Regional Municipality of Waterloo
Council
Addendum Agenda

Wednesday, February 23, 2022, 7:00 p.m.
Meeting to be held electronically
150 Frederick Street, Kitchener, Ontario

Should you require an alternative format please contact the Regional Clerk at Tel.: 519-575-4400,
TTY: 519-575-4605, or regionalclerk@regionofwaterloo.ca

1. Land Acknowledgement
2. Motion to go into Closed Session
   Recommended Motion:
   That a closed meeting of Council be held on Wednesday, February 23, 2022 at 6:00 p.m. electronically, in accordance with Section 239 of the “Municipal Act, 2001”, for the purposes of considering the following subject matters:

   1. information supplied in confidence, which, if disclosed, could reasonably be expected to prejudice significantly the negotiations of an organization;
   2. advice that is subject to solicitor-client privilege;
   3. advice that is subject to solicitor-client privilege related to the security of the property of the Region;
   4. *advice that is subject to solicitor-client privilege related to potential litigation
   5. *advice that is subject to solicitor-client privilege related to ongoing negotiations
   6. personal matters about an identifiable individual
3. Motion to Reconvene into Open Session
   Recommended Motion:
   That Council reconvene into Open Session.
4. Declarations of Pecuniary Interest under the “Municipal Conflict of Interest Act”
5. Presentations
   5.1. COVID update
6. Petitions
7. Delegations

7.1. Simone Larin, Kitchener
re: Mask Use By-laws and GRT Policy

7.2. Fauzia Mazhar, Executive Director, Coalition of Muslim Women of Kitchener Waterloo
re: CAO-EDI-22-01 Coalition of Muslim Women of Kitchener Waterloo Recommendations to Counter Islamophobia (Item 11.3.1)

*7.3. Rizwan Mohammad, Advocacy Officer, National Council of Canadian Muslims (NCCM)
re: CAO-EDI-22-01, Coalition of Muslim Women of Kitchener Waterloo Recommendations to Counter Islamophobia

*7.4. Maedith Radlein, Kitchener
re: Coalition of Muslim Women’s Recommendations to Counter Islamophobia

*7.5. Sarah Shafiq, Coalition of Muslim Women of Kitchener Waterloo
re: Anti-Islamophobia work

*7.6. Mifrah Abid, Coordinator, Together Against Islamophobia
re: Coalition of Muslim Women’s hate reporting system

*7.7. Suad Mohamud, Kitchener
re: Anti-Islamophobia work

8. Minutes of Previous Meetings

   Recommended Motion:
   That the following minutes be approved:

8.1. Board of Health - January 26, 2022
8.2. Closed Council - January 26, 2022
8.3. Council - January 26, 2022
8.4. Closed Committee of the Whole - February 8, 2022
8.5. Committee of the Whole - February 8, 2022 ( * Minutes now available)
8.6. Economic Development Committee – February 15, 2022 ( * Minutes now available)

9. Communications

9.1. Council Information Package - Wednesday, February 16, 2022 (distributed electronically)

10. Motion to Go Into Committee of the Whole to Consider Reports

   Recommended Motion:
   That Council go into Committee of the Whole to consider reports.

11. Reports

11.1. Finance Reports

   Recommended Motion:
That Council approved the following Finance Reports:

11.1.1. **COR-TRY-22-12**, T2022-105 - Installation of 450mm Watermain along Avenue Road from Hespeler Road to Franklin Boulevard, Cambridge, Ontario

**Recommended Motion:**
That the Regional Municipality of Waterloo take the following actions regarding T2022-105 Installation of 450mm Watermain at Avenue Road, Cambridge, Ontario as set out in report COR-TRY-22-12 dated February 23, 2022.

- Accept the tender of 2545224 Ontario Ltd. O/A T. Musselman Excavating Limited in the amount of $3,173,747.21 plus all applicable taxes;
- Approve an increase in the project cost of $309,143 gross and $0 net to facilitate work undertaken on behalf of City of Cambridge.


**Recommended Motion:**
That the Regional Municipality of Waterloo accept the proposal of Pyramid Traffic Inc for P2021-28 - Traffic Count Program for a contract period of three (3) years commencing from March 1, 2022 to February 28, 2025 at an estimated cost of $268,850.00 (estimated annual cost of $89,616.67) as set out in report COR-TRY-22-13 dated February 23, 2023.


**Recommended Motion:**
That the Regional Municipality of Waterloo accept the tender of Xterra Construction Inc. for T2021-136 - Cambridge Waste Management Facility Containment Well Infrastructure Upgrades, 201 Savage Drive Cambridge, Ontario in the amount of $1,350,830.60 plus all applicable taxes as set out in report COR-TRY-22-14 dated February 23, 2022.


**Recommended Motion:**
That the Regional Municipality of Waterloo accept the tender of Xterra Construction Inc. for T2021-192 - Waterloo Landfill Site EW433-21 Infrastructure Upgrades, 925 Erb Street West, Waterloo, Ontario in the amount of $765,460.24 plus all

11.1.5. **COR-TRY-22-16, Rebuild of Landfill Compactor**

**Recommended Motion:**
That the Regional Municipality of Waterloo approve the procurement from Tri-City Equipment and Repair for the factory certified rebuild of an Al-Jon Compactor in the estimated amount of $365,800 USD (estimated $472,863 CDN subject to the applicable US/Canadian dollar exchange rate in effect at the time of order), plus all applicable taxes as set out in report COR-TRY-22-16 dated February 23, 2022.

11.1.6. **COR-ADM-22-01, Legislative Reform to Address Joint and Several Liability**

**Recommended Motion:**
That the Regional Municipality of Waterloo express its support for the resolution with respect to joint and several liability as proposed by the Association of Municipalities of Ontario and forward such resolution to the Premier of Ontario, the Provincial Attorney General, the Minister of Municipal Affairs and Housing, and the Association of Municipalities of Ontario, as set out in report COR-ADM-22-01 dated February 23, 2022.

11.2. **Committee Reports**

11.2.1. **Committee of the Whole Summary - February 8, 2022**

11.2.2. **Economic Development Committee Summary - February 15, 2022**

*11.2.3. Closed Committee of the Whole Summary - February 8, 2022 (available at meeting)*

11.3. **Chief Administrative Officer**

11.3.1. **CAO-EDI-22-01, Coalition of Muslim Women of Kitchener Waterloo Recommendations to Counter Islamophobia**

**Recommended Motion:**
That the Regional Municipality of Waterloo commit to recognizing January 29, the National Day of Remembrance of the Quebec City Mosque Attack and Action Against Islamophobia as an annual day of commemoration of the victims of the Quebec Mosque shooting, and continue to participate in the Green Square Campaign; and

That staff be directed to continue partnerships established with Coalition of Muslim Women of Kitchener Waterloo, Muslim
Women of Cambridge, and area municipalities to collaborate on a coordinated strategy to counter Islamophobia; and

That staff be directed to establish anti-Islamophobia training for regional staff in collaboration with Coalition of Muslim Women-Kitchener Waterloo; and

That staff be directed to explore existing regional programs and services to resource anti-Islamophobia education; and

That staff continue to move forward on these recommendations in alignment with the Community Safety and Wellbeing Plan; and

That the Regional Municipality of Waterloo ensure that its facilities and services are safe and welcoming for all through enforcement of the existing bylaw (Regional By-law 13-050) respecting the conduct of persons entering onto Regional lands and public transit vehicles and facilities, all as outlined in report CAO-EDI-22-01 dated February 23, 2022.

11.4. Regional Chair
11.5. Regional Clerk

12. Other Matters Under Committee Of The Whole

12.1. HRC-ADM-22-01, Human Resources & Citizen Service (HRC) Department Progress Overview (Staff Presentation)
For information, to share and highlight HRC’s vision for creating a workplace environment where everyone can be and do their best.

*12.2. CSD-HOU-22-05, Rapid Response Mobile Outreach Team
Recommended Motion:
That the Regional Municipality of Waterloo endorse the implementation of a Rapid Response Mobile Outreach Team to enhance upstream community supports for vulnerable community members, as outlined in CSD-HOU-22-05 Rapid Response Mobile Outreach Team, dated February 23, 2022.

13. Motion for Committee of the Whole to Rise and Council Resume
Recommended Motion:
That Committee of the Whole rise and Council resume.
14. Motion To Adopt Proceedings of Committee of the Whole  
   Recommended Motion:  
   That Council adopt the proceedings of Committee of the Whole.

15. Motions

16. Notice of Motion

17. Unfinished Business

18. Other Business

19. Questions

20. Enactment Of By-laws – First, Second & Third Readings
   20.1. A By-law to Confirm the Actions of Council – February 23, 2022
   
   Recommended Motion:  
   That a By-law to Confirm the Actions of Council of February 23, 2022 be  
   read a first, second and third time, finally passed and numbered 22-005  
   signed by the Regional Chair and Regional Clerk and sealed with the  
   Regional Seal.

21. Adjourn
1. **Recommendation:**

   That the Regional Municipality of Waterloo take the following actions regarding T2022-105 Installation of 450mm Watermain at Avenue Road, Cambridge, Ontario as set out in report COR-TRY-22-12 dated February 23, 2022.

   - Accept the tender of 2545224 Ontario Ltd. O/A T. Musselman Excavating Limited in the amount of $3,173,747.21 plus all applicable taxes;
   - Approve an increase in the project cost of $309,143 gross and $0 net to facilitate work undertaken on behalf of City of Cambridge.

2. **Purpose / Issue:**

   Purchasing by-law 16-032 Part IV section 10 (2) requires Council approval for tenders in excess of $1,000,000.

3. **Strategic Plan:**

   Award of this contract meets the 2019-2023 Corporate Strategic Plan objective to protect our water resources (drinking water and wastewater treatment) under Strategic Focus Area 3: Environment and Climate Action.

4. **Key Considerations:**

   a) Tenders were called for T2022-105 - Installation of 450mm Watermain at Avenue Road Avenue Road Cambridge, Ontario and were advertised in the Record, on the Ontario Public Buyers Association website and on the Region’s website.
b) The following tenders were received:

<table>
<thead>
<tr>
<th>Tenderer</th>
<th>Location</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>2545224 Ontario Ltd. O/A T. Musselman Excavating Ltd</td>
<td>Petersburg, ON</td>
<td>$3,173,747.21</td>
</tr>
<tr>
<td>Navacon Construction Inc.</td>
<td>Brantford, ON</td>
<td>$3,234,438.00</td>
</tr>
<tr>
<td>E. &amp; E. Seegmiller Limited</td>
<td>Kitchener, ON</td>
<td>$3,268,927.00</td>
</tr>
<tr>
<td>Network Sewer and Watermain Ltd</td>
<td>Cambridge, ON</td>
<td>$3,282,787.44</td>
</tr>
<tr>
<td>Regional Sewer and Watermain Ltd</td>
<td>Cambridge, ON</td>
<td>$3,295,794.75</td>
</tr>
<tr>
<td>J-AAR Excavating Limited</td>
<td>London, ON</td>
<td>$3,319,485.93</td>
</tr>
<tr>
<td>Sierra Infrastructure Inc</td>
<td>Woodstock, ON</td>
<td>$3,627,433.63</td>
</tr>
<tr>
<td>Oxford Civil Group Inc.</td>
<td>Woodstock, ON</td>
<td>$3,650,018.30</td>
</tr>
<tr>
<td>Capital Paving Inc</td>
<td>Guelph, ON</td>
<td>$3,661,000.00</td>
</tr>
<tr>
<td>Amico Infrastructure (Oxford) Inc.</td>
<td>Cambridge, ON</td>
<td>$4,008,509.00</td>
</tr>
<tr>
<td>Cox Construction Limited</td>
<td>Guelph, ON</td>
<td>$4,647,267.17</td>
</tr>
<tr>
<td>New-Alliance Ltd</td>
<td>Burlington, ON</td>
<td>$4,788,600.00</td>
</tr>
<tr>
<td>Neptune Security Services Inc</td>
<td>Mississauga, ON</td>
<td>$4,873,289.00</td>
</tr>
<tr>
<td>Alwahesh Contracting Inc.</td>
<td>Milton, ON</td>
<td>$4,915,000.00</td>
</tr>
</tbody>
</table>

c) The work under this contract includes construction of:

- 1,500m of 450mm diameter PVC watermain using the open cut excavation method, including supply and installation of valves and fittings.

- Commissioning of the watermain.

- Watermain connections at Hespeler Road, west of Elgin Street, east of Elgin Street, and west of Franklin Blvd.

- Full depth road restoration of the eastbound lane.

- Mill and re-pave the existing asphalt surface course of the westbound lane from Hespeler Road to Elgin Street on behalf of the City of Cambridge.

- Remove and replace 1500m of curb.
• Restoration of areas behind back of curb disturbed by construction activities.

d) During construction, Avenue Road will be open one-way for westbound traffic only, closed to eastbound traffic with detours for eastbound traffic, with shorter-term full closures for surface asphalt paving.

e) The final date of acceptance for this tender is April 26, 2022.

5. Background:

The Region completed a Schedule B Class Environmental Assessment (EA) study (Notice of Completion Report dated April 15, 2017, TES-WAS-17-15) in support of creating a new Cam 1W Pressure Zone through several infrastructure improvements, including the construction of a new 450mm diameter watermain on Avenue Road.

Avenue Road is a City of Cambridge road and the work of this contract includes milling and re-paving of the existing asphalt surface course of the westbound lane from Hespeler Road to Elgin Street on behalf of the City of Cambridge.

6. Area Municipality Communication and Public/Stakeholder Engagement:

The public and stakeholders were consulted during the Class EA.

Avenue Road is a City of Cambridge road and City of Cambridge staff have approved the location of the new watermain.

Residents and business owners along Avenue Road will be notified via letters in advance of construction and updated during construction. Contact information will be provided for follow-up questions and communication. Signs with the estimated construction duration and contact information will be placed at both ends of the construction zone. Detours will be posted when lane and road closures are in effect. Members of the public may obtain up-to-date information about active, ongoing construction contracts affecting Regional roads on the Region’s website.

7. Financial Implications:

There are sufficient funds in the Region’s approved 2022-2031 Water Capital Program for this work.

The estimated cost for the City of Cambridge on this contract is $337,800. The City of Cambridge has indicated that they have sufficient funds budgeted for this work and has asked that the work proceed on their behalf.

Detailed Financial Implications are included in Appendix A.
8. **Conclusion / Next Steps:**

Subject to Council approval, the work of this contract will begin in April, 2022 with substantial completion expected by September, 2022

9. **Attachments / Links:**

   Appendix A: Detailed Financial Implications

**Prepared By:** Alex Albrecht, Procurement Specialist

**Reviewed By:** Lisa Evans, Manager, Procurement/Chief Purchasing Officer

**Approved By:** Craig Dyer, Commissioner, Corporate Services/Chief Financial Officer
Appendix A: Detailed Financial Implications

Contract T2022-105 costs are shared as follows:

| Region of Waterloo – Water Services Costs | $2,864,604 |
| City of Cambridge                          | 309,143    |
| Total                                      | $3,173,747 |

Region of Waterloo Water Services Costs:

| T2022-105 | $2,864,600 |
| Geotechnical and Material Testing Services | 60,000 |
| Regional Engineering                       | 45,000 |
| Contract Administration                    | 41,000 |
| Regional Inspection                        | 41,000 |
| Sub-total                                  | $3,051,600 |
| Plus: Applicable Net HST of 1.76%          | 53,708 |
| Total                                      | $3,105,308 |

Note: All figures are rounded to the nearest $100.

The Region’s approved 2022-2031 Water Services Capital Program includes $9,855,000 in 2022 for Cambridge Water Distribution Upgrades (project #04181) to be funded from the Water Capital Reserve (73.6%; $7,253,300), growth related debentures (25.4%; $2,500,000) and Water Development Charge Reserve Fund (1.0%; $101,700). An amount of $4,300,000 has been allocated for the Avenue Road watermain.
City of Cambridge Costs:

<table>
<thead>
<tr>
<th>Description</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>T2022-105</td>
<td>$309,100</td>
</tr>
<tr>
<td>Geotechnical and Material Testing Services</td>
<td>10,000</td>
</tr>
<tr>
<td>Regional Engineering (HST – N/A)</td>
<td>5,000</td>
</tr>
<tr>
<td>Contract Administration</td>
<td>4,000</td>
</tr>
<tr>
<td>Regional Inspection (HST – N/A)</td>
<td>4,000</td>
</tr>
<tr>
<td><strong>Sub-total</strong></td>
<td><strong>$332,100</strong></td>
</tr>
<tr>
<td>Plus: Applicable Net HST of 1.76%</td>
<td>5,700</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>$337,800</strong></td>
</tr>
</tbody>
</table>

Note: All figures are rounded to the nearest $100.

The estimated cost for the City of Cambridge on this contract is $337,800. The City has indicated that they have sufficient funds budgeted for this work and has asked that the work proceed on their behalf.
1. **Recommendation:**

   That the Regional Municipality of Waterloo accept the proposal of Pyramid Traffic Inc for P2021-28 - Traffic Count Program for a contract period of three (3) years commencing from March 1, 2022 to February 28, 2025 at an estimated cost of $268,850.00 (estimated annual cost of $89,616.67) as set out in report COR-TRY-22-13 dated February 23, 2023.

2. **Purpose / Issue:**

   Purchasing by-law 16-032 Part IV, section 9 (3)(a) requires Council approval of proposals in excess of $150,001 but less than $1,000,000 when two (2) or fewer compliant Proposals are submitted in response to the call for Proposals.

3. **Strategic Plan:**

   Award of this contract meets the 2019-2023 Corporate Strategic Plan objectives to increase participation in active forms of transportation (cycling and walking), improve road safety for all users - drivers, cyclists, pedestrians, horse and buggies, and improve and better integrate roads and rail transportation services to and from Waterloo Region under Focus Area 2 Sustainable Transportation.

4. **Key Considerations:**

   a) Proposals were called for P2021-28 - Traffic Count Program and were advertised in the Record, on the Ontario Public Buyers Association website and on the Region’s website.
b) Two proposals were received. The proposals were evaluated using pre-determined technical criteria which included Experience, Similar Projects and References, Compatible Equipment with Regional processes, Understanding and Approach, Project Manager and References. Following the qualitative evaluation, two (2) proponents were shortlisted and their price submissions were opened.

c) The following proposals were shortlisted:

<table>
<thead>
<tr>
<th>Company</th>
<th>Location</th>
</tr>
</thead>
<tbody>
<tr>
<td>Pyramid Traffic Inc.</td>
<td>Grimsby, ON</td>
</tr>
<tr>
<td>Accu-Traffic Inc.</td>
<td>Richmond Hill, ON</td>
</tr>
</tbody>
</table>

The proposal submitted by Pyramid Traffic Inc. obtained the highest overall score.

d) The work under this contract includes collecting pedestrian, cycling and vehicular volume throughout the Region of Waterloo. Volume counts are conducted annually to enable Transportation Engineering to make traffic management decisions, such as the justification for additional traffic control devices (i.e. All-Way Stop control, Traffic Control Signals, Pedestrian Crossovers) and signal timing modifications. The data collected also plays a major role in determining the works within the Region’s Ten-year Capital Program.

e) The final date of acceptance for this tender is May 17, 2022.

5. **Background:**

Nil

6. **Area Municipality Communication and Public/Stakeholder Engagement:**

Nil

7. **Financial Implications:**

There are sufficient funds in the Region’s approved 2022-2031 Transportation Capital Program for the Traffic Count Program, (project #05521), to be funded from the Transportation Capital Reserve.

Detailed Financial Implications are included in Appendix A.

8. **Conclusion / Next Steps:**

Subject to Council approval, the work under this contract will begin March 1, 2022.
9. **Attachments / Links:**

   **Appendix A:** Detailed Financial Implications

**Prepared By:** Alex Albrecht, Procurement Specialist

**Reviewed By:** Lisa Evans, Manager, Procurement/Chief Purchasing Officer

**Approved By:** Craig Dyer, Commissioner, Corporate Services/Chief Financial Officer
## Appendix A: Detailed Financial Implications

<table>
<thead>
<tr>
<th>Description</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>P2021-28</td>
<td>$268,900</td>
</tr>
<tr>
<td>Plus: Applicable Net HST of 1.76%</td>
<td>4,700</td>
</tr>
<tr>
<td>Total</td>
<td>$273,600</td>
</tr>
</tbody>
</table>

Note: All figures are rounded to the nearest $100.

The Region’s approved 2022-2031 Transportation Capital Program includes a budget of $150,000 in 2022 and $450,000 in 2023-2025 for the Traffic Count Program (project #05521) to be funded from the Transportation Capital Reserve.
1. **Recommendation:**

   That the Regional Municipality of Waterloo accept the tender of Xterra Construction Inc. for T2021-136 - Cambridge Waste Management Facility Containment Well Infrastructure Upgrades, 201 Savage Drive Cambridge, Ontario in the amount of $1,350,830.60 plus all applicable taxes as set out in report COR-TRY-22-14 dated February 23, 2022.

2. **Purpose / Issue:**

   Purchasing by-law 16-032 Part IV section 10 (2) requires Council approval for tenders in excess of $1,000,000.

3. **Strategic Plan:**

   Award of this contract meets the 2019-2023 Corporate Strategic Plan objective to protect our water resources (drinking water and wastewater treatment) under Strategic Focus Area 3: Environment and Climate Action.

4. **Key Considerations:**

   a) Tenders were called for T2021-136 - Cambridge Waste Management Facility Containment Well Infrastructure Upgrades, 201 Savage Drive, Cambridge, Ontario and were advertised in the Record, on the Ontario Public Buyers Association website and on the Region’s website.

   b) The following tenders were received:
c) Numerous vendors downloaded the bid document. Staff contacted a number of contractors that did not submit a bid and reasons for not submitting included contractors not having the capacity due to workload, and an inability to complete the work within the specified timelines.

d) The work under this contract includes construction of new 75mm HDPE forcemains with swab launch/retrieval chambers, well pumps, associated appurtenances, as well as electrical duct bank installations at three locations at the Cambridge Waste Management Centre. In addition, the contract includes installation of an associated control panel (for operation of the new forcemain), road widening, and concrete curb installation at the location immediately northwest of 201 Savage Drive. The new forcemains will be installed to connect directly into the existing 75mm HDPE forcemains on the Cambridge Waste Management Centre site.

e) The final date of acceptance for this tender is April 13, 2022.

5. **Background:**

Nil

6. **Area Municipality Communication and Public/Stakeholder Engagement:**

Nil

7. **Financial Implications:**

There are sufficient funds in the Region’s approved 2022-2031 Waste Management Capital Program for this work.

Detailed Financial Implications are included in Appendix A.

8. **Conclusion / Next Steps:**

Subject to Council approval, the work of this contract will begin in March, 2022 with substantial completion expected by August 5, 2022

9. **Attachments / Links:**

Appendix A: Detailed Financial Implications
### Appendix A: Detailed Financial Implications

<table>
<thead>
<tr>
<th>Description</th>
<th>Cost</th>
</tr>
</thead>
<tbody>
<tr>
<td>T2021-136</td>
<td>$1,350,800</td>
</tr>
<tr>
<td>Contract Administration</td>
<td>$70,000</td>
</tr>
<tr>
<td>Regional Engineering</td>
<td>$25,000</td>
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<tr>
<td>Permit approvals, printing and advertising</td>
<td>$1,000</td>
</tr>
<tr>
<td><strong>Sub-total</strong></td>
<td><strong>$1,446,800</strong></td>
</tr>
<tr>
<td>Plus: Applicable Net HST of 1.76%</td>
<td>25,000</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>$1,471,800</strong></td>
</tr>
</tbody>
</table>

Note: All figures are rounded to the nearest $100.

The Region's approved 2022-2031 Waste Management Capital Program includes a budget of $1,560,000 in 2022 for Cambridge Groundwater Management (project # 01051), to be funded from the Waste Management Capital Reserve. This budget is sufficient to fund this tender.
Region of Waterloo  
Corporat Services  
Treasury Services (Procurement)  

To: Regional Council  
Meeting Date: February 23, 2022  
Report Title: T2021-192 - Waterloo Landfill Site EW433-21 Infrastructure Upgrades, 925 Erb Street West, Waterloo, Ontario  

1. **Recommendation:**  
   
   That the Regional Municipality of Waterloo accept the tender of Xterra Construction Inc. for T2021-192 - Waterloo Landfill Site EW433-21 Infrastructure Upgrades, 925 Erb Street West, Waterloo, Ontario in the amount of $765,460.24 plus all applicable taxes as set out in report COR-TRY-22-15 dated February 23, 2022.  

2. **Purpose / Issue:**  

   Purchasing by-law 16-032 Part IV, section 9 (3)(a) requires Council approval of tenders in excess of $150,001 but less than $1,000,000 when two (2) or fewer compliant Tenders are submitted in response to the call for Tenders.  

3. **Strategic Plan:**  

   Award of this contract meets the 2019-2023 Corporate Strategic Plan objective to protect our water resources (drinking water and wastewater treatment) under Strategic Focus Area 3: Environment and Climate Action.  

4. **Key Considerations:**  

   a) Tenders were called for T2021-192 - Waterloo Landfill Site EW433-21 Infrastructure Upgrades, 925 Erb Street West, Waterloo, Ontario and were advertised in the Record, on the Ontario Public Buyers Association website and on the Region’s website.  

   b) The following tenders were received:  

   | Xterra Construction Inc. | Kitchener, Ontario | $765,460.24 |
c) Numerous vendors downloaded the bid document. Staff contacted a number of contractors that did not submit a bid and reasons for not submitting included contractors not having the capacity due to workload, and multiple tenders closing the same day.

d) The work under this contract includes the supply, installation and commissioning of 600m of 100mm diameter HDPE forcemain between an existing extraction well and existing extraction building. Work includes connection of the forcemain to a pitiless adapter at the existing well, associated ductwork, valves, piping and fittings, level transducers, flow meters, modifications to control panels, and associated programming modifications.

e) The final date of acceptance for this tender is April 13, 2022.

5. **Background:**

   Nil

6. **Area Municipality Communication and Public/Stakeholder Engagement:**

   Nil

7. **Financial Implications:**

   There are sufficient funds in the Region’s approved 2022-2031 Waste Management Capital Program for this work.

   Detailed Financial Implications are included in Appendix A.

8. **Conclusion / Next Steps:**

   Subject to Council approval, the work of this contract will begin in March, 2022 with substantial completion expected by May, 2022.

9. **Attachments / Links:**

   **Appendix A:** Detailed Financial Implications

**Prepared By:** Alex Albrecht, Procurement Specialist

**Reviewed By:** Lisa Evans, Manager, Procurement/Chief Purchasing Officer

**Approved By:** Craig Dyer, Commissioner, Corporate Services/Chief Financial Officer
Appendix A: Detailed Financial Implications

<table>
<thead>
<tr>
<th>Description</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>T2021-192</td>
<td>$765,500</td>
</tr>
<tr>
<td>Contract Administration,</td>
<td>50,000</td>
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<tr>
<td>Regional Engineering</td>
<td>15,000</td>
</tr>
<tr>
<td>Permit approvals, printing and advertising</td>
<td>1,000</td>
</tr>
<tr>
<td><strong>Sub-total</strong></td>
<td><strong>$831,500</strong></td>
</tr>
<tr>
<td>Plus: Applicable Net HST of 1.76%</td>
<td>14,400</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>$845,900</strong></td>
</tr>
</tbody>
</table>

Note: All figures are rounded to the nearest $100.

The Region’s Approved 2021-2030 Waste Management Capital Program included a budget of $1,215,000 for Waterloo Groundwater Management (project # 01082) of which $740,000 was unspent and will be carried over to 2022. The Region’s Approved 2022-2031 Waste Management Capital Program includes an additional budget of $235,000 in 2022, resulting in a total approved budget of $975,000 which is sufficient to carry out the work of this tender. Funding and financing of the project will be from Property Tax Supported Debentures (67%, $650,000) and from the Federal Gas Tax Program (33%, $325,000).
Region of Waterloo
Corporate Services
Treasury Services (Procurement)

To: Regional Council
Meeting Date: February 23, 2022
Report Title: Rebuild of Landfill Compactor

1. Recommendation:

That the Regional Municipality of Waterloo approve the procurement from Tri-City Equipment and Repair for the factory certified rebuild of an Al-Jon Compactor in the estimated amount of $365,800 USD (estimated $472,863 CDN subject to the applicable US/Canadian dollar exchange rate in effect at the time of order), plus all applicable taxes as set out in report COR-TRY-22-16 dated February 23, 2022.

2. Purpose / Issue:

Purchasing by-law 16-032, Part VII section 21 (2), requires Council approval for negotiated acquisitions if the value of the acquisition exceeds $150,001.

3. Strategic Plan:

Award of this contract meets the 2019-2023 Corporate Strategic Plan objectives to reduce greenhouse gas emissions under Focus Area 3: Environment and Climate Action and to ensure the Region provides value for money and long term financial sustainability under Focus Area 5: Responsive and Engaging Government Services.

4. Key Considerations:

a) The Region of Waterloo Waste Management Division operates two (2) Al-Jon 525 compactors at the Waterloo landfill site. Unit 3645 was scheduled for replacement based on a five year or 10,000 hour replacement schedule. A factory certified rebuild option was considered due to the potential cost saving and life cycle extension and the purchase received pre-budget approval as set out in report COR-FFM-21-12/COR-TRY-21-84 dated September 22, 2021.

b) The overall cost to rebuild the compactor is estimated at $365,800 USD or approximately $472,863 CDN (based on a current US/Cdn dollar exchange rate). The estimated purchase price of a new landfill compactor is approximately $1,200,000. The residual salvage value of a landfill compactor

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is typically poor as the market for used compactors is limited in nature and often the scrap metal price is all that is recovered.

c) Tri County Equipment and Repair is the only factory certified rebuild factory in North America for Al-Jon equipment. The rebuild has a one (1) year or 2,000 hour total machine warranty and a three (3) year or 6,000 hour power train coverage and extends the life of the compactor by an estimated five years or 8,000 hours.

5. **Background:**

The Region has a long-standing practice of refurbishing/rebuilding heavy equipment in collaboration with the OEM (Original Equipment Manufacturer), to optimize the total cost of ownership to the Region, and to ensure operational requirements are supported. The refurbishments can only be carried out by an authorized OEM equipment dealer, which in this case is Tri County Equipment and Repair. The Al-Jon compactor is scheduled to be refurbished at the earliest timeline in 2022 at the rates quoted for parts and labour. The refurbishment of the Al-Jon 525 compactor ensures continuity with the existing maintenance and operational repairs of the equipment.

6. **Area Municipality Communication and Public/Stakeholder Engagement:**

Nil

7. **Financial Implications:**

There are sufficient funds in the 2022 Waste Management Capital Program to complete the work.

Detailed Financial Implications tables are included in Appendix A.

8. **Conclusion / Next Steps:**

Subject to Council approval, the compactor will be scheduled for refurbishment with Tri County Equipment and Repair as soon as possible, to ensure timely return to Waste operations in 2022.

9. **Attachments / Links:**

Appendix A: Detailed Financial Implications

**Prepared By:** Jesse Clark, Procurement Specialist

**Reviewed By:** Lisa Evans, Manager Procurement/Chief Purchasing Officer

**Approved By:** Craig Dyer, Commissioner Corporate Services/Chief Financial Officer
Appendix A: Detailed Financial Implications

<table>
<thead>
<tr>
<th>Description</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Refurbishment of One Al-Jon 525 Compactor</td>
<td>$473,000</td>
</tr>
<tr>
<td>Plus: Applicable Net HST of 1.76%</td>
<td>$8,300</td>
</tr>
<tr>
<td><strong>CAD Total</strong></td>
<td><strong>$481,300</strong></td>
</tr>
</tbody>
</table>

Note: All figures are rounded to the nearest $100

This vehicle was included in the Pre-Budget Approval for 2022 Vehicle Procurement report COR-FFM-21-12/COR-TRY-21-84 dated September 22, 2021, and $600,000 was budgeted and approved for the rebuild and other related refurbishment work. The Region’s approved 2022 Waste Management Capital Program includes a budget of $2,744,000 for Vehicle Replacements (project #01007) to be funded from the Corporate Fleet Replacement Reserve. In addition to the compactor machine rebuild, the compaction wheels will be removed from the machine before shipment to Tri County Equipment and Repair. The wheels will be refurbished with new traction and contour wheel components. The total combined budget for the compactor rebuild and wheel refurbishment is $600,000. The purchase of the compactor rebuild at an estimated cost of $481,300, leaves $118,700 for the wheels refurbishment work.
Region of Waterloo
Corporate Services
Commissioner’s Office

To: Regional Council
Meeting Date: February 23, 2022
Report Title: Legislative Reform to Address Joint and Several Liability

1. Recommendation:
That the Regional Municipality of Waterloo express its support for the resolution with respect to joint and several liability as proposed by the Association of Municipalities of Ontario and forward such resolution to the Premier of Ontario, the Provincial Attorney General, the Minister of Municipal Affairs and Housing, and the Association of Municipalities of Ontario, as set out in report COR-ADM-22-01 dated February 23, 2022.

2. Purpose / Issue:
The Association of Municipalities of Ontario (AMO) has prepared a document and a standard resolution regarding the Province’s commitment to review joint and several liability and the need to encourage the Ontario Government to put a plan in place with municipalities to address this issue before the end of the current mandate. Members have been asked to consider passing a resolution (Appendix A) to support the request and to send it to relevant Ministers and copy AMO.

3. Key Considerations:
   a) AMO has submitted a document - “Towards a Reasonable Balance – Addressing Growing Municipal Liability and Insurance Costs” (Appendix B) that provides a refresh on the challenges presented by joint and several liability, including implementing full proportionate liability and a cap on economic loss awards. It provided seven straightforward recommendations for actions to deal with this problem. AMO is asking municipal councils to support to the recommendations contained in the AMO submission to re-establish the priority for provincial action on this issue.
4. **Background:**

In 2018, the Province committed to reviewing the matter of municipal joint and several liability. This review was conducted in 2019 with AMO and municipalities fully participating. The results of the review have not been released and municipalities are still awaiting news of how the Attorney General will address this matter. Liability and risks are one major driver of increasing insurance costs. Municipalities have been advocating for years for changes to Ontario’s system of joint and several liability.

5. **Area Municipality Communication and Public/Stakeholder Engagement:**

The Advisory Board of the Waterloo Region Municipalities Insurance Pool (comprised of the eight CFOs/Treasurers) support Council’s endorsement of the attached AMO resolution.

6. **Strategic Plan:**

Focus Area 5 of the Region’s Corporate Strategic Plan to ensure Regional programs and services are efficient, effective and provide value for money.

7. **Financial Implications:**

Joint and Several Liability has a profound effect on the quantity of claims received and municipal claim settlements.

8. **Conclusion / Next Steps:**

Subject to receiving Council’s support, staff will forward the formal resolution to the Province and to AMO.

9. **Attachments / Links:**

**Appendix A – Draft Resolution**

Appendix B – AMO Submission to the Attorney General of Ontario, Towards a Reasonable Balance: Addressing growing municipal liability and insurance costs

**Prepared By:** Brian McEnhill, Risk Manager  
**Reviewed By:** Craig Dyer, Commissioner, Corporate Services/Chief Financial Officer  
**Approved By:** Craig Dyer, Commissioner, Corporate Services/Chief Financial Officer
Appendix A

Draft Resolution – Joint and Several Liability

Whereas municipal governments provide essential services to the residents and businesses in their communities; and

Whereas the ability to provide those services is negatively impacted by exponentially rising insurance costs; and

Whereas one driver of rising insurance costs is the legal principle of ‘joint and several liability,’ which assigns disproportionate liability to municipalities for an incident relative to their responsibility for it; and

Whereas, the Government of Ontario has the authority and responsibility for the legal framework of ‘joint and several liability;’ and

Whereas the Premier of Ontario committed to review the issue in 2018 with a view to helping municipal governments manage their risks and costs; and

Whereas the Association of Municipalities of Ontario on behalf of municipal governments has provided recommendations in their submission to the Attorney General of Ontario attached as Appendix B to report COR-ADM-22-01 to align municipal liability with the proportionate responsibility for incidents and capping awards;

Now, therefore be it resolved, that the Regional Municipality of Waterloo does hereby support AMO’s recommendations; and

Further be it resolved that the Regional Municipality of Waterloo does hereby call on the Attorney General of Ontario to work with municipal governments to put forward a plan of action to address “joint and several liability” before the end of the government’s current term so that municipalities can continue to offer high quality services to their communities.
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October 1, 2019

The Honourable Doug Downey  
Attorney General of Ontario  
McMurtry-Scott Building, 11th Floor  
720 Bay Street  
Toronto, Ontario  
M7A 2S9

Dear Attorney General Downey,

Municipal governments accept the responsibility to pay their fair share of a loss. Always. Making it right and paying a fair share are the cornerstones of our legal system. Citizens expect nothing less of their local governments.

But what is a challenge for municipalities and property taxpayers alike, is being asked to assume someone else's responsibility for someone else's mistake. Municipal governments should not be the insurer of last resort. For municipalities in Ontario, however, the principle of joint and several liability ensures that they are just that.

Joint and several liability means higher insurance costs. It diverts property tax dollars from delivering public services. It has transformed municipalities into litigation targets while others escape responsibility. It forces municipal government to settle out-of-court for excessive amounts when responsibility is as low as 1%.

There must be a better way. There must be a better way to help ensure those who suffer losses are made whole again without asking municipalities to bear that burden alone. There must be a better way to be fair, reasonable, and responsible.

AMO welcomes the government’s commitment to review joint and several liability. It is a complex issue that has many dimensions. Issues of fairness, legal principles, “liability chill”, insurance failures and high insurance costs are all intertwined. Many other jurisdictions have offered additional protection for municipalities and AMO calls on the Ontario government to do the same.

What follows is a starting point for that discussion. Our paper reasserts key issues from AMO’s 2010 paper, AMO’s 2011 insurance cost survey, provides more recent examples, and details some possible solutions of which there are many options.

Municipalities are in the business of delivering public services. Municipal governments exist to connect people and to advance the development of a community. It is time to find a reasonable balance to prevent the further scaling back of public services owing to joint and several liability, “liability chill”, or excessive insurance costs.
Together with the provincial government, I am confident we can find a better way.

Sincerely,

Jamie McGarvey
AMO President
Executive Summary

AMO’s advocacy efforts on joint and several liability in no way intends for aggrieved parties to be denied justice or damages through the courts. Rather, municipal governments seek to highlight the inequity of how much “deep pocket” defendants like municipalities are forced to pay, for both in and out of court settlements.

It is entirely unfair to ask property taxpayers to carry the lion’s share of a damage award when a municipality is found at minimal fault or to assume responsibility for someone else’s mistake.

Municipal governments cannot afford to be the insurer of last resort. The principle of joint and several liability is costing municipalities and taxpayers dearly, in the form of rising insurance premiums, service reductions and fewer choices. The Negligence Act was never intended to place the burden of insurer of last resort on municipalities.

As public organizations with taxation power and “deep pockets,” municipalities have become focal points for litigation when other defendants do not have the means to pay. At the same time, catastrophic claim awards in Ontario have increased considerably. In part, joint and several liability is fueling exorbitant increases in municipal insurance premiums.

The heavy insurance burden and legal environment is unsustainable for Ontario’s communities. Despite enormous improvements to safety, including new standards for playgrounds, pool safety, and better risk management practices, municipal insurance premiums and liability claims continue to increase. All municipalities have risk management policies to one degree or another and most large municipalities now employ risk managers precisely to increase health and safety and limit liability exposure in the design of facilities, programs, and insurance coverage. Liability is a top of mind consideration for all municipal councils.

Joint and several liability is problematic not only because of the disproportional burden on municipalities that are awarded by courts. It is also the immeasurable impact of propelling municipalities to settle out of court to avoid protracted and expensive litigation for amounts that may be excessive, or certainly represent a greater percentage than their degree of fault.

Various forms of proportionate liability have now been enacted by all of Ontario’s competing Great Lakes states. In total, 38 other states south of the border have adopted proportionate liability in specific circumstances to the benefit of municipalities. Many common law jurisdictions around the world have adopted legal reforms to limit the exposure and restore balance. With other Commonwealth jurisdictions and the majority of state governments in the United States having modified the rule of joint and several liability in favour of some form of proportionate liability, it is time for Ontario to consider various options.

There is precedence in Ontario for joint and several liability reform. The car leasing lobby highlighted a particularly expensive court award made in November of 2004 against a car leasing company by the victim of a drunk driver. The August 1997 accident occurred when the car skidded off a county road near Peterborough, Ontario. It exposed the inequity of joint and several liability for car leasing companies. The leasing companies argued to the government that the settlement had put them at a competitive disadvantage to lenders. They also warned that such liability conditions would likely drive some leasing and rental companies to reduce their business in Ontario. As a result, Bill 18 amended the Compulsory Automobile Insurance Act, the Highway Traffic
The Act and the Ontario Insurance Act to make renters and lessees vicariously liable for the negligence of automobile drivers and capped the maximum liability of owners of rental and leased cars at $1 million. While Bill 18 has eliminated the owners of leased and rented cars as “deep pocket” defendants, no such restrictions have been enacted to assist municipalities.

A 2011 survey conducted by AMO reveals that since 2007, liability premiums have increased by 22.2% and are among the fastest growing municipal costs. Total 2011 Ontario municipal insurance costs were $155.2 million. Liability premiums made up the majority of these expenses at $85.5 million. Property taxpayers are paying this price.

These trends are continuing. In August of 2019, it was reported the Town of Bradford West Gwillimbury faces a 59% insurance cost increase for 2019. This is just one example. AMO encourages the municipal insurance industry to provide the government with more recent data and trends to support the industry’s own arguments regarding the impact joint and several has on premiums.

Insurance costs disproportionately affect small municipalities. For 2011, the per capita insurance costs for communities with populations under 10,000 were $37.56. By comparison, per capita costs in large communities with populations over 75,000 were $7.71. Property taxpayers in one northern community are spending more on insurance than their library. In one southern county, for every $2 spent on snowplowing roads, another $1 is spent on insurance.

In 2016, the Ontario Municipal Insurance Exchange (OMEX), a not-for-profit insurer, announced that it was suspending reciprocal underwriting operations. The organization cited, a “low pricing environment, combined with the impact of joint and several liability on municipal claim settlements” as reasons for the decision. Fewer choices fuels premium increases.

Learning from other jurisdictions is important for Ontario. The Province of Saskatchewan has implemented liability reforms to support its municipalities. As a municipal lawyer at the time, Neil Robertson, QC was instrumental in laying out the arguments in support of these changes. Now a Justice of the Court of Queen’s Bench for Saskatchewan, AMO was pleased to have Neil Robertson prepare a paper and address AMO conference delegates in 2013. Much of the Saskatchewan municipal experience (which led to reforms) is applicable to the Ontario and the Canadian municipal context. Summarised below and throughout this paper are some of Robertson’s key findings.

Robertson found that, regardless of the cause, over the years municipalities in Canada have experienced an accelerating rate of litigation and an increase in amounts of damage awards. He noted these developments challenge municipalities and raise financial, operational and policy issues in the provision of public services.

Robertson describes the current Canadian legal climate as having placed municipalities in the role of involuntary insurer. Courts have assigned municipal liability where liability was traditionally denied and apportioned fault to municipal defendants out of proportion to municipal involvement in the actual wrong.

This increased exposure to liability has had serious ramifications for municipalities, both as a deterrent to providing public services which may give rise to claims and in raising the cost and reducing the availability of insurance. The cost of claims has caused insurers to reconsider not only the cost of claims...
what to charge for premiums, but whether to continue offering insurance coverage to municipal clients.

Robertson also makes the key point that it reasonable for municipal leaders to seek appropriate statutory protections. He wrote:

“Since municipalities exist to improve the quality of life for their citizens, the possibility of causing harm to those same citizens is contrary to its fundamental mission. Careful management and wise stewardship of public resources by municipal leaders will reduce the likelihood of such harm, including adherence to good risk management practices in municipal operations. But wise stewardship also involves avoiding the risk of unwarranted costs arising from inevitable claims.”

And, of course, a key consideration is the reality that insurance premiums, self-insurance costs, and legal fees divert municipal funds from other essential municipal services and responsibilities.

It is in this context that AMO appreciated the commitments made by the Premier and the Attorney General to review the principle of joint and several liability, the impact it has on insurance costs, and the influence “liability chill” has on the delivery of public services. Now is the time to deliver provincial public policy solutions which address these issues.

**Recommendations**

AMO recommends the following measures to address these issues:

1. The provincial government adopt a model of full proportionate liability to replace joint and several liability.

2. Implement enhancements to the existing limitations period including the continued applicability of the existing 10-day rule on slip and fall cases given recent judicial interpretations, and whether a 1-year limitation period may be beneficial.

3. Implement a cap for economic loss awards.

4. Increase the catastrophic impairment default benefit limit to $2 million and increase the third-party liability coverage to $2 million in government regulated automobile insurance plans.

5. Assess and implement additional measures which would support lower premiums or alternatives to the provision of insurance services by other entities such as non-profit insurance reciprocals.

6. Compel the insurance industry to supply all necessary financial evidence including premiums, claims, and deductible limit changes which support its, and municipal arguments as to the fiscal impact of joint and several liability.

7. Establish a provincial and municipal working group to consider the above and put forward recommendations to the Attorney General.
Insurance Cost Examples

The government has requested detailed information from municipalities regarding their insurance costs, coverage, deductibles, claims history, and out-of-court settlements. Municipalities have been busy responding to a long list of provincial consultations on a wide range of topics. Some of the information being sought is more easily supplied by the insurance industry. AMO's 2011 survey of insurance costs produced a sample size of 122 municipalities and assessed insurance cost increases over a five-year period. The survey revealed an average premium increase which exceeded 20% over that period.

All of the same forces remain at play in 2019 just as they were in 2011. Below are some key examples.

**Ear Falls** - The Township of Ear Falls reports that its insurance premiums have increased 30% over five years to $81,686. With a population of only 995 residents (2016), this represents a per capita cost of $82.09. This amount is a significant increase from AMO's 2011 Insurance Survey result. At that time, the average per capita insurance cost for a community with a population under 10,000 was $37.56. While the Township has not been the subject of a liability claim, a claim in a community of this size could have significant and long-lasting financial and service implications. The Township has also had to impose stricter insurance requirements on groups that rent municipal facilities. This has had a negative impact on the clubs and volunteers' groups and as a consequence, many have cut back on the service these groups provide to the community.

**Central Huron** – For many years the municipality of Central Huron had a deductible of $5,000. In 2014, the deductible was increased to $15,000 to help reduce insurance costs. The municipality also increased its liability coverage in 2014 and added cyber security coverage in 2018. The combined impact of these changes represents a premium cost of $224,774 in 2019, up from $141,331 in 2010. Per capita costs for insurance alone are now $29.67.

**Huntsville** – Since 2010, the Town of Huntsville reports an insurance premium increase of 67%. In 2019 this represented about 3.75% of the town's property tax levy. At the same time, Huntsville’s deductible has increased from $10,000 to $25,000. The town also reports a reluctance to hold its own events for fear of any claims which may affect its main policy. Additional coverage is purchased for these events and these costs are not included above.

**Ottawa** - In August 2018, the City began working with its insurance broker, Aon Risk Solutions (“Aon”), to prepare for the anticipated renewal of the Integrated Insurance Program in April 2019. As the cost of the City’s insurance premiums had risen by approximately 25% between 2017 and 2018, this early work was intended to ensure that any further increase could be properly accounted for through the 2019 budget process. Early indications of a possible further 10% premium increase prompted the City and Aon in late 2018 to explore options for a revised Program, and to approach alternative markets for the supply of insurance.

On January 11, 2019, an OC Transpo bus collided with a section of the Westboro Station transit shelter, resulting in three fatalities and numerous serious injuries. This was the second major incident involving the City’s bus fleet, following approximately five years after the OC Transpo – VIA train collision in September 2013.
The January 2019 incident prompted insurance providers to re-evaluate their willingness to participate in the City Program. Despite Aon's work to secure an alternative provider, only Frank Cowan Company ("Cowan"), the City's existing insurer, was prepared to offer the City an Integrated Insurance Program. Cowan's offer to renew the City's Program was conditional on revised terms and limits and at a significant premium increase of approximately 84%, or nearly $2.1 million per year. According to Cowan, these changes and increases were attributable to seven principle factors, including Joint and Several Liability:

1. Escalating Costs of Natural Global Disasters;  
2. Joint and Several Liability;  
3. Claims Trends (in the municipal sector);  
4. Increasing Damage Awards;  
5. Class Action Lawsuits;  
6. New and/or Adverse Claims Development; and,  
7. Transit Exposure.

Cowan also indicated that the primary policy limits for the 2019-2020 renewal would be lowered from $25 million to $10 million per occurrence, thereby raising the likelihood of increased costs for the City's excess liability policies.

**Joint and Several in Action - Recent Examples**

The following examples highlight joint and several in action. The following examples have occurred in recent years.

**GTA Municipality** – A homeowner rented out three separate apartments in a home despite being zoned as a single-family dwelling. After a complaint was received, bylaw inspectors and Fire Prevention Officers visited the property. The landlord was cautioned to undertake renovations to restore the building into a single-family dwelling. After several months of non-compliance, charges under the fire code were laid. The owner was convicted and fined. A subsequent visit by Fire Prevention Officers noted that the required renovations had not taken place. Tragically, a fire occurred which resulted in three fatalities. Despite having undertaken corrective action against the homeowner, joint and several liability loomed large. It compelled the municipality to make a payment of $504,000 given the 1% rule.

**City of Ottawa** - A serious motor vehicle accident occurred between one of the City's buses and an SUV. The collision occurred at an intersection when the inebriated driver of the SUV failed to stop at a red light and was struck by the City bus. This collision resulted in the deaths of the SUV driver and two other occupants, and also seriously injured the primary Plaintiff, the third passenger in the SUV. The secondary action was brought by the family of one of the deceased passengers.

The Court ultimately concluded that the City was 20% liable for the collision, while the SUV driver was 80% at fault. Despite the 80/20 allocation of fault, the City was required to pay all of the approximately $2.1 million in damages awarded in the primary case and the $200,000 awarded in the secondary case, bringing the amount paid by the City to a total that was not proportionate to its actual liability. This was due to the application of the principle of joint and several liability, as well as the interplay between the various automobile insurance policies held by the SUV owner and...
passengers, which is further explained below. Although the City appealed this case, the Ontario Court of Appeal agreed with the findings of the trial judge and dismissed it.

This case was notable for the implications of various factors on the insurance policies held by the respective parties. While most automobile insurance policies in Ontario provide for $1 million in third party liability coverage, the insurance for the SUV was reduced to the statutory minimum of $200,000 by virtue of the fact that the driver at the time of the collision had a blood alcohol level nearly three times the legal limit for a fully licensed driver. This was contrary to the requirements of his G2 license, which prohibit driving after the consumption of any alcohol. Further, while the Plaintiff passengers’ own respective insurance provided $1 million in coverage for underinsured motorists (as the SUV driver was at the time), this type of coverage is triggered only where no other party is in any way liable for the accident. As a result, the primary Plaintiff could only effectively recover the full $2.1 million in damages if the Court attributed even a small measure of fault to another party with sufficient resources to pay the claim.

In determining that the City was at least partially responsible for the collision, the Court held that the speed of the bus – which according to GPS recordings was approximately 6.5 km/h over the posted limit of 60 kilometres an hour – and momentary inattention were contributing factors to the collision.

To shorten the length of the trial by approximately one week and accordingly reduce the legal costs involved, the parties had earlier reached an agreement on damages and that the findings regarding the primary Plaintiff would apply equally to the other. The amount of the agreement-upon damages took into account any contributory negligence on the part of the respective Plaintiffs, attributable to such things as not wearing a seat belt.

**City of Ottawa, 2nd example** – A Plaintiff was catastrophically injured when, after disembarking a City bus, he was struck by a third-party motor vehicle. The Plaintiff's injuries included a brain injury while his impairments included incomplete quadriplegia.

As a result of his accident, the Plaintiff brought a claim for damages for an amount in excess of $7 million against the City and against the owner and driver of the third-party vehicle that struck him. Against the City, the Plaintiff alleged that the roadway was not properly designed and that the bus stop was placed at an unsafe location as it required passengers to cross the road mid-block and not at a controlled intersection.

Following the completion of examinations for discovery, the Plaintiff's claim against the Co-Defendant (the driver of the vehicle which struck the plaintiff) was resolved for $1,120,000 comprising $970,000 for damages and $120,000 for costs. The Co-Defendant's policy limit was $1 million. The claim against the City was in effect, a “1% rule” case where the City had been added to the case largely because the Co-Defendant’s insurance was capped at $1 million, which was well below the value of the Plaintiff’s claim.

On the issue of liability, the pre-trial judge was of the view that the City was exposed to a finding of some liability against it on the theory that, because of the proximity of the bus stop to a home for adults with mental health issues, the City knew or should have known that bus passengers with cognitive and/or physical disabilities would be crossing mid-block at an unmarked crossing. This, according to the judge, could have resulted in a finding being made at trial that the City should
either have removed the bus stop or alternatively, should have installed a pedestrian crossing at
this location.

The judge assessed the Plaintiff’s damages at $7,241,000 exclusive of costs and disbursements
which he then reduced to $4,602,930 exclusive of costs and disbursements after applying a
reduction of 27.5% for contributory negligence and subtracting the $970,000 payment made by the
Co-Defendant’s insurer.

Settlement discussions took place and the judge recommended that the matter be resolved for
$3,825,000 plus costs of $554,750 plus HST plus disbursements.

Joint and Several Liability in Action - Other notable cases

Deering v Scugog - A 19-year-old driver was driving at night in a hurry to make the start time of a
movie. She was travelling on a Class 4 rural road that had no centerline markings. The Ontario
Traffic Manual does not require this type of road to have such a marking. The driver thought that a
vehicle travelling in the opposite direction was headed directly at her. She swerved, over-corrected
and ended up in a rock culvert. The Court found the Township of Scugog 66.7% liable. The at-fault
driver only carried a $1M auto insurance policy.

Ferguson v County of Brant - An inexperienced 17-year-old male driver was speeding on a road
when he failed to navigate a curve which resulted in him crossing the lane into oncoming traffic,
leaving the roadway, and striking a tree. The municipality was found to have posted a winding road
sign rather than a sharp curve sign. The municipality was found 55% liable.

Safranyos et al v City of Hamilton - The plaintiff was leaving a drive-in movie theatre with four
children in her vehicle at approximately 1 AM. She approached a stop sign with the intention of
turning right onto a highway. Although she saw oncoming headlights she entered the intersection
where she was struck by a vehicle driven 15 km/h over the posted speed limit by a man who had
just left a party and was determined by toxicologists to be impaired. The children in the plaintiff’s
vehicle suffered significant injuries. The City was determined to be 25% liable because a stop line
had not been painted on the road at the intersection.

Mortimer v Cameron - Two men were engaged in horseplay on a stairway and one of them fell
backward through an open door at the bottom of a landing. The other man attempted to break the
first man’s fall and together they fell into an exterior wall that gave way. Both men fell 10 feet onto
the ground below, one of whom was left quadriplegic. The trial judge determined both men were
negligent, but that their conduct did not correspond to the extent of the plaintiff’s injuries. No
liability was attached to either man. The building owner was determined to be 20% and the City of
London was found to be 80% liable. The Court awarded the plaintiff $5 M in damages. On appeal,
the City’s liability was reduced to 40% and building owner was determined to be 60% liable. The City
still ended up paying 80% of the overall claim.

2011 Review of Joint and Several Liability – Law Commission
of Ontario

In February 2011 the Law Commission of Ontario released a report entitled, “Joint and Several
Liability Under the Ontario Business Corporations Act”. This review examined the application of
joint and several liability to corporate law and more specifically the relationship between the corporation and its directors, officers, shareholders and stakeholders.

Prior to the report’s release, AMO made a submission to the Law Commission of Ontario to seek to expand its review to include municipal implications. The Law Commission did not proceed with a broader review at that time, but the context of its narrower scope remains applicable to municipalities. In fact, many of the same arguments which support reform in the realm of the Business Corporations Act, are the same arguments which apply to municipal governments.

Of note, the Law Commission’s report highlighted the following in favour of reforms:

**Fairness:** “it is argued that it is unfair for a defendant, whose degree of fault is minor when compared to that of other defendants, to have to fully compensate a plaintiff should the other defendants be insolvent or unavailable.”

**Deep Pocket Syndrome:** “Joint and several liability encourages plaintiffs to unfairly target defendants who are known or perceived to be insured or solvent.”

**Rising Costs of Litigation, Insurance, and Damage Awards:** “Opponents of the joint and several liability regime are concerned about the rising costs of litigation, insurance, and damage awards.”

**Provision of Services:** “The Association of Municipalities of Ontario identifies another negative externality of joint and several liability: municipalities are having to delay or otherwise cut back services to limit exposure to liability.”

The Law Commission found that the principle of joint and several liability should remain in place although it did not explicitly review the municipal situation.

### 2014 Resolution by the Ontario Legislature and Review by the Attorney General

Over 200 municipalities supported a motion introduced by Randy Pettapiece, MPP for Perth-Wellington which called for the implementation a comprehensive, long-term solution in 2014. That year, MPPs from all parties supported the Pettapiece motion calling for a reform joint and several liability.

Later that year the Ministry of the Attorney General consulted on three options of possible reform:

1. **The Saskatchewan Model of Modified Proportionate Liability**

Saskatchewan has adopted a modified version of proportionate liability that applies in cases where a plaintiff is contributorily negligent. Under the Saskatchewan rule, where a plaintiff is contributorily negligent and there is an unfunded liability, the cost of the unfunded liability is split among the remaining defendants and the plaintiff in proportion to their fault.

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2. Peripheral Wrongdoer Rule for Road Authorities

Under this rule, a municipality would never be liable for more than two times its proportion of damages, even if it results in the plaintiff being unable to recover full damages.

3. A combination of both of the above

Ultimately, the government decided not to pursue any of the incremental policy options ostensibly because of uncertainty that insurance cost reductions would result. This was a disappointing result for municipalities.

While these reviews did not produce results in Ontario, many other common law jurisdictions have enacted protections for municipalities. What follows are some of the options for a different legal framework.

Options for Reform – The Legal Framework

To gain a full appreciation of the various liability frameworks that could be considered, for comparison, below is a description of the current joint and several liability framework here in Ontario. This description will help to reader to understand the further options which follow.

This description and the alternatives that follow are taken from the Law Commission of Ontario's February 2011 Report entitled, “Joint and Several Liability Under the Ontario Business Corporations Act” as referenced above.2

Understanding the Status Quo and Comparing it to the Alternatives

Where three different defendants are found to have caused a plaintiff’s loss, the plaintiff is entitled to seek full payment (100%) from any one of the defendants. The defendant who fully satisfies the judgment has a right of contribution from the other liable parties based on the extent of their responsibility for the plaintiff’s loss.

For example, a court may find defendants 1 (D1), 2 (D2) and 3 (D3) responsible for 70%, 20%, and 10% of the plaintiff's $100,000 loss, respectively. The plaintiff may seek to recover 100% of the loss from D2, who may then seek contribution from D1 and D3 for their 70% and 10% shares of the loss. If D1 and/or D3 is unable to compensate D2 for the amount each owes for whatever reason, such as insolvency or unavailability, D2 will bear the full $100,000 loss. The plaintiff will be fully compensated for $100,000, and it is the responsibility of the defendants to apportion the loss fairly between them.

The descriptions that follow are abridged from pages 9-11 of the Law Commission of Ontario's report. These are some of the key alternatives to the status quo.

2 Ibid. Page 7.
1. Proportionate Liability

   a) Full Proportionate Liability

A system of full proportionate liability limits the liability of each co-defendant to the proportion of the loss for which he or she was found to be responsible. Per the above example, (in which Defendant 1 (D1) is responsible for 70% of loss, Defendant 2 (D2) for 20% and Defendant 3 (D3) for 10%), under this system, D2 will only be responsible for $20,000 of the $100,000 total judgement: equal to 20% of their share of the liability. Likewise, D1 and D3 will be responsible for $70,000 and $10,000. If D1 and D3 are unable to pay, the plaintiff will only recover $20,000 from D2.

   b) Proportionate Liability where Plaintiff is Contributorily Negligent

This option retains joint and several liability when a blameless plaintiff is involved. This option would cancel or adjust the rule where the plaintiff contributed to their loss. As in the first example, suppose the plaintiff (P) contributed to 20% of their $100,000 loss. D1, D2 and D3 were responsible for 50%, 20% and 10% of the $100,000. If D1 and D3 are unavailable, P and D2 will each be responsible for their $20,000 shares. The plaintiff will remain responsible for the $60,000 shortfall as a result of the absent co-defendants’ non-payment (D1 and D3).

   c) Proportionate Liability where Plaintiff is Contributorily Negligent with a Proportionate Reallocation of an Insolvent, Financially Limited or Unavailable Defendant’s Share

In this option of proportionate liability, the plaintiff and remaining co-defendants share the risk of a defendant's non-payment. The plaintiff (P) and co-defendants are responsible for any shortfall in proportion to their respective degrees of fault.

Using the above example of the $100,000 total judgement, with a shortfall payment of $50,000 from D1 and a shortfall payment $10,000 from D3, P and D2 must pay for the missing $60,000. P and D2 have equally-apportioned liability, which causes them to be responsible for half of each shortfall - $25,000 and $5,000 from each non-paying defendant. The burden is shared between the plaintiff (if determined to be responsible) and the remaining defendants.

   d) Proportionate Liability with a Peripheral Wrongdoer

Under this option, a defendant will be proportionately liable only if their share of the liability falls below a specified percentage, meaning that liability would be joint and several. Using the above example, if the threshold amount of liability is set at 25%, D2 and D3 would only be responsible for 20% and 10%, regardless of whether they are the only available or named defendants. However, D1 may be liable for 100% if it is the only available or named defendant. This system tends to favour defendants responsible for a small portion of the loss, but the determination of the threshold amount between joint and several liability and proportionate liability is arbitrary.

   e) Proportionate Liability with a Reallocation of Some or All of an Insolvent or Unavailable Defendant’s Share

This option reallocates the liability of a non-paying defendant among the remaining defendants in proportion to their respective degrees of fault. The plaintiff's contributory negligence does not
impact the application of this reallocation. Joint and several liability would continue to apply in cases of fraud or where laws were knowingly violated.

f) Court Discretion

Similar to the fraud exception in the option above, this option includes giving the courts discretion to apply different forms of liability depending on the case.

For example, if a particular co-defendant’s share of the fault was relatively minor the court would have discretion to limit that defendant’s liability to an appropriate portion.

2. Legislative Cap on Liability

Liability concerns could be addressed by introducing a cap on the amount of damages available for claims for economic loss.

3. Hybrid

A number of jurisdictions provide a hybrid system of proportionate liability and caps on damages. Co-defendants are liable for their portion of the damages, but the maximum total amount payable by each co-defendant is capped to a certain limit.

The Saskatchewan Experience

As referenced earlier in this paper, the Province of Saskatchewan responded with a variety of legislative actions to assist municipalities in the early 2000s. Some of those key developments are listed below which are abridged from “A Question of Balance: Legislative Responses to Judicial Expansion of Municipal Liability – the Saskatchewan Experience.” The paper was written by Neil Robertson, QC and was presented to the annual conference of the Association of Municipalities of Ontario in 2013. Two key reforms are noted below.

1. Reforming joint and several liability by introducing modified proportionate liability: “The Contributory Negligence Act” amendments

The Contributory Negligence Act retained joint and several liability, but made adjustments in cases where one or more of the defendants is unable to pay its share of the total amount (judgement). Each of the parties at fault, including the plaintiff if contributorily negligent, will still have to pay a share of the judgement based on their degree of fault. However, if one of the defendants is unable to pay, the other defendants who are able to pay are required to pay only their original share and an additional equivalent share of the defaulting party’s share.

The change in law allows municipalities to reach out-of-court settlements, based on an estimate of their degree of fault. This allows municipalities to avoid the cost of protracted litigation.

Neil Robertson provided the following example to illustrate how this works in practise:

“...If the owner of a house sues the builder for negligent construction and the municipality, as building authority, for negligent inspection, and all three are found equally at fault, they would each be apportioned 1/3 or 33.3%. Assume the damages are $100,000. If the builder has no funds, then the municipality would pay only its share ($33,333) and a 1/3 share of the builder’s defaulting share
(1/3 of $33,333 or $11,111) for a total of $44,444 ($33,333 + $11,111), instead of the $66,666 ($33,333 + $33,333) it would pay under pure joint and several liability.

This model will be familiar to municipal leaders in Ontario. In 2014, Ontario’s Attorney General presented this option (called the Saskatchewan Model of Modified Proportionate Liability) for consideration. At the time, over 200 municipal councils supported the adoption of this option along with the “Peripheral Wrongdoer Rule for Road Authorities” which would have seen a municipality never be liable for more than two times its proportion of damages, even if it results in the plaintiff being unable to recover full damages. These two measures, if enacted, would have represented a significant incremental step to address the impact of joint and several to Ontario municipalities.

2. Providing for uniform limitation periods while maintaining a separate limitation period for municipalities: “The Limitations Act”

This act established uniform limitation periods replacing many of the pre-existing limitation periods that had different time periods. The Municipal Acts in Saskatchewan provide a uniform one-year limitation period “from time when the damages were sustained” in absolute terms without a discovery principle which can prolong this period. This helps municipalities to resist “legacy” claims from many years beforehand. This act exempts municipalities from the uniform two-year discoverability limitation period.

Limitation periods set deadlines after which claims cannot be brought as lawsuits in the courts. The legislation intends to balance the opportunity for potential claimants to identify their claims and, if possible, negotiate a settlement out of court before starting legal action with the need for potential defendants to “close the books” on claims from the past.

The reasoning behind these limitations is that public authorities, including municipalities, should not to be punished by the passage of time. Timely notice will promote the timely investigation and disposition of claims in the public interest. After the expiry of a limitation period, municipalities can consider themselves free of the threat of legal action, and continue with financial planning without hurting “the public taxpayer purse”. Municipalities are mandated to balance their budgets and must be able to plan accordingly. Thus, legacy claims can have a very adverse affect on municipal operations.

Here in Ontario, there is a uniform limitations period of two years. Municipalities also benefit from a 10-day notice period which is required for slip and fall cases. More recently, the applicability of this limitation deadline has become variable and subject to judicial discretion. Robertson’s paper notes that in Saskatchewan, courts have accepted the one-year limitations period. A further examination of limitations in Ontario may yield additional benefits and could include the one-year example in Saskatchewan and/or the applicability of the 10-day notice period for slip and fall cases.

Other Saskatchewan reforms

Saskatchewan has also implemented other reforms which include greater protections for building inspections, good faith immunity, duty of repair, no fault insurance, permitting class actions, and limiting nuisance actions. Some of these reforms are specific to Saskatchewan and some of these currently apply in Ontario.
Insurance Related Reforms

Government Regulated Insurance Limits

The April 2019 provincial budget included a commitment to increase the catastrophic impairment default benefit limit to $2 million. Public consultations were led by the Ministry of Finance in September 2019. AMO wrote to the Ministry in support of increasing the limit to $2 million to ensure more adequate support those who suffer catastrophic impairment.

In 2016, the government lowered this limit as well as third-party liability coverage to $200,000 from $1 million. This minimum should also be also be increased to $2 million to reflect current actual costs. This significant deficiency needs to be addressed.

Insurance Industry Changes

In 1989 the Ontario Municipal Insurance Exchange (OMEX) was established as a non-profit reciprocal insurance provider for Ontario's municipalities. It ceased operations in 2016 citing, “[a] low pricing environment, combined with the impact of joint & several liability on municipal claim settlements has made it difficult to offer sustainable pricing while still addressing the municipalities’ concern about retro assessments.”\(^3\) (Retro assessments meant paying additional premiums for retroactive coverage for “long-tail claims” which made municipal budgeting more challenging.)

The demise of OMEX has changed the municipal insurance landscape in Ontario. That joint and several liability is one of the key reasons listed for the collapse of a key municipal insurer should be a cause for significant concern. Fewer choices fuels cost. While there are other successful municipal insurance pools in Ontario, the bulk of the insurance market is dominated by for-profit insurance companies.

Reciprocal non-profit insurers are well represented in other areas across Canada. Municipalities in Saskatchewan, Alberta, British Columbia are all insured by non-profit reciprocals.

The questions for policy makers in Ontario:

Are there any provincial requirements or regulations which could better support the non-profit reciprocal municipal insurance market?

What actions could be taken to better protect municipalities in Ontario in sourcing their insurance needs?

How can we drive down insurance costs to better serve the needs of municipal property taxpayers?

\(^3\) Canadian Underwriter, August 11, 2016  [https://www.canadianunderwriter.ca/insurance/ontario-municipal-insurance-exchange-suspends-underwriting-operations-1004098148/](https://www.canadianunderwriter.ca/insurance/ontario-municipal-insurance-exchange-suspends-underwriting-operations-1004098148/)
Conclusion

This AMO paper has endeavoured to refresh municipal arguments on the need to find a balance to the issues and challenges presented by joint and several liability. It has endeavoured to illustrate that options exist and offer the reassurance that they can be successfully implemented as other jurisdictions have done.

Finding solutions that work will require provincial and municipal commitment. Working together, we can find a better way that is fair, reasonable, and responsible. It is time to find a reasonable balance.
The Regional Municipality of Waterloo

Committee of the Whole

Summary of Recommendations to Council

The Committee of the Whole recommends as follows:

1. That the Council of the Regional Municipality of Waterloo support the request of A Better Tent City (ABTC) for one-time funding of $155,000 to cover expenses related to the transition to their new location, 41 Ardelt Avenue Kitchener, which includes electrical supply to each cabin at a cost of $16,100, rental and diesel costs for operating the generator at a cost of $52,900, and conversion to the electrical grid at a cost of $86,000 and that this expenditure be funded from the 2021 Housing Services Operating Budget.

2. That the Regional Municipality of Waterloo write-off accounts receivable in the amount of $93,825.76 for the year ended December 31, 2021 as outlined in Report COR-TRY-22-11 dated February 8, 2022.

3. That the Regional Municipality of Waterloo approve and direct staff to submit the 2022-2026 Early Years and Child Care Service System (EYCC) Plan to the Ministry of Education to fulfill the requirements under the Child Care and Early Years Act, 2014 (clause 51.5a) as provided in Report CSD-CHS-22-01, dated February 8, 2022.

4. That the Regional Municipality of Waterloo endorse a communication to the Ministry of Municipal Affairs and Housing outlining feedback from the Region to proposed changes to the Housing Services Act, as outlined in CSD-HOU-22-03 Feedback to Proposed Changes to the Housing Services Act – End of Mortgage, dated February 8, 2022.

5. That the Regional Municipality of Waterloo appoint Regional Councillors to the projects and study teams as requested in Report TES-22-01/PDL-22-01, dated February 8, 2022;

And that the Regional Municipality of Waterloo forward the requests for area Councillor representatives on project and study teams to the Area Municipalities.
The Regional Municipality of Waterloo

Economic Development Committee

Summary of Recommendations to Council

The Economic Development Committee recommends as follows:

1. That the Regional Municipality of Waterloo approve up to $275,000 to extend the Covid-Safe Ambassador Program for Small to Medium-Sized Enterprises (SMEs) through an agreement with the Greater Kitchener Waterloo Chamber of Commerce as outlined in report PDL-ECD-22-04 dated February 15, 2022.

February 15, 2022
1. **Recommendation:**

That the Regional Municipality of Waterloo commit to recognizing January 29, the National Day of Remembrance of the Quebec City Mosque Attack and Action Against Islamophobia as an annual day of commemoration of the victims of the Quebec Mosque shooting, and continue to participate in the Green Square Campaign; and

That staff be directed to continue partnerships established with Coalition of Muslim Women of Kitchener Waterloo, Muslim Women of Cambridge, and area municipalities to collaborate on a coordinated strategy to counter Islamophobia; and

That staff be directed to establish anti-Islamophobia training for regional staff in collaboration with Coalition of Muslim Women-Kitchener Waterloo; and

That staff be directed to explore existing regional programs and services to resource anti-Islamophobia education; and

That staff continue to move forward on these recommendations in alignment with the Community Safety and Wellbeing Plan; and

That the Regional Municipality of Waterloo ensure that its facilities and services are safe and welcoming for all through enforcement of the existing bylaw (Regional By-law 13-050) respecting the conduct of persons entering onto Regional lands and public transit vehicles and facilities, all as outlined in report CAO-EDI-22-01 dated February 23, 2022.

2. **Purpose / Issue:**

To present opportunities to address issues of Islamophobia within the community as per Regional Council’s request on October 20, 2021.
3. **Strategic Plan:**

   This initiative supports the Healthy, Safety and Inclusive Communities and Responsive and Engaging Public Services focus areas of the strategic plan, specifically including objectives 4.3 and 4.5.

4. **Key Considerations:**

   On October 20, 2021, Coalition of Muslim Women Kitchener-Waterloo provided a presentation to Regional Council highlighting Islamophobia in Canada and recommendations on a municipal action plan to address Islamophobia in Waterloo Region.

   Pursuant to Regional Council’s direction, staff reviewed the recommendations addressed to municipalities and met with representatives from Coalition of Muslim Women Kitchener-Waterloo and Muslim Women of Cambridge.

   The following is a summation of both actions the Region is already participating in that align with the calls for support, as well as identified opportunities to establish new actions as a response to the October 20th, 2021 council directive.

### Stand in support of Muslim communities

- On January 29, 2022, the Region of Waterloo, in partnership with area municipalities, participated in the Green Square Campaign to commemorate the victims of the Quebec City Mosque attack.
- With the establishment of ongoing relationship building, the Region can continue to respond to calls for the public showing of solidarity with Muslim communities.

### Anti-Islamophobia training

- Regional staff are currently in discussion with Coalition of Muslim Women Kitchener-Waterloo to explore anti-Islamophobia trainings for staff.
- The Region of Waterloo will continue to provide educational opportunities for staff by celebrating Islamic Heritage Month on an annual basis.

### Existing By-law that addresses conduct of persons using Regional lands and facilities

- The Region of Waterloo’s existing By-Law (13-050) respecting the conduct of persons using Regional lands or facilities (ie. public transit) has existing provisions that authorizes a municipal by-law enforcement officer to remove the offending individual from regional property (excluding Regional roads) where the offending person has engaged in a prohibited activity. Prohibited activities include using profane language, racial slurs or otherwise hinder or obstruct the
rights of others to enjoy the premises.
- The Region’s by-law would apply only on Regional premises and supplements other laws and legal remedies available to law enforcement authorities or victims of a hate incident, whether under the Ontario Human Rights Code or the Criminal Code of Canada.

Develop an inter-municipal action plan to address Islamophobia

- Regional staff have partnered with area municipal staff and local organizations on a research strategy, and will continue to coordinate data collection, engagement and planning activities to explore the development of a coordinated strategy.

Dedicated resourcing/programming to address Islamophobia

- Regional cultural assets can be utilized to resource anti-Islamophobia education, as demonstrated by the UN/Coverings exhibit at Schneider Haus.
- The Region of Waterloo may also provide in-kind contributions for communities to take action against Islamophobia for public awareness campaigns.

Ongoing commitment to acknowledging and denouncing acts of hate

- Committing to anti-hate and anti-racism is one of the conditions of wellbeing and safety that emerged through the Community Safety and Wellbeing plan (CSWP) that Regional Council passed on January 26, 2022.
- Taking action as a municipality to actively work against Islamophobia is in alignment with the CSWP and will be an important part of its implementation.
- Staff will continue to collaborate with organizations like Coalition of Muslim Women Kitchener-Waterloo, Muslim Women of Cambridge, and others to develop a community-led model.

5. Background:

To learn more about the recommendations for municipalities to take action against Islamophobia, refer to the presentation to Regional Council on October 20, 2021 from Coalition of Muslim Women Kitchener-Waterloo, in Appendix B.

6. Area Municipality Communication and Public/Stakeholder Engagement:

a) Regional staff are currently collaborating with area municipalities to develop a long-term strategic coordinated approach.

b) Ongoing engagement with Coalition of Muslim Women Kitchener-Waterloo and Muslim Women of Cambridge will continue to support implementation of the recommendations.
c) Many of the identified issues align with the council approved Community Safety and Wellbeing Plan (CSWP) and ongoing engagement for the CSWP provides opportunities to connect these recommendations with the community’s vision at large.

7. Financial Implications:

N/A

8. Conclusion / Next Steps:
Pending Regional Council’s approval, staff will continue to take action against Islamophobia and explore options to implement the recommendations from Coalition of Muslim Women Kitchener-Waterloo.

9. Attachments / Links:

   - **Appendix A**: Stakeholder engagement summary (DOCS #3953581)
   - **Appendix B**: Islamophobia & Racism, Recommendations for a municipal action plan (DOCS #3953981)

Prepared By: Paulina Rodriguez, Equity, Diversity and Inclusion Coordinator

   Saifullah Muhammad, Community Builder Intern

   Suzie Taka, Executive Assistant to the Chief Communications and Strategy Officer

Reviewed By: Fauzia Baig, Director, Equity, Diversity and Inclusion

Approved By: Connie MacDonald, Chief Communications & Strategy Officer
Appendix A: Stakeholder engagement summary
Organization(s): Coalition of Muslim Women-Kitchener Waterloo and Muslim Women of Cambridge

Key findings:
- There is a growing recognition that Islamophobia is an issue that requires focused attention, although it intersects with other issues like anti-Black racism.
- CMW-KW provided further detail on the recommendations presented to Regional Council on October 20, 2021, below:
  - CMW-KW provides counselling, advocacy, and other strategies to combat hate incidents but needs legislative backing such as in a neighborhood harassment bylaw.
  - In addition to (or in lieu of) establishing new bylaws to address hate incidents, it would be beneficial for bylaw officers to be trained on how to recognize and acknowledge the pain of Islamophobia.
  - CMW-KW created a 3rd party reporting system with funding from the Federal and the Provincial government. People can report hate incidents via Whatsapp, text, and online. CMW-KW’s funding for the Hate Crimes Reporting project is ending in March 2022 and is seeking support to continue this service.
  - CMW-KW has been conducting anti-Islamophobia training for the past 3 years and would like to extend this training to municipalities. In addition, CMW-KW is seeking to start a youth training program for young racialized Muslim women, similar to the City of Toronto’s Youth Fellowship program.
  - Waterloo Region municipalities have denounced Bill 21; except the Region of Waterloo. CMW-KW would like support from Regional Council by publicly denouncing this Bill. This recommendation was fulfilled through a Motion by Councillor E. Clarke on January 26, 2022.
  - Municipalities can invest in neighborhood programs that help to address Islamophobia; with a focus on under-resourced neighborhoods.
  - CMW-KW discussed other measures that municipalities can support, including partnerships for public education on anti-Islamophobia and investment in celebrating Islamic History Month.

Key data:
- CMW-KW has collected the following data from April – December 2021 through their online Hate Reporting System https://reportinghate.ca/:
  - Total # of formal reports: 87 (82 related to hate; 5 related to discrimination)
  - 54% of hate incidents were reported in Kitchener; 21% in Cambridge
  - 78% of hate incidents occurred in person; online hate comprised of 16% of reported cases
    - Of the cases that occurred in person, 30% occurred in residential areas and 18% occurred on the street
  - Respondent demographics:
    - 65% respondents are from the Middle East
    - 81% are Muslims
    - 70% wear a religious symbol
    - 27% asked for help from CMW-KW
The table below provides a break down of types of report received and identified areas of hate based harm.

**Table 1: Types of Reports Received and Areas of Hate Based Harm**

<table>
<thead>
<tr>
<th>Type of report</th>
<th>Areas of Hate Based Harm</th>
</tr>
</thead>
<tbody>
<tr>
<td>Islamophobia (51%)</td>
<td>Street violence (23%)</td>
</tr>
<tr>
<td>Anti-Asian hate (22%)</td>
<td>Online hate (15%)</td>
</tr>
<tr>
<td>Xenophobia (8%)</td>
<td>School (11%)</td>
</tr>
<tr>
<td>Anti-Black Racism (3%)</td>
<td>Landlord-tenant (11%)</td>
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<tr>
<td></td>
<td>Neighbor (12%)</td>
</tr>
<tr>
<td></td>
<td>Healthcare (8%)</td>
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<tr>
<td></td>
<td>Place of worship (4%)</td>
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<tr>
<td></td>
<td>Post secondary education (4%)</td>
</tr>
<tr>
<td></td>
<td>Other (12%)</td>
</tr>
</tbody>
</table>
National Summit on Islamophobia: July 2021

- Government of Canada committed to engage with Muslim communities on the next Anti-Racism Action Plan
- A renewed focus on dedicated resources to support the work within government to combat islamophobia and all forms of hate
- Take a whole-of-government approach by working with departments across the government to take further action on these priorities.
- National Action Plan on combatting hate by 2022
CMW’s recommendations for Waterloo Region Municipalities
By Laws

- Pass street harassment bylaws – proportional & constitutional
- Neighbour harassment bylaws – proportional & constitutional
- Areas that need focus: housing, employment, parks, neighborhoods, etc.
- Use resources to anticipate areas with conflict potential and mitigate them
Dedicated funding to address Islamophobia.

- Provide dedicated funding for local organizations and initiatives striving to address Islamophobia.
- Identifying Islamophobia is an issue on its own like we have anti-black racism and anti-indigenous racism.
- Lack of funding for this work.
- Nature of available funding (project based and competitive model).
Invest in third party community based hate Reporting Systems

- Cities can help build upstream services
- Invest in community based, third party hate reporting systems
- The need for reporting lines
- The need for sustained funding for such projects
- CMW’s hate reporting system (www.reportinghate.ca)
- Successes and challenges
Gendered Islamophobia

- Waterloo region’s initiative in denouncing Bill 21
- One of the first municipalities in Canada to do so
- Responding to Mayor Patrick Brown’s call to action
- Allocating a fund in the legal battle against Bill 21
- Symbolic show of support
Anti-Islamophobia Trainings

● Develop models of training for personnel within municipal/city staff: City of Kitchener already doing this

● Develop models of training for young racialized women— to fulfil their aspirations and goals

● Anti-Racism trainings do not necessarily cover the unique challenges brought by Islamophobia

● Develop training manual
**Neighborhood Programming**

- Invest in neighborhood programming
- Create opportunities for neighbors to not just meet each other, but to engage and learn from one another
- E.g. CMW’s Tea and Tales program, Brave Circles, etc.
Other measures

- Dedicate specific funding for Anti-Islamophobia/ Anti Racism public awareness campaigns. E.g., Ads on public transport
- Invest in celebrating the history of local Canadian Muslims and initiatives (Collaborate with local museums and libraries)
- Invest in celebrating Islamic History Month to amplify Muslim narratives and voices
Remember victims of Islamophobia

- Jan 29: Quebec Mosque shooting massacre anniversary (Also National Day of Action against Islamophobia)
- June 6: First year anniversary of the London Family massacre
- Green Square Campaign by NCCM
- Lighting up local monuments green
Community sourced recommendation lists:

- Canadian Council of Muslim Women: [https://bit.ly/3Ad1z2C](https://bit.ly/3Ad1z2C)
Region of Waterloo

Human Resources & Citizen Service

To: Regional Council
Meeting Date: February 23, 2022
Report Title: Human Resources & Citizen Service (HRC) Department Progress Overview

1. Recommendation:

For information, to share and highlight HRC’s vision for creating a workplace environment where everyone can be and do their best.

2. Purpose / Issue:

To provide a high-level overview of our vision for HR at the Region of Waterloo.

3. Strategic Plan:

The Corporate Strategic Plan has a strategic priority focused on

- **Our People** (at 6.0) and includes the following strategic objectives: “Create a world class culture to attract and retain the best” (at 6.1), “Enrich the employee experience and therefore the experience of our community” (at 6.2), “Unleash leadership potential to build a world class organization in every area of the region” (at 6.3), and

- **Engaging and Responsive Public Services** (at 5.0) and includes the following strategic objectives: “Public Engagement” (at 5.1) and “Provide excellent citizen centred services that enhance service satisfaction” (at 5.2).

HRC achieves these objectives by providing leadership and enabling the organization to develop its people and foster service excellence.

4. Key Considerations:

The Region of Waterloo is on a journey to continue building a world-class community. As the Region responds to changing resident needs, our workplace and workforce are also experiencing changing needs and adapting in new and innovative ways that are shaping the future of work. Like many leading employers, we are also living in a time of increasing competition globally that will require new ways of supporting leaders across the Region with dynamic talent attraction and retention strategies.

Leading in an unpredictable, uncertain, and fast-paced world means that we, the Human Resources and Citizen Services Department need to re-examine how we work,
focus our energy, and how we partner within the Region. We are inspired by our goal to enable organizational success with a focus on developing our people to thrive in an environment where they feel supported to be and do their best.

5. **Background:**

All of the Region's strategic objectives combined with our goal of *building a world-class community* provides future direction for HRC. To assess HRC’s current state, we engaged an external consultant to review how we are structured and how our work is organized. The purpose of the review was to assess if we are set up effectively to enable achievement of the organization’s mission and strategy. The attached presentation builds on the findings of this review and highlights our vision for HRC.

6. **Area Municipality Communication and Public/Stakeholder Engagement:**

We remain committed to engaging with our people and other key stakeholders inside and outside of HRC to collect feedback that will inform the comprehensive and holistic review of our programs and policies.

7. **Financial Implications:**

n/a

8. **Conclusion/Next Steps:**

Our objective is to ensure programs and services are best aligned to facilitate the evolving needs of the organization through a focus on our people as we work to enable the organization to build and sustain a world-class community.

9. **Attachments / Links:**

Presentation deck (DOCS #3954491)

**Prepared By:** Klajda Gega, Sr. Organization Development Consultant

**Danielle Seiler,** Director, Organization Development and Human Resource People Partners

**Reviewed By:** Kim Bellissimo, Commissioner, Human Resources and Citizen Services

**Approved By:** Kim Bellissimo, Commissioner, Human Resources and Citizen Services
Excellence by Design

How HRC is evolving

Regional Council Update

Presented by:
Kim Bellissimo, Commissioner
Human Resources and Citizen Services

February 23, 2022
What we are here to share today

01  Our Journey  
    What we have done and where we are going

02  What's changing and what it means

03  How HRC will enable success
Our "WHY": creating a work environment where everyone can be and do their best

3,700+ colleagues

Workplace culture is created by our values, behaviors, beliefs, perceptions, goals, actions, and assumptions.

Our people are the heart of our organization and an integral part of the fabric of our organization.

Enhancing our workplace culture is vital to ensuring a world-class employee experience.
Global state of the future of work

Harness the power of **technology** and **AI** to optimize employee-driven career development and growth.

*Human Capital Institute*
*Optimize Your Talent Strategy, 2022*

Develop targeted strategies to **attract, select, and retain** talent in today’s market.

*Harvard Business Review*
*Top Priorities for HR Leaders, 2022*

Embed **Diversity, Equity, and Inclusion** into strategy and human capital programs and policies.

*McLean & Company*
*2022 HR Trends*

**Engagement** and **wellbeing** will become the newest metric to understand and engage with people in a hybrid world.

*Gallup*
*State of the Global Workplace, 2021*

Citizens expect more transparency from public sector and for **decision-making** to be **shared, open** and **participatory**.

*Ernst & Young*
*Connected Citizens Report, 2021*

Empower, reskill, and upskill people as part of the **employee value proposition**.

*McKinsey*
*The Great Attrition, 2021*

Top priorities when picking a new job: **work-life balance, compensation and benefits, and colleagues and culture.**

*LinkedIn*
*Global Talent Trends, 2022*

Strengthen **leadership trust** to build commitment and translate strategy into effective action.

*Centre for Creative Leadership*
*Leadership Trust in Times of Change, 2021*

Move beyond a survive mindset to a thrive **mindset** and recognize that change and disruption are continuous.

*Deloitte*
*Human Capital Trends, 2022*
What we are experiencing: our burning platform

A global pandemic – our world and workplace is transforming
Need for digital infrastructure and modern technology to improve and expand services
Significant budget pressures and constraints

A community that is changing their expectations of us
Disruption and changes with what we get done and how it gets done
A bar set high with a bold and ambitious mandate to build a world-class community

A workforce who is rethinking their quality of life and what matters most
Increased awareness of our culture – what is helping us move forward and holding us back
Quicker decisions and faster action – we are learning from mistakes and course correcting accordingly

3,700+ colleagues
What we are experiencing: the evolution of HR

A flexible and modern operating model is key to driving transformational change and sustaining success.

<table>
<thead>
<tr>
<th>PRINCIPLES</th>
<th>Traditional HR Operating Model</th>
<th>Modern HR Operating Model</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Administer &amp; Support</td>
<td>Enable &amp; Lead</td>
</tr>
<tr>
<td>Structure design</td>
<td>Siloed and functional</td>
<td>Integrated and networked teams</td>
</tr>
<tr>
<td></td>
<td>Singular business models</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Rigid functional capabilities</td>
<td>Multiple interconnected business models</td>
</tr>
<tr>
<td></td>
<td>Slow and big</td>
<td>Dynamic cross-departmental relationships</td>
</tr>
<tr>
<td></td>
<td>Fixed mindset</td>
<td>Adaptive, flexible, and expandable</td>
</tr>
<tr>
<td></td>
<td>Waterfall / top-down</td>
<td>Growth mindset</td>
</tr>
</tbody>
</table>

Focus on core HR operational employment practices, policies, regulations, and systems and provide administrative and functional HR expertise.

Focus on human experience and meaning making by taking a strategic role as partner and coach aligned with culture and business strategy to enable and sustain success.
The business case for change and why bother

**Work transformation**
Redesigning work allows us to create sustainable value for our people and communities by developing interconnected work-related technologies.

**Societal shifts.** Societal norms and behaviours are shifting and we need to change to keep up.

**Innovation and modernization.** Adapting to the complexities of current reality demands innovation and a modern technology infrastructure.

**Becoming digital and data-driven.** Public-sector organizations are using real-time data to track trends, create models, increase capacity to respond, and scale up solutions and services.


**Workplace transformation**
The workplace has become more digitized and virtual and we need to shift mindset to drive engagement, attract top talent, and build a strong brand.

**Business strategy.** Strengthen resilience and agility to deliver value and better results to our people and communities.

**Adaptive workplace.** Re-design work arrangements to be inclusive, equitable, and enable collaboration.

**Culture evolution.** The culture that helped us in the past may not get us to where we are going – we need to redefine how we work, grow, adapt, and thrive.


**Workforce transformation**
Addressing the needs of a changing workforce and providing opportunities for personal and professional growth.

**Talent growth.** Leverage technology to attract, retain, and develop talent to drive a culture of learning and innovation – we must act now to keep our talent from walking away.

**Experience and wellbeing.** Our people demand a more inclusive and open workplace that prioritizes wellbeing and addressing systemic imbalances.

**Creating meaning in work.** Our workforce is rethinking what’s important – staying status quo is not acceptable as we will fall behind.

Our Journey to Excellence

**Our Progress**

- Strengthening the foundation for success and excellence
  - Culture and structure assessment in HRC to optimize alignment of functions
  - Opportunities identified for HR technology modernization and improvement
  - Foundations laid for enhanced trust, collaboration, and partnerships

**Ongoing Focus**

- Building capacity and capability for success and transformation
  - Complete organization-wide culture review
  - Modernize HR technology to improve access to data and drive innovation
  - Aligned programs and services to meet evolving needs (wellbeing, inclusion, employee relations)
  - Coaching for leadership excellence

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**Our Future**

- Enhanced collaboration and partnerships inside and outside of HRC
- Capacity and capability for change, transformation, and continuous improvement
- Ongoing focus on wellbeing, inclusion, psychological safety, and talent attraction and development

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We Enable • We Engage • We Inspire
Where do we go from here
The impact of our work at four different levels

**ORGANIZATION**
Build capacity and capability for transformational change and continuous improvement through organization-wide, best in class strategies and programs to enable organizational performance, leadership excellence, and business transformation.

**LEADERS**
Unleash potential through coaching for leadership excellence to empower and enable leaders to build and grow their teams, create the conditions for high levels of engagement, growth, wellbeing, performance, and resilience.

**TEAMS**
Enable team wellbeing, resilience, change agility, increased innovation, and a culture of integrity and compassion through consulting, coaching, and facilitation of group processes and events.

**EMPLOYEES**
Build and grow careers, support personal and professional learning and development to ensure an exceptional experience that enables confidence and engagement from the start.
How HRC contributes to our people's success

HRC

HR People Partners
Centers of Excellence

Solutions
Simple
Practical
Integrated
Innovative
Aligned
Scalable
Cost effective

Stakeholders
CLT
SLT
DLT
Managers
Teams
Employees
Unions

Long term Success Outcomes
Employee Wellbeing
Team Performance
Leadership Excellence
Organizational Effectiveness

3,700+ colleagues

Talent Acquisition and Client Experience and Solutions
Organization Development and HR Partners
Labor Relations and Emergency Management
Wellbeing and Occupational Health and Safety
Total Rewards

Organizational Development and HR
Partners

Orient & Onboard
Recruit & Select
Learning & Performance
Wellbeing & Mental Health
Pay, Rewards, & Benefits
Develop & Grow
Retention & Exit

Employee Lifecycle

3,700+ colleagues
What we are focused on and what it means for the Region

We are passionate about our "why" and committed to excellence through innovative programs and solutions that enable our people to learn, thrive, and realize their potential.

- **HR Technology and Innovation.** A modern HR Information System that will transform how we work, drive people engagement, and inform better decision-making.
- **Talent Acquisition and Retention.** An innovative program that will enable us to attract and retain diverse talent that represents our community and position RoW as an employer of choice.
- **Talent Management.** A comprehensive assessment of our talent strategy and its key components to drive engagement, talent growth, and leadership excellence.
- **Employee Value Proposition.** An analysis of our compensation and benefits program to ensure we remain competitive in the market.
- **Employee Health, Wellbeing, and Safety.** A holistic program that nurtures employee's mental, physical, and emotional health.
- **Diversity, Equity, and Belonging.** A thorough examination of our policies so we can create and sustain a respectful workplace environment free of harassment, bullying, and discrimination.
- **Culture Review.** Full review of our organizational culture at all levels in support of our goal of building a world-class community.
- **Union Partnerships.** Improve partnerships with our union partners with the goal of facilitating early resolution of issues and sustaining harmony in the workplace.
Questions?
1. **Recommendation:**

   That the Regional Municipality of Waterloo endorse the implementation of a Rapid Response Mobile Outreach Team to enhance upstream community supports for vulnerable community members, as outlined in CSD-HOU-22-05 Rapid Response Mobile Outreach Team, dated February 23, 2022.

2. **Purpose / Issue:**

   This report seeks Regional Council endorsement on investments that enhance upstream community supports for vulnerable community members through a new Rapid Response Mobile Outreach Team.

3. **Strategic Plan:**

   This report addresses the Region’s Corporate Strategic Plan 2019-2023, Focus Area 4: Healthy, Safe and Inclusive Communities. More specifically, the report addresses Strategic Objective 4.3, ‘promote and enhance equity in policies, planning, services, and decision-making in order to positively impact community wellbeing,’ and Strategic Objective 4.5, ‘enhance community safety and wellbeing in Waterloo Region. This report also addresses the Strategic Imperatives of Equity, Partnerships, and Efficiency, Effectiveness, and Value for Money.

4. **Key Considerations:**

   a) As Service Manager and Community Entity for housing and homelessness, the Region of Waterloo will continue to provide strong leadership in prioritizing investments and initiatives across the housing continuum in an effort to end homelessness in Waterloo Region.

   b) Unsheltered homelessness and encampments are symptoms of a lack of affordable and supportive housing. Encampments need to be connected to housing-focused programs and other systems (e.g., income security, health
services, employment supports, etc.) to support opportunities and connections to permanent housing options. The Rapid Response Mobile Outreach Team (the Team) will proactively reach individuals to provide access to the full continuum of support services rather than requiring them to make contact. This connection will ensure an intentional pathway out of homelessness is available for those living outdoors.

c) The Team responds to the growing number of vulnerable community members experiencing unsheltered homelessness with an upstream approach that rapidly connects people to services and supports to meet their needs, encourages indoor sheltering options, and seeks to prevent lengthy experiences of unsheltered homelessness. By providing an alternative to a downstream enforcement approach in responding to crises, the Team prioritizes prevention by facilitating flexible and immediate responses to the unique needs of those experiencing homelessness. This approach is person-centered and trauma-informed, increases equitable access to services, and diverts people from other service systems (e.g., the criminal justice system).

d) Ending homelessness by providing enough permanent affordable and supportive housing options for people experiencing homelessness is a priority of Building Better Futures: 2,500 Homes in 5 Years. This ambitious plan has 680 new affordable homes in development, 179 of which are supportive homes to help end homelessness.

5. Background:

As the causes of unsheltered homelessness are many and complex, there is no one-size-fits-all solution in responding to it. The persistence of unsheltered homelessness during the pandemic has reinforced the role of all levels of government, community partners, businesses, and community members in creating solutions-focused responses. There is a continuum of services in the Housing Stability System focused on protecting the safety and well-being of people experiencing unsheltered homelessness, including warming centres, service hubs, emergency shelters, and interim housing. The growing number of people experiencing unsheltered homelessness and the complex needs they are presenting is stretching the capacity of existing supports and services in the Housing Stability System. Additional resources are necessary to provide a rapid response and to reinforce the service first approach for people living in encampments and experiencing unsheltered homelessness.

On initial implementation, the Rapid Response Mobile Outreach Team (the Team) will provide 12-hour, 7 day a week rapid response and proactive support to community members experiencing unsheltered homelessness while also addressing community concerns about the well-being of people experiencing all forms of homelessness. The team will also provide a planned, strategic and mobile response to support the shortest
path from homelessness to permanent housing, ensuring a real-time flexible response with accountability to concerns and crises. This 12-hour support will be scalable and may be adjusted as informed by data on hours of highest need for support.

The primary role of the Team will be to help people access needed supports by:

- Rapidly visiting newly identified encampments across Waterloo Region within service delivery standards;
- Establishing rapport and a trusting relationship with those they serve;
- Providing immediate and intermediate supports starting with service navigation to income supports and expanding from there (e.g., basic needs supports, primary care, harm reduction supports);
- Offering mental health support and counselling directly as needed; and
- Completing interim case management and supporting linkages to existing health and housing support systems.

The Team will work with existing service providers and stakeholders to:

- Ease existing pressures on service providers;
- Improve access to supports for people experiencing unsheltered homelessness;
- Identify and address existing barriers in access to services (e.g., health care, mental health supports); and
- Improve coordination of services and information sharing across community stakeholders.

The team will include a supervisor, two paramedics, and five outreach workers with a specialization in mental health and addictions. There is a preference to add the specialized skills of a peer worker offered through a lived experience of homelessness to compliment existing resourcing. Over time, the team will also look to add an additional three paramedics, contingent upon the success of their spring hiring to ensure appropriate resourcing across priority areas. Ontario Works caseworkers with a specialized focus on housing stability will support work to facilitate collaboration with and ensure connections to existing community services and supports.

6. **Area Municipality Communication and Public/Stakeholder Engagement:**

The engagement and feedback of community partners, area municipal staff, and those with lived experience of homelessness was integral to the planning, design and completion of the Point in Time Count (PIT Count). Region staff incorporated the invaluable advice provided by these stakeholders through various meetings and conversations. This engagement resulted in a robust and thorough approach and count of homelessness in Waterloo Region, which informed the recommendations coming out of the PIT Count. Region staff continue to engage and collaborate with the housing stability working groups and community partners in presenting and responding to the
findings of the PiT Count, including strategies that offer additional and alternative options and supports aimed at ending homelessness in Waterloo Region.

7. **Financial Implications:**

The Rapid Response Mobile Outreach Team is projected to require a 2022 operating budget of $1.05M and an annualized operating budget of $1.5M respectively.

On December 15, 2021, as part of the 2022 budget approval process, Regional Council approved an Upstream Initiatives Fund of $2.1M beginning in 2022, with direction to staff to report on these funds and related activities for Council consideration by April 2022. The Upstream Initiative funding has been identified as one source of funding for the Team.

In addition to the Upstream Initiatives Fund, the Team will also receive funding (subject to Council approval) through the following Regional investments:

- An investment through the Equity Fund approved by Regional Council through the 2021 and 2022 Budgets, the intent of which is to improve the economic, social, and cultural health and wellness of Indigenous, Black, Racialized, and other marginalized communities.
- An investment in street outreach services identified in the 2021 Point in Time Count (see CSD-HOU-21-24), the goal of which is to enhance connections to emergency shelter spaces and services for life stabilization, and to facilitate community inclusion and connectedness for individuals experiencing unsheltered homelessness.

The 2022 Regional operating budget includes $10 million for the Equity Fund, which is funded by property taxes ($7.5 million) and the Tax Stabilization Reserve ($2.5 million), and $2.1 million for Upstream Initiatives funded from property taxes ($1.5 million) and the Tax Stabilization Reserve ($0.6 million). The Point-in-Time funding of $240,000 is included in the 2022 Housing Services Operating Budget, funded from property taxes.
The following schedule reflects the projected 2022 and annualized budget for the Mobile Outreach team.

**Schedule 1: Mobile Outreach Budget ($s)**

<table>
<thead>
<tr>
<th>Expenditures</th>
<th>Projected 2022</th>
<th>Annualized</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Staffing:</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Mental Health &amp; Addiction Counsellors (5 FTE's, Apr.1’22 start date)</td>
<td>$461,250</td>
<td>$615,000</td>
</tr>
<tr>
<td>Paramedics* (5FTE's, 2 hired Apr.1’22, 3 hired July 1’22)</td>
<td>370,500</td>
<td>615,000</td>
</tr>
<tr>
<td>Housing Supervisor(1 FTE, Apr.1’22 start date)</td>
<td>93,750</td>
<td>125,000</td>
</tr>
<tr>
<td>Peer Support (1 FTE, Apr.1’22 start date)</td>
<td>90,000</td>
<td>120,000</td>
</tr>
<tr>
<td>Professional Dues, Training</td>
<td>12,000</td>
<td>12,000</td>
</tr>
<tr>
<td><strong>Vehicle Costs (2 Vans) e.g. Fuel, Maintenance, etc.</strong></td>
<td>18,375</td>
<td>24,500</td>
</tr>
<tr>
<td><strong>Total Expenditures</strong></td>
<td><strong>$1,045,875</strong></td>
<td><strong>$1,511,500</strong></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Funding Sources:</th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Equity Initiative</td>
<td>500,000</td>
<td>500,000</td>
</tr>
<tr>
<td>Upstream Initiative</td>
<td>305,875</td>
<td>771,500</td>
</tr>
<tr>
<td>Point In Time Funding</td>
<td>240,000</td>
<td>240,000</td>
</tr>
<tr>
<td><strong>Total Funding</strong></td>
<td><strong>$1,045,875</strong></td>
<td><strong>$1,511,500</strong></td>
</tr>
</tbody>
</table>

- **Paramedic Spring 22 recruitment process will determine the timing and number of paramedics assigned to this initiative.**

8. **Conclusion / Next Steps:**

Communities thrive when everyone has a place to call home, a place that is their own, where they feel comfortable, safe and part of the community. This is what we are working towards in Waterloo Region. As a social determinant of health, housing is foundational to promoting a healthy community for all. Implementing a Rapid Response Mobile Outreach Team to serve community members experiencing homelessness aligns with the following aims:

- Expanding and deepening the partnerships between the Region and other systems in the collective work of ending homelessness;
- Implementing an upstream service delivery model to improve the mental health, safety and social determinants of health for residents;
- Improving the economic, social, and cultural health and wellness of Indigenous, Black, Racialized, and other marginalized communities; and
• Realizing the Strategic Directions and Actions in the 10-Year Housing and Homelessness Plan including to expand supports for people to find and secure housing, and to improve access to housing and homelessness programs.

9. Attachments / Links:

Nil.

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