

THE CORPORATION OF THE TOWNSHIP OF MALAHIDE

BY-LAW NO. 16-52

Being a By-law to establish a policy to provide for notice to the public as required under the Municipal Act, 2001.

WHEREAS Section 270 of the *Municipal Act, 2001, S.O. 2001, c.25*, requires that a municipality 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;

AND WHEREAS sections of the *Municipal Act, 2001, S.O. 2001, c.25* require a municipality to give notice to the public generally of its intention to pass certain by-laws, notice of the holding of certain required public meetings, and notice of other matters;

AND WHEREAS Section 8 of the *Municipal Act, 2001, S.O. 2001, c.25* provides in part that the powers of a municipality under the *Municipal Act* shall be interpreted to enable the municipality to govern its affairs as it considers appropriate;

AND WHEREAS the Council of The Corporation of the Township of Malahide (herein "Council") deems it advisable to establish a public notice policy;

NOW THEREFORE the Council of The Corporation of the Township of Malahide **HEREBY ENACTS AS FOLLOWS:**

1. In this By-law,

"Act" means the *Municipal Act, 2001, S.O. 2001, c. 25* and includes regulations thereunder;

"Chief Administrative Officer" means the Chief Administrative Officer of the Township of Malahide or his/her designate;

"Clerk" means the Clerk of the Township of Malahide or Deputy Clerk of the Township of Malahide;

"Designate" means the Clerk or the Deputy Clerk of the Township of Malahide;

"Emergency" means a situation or an impending situation that constitutes a danger of major proportions that could result in serious harm to persons or substantial damage to property and that is caused by the forces of nature, a disease or other health risk, an accident or an act whether intentional or otherwise;

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

"notice" means a written, printed, or posted notification or announcement;

"published" means published in a daily or weekly newspaper that, in the opinion of the Clerk, has such circulation within the Township as to provide reasonable notice to those affected thereby, and "publication" has a corresponding meaning;

"posted" means affixed to a bulletin board or front window at the Township Office so as to display for viewing by the public;

"Township" means The Corporation of the Township of Malahide; and

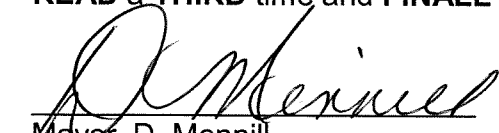
"website" means the 'public notices' section of the website of the Township of Malahide which address is www.malahide.ca.

2. Where the Township is required to give public notice or notice to other parties pursuant to a provision of the Municipal Act, or where Council deems it appropriate to prescribe notice to the public or other parties, notice shall be given in a form and manner shown on Schedule "A" attached hereto.
3. A public notice given under the provisions of clause 2 of this By-law, utilizing the municipal website, shall be sufficient even if the Township of Malahide website is not accessible at all times during the public notice period.
4. Notwithstanding the provisions of this By-law to the contrary, clause 2 shall not be applicable where:
 - (a) the Municipal Act, or another Act or regulations, prescribes specific notice requirements, or
 - (b) the Council of the Township of Malahide directs that public notice be given in the manner different from the public notice provisions of clause 2.
5. Unless otherwise prescribed in the Act or its regulations, where notice of intention to pass a by-law or notice of a public meeting is required to be given, the form of the notice shall include the following information:
 - (a) the purpose and effect of the proposed by-law, or a description of the purpose of the public meeting;
 - (b) the date, time, and location of the meeting to consider the proposed by-law, or the public meeting;

- (c) where the proposed by-law or purpose of the meeting is related to specific lands within the Township, sufficient particulars of the location to identify it generally, such as reference to a municipal address or road intersection, or a legal description or plan;
 - (d) the name and address of the person who will receive written comments on the issue that is the subject of the proposed by-law or public meeting and the deadline for receiving such comments;
 - (e) instruction on obtaining any additional information which may be made available by the Township, including the name, address, email, phone of any office providing the notice; and
 - (f) be clearly identified as a notice given by the Township of Malahide.
6. If a matter is deferred at a Council meeting or if a matter is considered at a subsequent Council meeting, no additional public notice shall be required, except where the Municipal Act or other Provincial Statute(s) provides otherwise, or if Council directs that additional public notice be given.
7. The public notice requirements of this By-law are minimum requirements and the Council, the Clerk, or the Chief Administrative Officer are authorized to provide additional public notice if reasonable and necessary in the circumstances.
8. No public notice shall be required under the provisions of this By-law where Council is authorized by the Municipal Act to consider a matter in a meeting closed to the public.
9. The requirement of the Municipal Act to provide public notice shall be deemed to be fulfilled upon completion of the action method to give notice in a form and manner shown on Schedule "A".
10. If a matter arises, which, in the opinion of the Chief Administrative Officer or his/her designate, is considered to be of an urgent or time sensitive nature, or which could affect the health, safety or well-being of the residents of the Township of Malahide, or if an Emergency is declared, or if so advised by a Provincial Ministry, the notice requirements of this By-law may be waived and the Clerk shall make his/her best efforts to provide as much notice as is reasonable under the circumstances.
11. By-law No. 12-38, as adopted on the 19th day of April, 2012, be and the same is hereby repealed.
12. The provisions of this By-law shall come into force and take effect on the day of passing of this By-law.

READ a FIRST and SECOND time this 1st day of September, 2016.

READ a THIRD time and **FINALLY PASSED** this 1st day of September, 2016.



Mayer, D. Mennill



Clerk, M. Casavecchia-Somers

**Schedule “A”
to By-law No. 16-52**

Section of Municipal Act/ Subject Matter	Requirement in the Act	Policy
Section 48 Naming or Change Name of Private Road - Notice	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 of intent to be provided to persons and agencies directly affected at least one (1) week prior to enactment of the by-law by: ▪ Personal service or prepaid first class mail to all persons who abut the affected highway; and ▪ Posting on the municipal website.
Section 81(1),(2),(3) Public Utility – Water – Shut Off – Notice	A municipality shall provide reasonable notice of the proposed shut-off to the owners and occupants of the land by personal service or prepaid mail or by posting the notice on the land in a conspicuous place.	Notice of the proposed shut-off to be provided by personal service or prepaid first class mail or by posting notice on the land in a conspicuous place at least one (1) week in advance if possible.
Section 110(5) Municipal Capital Facilities – Agreement – Notice of By- law	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 Education.	Written notice to the Minister of Education by prepaid first class mail within ten (10) days of the passing of the by-law.
Section 110(8) Municipal Capital Facilities – Notice - Tax Exemption By- law	Upon the passing of a by-law under subsection 110(6), the Clerk of the municipality shall give written notice of the contents of the by-law to: ▪ The assessment corporation; ▪ The Clerk of any other municipality that would, but for the by-law, have had the authority to levy rates on the assessment for the land exempted by the by-law; and ▪ The secretary of any school board if the area of jurisdiction of the board includes the land exempted by the by-law.	Written notice to be provided by prepaid first class mail promptly after the passage of the By-law to all persons identified by the Act as requiring notice.
Section 173(3) Restructuring Proposal – Consultation	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: ▪ Council shall consult with the public by giving notice, and by holding, at least one public meeting; ▪ Council shall consult with such persons or bodies as the Minister may prescribe; and, ▪ Council may consult with such other persons and bodies as the municipality considers appropriate.	Notice of public meeting to be provided at least one (1) week prior to the meeting by: ▪ Publishing within a newspaper having sufficient circulation; and ▪ Posting on the municipal website. Notice to be provided by personal service or prepaid first class mail to those persons who request further notice following the public meeting.

Section 295(1) Financial Statement – Publication	Within 60 days after receiving the audited financial statements of the municipality for the previous year, the Treasurer of the municipality, (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 (b) may provide the information described in subclause (a)(i) or (a)(ii) to such persons and in such other manner as the Treasurer considers appropriate.	Public notice to be provided within sixty (60) days of receipt of the audited financial statements by: ▪ Publishing within a newspaper having sufficient circulation in the municipality; and ▪ Posting on the municipal website.
Section 342(5) Tax Collection – Ceasing of Alternative Instalments and Due Dates of Taxes	The use by a taxpayer of the alternative instalments and due dates ceases if the taxes are unpaid after the due date and the treasurer gives written notice to the taxpayer that the alternative instalments and due dates may no longer be used.	Personal notice to be provided by prepaid first class mail to affected taxpayer.
Section 343(1) 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 bill are due.	Personal notice to be provided by prepaid first class mail to every taxpayer at least twenty-one (21) days before the taxes are due.
Section 348(2), 348(3) Determination of Tax Status - Notice	The Treasurer shall send to every taxpayer who owes taxes from a proceeding year a notice of those taxes and of the related late payment charges. A notice required to be sent under subsection 348(2) may be sent with a tax bill.	Personal notice to be provided by prepaid first class mail to each affected taxpayer by February 28th in each year. Notice may also be sent with tax bill.
Section 350(1) Tax Collection – Land Occupied by Tenant	Where taxes are owed in respect of any 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.	Personal notice to be provided by prepaid registered mail to affected tenant.
Section 351(8) Sale of Seized Personal Property – Notice	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.	Public Notice to be provided by: ▪ Prepaid registered mail to affected party; ▪ Publishing for one (1) week within a newspaper having sufficient circulation; and ▪ Posting on the municipal website prior to the public auction.

Section 359(3), 359(4) Increase of Taxes - Gross or Manifest Error - Meeting – Decision - Notice <u>Note:</u> Not an error in judgment assessing the land.	Council shall, (a) hold a meeting at which the Treasurer and the person in respect of whom the application is made may make representations to Council; (b) notify the Treasurer and the person in respect of whom the application is made of the meeting by mail sent at least 14 days before the meeting; and (c) make its decision. Within 14 days after making its decision, Council shall notify the Treasurer and the person in respect of whom the application is made of the decision and specify the last day for appealing the decision.	Personal notice to be provided by prepaid first class mail to the person in respect of whom the application is made and personal service to the Treasurer at least fourteen (14) days prior to the meeting. Council shall also notify the Treasurer and the person in respect of whom the application is made of the decision within fourteen (14) days after making its decision. Said decision shall specify the last day for appealing the decision.
Section 361(10.1) Action to Collect on Debt Resulting from Decrease in Rebate for Charity	Every municipality, other than a lower-tier municipality, shall have a tax rebate program for eligible charities for the purposes of giving them relief from taxes or amounts paid on account of taxes on eligible property they occupy If, as a result of a redetermination, the amount of the rebate is decreased and amounts paid on account of the rebate exceed the redetermined amount of the rebate, the excess payments are a debt due to the municipality which gave the rebate but the municipality shall not take any action to collect the debt, including the imposition of interest, until 120 days after providing the eligible charity with notice of the debt.	Personal notice to be provided by prepaid first class mail to the charity in respect of whom the application for tax rebate is made. No action to be commenced to collect any debt due to the municipality until 120 days after providing the eligible charity with notice of the debt.
Section 374(1), 374(2), 374(5) Tax Arrears – Certificate - Notice of Registration and Notice – Spouse of Owner	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 following persons, 1. the assessed owner of the land; 2. if under Land Titles Act, every person appearing by the parcel register and by the index of executions for the area in which the land is situate to have an interest in the land on the day the tax arrears certificate was registered, other than a person who has an interest referred to in clause 379(7.1)(a) or (b); and 3. if under Registry Act, every person appearing by the abstract index and by the index of executions for the area in which the land is situate to have an interest in the land on the day the tax arrears certificate was registered, other than a person who has an interest referred to in clause 379 (7.1)(a) or (b).	Notice of registration of tax arrears certificate to be provided by prepaid registered mail within sixty (60) days after registration to parties specified in the Act. Notice shall also be sent to the spouse of that person.

Section 386.2(1) Tax Sale – Entering to Carry Out Inspection Without Warrant	For the purpose of assisting a municipality to determine whether it is desirable to acquire land that has been offered for public sale under subsection 379(2) but for which there is no successful purchaser, the municipality may, during the 24 months following the public sale referred to in subsection 379(5), enter on and inspect the land.	At least seven days before entering to carry out an inspection, the municipality shall, by personal service or by prepaid first class 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. The notice shall specify: ▪ the date on which the municipality intends to enter on the land to commence the inspection ▪ if the municipality intends to enter on the land more than once during a period of time ▪ a description of any equipment and the period of time during which the municipality intends to leave it on the land. A notice served under this section by prepaid first class mail shall be deemed to have been received on the fifth day after the date of mailing of the notice.
Section 386.3 Tax Sale – Entering to Carry Out Inspection With Warrant	The municipality may apply to a provincial judge or a justice of the peace for a warrant authorizing a person named in the warrant to inspect land that has been offered for public sale under subsection 379 (2) but for which there is no successful purchaser.	Written notice of application for warrant to be given to the owners and occupiers of the land seven (7) days prior to application being considered. The notice shall specify: ▪ the time when and the place where the application for the issuance or extension of a warrant is to be considered; ▪ the purpose of the application and the effect of the application being granted; ▪ the length of time the municipality is asking for a warrant to be issued or extended; ▪ the right of an owner or occupant or a representative of an owner or occupant to appear and make representations; and ▪ 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.
Section 402(1) Application – To Incur Debt - Notice	Upon receipt of an application of a municipality to incur a debt, the Ontario Municipal Board may direct the municipality to give notice of the application to such persons and in such manner as the Board determines.	Notice of Debt to be provided to such persons and in such manner as determined by the Ontario Municipal Board.

O. Reg. 586/06, ss. 4, 6 Local Improvement By-law	Before passing a by-law to undertake a work as a local improvement under section 5, the municipality shall give notice of its intention to pass the by-law, to the public and to the owners of the lots liable to be specially charged.	Personal notice to an owner to be provided by one of the following methods: ▪ served personally; ▪ sent by prepaid first class mail to the owner's place of business or residence as set out in the municipality's last returned assessment roll, as most recently revised; or ▪ left at or sent by prepaid first class mail to the owner's actual place of business or residence, if known. The notice to specify: ▪ the estimated cost of the work; ▪ the estimated lifetime of the work; ▪ the estimated special charges per metre of frontage for the lots liable to be specially charged; ▪ when the special charges shall be paid; ▪ if the municipality intends to apply to the Ontario Municipal Board (under section 8) for approval to undertake the work as a local improvement, (i) a statement that the municipality intends to apply to the Board for this purpose, (ii) a description of the right to object to the work being undertaken as a local improvement, and (iii) the last day for filing an objection; ▪ a statement of that fact, if applicable; ▪ if the municipality has not received an approval, recommendation or petition with respect to the work, (i) a description of the right to petition Council not to undertake the work as a local improvement, (ii) the last day for making the petition, and (iii) the effect of the petition.
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