

# The Corporation of the City of Kenora

## By-Law Number 160 - 2022

### A By-law to Adopt Policies with Respect to the Provision of Public Notice

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**Whereas** Section 270 of the *Municipal Act, 2001*, provides that Municipalities shall adopt and maintain policies with respect to the circumstances in which the Municipality shall provide notice to the public and, if notice is to be provided, the form, manner and times notice shall be given; and

**Whereas** various Statutes and Regulations, including the *Municipal Act* prescribe certain circumstances when Municipalities shall provide notice; and

**Whereas** Sections 23.1 to 23.3 of the *Municipal Act, 2001*, authorize Municipalities to delegate powers and duties under certain Statutes, subject to restrictions as set out therein;

**Now Therefore** the Council of The Corporation of the City of Kenora enacts as follows:

#### Interpretation

1. (1) For the purpose of this By-law:

"Act" means the *Municipal Act*, S.O. 2001, c.25, as amended and revised;

"Clerk" means the Clerk of the Corporation;

"Council" means the Council of the Corporation;

"Corporation" means The Corporation of the City of Kenora;

"Local Posting Sites" means bulletin boards located at such sites within the Municipality as may be designated by the Clerk;

"Municipal Newsletter" means a printed publication of the Corporation consisting in great part of local and municipal news and publicly circulated in the Municipality by the Corporation;

"Municipal Website" or "Portal" means the official internet website of the Corporation, however named or identified;

"newspaper" means a printed publication in sheet form, intended for general circulation, published regularly at intervals of not longer than one (1) week, consisting in great part of news of current events of general interest and sold to the public and to regular subscribers;

"published" means published in a newspaper that, in the opinion of the Clerk, has such circulation within the Municipality as to provide reasonable notice of a Subject Matter to those affected thereby;

“Social Media Site” means a site for technology-based interactive digital channels that facilitate the creation and sharing of information, ideas, interests, and other forms of expression through virtual communities and networks.

“Subject Matter” means the issue, measure, requirement, meeting or other matter or thing in respect of which a notice is required to be given.

(2) Reference to the *Act* or any other Statute or Regulation or any provision thereof shall be construed as a reference to any amendment, revision or re-numbering thereof or to any provision enacted in substitution therefore.

## **Application**

2. Where:

- (i) the Corporation is required to provide public notice under the provisions of the *Act* or under any other Statute or Regulation; or
- (ii) notice is required to be provided in relation to any Subject Matter as prescribed in this By-Law or in any other By-Law or Resolution of the Corporation;

to the extent that the same is not prescribed in the *Act* or in the Statute, Regulation, By-Law or Resolution requiring the notice, the form, manner, and times notice shall be given shall be governed by the provisions of this By-law.

## **Form of Notice**

3. The Notice shall:

- (a) be in writing;
- (b) describe the Subject Matter under consideration or otherwise involved;
- (c) describe who will deal with the Subject Matter, such as Council, a Committee of Council, or other person, tribunal, officer or body having jurisdiction;
- (d) set out the date, time and location where the Subject Matter will be considered or dealt with;
- (e) where the matter relates to a defined location, sufficient particulars of the location to identify it, such as by reference to a Municipal address, highway intersection, legal description or plan;
- (f) where written submissions may be made, contain the name and title of the Official to whom they are to be sent and to whom any inquiries may be made, together with the address of the Official and the deadline for receipt of such submissions; and
- (g) be clearly identified as a notice given by the Corporation.

## **Manner of Notice**

4. (1) Notice shall be given in the manner and at the times set forth in Schedule "A" hereto.
- (2) Notwithstanding anything herein contained, Council may, by Resolution, vary the method of providing notice in any case where, in its discretion, an alternative method is considered reasonable.
- (3) Notwithstanding anything herein contained,
  - (i) the Clerk may provide additional notice in such manner as he or she deems appropriate, including without limitation, by publication on one or more Social Media sites.

## **Rules**

5. Except where otherwise provided in this By-Law, or in the *Act* or in any other Statute, Regulation or By-Law, the following Rules shall apply.
  - (1) Any person entitled to notice may at any time waive the requirements relating thereto.
  - (2) Where a notice does not strictly comply with the provisions hereof but would substantially inform a reasonable person of the Subject Matter to which the notice relates, the notice shall be deemed to be adequate and in compliance herewith.
  - (3) Where notice has been given respecting a Subject Matter and the Subject Matter is adjourned or otherwise postponed to a fixed date and the new date is openly announced when the Subject Matter was originally to be considered or otherwise dealt with, it shall not be necessary to give further notice and the same shall apply *mutatis mutandi* with respect to subsequent deferrals.
  - (4) Where notice is required to be given to an owner of land, the owner shall be deemed to be the person shown on the last revised assessment roll of the Corporation, at the address shown on the roll, provided that if the Clerk has received written notice of a change of ownership, the notice shall be given instead to the new owner at the address set out in the notice.

## **Delegation of Concurrent Authority to the Clerk**

6. (1) Where Notice is required to be given under the *Act* or under any other Statute or Regulation, or any By-Law of the Municipality, to the extent that the form, manner and times of the Notice are not specified in this By-Law or in such legislation or By-Law, there is hereby delegated to the Clerk the power and duty to determine and implement the same.

- (2) Where the Clerk has acted under the authority of Subsection 1 of this Section, he or she shall, as soon as is practicable thereafter, provide on a Council Agenda, a report as to the action taken and a recommendation as to any amendment to the requirements of this By-Law as the Clerk considers appropriate.
- (3) Any power delegated to the Clerk in this By-Law may also be exercised by Council Resolution.

**Greater Notice**

7. The Council declares that notice given in accordance herewith is considered adequate, but that greater or more comprehensive notice may be given by an officer of the Corporation and shall be deemed to comply herewith.
8. By-law 144-2007 of the Corporation is hereby repealed.
9. This By-Law shall come into force and take effect upon the final passing hereof.

Enacted and passed this 20th day of December, 2022 as witnessed by the Seal of the Corporation and the hands of its proper Officers.

**By-law read a First & Second Time this 20<sup>th</sup> day of December, 2022**

**By-law read a Third & Final Time this 20<sup>th</sup> day of December, 2022**

**The Corporation of the City of Kenora:-**

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**Andrew Poirier, Mayor**

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**Heather Pihulak, City Clerk**

## **SCHEDULE "A"**

### **I - METHODS AND TIMES FOR GIVING NOTICE**

In this Schedule:

"Notice Method 1" means notice given by ordinary, prepaid mail;

"Notice Method 2" means notice given by registered mail;

"Notice Method 3" means notice delivered personally to the person to be notified;

"Notice Method 4" means notice published in a newspaper once a week for three (3) successive weeks prior to the consideration or occurrence of the Subject Matter;

"Notice Method 5" means notice published in a newspaper not less than one (1) week prior to the consideration or occurrence of the Subject Matter.

"Notice Method 6" means posted on the property affected.

"Notice Method 7" means notice posted at Local Posting Sites.

"Notice Method 8" means listing and identifying the Subject Matter on a regular council Agenda.

"Notice Method 9" means posting the notice on the Municipal Website.

"Notice Method 10" means notice in an issue of the Municipal Newsletter circulated not more than Six(6) weeks and not less than One(1) week prior to the consideration or occurrence of the subject matter.

2. In the case of Notice Methods 1, 2, 3, 6, 7, 9 and 10, the mailing, delivery, posting or circulation shall take place not less than 7 days prior to the consideration or occurrence of the Subject Matter.

### **II - NOTICE REQUIREMENTS**

#### **A. GENERAL**

1. NOTWITHSTANDING any other provisions of this Schedule:
  - (a) In all cases where Notice is required to be given to a specific person, identifiable group of persons, applicant, party to a proceeding, owner, officer, agency, office or representative of the Crown or other authority having jurisdiction, Notice may be given by one or more of Notice Methods 1, 2, or 3 or, where the Notice relates to an identified property, by Notice Method 6.

- (b) Notice Methods 2 or 3 may in all cases be used in lieu of Notice Method 1.
- (c) Where Notice is required to be sent to an owner of land, the Clerk may rely on the name and address shown on the assessment rolls or as appears on the Parcel Register, Abstract Index or Index of Executions as referred to in Paragraphs 374(1) 2 and 3 of the *Act*.
- (d) Where the Act prescribes that Notice shall be by mail but does not specify the type of mail, it shall be given by either registered mail or ordinary prepaid mail.
- (e) Where another by-law provides for the giving of a specific type of notice, such provisions shall prevail over the provisions hereof.

**B. TABLE**

- 2. The following Table shall apply to notices given pursuant to this By-law. Statutory references are to the *Municipal Act* unless otherwise stated.

SUBJECT MATTER	SPECIAL STATUTORY REQUIREMENTS Relating to Notice	NOTICE METHOD
Description	Statutory Reference*	
<b><u>BUDGET</u></b> Adoption or Amendment	S. 290	8
<b><u>CORPORATE STRUCTURE</u></b> Restructuring Proposal – Notice of Public Meeting	S. 173(3)	4
Change of Name of Corporation	S. 187(3)	1
Dissolution of Local Board	S. 216	5
Changing Composition of Council	S. 217	4
<u>Wards</u> - By-Law to Consider - Notice after	S. 222(1)	Act requires public notice of passage within 15 days after passage, specifying

Passage	S. 222(3)	last day for appeal under S.S. 222(4)	4
<b><u>FEES AND CHARGES</u></b>	See Regulation 584/06 Section 4		Any of the options as set out in Regulation
<b><u>HIGHWAYS</u></b>			
Permanent closure	S. 34		4
Alteration	S. 9		4
Restricting Public Passage	S. 35		4
Restricting access by abutting owner	S. 35		4
Tree Cutting	S. 62	Act requires Notice to owners where trees to be cut do not pose immediate danger	1
Naming or Renaming			4
<b><u>LAND</u></b> Sale Procedures	S. 9		As set out in Land Sale Procedure By-Law
<b><u>LICENSING</u></b>			
Licensing Fines – Collection of Unpaid	S. 441	Council may authorize Treasurer or Treasurer’s delegate to give specified notice to persons against whom fines imposed, so that if unpaid they are deemed unpaid taxes	One or more of 1, 2 or 3 as determined by the Treasurer
<b><u>PRIVATE ROADS</u></b>			
Naming and Changing Name	S. 48	Public Notice required	4
<b><u>PROCEDURAL BY-LAW</u></b>			
- Enactment - Notice of Public Meetings	S. 238(2) and S.238(2.1)	Act requires Procedural By-Law to provide for Public Notice of Meetings	5 As set out in Procedural By-Law

<b><u>PUBLIC UTILITIES</u></b>			
Shut off	S. 81(1)	Reasonable notice required	One or more of 1, 2, 3 or 6 as determined by the Clerk
<b><u>TAX ARREARS</u></b>			
Notice of Registration	S. 374	Notice of registration to be sent to listed persons within 60 days of registration of Tax Arrears Certificate	2
Final Notice Registration	S. 379(1)	Further notice to listed persons within 30 days after expiry of 280 days from registration of Tax Arrears Certificate	2
Sale of Land by Public Tender	Regulation 181/03	See Regulation for Forms and Process	
Sale of Land by Public Auction	Regulation 181/03	See Regulation for Forms and Process	
Notice of Payment into Court	S. 380(3)	Within 60 days after payment into Court, copy of statement to be sent to Public Guardian and Trustee and to persons to whom Notice sent under Subsection 379(1)	2
<b><u>TAXATION</u></b>			
Municipal Capital Facilities Exemption	S. 110(8)	<i>Act</i> prescribes to whom Notice of tax exemption is to be given	1
Comparable Properties	S. 331(10)	Within 60 days of receiving Notice under Clause 331(10)(a), Notice to be given to owner of Assessment Corporation's determination and amounts	1
Alternative Tax Installments	S. 342		1
Tax Bills	S. 343	<i>Act</i> requires bill sent at least 21 days before due	1
Tax Status Determination	S.348(2) and (3)	<i>Act</i> requires Notice of Taxes and related late payment charges to every taxpayer who owes taxes from a preceding year	1 (may be sent with Tax Bill)
Tenants – Rents Paid to Treasurer	S.350(1)	<i>Act</i> requires notice to be given to Tenant in writing containing specified information	One or more of 1, 2, 3 or 6 as determined by the Treasurer

Seized Property – Sale of	S.351(8)	Act requires public notice by Treasurer or Treasurer’s Agent containing specified information	5
Division into Parcels	S. 356(5)	Act requires Notice to applicants and owners of decision and last day for appeal within 14 days after decision	1
Cancellation, Reduction, Refund of Taxes	S.357(5)(b)	Act requires notice to applicants <u>by mail</u> at least 14 days before the meeting	1
Notice of Meeting to Consider		Act requires that Council notify applicants within 14 days after making decision, of the Decision and specifying the last day for appeal	1
Decision	S.357(6)		
Overcharges	S. 358(6)	Act requires copy of Application sent to Assessment Corporation and Registrar of Assessment Review Board	1
	S. 358(8)	Act requires Treasurer to notify Applicants of invalid applications under 358(5)	1
Increase in Taxes	S. 359(4)	Act requires Notice to Treasurer and person in respect to whom application made, of decision and last day for appeal within 14 days of decision	1