

**THE CORPORATION OF THE
MUNICIPALITY OF WAWA**

BY-LAW NO. 3343-20

BEING A BY-LAW to adopt Policy No. PR-004: Giving of Public Notice which provides for the establishment of reasonable minimum procedures for Notices required under the Municipal Act, S.O. 2001, Chapter 25.

WHEREAS the *Municipal Act, S.O. 2001, Chapter 25, Section 270* requires a municipality to adopt and maintain policies respecting 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 the *Interpretation Act, R.S.O. 1990, Chapter I.11, Section 5*, allows council to pass a by-law under the Municipal Act, S.O. 2001, to become effective when the Municipal Act comes into operation;

NOWHEREFORE the Council of The Corporation of the Municipality of Wawa enacts the following as a By-Law:

1. **THAT** Council hereby adopts Policy No. PR-004: Giving of Public Notice, a copy of which is attached hereto and marked as Schedule "A".
2. **THAT** the Mayor and Clerk be and are hereby authorized to execute this by-law and to affix thereto the corporate seal of the corporation.
3. **THAT** this by-law shall come into force and effect immediately upon passage.
4. **THAT** Municipality of Wawa By-Law No. 2641-13 be and is hereby repealed.

READ a first, second and third time and be finally passed this 6th day of October, 2020.





RON RODDY, MAYOR



CATHY CYR, CLERK



**The Corporation of the Municipality of Wawa
Policy Manual**

POLICY TITLE:	Public Notice Policy
SUBJECT:	Giving of Public Notice
POLICY NO.	PR-004
EFFECTIVE DATE:	October 6, 2020
ENACTED BY:	By-Law No. 3343-20

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1. Policy Purpose

The Municipality of Wawa is an accountable and transparent organization that believes that its residents should be made aware of the business of the municipality. Section 270 of the *Municipal Act* 2001 affirms that the municipality shall adopt and maintain a policy 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.

In accordance with the provisions contained in the *Municipal Act*, this policy sets out the minimum notice requirements, a list of matters for which public notice is required, the form and the manner in which notice is to be given, with the minimum time for providing such notice.

2. Applicability

Where the Municipality is required to give Public Notice under a provision of the Act, the notice shall be given in a form and manner and at times indicated in this policy unless;

- (a) The Act, another statute, or a regulation prescribes or permits otherwise;
- (b) The requirements of notice are prescribed in another policy or resolution; or
- (c) Council directs that other Public Notice is to be given as the Council considers in the circumstances.

This policy sets out the minimum requirement; nothing in this policy shall prevent the use of more comprehensive methods of Public Notice or for providing for a longer Public Notice period.

No additional Public Notice will be required for subsequent meetings where a matter has been deferred to a subsequent meeting by Municipal Council or by a Committee of Council.

If a matter arises, which in the opinion of the Chief Administrative Officer, in consultation with the Mayor, is considered to be of an urgent or time sensitive nature, or which could affect the health or well-being of the residents of the Municipality of Wawa, or if a State of Emergency is declared, or is so advised by a Provincial ministry, the Public Notice requirements of this policy may be waived and the Clerk shall make best efforts to provide as much notice as is reasonable under the circumstances.

Where possible Public Notices will be produced in a manner that encourages participatory democracy.

3. Definitions

For the purposes of this policy:

- (a) "**Act**" means the *Municipal Act, 2001 S.O. 2001, c. 25* as amended from time to time, and includes any regulation made there under.
- (b) "**Clerk**" means the Municipal Clerk or his/her designate.
- (c) "**Municipal Website**" means the website maintained by the Municipality of Wawa.
- (d) "**Newspaper**" means a printed publication in sheet form, intended for general circulation in the Municipality of Wawa, published at weekly intervals, consisting in great part of news of current events of general interest that may or may not be sold to the public and to regular subscribers.
- (e) "**Published**" means published in a daily or weekly newspaper that, in the opinion of the Clerk, has such circulation within the municipality as to provide reasonable notice to those affected thereby, a "publication" has a corresponding meaning;
- (f) "**Public Notice**" means notice given to the public generally, but does not include notice given only to specified persons.
- (g) "**Public Notices Page**" means the subdirectory on the Municipality of Wawa's website where notices are posted and archived.
- (h) "**Subject Matter**" means the issue, measure, requirement, meeting or other matter in respect of which a notice is being given.

4. Policy – General

4.1 Content of Public Notices

Notice to the Public shall contain the following information when applicable:

- (a) A general description of the subject matter under consideration or otherwise involved;
- (b) Where the matter relates to a defined location, sufficient particulars of the location to identify it generally, such as reference to a municipal address or street intersection, or a legal description or plan or key map;

- (c) Purpose of any meeting of which Public Notice is required to be given or the purpose and effect of the proposed action;
- (d) Identification of the authority under which the Public Notice is being given;
- (e) Date, time and location of any meeting at which the subject matter will be considered of which Public Notice is required to be given;
- (f) Where written submissions may be made, or where delegations for the purpose of providing a verbal submission can be registered, the name and title of the person to whom they are to be sent, together with the address of the official and the deadline for receipt of such submissions;
- (g) That the Public Notice is given by The Corporation of the Municipality of Wawa, or by the Municipal Clerk on its behalf.

4.2 Enhancing Participatory Opportunities in Civic Affairs

Where possible, Public Notice to the public will be written in plain language and in an accessible manner. Public Notice shall incorporate the following strategies to enhance participatory opportunities for the public.

- (a) **Ability to scan for information:** Make use of short sentences and paragraphs and headers.
- (b) **Ease of Reading:** Use simple sentence structure and grammar.
- (c) **Use simple everyday words** instead of technical jargon. Use active voice rather than passive voice.
- (d) **Target audiences:** Anticipate their interests and address potential enquiries.
- (e) **Images:** Use images especially if it helps readers understand the message.

4.3 Policy Application

Appendix "1" – Notice Requirements Contained in the Municipal Act.

5. Review

This policy shall be reviewed by each term of Council or as determined necessary by Council or the CAO.

Policy Adoption and Review Guidelines

Date of Adoption by Council	By-Law No.	Date of Most Recent Review by Council	Changes Made Yes/No
December 17, 2002	1527-02	December 2003	New
March 18, 2008	2114-08	March 2008	Yes
March 5, 2013	2641-13	February 2013	Yes
October 6, 2020	3443-20	June 2020	Yes

References to Other Policies or By-laws

Policy Title	Policy Number	By-Law
Procedural By-Law	GG-003	3253-19 3335-20

Section	Subject Matter	Municipal Act Requirements	Wawa Notice
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Appendix "1"
Notice Requirements Contained in the Municipal Act

Section	Subject Matter	Municipal Act Requirements	Wawa Notice
34	Permanent Closure of a Highway	No public notice requirement	Website posting, 2 weeks Council meeting at which considered.
	Change / Naming of a Highway	No public notice requirement	Notice to be published in t prior to Committee or Cou matter is being considerec Website posting, 2 weeks Council meeting at which considered.
48	Change / Naming of Private Roads	A local municipality may name or change the name of a private road after giving public notice of its intention to pass the by-law.	Notice to be published in t prior to Committee or Cou matter is being considerec Website posting, 2 weeks Council meeting at which considered.
81	Shut off of public utilities	Reasonable notice of the proposed shut- off to the owners and occupants of the land.	Prepaid mail to the land o land or by posting the noti conspicuous place.
99	Advertising Devices By-law	No public notice requirement	Website posting, 2 weeks Council meeting at which considered.
110	Agreements for Municipal Capital Facilities	Upon the passing of a by-law permitting a municipality to enter into an agreement under this section, the clerk of the municipality shall give written notice of the by-law to the Minister of Finance.	As required by the Act.

Section	Subject Matter	Municipal Act Requirements	Wawa Notice
110	Agreements for Municipal Capital Facilities – Tax Exemptions	<p>Upon the passing of a by-law under subsection (6), the clerk of the municipality shall give written notice of the contents of the by-law to,</p> <p>(a) the assessment corporation;</p> <p>(b) the clerk of any other municipality that would, but for the by-law, have had authority to levy rates on the assessment for the land exempted by the by-law; and</p> <p>(c) the secretary of any school board if the area of jurisdiction of the board includes the land exempted by the by-law. 2001, c. 25, s. 110 (8).</p>	As required by the Act.
150	General Licensing Powers	<p>No public meeting requirement.</p> <p>No public notice requirement.</p>	Website posting, 2 weeks Council meeting at which considered.
173	Restructuring Proposal	<p>Before the council of a municipality votes on whether to support or oppose a restructuring proposal, the council shall or may, as applicable, do the following things when the proposal is being developed or after it is developed:</p> <ol style="list-style-type: none"> 1. Council shall consult with the public by giving notice of, and by holding, at least one public meeting. 2. Council shall consult with such persons or bodies as the Minister may prescribe. 3. Council may consult with such other persons and bodies as the municipality considers appropriate. 	Council shall hold at least Website posting 2 weeks

Section	Subject Matter	Municipal Act Requirements	Wawa Notice
187	Change of Name of Municipality	No public notice requirement.	Council shall hold at least Website posting 2 weeks
204- 210	Business Improvement Areas	<p>A local municipality may designate an area as an improvement area and may establish a board of management. Before passing a by-law under subsection 204 (1), clause 208 (2) (b), subsection 208 (3) or section 209, notice of the proposed bylaw shall be sent by prepaid mail to the board of management of the improvement area, if any, and to every person who, on the last returned assessment roll, is assessed for rateable property that is in a prescribed business property class which is located,</p> <p>(a) where the improvement area already exists, in the improvement area and in any geographic area the proposed by-law would add to the improvement area; and</p> <p>(b) where a new improvement area would be created by the proposed by-law, in the proposed improvement area.</p>	As required by the Act.

Section	Subject Matter	Municipal Act Requirements	Wawa Notice
211	Business Improvement Areas Repealing By-Law	<p>Council shall give notice of a proposed by-law to repeal a by-law establishing a business improvement area. Notice of the proposed by-law shall be sent by prepaid mail to the board of management of the improvement area, if any, and to every person who, on the last returned assessment roll, is assessed for rateable property that is in a prescribed business property class which is located,</p> <p>(a) where the improvement area already exists, in the improvement area and in any geographic area the proposed by-law would add to the improvement area; and</p> <p>(b) where a new improvement area would be created by the proposed by-law, in the proposed improvement area.</p> <p>Notice shall be given within 60 days of receiving a valid request to repeal the bylaw. Recipients are to respond within 60 days after the last day of mailing of the notices.</p>	As required by the Act.
216	Dissolution of Local Boards (excluding Police Services Boards)	No public notice requirement.	Notice by mail to local board Committee or Council meeting being considered.
217-219	Council Composition	Before passing a by-law described in section 218, the municipality shall give notice of its intention to pass the by-law and shall hold at least one public meeting to consider the matter.	Council shall hold at least Website posting 2 weeks
238	Procedural by-law	No public notice requirement prior to the passage of the procedural by-law.	Any change to the procedure introduction of a new procedure Website posting 2 weeks
270.1	Sale of Land	A municipality shall adopt and maintain	Website posting, 2 weeks

PR-004: Public Notice Policy

Section	Subject Matter	Municipal Act Requirements	Wawa Notice
		policies with respect to the sale and other disposition of land.	Council meeting at which considered.
290-291	Budget – Adopt or Amend	No public notice requirement.	Website posting, 2 weeks Council meeting at which considered.
294	Annual Return	States the treasurer of a municipality shall in each year provide the Minister with a return containing information designated by the Minister with respect to the financial affairs of the municipality, at the times and in the manner and form designated by the Minister.	As required by the Act.
295	Financial Statements Publication	<p>Within 60 days after receiving the audited financial statements of the municipality for the previous year, the treasurer of the municipality;</p> <p>(a) shall publish in a newspaper having general circulation in the municipality, (i) a copy of the audited financial statements, the notes to the financial statements, the auditor's report and the tax rate information for the current and previous year as contained in the financial review, or (ii) a notice that the information described in subclause (i) will be made available at no cost to any taxpayer or resident of the municipality upon request; and</p> <p>(b) may provide the information described in subclause (a) (i) or (ii) to such persons and in such other manner as the treasurer considers appropriate.</p> <p>If a request is made under subsection (1), the treasurer shall provide a copy of the information to the taxpayer or resident at no cost.</p>	As required by the Act.

Section	Subject Matter	Municipal Act Requirements	Wawa Notice
297	Auditor	<p>The auditor may attend any meeting of members of council or any local board of the municipality and is entitled,</p> <p>(a) to receive all notices relating to the meeting that any member is entitled to receive; and</p> <p>(b) to make representations at that meeting on any matter that concerns him or her as auditor.</p>	As required by the Act.
308	Establishment of Tax Ratios	The Minister may make regulations requiring municipalities that establish tax ratios, to give notice of the tax ratios to such persons and in such a manner as prescribed.	As required by the Act.
318	Phase-in of Tax Changes Resulting from Re-assessments	A notice of demand of taxes payable in respect of which there is a phase-in shall indicate the amount of taxes that would have been payable without the phase-in, the amount of taxes that are payable and the difference.	As required by the Act.
331	Taxes on Eligible Properties	The assessment corporation shall provide a list of the comparable properties for each eligible property [as defined in 331(20) -ie properties with additional assessments; properties that cease to be exempt; properties that are added to the roll due to subdivision or severance of land; or properties for which there is a change in classification]. The municipality shall mail to the owner of each eligible property the list of comparable properties, along with the municipality's determination of taxes, within 60 days after the date the list of comparable properties is received by the municipality.	As required by the Act.

Section	Subject Matter	Municipal Act Requirements	Wawa Notice
343	Notice of Tax Bill	The treasurer shall send a tax bill to every taxpayer at least 21 days before any taxes shown on the tax are due.	As required by the Act.
348	Determination of Tax Status	The treasurer shall by February 28 in each year determine the position of every tax account as of December 31 of the preceding year. On making this determination, the treasurer shall send to every taxpayer who owes taxes from a preceding year a notice of those taxes and of the related late payment charges. The notice may be sent with a tax bill.	As required by the Act.
350	Obligations of Tenant – Taxes Owed	Where taxes are owed in respect of land occupied by a tenant, the treasurer may give the tenant notice in writing requiring the tenant to pay the rent in respect of the land to the treasurer as it becomes due up to the amount of the taxes due and unpaid plus costs, and the tenant shall comply with the notice.	As required by the Act.
351	Seizure Personal Property – Public Auction	Subject to certain conditions, the treasurer may seize personal property to recover the taxes and costs of the seizure. The treasurer or the treasurer's agent shall give the public notice of the time and place of the public auction and of the name of the person whose personal property is to be sold.	Website posting 2 weeks prior to auction. Written notice 2 weeks prior to auction, to liquidator, trustee or licensor.

Section	Subject Matter	Municipal Act Requirements	Wawa Notice
356	Division of Land into Parcels	<p>Upon application by the treasurer of a municipality or to the treasurer by an owner of land, the municipality may divide land into two or more parcels; apportion unpaid taxes; and direct part payment of taxes to each of the parcels. On or before September 30 of the year following the year in which the application is made, council shall hold a meeting to consider the issue. Applicants and owners of any part of the land shall be notified of the meeting by mail sent at least 14 days before the meeting. Within 14 days of making its decision, council shall notify the applicants and owners of the decision and specify the last day for appealing the decision.</p>	As required by the Act.
357	Cancellation, Reduction, Refund of Taxes.	<p>Upon receipt of an application, and subject to certain conditions, the municipality may cancel, reduce or refund all or part of taxes levied. On or before September 30 of the year following the year in respect of which the application is made, council shall hold a meeting at which all applicants may make representations to council. Applicants shall be notified of the meeting by mail sent at least 14 days before the meeting.</p> <p>Within 14 days of making its decision, council shall notify the applicants of the decision and specify the last day for appealing the decision</p>	As required by the Act.

Section	Subject Matter	Municipal Act Requirements	Wawa Notice
358	Overcharges Caused by a Gross or Manifest Error	<p>Upon receipt of an application, and subject to certain conditions, the municipality may cancel, reduce or refund all or part of taxes which were overcharged due to a gross or manifest error in the preparation of the assessment roll. The treasurer shall send a copy of the application to the assessment corporation and the registrar of the Assessment Review Board. If the application is deemed to be invalid, the treasurer shall notify the applicant in writing of the reasons that it is not valid. On or before September 30 of the year following the year in which the application is made, council shall hold a meeting at which the applicant may make representations to council.</p> <p>The applicant shall be notified of the meeting by mail sent at least 14 days before the meeting. Within 14 days after making its decision, council shall notify the applicant of the decision.</p>	As required by the Act.
359	Increase of Taxes as a Result of any Undercharged Caused by a Gross or Manifest Error	<p>Upon receipt of an application by the treasurer, the municipality may increase the taxes levied when the taxes were undercharged due to a gross or manifest error. The council shall hold a meeting at which the treasurer and the person in respect of whom the application is made may make representations to council. The council shall notify the parties of the meeting by mail sent at least 14 days before the meeting. Within 14 days of making its decision, council shall notify the parties of the decision and specify the last day for appealing the decision.</p>	As required by the Act.
365.2	Tax Reduction for Heritage Property	If a local municipality passes a by-law to	As required by the Act.

Section	Subject Matter	Municipal Act Requirements	Wawa Notice
		provide tax reductions or refunds to eligible heritage property, the Minister of Finance shall be notified within 30 days after the by-law is passed.	
374	Notice of Registration of Tax Arrears Certificate	Within 60 days after the registration of a tax arrears certificate, the treasurer shall send a notice of the registration of the certificate to the assessed owner of the land, to the spouse of the assessed owner of the land, and to every person appearing to have an interest in the land at the time of closing of the land registry office on the day the tax arrears certificate was registered.	As required by the Act.

Section	Subject Matter	Municipal Act Requirements	Wawa Notice
379 & 380	Public Sale (Tax Arrears Certificate)	<p>If the cancellation price remains unpaid 280 days after the day the tax arrears certificate is registered, the Treasurer, within 30 days after the expiry of the 280-day period, shall send to the persons entitled to receive notice under section 374 a final notice that the land will be advertised for public sale unless the cancellation price is paid before the end of the one-year period following the date of the registration of the tax arrears certificate.</p> <p>If at the end of the one-year period the cancellation price has not been paid the land shall be offered by public auction or public tender. The treasurer shall make a statutory declaration stating the names of the persons to whom notice was sent previously and advertise the land for sale once in The Ontario Gazette and once a week for four weeks in a newspaper that, in the opinion of the treasurer, has such circulation within the municipality as to provide reasonable notice of the sale. After the sale is made, and within 60 days after making a subsequent statement and payment to the Superior Court of Justice, the treasurer shall send a copy of the statement to the Public Guardian and Trustee and to the persons to whom notice was previously sent.</p> <p>Any notice required to be sent may be given by personal delivery or be sent by certified or registered mail.</p>	As required by the Act.

Section	Subject Matter	Municipal Act Requirements	Wawa Notice
386.2	Tax Sales – Entering a Carry Out Inspection without Warrant	<p>The following apply to an inspection under this Part carried out without a warrant:</p> <ol style="list-style-type: none"> 1. At least seven days before entering to carry out an inspection, the municipality shall, by personal service or by prepaid mail, serve a written notice of the inspection on the owners and occupants of the land as shown by the records of the land registry office and by the last returned assessment roll of the municipality in which the land is located. 2. The notice shall specify the date on which the municipality intends to enter on the land to commence the inspection. 3. If the municipality intends to enter on the land more than once during a period of time, the notice shall specify that period. 4. If the municipality intends to leave equipment on the land for a period of time, the notice shall set out a description of the equipment and the period of time during which the municipality intends to leave it on the land. 5. A notice served under this section by prepaid mail shall be deemed to have been received on the fifth day after the date of mailing of the notice. 6. A municipality shall not use force against any individual in carrying out the inspection. 7. A municipality shall only enter on land to carry out an inspection between the hours of 6 a.m. and 9 p.m. unless, after or concurrent with serving the notice under paragraph 1, the municipality has given at least 24 hours written notice of the intent to inspect the land at other hours to the occupants by personal service, prepaid mail or by posting the notice on the land in a conspicuous place. 	As required by the Act.

Section	Subject Matter	Municipal Act Requirements	Wawa Notice
386.3	Tax Sales – Entering to Carry out Inspection with Warrant	<p>Notice of application for warrant (2) The municipality shall give the owners and occupiers of the land seven days written notice of,</p> <p>(a) the time when and the place where the application for the issuance or extension of a warrant is to be considered;</p> <p>(b) the purpose of the application and the effect of the application being granted;</p> <p>(c) the length of time the municipality is asking for a warrant to be issued or extended;</p> <p>(d) the right of an owner or occupant or a representative of an owner or occupant to appear and make representations; and</p> <p>(e) the fact that if the owner, occupant or representative fails to appear, the judge or justice of the peace may issue or extend the warrant in their absence.</p>	As required by the Act.
391	Fees and Charges	No public notice required.	Notice is given to the public meeting schedule and council agendas on the Municipal
400	Regulation Local Improvement Charges – Priority Lien Status	Under Section 400, the Minister may make regulations regarding fees and charges with priority lien status, including a requirement that the municipality give notice of its intention to pass a by-law imposing fees and charges which will have priority lien status.	As required by Regulation

Section	Subject Matter	Municipal Act Requirements	Wawa Notice
402	Notice of Debt	Upon receipt of an application of a municipality to incur a debt, the Local Planning Appeal Tribunal may direct the municipality to give notice of the application to such persons and in such manner as the Tribunal determines.	As required by the Tribunal
435	Conditions Governing Power of Entry	<p>Where subsection (1) requires that notice of a proposed exercise of a power of entry be given, the notice must satisfy the following requirements:</p> <ol style="list-style-type: none"> 1. The notice must be given to the occupier of the land in respect of which the power of entry will be exercised. 2. The notice must be given within a reasonable time before the power of entry is exercised. 3. The notice must be given by personal service in the case of a proposed exercise of a power of entry under section 79, 80 or 446 in respect of a room or place actually used as a dwelling. 4. In the case of a proposed exercise of a power of entry other than one described in paragraph 3, the notice must be given by personal service or prepaid mail or by posting the notice on the land in a conspicuous place. 	As required by the Act.
441	Collection of Unpaid Licensing Fines	If any part of a fine for a contravention of a business licensing by-law remains unpaid after the fine becomes due and payable under section 66 of the Provincial Offences Act, the authorized officer may give the person against whom the fine was imposed a written notice specifying the amount of the fine payable and the final date on which it is payable, which shall be not less than 21 days after the date of the notice.	As required by the Act.
447.1	Closing premises, Public Nuisance	(3) After obtaining a consent under subsection (2) but before making an	As required by the Act.

PR-004: Public Notice Policy

Section	Subject Matter	Municipal Act Requirements	Wawa Notice
		<p>application under subsection (1), the municipality shall give 15 days notice of its intention to make an application under subsection (1) to the Attorney General.</p> <p>(6) A notice under subsection (3) shall include a description of,</p> <p>(a) the premises with respect to which the municipality intends to make the application;</p> <p>(b) the activities or circumstances on or in the premises which, in the opinion of the municipality, constitute a public nuisance or cause or contribute to activities or circumstances constituting a public nuisance in the vicinity of the premises; and</p> <p>(c) the detrimental impact on the use and enjoyment of property in the vicinity of the premises which, in the opinion of the municipality, is caused by the activities or circumstances described in clause (b).</p>	

Section	Subject Matter	Planning Act Requirements	Wawa Notice
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Planning Act

Section	Subject Matter	Planning Act Requirements	Wawa Notice Requirement
17	Official Plans	O. Reg. 198/96. As per the requirements of the Planning Act.	As required by the Planning Act
34, 36, 38	Zoning By-laws, Holding By-laws, Interim Control By-laws	O. Reg. 545/06. As per the requirements of the Planning Act.	As required by the Planning Act
45	Minor Variance Applications	O. Reg. 200/06. As per the requirements of the Planning Act	As required by the Planning Act
50,51	Plans of Subdivision	O. Reg. 196/96 As per the requirements of the Planning Act	As required by the Planning Act
53	Consent Applications	O. Reg. 197/96. As per the requirements of the Planning Act.	As required by the Planning Act