

Clause embodied in Report No. 11 of the Administration Committee, as adopted by the Council of the City of Toronto at its meeting held on July 24, 25 and 26, 2001.

8**City of Toronto Advertising Policy**

(City Council on July 24, 25 and 26, 2001, amended this Clause by:

- (1) *striking out Recommendation No. (3) of the Administration Committee and inserting in lieu thereof the following:*

“(3) that the Commissioner of Corporate Services be requested to:

(a) ensure that community media (both geographic and cultural) have an equal opportunity to place City advertising; and

(b) consider how to fairly allocate such placements.”; and

- (2) *adding thereto the following:*

“It is further recommended that as a general practice, where a matter being advertised is geographically specific, it identify the locally-elected municipal representative, or the representatives, if located on the boundary between two Wards, at the discretion of the respective Councillors, where not specifically excluded by statute.”)

The Administration Committee recommends:

- (1) **the adoption of the report (June 19, 2001) from the Commissioner of Corporate Services;**
- (2) **that the advertising be appropriate and placed appropriately for the issue involved; and**
- (3) **that the Commissioner of Corporate Services be requested to ensure that any advertising in local media including all local media (geographic and cultural) have an equal opportunity to advertise; and consider how to fairly allocate those placements.**

The Administration Committee submits the following report (June 19, 2001) from the Commissioner of Corporate Services:

Purpose:

The purpose of this report is to recommend a corporate advertising policy for the City of Toronto. The goal of the policy is to ensure that City of Toronto advertising reaches the appropriate audiences in the most effective and efficient manner. The policy will permit the City of Toronto to secure the best available rates and communicate with the widest possible audience.

Financial Implications and Impact Statement:

Recommendations contained in this report present an opportunity to seek savings for the City of Toronto in the area of advertising. In cases where there is more than one outlet serving a specific geographical, language or cultural community, the competitive tender process will ensure the City obtains the best bulk rate for its advertising. The policy also ensures uniform value-for-dollar for all City services clients placing advertising.

Recommendations:

It is recommended that the former City of Toronto advertising policy pertaining to the rotation of statutory advertising (contained in Clause No. 2 of Executive Committee Report No. 15, 1988) be revoked and that the City of Toronto Advertising Policy be comprised of the following:

- (1) the purpose of City of Toronto advertising is:
 - (a) to provide accurate, timely and clear information to City of Toronto residents, businesses, visitors and stakeholders about programs, services, policies and employment opportunities;
 - (b) to heighten the visibility of local government, thereby stimulating knowledge, interest and participation in local affairs;
 - (c) to conduct social marketing/public information activities directed at maintaining and improving the quality of city life;
 - (d) to provide accountable, accessible and equitable local government; and
 - (e) to comply with any applicable statutory requirements;
- (2) that all City of Toronto advertising be based upon the following principles:
 - (a) advertising be placed in a manner that is most efficient and effective for the corporation;

- (b) advertising be based on a communications plan which includes identification and assessment of the target audience and how best to reach the target audience within budget;
 - (c) all advertising comply with the City of Toronto Corporate Identity Program;
 - (d) wherever applicable, all advertising contain the City of Toronto Web site address;
 - (e) all advertising placed by the City of Toronto incorporate the principles of access and equity as outlined in City Council's Corporate Action Plan on Access and Equity (December, 1999) as recommended by the *Task Force on Community Access and Equity* by:
 - (i) eliminating gender stereotyping by ensuring that both sexes are treated with respect and dignity in advertising;
 - (ii) comprising a representative illustration of racial and ethnic minorities and aboriginal peoples;
 - (iii) including a realistic depiction of persons with disabilities in a manner that is dignified, using neutral word descriptions and visuals that focus on the full participation of persons with disabilities in everyday life;
 - (iv) being written in a manner and form that is easily understood by the intended audience, having due regard for varying rates of literacy within the City and the backgrounds of those to whom the advertising is directed. The minimum font size for all type in any advertisement is 10 point; and
 - (v) advertising be placed on an assessment of the languages other than English spoken by the target audience; and
 - (f) advertising comply with any applicable statutory requirements;
- (3) that Corporate Communications, in cooperation with city programs currently conducting advertising activities, publish a Request For Quotation (RFQ) to seek the lowest available rates for all of the City's advertising from each of the Toronto daily, community, neighbourhood, ethno-specific and third language print and electronic media; and
- (4) that Corporate Communications, in cooperation with the City Clerk and City Solicitor publish a Request For Quotation (RFQ) to establish a single daily print media outlet in which all statutory advertising for the City of Toronto will be placed in a manner and form determined as most cost-effective and efficient for a 3 year term to coincide with the beginning of each new Council.

Background:

(1) Rotation of Statutory Advertising:

Before 1983, the former City of Toronto generally placed its statutory advertisements in *The Globe and Mail*.

After 1983, staff of the Information and Communications Services Division of the City Clerk's Department began placing statutory advertisements in the newspapers that offered the lowest cost.

In 1988 (Clause No. 2 of Executive Committee Report No. 15), Council approved a policy that rotated the statutory ads among three daily newspapers — *The Toronto Star* for January through April, *The Toronto Sun* for May through August and *The Globe and Mail* for September through December.

Council approved this policy on a temporary basis with the condition that the City develop a request for proposals from newspapers that would publish all the City's statutory ads for a year or more. The request for proposals was not launched and the rotation policy remains in effect today.

The current policy was not intended to remain in effect for a prolonged period and does not provide any of the considerations envisioned in the new proposed policy.

(2) Types of Advertising Placed by the City of Toronto:

At present Corporate Communications places statutory and other advertising upon the request of City departments. Advertising budgets reside in program areas. In addition, departments, agencies, boards and commissions place a large volume of advertising independently and through advertising agencies for specific campaigns.

(1) Statutory or legal advertising:

Various provincial statutes require Ontario municipalities to notify the public of proposed changes to by-laws and to provide public notice of various decisions. In some cases advertising in a newspaper is mandated by the applicable statute, but where other notification methods are permitted, many municipalities use newspaper advertising as the most inexpensive and far-reaching method to fulfil the statutory notification requirements. Either a daily or weekly newspaper can be used to fulfil statutory notice requirements provided it is of such circulation in the municipality as to provide reasonable notice to those affected by the by-law or decision for which notice is given. Discretion as to the sufficiency of the circulation lies with the Clerk.

Examples of situations in which statutes require a municipality to advertise notice include proposed changes in zoning, by-laws, official plan amendments, road closings, renaming of streets and designations of particular properties as being of architectural or historic merit. Appendix I provides a comprehensive list of the statutes requiring Ontario municipalities to advertise notice in local newspapers.

(2) Tender and other purchasing advertising:

This type of advertising often relates to Requests for Proposals, Quotations and Expressions of Interest with respect to city business. The City advertises the fact that it is seeking submissions for specific opportunities or for qualified suppliers. There is no specific policy that describes the manner and form required for advertising of such opportunities.

(3) Social Marketing/Public Information Advertising:

These are ads that are usually part of a larger communications campaign, using a number of communications vehicles to deliver key messages to an audience with the intention of encouraging changes in behaviour that maintain or improve the quality of life in Toronto.

(4) Recruitment Advertising:

Recruitment advertising is placed by Human Resources within the careers section of daily newspapers. The Human Resources Division uses the services of an advertising agency for this purpose.

(5) Other advertising:

Other types of advertising may include notifications of preliminary public meetings on rezoning or official plan matters, public consultations on proposed changes to City policies and programs or information about tax bills.

(3) Advertising Media:

There are many different types of media in which to advertise in the City of Toronto. The following is a listing of the types of outlets and how they are typically used.

(1) Daily Newspapers:

As approved by the former City of Toronto Council in 1988, the City places its statutory and legal advertising in one of three daily newspapers for each of three four-month periods throughout the year. In addition to this, media buying clients may request placement of non-statutory advertising in one or more daily papers, particularly for display or other advertising. Tender advertising may also be placed in daily newspapers

(2) Community (“neighbourhood”) newspapers:

Community newspapers are another outlet for city advertising that is targeted to particular geographic communities. Toronto has many community-based newspapers and the City uses many of them for targeted messages to neighbourhoods. The City often uses a chain of newspapers to make sure its advertising reaches most of the City. The frequency of publications and lead-times for placement of advertising is a criteria that programs factor-in when considering placement of advertising.

(3) Community (“ethno-specific”) newspapers:

Much of the City’s social marketing/public information advertising is directed at those most in need. There are instances where mainstream outlets do not reach the target audience for these messages. Therefore, the City may place advertising in newspapers that publish in languages other than English. In addition, the City places advertisements in newspapers serving some of the City’s smaller ethno-specific communities. Corporate Communications arranges for the translation of advertising where required.

(4) Business / Commercial Publications:

Tender advertising is placed in publications that reach the intended audience.

(5) Other outlets:

Although the majority of placements are with print media based in Toronto, other buys are made in international outlets, tourist and trade publications and specialized market publications. In addition, buys are made for Radio and Television advertising. Advertising is also placed in a variety of other electronic and billboard media. In addition, several speciality publications are used by divisions within the City that have specific mandates within particular areas (e.g., recruitment advertising may be placed in several specialty publications and posted in locations to attract specific candidates)

(4) City of Toronto No-Cost Outdoor Advertising Space:

In addition to paid advertising, the City also receives free advertising space on two outdoor media: transit shelters and on OMG waste/recycle bins. City departments use these spaces for a variety of campaigns (recycling messages, social marketing, public information, special event promotion, environmental projects, etc.).

The City provides space to two outside suppliers to build and maintain these two types of public amenities on the City’s street allowance. As a result, the City’s contract with the suppliers gives it 110 free spaces in transit shelters for 13, four-week periods each year and 500 free spaces on the recycling bins for 13, four-week periods each year.

The City also receives free message space on two electronic billboards, one beside the Gardiner Expressway at Exhibition Place and another at the York Civic Centre.

Comments:

The purpose of the Request For Quotation in Recommendation No. (3) is to provide all departments with consistent pricing that is based on the volume of City advertising across the Corporation. As a result, departments may then make use of the prices quoted when conducting their advertising campaigns.

The purpose of the Request For Quotation in Recommendation No. (4) is to replace the rotation policy and ensure that statutory advertising is placed taking into consideration effectiveness, cost and the responsiveness of advertising outlets to the City's needs.

Conclusions:

Adoption of the recommendations contained in this report will ensure the identification of cost savings opportunities to the City and provide a consistent set of principles for the placement of city advertising.

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Appendices:

I – Statutory Requirements for Advertising

(Report dated March 16, 2001, addressed to Robert Mackenzie,
Acting Supervisor, Corporate Communications from the City Solicitor,
entitled “Statutory Requirements for Advertising”.)

I am writing in response to your request for information and advice regarding the City's statutory requirements for advertising.

You asked us to identify statutory requirements for advertising by-laws and to provide the details of such requirements. Furthermore, you requested advice regarding what constitutes a “newspaper” for the purposes of such advertising and whether a newspaper in which such advertising is published is required to be available for home delivery.

While we have attempted to identify and explain all situations in which a municipality is required to advertise notice by publication in a newspaper, the possibility remains that one or more such requirements may have escaped our detection. Our efforts include having searched all Ontario statutes and regulations. Furthermore, we have included some requirements that are found outside of legislation, such as the requirements for advertising applications for private bills.

Newspaper:

The *Interpretation Act* provides the following definition of a “newspaper”,

A provision requiring publication in a 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 or current events of general interest and sold to the public and to regular subscribers;

Accordingly, a newspaper must be sold both to the public and to regular subscribers. The case law provides little clarification as to what is meant by “regular subscribers”. According to *The New Shorter Oxford English Dictionary* (1993), however, “subscribe”, “subscriber” and “subscription” have the following definitions:

“subscribe” – arrange to receive a periodical etc. regularly; “subscriber” – a person subscribing to a periodical; “subscription” – payment for a specified number of issues of a periodical etc.; and agreement to take and pay for such periodicals.

Thus, while delivery at a subscribers home is not explicitly required, it would appear that a newspaper must offer purchasers the option of regular, pre-arranged purchase of the newspaper through subscription.

Furthermore, a newspaper must be intended for general circulation and must be in sheet form. Weekly publication is sufficient.

This definition applies to all provincial legislation. As a result, all references to newspapers in the statutes described below must meet this definition.

Statutory Advertising Requirements:

(1) *Municipal Act*:

This Act provides the following definition of the word “published” which applies to the whole of the Act:

“Published” means published in a daily or weekly newspaper that, in the opinion of the clerk of the municipality, has such circulation within the municipality as to provide reasonable notice to those affected thereby, and “publication” has a corresponding meaning.

Accordingly, with respect to the following matters requiring publication by the *Municipal Act*, the clerk has the discretion to determine whether the circulation of a daily or weekly newspaper is sufficient to provide reasonable notice to all persons affected by the matter.

(a) Change of Name By-law (section 12.1):

Prior to passing a by-law changing the name of the municipality, the municipality must give notice to the public of the proposed by-law. The Act provides no details as to how notice is to be given, but newspaper advertising is likely to suffice.

(b) Ward By-law (section 13):

Prior to passing a by-law dividing or redividing the municipality into wards or dissolving existing wards, council must give notice of its intention to pass the by-law and hold at least one public meeting. Furthermore, notice of the by-law being passed and specifying the last day for filing a notice of appeal must be given by the clerk within 15 days of the by-law being passed. The Act provides no details as to how notice is to be given, but newspaper advertising is likely to suffice.

(c) Number of Councillors and Means of Election (section 29):

Prior to passing a by-law changing the number of members of council or a by-law requiring election by general vote, by ward, or by a combination of general vote and ward, the council must give notice of its intention to pass the by-law and hold at least one public meeting. The Act provides no details as to how notice must be given, but newspaper advertising is likely to suffice.

(d) Financial Statements (section 83):

After receiving the audited financial statements of the municipality, the treasurer of the municipality is annually required, within the time prescribed by the Ministry, to either publish or to mail or deliver to each ratepayer:

- (i) a copy of the statement of revenue and expenditure, statement of capital operations, the balance sheet, 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 summary of that information in the prescribed form.

No time or form of summary has been prescribed.

As an alternative to publication, the treasurer may also include such information with a tax notice mailed prior to June 30.

Furthermore, the council of a municipality may publish in a newspaper of general circulation in the municipality “such information concerning the activities of the municipality as, in the opinion of the council, would be of interest to the ratepayers.”

(e) Promulgation of By-laws (section 134):

A by-law can be promulgated by publication of a true copy or a synopsis of a by-law along with a notice in Form 6 of the Act, at least once a week for three successive weeks.

(f) Debentures (section 140):

A money by-law may provide that all the debentures or a portion of them shall be redeemable at the option of the municipal corporation on any date prior to maturity, subject to certain conditions set out in subsection 140(13). One such condition is that notice of intention to redeem must be published in the Ontario Gazette and in a newspaper of general circulation in the municipality and in any such other manner as the by-law may provide. Such notice must be published at least thirty days prior to the date set for the redemption.

(g) Sale of Land (section 193):

Before selling any real property, a municipal council or local board must give notice to the public of the proposed sale.

For the City of Toronto, the Toronto Municipal Code §213-3 requires that the Commissioner of Corporate Services give such notice by at least one of the following methods, as the Commissioner may deem reasonable in the circumstances:

- (i) by posting a clearly visible sign on the site for a period of not less than seven days;
- (ii) by distribution by regular mail or hand delivery of a communication in writing to owners and tenants as shown on the latest revised assessment roll, of properties within 100 metres of the site; or
- (iii) by publication in a newspaper having circulation in the area of the site.

Such notice must contain the following:

- (i) a general description of the manner by which the sale will be carried out;
- (ii) the municipal address or legal description of the site, or both;
- (iii) the approximate size of the site by reference to dimensions and area, or both, and a brief description of any buildings or other improvements on the site;
- (iv) the date the real property was declared surplus;

- (v) the name, title, address and telephone number of the City officials having information about the proposed sale; and
- (vi) the latest date by which enquiries may be made of any official (this last requirement does not apply where notice is given by posting notice on the site for seven days).

Furthermore, The Clerk is to post notice to the public of the proposed sale in the office where the Public Land Registry is maintained.

(h) By-law Changing the Name of a Highway (section 210, paragraph 111):

Prior to passing a by-law changing the name of a highway, notice of the proposed by-law must be published at least once a week for four successive weeks in a newspaper having general circulation in the municipality.

(i) By-law Prohibiting or Regulating Signs (section 210, paragraph 146):

Prior to passing a by-law prohibiting or regulating signs and other advertising devices or any class or classes thereof and the posting of notices on buildings or vacant lots within any defined area(s) or on land abutting on a defined highway or part of a highway, notice of the proposed by-law and of the council meeting at which the by-law is to be discussed must be published. Such publication must occur once at least fourteen days prior to the council meeting.

(j) By-law Requiring Shops to Close (section 214):

The council of a city, town or village may pass a by-law requiring all or any class of shops to be closed during certain times and certain days as specified by the Act. Such a by-law must be published, prior to the by-law taking effect. The by-law must take effect between one and two weeks of its passing, and the publication must be in such a manner as appears to the council best fitted to ensure its publicity.

(k) Business Improvement Area Maximum and Minimum Charges (section 220):

A municipal council may specify maximum and minimum charges for special charges levied on rateable property in business improvement areas, and may provide for a special charge upon rateable property which derives a special benefit from the establishment of the business improvement area in which it is located.

Prior to passing either by-law, notice of the proposed by-law must be either:

- (i) published at least once a week for four successive weeks, and the by-law shall not be passed until after the expiry of fourteen days following the day on which the notice was last published; or

- (ii) sent by prepaid mail to every person who, on the last returned assessment roll, is assessed with respect to rateable property in the business improvement area that is in a prescribed business class, and the by-law shall not be passed until the expiry of 45 days next following the latest day of the mailing of such notices.

- (l) By-laws Stopping up, Altering, Widening, Diverting, Selling or Leasing a Highway or Establishing or Laying out a Highway (section 300)

Prior to passing a by-law stopping up, altering, widening, diverting, selling or leasing a highway or a by-law establishing or laying out a highway, the municipality must publish notice of the proposed by-law at least once a week for four successive weeks. However, this is not required if the owners of, and other persons interested in the land required to be taken for the highway, consent in writing to the passing of a by-law establishing, laying out or widening the highway, or where the land has been acquired by the municipal corporation.

- (m) By-law Designating a Lane on a Road for Public Transit Vehicles, Taxicabs, Car pool Vehicles, and Bicycles (section 314(1), paragraphs 9 and 10):

Prior to passing a by-law designating a lane on a road for public transit vehicles, taxicabs, motor vehicles carrying more than a set number of passengers and bicycles, notice of the by-law must be published once a week for four successive weeks in a newspaper having general circulation in the municipality. The notice must indicate the date and time of the meeting at which the council will consider the passing of the by-law.

- (1) *Planning Act:*

- (a) Official Plans/Official Plan Amendments (section 17 and section 26):

In the course of the preparation of an official plan, the council of a municipality must ensure that at least one public meeting is held. The council must give notice of such a meeting, the requirements of which are set out in Ontario Regulation No. 198/96 and which consist of either giving notice by personal service or mail and by posting notices, or by publication in a newspaper (section 17). Notice is also required to be given specifically to certain individuals and bodies as specified by Ontario Regulation No. 198/96.

Publication in a newspaper requires that, in the opinion of the clerk of the municipality, the newspaper be of sufficiently general circulation in the area to which the plan or amendment to the plan would apply so as to give the public reasonable notice of the public meeting.

Notice of a public meeting to inform the public of a proposed official plan or plan amendment given by publication in a newspaper must include the following:

- (i) the date, time and location of the public meeting;

- (ii) an explanation of the purpose and effect of the proposed official plan or plan amendment;
- (iii) a description of the land or a key map showing the land to which the proposed official plan or plan amendment would apply, or, alternatively, an explanation as to why a description or key map is not provided;
- (iv) where and when a copy of the proposed official plan or plan amendment and background materials, if any, will be made available to the public for inspection;
- (v) the following statement:

“If you wish to be notified of the adoption of the proposed official plan (*or official plan amendment*), you must make a written request to (*name and address of the municipality of planning board*)”;
- (vi) the following statement:

“If a person or public body that files a notice of appeal of a decision of (*name of the municipality or planning board*) in respect of the proposed official plan (*or official plan amendment*) does not make oral submissions at a public meeting or make written submissions to (*name of municipality or planning board*) before the proposed official plan (*or official plan amendment*) is adopted, the Ontario Municipal Board may dismiss all or part of the appeal.”; and
- (vii) If it is known that the land to which the proposed official plan or plan amendment applies is the subject under the Act for an amendment to a zoning by-law, a Minister’s zoning order or a minor variance or for approval of a plan of subdivision or a consent, a statement of that fact and the file number of the application.

When an official plan is in effect, the council of the municipality must hold a special meeting of council open to the public at least once every five years so as to determine the need for a revision of the official plan. Notice of such special meetings of council must be published at least once a week in each of two separate weeks. The publication must be completed thirty days prior to the meeting (section 26).

(b) Zoning By-laws (section 34):

Prior to passing a zoning by-law, except a by-law passed pursuant to an OMB order, the council of a municipality must ensure that at least one public meeting is held to inform the public in respect of the proposed by-law. The council must give notice of such a meeting, the requirements of which are set out in Ontario Regulation No. 199/96 and which consist of either giving notice by personal

service or mail and by posting notices, or by publication in a newspaper. Notice is also required to be given specifically to certain individuals and bodies as specified by Ontario Regulation No. 199/96. The notice must be given at least twenty days prior to the public meeting being held.

Publication in a newspaper requires that, in the opinion of the clerk of the municipality, the newspaper be of sufficiently general circulation in the area to which the proposed by-law would apply so as to give the public reasonable notice of the public meeting.

Notice of a public meeting to inform the public of a proposed zoning by-law given by publication must include the following:

- (i) the date, time and location of the public meeting;
- (ii) an explanation of the purpose and effect of the proposed zoning by-law;
- (iii) a description of the land or a key map showing the land to which the proposed zoning by-law would apply, or, alternatively, an explanation as to why a description or key map is not provided;
- (iv) if it is known that the land to which the proposed zoning by-law applies is the subject of an application under the Act for an amendment to an official plan, a Minister's zoning order, and approval of a plan of subdivision or a consent, a statement of that fact and the file number of the application;
- (v) the following statement:

"If a person or public body that files an appeal of a decision of (*name of municipality or planning board*) in respect of the proposed zoning by-law does not make oral submissions at the public meeting or make written submissions to (*name of municipality or planning board*) before the proposed zoning by-law is adopted, the Ontario Municipal Board may dismiss all or part of the appeal"; and
- (vi) where and when additional information regarding the proposed zoning by-law will be available to the public for inspection.

Where there is an official plan in effect in the municipality that contains provisions describing the measures for informing and securing the views of the public in respect of proposed zoning by-laws, the municipality is not required to comply with the above-described requirements provided that it complies with the measures set out in the official plan.

When a zoning by-law is passed by council, except a by-law passed pursuant to an OMB order, the clerk of the municipality must give written notice of the passing of the by-law not later than 15 days after the day the by-law is passed.

Such notice must be given either by publication in a newspaper or by personal service or mail as required by Ontario Regulation No. 199/96. Notice is also required to be given to specifically to certain individuals and bodies as specified by Ontario Regulation No. 199/96.

Publication in a newspaper requires that, in the opinion of the clerk of the municipality, the newspaper be of sufficiently general circulation in the area to which the by-law would apply so as to give the public reasonable notice of the public meeting.

The notice of passing of the zoning by-law must include the following:

- (i) an explanation of the purpose and effect of the by-law;
- (ii) the number of the by-law and the date it was passed;
- (iii) a description of the land or a key map showing the land to which the by-law applies, or, alternatively, an explanation of why a description or key map is not provided;
- (iv) the last date for filing a notice of appeal of the by-law and a statement that the notice of appeal must be filed with the clerk of the municipality or the secretary-treasurer of the planning board, must set out the reasons for the appeal and must be accompanied by the fee required by the OMB;
- (v) the following statement:

“Only individuals, corporations and public bodies may appeal a zoning by-law to the Ontario Municipal Board. A notice of appeal may not be filed by an unincorporated association or group. However, a notice of appeal may be filed in the name of an individual who is a member of the association or the group on its behalf.”

- (c) Holding Provision By-laws (section 36):

Notice must be given of a municipal council’s intention to pass an amending by-law removing a holding symbol from a zoning by-law. Such notice must be given either by publication in a newspaper or by personal service or mail, as required by Ontario Regulation No. 199/96.

Publication in a newspaper requires that, in the opinion of the clerk of the municipality, the newspaper be of sufficiently general circulation in the area to which the proposed amending by-law would apply so as to give the public reasonable notice of the public meeting.

Notice of intention to pass an amending by-law to remove the holding symbol from a zoning by-law must include the following:

- (i) an explanation of the effect of the removal of the holding symbol;
 - (ii) a description of the land or a key map showing the land to which the proposed by-law would apply, or, alternatively, an explanation as to why a description or key map is not provided; and
 - (iii) a statement of the earliest date on which the council or the planning board proposes to meet to pass the amending by-law.
- (d) Interim Control By-laws (section 38):

Upon the passing of an interim control by-law or a by-law extending the period during which an interim control by-law will be in effect, the clerk of the municipality must give notice of the by-law within thirty days of its passing. Such notice must be given either by publication in a newspaper or by personal service or mail, as required by Ontario Regulation No. 199/96. Notice is also required to be given specifically to certain individuals and bodies as specified by Ontario Regulation No. 199/96.

Publication in a newspaper requires that, in the opinion of the clerk of the municipality, the newspaper be of sufficiently general circulation in the area to which the by-law applies so as to give the public reasonable notice of the public meeting.

Notice of the passing of an interim control by-law or of a by-law extending the period during which an interim control by-law will be in effect must include the following:

- (i) a copy of the by-law and an explanation of its purpose and effect;
- (ii) a description of the land or a key map showing the land to which the by-law applies, or, alternatively, an explanation as to why a description or key map is not provided;
- (iii) a statement that the council or the planning board has authority to extend the period during which the by-law will be in effect to a total period not exceeding two years;
- (iv) The last date for filing a notice of appeal of the by-law and a statement that the notice of appeal must be filed with clerk of the municipality or the secretary-treasurer of the planning board, must set out the reasons for the appeal and must be accompanied by the fee required by the OMB; and

- (v) The following statement:

“Only individuals, corporations and public bodies may appeal an interim control by-law to the Ontario Municipal Board. A notice of appeal may not be filed on behalf of an unincorporated association or group. However, a notice of appeal may be filed in the name of an individual who is a member of the association or the group on its behalf.”

- (e) Minor Variances (section 45):

Upon application by an owner of land, buildings or structures affected by a zoning or interim control by-law, a committee of adjustment constituted and appointed by by-law of a municipality pursuant to section 44, may grant a minor variance from the zoning or interim control by-law. Furthermore committees of adjustment, if empowered to do so by the municipality, may grant minor variances from the provisions of any by-law that implements an official plan.

The committee of adjustment must give notice of the application in accordance with the regulations. Notice of the application for a minor variance must be given either by publication in a newspaper or by personal service, mail or posting, as required by Ontario Regulation No. 200/96. Notice is also required to be given specifically to certain individuals and bodies as specified by Ontario Regulation No. 200/96.

Publication in a newspaper requires that, in the opinion of the secretary-treasurer of the committee of adjustment, the newspaper be of sufficiently general circulation in the area to which the application applies so as to give the public reasonable notice of the hearing.

A notice of hearing of a minor variance application given by publication in a newspaper must include the following:

- (i) the date, time and location of the hearing;
- (ii) an explanation of the purpose and effect of the proposed minor variance or permission;
- (iii) a description of the subject land or a key map showing the location of the subject land;
- (iv) where and when additional information regarding the application will be available to the public for inspection; and
- (v) it is known that the subject land is the subject of an application under the Act or for approval of a plan of subdivision or a consent, a statement of that fact and the file number of the application.

(f) Plan of Subdivision Approval (section 51):

The City of Toronto is the approval authority for plans of subdivision pursuant to subsection 51(4). At least fourteen days before a public meeting is held and a decision is made, the approval authority must give notice of the application and notice of a public meeting in the prescribed manner, if either is required by regulation.

Notice of the application for approval of a plan of subdivision and notice of a public meeting must be given either by personal service or mail and posting or by publication in a newspaper, as required by Ontario Regulation No. 196/96. Notice is also required to be given specifically to certain individuals and bodies as specified by Ontario Regulation No. 196/96.

Publication in a newspaper requires that, in the opinion of the clerk of the municipality where the municipality is the approval authority, the newspaper be of sufficiently general circulation in the area adjoining the proposed plan of subdivision so as to give the public reasonable notice of the application.

Notice of an application for approval of a plan of subdivision given by publication must include the following:

- (i) a description of the proposed plan of subdivision;
- (ii) a description of the land or a key map showing the location of the land proposed to be subdivided;
- (iii) where and when additional information regarding the proposed plan of subdivision will be available to the public for inspection;
- (iv) the following statement:

“If a person or public body that files an appeal of a decision of (*name of approval authority*) in respect of the proposed plan of subdivision does not make oral submissions at the public meeting, if one is held, or make written submissions to (*name of the approval authority*) before the proposed plan of subdivision is approved or refused, the Ontario Municipal Board may dismiss the appeal”

- (v) the following statement:

“If you wish to be notified of the decision of (*name of the approval authority*) in respect of this proposed plan of subdivision, you must make a written request to (*name and address of the approval authority*)” and

- (vi) if it is known that the land proposed to be subdivided is the subject of an application under the Act of an amendment to an official plan, a zoning by-law, a Minister's zoning order or a minor variance, a statement of that fact and the file number of the application.

Notice of a public meeting given by publication must include the following:

- (i) the date, time and location of the public meeting;
- (ii) a description of the proposed plan of subdivision;
- (iii) a description of the land or a key map showing the location of the land proposed to be subdivided; and
- (iv) the following statement:

“If a person or public body that files an appeal of a decision of (*name of approval authority*) in respect of the proposed plan of subdivision, does not make oral submissions at the public meeting, if one is held, or make written submissions to (*name of the approval authority*) before the proposed plan of subdivision is approved, or refused, the OMB may dismiss the appeal.”

- (g) Consents (section 53):

At least fourteen days before a decision by a municipal council on an application for a consent, the council shall ensure that notice of the application and notice of a public meeting is given in the prescribed manner, if required by regulation.

Notice of an application for a consent and notice of a public meeting must be given either by personal service or mail and by posting, or by publication in a newspaper, as required by Ontario Regulation No. 197/96.

Publication in a newspaper requires that, in the opinion of the clerk of the municipality, the newspaper be of sufficiently general circulation in the area adjoining the subject land so as to give the public reasonable notice of the application.

Notice of an application for consent given by publication must include the following:

- (i) an explanation of the purpose and effect of the application for consent;
- (ii) a description of the land or key map showing the location of the land which is the subject of the application;

(iii) where and when additional information regarding the application will be available to the public for inspection;

(iv) the following statement:

“If a person or public body that files an appeal of a decision of (*name of the approval authority*) in respect of the proposed consent does not make written submissions to (*name of approval authority*) before it gives or refuses to give a provisional consent, the Ontario Municipal Board may dismiss the appeal”;

(v) the following statement:

“If you wish to be notified of the decision of (*name of approval authority*) in respect of the proposed consent, you must make a written request to (*name of the approval authority*)”; and

(v) If it is known that the land which is the subject of the application for consent is the subject of an application under the Act for an amendment to an official plan, a zoning by-law, a Minister’s zoning order or a minor variance, a statement of that fact and the file number of the application.

(3) *Cemeteries Act* (section 5):

A municipality must approve or refuse an application for approval of a cemetery to be located within its area. Upon arriving at a decision the municipality must publish notice of the decision in a local newspaper.

(4) *Development Charges Act* (sections 12, 13, 19, 46, and 64):

Prior to passing a development charge by-law, a municipal council must hold at least one public meeting and give at least 20 days notice of the meeting in accordance with the regulations to the Act (section 12). The requirements for such notice are prescribed by Ontario Regulation No. 82/98. The notice of public meeting must be given either by personal service, fax or mail to every owner of land in the area to which the proposed by-law would apply, or by publication in a newspaper that is, in the opinion of the clerk, of sufficiently general circulation in the area to which the proposed by-law would apply to give the public reasonable notice of the meeting.

When a development charge by-law is passed, the clerk of the municipality must give written notice of the passing of the by-law and of the last day for appealing the by-law, which shall be the day that is 40 days after the day that the by-law is passed. The notice must be given no later than 20 days after the by-law is passed (section 13). Such notice must meet the requirement prescribed by Ontario Regulation No. 82/98. The notice must be given either by personal service, fax or mail, or by publication in a newspaper. The requirements for newspaper publication are the same as set out above for the notice of public meeting prior to passing the development charge by-law.

Notice of the passing of a development charge by-law must include the following:

- (i) a statement that the council of the municipality has passed a development charge by-law;
- (ii) a statement setting out when the by-law was passed and the number of the by-law;
- (iii) a statement that any person or organization may appeal the by-law to the Ontario Municipal Board under section 14 of the Act by filing with the clerk of the municipality a notice of appeal setting out the objection to the by-law and the reasons supporting the objection;
- (iv) a statement setting out the last day for appealing the by-law;
- (v) an explanation of the development charges imposed by the by-law;
- (vi) a description of the lands to which the by-law applies;
- (vii) a key map showing the lands to which the by-law applies or an explanation of why a key map is not provided; and
- (viii) an explanation of where and when persons may examine a copy of the by-law.

The requirements for the notice of public meeting and the notice of passing of a development charge by-law apply equally, with any necessary modifications, to a by-law amending a development charge by-law, other than an amendment by, or pursuant to an order of the OMB (section 19).

A municipality in which a development charge by-law is in force may enter into a “front-ending agreement”. If a municipality has entered into such an agreement, the clerk of the municipality must give written notice of the agreement and of the last day for filing an objection to the agreement, which date is 40 days after the agreement is made. Such notice must be given not later than 20 days after the agreement is made and may be given either by mailing a notice to every owner of land within the area defined in the agreement, or by publishing a notice in a newspaper having general circulation in the municipality. Such notice is required to explain the nature and purpose of the agreement and to indicate that the agreement can be viewed in the office of the clerk of the municipality during normal business hours (section 46).

Section 64 of the Act provides for notice of the expiry or repeal of a by-law at the end of the transition period. The transition period ends 18 months from the day that section 61 of the Act came into effect. Since the Act came into effect on March 1, 1998, the details of such notice are not set out here.

(5) *Education Development Charges Act* (section 22):

While the sections allowing a municipality to pass a development charge by-law under this Act has been repealed, this Act continues to provide that a municipality that has passed such a by-law under this Act may enter into a “front-ending agreement” with any or all owners within a benefiting area providing for the payment by those owners of a front-end payment for the installation of services by the owners. The same notice requirement apply for such an agreement as apply under the *Development Charges Act*.

(6) *Expropriations Act* (sections 1 and 6):

Upon applying for approval to expropriate, an expropriating authority, which includes a municipality, must serve notice of its application for approval upon each registered owner of the lands to be expropriated and must publish the notice once a week for three consecutive weeks in a newspaper having general circulation in the locality in which the lands are situate (section 6).

Any document that must be served under this Act may be served personally. However, if the person or person’s address is unknown, service must be made by publication once a week for three weeks in a newspaper having general circulation in the locality in which the land is located and such service is deemed to be made on the date of the third publication (section 1).

(7) *Local Improvement Act* (sections 8, 9, 10 and 12):

The word “published” is defined in this Act as meaning:

“published in a daily or weekly newspaper which, in the opinion of the clerk, has such circulation within the municipality as to provide reasonable notice to those affected thereby, and ‘published’ has a corresponding meaning”.

A municipal council may pass a by-law to undertake the construction of a curbing, pavement, sidewalk, sewer, watermain or bridge or the opening, widening, extending, grading, altering the grade of, diverting or improving a street, or the widening of a pavement, or the extension of a system of water works, or of private drain connections or water service pipes as a local improvement. Such a by-law requires the approval of the OMB. The municipality must publish notice of intention to apply to the Board for approval in Form 2 of the Act, at least once a week for two weeks or mail notice to every owner abutting on the work (section 8).

Council may also, upon the recommendation of the Minister of Health or of the board of health, pass a by-law undertaking the construction, enlargement or extension of a sewer or watermain or of private drain connections or water service pipes as a local improvement on sanitary grounds. Prior to passing the by-law, the municipality must publish notice of its intention in Form 1 of the Act (sections 9 and 10).

Council may also undertake works as local improvements under the initiative of council. In such a case, notice of the intention to undertake the work, in Form 3 of the Act, must be given by publication of the notice and by service upon the owners of lots liable to be specially assessed. Such a notice is sufficient if it designates by a general description the work to be undertaken and the street or place whereon or wherein, and the points between which, the work is to be done, and the number of the instalments by which the special assessment is to be payable (section 12).

(8) *Ontario Casino Corporation Act, 1993* (section 7):

Before the Ontario Casino Corporation can provide for the operation of a casino in a municipality, the council of the municipality must pass a resolution approving the operation of the casino. The municipal council must hold at least one meeting open to the public at which it presents the proposed resolution prior to passing the resolution, and must give fifteen days notice of the meeting in the prescribed manner in a newspaper having general circulation in the municipality and in any other manner that is prescribed. No manner has been prescribed.

(9) *Retail Business Holidays Act* (section 4):

A municipal council may pass a by-law permitting retail business establishments in the municipality to be open on holidays for the maintenance or development of tourism. Prior to passing such a by-law, the council must hold a public meeting in respect of the by-law, and must publish notice of the public meeting in a newspaper having general circulation in the municipality at least thirty days prior to the meeting being held.

(10) *Ontario Heritage Act* (sections 29, 31, 32 and 34):

The clerk of a municipality intending to designate a property within the municipality to be of historic or architectural value or interest must give notice of the intention to designate by publication in a newspaper of general circulation in the municipality and by service on the owner of the property and on the Ontario Heritage Foundation.

The notice of intention to designate must contain the following:

- (a) an adequate description of the property so that it may be readily ascertained;
- (b) a statement of the reason for the proposed designation; and
- (c) a statement that notice of objection to the designation may be served on the clerk within thirty days after the date of publication of the notice of intention in a newspaper having general circulation in the municipality (section 29).

Where the municipal council intends to repeal a by-law or part of a by-law designating property, the clerk must give notice of intention to repeal the by-law in the same manner as the notice of intention to designate.

The notice of intention to repeal a designating by-law must contain the following:

- (a) an adequate description of the property so that it may be readily ascertained;
- (b) a statement of the reason for the proposed repealing by-law; and
- (c) a statement that notice of objection to the repealing by-law may be served on the clerk within thirty days of the date of publication of the notice of intention in a newspaper having general circulation in the municipality (section 31).

Upon application by an owner of designated property to the municipal council to repeal the by-law or part of the by-law designating the property, the council must consider the application within ninety days of receipt of the application, and may either refuse or consent to the application. If the council consents and passes a by-law repealing the designating by-law, notice of the repealing by-law must be published in a newspaper having general circulation in the municipality (section 32).

Upon application by an owner of designated property to the municipal council to consent to demolish or remove any building or structure on the property, the council must consider the application within ninety days of receipt of the application, and must give notice of its decision by publication in a newspaper having general circulation in the municipality and directly to the owner and the Ontario Heritage Foundation (section 34).

(11) *Weed Control Act* (section 16):

Prior to destroying noxious weeds or weed seeds under this Act, a municipal council must publish notice of its intent to have the noxious weeds or weed seeds destroyed in a newspaper having general circulation in the municipality.

(12) *Municipal Interest and Discount Rates Act* (section 5):

Where a municipal council amends a by-law passed under this Act setting a percentage charge as a penalty for non-payment of taxes or a by-law allowing a discount or interest on taxes paid in advance so as to change the percentage charge or discount or interest rate, the council must give notice of the new charge or rate by publication in a newspaper that, in the opinion of the clerk, has general circulation in the municipality (section 5).

(13) *Municipal Boundary Negotiations Act* (section 12):

The council of a municipality desiring resolution of an intermunicipal boundary-related issue may by by-law apply to the Minister for the initiation of a process under this Act. Upon receipt of a report of a chief negotiator under the Act in which the negotiating committee recommends an agreement, a party municipality must hold at least one information meeting and one meeting of council to consider submissions and comments from the public. Notice of these meetings must be given by publication in a newspaper having general circulation in the municipality at least fifteen days in advance of each meeting and the council meeting must be held not sooner than fifteen days after the last

information meeting. Upon receipt of a report from the chief negotiator, other than a report recommending an agreement, the party municipalities may hold the meetings as described above.

(14) *Municipal Tax Sales Act* (section 9):

If the cancellation price of a tax arrears certificate remains unpaid and there is no extension agreement at the end of the one-year period following the date of registration of the tax arrears certificate, the land is to be offered for sale by public auction or public tender. The treasurer is required to forthwith 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. Advertisement must be in Form 7 of Ontario Regulation No. 824 if the sale is by public tender, and in Form 9 if the sale is by public auction.

(15) *Environmental Assessment Act* (section 6.3):

A proponent, which can be a municipality, must give public notice of the submission of an environmental assessment of an undertaking to which the Act applies and shall do so in the manner required by the Director. Such public notice must indicate where and when members of the public may inspect the environmental assessment and must state that the public may give their comments about the environmental assessment to the Minister. The Guidelines to the Act do not require that notice be given by advertising in a newspaper.

Many projects that are subject to the *Environmental Assessment Act* are covered by the Municipal Class Environmental Assessment document which sets out specific procedures for various classes of undertaking. Except for the most straightforward projects [Schedule A undertakings] some form of notice, including advertising in a newspaper, is required as set out in the Municipal Class Environmental Assessment document. However, the exact notice requirements are determined by the nature of the project.

Projects that are subject to the Canadian Environmental Assessment Act also require public notice; however, that notice is given by the responsible federal authority.

(16) *Environmental Bill of Rights*:

Where a municipality applies for an “instrument” as defined by this Act, such as a Certificate of Approval under the *Environmental Protection Act*, notice must be posted on the Environmental Registry. While the Ministry is required to post the notice, the municipality is asked to draft the notice. Additional notice, including publication in a local newspaper, may be required by the Minister, in his discretion, or, in some instances, is required by the Act.

The minimum information required of notice under this Act is as follows:

- (i) a brief description of the proposal;

- (ii) a description of how and when the public can comment on the proposal;
 - (iii) a description of where the public can review written material on the proposal;
 - (iv) an address to which written comments about the proposal or questions about the process may be sent; and
 - (v) other prescribed or relevant information.
- (17) Applications for Private Bills (Standing Orders of the Legislative Assembly, SO 1999):

When a municipality applies for a private bill from the legislature it must publish notice of the application before the first reading of the bill in the legislature. Such publication must be once a week for at least four weeks in each of the Ontario Gazette and one newspaper circulated in the municipality.

The notice being published must:

- (i) be signed by or on behalf of the applicant municipality;
- (ii) clearly state the nature and object of the application;
- (iii) when the application refers to any proposed work, indicate generally the location of the work;
- (iv) where the application is for authority to issue debentures, set out the particulars of the existing debenture debt and the amount of the rateable property of the municipality according to the last revised assessment roll of the corporation and in brief and general terms, the object for which the new issue of debentures is required; and
- (v) state that any person who has an interest in the application and who wishes to make submissions for or against the application when it is considered by the Standing Committee on Regulations and Private Bills should notify the Clerk of the House in writing.

All statutorily mandated forms are attached.

I trust this is satisfactory. If you require any further assistance with this matter, do not hesitate to contact Christina Hueniken of this division at 2-8429.