomination form, available from the Parks & Recreation Office, the Town Municipal Office or the Town website.

Support data may be included.

An individual may be asked to speak in support of a nomination.

There shall be no publicity as to the proposed nominees; the only names released to the public shall be those names elected to the Niagara-on-the-Lake Wall of Fame.

A nominee who has not been selected in any given year is eligible for future consideration upon reapplication. Each year a Committee will select a maximum of two individuals to be honoured on the Wall of Fame at the Niagara Credit Union Arena (after the initial year when a maximum of four individuals can be named).

The Committee will review all nominations each January and once selections are made, the necessary arrangements will be made to have framed pictures and plaques in place for an annual ceremony in June.

#### 5. Awards

For each inductee a standard size photograph with a relevant biography of the individual will be displayed on the Wall of Fame.

All plaques will be a standard size and colour, consisting of an 9" x 11" photo and a 3" x 7" plaque for the biography within a 15 3/4" x 21 3/4" frame.

#### 6. Funding

The framed pictures and plaques will be funded by an account established by the Niagara-on-the-Lake Kinsmen Club and at such time that the funds are exhausted, the respective sports associations and service clubs solicited for funding.

**TOWN OF NIAGARA-ON-THE-LAKE  
TREE ADVISORY COMMITTEE  
TERMS OF REFERENCE**

**PURPOSE OF THE COMMITTEE**

The Town's Tree Committee shall act in an advisory capacity and will be consulted by Parks & Recreation and Public Works Department representatives when their comments are required.

**OPERATION OF THE COMMITTEE**

The Tree Advisory Committee will be contacted by the Town's Roads Supervisor and/or Parks Supervisor for advice as needed.

**COMMITTEE ORGANIZATION**

Due to the limited staff expertise, the Tree Advisory Committee will consist of two to three residents, all of whom must either be certified arborists or possess an accredited background in tree horticulture. One member of the Committee will be selected as Chair and will be the primary contact from amongst the members.

**DUTIES & RESPONSIBILITIES**

Depending on their availability, members of the Tree Advisory Committee, either independently or collectively, are expected to provide advice, upon request, regarding the maintenance, removal, and placement of specific trees located on boulevards, in parks and other municipal properties.

The Tree Committee shall have regard for the following Town Policies and Procedures:  
REC-PRK-003 Tree Planting and Jurisdictional Policy  
PW-RDS-005 Tree Planting  
PW-RDS-013 Tree Removal  
PW-RDS-014 Tree Trimming

**Term of Office**

The Committee's term of office will coincide with the term of Council.

**THE CORPORATION  
OF THE  
TOWN OF NIAGARA-ON-THE-LAKE  
BY-LAW NO. 4401-10**

**A BY-LAW TO ESTABLISH THE NIAGARA  
COMPLIANCE AUDIT COMMITTEE FOR THE  
CORPORATION OF THE TOWN OF NIAGARA-ON-THE-  
LAKE**

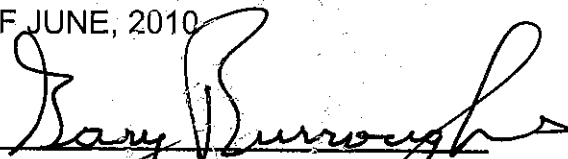
**WHEREAS** Section 81.1 of the *Municipal Elections Act, 1996* as amended provides a council or local board shall, before October 1 of an election year, establish a compliance audit committee for the purposes of Section 81;

**AND WHEREAS** it is deemed expedient to establish a compliance audit committee for the Corporation of the Town of Niagara-on-the-Lake related to the possible contravention of the said *Act* for election campaign finances.

**NOW THEREFORE** the Council of the Corporation of the Town of Niagara-on-the-Lake hereby enacts as follows:

1. **THAT** a Joint Compliance Audit Committee be and it is hereby established to be known as the "Niagara Compliance Audit Committee".
2. **THAT** the Terms of Reference for the Niagara Compliance Audit Committee annexed hereto as Schedule "A" be and they are hereby authorized and approved and adopted.
3. **THAT** the Clerk of the Town of Niagara-on the-Lake is hereby delegated the authority to effect any amendments to Schedule "A" hereto which may arise at the request of one of the Joint Area Participants subsequent to the passage of this by-law if deemed reasonable by the Clerk, and the Clerk shall notify the Council in such instance.
4. **THAT** pursuant to the provisions of Sections 23.1 to 23.5 inclusive of the *Municipal Act, 2001*, as amended, the Clerk of the Town of Niagara-on-the-Lake is hereby authorized to effect any minor modifications or corrections solely of an administrative, numerical, grammatical, semantical or descriptive nature or kind to this by-law or its schedules as such may be determined to be necessary after the passage of this by-law.
5. **THIS** by-law shall come into force and take effect on the day of its passing.

READ A FIRST, SECOND AND THIRD TIME AND PASSED THIS 28<sup>th</sup> DAY  
OF JUNE, 2010

  
LORD MAYOR GARY BURROUGHS

  
TOWN CLERK HOLLY DOWD

## **Terms of Reference for Niagara Compliance Audit Committee**

### 1. Authority

- 1.1 Section 81.1 of the *Municipal Elections Act, 2006* ("Act") requires the council, before October 1<sup>st</sup> in an election year, to establish a compliance audit committee for the purposes of Section 81 of the said *Act* relative to a possible contravention of the election campaign finance rules.

### 2. Objectives

- 2.1 To establish a Joint Compliance Audit Committee ("Committee") and process with the following potential participants (referred to as the "Joint Area"):

#### "Area Municipalities"

Regional Municipality of Niagara  
Town of Fort Erie  
Town of Grimsby  
Town of Lincoln  
City of Niagara Falls  
Town of Niagara on the Lake  
Town of Pelham  
City of Port Colborne  
City of St. Catharines  
City of Thorold  
Township of Wainfleet  
City of Welland  
Township of West Lincoln

#### "School Boards"

1. District School Board of Niagara
2. Niagara Catholic District School Board

- 2.2 Each Council/Board of the Joint Area will determine its participation in the Joint Compliance Audit Committee and as such, will be referred to herein as "Joint Area Participants".

- 2.3 To ensure compliance with Sections 81 and 81.1 of the *Act*.

### 3. Name

- 3.1 The Committee shall be named the "Joint Niagara Compliance Audit Committee" hereinafter called "the Committee."



## Terms of Reference for Joint Compliance Audit Committee

### Page Two

- 3.2 For the purpose of reference to the School Boards, modifications to certain terms used herein shall have a corresponding meaning to the Board, ie Council/Board, Clerk/Secretary, responding municipality/responding board.
4. Type of Committee
  - 4.1 The Committee is a Statutory Committee.
5. Term
  - 5.1 The term of the Committee shall be concurrent with the term of the office of the Council that takes effect following the next regular election, and the term of office of the members of the committee is the same as the term of the committee to which they have been appointed.
  - 5.2 The term of appointment shall be December 1<sup>st</sup> of the regular election year to November 30, of the next regular election year.
6. Duration
  - 6.1 The Committee shall be established before October 1<sup>st</sup> of an election year.
  - 6.2 The establishment of the Committee and terms of reference shall continue as set out herein from Council term to Council term until and unless determined otherwise by Council. However, the appointment of the members to the Committee shall be approved by each Council in the Joint Area prior to October 1<sup>st</sup> in each election year.
7. Mandate
  - 7.1 An elector who is entitled to vote in an election and believes on reasonable grounds that a candidate has contravened a provision of the *Municipal Elections Act, 1996* relating to election campaign finances may apply for a compliance audit of the candidate's election campaign finances.
  - 7.2 The mandate of the Committee is to hear and determine all applications filed in accordance with Section 81 of the *Act*, in accordance with the procedures established by the Clerk under the *Act*. Any application which does not meet the legislative deadline for submission will not be presented to the Committee for review.

**Terms of Reference for Joint Compliance Audit Committee**  
**Page Three**

- 7.3 The powers and functions of the Committee are set out in Section 81 of the *Act*. The Committee shall:
- (a) review and consider a compliance audit application received from an elector and decide whether it should be granted or rejected;
  - (b) if the application is granted, appoint an auditor to conduct a compliance audit;
  - (c) receive the auditor's report;
  - (d) consider the auditor's report and if the report concludes that the candidate appears to have contravened a provision of the *Act* relating to election campaign finances, decide whether legal proceedings against the candidate for the apparent contravention shall be commenced;
  - (e) if the report concludes that the candidate does not appear to have contravened a provision of the *Act* relating to election campaign finances, make a finding as to whether there were reasonable grounds for the application, and
  - (f) submit its findings to Council if the report indicates there was no apparent contravention and no reasonable grounds for the application and Council may recover the auditor's costs from the applicant.

8. Composition

- 8.1 The Committee shall be composed of a maximum of seven (7) members with membership drawn from the following stakeholder groups:
- (a) accounting and audit – accountants or auditors with experience in preparing or auditing the financial statements of municipal candidates;
  - (b) academic – college or university professors with expertise in political science or local government administration;
  - (c) legal profession with experience in municipal law, municipal election law or administrative law;
  - (d) professionals who in the course of their duties are required to adhere to codes or standards of their profession which may be enforced by disciplinary tribunals, and
  - (e) other individuals with knowledge of the campaign financing rules of the *Municipal Elections Act, 1996*.

**Terms of Reference for Joint Compliance Audit Committee**  
**Page Four**

- 8.2 The Committee shall not include,
- (a) employees or officers of the municipality or local board;
  - (b) members of the council or local board;
  - (c) any persons who are candidates in the election for which the committee is established or family members or employees of same, or any person connected to a candidate through an employment, contractual, business or partnership relationship, or
  - (d) any person who is or intends to volunteer or seek employment to assist any candidate in the election for which the committee is established.
- 8.3 When an application has been filed under Section 81 of the *Act*, only three (3) of the seven (7) members of the Committee shall comprise the audit committee for the purposes of reviewing and considering the application.
- 8.4 The Clerk of the responding municipality shall determine the selection of the three (3) sitting members of the Committee from the pool of members based on availability.
- 8.5 To avoid possible conflict of interest, an auditor or accountant appointed to the Committee must agree in writing to not undertake the audits or preparation of the financial statements of any candidates seeking election to Council/Board of Joint Area Participants. Failure to adhere to this requirement will result in the individual being removed from the Committee.
9. Member Selection and Appointment
- 9.1 All persons interested in serving on the Committee shall complete an application form prescribed by the Clerk setting out their qualifications and experience.
- 9.2 A Nomination Committee consisting of a majority of the Clerks of the Joint Area Participants shall review the applications and submit a joint short list of candidates to their respective Councils for approval.
- 9.3 The member selection process shall be carried out by the Joint Area Participant Clerks on behalf of the School Boards. The School Boards shall be so notified of the short-list of candidates.

## **Terms of Reference for Joint Compliance Audit Committee**

### **Page Five**

9.4 Committee members shall be appointed by each Joint Area Participant Council.

9.5 In the event a vacancy occurs during the term, the municipality may rely on the remaining members to compose a committee of three (3) members.

#### **10. Selection Criteria**

10.1 Without limiting the foregoing, members shall be selected on the basis of the following:

- (a) demonstrated knowledge and understanding of municipal election campaign finance rules;
- (b) proven analytical and decision-making skills;
- (c) experience working on a committee, administrative tribunal, task force or similar setting;
- (d) availability and willingness to attend meetings;
- (e) excellent oral and written communication skills.

#### **11. Chair of Committee**

11.1 The Committee members shall select a Chair form amongst its members at its first meeting.

#### **12. Secretary to Committee**

12.1 The Clerk of the responding municipality shall act as Secretary to the Committee.

#### **13. Compensation**

13.1 Members of the Committee shall receive an initial honorarium of \$100.00, including mileage, for attendance at a training session the costs of which shall be shared equally amongst the Area Municipalities and School Boards.

13.2 Members shall receive an honorarium of \$100.00 per meeting, plus mileage at the rate of the responding municipality.

## Terms of Reference for Joint Compliance Audit Committee

### Page Six

#### 14. Costs and Funding

- 14.1 The responding municipality shall fund and pay all costs associated with the Committee, including the retention of an auditor and any costs incurred as a result of a decision of the Committee being challenged to the Ontario Court of Justice.
- 14.2 The Joint Area Participants shall share equally in the costs associated with advertising and training.
- 14.3 If the report indicates there was no apparent contravention and the Committee finds there were no reasonable grounds for the application, the Council or local board is entitled to recover the auditor's costs from the applicant.

#### 15. Auditor

- 15.1 The Area Clerks shall issue a joint RFP for auditor services.
- 15.2 The Committee shall appoint an auditor.

#### 16. Meetings

- 16.1 The Committee shall conduct its meeting in public subject to the need to meet in closed session for a purpose authorized by Section 239 of the *Municipal Act, 2001*.
- 16.2 The municipality's website shall be used to communicate meeting notices, agendas, minutes and decisions.
- 16.3 The Committee shall conduct its meetings in accordance with the responding municipality's Council Rules of Procedure By-law and the Statutory Powers Procedures Act, with modifications as necessary.

#### 17. Conflicts

- 17.1 Committee members shall comply with the *Municipal Conflict of Interest Act* and shall disclose a pecuniary interest to the Secretary and absent him/herself from meetings for the duration of the consideration of the application, discussion and voting with respect to the matter.
- 17.2 In the event a member discloses a pecuniary interest in the application, the Clerk of the responding municipality shall select another member to replace him/her on the Committee.

**Terms of Reference for Joint Compliance Audit Committee**  
**Page Seven**

18. Practices and Procedures

- 18.1 The Clerk shall establish administrative practices and procedures for the Committee and shall carry out any other duties required under the Act to implement the Committee's decisions.

**THE CORPORATION  
OF THE  
TOWN OF NIAGARA-ON-THE-LAKE  
BY-LAW NO. 4594-12**

A BY-LAW TO AUTHORIZE AN AGREEMENT BETWEEN THE CORPORATION OF THE TOWN OF NIAGARA-ON-THE-LAKE, THE CORPORATION OF THE CITY OF ST. CATHARINES AND THE CORPORATION OF THE CITY OF NIAGARA FALLS (Niagara District Airport Funding Agreement)

BE IT ENACTED AS A BY-LAW OF THE CORPORATION OF THE TOWN OF NIAGARA-ON-THE-LAKE as follows:

1. THAT the Agreement dated the 3<sup>rd</sup> day of December 2012 between the Corporation of the Town of Niagara-on-the-Lake, the Corporation of the City of St. Catharines and the Corporation of the City of Niagara Falls, is hereby approved; and
2. THAT the Lord Mayor and Clerk be authorized to affix their hands and the Corporate Seal; and
3. THAT this by-law shall come into force and take effect immediately upon the passing thereof.

**READ A FIRST, SECOND AND THIRD TIME AND PASSED THIS 3<sup>rd</sup> DAY OF DECEMBER 2012**

  
\_\_\_\_\_  
LORD MAYOR DAVE EKE

  
\_\_\_\_\_  
TOWN CLERK HOLLY DOWD

THIS AGREEMENT made in quadruplicate the 8th day of January 2013

BETWEEN:

THE CORPORATION OF THE CITY OF ST. CATHARINES

hereinafter called "St. Catharines"

of the FIRST PART;

- and -

THE CORPORATION OF THE CITY OF NIAGARA FALLS

hereinafter called "Niagara Falls"

of the SECOND PART;

- and -

THE CORPORATION OF THE TOWN OF NIAGARA-ON-THE-LAKE

hereinafter called "Niagara-on-the-Lake"

of the THIRD PART;

WHEREAS pursuant to sections 19, 20 and 70 of the *Municipal Act, 2001*, S.O. 2001, c. 25, as amended, the Councils of any two (2) or more municipalities may enter into an agreement to jointly provide for their benefit any matter which all of them have the power to provide within their own boundaries, *i.e.*, a transportation system other than highways, including an airport;

AND WHEREAS the parties hereto desire to establish a Joint Municipal Services Board pursuant to section 202 of the *Municipal Act, 2001*, S.O. 2001, c.25, as amended;

AND WHEREAS the Niagara District Airport Commission was established in the year 1959, and has operated the Niagara District Airport since that date under a lease with the Transport Canada;

AND WHEREAS by agreement made on the 1<sup>st</sup> day of January, 1964, the existence of the Niagara District Airport Commission was continued in accordance with the terms and provisions of the said agreement and, subsequently, by other agreements;



AND WHEREAS ownership of the Niagara District Airport was transferred by the Federal government to the Town of Niagara-on-the-Lake, Ontario, on September 13, 1996, providing that the Town of Niagara-on-the-Lake continues to operate the said premises as an airport;

AND WHEREAS the parties hereto have deemed it advisable to continue to administer and maintain the Niagara District Airport through the Niagara District Airport Commission in compliance with the requirements of Transport Canada and have agreed to enter into this Agreement for a term to expire on the 31st day of December, 2026;

NOW THEREFORE THIS AGREEMENT WITNESSETH that in consideration of the premises and the covenants and agreements hereinafter contained and expressed, the parties hereto covenant and agree, each with the other, as follows:

1. That there shall be continued an aerodrome hereinafter called an Airport in the Town of Niagara-on-the-Lake, in the Regional Municipality of Niagara, to be known as the Niagara District Airport (hereinafter referred to as the "Airport"). The parties hereto have agreed to enter into this Agreement to recognize the establishment of and to continue the Joint Municipal Services Board to provide for and facilitate the operation of the Airport.
2. That the Commission known as the Niagara District Airport Commission (hereinafter referred to as the "Commission") shall be and the same is hereby continued and shall be composed as follows:
  - a) One (1) elected Council Member appointed by each of the respective Councils of each of the parties hereto who shall be a member of the Commission for a term of four (4) years or for such lesser period as may be determined by the appointing Council, which term shall coincide with the term of municipal council.
  - b) Six (6) additional members at large, consisting of three (3) from the City of St. Catharines, two (2) from the City of Niagara Falls, and one (1) from the Town of Niagara-on-the-Lake. The appointment of those additional members shall be made by the respective Councils after considering the recommendation of the Commission.

- c) A Nominating Committee consisting of the Airport Liaison Committee, together with the respective Council representatives of the Commission, shall be responsible for reviewing a list of candidates submitted by respective clerks of each Municipality pursuant to a process outlined herein. The six (6) additional members shall be appointed for a term of four (4) years by Council of each municipality unless for such lesser period as may be determined by the appointing Council. The parties agree that the members shall continue to hold office until their successors are appointed. The process for determining prospective members of the Commission shall be as follows:
- i) Each municipality will advertise in the local newspaper, and the Clerk will receive applications for open positions on the Commission before the end of December.
  - ii) The Clerk of each municipality will forward the applications to the Nominating Committee of the Commission. The Nominating Committee will scrutinize the applications and determine a short list based on the expertise, experience, industry knowledge, business experience or background in financial, legal, accounting and/or marketing experience and overall beneficial participation on the Commission, in consultation with the respective Council representative of the Commission.
  - iii) The Nominating Committee will interview the applicants on the short list and present their recommendations to the Commission for approval.
  - iv) The Commission will forward its recommendations, together with reasons for their selection, of proposed candidates to each of the respective municipalities for their consideration in making the necessary appointments. Council shall not be required to appoint those recommended by the Commission. Appointments will be made by the appropriate municipality.
- d) For the purpose of providing continuity, the Commission may recommend the term of appointment to respective Councils when submitting a list of recommended additional members. The Commission's suggested term for the appointment of recommended members shall ensure the necessary continuity of experienced members on the Commission. Notwithstanding the four-year term, nothing shall

prevent the reappointment of an existing member of the Commission for subsequent or future terms.

3. The parties hereto agree that an Airport Liaison Committee shall be established and constituted by the Mayor and the Chief Administrative Officer of each municipal party. The Airport Liaison Committee (hereinafter referred to as "ALC") shall be a committee to give direction to the Commission. Each Mayor shall have a turn at chairing the ALC. The parties hereto have agreed that the Lord Mayor of Niagara-on-the-Lake shall act as the first Chairperson of the ALC, to hold the said position for a period of one (1) year, and, thereafter each Mayor shall act as Chairperson on a rotation basis for a period of one (1) year each. The ALC shall function as a resource to the Commission on an as-required basis. The ALC shall be required to hold a minimum of two (2) meetings a year. The said meetings and additional meetings shall be at the call of the Chair or other members. One (1) of the required meetings shall deal with the strategic business planning and annual budget of the Airport, which meeting shall be held prior to budget submissions. The Commission shall provide financial statements to each Mayor participating in the ALC. Further, the Commission shall ensure that all highlights or minutes of the Commission meetings shall be provided to the ALC. The ALC shall serve as a liaison between the Commission and keep their respective councils informed of Commission activities. The ALC will provide interpretations of the Joint Municipal Service Board agreement to the Commission.

4. The control and management of the Airport shall be and is hereby entrusted to the Commission. The Commission constituted in accordance with section 2 of this Agreement and acting as a joint municipal services board pursuant to the *Municipal Act, 2001*, is hereby appointed and shall, for the purposes of this Agreement, be deemed to be appointed by all parties to this Agreement. The Airport is to function as a viable commercial entity under the direction of the Commission, with its primary purpose being meeting the needs of commercial and corporate aviation within the commercial service area of Niagara Region. In this role, the Commission should provide land and facilities to attract aviation-related businesses to locate at the Airport, support local area industrial growth by facilitating access by corporate aviation and encourage commercial

passengers and air freight services to the extent that markets for these can be developed. In order to fulfill its mandate and subject to the budget and business plan approved by the parties hereto, the Commission shall hereby be authorized to hold all assets in trust for the parties hereto and authorized to enter into agreements, leases and to acquire property as necessary for the fulfillment of its mandate.

5. The parties hereto direct and authorize the Commission to formalize agreements, as required, with any of the municipal parties to provide administrative and/or technical services to the Commission to assist both the manager and Commission in the operation of the Airport. Further, the parties agree that the Commission shall develop a supportive relationship with the municipal parties and Regional Economic Development departments.

6. The Commission shall be required to present to the respective Councils of each municipal party a business plan setting out anticipated improvements and operating results on a yearly basis together with its budget. Further, the parties agree that the Chairperson of the Commission shall attend a minimum of one (1) meeting of Council of each municipal party, in a twelve (12) month period, for the purpose of providing the respective Councils with a formal administrative and operations report and to seek approvals for the required capital expenditures outlined in the business plan. The Commission has the authority to approve changes to the budget up to \$25,000. The change cannot result in a deficit. Notice of any change must be given to the ALC. The Commission cannot approve any capital expenditures or incur any debt without the approval in the annual budget or by the unanimous approval of three (3) participating municipalities.

7. The Commission shall engage a manager and such other employees as may be necessary for the proper operation and maintenance of the Airport.

8. The officers of the Commission shall consist of a Chairperson, a Vice Chairperson, a Secretary, a Treasurer and such other officers as the Commission may deem necessary, from time to time.

9. The Commission may appoint from its membership such committees as it may consider advisable.

10. The annual budget shall be approved by the Commission at its November meeting and copies of the said budget shall be submitted to the Clerk of the parties hereto on or before the 30<sup>th</sup> day of November, in each year, for consideration by the respective Councils of the parties. If the budget is objected to by one (1) or more of the parties hereto, it shall be referred back to the Commission for further study, review and modification. In any event, the budget will not be binding on an objecting party until approved by that party. Notwithstanding the foregoing, each of the parties hereto shall, in each year during the term of this Agreement, pay an amount equal to fifty per cent (50%) and, further, it will pay the remaining fifty per cent (50%) after the budget has been approved, no later than July 1, of the last approved budget as approved by that party, by January 1st.

11. The cost of operating, maintaining and improving the Airport shall be borne by the parties hereto on a population ratio basis. Such population shall be determined by information obtained from the Municipal Property Assessment Corporation, and each party shall pay its share of the Commission's budget for the respective years covered by this Agreement to the Treasurer of the Commission in quarterly installments as provided in section 10 hereto. In the event that any of the parties hereto dispute the aforesaid determination of the population of any one (1) or more of the municipalities in any year for the purpose of this Agreement, or in the event that such determination of the population differs from the population figures for such year published in the Municipal Directory, the Municipal Directory shall govern and all necessary adjustments shall be made in the share to be paid by each party for such year.

12. Providing that as long as the Airport is operated as an airport and that the parties hereto provide the funding as discussed herein, all three (3) municipalities will share on a per capita basis on distribution of assets that may occur as a result of a sale of the Airport.

13. The Commission shall appoint an auditor of the municipality that is responsible for the largest share of the expenses of the local board at the first meeting of the Commission in each year, and a copy of the auditor's statement shall be sent to the Clerk of each of the party municipalities forthwith after it has been prepared.

14. The Commission shall meet on the third Thursday of every other month at the call of the Chairperson, commencing at February's annual meeting. Other Commission meetings may be called as necessary by the Chairperson or, alternatively, the Commission shall be required to meet a minimum of six (6) times a year at the call of the Chairperson. The annual general meeting shall not be later than the end of February in each year. Other Commission meetings may be called as necessary by the Chairperson or at the request of two (2) other members.

15. The Commission shall ensure that it prepares and adopts, pursuant to the requirements of the *Municipal Act, 2001*, a procedural by-law, procurement policy and hiring policy. The Commission shall provide the Clerk of each municipal party with a copy of all current by-laws passed and policies adopted by the Commission and a copy of the lease between the Commission and Niagara-on-the-Lake.

16. If, at any time, any of the parties hereto wish to terminate its participation in this Agreement, it shall give a minimum of twelve (12) months written notice to the Commission and to the Clerk of each party hereto. The party wishing to terminate its participation shall be responsible for paying its share as required by this Agreement, the amount required to cover its share of the last approved budget. The responsibility shall continue until the year end and until the next year's budget is approved. The terminating party shall, by terminating its participation, abandon all its interests and rights in the Airport and hereby agrees to hold the other parties to this Agreement harmless of any obligations thereto.

17. In the event other municipalities are interested in joining the Commission, the parties hereto agree to undertake the necessary negotiations to pursue the eventual amendment(s) to this Agreement.

18. This Agreement shall supersede any previous agreement and, unless renewed or terminated by the parties hereto, the said Agreement shall be binding on successors and assigns and shall remain in effect until the 31<sup>st</sup> day of December, 2026.

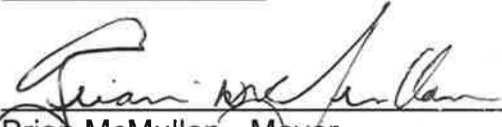
IN WITNESS WHEREOF the parties hereto have hereunto affixed their respective corporate seals under the hands of their proper signing officers duly authorized in that behalf.

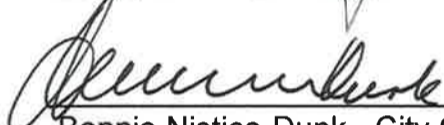
SIGNED, SEALED AND DELIVERED )  
in the presence of: )

Authorized by By-law No. 2012-327 )

Approved )  
Solicitor )  
DND )  
Clerk )

THE CORPORATION OF THE CITY OF ST. CATHARINES

  
Brian McMullan - Mayor

  
Bonnie Nistico-Dunk - City Clerk

THE CORPORATION OF THE CITY OF NIAGARA FALLS

Authorized by By-law No. 2013-03 )

  
James M. Diodati - Mayor

  
Dean Iorfida - City Clerk

THE CORPORATION OF THE TOWN OF NIAGARA-ON-THE-LAKE

Authorized by By-law No. 4594-12 )

  
Dave Eke - Lord Mayor

  
Holly Dowd - Town Clerk