



SMITHS FALLS

RISE AT THE FALLS

THE CORPORATION OF THE TOWN OF SMITHS FALLS COMMITTEE OF THE WHOLE MEETING AGENDA

Monday, September 22, 2025, 5:00 p.m.

Council Chamber, Town Hall

LINKS TO LIVESTREAM:

Facebook Live: <https://www.facebook.com/townofsmithsfalls/>

Youtube: <https://www.youtube.com/channel/UCIFXU6Sq9neiC5VU9QbmLtQ>

Chairperson: Councillor J Miller

Land Acknowledgement

On September 22, 2025 we acknowledge that this sacred land on which Smiths Falls is now located has been a site of human activity for over 10,000 years and is rich in Indigenous history. This land is the ancestral and unceded territory of the Algonquin Anishinaabe Nation. We are grateful to the Algonquin ancestors who cared for the land and water in order that we might meet here today. We are also grateful to the Algonquin People for their contribution in the making of the Rideau Canal which runs thru Smiths Falls. We are mindful of broken covenants and the need to reconcile with all our relations. Together, may we care for this land and each other, drawing on the strength of our mutual history of nation building through peace and friendship being mindful of generations to come.

Pages

1. LAND ACKNOWLEDGEMENT

2. CALL TO ORDER

The Chair called the meeting to order at ----PM

3. APPROVAL OF AGENDA

Recommended Motion:

THAT the September 22, 2025 Committee of the Whole Meeting Agenda be approved as circulated.

4. DISCLOSURE OF PECUNIARY INTEREST AND/OR CONFLICT OF INTEREST AND GENERAL NATURE THEREOF

5. APPROVAL OF MINUTES

Recommended Motion:

The Minutes of the August 11, 2025 and August 25, 2025 Committee of the Whole Meetings be approved as circulated.

6. DELEGATIONS

7. CAO/DIRECTORS VERBAL REPORTS

8. COMMITTEE OF THE WHOLE CONSENT REPORTS

9. PRIORITY ISSUES/REPORTS

- | | | |
|-----|---|----|
| 9.1 | Integrity Commissioner Report, Report 2025-096 (K Costello) | 4 |
| 9.2 | Compost Site Update, Report 2025-085 (P McMunn) | 12 |
| 9.3 | Amendments to Land Sale By-law, Report 2025-095 (K Grenke) | 15 |

10. COMMITTEE, BOARD AND EXTERNAL ORGANIZATION UPDATES

11. INFORMATION LISTING/CORRESPONDENCE ITEMS

- | | | |
|------|--|----|
| 11.1 | September 10, 2025, Letter from the Legion Branch 95 | 24 |
|------|--|----|

Request for:

- Cross walk painted for veterans at Main/Beckwith and Main/Market
- Confederation Drive re-named to Veterans Way.

ACTION: For Council's review and direction.

12. IN CAMERA/CLOSED SESSION

- | | |
|------|-----------------------|
| 12.1 | Litigation (M Morris) |
|------|-----------------------|

Recommended Motion:

THAT Council of the Corporation of the Town of Smiths Falls, as provided in Section 239 (2) (e) of the Municipal Act 2001, as amended move into a closed meeting at XXX p.m. to discuss a litigation matter.

Recommended Motion:

THAT Council revert back into open session at XXXX p.m.

Rise and Report:

12.2 Adoption of In Camera Minutes

Recommended Motion:

THAT Council of the Corporation of the Town of Smiths Falls, as provided in Section 239 of the Municipal Act 2001, as amended move into a closed meeting at XXX p.m. to review In Camera Minutes for Adoption.

Recommended Motion:

THAT Council revert back into open session at XXXX p.m.

Rise and Report:

13. NOTICE OF MOTIONS

14. ADJOURNMENT

Recommended Motion:

THAT the Committee adjourn its proceedings XXXX p.m. and stand so adjourned until the next duly called Committee meeting.



SMITHS FALLS

RISE AT THE FALLS

Report # 2025-096

To: Mayor and Council

From: Kerry Costello, Town Clerk

Date: September 18, 2025

Committee of the Whole Date: September 22, 2025

Title: Integrity Commissioner Report, dated September 11, 2025

☒ For Direction

☐ For Information

☐ For Adoption

☒ Attachment 4 pages

Recommendation: *THAT Council pass a resolution to formally receive the Integrity Commissioner's Report, dated September 11, 2025; and
THAT Council discuss and decide if any sanctions are deemed necessary; and
THAT this report be posted on the Town's website for a 5-year period.*

Purpose: This Integrity Commissioner Report is being provided to Council and made public for transparency and compliance with the Municipal Act, 2001, S.O. 2001, c. 25.

Background: An application was filed to the Integrity Commissioner in late May, 2025. The Clerk was made aware of the application on July 2, 2025. The application was filed as it was alleged that a member of Council had not declared a conflict of interest and voted on a matter that the Council member had an interest in.

Analysis and Options: Regardless of what decision Council decides regarding sanctions, the following must occur to be compliant with the Municipal Act:

1. Formally receive the report via Council resolution
2. Ensure Report is available to the public on the Town's website for a 5-year period.

Budget/Financial Implications: Application fee (\$150.00) and Legal Fees to date (\$1,179.72)

Link to Strategic Plan: N/A

Existing Policy: Municipal Act, 2001, S.O. 2001, c. 25
Code of Conduct for Members of Council and Local Boards

Consultations: Malcolm Morris, Chief Administrative Officer
Tony Fleming, Integrity Commissioner

Attachments: Integrity Commissioner Report, dated September 11, 2025

Respectfully Submitted by:

Approved for agenda by CAO:

Original signed by:
Kerry Costello, Clerk

Original signed by:
Malcolm Morris, CMO



Cunningham Swan

LAWYERS

• EST 1894 •

Tony E. Fleming
Direct Line: 613.546.8096
E-mail: tfleming@cswan.com

CONFIDENTIAL

September 11, 2025

SENT BY EMAIL TO: kcostello@smithsfalls.ca

Mayor and Council
c/o Kerry Costello, Town Clerk
Town of Smiths Falls
77 Beckwith Street North
PO Box 695
Smiths Falls, Ontario K7A 2B8

Dear Ms. Costello:

RE: Conflict of Interest Complaint – Report – Councillor Quinn
Our File No. 24529-52

Please be advised that our Conflict of Interest investigation is now complete. We attach the final report herewith and the report should now be circulated to members of the Council.

This investigation is hereby closed.

Sincerely,

Cunningham, Swan, Carty, Little & Bonham LLP

Tony E. Fleming, C.S.
LSO Certified Specialist in Municipal Law
(Local Government / Land Use Planning)
Anthony Fleming Professional Corporation
TEF:sw

{01378135.DOCX:}

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Cunningham Swan

LAWYERS

• EST 1894 •

Tony E. Fleming
Direct Line: 613.546.8096
E-mail: tfleming@cswan.com

CONFIDENTIAL

September 11, 2025

SENT BY EMAIL TO: kcostello@smithsfalls.ca

Mayor and Council
c/o Kerry Costello, Town Clerk
Town of Smiths Falls
77 Beckwith Street North
PO Box 695
Smiths Falls, Ontario K7A 2B8

Dear Ms. Costello:

**RE: Conflict of Interest Complaint – Report – Councillor
Quinn Our File No. 24529-52**

This public report of our investigation is being provided to Council in accordance with Section 223.6(1) of the *Municipal Act*. We note that Section 223.6(3) of the *Municipal Act* requires that Council make the report public. The Clerk should identify on the agenda for the next open session Council meeting that this report will be discussed. Staff should consider whether it is appropriate to place the full report on the agenda in advance of Council deciding how the report should otherwise be made public.

Should Council desire, the Integrity Commissioner is prepared to attend virtually at the open session meeting to present the report and answer any questions from Council.

At the meeting, Council must first receive the report for information. The only decision Council is afforded under the *Municipal Act* is to decide how the report will be made public, and whether to adopt any recommendations made by the Integrity Commissioner. Council does not have the authority to alter the findings of the report, only consider the recommendations.

{01378141.DOCX:}

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The Integrity Commissioner has included only the information in this report that is necessary to understand the findings. In making decisions about what information to include, the Integrity Commissioner is guided by the duties set out in the *Municipal Act*. Members of Council are also reminded that Council has assigned to the Integrity Commissioner the duty to conduct investigations in response to complaints under the Code of Conduct, and that the Integrity Commissioner is bound by the statutory framework to undertake a thorough process in an independent manner. The findings of this report represent the Integrity Commissioner's final decision in this matter.

Timeline of Investigation

- May 28, 2025, complaint received
- May 29, 2025, complaint sent to Member
- June 19, 2025, Member confirms they will be responding
- July 3, 2025, Member requests extension
- July 11, 2025, response received from Member
- July 12, 2025, response forwarded to complainant
- July 24, 2025, complainant confirms no further response forthcoming
- July 29, 2025, request further details from Member
- July 31, 2025 receive answers from Member
- August 5, 2025 submit additional questions to Member
- August 13, 2025, Additional responses from Member provided

Complaint Overview

On March 3, 2025, funding for community grant applications came before the Committee of the Whole. Councillor Quinn (the "Member") assumed the chair for the discussion.

Staff Report # 2025-17 recommended a number of recipients receive grant funding. Davidson Courtyard Shops was recommended for funding in the amount of \$4,665, "to assist with the cost of hosting live music on "Industry Night" every Monday evening from June 9th through October 6th".

Committee of the Whole recommended approval of the three additional grant recipients, including the Davidson Courtyard Shops.

The same evening, Council passed Resolution 2025-03-044 to adopt the recommendation of the Committee of the Whole and approve a grant to Davidson Courtyard Shops, among other recipients. Councillor Quinn moved the resolution and voted on the resolution.

Only Councillor Miller declared a conflict of interest in this item.

It was alleged that Councillor Quinn has a retail shop in Davidson Courtyard Shops and therefore participated and voted in this matter while having a conflict of interest.

Relevant Policy Provisions

The sections of the Code of Conduct that is engaged by this complaint are:

16. In addition to pecuniary interests, Members must perform their duties impartially, such that an objective, reasonable observer would conclude that the Member is exercising their duties objectively and without undue influence. Each Member shall govern their actions using the following as a guide:

- a) in making decisions, always place the interests of the taxpayers and the Municipality first and, in particular, place those interests before your personal interests and the interests of other Members, staff, friends, business colleagues or Family Members;
- b) interpret the phrase "conflict of interest" broadly and with the objective of making decisions impartially and objectively;
- c) if there is doubt about whether or not a conflict exists, seek the advice of the Integrity Commissioner or legal counsel;
- d) do not make decisions that create an obligation to any other person who will benefit from the decision;
- e) do not make decisions or attempt to influence any other person for the purpose of benefitting yourself, other Members, Staff, friends, business colleagues or Family Members, or any organization that might indirectly benefit such individuals;
- f) do not put yourself in the position where a decision would give preferential treatment to other Members, Staff, friends, business colleagues or Family Members, or any organization that might indirectly benefit such individuals; and
- g) do not promise or hold out the prospect of future advantage through your influence in return for a direct or indirect personal interest.

17. Direct or indirect personal interests do not include:

- a) a benefit that is of general application across the Municipality;
- b) a benefit that affects a Member or his or her Family Members, friends or business colleagues as one of a broad class of persons; or
- c) the remuneration of Council, a Member or benefits available to Council or Members.

18. Every Member has the following obligations:

- a) To make reasonable inquiries when there is reason to believe that a conflict of interest may exist;
- b) To make Council or the Board or Committee aware of the potential conflict of interest and where appropriate declare the interest;
- c) To refuse to participate in the discussion of Council, the Board or Committee and to not vote on the matter or seek to influence the vote of any other Member where a conflict of interest exists;
- d) To refuse to be involved in any way in the matter once the conflict is identified, including without limitation participating in meetings, facilitating meetings or introductions to Staff or Members or providing advice to any person that would materially advance the matter; and
- e) If the matter which creates the conflict of interest is discussed in closed session, the Member may not attend that portion of the closed session where that matter is discussed.

Code of Conduct Findings

The Member has a shop in the Davidson Courtyard and is a member of the group known as the Davidson Courtyard Shops. This is a loose association of shop owners; the group is not incorporated and there is no formal membership within the group and no membership fee to participate in the group.

The Member does not open her shop on Monday nights when the events for which the grant was obtained were scheduled to occur. The Member was aware that the grant provided by the Town did not cover the whole cost of the proposed events. The Member was not aware of how the shortfall was made up; the Member did not contribute to the short fall and was not asked to do so by the group.

The Integrity Commissioner finds that there was no pecuniary interest created when the Town awarded the grant to the Davidson Courtyard Shops because the Member did not benefit financially from the grant. Although the group benefitted, the group is so informal that it does not qualify as a group for purposes of the *Municipal Conflict of Interest Act* and this investigation proceeded solely under the Code of Conduct.

The test under the Code of Conduct is whether, “an objective, reasonable observer would conclude that the Member is exercising their duties objectively and without undue influence”. The Code of Conduct then goes on to list a series of guidelines to assist members of Council in understanding what this requires. Section 16 provides:

- a) in making decisions, always place the interests of the taxpayers and the Municipality first and, in particular, place those interests before your personal interests and the interests of other Members, staff, friends, business colleagues or Family Members;

b) interpret the phrase "conflict of interest" broadly and with the objective of making decisions impartially and objectively;

The other shop owners in the Davidson Courtyard fall within the category of friends or business colleagues with respect to the Member and her obligations under the Code of Conduct.

The Code of Conduct directs that the phrase conflict of interest be interpreted broadly.

Given that the Member is affiliated with the Davidson Courtyard Shops group and operates her business with the other owners who did directly benefit from the grant, the grant creates a conflict of interest for the Member. This is not a situation where the Member can simply take the position that she has no direct financial benefit because her business was closed on the "Industry Nights" when music was offered and therefore she is not in a conflict.

The Code of Conduct is clear that the Member must place the interests of the Town before the interests of friends and business colleagues. In this circumstance, the Integrity Commissioner finds that a reasonable person, apprised of all of the relevant facts, would find that the Member could not be impartial when making this decision. It is reasonable to assume that an objective observer would conclude that the Member could not make an objective decision given the influence of her fellow shop owners.

As such, the Integrity Commissioner finds that the Member breached section 16.

The Integrity Commissioner then considered section 17 to determine if the benefit in question was one of general application that would entitle the Member to an exception. In this case, the benefit was very specific to the Davidson Courtyard Shops and is not exempted from the Code of Conduct.

Recommendation

The conflict of interest sections of the Code of Conduct are intended to give the public confidence that members of Council are making decisions impartially and with the best interests of the taxpayers in mind. In this case, any member of the public who knew that the Member operated a shop in the Davidson Courtyard could reasonably have questioned whether the Member was being impartial, or whether they were voting to give public money to her friends and colleagues.

To avoid this perception, the Member ought to have declared a conflict of interest and not participated in the vote on the Davidson Courtyard Shops grant.

In order to assure the public that Council takes its obligations seriously and does not condone members of Council acting in conflict, the Integrity Commissioner recommends that Council suspend the remuneration of the Member for a period of 2 weeks.

Sincerely,

Cunningham, Swan, Carty, Little & Bonham LLP



Tony E. Fleming, C.S.
LSO Certified Specialist in Municipal Law
(Local Government / Land Use Planning)
Anthony Fleming Professional Corporation
TEF



To: Mayor and Council
From: Paul McMunn, Director of Public Works and Utilities
Date: September 17, 2025
Committee of the Whole Date: September 22, 2025
Title: Compost Site update

☐ For Direction
☒ For Information
☐ For Adoption
☐ Attachment

Recommendation: THAT Council receive Committee of the Whole Report 2025-094 for information.

Purpose: To update Council on the results to date related to soil, surface water, and groundwater testing at the Municipal Compost Site located at 3514 Highway #43.

Background: At the Committee of the Whole meeting on December 5, 2022, Council heard from delegates from the Rideau Round Table, as well as received Report 2022-157 which outlined a proposed partnership between the Town and the Rideau Round Table to process brush and wood waste into Biochar at the Municipal Compost Site. Council supported the initiative, and as a result, Town staff and representatives from the Rideau Round Table started to draft a proposed amendment to the Town's Environmental Compliance Approval (approved in 1992) to allow for Biochar production on the site. To inform on existing site conditions, baseline data was required to inform on soil conditions of the site, specifically the area proposed for Biochar production. Initial soil samples were collected and analyzed, of which that analysis formed part of the requirements to be submitted to the Ministry of Environment, Conservation and Parks (MECP) for review.

The application as a whole did not meet the MECP's requirements, and the application was subsequently denied. During MECP's review, it was identified that the specific location of the Leaf and Yard Waste drop off location shown on mapping of the original approved Environmental Compliance Approval (ECA) for the site was inaccurate. The location shown on the original map versus the actual location was off by approximately 100 m; albeit still in the general location. As it turns out, because of this original inaccuracy, the MECP required the Town to submit a new ECA application for the Compost Site, under the current environmental requirements. Current requirements called for the following to be completed; further soil sampling and testing, Hydrogeological Investigation and Report, Storm Water Management Report, and completion of a Design and Operations Manual for the site.

Analysis: The following dates outline the soil, surface water, and ground water testing that was completed by St. Lawrence Testing and Inspection Co. Ltd (SLT). Testing results were included in the ECA application submission to the MECP;

March 7, 2024

- 5 surface soil samples were collected from shallow test pits at the compost site

- The samples were collected to lab test for PHC's (Petroleum Hydrocarbons), metals and inorganics.
- Soil samples were tested against Ontario Regulation 153/04, Table 7 soil standards for commercial property with course, shallow soil and non-potable groundwater.
- 3 of the 5 locations had exceedances of cadmium, lead and zinc.
- All other metal concentrations in the 5 sample locations met the Table 7 standards.
- Inorganic analysis determined PH, conductivity and sodium absorption ratio to be within acceptable limits.
- This information created a baseline to inform on additional testing.

December 12, 2024

- 10 additional test pits were dug and soil samples collected.
- The samples were collected to lab test for PHC's (Petroleum Hydrocarbons), metals and inorganics along with polycyclic aromatic hydrocarbons (PAH's).
- Soil samples were tested against Ontario Regulation 153/04, Table 2 soil standards for commercial property with course, shallow soil and potable groundwater due to being in an Intake Protection Zone.
- 5 of the 10 soil samples met Table 2 standards for PHC's, metals and inorganics along with PAH's.
- 5 of the soil samples contained concentrations of PHC's and/or metals and/or PAH's that exceeded the Table 2 standards.

March 25, 2025

- 4 surface water samples were collected from the creek which runs through the compost site and eventually crosses Highway 43 east of the site entrance.
- Samples were tested for PHC's, dissolved metals, chromium VI, mercury and PAH's.
- Soil samples were tested against Ontario Regulation 153/04, Table 2 soil standards for commercial property with course, shallow soil and potable groundwater.
- Testing results showed no detectable concentrations of PHC's, PAH's, mercury or chromium VI. Concentrations of dissolved metals were found to meet Table 2 groundwater standards.

June 24 – 25 and July 9, 2025

- 7 boreholes were drilled to receive ground water monitoring wells (June 24-25). 1 borehole drilled on July 9, 2025.
- Soils from drilling and groundwater were tested for PHC's and PAH's, metals, chromium VI and mercury.
- Soil and groundwater results were compared to Ontario Regulation 153/04, Table 2 soil standards for commercial property with course, shallow soil and potable groundwater.
- All groundwater results met the standard with the exception of one location which had an exceedance of dissolved cobalt. (7.3 ug/L. The standard is 3.8 ug/L) * ug/L is micrograms per Liter.

- SLT is of the professional opinion that the cobalt exceedance could be the result of bedrock leaching into the groundwater and not from the use of the compost site.

Following all required investigation and testing, the Town's ECA application was submitted to the MECP for consideration. Staff received notification from the MECP on September 11, 2025, that the application has been approved. The approved ECA does not include approval for Biochar production; it only approved the location of the compost pad and the operation. The Town is required to sample and test surface water and the groundwater monitoring network once per calendar year in July and submit an annual monitoring report to the MECP before November 30th of each year.

Budget/Financial Implications: Expenses to date, associated with the ECA application are \$87,366.30 (including net HST). As the Town is now in receipt of an approved ECA from the MECP, it is not anticipated there will be additional expenses in 2025. Public Works will budget accordingly in 2026 and future years for annual surface water and ground water testing inclusive of MECP required reporting.

Link to Strategic Plan (2023-2026): N/A

Existing Policy: NA

Consultation: Environmental Technologist, St. Lawrence Testing and Inspection Co. Ltd., Ministry of Environment, Conservation and Parks (MECP)

Attachment: NA

Notes/Action (space for Council Member's notes):

Respectfully Submitted:

Approved for agenda by:

Original Copy Signed
Paul McMunn, C.E.T.
Director of Public Works and Utilities

Original Copy Signed
Malcolm Morris, CMO
CAO



To: Mayor and Council
From: Karl Grenke, Manager of Development Services
Date: September 18, 2025
Committee of the Whole Date: September 22, 2025
Title: Amendments to Land Sale By-law

☐ For Direction
☐ For Information
☒ For Adoption
☒ Attachments

Recommendation: THAT Council of the Corporation adopts amendments to By-law 7019-95, By-law to Regulate the Sale of Municipally Owned Property as indicated in Schedule “A” to this Report.

Purpose: To update the By-law to Regulate the Sale of Municipally Owned Property (hereafter referred to as the “Land Sale By-law”) to align with current legislation, enhance operational processes and address certain land use priorities.

Background: By-law 7019-95 sets forth Council’s expectations and requirements that govern the sale of municipal land to anyone. The By-law outlines the steps Council must take, the information they must consider, and evaluation criteria when considering multiple bids on a parcel of Town-owned land. The By-law’s requirements vary depending on whether the proposed land sale is an assessed parcel, an unopened road allowance or a reserve required for a technical purpose such as to manage access. In general, the following principles are established in the by-law:

- Value for the taxpayer (in most cases an appraisal must be provided)
- Requestor generally covers legal, survey and appraisal costs
- The land sale must be in the broader public interest

The Land Sale By-law was subsequently amended in 2004 and 2017 to reflect operational expectations. Before 2003, the Municipal Act required municipalities to adopt by-laws that set out procedures, including the giving of notice to the public, governing the sale of real property. While changes to the Municipal Act simplified this requirement, the By-law appears not to have been updated to correctly reflect legislative references. Section 270 of the Municipal Act requires the establishment of a policy regarding the sale and disposition of land, but does not tell us what needs to be in it. The modernization of our operational abilities, including giving of notice, and evolving priorities and considerations regarding land use have given cause to update the Land Sale By-law.

The By-law, with proposed amendments tracked for Council’s review, is appended to this report as Schedule “A”.

Analysis and Options: The proposed amendments to the Land Sale By-law serve three broad purposes:

- Housekeeping changes (new “Whereas” reference; deletion of current Section 8 and partial deletion of current Section 9) to remove references to defunct Municipal Act sections;
- Operational changes:
 - o New Section 2(ii)(c) that allows for an alternative way of giving notice of proposed land sales. We can choose which of the three ways of giving notice makes the best sense on a case-by-case basis.
 - o Amend Section 3 (exemptions from By-law) to exclude leases and encroachments from the terms of the By-law. This change clarifies and enshrines municipal practice that encroachments, easement requests and other non-sale transactions are administered on a case-by-case basis.
 - o New Section 4(x) (exemption from appraisal) removes the need for an appraisal for any proposed land sale where the estimated value of the land is minimal.
- Updated Evaluation Criteria to address current land use considerations:
 - o In addition to the current criteria that favour job creation and economic impact, add the “inclusion of housing units”, with a priority for affordable housing as a favourable consideration. This implements Recommendation #8 of the Housing Report prepared by the Smiths Falls Housing Task Force, which calls upon Council to **“Amend [the] municipal land sale by-law and implementing policies to prioritize housing as a criteria in considering the sale of municipal land.”** This is carried forward through Council’s 2023 Strategic Plan that asks Council to **“Implement the recommendations of the Housing Advisory Committee including providing municipally - owned lands for affordable housing and potential partnerships with not-for-profits.”**¹ The proposed wording enshrines housing as a criteria for consideration, however Council would still have the flexibility to weigh different considerations on a property to select a proposal that best meets the public interest.
 - o New subsection that generally prohibits the sale of water-access land. This section reflects a principle that public access to waterfront and open space is a finite resource and should be protected where possible. The provision proposes an exception “where the broader public good is served”, which can include such hypothetical situations as a land swap.

Budget/Financial Implications: N/A

Link to Strategic Plan: Strategic Priority 2, Housing; Initiative #2.

Existing Policy: Ontario Municipal Act; By-law 7019-95
Housing Task Force Report (2020)

¹ The Housing Advisory Committee presented a report to Council at the conclusion of its term in September 2022 that assessed the progress of completing the Task Force recommendations (2020).

Consultations: Management Team; Clerk K. Costello; Legal (T. Fleming)

Attachments: Consolidated By-law No. 7019-95 with Tracked Changes

Notes/Action (space for Council Member's notes):

Respectfully Submitted:

Original Copy Signed

Karl Grenke RPP, MCIP
Manager of Development Services

Approved for agenda by CAO:

Original Copy Signed

Malcolm Morris, CMO
Chief Administrative Officer

TOWN OF SMITHS FALLS

CONSOLIDATED BY-LAW NO. 7019-95, AS AMENDED

By-law to Regulate the Sale of Municipally Owned Real Property

Amended by By-laws:

By-law 7804-2004 – reflect purchasers pay costs for services

By-law 7853-2004 – exempt dispositions which are returning of security

By-law 9000-2017 – implement transparent and fair evaluation criteria

OFFICE CONSOLIDATION: This is an office consolidation of the Sign By-law and amendments thereto which has been prepared for convenience only. While every effort has been made to ensure the accuracy of the information contained herein, reference should be made to the original by-law and all amending by-laws for legal purposes.

THE CORPORATION OF THE TOWN OF SMITHS FALLS

OFFICE CONSOLIDATION

BY-LAW NO. 7019-95

A By-law to regulate the sale of municipally owned real property.

WHEREAS ~~pursuant to section 193 of the Municipal Act, c.M45, R.S.O. 1990, as amended by Bill 163 dated December 7, 1994 (Section 268 of the Municipal Act, c. 25, S.O. 2001), every council shall by by-law establish procedures, including giving of notice to the public, governing the sale of real property. Section 8, Subsection 1 of the Municipal Act, R.S.O. 2001 as amended, provides that "The powers of a municipality under this or any other Act shall be interpreted broadly so as to confer broad authority on the municipality to enable the municipality to govern its affairs as it considers appropriate and to enhance the municipality's ability to respond to municipal issues;~~

AND WHEREAS Section 270 of the Municipal Act, R.S.O. 2001 as amended, provides that a municipality shall adopt a policy for the sale and other disposition of land.

NOW THEREFORE the Council of the Corporation of the Town of Smiths Falls enacts as follows:

1. In this by-law,

"appraisal" shall mean a written estimate of fair market value obtained from a licensed appraiser or real estate broker. The sufficiency of the appraisal shall be determined by Committee of the Whole.

"sale" shall include a lease of 21 years or longer;

"zone" shall mean as designated in accordance with the current Zoning By-law of the Town of Smiths Falls.

2. Before selling any real property, Council shall:

(i) by by-law or resolution declare the real property to be surplus to the Town's needs.

- a) All vacant municipally owned real property zoned Industrial (M1, M2, M3, or any approved and specific exception thereto) is hereby declared surplus to the Town's needs.
- b) All vacant municipally owned real property zoned Highway Commercial (C3 or any approved and specific exemption thereto) is hereby declared surplus to the Town's needs.
- c) A separate resolution, declaring the real property to be surplus to the Town's needs, shall be required for all other real property to be sold by the Town of Smiths Falls.

(ii) obtain at least one appraisal of the fair market value of the real property;

- a) an appraisal obtained on a group of properties or on an individual property within the same zone and lying within 120 meters of the

subject site, may be used as the basis of calculating the fair market value of the subject site provided:

- 1) such original appraisal has been obtained not more than three (3) years prior to the acceptance of an offer to purchase; and
 - 2) the Committee of the Whole is satisfied the original appraisal is an appropriate base for such calculation.
- (iii) give a minimum of ten (10) days notice to the public of the proposed sale. Such notice may, as deemed appropriate by the Committee of the Whole, be met by:
- a) the erection of a sign on the subject site or in the case of an industrial or business Park within the Park boundaries. Such sign shall be a minimum of 4' by 8' in size and places so as to be clearly visible from the nearest road; or
 - b) the publication of such notice in a newspaper or flyer having general circulation in the Town of Smiths Falls, or
 - b)c) on the Town's social media pages and website, or any other media that in the opinion of the Clerk, has wide coverage in the Town of Smiths Falls.

Regardless of the method of notice chosen, such notice shall contain as a minimum a general description and size of the property, frontage on a named street and a person to contact for additional information.

3. The provisions of this by-law shall not apply to:

a) a sale or other disposition of land pursuant to subsection 210.1(2) regarding agreements for municipal capital facilities;

b) The ~~provisions of this by-law shall not apply to~~ disposition of land pursuant to a development agreement where the land is being returned to the developer as a return of security or in exchange for receipt of other lots in the development for the purpose of security, provided said other lots are first transferred to the Town. *(Added by By-law 7853)*

c) Any lease, encroachment approval or other such transaction that does not convey fee simple ownership of the municipal land to another party.

3.4. Section 2(ii) respecting the obtaining of an appraisal shall not apply to:

- (i) Land 0.3 metres or less in width acquired in connection with an approval or decision under the Planning Act.
- (ii) Highways, roads and road allowances.
- (iii) Land formerly used for railway branch lines if sold to an owner of land abutting the former railway land.
- (iv) Land that does not have direct access to a highway if sold to the owner of land abutting that land.

- (v) Land repurchased by an owner in accordance with section 42 of the Expropriations Act.
- (vi) Land to be used for sites for the establishment and carrying on of industries and of industrial operations and incidental uses.
- (vii) Land sold under sections 112, 112.1, 112.2 and 113 of the Municipal Act respecting Community Economic Development or Community Development Corporations.
- (viii) Easements granted to public utilities or to telephone companies.
- (ix) Land sold under the Municipal Tax Sales Act.
- ~~(ix)~~(x) Land where the value of the land, in the reasonable estimation of the Town, is less than \$10,000.

4.5. Section 2(ii), respecting the obtaining of an appraisal, shall not apply to the sale of real property to the following agencies:

- (i) Any Municipality, including a metropolitan, regional or district municipality and the County of Oxford.
- (ii) A local board as defined in the Municipal Affairs Act.
- (iii) An authority under the Conservation Authorities Act.
- (iv) The Crown in right of Ontario or of Canada and their agencies.

5.6. Municipal services and road costs will be paid by the purchaser.

6.7. If the sale of real property is initiated by an application or request from an individual or agency, such individual or agency shall bear the administrative costs associated with such sale including but not limited to the appraisal, notice and legal costs unless such requirement is waived in writing within the provisions of an offer to purchase.

~~7. The manner in which the Council carries out the sale of the property, if consistent with the procedures by-law and Section 193 of the Municipal Act is not open to question or review by any court if the council may lawfully sell the property, the purchaser may lawfully buy it and the council acted in good faith.~~

~~8. The Clerk shall issue and cause to be included in a deed or transfer of land, a certificate with respect to a sale of real property verifying that this By-law was complied with, or Council by resolution exempted the sale from this By-law A procedural by-law was in force at the time of the resolution or by-law declaring the real property surplus was passed:~~

- ~~(i) The requirement respecting notice of the sale to the public has been published; and~~
- ~~(ii)~~(i) ~~The required appraisal was obtained or that such appraisal was not required by virtue of an exemption provided herein.~~

9. Council reserves the right to accept or reject any purchase offer ~~(/s)~~ of land from the potential buyer(s), if in so doing the best interests of the Corporation will be

served. No liability shall accrue to the Corporation for its decision in this regard. Any purchase offer will not necessarily be accepted. The following criteria may be used by Council to award the land sale contract:

- i. Bid price;
- ~~i.~~ii. Where appropriate, the inclusion of housing units, with a priority to units that are affordable;
- ~~ii.~~iii. Type of business/intended use of the building and/or property;
- ~~iii.~~iv. Local economic impact and potential employment opportunities that are expected to be created;
- ~~iv.~~v. Financial ability of the company to execute the sale of land and implement the business;
- vi. Timelines to launch the business;
- ~~v.~~vii. any other criteria that Council deems relevant or in the public interest.-

9.1 Unless the broader public good is served, Council will generally refuse to sell municipal property, including road allowances that lead to water where public access to the water is available or can be foreseeably made available in the future.

10. The Clerk shall maintain a public register listing and describing the real property owned or leased by the municipality.

11. Section 10, respecting the establishment and maintenance of a land registry shall not apply to:

- (i) Land 0.3 metres or less in width acquired in connection with an approval of decision under the Planning Act.
- (ii) All highways, roads and roads allowances, whether or not opened, unopened, closed or stopped up.
- (iii) Land formerly used for railway branch lines.

12. Nothing in this by-law shall absolve Council's rights and obligations with respect to the requirements of any Act.

13. The provisions of this by-law shall come into force and take effect upon the passing thereof.

By-law 7019-95

Read a first and Second time on the 2nd day of March, 1995.

Read a third time and passed on the 20th day of March, 1995.

By-law 7804-04

Read a first, second, third time and passed on the 19th day of January, 2004

By-law 7853-04

Read a first, second, third time and passed on the 20th day of September, 2004

By-law 9000-2017

Read a first, second, third time and passed on the 18th day of December, 2017

(original by-laws signed)

Mayor

(original by-laws signed)

Clerk

This is an Office Consolidation of the Land Sale By-law No. 7019-95 and amendments thereto which has been prepared for convenience purposes only. While every effort has been made to ensure the accuracy of the information contained herein, reference should be made to the original by-law and all amendments thereto for all legal purposes.



September 10th 2025

Attention:

Director Paul McMunn

Public Works

CC:

Mayor Shawn Pankow and Council Members

CAO: Malcolm Morris

Clerk: Kerry Costello

Dear: Director McMunn,

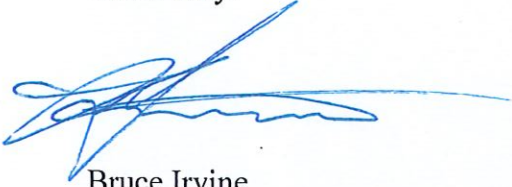
On behalf of Smiths Falls Legion Branch 95, I am writing to respectfully request your support in the preparation and painting of two commemorative crosswalks to honour past and present military members representing our Country. We would like to see one at the intersection of Market and Main St E and a second one at the corner of Main St E and Beckwith St.

We are already grateful with the support you have offered if approved by providing us with the costs and your assistance of labour to support this endeavor. We have just recently received a price for the template from Howling Designs which will be \$650.00 plus tax. With this established, we would like to move this proposal forward for approval.

Further, we are respectfully requesting approval that the roadway approaching Confederation Bridge to be renamed to "Veterans Way". Although it will no longer be used for vehicle traffic, it would be an honorable tribute to our fallen comrades, especially with the roadway adjoining the Cenotaph, the location of our Remembrance Day Ceremony.

Our committee chair, Ken Manwell is looking forward to presenting this meaningful project in our community to the Mayor and Council.

Yours truly.

A handwritten signature in blue ink, appearing to read 'Bruce Irvine', with a long horizontal flourish extending to the right.

Bruce Irvine

President

Royal Canadian Legion

Branch 95