

**AGENDA  
REGULAR MEETING**

**February 6, 2017  
4:30 p.m.**

**ST. JOHN'S**

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# MEMORANDUM

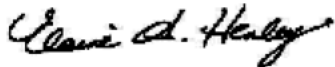
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February 3, 2017

In accordance with Section 42 of the City of St. John's Act, the Regular Meeting of the St. John's Municipal Council will be held on **Monday, February 6, 2017 at 4:30 p.m.**

This meeting will be preceded by a Special Meeting to be held on the same day in Conference Room A at **3:00 p.m.**

By Order



Elaine Henley  
City Clerk

# ST. JOHN'S

CITY MANAGER



**AGENDA**  
**REGULAR MEETING - CITY COUNCIL**  
**February 6, 2017 – 4:30 p.m. – Council Chambers, 4<sup>th</sup> Floor, City Hall**

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**1. CALL TO ORDER**

**2. APPROVAL OF THE AGENDA**

**3. ADOPTION OF THE MINUTES**

- Minutes of January 30, 2017

**4. BUSINESS ARISING FROM THE MINUTES**

**Included in the Agenda:**

- a. Decision Note dated January 25, 2017 from the Manager, Organizational Performance and Strategy re: Advisory Committee Check-in 2016

**Other Matters:**

**5. NOTICES PUBLISHED**

**6. PUBLIC HEARINGS**

- a. St. John's Development Regulations Amendment #613, 2016  
Amendment to Parking Lot Size Limits  
PDE # DEV400271  
53 Radio Range Road
- b. St. John's Development Regulations Amendment Number 651, 2017  
Rezone property from the Rural Residential Infill (RRI) and Rural (R)  
Zones to the Commercial Industrial (CI) Zone  
PDE # REZ1600003  
265 Brookfield Road  
Applicant: Commander Ventures on behalf of 10327 Newfoundland  
Limited

**7. COMMITTEE REPORTS**

- a. Development Committee Report – January 31, 2017

**8. RESOLUTIONS**

**9. DEVELOPMENT PERMITS LIST**

- January 26, 2017 – February 1, 2017

**10. BUILDING PERMITS LIST**

- February 6, 2017

**11. REQUISITIONS, PAYROLLS AND ACCOUNTS**

- Week Ending February 1, 2017

**12. TENDERS/RFPS**

- a. Tender 2016171 – Furniture, Paul Reynolds Centre

**13. NOTICES OF MOTION, RESOLUTIONS QUESTIONS AND PETITIONS**

**14. OTHER BUSINESS**

**15. ADJOURNMENT**

**MINUTES  
REGULAR MEETING - CITY COUNCIL  
January 30, 2017 – 4:30 p.m. - Council Chambers**

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**Present** Mayor D. O’Keefe  
Deputy Mayor R. Ellsworth  
Councillor T. Hann  
Councillor A. Puddister  
Councillor B. Tilley  
Councillor S. Hickman  
Councillor J. Galgay  
Councillor D. Lane  
Councillor S. O’Leary  
Councillor W. Collins

**Absent** Councillor D. Breen

**Others** Kevin Breen, City Manager  
Lynnann Winsor, Deputy City Manager of Public Works  
Jason Sinyard, Deputy City Manager of Planning, Engineering and  
Regulatory Services  
Ken O’Brien, Chief Municipal Planner  
Tanya Haywood, Deputy City Manager of Community Services  
Derek Coffey, Deputy City Manager of Financial Management  
Cheryl Mullett, City Solicitor  
Elaine Henley, City Clerk  
Stacey Fallon, Legislative Assistant

**CALL TO ORDER/ADOPTION OF AGENDA**

**SJMC2017-01-30/38R**

**Moved – Deputy Mayor Ellsworth; Seconded – Councillor Collins**

**That the agenda be adopted with the following additions:**

- **Expropriation – McBride’s Hill – Henry Bell Developments L.P.**
- **Expropriation – Park and Fly Development, Craig Dobbin’s Way**
- **Notice of Motion – Jonathan Galgay – Labrador Flag**

**CARRIED UNANIMOUSLY**

**ADOPTION OF MINUTES**

**SJMC2017-01-30/39R**

**Moved – Councillor Puddister; Seconded – Councillor O’Leary**

**That the minutes of January 23, 2017 be approved as presented.**

**CARRIED UNANIMOUSLY**

## **PUBLIC HEARINGS**

St. John's Municipal Plan Amendment Number 134, 2017 and St. John's Development Regulations Amendment Number 617, 2017  
Proposed Rezoning to the Commercial Neighbourhood (CN) Zone  
PDE# MPA1400004  
198 & 204 Freshwater Road  
Applicant: Dillon Consulting Ltd., on behalf of Shoppers Realty Inc.

### **SJMC2017-01-16/40R**

**Moved – Councillor O’Leary; Seconded – Councillor Tilley**

**That Council adopt-in-Principle the resolutions for St. John’s Municipal Plan amendment Number 134, 2017, and St. John’s Development Regulations Amendment Number 617, 2017 to rezone 198 and 204 Freshwater Road from the Residential High Density(R3) Zone to the Commercial Neighbourhood (CN) Zone for the redevelopment of Shoppers Drug Mart. Further they will be sent to the Department of Municipal Affairs with a request for provincial release. Once the release is received, the amendments will be referred back to a future regular meeting of Council for consideration of formal adoption and the appointment of a commissioner to conduct a public hearing, as required by the Urban and Rural Planning Act.**

**CARRIED UNANIMOUSLY**

## **COMMITTEE REPORTS**

### **Development Committee Report – January 24, 2017**

Council considered the above noted report.

### **SJMC2017-01-30/41R**

**Moved – Councillor Puddister; Seconded – Councillor Hickman**

**That the report and its recommendations be adopted as presented.**

**CARRIED UNANIMOUSLY**

### **Special Events Advisory Committee Report – January 25, 2017**

Council considered the above noted report.

**SJMC2017-01-30/42R**

**Moved – Councillor Hann; Seconded – Councillor Lane**

**That the report and its recommendation be adopted as presented.**

**CARRIED UNANIMOUSLY**

**Special Events Advisory Committee Report – January 26, 2017**

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Council considered the above noted report.

**SJMC2017-01-30/43R**

**Moved – Councillor Hann; Seconded – Councillor Lane**

**That the report and its recommendation be adopted as presented.**

**CARRIED UNANIMOUSLY**

**DEVELOPMENT PERMITS LIST**

[Link to List](#)

Council considered, for information, the above-noted for the period January 19, 2017 to January 25, 2017.

**BUILDING PERMITS LIST**

[Link to List](#)

Council considered the Building Permits for January 30, 2017

**SJMC2017-01-30/44R**

**Moved – Councillor Tilley; Seconded – Councillor Hann**

**That the building permits list for January 30, 2017 be approved as presented.**

**CARRIED UNANIMOUSLY**

**REQUISITIONS, PAYROLLS AND ACCOUNTS**

[Link to Memo](#)

Council considered the requisitions, payrolls and accounts for the week ending January 25, 2017.

**SJMC2017-01-30/45R****Moved – Councillor Tilley; Seconded – Councillor Hann**

That the requisitions, payrolls and accounts for the week ending January 25, 2017 in the amount of \$6,409,346.11 be approved as presented.

**CARRIED UNANIMOUSLY****TENDERS/RFPS****Tender 2017006 – Freightliner**

Council considered the above noted tender.

**SJMC2017-01-30/46R****Moved – Councillor Tilley; Seconded – Councillor Hann**

That approval be given to award the above noted tender to the lowest bidders meeting all specifications for various Freightliner, Sterling and Western Star Parts as listed below:

<b>Royal Freightliner</b>	<b>\$48,593.07</b>
<b>Parts for Trucks</b>	<b>\$19,323.15</b>
<b>Harvey &amp; Company</b>	<b>\$13,118.25</b>
<b>Traction</b>	<b>\$10,944.61</b>
<b>Colonial Auto Parts</b>	<b>\$2,281.24</b>

**CARRIED UNANIMOUSLY****OTHER BUSINESS****Decision Note dated January 25, 2017 re: Appointment of Downtown Advisory Committee**

Council considered the above noted Decision Note.

**SJMC2017-01-30/47R****Moved – Councillor Lane; Seconded – Councillor Galgay**

**That Council approve that Lloyd Nash be appointed to the Downtown Advisory Committee as Next Up! representative.**

**CARRIED UNANIMOUSLY**

**Decision Note dated January 25, 2017 re: 46 Hussey Drive – Demolition Order – File # C1601540.**

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Council considered the above noted Decision Note.

**SJMC2017-01-30/48R**

**Moved – Councillor Puddister; Seconded – Councillor Hickman**

**That Council approve the Demolition Order under Section 375 of the City of St. John’s Act.**

**CARRIED UNANIMOUSLY**

**Decision Note dated January 26, 2017 re: Expropriation - Park and Fly Development, Craig Dobbin’s Way**

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Council considered the above noted Decision Note.

**SJMC2017-01-30/49R**

**Moved – Councillor Galgay; Seconded – Deputy Mayor Ellsworth**

**That Council approve to expropriate the Parcel of land claimed by the City on the corner of Portugal Cove Road and Craig Dobbin’s Way ill for the purpose of providing clear title to the Purchaser.**

**CARRIED UNANIMOUSLY**

**Decision Note dated January 25, 2017 re: Expropriation – McBride’s Hill Henry Bell Developments L.P.**

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Council considered the above noted Decision Note.

**SJMC2017-01-30/50R**

**Moved – Councillor Galgay; Seconded – Deputy Mayor Ellsworth**

**That Council approve to expropriate the Parcel of land on McBride's Hill for the purpose of providing clear title to the purchaser.**

**CARRIED UNANIMOUSLY**

**Councillor Hann**

- Brought forward the following motion:

To assure the multicultural community they are appreciated in our City. By sending our condolences to Quebec City, and show support, as well as solidarity for the multicultural community not only to Quebec City but to our residents.

**SJMC2017-01-30/51R**

**Moved Councillor Hann; Seconded - Councillor Lane**

**CARRIED UNANIMOUSLY**

**Councillor Puddister**

- Questioned Deputy City Manager of Public Works on potholes and the use of a compound that has been used verses Asphalt. He Requested Public Works have an information note compiled to bring forward at the next Public Works Standing Committee Meeting.

**Councillor Galgay**

- Brought forward the following Motion:

WHEREAS the City of St. John's, as the capital city of the Province, continues to build relationships with municipalities throughout Newfoundland and Labrador.

AND WHEREAS Dennis O'Keefe, Mayor of the City of St. John's, and Jamie Snook, Mayor of the Town of Happy Valley-Goose Bay, have signed a Letter of Intent on behalf of their communities expressing their commitment to the pursuit of opportunities of mutual interest

NOW THEREFORE it is moved that in recognition of this mutually beneficial friendship between the City of St. John's and the Town of Happy Valley-Goose Bay that the Labrador flag be flown permanently at City Hall.



**SJMC2017-01-30/52R**

**Moved – Councillor Galgay; Seconded – Councillor Tilley**

**CARRIED UNANIMOUSLY**

**Councillor Tilley**

- Requested a letter of Condolences be sent to the family of Ches Penney on behalf of the Mayor and Council.

**ADJOURNMENT**

There being no further business, the meeting adjourned at 5:39 p.m.

\_\_\_\_\_  
**MAYOR**

\_\_\_\_\_  
**CITY CLERK**



# Building Permits List

## Council's January 30, 2017 Regular Meeting

Permits Issued: 2017/01/19 To 2017/01/25

**Class: Commercial**

290 Lemarchant Rd	Co	Single Detached Dwelling
447 Newfoundland Dr	Co	Eating Establishment
1 Kiwanis St, Edible Arrange..	Sn	Retail Store
83 Thorburn Rd	Sn	Office
150 Military Rd	Sw	Office
210-214 Water St	Rn	Office
296-300 Water St,Celtic Hearth	Rn	Restaurant
2 Mount Cashel Road	Rn	Clinic
200 Military Rd, Basilica	Rn	Church

This Week \$ 777,731.00

**Class: Industrial**

This Week \$ .00

**Class: Government/Institutional**

This Week \$ .00

**Class: Residential**

11 Glavine St	Nc	Patio Deck
80 Pearltown Rd	Nc	Single Detached Dwelling
34 Cabot Avenue	Nc	Accessory Building
132 Buckmaster's Cir	Rn	Townhousing
134 Buckmaster's Cir	Rn	Townhousing
136 Buckmaster's Cir	Rn	Townhousing
138 Buckmaster's Cir	Rn	Townhousing
140 Buckmaster's Cir	Rn	Townhousing
90 Cabot St	Rn	Single Detached & Sub.Apt
119 Castle Bridge Dr	Rn	Single Detached Dwelling
16 Catherine St	Rn	Single Detached Dwelling
8 Connemara Pl	Rn	Single Detached Dwelling
30 Courtney St	Rn	Single Detached Dwelling
20 Grenfell Ave	Rn	Single Detached & Sub.Apt
20 Grenfell Ave	Rn	Single Detached & Sub.Apt
5 Maurice Putt Cres, Lot 277	Rn	Subsidiary Apartment
1 Navy St	Rn	Townhousing
3 Navy St	Rn	Townhousing
5 Navy St	Rn	Townhousing
7 Navy St	Rn	Townhousing
9 Navy St	Rn	Townhousing
15 Shriners Rd	Rn	Single Detached Dwelling
228 Ladysmith Dr	Sw	Single Detached Dwelling
15 Pine Bud Pl	Sw	Single Detached Dwelling

This Week \$ 753,250.00

Appendix to Minutes of January 30, 2017

Class: Demolition

This Week \$ .00

This Week's Total: \$ 1,530,981.00

Repair Permits Issued: 2017/01/19 To 2017/01/25 \$ 21,700.00

Legend

Co Change Of Occupancy Sw Site Work  
 Cr Chng Of Occ/Renovtns Ms Mobile Sign  
 Ex Extension Sn Sign  
 Nc New Construction Cc Chimney Construction  
 Oc Occupant Change Dm Demolition  
 Rn Renovations

Year To Date Comparisons			
January 30, 2017			
Type	2016	2017	% Variance (+/-)
Commercial	\$1,628,045.00	\$2,909,481.00	78
Industrial	\$0.00	\$0.00	0
Government/Institutional	\$0.00	\$0.00	0
Residential	\$1,946,723.00	\$2,189,085.00	12
Repairs	\$81,420.00	\$129,700.00	59
Housing Units(1 & 2 Family Dwelling)	3	3	
<b>Total</b>	<b>\$3,666,188.00</b>	<b>\$5,228,266.00</b>	<b>43</b>

Respectfully Submitted,

Jason Sinyard, P. Eng., MBA  
 Deputy City Manager  
 Planning, Engineering & Regulatory Services

# MEMORANDUM

**Weekly Payment Vouchers  
For The  
Week Ending January 25, 2017**

**Payroll**

<b>Public Works</b>	<b>\$ 568,408.68</b>
<b>Bi-Weekly Administration</b>	<b>\$ 771,720.70</b>
<b>Bi-Weekly Management</b>	<b>\$ 986,620.24</b>
<b>Bi-Weekly Fire Department</b>	<b>\$ 680,061.98</b>
<b>Accounts Payable</b>	<b>\$3,402,534.51</b>

*Appendix to Minutes of January 30, 2017*

**Total: \$ 6,409,346.11**

**ST. JOHN'S**

DEPARTMENT OF FINANCE

CITY OF ST. JOHN'S PO BOX 908 ST. JOHN'S NL CANADA A1C 5M2 WWW.STJOHNS.CA

NAME	CHEQUE #	DESCRIPTION	AMOUNT
AMERICAN WATER WORKS ASSOC.	1217	MEMBERSHIP RENEWAL	501.98
WATER ENVIRONMENT FEDERATION	1218	MEMBERSHIP RENEWAL	225.49
SWANA	1219	WEBINAR FEE	281.86
MERIT SOLUTIONS INC.,	1220	LICENSE RENEWAL	1,556.95
NEWFOUNDLAND HVAC LTD.	106362	PROFESSIONAL SERVICES	2,988.56
NEWFOUND DISPOSAL SYSTEMS LTD.	106363	DISPOSAL SERVICES	179.03
CITY OF ST. JOHN'S	106364	RAILWAY TAX BILL	290.00
PINNACLE OFFICE SOLUTIONS LTD	106365	PHOTOCOPIES	44.29
ORKIN CANADA	106366	PEST CONTROL	448.52
MOORE HOLDINGS LIMITED	106367	COURT OF APPEAL REFUND	200.00
TURNER DRAKE & PARTNERS LIMITED	106368	COURT OF APPEAL REFUND	200.00
LINDSAY LOVELESS	106369	COURT OF APPEAL REFUND	320.00
ESTATE OF GEORGE FARDY	106370	COURT OF APPEAL REFUND	60.00
JAMES & JANICE SHEPPARD	106371	COURT OF APPEAL REFUND	60.00
J. WAYNE PICCO	106372	COURT OF APPEAL REFUND	60.00
CARLSON EMBERLEY	106373	COURT OF APPEAL REFUND	60.00
DR. BARTELLAS	106374	COURT OF APPEAL REFUND	60.00
TONY & DAPHNE EVANS	106375	COURT OF APPEAL REFUND	60.00
YI ZHANG & PENG WEN	106376	COURT OF APPEAL REFUND	60.00
ANN MOORE & MELISSA POWER	106377	COURT OF APPEAL REFUND	60.00
PATRICIA COLLINS	106378	COURT OF APPEAL REFUND	60.00
JENNIFER O'BRIEN	106379	COURT OF APPEAL REFUND	60.00
LINDA GUILLEMETTE	106380	COURT OF APPEAL REFUND	60.00
HOWARD & LISA LONG	106381	COURT OF APPEAL REFUND	60.00
IAN PENNEY & HELEN HANDRIGAN	106382	COURT OF APPEAL REFUND	60.00
DEREK STRONG & NINA GOUDIE	106383	COURT OF APPEAL REFUND	60.00
MARGARET GILLIES	106384	COURT OF APPEAL REFUND	60.00
MARGARET GILLIES AND NOEL BROWNE	106385	COURT OF APPEAL REFUND	60.00
SANDRA AND MARK DOBBIN	106386	COURT OF APPEAL REFUND	60.00
ALTUS GROUP	106387	COURT OF APPEAL REFUND	60.00
JEFF DYER	106388	COURT OF APPEAL REFUND	60.00
CITY OF ST. JOHN'S	106389	REPLENISH PETTY CASH	145.09
NEWFOUNDLAND EXCHEQUER ACCOUNT	106390	FILING FEES FOR STATEMENT OF CLAIM	100.00
HARRIS & ROOME SUPPLY LIMITED	106391	ELECTRICAL SUPPLIES	2,896.19
EMCO SUPPLY	106392	REPAIR PARTS	1,507.96
MCLOUGHAN SUPPLIES LTD.	106393	ELECTRICAL SUPPLIES	6,411.57
NEWFOUNDLAND POWER	106394	ELECTRICAL SERVICES	134,391.85
MDI CONTRACTING	106395	PROGRESS PAYMENT	6,023.44
PARTS FOR TRUCKS INC.	106396	REPAIR PARTS	9,195.76
SMITH STOCKLEY LTD.	106397	PLUMBING SUPPLIES	1,156.86
WATERWORKS SUPPLIES DIV OF EMCO LTD	106398	REPAIR PARTS	17,125.96
STEVEN O'REILLY	106399	REFUND OVERPAYMENT OF TAXES	400.00

Appendix to Minutes of January 30, 2017

NAME	CHEQUE #	DESCRIPTION	AMOUNT
NEWFOUNDLAND EXCHEQUER ACCOUNT	106400	FILING FEES FOR STATEMENT OF CLAIM	100.00
MCINNIS COOPER	106401	PROFESSIONAL SERVICES	1,712.28
NEWFOUNDLAND POWER	106402	ELECTRICAL SERVICES	17,392.46
BELL ALIANT	106403	TELEPHONE SERVICES	682.61
PUBLIC SERVICE CREDIT UNION	106404	PAYROLL DEDUCTIONS	5,100.86
SOK ASSOCIATES	106405	NYE CANADA 150 CELEBRATION	37,517.57
NEWFOUNDLAND EXCHEQUER ACCOUNT	106406	REGISTRATION OF EASEMENT	500.00
ACKLANDS-GRAINGER	106407	INDUSTRIAL SUPPLIES	28,737.00
AFONSO GROUP LIMITED	106408	SEWER INSPECTIONS	2,645.00
RBC INVESTOR & TREASURY SERVICES	106409	CUSTODY FEE	1,437.50
ACTION TRUCK CAP & ACCESSORIES	106410	REPAIR PARTS	406.53
QUIK PRINT SERVICES LTD.	106411	PRINTING SERVICES	1,012.77
ATLANTIC OFFSHORE MEDICAL SERV	106412	MEDICAL SERVICES	1,018.57
AUDIO SYSTEMS LTD.	106413	AUDIO EQUIPMENT	261.91
BABB SECURITY SYSTEMS	106414	PROFESSIONAL SERVICES	345.00
AUTO PARTS NETWORK	106415	AUTO PARTS	517.50
MUNICIPAL CONSTRUCTION LIMITED	106416	ASPHALT	1,754.70
KELLOWAY CONSTRUCTION LIMITED	106417	CLEANING SERVICES	2,921.00
ROBERT BAIRD EQUIPMENT LTD.	106418	RENTAL OF EQUIPMENT	3,470.96
NEWFOUNDLAND EXCHEQUER ACCOUNT	106419	GAZETTE PUBLICATION	91.78
GRANT THORNTON	106420	PROFESSIONAL SERVICES	5,106.58
NEWFOUNDLAND EXCHEQUER-ACCOUNT	106421	COMMISSIONER OF OATHS LICENSE	50.00
HERCULES SLR INC.	106422	REPAIR PARTS	399.19
DOMINION STORES 924	106423	MISCELLANEOUS SUPPLIES	32.25
STAPLES THE BUSINESS DEPOT - MP	106424	OFFICE SUPPLIES	718.09
CANADIAN PAYROLL ASSOCIATION	106425	MEMBERSHIP RENEWALS	1,367.35
TOWN OF CONCEPTION BAY SOUTH	106426	SNOW CLEARING	1,000.00
GRAND CONCOURSE AUTHORITY	106427	MAINTENANCE CONTRACTS	67,797.08
SMS EQUIPMENT	106428	REPAIR PARTS	1,755.67
HUB TROPHIES & MEDICAL SUPPLIES	106429	NAME TAGS	60.38
TONY'S TAILOR SHOP	106430	PROFESSIONAL SERVICES	177.10
CABOT PEST CONTROL	106431	PEST CONTROL	1,343.46
BEST DISPENSERS LTD.	106432	SANITARY SUPPLIES	113.71
ROCKWATER PROFESSIONAL PRODUCT	106433	CHEMICALS	10,813.75
NEWCAP BROADCASTING LTD.	106434	PUBLIC ANNOUNCEMENTS	1,380.00
HITS 99.1	106435	PUBLIC ANNOUNCEMENTS	1,644.50
STANTEC CONSULTING LTD. (SCL)	106436	PROFESSIONAL SERVICES	23,862.50
BLACK & McDONALD LIMITED	106437	PROFESSIONAL SERVICES	14,327.71
PRINT & SIGN SHOP	106438	SIGNAGE	64.69
OVERHEAD DOORS Nfld LTD	106439	REPAIRS TO DOORS	2,921.00
RICOH	106440	SERVICE CONTRACT RENEWALS	8,101.32
BRENKIR INDUSTRIAL SUPPLIES	106441	PROTECTIVE CLOTHING	2,535.50

Appendix to Minutes of November 30 2017

NAME	CHEQUE #	DESCRIPTION	AMOUNT
WESTERN HYDRAULIC 2000. LTD	106442	REPAIR PARTS	198.95
ATLANTIC TRAILER & EQUIPMENT	106443	REPAIR PARTS	10,028.06
NEW WORLD FITNESS	106444	MEMBERSHIP DUES FOR FIREFIGHTERS	248.26
AVALON CONTROLS AND INSTRUMENTATION	106445	PROFESSIONAL SERVICES	6,171.48
CBS RENTALS LTD.	106446	RENTAL OF EQUIPMENT	130.53
CANADIAN CORPS COMMISSIONAIRES	106447	SECURITY SERVICES	18,666.34
AIR LIQUIDE CANADA INC.	106448	CHEMICALS AND WELDING PRODUCTS	3,910.81
THOMSON REUTERS CANADA	106449	SUBSCRIPTION RENEWAL	414.70
CANADA CLEAN GLASS	106450	CLEANING OF WINDOWS	2,921.00
WALMART 3196-ABERDEEN AVE.	106451	MISCELLANEOUS SUPPLIES	420.02
COASTAL DOOR & FRAME LTD	106452	DOORS/FRAMES	2,060.80
AVALON HYDRAULICS LTD.	106453	REPAIR PARTS	1,471.64
NFLD CAMERA	106454	CAMERA	241.49
SOBEY'S INC	106455	PET SUPPLIES	91.89
NORTRAX CANADA INC.,	106456	REPAIR PARTS	13,388.29
CALA	106457	PROFESSIONAL SERVICES	4,226.20
MAC TOOLS	106458	TOOLS	1,616.82
NORTH ATLANTIC SUPPLIES INC.	106459	REPAIR PARTS	230.00
WM L CHAFE & SON LTD.	106460	PROTECTIVE FOOTWEAR	230.00
KENT	106461	BUILDING SUPPLIES	665.98
CLARKE'S TRUCKING & EXCAVATING	106462	GRAVEL	653.60
ATLANTIC-HOME FURNISHINGS LTD	106463	APPLIANCES	2,584.05
DULUX PAINTS	106464	PAINT SUPPLIES	1,622.49
PF COLLINS CUSTOMS BROKER LTD	106465	DUTY AND TAXES	530.46
STEELE COMMUNICATIONS	106466	ADVERTISING	897.00
COLONIAL GARAGE & DIST. LTD.	106467	AUTO PARTS	5,969.84
PETER'S AUTO WORKS INC.	106468	TOWING VEHICLES	8,459.00
CONSTRUCTION SIGNS LTD.	106469	SIGNAGE	1,428.76
SCOTT WINSOR ENTERPRISES INC.,	106470	REMOVAL OF GARAGE & DEBRIS	287.50
COUNTER CORNER LTD.	106471	BUILDING SUPPLIES	366.07
MAXXAM ANALYTICS INC.,	106472	WATER PURIFICATION SUPPLIES	290.66
J3 CONSULTING & EXCAVATION LIMITED	106473	PROFESSIONAL SERVICES	1,678.43
CRANE SUPPLY LTD.	106474	PLUMBING SUPPLIES	3,306.69
JAMES G CRAWFORD LTD.	106475	PLUMBING SUPPLIES	689.96
ENVIROSYSTEMS INC.	106476	PROFESSIONAL SERVICES	70,421.95
FASTENAL CANADA	106477	REPAIR PARTS	1,319.78
LONG & MCQUADE	106478	REAL PROGRAM	245.00
ROGERS ENTERPRISES LTD	106479	TRAINING COURSE	1,817.00
ENGINEERING & ENVIRONMENTAL PRODUCTS	106480	REPAIR PARTS	13,825.30
CRAWFORD & COMPANY CANADA INC	106481	ADJUSTING FEES	1,661.00
CYGNUS GYMNASTICS	106482	REAL PROGRAM	360.00
DICKS & COMPANY LIMITED	106483	OFFICE SUPPLIES	1,659.68

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NAME	CHEQUE #	DESCRIPTION	AMOUNT
MIC MAC FIRE & SAFETY SOURCE	106484	REPAIR PARTS	3,978.67
GENTARA REAL ESTATE LP	106485	MUNICIPAL TAX & WATER TAX	5,676.48
DOMINION STORES #922	106486	MISCELLANEOUS SUPPLIES	373.82
HITECH COMMUNICATIONS LIMITED	106487	REPAIRS TO EQUIPMENT	12,972.00
REEFER REPAIR SERVICES (2015) LIMITED	106488	REPAIR PARTS	314.70
DOMINION RECYCLING LTD.	106489	PIPE	241.50
RUSSEL METALS INC.	106490	METALS	497.95
WOLSELEY COMPANY INC.	106491	REPAIR PARTS	1,532.28
CANADIAN TIRE CORP.-HEBRON WAY	106492	MISCELLANEOUS SUPPLIES	126.47
CANADIAN TIRE CORP.-KELSEY DR.	106493	MISCELLANEOUS SUPPLIES	568.02
JAMES R EALES EQUIP RENTAL LTD	106494	RENTAL OF EQUIPMENT	4,485.00
EAST COAST MARINE & INDUSTRIAL	106495	MARINE & INDUSTRIAL SUPPLIES	759.00
EAST CHEM INC.	106496	CHEMICALS	50.14
EASTERN MEDICAL SUPPLIES	106497	MEDICAL SUPPLIES	1,429.35
ECONOMY DRYWALL SUPPLIES.	106498	BUILDING SUPPLIES	1,450.26
NATIONAL ENERGY EQUIPMENT INC.	106499	PROFESSIONAL SERVICES	534.37
EM PLASTIC & ELECTRIC PROD LTD	106500	REPAIR PARTS	915.40
THE TELEGRAM	106501	ADVERTISING	4,416.00
FACTORY FOOTWEAR LONG POND	106502	PROTECTIVE FOOTWEAR	464.58
HOME DEPOT OF CANADA INC.	106503	BUILDING SUPPLIES	1,459.31
J & N EXCAVATING & CONTRACTING	106504	RENTAL OF EQUIPMENT	603.75
DOMINION STORE 935	106505	MISCELLANEOUS SUPPLIES	1,252.67
FASTSIGNS	106506	SIGNAGE	1,944.31
BASIL FEARN 93 LTD.	106507	REPAIR PARTS	569.25
IPS INFORMATION PROTECTION SERVICES LTD.	106508	PAPER SHREDDED ON SITE	32.78
EMERGENCY REPAIR LIMITED	106509	AUTO PARTS AND LABOUR	1,576.06
RATECH ELECTRONICS LTD.	106510	REPAIR PARTS	893.47
CHBA- NEWFOUNDLAND LABRADOR	106511	MEMBERSHIP LUNCHEON	63.25
OMB PARTS & INDUSTRIAL INC.	106512	REPAIR PARTS	421.91
FRESHWATER AUTO CENTRE LTD.	106513	AUTO PARTS/MAINTENANCE	990.75
PRINCESS AUTO	106514	MISCELLANEOUS ITEMS	550.73
IMPACT SIGNS AND GRAPHICS	106515	SIGNAGE	805.00
COASTLINE SPECIALTIES	106516	PROFESSIONAL SERVICES	76,135.75
ENTERPRISE RENT-A-CAR	106517	RENTAL OF VEHICLES	1,345.50
BOOMIT	106518	PROFESSIONAL SERVICES	3,045.20
D.W. MECHANICAL	106519	PROFESSIONAL SERVICES	1,253.50
OMNITECH INC.	106520	REPAIR PARTS	135.70
PROVINCIAL FENCE PRODUCTS	106521	FENCING MATERIALS	6,219.20
ELSTER AMCO WATER, LLC	106522	REPAIR PARTS	23,816.75
WOLSELEY CANADA INC.	106523	REPAIR PARTS	74.06
H & R MECHANICAL SUPPLIES LTD.	106524	MECHANICAL SUPPLIES	1,047.65
DELL CANADA INC.	106525	COMPUTER SUPPLIES	5,695.47

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NAME	CHEQUE #	DESCRIPTION	AMOUNT
XYLEM CANADA COMPANY	106526	REPAIR PARTS	6,226.54
KEITH W. BUSSEY EXCAVATING LTD	106527	RENTAL OF EQUIPMENT	2,291.95
HARRIS & ROOME SUPPLY LIMITED	106528	ELECTRICAL SUPPLIES	13,939.83
HARVEY & COMPANY LIMITED	106529	REPAIR PARTS	14,771.73
A HARVEY & CO. LTD.	106530	ROAD SALT	201,214.54
HARVEY'S OIL LTD.	106531	PETROLEUM PRODUCTS	204,052.11
MS GOVERN	106532	PROFESSIONAL SERVICES	151,895.12
POWER BROTHERS INC. POWER'S SALVAGE	106533	REPAIR PARTS	432.01
MIOVISION TECHNOLOGIES INC.	106534	PROFESSIONAL SERVICES	1,745.56
INDUSTRIES MACHINEX INC.	106535	REPAIR PARTS	14,219.46
GUILLEVIN INTERNATIONAL CO.	106536	ELECTRICAL SUPPLIES	539.47
BRENNITAG CANADA INC	106537	CHLORINE	29,750.68
GRAYMONT (NB) INC.,	106538	HYDRATED LIME	42,564.72
LIFESAVING SOCIETY	106539	FIRST AID CERTIFICATION	262.00
RONA	106540	BUILDING SUPPLIES	33.14
HICKMAN MOTORS LIMITED	106541	AUTO PARTS	797.30
BELL DISTRIBUTION INC.	106542	CELL PHONES & ACCESSORIES	206.95
HISCOCK RENTALS & SALES INC.	106543	HARDWARE SUPPLIES	394.39
HOLDEN'S TRANSPORT LTD.	106544	RENTAL OF EQUIPMENT	3,749.00
FLEET READY LTD.	106545	REPAIR PARTS	2,015.18
TTI SALES & SERVICES INC.,	106546	REPAIR PARTS	1,703.71
HONDA ONE	106547	REPAIR PARTS	162.67
SOURCE ATLANTIC INDUSTRIAL DISTRIBUTION	106548	REPAIR PARTS	2,643.52
NL NEWS NOW INC.	106549	SUBSCRIPTION RENEWAL	517.50
HOUSEHOLD MOVERS & SHIPPERS LTD	106550	PROFESSIONAL SERVICES	874.00
4IMPRINT	106551	PROMOTIONAL ITEMS	999.47
PENNECON ENERGY TECHNICAL SERVICE	106552	PROFESSIONAL SERVICES	3,413.57
SCOTIA RECYCLING (NL) LIMITED	106553	REPAIR PARTS	10,820.97
IMPRINT SPECIALTY PROMOTIONS LTD	106554	PROMOTIONAL ITEMS	189.73
UMBRELLA SECURITY	106555	ALARM MONITORING	86.26
ISLAND HOSE & FITTINGS LTD	106556	INDUSTRIAL SUPPLIES	9.22
GARFIELDS CARBIDE SHARPENING SERVICES	106557	PROFESSIONAL SERVICES	95.00
CHRIS SQUIRES ENTERPRISES INC.,	106558	RENTAL OF EQUIPMENT	2,519.98
PRINTER TECH SOLUTIONS INC.,	106559	REPAIRS TO EQUIPMENT	1,240.50
MERCER'S PAVING INCORPORATED	106560	SNOW CLEARING SERVICES	11,346.66
CDMV	106561	VETERINARY SUPPLIES	384.00
IDEXX LABORATORIES	106562	VETERINARY SUPPLIES	319.46
KAVANAGH & ASSOCIATES	106563	PROFESSIONAL SERVICES	23,430.12
KEAN'S PUMP SHOP LTD.	106564	REPAIR PARTS	1,187.42
WORK AUTHORITY	106565	PROTECTIVE CLOTHING	1,478.22
SAFETY FIRST-SFC LTD.	106566	PROFESSIONAL SERVICES	29,696.06
IEAS LTD.	106567	PROFESSIONAL SERVICES	1,703.44

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NAME	CHEQUE #	DESCRIPTION	AMOUNT
XYLEM WATER SOLUTIONS CANADA	106568	REPAIR PARTS	1,817.35
INDUSTRIAL SCAFFOLDING INC.,	106569	PROFESSIONAL SERVICES	17,250.00
FIRST RESPONSE SUPPLY INC.,	106570	PROTECTIVE FOOTWEAR	676.14
KERR CONTROLS LTD.	106571	INDUSTRIAL SUPPLIES	538.84
VOHL INC.,	106572	REPAIR PARTS	17.88
PETROFORMA INC.,	106573	REPAIR PARTS	1,012.39
THE CARPET FACTORY SUPERSTORE	106574	PROFESSIONAL SERVICES	41,959.14
PURE TECHNOLOGIES	106575	PROFESSIONAL SERVICES	4,600.00
CARMICHAEL ENGINEERING LTD.	106576	PROFESSIONAL SERVICES	342.13
SECURITAS CANADA LTD.	106577	SECURITY SERVICES	237.18
J.A. LARUE	106578	REPAIR PARTS	242.88
MARK'S WORK WEARHOUSE	106579	PROTECTIVE CLOTHING	384.00
JT MARTIN & SONS LTD.	106580	HARDWARE SUPPLIES	319.76
MARTIN'S FIRE SAFETY LTD.	106581	SAFETY SUPPLIES	800.86
ALANTRA LEASING INC.,	106582	OFFICE UNIT STEP RENTAL	1,173.00
JJ MACKAY-CANADA LTD.	106583	PARKING METER KEYS	29,855.74
MIKAN INC.	106584	LABORATORY SUPPLIES	419.76
KONICA MINOLTA BUSINESS SOLUTIONS CANADA LTD	106585	LEASING OF PHOTOCOPIER	8.38
MILL SUPPLY LTD.	106586	REPAIR PARTS	128.86
FIRST CHOICE AUTO GLASS	106587	AUTO PARTS	138.00
SUMMIT PLUMBING & HEATING LTD.	106588	PROFESSIONAL SERVICES	4,116.44
ROCK SAFETY INDUSTRIAL LTD.	106589	REPAIR PARTS	1,217.51
FIT FOR WORK	106590	PROFESSIONAL SERVICES	632.50
PRINTERS PLUS	106591	TONER CARTRIDGE	155.26
MDI CONTRACTING	106592	PROFESSIONAL SERVICES	1,255.60
EVENT MAX MERCHANDISING & PROMOTIONS LTD.	106593	CLOTHING ALLOWANCES	1,673.04
SECURITY SOLUTIONS NL. INC.,	106594	NYE SECURITY SERVICES	11,500.00
HAZARDU	106595	REPAIR PARTS	655.50
ENGLOBE CORP	106596	PROFESSIONAL SERVICES	14,976.45
YETMAN'S SHEET METAL INC.,	106597	PROFESSIONAL SERVICES	7,475.00
WAJAX INDUSTRIAL COMPONENTS	106598	REPAIR PARTS	106.15
NU-WAY EQUIPMENT RENTALS	106599	RENTAL OF EQUIPMENT	5,738.50
NEWFOUND DISPOSAL SYSTEMS LTD.	106600	DISPOSAL SERVICES	36,815.60
NEWFOUNDLAND DISTRIBUTORS LTD.	106601	INDUSTRIAL SUPPLIES	806.61
NEWFOUNDLAND DESIGN ASSOCIATES	106602	PROFESSIONAL SERVICES	113,749.78
NEWFOUNDLAND BROADCASTING CO.	106603	ADVERTISING	1,696.25
TRC HYDRAULICS INC.	106604	REPAIR PARTS	1,649.63
TOROMONT CAT	106605	AUTO PARTS	5,315.90
PENNECON ENERGY HYDRAULIC SYSTEMS	106606	REPAIR PARTS	72.14
PBA INDUSTRIAL SUPPLIES LTD.	106607	INDUSTRIAL SUPPLIES	5,198.90
GCR TIRE CENTRE	106608	TIRES	10,347.92
PETER PAN SALES LTD.	106609	SANITARY SUPPLIES	228.25

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NAME	CHEQUE #	DESCRIPTION	AMOUNT
THE HUB	106610	LUNCHEON	4,053.75
PRAXAIR PRODUCTS INC.	106611	CARBON DIOXIDE	133.63
K & D PRATT LTD.	106612	REPAIR PARTS AND CHEMICALS	96.91
NEWFOUNDLAND EXCHEQUER ACCOUNT	106613	GAZETTE PUBLICATION	35.91
RE-NU INDUSTRIES LTD.	106614	REPAIR PARTS	107.35
RIDEOUT TOOL & MACHINE INC.	106615	TOOLS	3,611.98
NAPA ST. JOHN'S 371	106616	AUTO PARTS	338.35
ROYAL FREIGHTLINER LTD	106617	REPAIR PARTS	300,421.78
S & S SUPPLY LTD. CROSSTOWN RENTALS	106618	REPAIR PARTS	10,129.70
ST. JOHN'S PORT AUTHORITY	106619	SOUTHSIDE ROAD/OUTER BATTERY LAND DISPOSAL	10,625.00
ST. JOHN'S VETERINARY HOSPITAL	106620	PROFESSIONAL SERVICES	784.85
BIG ERICS INC	106621	SANITARY SUPPLIES	402.50
SAUNDERS EQUIPMENT LIMITED	106622	REPAIR PARTS	9,232.89
SPORTSCRAFT 1990 LTD.	106623	SPORTING EQUIPMENT	402.50
STANLEY FLOWERS LTD.	106624	FLOWERS	1,345.50
STEELE FAB INDUSTRIES LTD.	106625	STEEL	400.24
AETTNL	106626	MEMBERSHIP RENEWALS	828.00
THRIFTY CAR RENTALS	106627	VEHICLE RENTAL	692.30
TIBBS STARTERS & ALTERNATORS	106628	REPAIRS TO ALTERNATOR	299.00
TORBAY ROAD ANIMAL HOSPITAL	106629	PROFESSIONAL SERVICES	590.86
PAINT SHOP-TOPSAIL DECOR	106630	PAINT SUPPLIES	375.48
TRACTION DIV OF UAP	106631	REPAIR PARTS	4,049.15
TRISTAR MECHANICAL LIMITED	106632	PROFESSIONAL SERVICES	2,118.62
TULKS GLASS & KEY SHOP LTD.	106633	PROFESSIONAL SERVICES	274.28
URBAN CONTRACTING JJ WALSH LTD	106634	PROPERTY REPAIRS	1,466.25
FJ WADDEN & SONS LTD.	106635	SANITARY SUPPLIES	932.88
WEIRS CONSTRUCTION LTD.	106636	STONE/RAND GRAVEL	5,063.24
CITY OF ST. JOHN'S	106637	NPH TAX BILLING	324,781.96
RECEIVER GENERAL	106638	NATIONAL DOCUMENTARY SERVICES	89.12
CREDIT BUREAU COLLECTIONS	106639	THE WATCHDOG SUBSCRIPTION RENEWAL	167.90
ECONOMIC DEVELOPERS ASSOCIATION OF CANADA	106640	MEMBERSHIP RENEWALS	423.19
MOUNT PEARL SCHOOL OF DANCE	106641	REAL PROGRAM	653.20
JILL DREADDY DANCECO	106642	REAL PROGRAM	1,679.40
SHALLAWAY	106643	REAL PROGRAM	4,177.65
ORTHOPEDIC SOLUTIONS	106644	PROTECTIVE FOOTWEAR	125.00
CANADIAN HOUSING & RENEWAL ASSOCIATION	106645	MEMBERSHIP RENEWAL	406.80
PLAZA BOWL - YBC	106646	REAL PROGRAM	985.50
SPARTAN FITNESS	106647	REPAIR PARTS	222.87
MAX ARTS ATHLETICS WELLNESS	106648	REAL PROGRAM	1,474.44
INSTITUTE OF MUNICIPAL ASSESSORS	106649	WEBINAR FEE	50.00
GOODLIFE FITNESS	106650	FITNESS MEMBERSHIP	472.80
MICHAEL FOLEY'S ACADEMY OF MARTIAL ARTS	106651	REAL PROGRAM	2,050.02

Appendix to Minutes of January 2017

NAME	CHEQUE #	DESCRIPTION	AMOUNT
CREATIVE CITY NETWORK OF CANADA	106652	MEMBERSHIP RENEWAL	1,015.00
NEWFOUNDLAND & LABRADOR COLLEGE OF VETERINARIANS	106653	LICENSE RENEWAL	1,163.45
NEWFOUNDLAND EXCHEQUER ACCOUNT	106654	POLICE REPORT	15.00
MVT CANADIAN BUS, INC.	106655	GOBUS ACCESSIBLE TRANSIT	696,695.94
H & F ELECTRICAL LIMITED	106656	REFUND SECURITY DEPOSIT	72.60
TODD ROBBINS SERVICES INC.	106657	PROFESSIONAL SERVICES	9,085.00
DR. ANDREW HUTTON	106658	MEDICAL EXAMINATION	20.00
NL ASSOCIATION OF MUNICIPAL POLICE AND ENFORCEMENT OFFIC	106659	MEMBERSHIP RENEWAL	150.00
TYCO INTEGRATED SECURITY CANADA, INC.	106660	PROFESSIONAL SERVICES	172.76
SERVICEMASTER RESTORE	106661	PROFESSIONAL SERVICES	125.00
DAMIAN RYAN	106662	PROFESSIONAL SERVICES	150.00
JOSEPH GREENE	106663	PROFESSIONAL SERVICES	150.00
ADVANCED EDUCATION & SKILLS	106664	REFUND OVERPAYMENT OF RENT	1,196.00
CLIFF JOHNSTON	106665	PROFESSIONAL SERVICES	150.00
WILLIAM EARLE	106666	PROFESSIONAL SERVICES	150.00
RAELENE THOMAS	106667	PROFESSIONAL SERVICES	200.00
PROVINCIAL INVESTMENTS INC.	106668	COURIER SERVICES	332.10
SASSY TUNA	106669	REAL PROGRAM	500.00
NILCA	106670	REGISTRATION FEE	258.75
HARBOURSIDE TRANSPORTATION CONSULTANTS	106671	PROFESSIONAL SERVICES	690.00
CANADA DAMAGE RECOVERY	106672	RENT-A-CAR DAMAGE	1,534.84
PAUL TRACEY	106673	REFUND SECURITY DEPOSIT	300.00
WILLIAM BUTLER & JENNIFER FRIESEN	106674	REFUND SECURITY DEPOSIT	201.14
DANIEL CHAFE	106675	REFUND SECURITY DEPOSIT	15,000.00
NEIA	106676	ANNUAL MEMBERSHIP DUES	750.00
MARY FAHEY	106677	REFUND SECURITY DEPOSIT	100.00
JACK HU	106678	REFUND FUNDING OF VEHICLE	200.00
MAXINE GOLLOP	106679	REFUND SECURITY DEPOSIT	100.00
KELLY DAVIS	106680	REFUND OVERPAYMENT OF TAXES	823.56
LINDA MAHON	106681	REFUND OVERPAYMENT OF TAXES	1,258.12
DOUG MEGGISON	106682	REFUND SECURITY DEPOSIT	100.00
ANDREW & CAROLYN LONO	106683	LEGAL CLAIM	181.70
DEREK & PATRICIA BUTTON	106684	REFUND SECURITY DEPOSIT	1,546.90
SUZANNE BUNGAY	106685	HONORARIUM	150.00
IMPACT AUTO AUCTIONS LTD.	106686	LEGAL CLAIM	918.65
CHRISTOPHER MOORE	106687	REFUND SECURITY DEPOSIT	2,000.00
BUTT, ROBERT	106688	VEHICLE BUSINESS INSURANCE	381.95
COLFORD, STEPHEN	106689	MILEAGE	248.39
ANNE POWER	106690	CLOTHING ALLOWANCES	114.98
CHRISTINE FITZGERALD	106691	MILEAGE	58.19
WILLIAMSON, HELEN	106692	MILEAGE	23.74
HAYE, SHAWN	106693	MILEAGE	257.64

Appendix to Minutes of February 2017

NAME	CHEQUE #	DESCRIPTION	AMOUNT
TOBIN, JUDY	106694	MILEAGE	17.53
BRUCE PEARCE	106695	MILEAGE	19.36
ANDREW RODGERS	106696	VEHICLE BUSINESS INSURANCE	381.95
KRISTA GLADNEY	106697	VEHICLE BUSINESS INSURANCE	129.95
DANIEL MARTIN	106698	MILEAGE	130.41
MAX BURKE	106699	MILEAGE	67.69
PIK-FAST EXPRESS INC.	106700	BOTTLED WATER	29.00
PAJ CANADA COMPANY	106701	PROMOTIONAL ITEMS	1,090.99
PUBLIC SERVICE CREDIT UNION	106702	PAYROLL DEDUCTIONS	6,289.51
BELL ALLIANT	106703	TELEPHONE SERVICES	46,980.91
<b>Total: \$</b>			<b><u>3,402,534.51</u></b>

# Appendix to Minutes of January 30, 2017

# DECISION/DIRECTION NOTE

**Title:** Advisory Committee Check in 2016

**Date Prepared:** Jan. 25, 2017

**Report To:** Mayor and Council

**Councillor and Role:** All

**Ward:** N/A

**Decision/Direction Required:** Accept the recommendations of the check-in process and direct staff to make the necessary adjustments where required

## **Discussion – Background and Current Status:**

In June 2015, Council accepted a report prepared by the Office of Strategy and Engagement regarding a review of the City Advisory Committee structure. One of the recommendations was to host an annual event for committees and to continue ongoing evaluation of the effectiveness of committees in their roles. In September 2016, Council provided direction to proceed with an annual check in forum of the newly purposed advisory committees, experts' panels and working groups which took place in December, 2016. The purpose of the forum was to share information and check in on what was working well, what was challenging or tricky and what may need adjustment one year into the change.

Participation in the forum was excellent with representatives from five of six advisory committees, both experts' panels and both working groups. A separate session was organized for the Municipal Advisory Committee for Youth based on their inability to participate during working hours and those unable to attend were sent a survey online to ensure they had an opportunity to participate. The Bike Task force, given its specific mandate and finite timeline to complete its work, were not considered as part of this report.

## **Key Considerations/Implications:**

### **1. Budget/Financial Implications**

N/A

### **2. Partners or Other Stakeholders**

All public members and organizational representatives as they volunteer their time to participate in committee work.

### **3. Alignment with Strategic Directions/Adopted Plans**

Responsive and Progressive

- Create a culture of engagement

Effective Organization

- Support corporate wide information and knowledge sharing

# ST. JOHN'S

A Culture of Cooperation

- Create effective City-community collaborations

**4. Legal or Policy Implications**

As per Terms of reference for specific committees

**5. Engagement and Communications Considerations**

Committee members, lead staff and Council members who expressed interest were consulted as part of check in process. Prior to any changes/adjustments being made, public committee members should receive a follow up on the recommendations that came forward for consideration.

**6. Human Resource Implications**

City Clerk role for one committee to be adjusted. Two committees to have change in lead staff role.

**7. Procurement Implications**

N/A

**8. Information Technology Implications**

As per recommendations, enhance use of engage portal and public website.

**9. Other Implications**

**Recommendation:** Accept the recommendations as outlined in the powerpoint presentation and direct staff to make the necessary adjustments. Share report with public committee members to ensure awareness of the changes and close the loop on the check in process.

**Prepared by/Signature:** Victoria Etchegary, Manager, Organizational Performance and Strategy

**Approved by/Date/Signature:** Derek, Coffey, Deputy City Manager, Finance and Administration

**Attachments:** Powerpoint Presentation – Committee Check in 2016



# Council advisory committees One year in - Check in 2016



# Scope of work

- This was not a review of ALL aspects of the committees as a full review was completed in 2014-15 and a series of recommendations put forward that Council adopted in June 2015.
- This was a “check-in” to determine what is working well, challenging or tricky and what may need to be adjusted. Check in included:
  - Two meetings held with lead staff (one pre forum and one post forum)
  - Meetings with Council members who expressed an interest in providing feedback
  - Facilitated all Committee Forum (Dec. 6) to bring committee members together to provide input
  - Survey of public members unable to attend forum
  - Separate session for youth committee (to be held at a future date)
  - Follow up meetings with lead staff associated with committees where current function may need more clarity
- Review of existing T of R for membership and online presence of committees



# Principles and Assumptions

- Looked at the function of committees: providing advice to Council as a whole through Standing Committees; considered how they receive direction/guidance from Council as a whole regarding their focus
- Approached work based on assumption that these committees will continue to function in the future
- Recognition that committees have been functioning for only one year with new T of R and approach and not all committees have had equal amounts of meetings and time to “gel”
- Focused on effectiveness and efficiency of committees as advisors to Council and as engagement tools in the realm of “consultation.”



# General observations

- Majority of repurposed committees, working groups, experts panels are functioning better than they were prior to the original review
- Committees have exceptional membership with skilled experts and interested citizens who want to contribute
- Committees appreciate the role of assigned lead City staff and say it adds value for focus
- Councillor role as champion/liaison better serves the committees
- Committees are generally clearer on mandate/purpose/focus areas and their role in decision making
- Meetings are more purposeful
- Role of City Clerk valued for support and coordination function
- Committee role in engagement still needs more focus – i.e. committees are established to provide advice on projects/initiatives being undertaken – lack of consistency in how they are being used
- There is value in bringing the committees together to share information and connect with one another
- Some minor adjustments are needed to ensure continued effectiveness of committees



# General recommendations





# Administration

- Simple things like time of day, location, how one participates needs to be addressed— discussion for each committee and not an across the board change
- Parking – need PDF parking permits and send in advance – saves time and avoids tickets and missed meetings
- Clarity in process – as part of meeting process committee members need reminders of where things come from for the agenda and where it goes afterwards – closing the loop
- Process for chair nomination and selection – seek interest in leadership role on application and ask about prior experience in such a role, allow for a couple of meetings before nominating/choosing a chair; provide guidance/training to existing chairs



# Reporting

- Appear to be some gaps in reporting process
- Minutes need to be posted to Council portal as part of agenda for Standing Committee meeting for information
- Minutes need to be posted to public portal (once recommendations have been discussed and decisions made by Council)
- Consideration should be given to having committees provide a report once per year (outside of minutes) to highlight what the committee has been involved with and/or how the committee was involved in advising on decision making by Council. This requires a template.



# Terms of Reference (T of R) and Governance

- Existing T of R need to be reviewed in light of Program Review and other staff changes to ensure the right staff/positions are attached to the committees (City clerk to work with lead staff on this piece to finalize staff membership.)
- At the beginning of each year, at their first meeting, committees need to review their terms of reference– noting and understanding their focus
- Add specifics to T of R regarding quorums – City Clerk to adjust





# Information sharing and decision making

- While briefing notes (information notes and decision notes) are effective tools and MUST be used to prepare committee members for discussion about agenda items, the decision note should be repurposed as an Advisory/Recommendation note for the purposes of these public member based committees. This will provide added clarity on the committees' role in the decision making process.
- Items for committee agendas should be referred by Council or a Standing Committee and be reviewed in advance of the committee meeting by lead staff and chair (as per T of R). This will ensure that the role of the committees does not stray from that of an advisor to Council. It will also ensure appropriate background information is available for committee members to adequately address the item. Agenda items must be in keeping with the committee's mandate, an existing city plan/strategy or as determined by department process i.e. review of an application or part of larger engagement process rather than inclusion by individual councillors.



# On line presence

- All committees should have a uniform online presence which includes:
  - Overview of committee role/mandate
  - Membership
  - Council role and name (where applicable) and link to relevant Standing Committee
  - Link to agendas, minutes and reports
- Online [engagement portal](#) needs to be better utilized as an information sharing, discussion and efficiency tool



# Committee specific recommendations



# Affordable Housing Working Group

- Well functioning with many sub committees focused on specific issues/topics within scope of AHBP and T of R.

Recommendation: Lead staff adjustment given role –  
AHC vs Manager, Housing



# Paratransit Working Group (PTWG)

- PTWG functioning well with lead staff role who is connected to City's Accessibility and Inclusion Advisory Committee
- St. John's Transportation Commission in best position to be responsible for this committee going forward as staff and expertise resides at Commission
- No longer a need for City Clerk's involvement

Recommendation: PTWG be transferred to SJTC and updates to be provided at Commission meetings on a regular basis. Council Champion role to be maintained as per T of R. Terms of reference to be updated to reflect change in reporting.



# Arts and Culture Advisory Committee

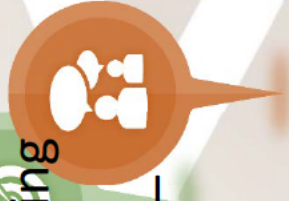
- Committee brings expertise in their roles
- Committee needs more focus in mandate
- Recommendations
  - Add indigenous voice to committee
  - Add provincial representative to committee
  - Clearly articulate the role of the committee in providing advice to implementation of arts and culture related goals in Roadmap 2021 and Municipal Arts Plan
  - Look at option of subcommittees/working groups for specific pieces of work/connection to other committees like Downtown AC and Built Heritage





# Accessibility and Inclusion Advisory Committee

- Much more focused and purposeful than previous committee
- Working groups and sub committees very effective
- Accessibility has improved in short time committee has functioned
- Recommendations
  - Enhance use of engage portal for community discussion
  - Consider how committee can be involved in City's welcoming and diversity initiatives as per Roadmap 2021
  - Determine how to handle "hot" topics between meetings – establish a protocol



# Downtown Advisory Committee

- Brand new committee – only two meetings in 2016
- Downtown a very broad theme and many “hot” topics in current environment
- Recommendation
  - Mandate needs clarification – more focus required (focused conversation took place in December with lead staff and Co-chairs and Champion)
  - Need vision statement for the downtown to guide discussion and this needs to be approved by Council
  - More meetings upfront to create momentum and focus
  - Improve information sharing between meetings





# Seniors Advisory Committee

More focused than previous committee

Using strategic directions as guiding tool

Best Practice: Committee is planning to pilot paperless meetings



# Municipal Youth Advisory Committee

- Unable to get significant feedback due to scheduling issues for youth members.
- Meeting with this group separately in Feb and will provide update for this one at that time if any changes required.



# Environmental Advisory Committee

- Good representation from community, passion and interest in the work by the committee – desire to be doing more
- Currently no staff position in organization that leads “environmental” initiatives and City has no “environmental” focus on website or in Strategic plan
- Most of the City’s environmental initiatives are housed within the Public Works Department
- Recommendation:
  - Change lead staff role to be a manager from Public Works – this will allow more connection to water, waste water, waste management and waste diversion, parks and open spaces
  - Committee to report to PW Standing Committee except for planning/development agenda items which will continue to come from PERS and report to Planning and Development Standing Committee
  - Add to membership – need someone with experience/expertise in storm water management/watershed background –adjust T of R accordingly;
  - Committee needs clearer direction from Council and staff on their role. PW Standing Committee to provide advice and guidance to committee on areas needing their involvement and perspective – focus and work of committee should dictate schedule of meetings




# Animal Care and Control Experts Panel

- Only one meeting in 2016
- Roles and responsibilities were not clear
- Recommendations:
  - Press restart: elect public chair, better engage members, fill current vacancy
  - Adjust T of R – remove “review bylaws” and “provide advice and recommendations regarding convenient, affordable spay and neuter.”
  - Need to ensure committee is consulted on projects that have “animal” implications, i.e. dog parks,





# Built Heritage Experts Panel

- All members attended forum
  - Current membership currently addressing terms of reference and scope of work - no changes recommended.
  - Recommendation:
    - consider adding urban design to terms of reference
    - Consider working groups with other committees such as arts and downtown
    - Involve committee in discussion of parks, open spaces, etc.. As heritage and design go beyond buildings
- 



# Conclusions

- Committees continue to provide a means of connecting with the community on topics and issues of importance to the city and can provide advice - *the scope of the advice needs to be clear and should be governed by existing plans or departmental mandates, City priorities*
- Good governance ensures effectiveness
- Staff lead is a must and adds tremendous value to process 
- Committees without a clear mandate from Council lack focus and clarity of purpose 

# DECISION/DIRECTION NOTE

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**Title:** St. John's Development Regulations Amendment #613, 2016  
Amendment to Parking Lot Size Limits  
PDE # DEV400271  
53 Radio Range Road

**Date Prepared:** January 30, 2017

**Report To:** His Worship the Mayor and Members of Council

**Councillor & Role:** Councillor Art Puddister, chair, Planning and Development Committee

**Ward:** 1

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**Decision/Direction Required:** That Council adopt the attached resolution for St. John's Development Regulations Amendment Number 613, 2016, which would remove the 0.5-hectare size limit on parking lots.

**Discussion – Background and Current Status:**

There is a conflict in the St. John's Development Regulations concerning the size of parking lots, which has an important bearing on the application at 53 Radio Range Road. The size limit would prevent the proposed development of a Park 'n' Fly parking lot at Radio Range Road (now to have sole access from Craig Dobbin's Way).

In the Development Regulations, Section 9.1.1 "General Parking Requirements" sets out the amount of parking required for different land uses. The number of off-street parking spaces, and thus the size of a parking lot, varies depending on land use. However, Section 7.13.1 "Parking Lot" sets a maximum size of 0.5 hectare (approximately 1.2 acres) for a parking lot. Depending on the land use, the requirements of Section 9 might require a parking lot larger than 0.5 hectare, and there have been a number of larger lots developed in past years. To correct this, staff recommended that Section 7.13.1 be amended to remove the maximum parking-lot size of 0.5 hectare.

At its special meeting of May 11, 2015, Council directed staff to advertise the proposed amendment and refer it to a public meeting, which was held on June 3, 2015. The amendment was later adopted by Council on December 5, 2016. While the information package was being prepared for Municipal Affairs it was noted that the amendment was advertised only once, due to the fact it was originally submitted as a development application. The requirements of the Urban and Rural Planning Act require that an amendment be advertised twice. Therefore the ad was ran a second time to meet all legal requirements, and is now being referred back to Council for adoption.

**Key Considerations/Implications:**

1. Budget/Financial Implications: Not applicable

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# ST. JOHN'S

2. Partners or Other Stakeholders:  
Area property owners and residents.
3. Alignment with Strategic Directions/Adopted Plans:  
St. John's Municipal Plan, Part III, Section 3.2.2: The City shall ensure adequate control of commercial developments to limit any detrimental effects.
4. Legal or Policy Implications:  
A parking lot is a permitted use in the CN Zone, while the nearby houses on Radio Range Road are non-conforming uses.
5. Engagement and Communications Considerations: Not applicable
6. Human Resource Implications: Not applicable
7. Procurement Implications: Not applicable
8. Information Technology Implications: Not applicable
9. Other Implications: Not applicable

**Recommendation:**

It is recommended that Council rescind its earlier approval (R2016-12-05/12) for this amendment and now adopt the attached St. John's Development Regulations Amendment Number 613, 2016. This amendment would revise Section 7.13.1 "Parking Lot" by removing the existing maximum parking-lot size of 0.5 hectare. If the amendment is adopted, it will then be referred to the Minister of Municipal Affairs with a request for provincial registration, in accordance with the Urban & Rural Planning Act.

**Prepared by:**

Lindsay Lyghtle Brushett, MCIP – Planner III

Signature: \_\_\_\_\_

**Approved by:**

Ken O'Brien, MCIP – Chief Municipal Planner

Signature: \_\_\_\_\_

LLB/dlm

**Attachments:**

Amendments



**RESOLUTION  
ST. JOHN'S DEVELOPMENT REGULATIONS  
AMENDMENT NUMBER 613, 2016**

**WHEREAS** the St. John's Municipal Council wishes to remove the size restriction on a stand-alone parking lot (that is, a parking lot that is not associated with another land use),

**BE IT THEREFORE RESOLVED** that the St. John's Municipal Council hereby adopts the following text amendment to the St. John's Development Regulations pursuant to the provisions of the Urban and Rural Planning Act, 2000:

**Amend Section 7.13.1 "Parking Lot" by removing the following subsection:**

**"(a) the parking area shall be on a Lot having an area of not more than 0.5 ha;"  
and renumbering the following subsections accordingly.**

**BE IT FURTHER RESOLVED** that the St. John's Municipal Council requests the Minister of Municipal Affairs to register the proposed amendment in accordance with the requirements of the Urban and Rural Planning Act, 2000.

**IN WITNESS THEREOF** the Seal of the City of St. John's has been hereunto affixed and this Resolution has been signed by the Mayor and the City Clerk on behalf of Council this        day of                   , 2017.

\_\_\_\_\_  
Mayor

\_\_\_\_\_  
MCIP

I hereby certify that this Amendment has been prepared in accordance with the Urban and Rural Planning Act, 2000.

\_\_\_\_\_  
City Clerk

\_\_\_\_\_  
Council Adoption

\_\_\_\_\_  
Provincial Registration

# DECISION/DIRECTION NOTE

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**Title:** St. John's Development Regulations Amendment No. 613, 2016  
Amendment to Parking-Lot Size Limit of 0.5 Hectare  
Application for a Stand-Alone Parking Lot at  
PDE file DEV1400217, Council Directive CD#S2015-05-11/1  
53 Radio Range Road

**Date Prepared:** May 30, 2016

**Report To:** His Worship the Mayor and Members of Council

**Councillor & Role:** Councillor Art Puddister, chair, Planning and Development Committee

**Ward:** 1

---

**Decision/Direction Required:**

To decide on removing the 0.5-hectare size limit on parking lots. The size limit would prevent the proposed development of a Park 'n' Fly parking lot at Radio Range Road (now to have sole access from Craig Dobbin's Way).

**Discussion – Background and Current Status:**

There is a conflict in the St. John's Development Regulations concerning the size of parking lots, which has an important bearing on the application at 53 Radio Range Road.

In the Development Regulations, Section 9.1.1 "General Parking Requirements" sets out the amount of parking required for different land uses. The number of off-street parking spaces, and thus the size of a parking lot, varies depending on land use. However, Section 7.13.1 "Parking Lot" sets a maximum size of 0.5 hectare (approximately 1.2 acres) for a parking lot. Depending on the land use, the requirements of Section 9 might require a parking area larger than 0.5 hectare, and there have been a number of larger lots developed in past years.

To correct this, staff recommended that Section 7.13.1 be amended to remove the maximum parking-lot size of 0.5 hectare. At its special meeting of May 11, 2015, Council directed staff to advertise the proposed amendment and refer it to a public meeting, which was held on June 3, 2015 (minutes attached).

**PUBLIC MEETING**

The public meeting was intended to discuss the general restriction of 0.5 hectare on parking lots. However, discussion focused on the application noted above from Clayton Hospitality Inc. for a stand-alone parking lot for a Park 'n' Fly operation at 53 Radio Range Road. The parking lot would have access off Radio Range Road and off Portugal Cove Road and was proposed to be approximately 2.5 hectares in size with 625 parking spaces.

# ST. JOHN'S

Area residents are opposed to the parking lot and voiced their objections that removing the size limit would enable the parking lot to be developed. Radio Range Road is in a peculiar situation, as they have an old residential neighbourhood that has never had residential zoning. The area was zoned as Airport Restricted Building Area under the St. John's Metropolitan Area Board. When the area became part of the City in 1982, the zone applied was the Rural Commercial and Industrial (RCI) Zone, which no longer exists. Then after 1992 the area was zoned Commercial Neighbourhood (CN).

In short, the residential properties along the west side of Radio Range Road have been there for decades as non-conforming uses. The Ann-Jeannette neighbourhood off Torbay Road is in a similar situation in that they are long-standing residential uses in a Commercial Industrial (CI) Zone.

Non-conforming uses can always remain and can be expanded under certain circumstances. These neighbourhoods are stable residential areas and should be treated in such a way that the quiet enjoyment of people's property is respected, notwithstanding the non-residential zoning.

## APPLICATION

In the present application, the proposed land use of a large parking lot is a permitted use in the CN Zone. The applicant is working through the City's requirements for access, buffering, screen fencing, stormwater detention, landscaping and tree coverage. However, the conditions are not ideal, given the presence of the houses. Radio Range Road is substandard in terms of having a narrow width of pavement and no sidewalks. It suits the purpose for the neighbourhood, as it is a dead-end road and thus has no through traffic. The 19 houses along the road do not generate much traffic.

Much of the neighbourhood concern centered on a large increase in traffic on Radio Range Road. The City evaluated an alternative to have right-in/right-out access from Portugal Cove Road. There now appears to be the option of having exclusive access from Craig Dobbin's Way. There would be no access on Radio Range Road or Portugal Cove Road, thus no traffic concerns.

The City's Development Regulations require a 3-metre landscaped area or a screen fence at least 1.8 metres (6 feet) high; a higher screen fence is desirable to buffer the houses, especially since clearing out most of the forested area for the parking lot will open up the houses to the traffic noise from Portugal Cove Road.

## Key Considerations/Implications:

1. Budget/Financial Implications: N/A
2. Partners or Other Stakeholders:  
Area property owners and residents.
3. Alignment with Strategic Directions/Adopted Plans:  
St. John's Municipal Plan, Part III, Section 3.2.2: The City shall ensure adequate control of commercial developments to limit any detrimental effects.

4. Legal or Policy Implications:  
A parking lot is a permitted use in the CN Zone, while the nearby houses on Radio Range Road are non-conforming uses.
5. Engagement and Communications Considerations: N/A
6. Human Resource Implications: N/A
7. Procurement Implications: N/A
8. Information Technology Implications: N/A
9. Other Implications: N/A

**Recommendation:**

It is recommended that Council adopt the attached amendment to amend Section 7.13.1 "Parking Lot" by removing the existing maximum parking-lot size of 0.5 hectare. A Municipal Plan amendment is not required.

If adopted, the amendment will then be sent to the Department of Municipal Affairs with a request for provincial registration.

**Prepared by/Signature:** Ken O'Brien, MCIP, Chief Municipal Planner

Signature: \_\_\_\_\_

**Approved by/Date/Signature:** Jason Sinyard, P.Eng., MBA

Signature: \_\_\_\_\_

KO'B/dlm

**Attachments:**

1. St. John's Development Regulations Amendment No. 613, 2015.
2. Air photo of the Radio Range Road area.



The Chief Municipal Planner acknowledged that the participants of the meeting were residents of Radio Range Road and that they were particularly concerned about the Park & Fly application presently before Council. Mr. O'Brien advised that although somewhat peculiar, Radio Range Road is currently residential but does not have Residential zoning. Under the St. John's Municipal Plan, Radio Range Road is designated CN Zone (Commercial Neighbourhood) which allows for non-conforming use. He gave an example of Anne Jeannette Trailer Park which also exists as residential but is clearly designated Commercial Industrial (CI) Zone due to its close proximity to the Airport .

Zoning maps were on display and Mr. O'Brien referenced them to clarify any confusion with zoning for Radio Range Road. Under the Municipal Plan for Metro Board dated July, 1966, it indicated that Radio Range Road and area had been zoned Airport Restricted Building Area. This designation applied to Radio Range Road, the Airport itself, and surrounding lands in all directions, including Major's Path.

In 1982 it became part of the City of St. John's and in 1988 the west side was then classified as Rural Commercial Industrial (RCI) Zone while the east side had been changed to the Airport Zone. Around 1994, the RCI Zone was eliminated and Radio Range Road became part of the Commercial Neighbourhood (CN) Zone which it remains as today. The Airport property remained Airport Zone. He concluded his presentation referencing that Mr. Blair Bradbury, the City's Development Engineer – Traffic, would address any parking lot development questions the residents might have.

The floor was opened for questions, comments and feedback.

#### **– Radio Range Road**

- Opposed to the regulation change and was not clear why the City wanted to change it.
- Wanted the provision of having a parking lot on not more than 0.5 hectares remain in place as to not allow for the proposed Park & Fly application which would be developed on 2.64 hectares of land.
- Concerned about noise disturbances, rat infestation from proposed parking lot development, possible ground flooding, as well as environmental factors created from tree removal.
- As Radio Range Road would be the access road leading to the proposed Park & Fly, there would be increased traffic volume throughout all hours of the night and would affect elderly neighbours that walked the road.
- Safety concerns for pedestrians during high traffic times.
- Concerned with snow clearing issues and noise from snow clearing equipment.
- Felt that the proposed development should have its access road on Portugal Cove Road.

- Questioned the Airport Restricted, Metro Board Municipal Plan Zoning, as he purchased his home in 1974. How did it get approved? The Chief Municipal Planner noted that zoning was put in place by the former Metro Board.
- Reference ongoing noise from construction and paving at the airport for approximately 100 spaces. Felt it was a bit ironic that the airport was expanding their long term parking which is not fully utilized. Wondered why the 625 spaces would ever be required. Suspected that this was not a genuine application but was just to gain access onto the land.
- Wondered if developer changed his application, would he be required to make another application to the City.
- Asked when a decision will be made on this Amendment. The Chief Municipal Planner advised that it would have to go to Council, probably within the next few weeks, for consideration. The Development Engineer - Traffic advised that the application was submitted but not yet approved. The redesign process is still ongoing for the Park & fly application.
- Staff had to go back with conditions to the developer and are awaiting the developer's response on that regard.
- Opposed to being boxed in from fencing from the access road when approved but if it does proceed, Mr. Hurd would like a decent fence constructed.
- Spoke to the comparisons of parking lots mentioned by the Chief Municipal Planner to the proposed parking lot and the comparison of Ann Jeanette to Radio Range Road and felt there was no comparison. Mr. Hurd noted it was a very quiet residential area where he raised his children and now that would all be destroyed by this proposed development.
- Recalled a meeting in 2012, called by Councillor Breen for the residents of Radio Range Road, residents were not consulted but advised that a road required by the Airport would be placed behind their house.
- Spoke about deterioration of their road from cars.
- Wondered if carrier trucks would be allowed to offload on Radio Range Road. The Development Engineer – Traffic, advised that any offloading had to be contained on the property receiving the goods.
- Felt that Radio Range Road did not have the width to accommodate carrier trucks and that Portugal Cove Road would be a better suited location for access to the Park & Fly.
- As well a right handed turning lane for traffic would conflict with the Park & Fly in the night timed during the winter and travelling to the airport. Felt there would be lots of merging taking place.

### **– Radio Range Road**

- Reiterated Mr. Hurd’s concerns and confusion regarding the allowance of residential construction even though the zoning was under Airport Restricted when her house was built in 1979/1980 was under Airport Restricted.
- The Chief Municipal Planner noted the homes on Radio Range Road used to provide flight crew accommodations and now the crews are placed in hotels.
- Safety concerns once again due to high traffic congestion.
- Consulted with a Real Estate Agent and was advised if approval given for proposed development, her property value would decrease by 30%.
- Felt Major’s Path was a better location for the access road compared to Radio Range Road which has 20 residential homes on a cul-de-sac.
- Wondered if the developer had to comply with the application to construct 625 parking lots or would they develop so much of the land as a parking lot and try to create some other commercial business, like a car rental company.
- The Chief Municipal Planner advised that if the development was approved and only half of the proposed site was used to construct a parking lot then the developer would have to apply for a commercial permit.
- Up until 3 years ago, when the proponent approached the City to set up a Rent-a-car business, Ms. Barnes understood that access was supposed to come from the Airport Road and questioned what had changed to redirect the current application to Radio Range Road. The Development Engineer – Transportation advised that he could not speak to the proponent’s previous application but only to the current application. He advised that Portugal Cove Road is a controlled access road with right turn only for both access, egress and yield conditions.

### **– Radio Range Road**

- Recapped concerns regarding depreciation of his property as he would be boxed in by 200 feet of fencing on one side and 75 feet on the back that would be created for the proposed access road.
- Concerned about 600 cars driving up and down alongside his home everyday and snow clearing in the winter. Where would the snow be placed? Would it be put alongside his property?
- He advised that the applicant already has a parking lot over by the Comfort Inn and felt it was not approved or finished with over 200 cars using it the last 4 or 5 days and on a 0.05 hectare parking lot. Why doesn’t the developer keep this existing parking lot as his Park & Fly and not proceed with the current application? He argued that there are lots of parking spaced to avail of in the nearby retail area, ie. Walmart.
- He advised that he spoke to an owner of a Park & Fly and they are never at full capacity.





- Radio Range Road became part of the City years ago due to a technicality. Prior to joining the City, they only had to pay taxes on the land they built on. Then under Mayor Wells, residents that required water hookup had to pay taxes on their deferred land which they felt was a ransom.

**██████████ - Radio Range Road**

- Has resided there since 1972 and never knew it was Airport Restricted.
- Owns a lot on Radio Range Road and considered selling or developing as residential it; however, the City would not approve it.
- She questioned the double standard that exists with the City supporting this proposed development.

**██████████ – Radio Range Road**

- Questioned if there were any more applications similar to a Parking lot application behind residential homes. The Chief Municipal Planner advised there were no applications for stand-alone parking lots.
- Speculated that the proposed Development Regulation Amendment was to accommodate the proposed Park & Fly application so it could be approved.

Councillor Breen advised that when the airport expanded there was no public consultation. He further commented that the Radio Range Road residents were not aware of their current zoning until this application was presented and asked not to amend the Development Regulations.

Councillor Puddister informed that he came to listen to the area residents' concerns and that consideration be given to the access road being put on Portugal Cove Road instead.

The Chair advised he had heard all of the residents' concerns and that they would all be taken into consideration, once Council makes its decision.

The meeting adjourned at 8:10 pm.

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Wally Collins  
Chairperson

**RESOLUTION  
ST. JOHN'S DEVELOPMENT REGULATIONS  
AMENDMENT NUMBER 613, 2016**

**WHEREAS** the St. John's Municipal Council wishes to remove the size restriction on a stand-alone parking lot (that is, a parking lot that is not associated with another land use),

**BE IT THEREFORE RESOLVED** that the St. John's Municipal Council hereby adopts the following text amendment to the St. John's Development Regulations pursuant to the provisions of the Urban and Rural Planning Act, 2000:

**Amend Section 7.13.1 "Parking Lot" by removing the following subsection:**

**"(a) the parking area shall be on a Lot having an area of not more than 0.5 ha;"  
and renumbering the following subsections accordingly.**

**BE IT FURTHER RESOLVED** that the St. John's Municipal Council requests the Minister of Municipal Affairs to register the proposed amendment in accordance with the requirements of the Urban and Rural Planning Act, 2000.

**IN WITNESS THEREOF** the Seal of the City of St. John's has been hereunto affixed and this Resolution has been signed by the Mayor and the City Clerk on behalf of Council this        day of       , 2016.

\_\_\_\_\_  
Mayor

\_\_\_\_\_  
MCIP

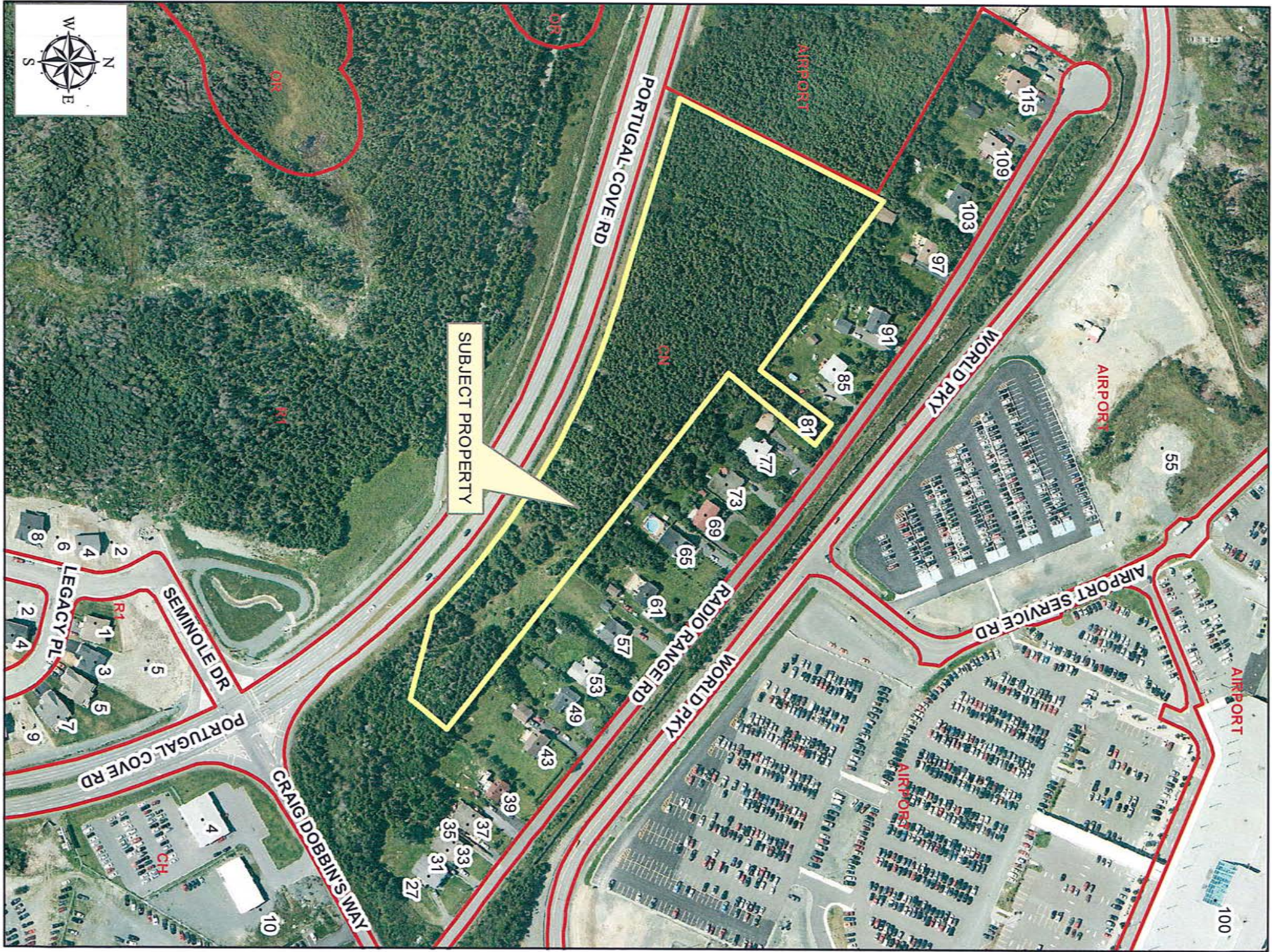
I hereby certify that this Amendment has been prepared in accordance with the Urban and Rural Planning Act, 2000.

\_\_\_\_\_  
City Clerk

\_\_\_\_\_  
Council Adoption


\_\_\_\_\_  
Provincial Registration









**Re: Written submission on the Text Amendment - Parking Lot Standards** 

**City Clerk and Council** to: [REDACTED]

2017/01/31 12:47 PM

Sent by: **Elaine Henley**

Cc: cityclerk, Jason Sinyard, Ken O'Brien, Lindsay Lyghtle  
Brushett, Dave Wadden, Gerard Doran, Andrea Roberts, Karen  
Chafe, Planning, Kathy Driscoll, Ashley Murray, Arthur

Good Afternoon Mr. [REDACTED]:

We thank you for your feedback and have forwarded your comments to both the City's Department of Planning, Engineering and Regulatory Services as well as the Mayor and Council for its consideration.

Elaine Henley  
City Clerk

[REDACTED] Hello, I would like to first point out that emailing a...

2017/01/31 11:29:16 AM

From: [REDACTED]  
To: cityclerk@stjohns.ca  
Date: 2017/01/31 11:29 AM  
Subject: Written submission on the Text Amendment - Parking Lot Standards

Hello,

I would like to first point out that emailing a notice of text amendment seeking feedback 45 minutes before the deadline for feedback submission is insulting to the public. I realise previous calls for submission were made, however final notice should be given with more time.

The deletion of parking lot size limits from City regulations is a mistake. St. John's receives large quantities of precipitation, has drainage infrastructure that is old and frequently overwhelmed and already suffers the effects of increasing surface runoff. We face increasingly unpredictable weather with climate change, which will likely produce a higher frequency of winter freeze-thaw cycles and rain-on-snow events. Exacerbating the difficulties the City's infrastructure faces in dealing with an already difficult climate with allowing developers unlimited freedom over how much they are allowed to increase the impermeable surface area will only result in more problems for areas that are currently within or on the edge of floodplains.

The City has made claims about wanting to think and plan progressively and regionally, but has made incredible decisions to the contrary (e.g. allowing the Galway development). Do not continue to make short-sighted decisions that will cause problems in the future. Not only will allowing parking lot sizes contribute to increasing frequency of flooding events, it also degrades the aesthetic appeal of our city. How often do you think people gaze across Stavanger Drive and consider themselves lucky to live in such a beautiful place?

Please re-consider this amendment.

[REDACTED]

# DECISION/DIRECTION NOTE

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**Title:** St. John's Development Regulations Amendment Number 651, 2017  
Rezone property from the Rural Residential Infill (RRI) and Rural (R) Zones to the Commercial Industrial (CI) Zone  
PDE # REZ1600003  
265 Brookfield Road  
Applicant: Commander Ventures on behalf of 10327 Newfoundland Limited

**Date Prepared:** January 30, 2017

**Report To:** His Worship the Mayor and Members of Council

**Councillor & Role:** Councillor Art Puddister, chair, Planning and Development Committee

**Ward:** 5

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**Decision/Direction Required:** That Council adopt the attached resolution for St. John's Development Regulations Amendment Number 651, 2017, to rezone 265 Brookfield Road from the Rural Residential Infill (RRI) and Rural (R) Zones to the Commercial Industrial (CI) Zone.

**Discussion – Background and Current Status:**

The proposed application is to rezone 265 Brookfield Road from the Rural Residential Infill (RRI) and Rural (R) Zones to the Commercial Industrial (CI) Zone for the purpose of developing a single storey, six (6) unit light industrial building. A Municipal Plan amendment is not required.

Following submission of an acceptable Land-Use Assessment Report (LUAR), the report was advertised for public review. A public meeting chaired by Councillor Hickman was held on January 17, 2017. Minutes of the public meeting are attached.

Concerns were raised by residents regarding the Non-Conforming Use of the property and ongoing complaints in regards to both the application site and the adjoining property, 33 Tobin's Road. At this time, there are several active complaint files for 265 Brookfield Road. Additional concerns raised include noise, unsightly property, environmental and flooding concerns and overall safety for children.

The Municipal Plan encourages a mix of land uses and the Rural District allows Industrial Zones to be considered, subject to a Land Use Assessment Report (LUAR). Given the long-standing commercial uses adjacent to this site, an extension of the existing CI Zone to include the subject property could be considered. Appropriate buffering must be provided by the applicant to separate the proposed CI Zone from the neighbouring residential properties.

**Key Considerations/Implications:**

1. Budget/Financial Implications: Not applicable



2. Partners or Other Stakeholders:  
Neighbouring residents and property owners.
3. Alignment with Strategic Directions/Adopted Plans:  
In-line with the Rural District policies of the St. John's Municipal Plan.
4. Legal or Policy Implications: Not applicable
5. Engagement and Communications Considerations:  
The City held a public meeting on this application.
6. Human Resource Implications: Not applicable
7. Procurement Implications: Not applicable
8. Information Technology Implications: Not applicable
9. Other Implications:  
A variance of 5.4% would be required on lot frontage, and would be considered if the rezoning application is approved.

**Recommendation:**

It is recommended that Council adopt the attached St. John's Development Regulations Amendment Number 651, 2017 to rezone 265 Brookfield Road from the Rural Residential Infill (RRI) and Rural (R) Zones to the Commercial Industrial (CI) Zone. This rezoning would allow the development of a single storey, six-unit light industrial building. If the amendment is adopted by Council, it will then be referred to the Minister of Municipal Affairs with a request for provincial registration, in accordance with the Urban & Rural Planning Act.

**Prepared by:**

Lindsay Lyghtle Brushett, MCIP – Planner III

Signature: \_\_\_\_\_

**Approved by:**

Ken O'Brien, MCIP – Chief Municipal Planner

Signature: \_\_\_\_\_

LLB/dlm

**Attachments:**

Amendments  
Zoning map  
Meeting minutes

**RESOLUTION  
ST. JOHN'S DEVELOPMENT REGULATIONS  
AMENDMENT NUMBER 651, 2017**

**WHEREAS** the City of St. John's wishes to allow the development of light industrial development at 265 Brookfield Road.

**BE IT THEREFORE RESOLVED** that the City of St. John's hereby adopts the following map amendment to the St. John's Development Regulations in accordance with the provisions of the Urban and Rural Planning Act:

**Rezone land at 265 Brookfield Road [Parcel ID# 29409] from the Rural Residential Infill (RRI) and Rural (R) Zones to the Commercial Industrial (CI) Zone as shown on Map Z-1A attached.**

**BE IT FURTHER RESOLVED** that the City of St. John's requests the Minister of Municipal Affairs to register the proposed amendment in accordance with the requirements of the Urban and Rural Planning Act, 2000.

**IN WITNESS THEREOF** the Seal of the City of St. John's has been hereunto affixed and this Resolution has been signed by the Mayor and the City Clerk on behalf of Council this \_\_\_\_ day of \_\_\_\_\_, 2017.

\_\_\_\_\_  
**Mayor**

\_\_\_\_\_  
**MCIP**

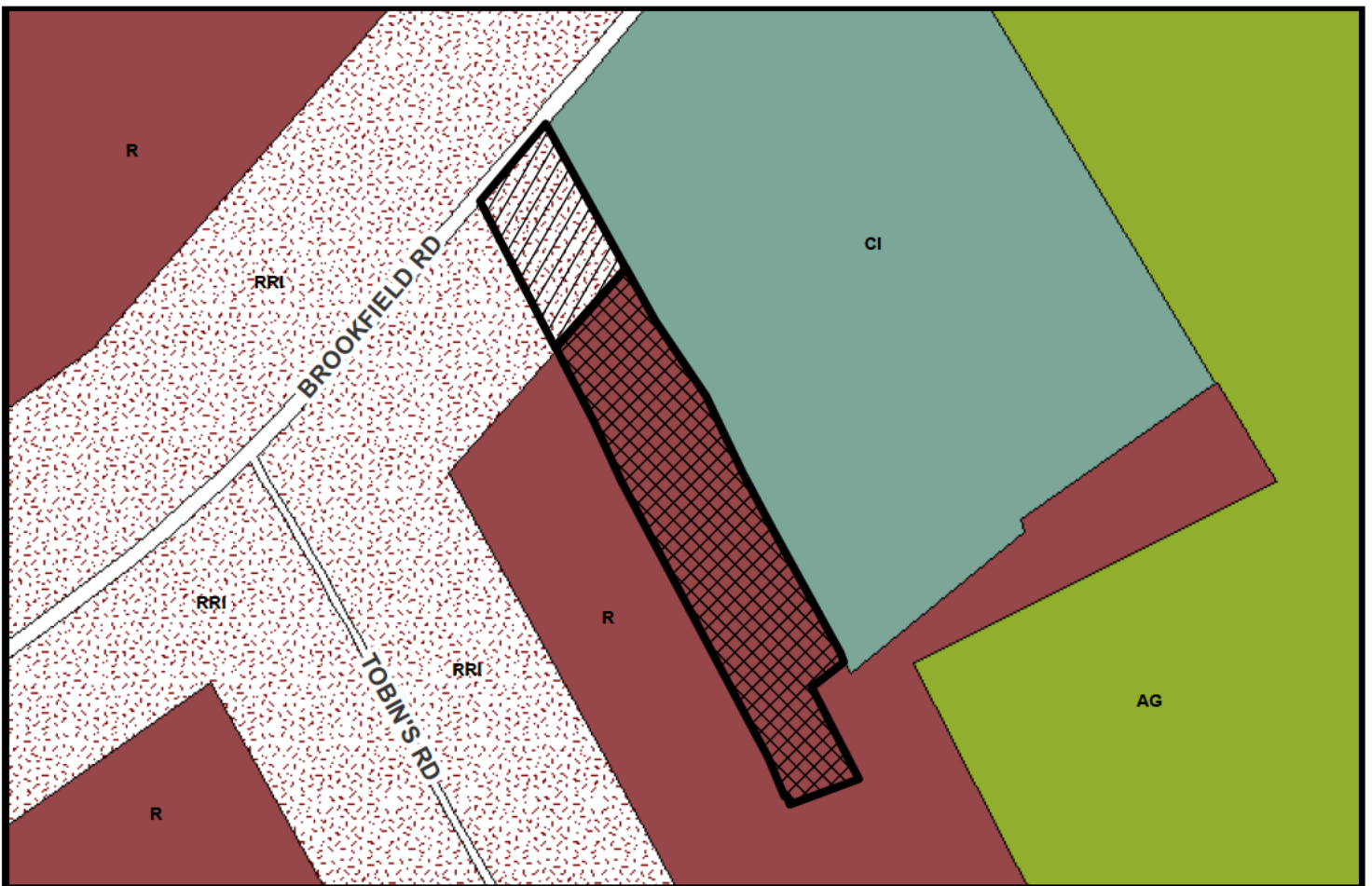
I hereby certify that this Amendment has been prepared in accordance with the Urban and Rural Planning Act, 2000.

\_\_\_\_\_  
**City Clerk**

\_\_\_\_\_  
**Council Adoption**

\_\_\_\_\_  
**Provincial Registration**







**CITY OF ST. JOHN'S  
DEVELOPMENT REGULATIONS  
Amendment No. 651, 2017  
[Map Z-1A]**

2017 01 31 Scale: 1:3000  
City of St. John's  
Department of Planning, Development  
& Regulatory Services

I hereby certify that this amendment  
has been prepared in accordance with the  
Urban and Rural Planning Act.

-  AREA PROPOSED TO BE REZONED FROM RURAL RESIDENTIAL INFILL (RRI) LAND USE ZONE TO COMMERCIAL INDUSTRIAL (CI) LAND USE ZONE
-  AREA PROPOSED TO BE REZONED FROM RURAL (R) LAND USE ZONE TO COMMERCIAL INDUSTRIAL (CI) LAND USE ZONE

**265 BROOKFIELD ROAD  
Parcel ID#: 29409**

\_\_\_\_\_  
M.C.I.P. signature and seal

\_\_\_\_\_  
Mayor

\_\_\_\_\_  
City Clerk

\_\_\_\_\_  
Council Adoption

Provincial Registration





**SUBJECT PROPERTY**

210

BROOKFIELD RD

255

257

261

265

267

269

271

11

RRI

R

RRI

279

TOBIN'S RD

19

R

2

CI

121

AG

21

DISCLAIMER: This map is based on current information at the date of production.

W:\Engwork\Planw\applications 2016\rez1600003-265 brookfield road.mxd



# DECISION/DIRECTION NOTE

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**Title:** Application to rezone from the RRI and R Zones to the CI Zone to allow for a single storey commercial building  
PDE # REZ1600003  
265 Brookfield Road

**Date Prepared:** May 13, 2016

**Report To:** Chair and Members, Planning and Development Committee

**Councillor & Role:** Councillor Art Puddister, Chair, Planning and Development Committee

**Ward:** 5

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**Decision/Direction Required:**

To rezone the property located on the south side of Brookfield Road [Parcel ID #29409] from the Rural Residential Infill (RRI) Zone and Rural (R) Zone to the Commercial Industrial (CI) Zone to allow for a six (6) unit commercial building. The Municipal Plan outlines requirements for screening and protecting the quality of the rural environment, however an amendment to the Municipal Plan would not be required.

**Discussion – Background and Current Status:**

An application has been received from Commander Ventures on behalf of 10327 Newfoundland Limited to develop a single storey, six (6) unit commercial building to accommodate light industrial uses. The subject property is located on the south side of Brookfield Road. The subject property is long and narrow in shape and has an area of 1.27 hectares (12,700 square metres or 3.14 acres) with a 40.4 metre frontage. The property slopes back towards a tributary of the Waterford River. There are currently no permanent buildings on the site but the rear of the site has been used for the outdoor storage of commercial vehicles, construction equipment and storage containers. There are no municipal water and sewer services in the area.

The subject property is abutted on the east side by other industrial uses (including Auto sales and a Transportation Depot/Commercial garage operated for the past 25 years by Holden's Transport Limited). The three adjacent parcels to the east that are currently zoned as Commercial Industrial (CI) Zone. On the south (rear) the property abuts farmland that is in the Agricultural Zone and the Rural Zone. On the west side it abuts single family dwellings along Brookfield Road as well as to the southwest there are more single family dwellings located along Tobin's Road. These homes are located in the Rural and Rural Residential Infill Zones. Across the street on the north side of Brookfield Road is unoccupied land in the RRI Zone and behind those properties is the Federal-Provincial Experimental Farm. The future Team Gushue Highway Extension (east-west arterial) will be constructed north of Brookfield Road in the near future.

ST. JOHN'S

Under the St. John's Municipal Plan the subject property is designated Rural (R). As the nearby tributary of the Waterford River makes this land an Environmentally Valuable Area, any development is subject to a mandatory Land Use Assessment Report (LUAR) and a Conservation Plan to ensure appropriate development and control any possible negative impacts of the development (Part III, Section 8.2.2 of the St. John's Municipal Plan).

The land is designated in the Rural District of the Municipal Plan. The property immediately east is designated Rural and zoned CI. In the same way, the subject property could be rezoned to CI while remaining in the Rural District (therefore, no Municipal Plan amendment is required). Given the long-standing commercial uses adjacent to this site, the CI Zone could be extended to include the subject property. Should the proponent take the proper steps to reduce the visual impact of the Commercial Uses and provide appropriate screening (as per Section 7.25 of the St. John's Development Regulations) then the use may be deemed as suitable.

**Key Considerations/Implications:**

1. Budget/Financial Implications: N/A
2. Partners or Other Stakeholders:  
Neighbouring property owners along Brookfield Road and Tobin's Road.
3. Alignment with Strategic Directions/Adopted Plans:  
St. John's Municipal Plan, Part III, Section 1.2.4: The City shall encourage the mixture of land uses in all areas.
4. Legal or Policy Implications: N/A
5. Engagement and Communications Considerations:  
Public advertisement and a Public Meeting chaired by a member of Council.
6. Human Resource Implications: N/A
7. Procurement Implications: N/A
8. Information Technology Implications: N/A
9. Other Implications: N/A

**Recommendations:**

It is recommended that rezoning be considered to extend the Commercial Industrial (CI) Zone to the subject property. This application will require a Land Use Assessment Report (LUAR). A Draft Terms of Reference is attached.

Once the LUAR is prepared by the applicant and accepted by the City, staff recommends that this application and supporting report be referred to a public meeting chaired by a member of Council.

Upon completion of this process, the amendment and the application would then be referred to a future Regular Meeting of Council for consideration of adoption. This application does not require a Municipal Plan amendment.

**Prepared by:**

Mark Hefferton, MURP, MCIP - Planner

Signature: \_\_\_\_\_

**Approved by:**

Ken O'Brien, MCIP – Chief Municipal Planner

Signature: \_\_\_\_\_

MH/dlm

**Attachments:**

1. Location Plan
2. Site Plan
3. Elevation rendering
4. LUAR Terms of Reference

# LAND USE ASSESSMENT REPORT

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PROPOSED DEVELOPMENT

COMMANDER VENTURES INC.

265 BROOKFIELD ROAD | ST. JOHN'S, NL

November 22 2016

**WOODFORD/  
SHEPPARD**

ARCHITECTURE LTD.

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# INTRODUCTION

Commander Ventures Inc. are proposing to construct a one-storey commercial building, with a total of 6 units, at 265 Brookfield Road, St. John's, NL. The property comprises of a long piece of land with the northwest side along Brookfield Road. The property also has a small drainage ditch running near the rear of the site.

The property is currently zoned as Rural Residential Infill (RRI) and Rural (R) but it is Commander Ventures Inc.'s intention to seek rezoning of the property to Commercial Industrial (CI). The immediate area is mixed use with the 2 properties to the east zoned Commercial Industrial (CI) and the 2 properties to the west zoned Rural Residential Infill (RRI).

At the request of the City of St. John's Department of Planning, Development and Engineering, the following Land Use Assessment Report (LUAR) has been prepared to identify potential impacts and to describe the character and design of the proposed new development. This LUAR has been prepared in accordance with the Terms of Reference established by the City of St. John's. A copy of these Terms and References is included in **Appendix A**.

## A | BUILDING USE

The proposed building is 1 storey in height and will contain 6 commercial units. Due to the elevation of the land, the length of the building is split into two contiguous sections having 3 units in each section with an elevation change of 0.6 m between the two sections. Please refer to **Appendix D** for building floor plans and **Appendix E** for elevations and sections.

<b>PROPOSED USE</b>	1 Commercial Building split into 2 contiguous sections 6 commercial units with 1 utility space Warehouse Area: 1604 m <sup>2</sup> Office Area: 112 m <sup>2</sup> Utility Area: 101 m <sup>2</sup>
<b>GROSS FLOOR AREA</b>	1817 m <sup>2</sup> (19, 560 ft <sup>2</sup> )
<b>FLOOR AREA RATIO</b>	Total Property Area: 12,526 m <sup>2</sup> (134,830 ft <sup>2</sup> ) <b>FAR: 0.15</b>



## B | BUILDING MATERIALS

The proposed building will be constructed as per the National Building Code requirements using steel stud construction with a structural steel frame. The building's exterior will be a combination of aesthetically pleasing charcoal and white corrugated metal siding with storefront glazing. Building signage, including building name and address, will be placed on the north facade facing Brookfield Road with individual tenant signage placed above each unit.

Please refer to **Appendix E** for building elevations and sections and **Appendix C** for exterior renderings. Please note that the exterior renderings are at the conceptual design phase.

## C | BUILDING HEIGHT + LOCATION

The proposed building is located on Brookfield Road approximately 140 m east of Tobin's Road. To the east of the site are commercial/industrial properties including Sinnott's Auto Sales, the immediate neighbor to the east, and Holden's Transport further east on Brookfield Road. On the neighboring site to the west along Brookfield Road is a residential property with a detached house. Also neighboring along the west property line are two other residential properties at 11 and 25 Tobin's Road. There is a vacant lot at 19 Tobin's Road lining a small portion of the west property line. Neighboring at the rear property line to the south is another residential property at 33 Tobin's Road. Please refer to **Appendix B** for a context map.

The building is setback 23 m from the front property line at Brookfield Road, 4 m from the west property line, 167.7 m from the rear property line (130.9 m from the location of a small drainage ditch running through the rear of the property), and approximately 21 m from the east side property line. The building is placed near Brookfield Road leaving a substantially large area relatively untouched at the rear of the property near the existing drainage ditch.

The building is split into 2 contiguous sections with a slight difference in elevation between the 2 sections. The height of the upper section is 7.9 m and the height of the lower section is 7.3 m. Both sections are below the maximum allowed height of 15 m for the Commercial Industrial (CI) Zone. The height is comparable to other commercial buildings further east on Brookfield Road, such as Holden's Transport. Please refer to **Appendix F** for a site section and **Appendix B** for a zone requirement table.

As illustrated in the shadow study shown in **Appendix G**, the shadows from the proposed development do not have a significant impact on the neighboring properties at any time during the year. The shadow study depicts the shadows generated from the proposed development during the Spring Equinox (March 21), Summer Solstice (June 21), Fall Equinox (September 22), and the Winter Solstice (December 22).

Please refer to the exterior renderings shown in **Appendix C**. Please note that the exterior renderings are at the conceptual design stage.

## D | EXTERIOR EQUIPMENT + LIGHTING

The parking area, pathways, and main entrances to each unit will be well lit to ensure safety and ease of access. The lighting will consist of exterior wall sconces and soffit lighting at each unit entrance and canopies as well as exterior lamp posts of the hooded type for the parking area. There will also be wall sconces at the rear of the building where there are fire exits. All exterior lighting standards will meet the City of St. John's regulations.

The lighting will be in a contemporary but industrial style that accents the overall design of the building. All lighting on the site will be designed to ensure the proper lighting levels and standards are met. The lighting will also be designed and situated to have minimal light pollution impact on neighboring properties, if any.

Although the mechanical design has not yet been completed for this development, most equipment, with the possible exception of power transmission equipment provided by Newfoundland Power, will be held within the utility space. Any exterior HVAC equipment will be placed at the rear of the site near the building. The noise generation levels and any potential impact on neighboring properties will be minimal.

Please refer to the site plan in **Appendix B** for more information on the lighting, including a spec sheet of exterior lamp posts.

## E | LANDSCAPING + BUFFERING

The following considerations have been factored into the proposed design to enable seamless integration and minimal impact on the neighbouring properties:

- Clean and attractive building design that enhances the aesthetic and appeal of the immediate area.
- Non-imposing, narrow building shape that is well suited to the site dimensions
- Low profile single story building that is split into two sections and stepped down to follow the natural contours of the site, align with the existing gradients, and merge harmoniously with the profiles of the neighboring properties.
- Building orientation and placement that respects the privacy of the residential properties to the west:
  - Rear of the building facing west with only a snow clearing lane between the building and the property line to minimize traffic and potential noise along the western boundary.
  - Building shape (cross-section) that tapers towards the rear (west) to minimize the visual impact.
  - All entrances and garage doors placed on the front of the building facing east thereby ensuring that all traffic and activity faces the existing commercial development (Sinnott's Auto Sales).
  - Low density parking lot in front with building set back to avoid side-by-side placement with residential property to the west.
- A sound reduction barrier along the western boundary of the property that creates privacy and buffers any potential noise that might affect neighboring residents. Along this barrier, Virginia Creeper vine will be planted to grow upwards and absorb any sound while softening the visual appearance. Plantings of Feather Reed Grass, White Spruce and Weeping Nootka will also provide a complementary perspective.
- Landscape design focused on the northwest side of the property that uses a palette of hardy trees and shrubs to create a landscape that adds color and interest to the property throughout the seasons. Japanese Tree Lilacs, Hydrangea and Daylilies will bloom throughout the summer with White Spruce, Weeping Nootka and Yews providing evergreen coverage during the winter.
- Proposed building usage is relatively "low density" with 6 light industrial/commercial units that are ~3000 sq. ft. each and catered towards the needs of the local business community.

Another important design factor was to place the building near Brookfield Road so as to have minimal impact on the existing drainage ditch running at the rear of the property. The new landscaping on the site will include adding extensive planting along the west property line adjacent to the residential property to further act as a noise and visual buffer. These plants include Ivory Silk Lilac Trees, Dense Yew, Rockspray Cotoneasters, and Dwarf Burning Bushes. There will also be planting at the entry to the site at Brookfield Road and also some planting along the east property line. At these locations the plants will include Annabelle Hydrangeas, Weeping Nootka Cypress, White Spruce, Reed Grass and Dense Yew. The planting adjacent to Brookfield Road is placed and chosen with the impact from snow storage in mind. All areas that feature planting will be sodded. The driveway and parking areas will be paved, and the rear of the site will be left as is (with the exception of the impact of civil work on the site).

Outdoor pathways will be 1.5 m wide and will connect the parking areas to the main entrances of each unit in the building. All refuse containers and electrical transformers will be enclosed or screened from sight in a material that is complementary to the building's design and have landscaped areas around them as necessary. All curbs and ramps as part of the development will meet all City requirements - drawing details will be submitted prior to final development approval. All landscape work shall meet City specifications as identified in Section 5 of the City of St. John's Specification Manual.

Please refer to the site plan and landscape design drawings in **Appendix B** for more landscaping information, including garbage enclosure design, and examples of sound reduction fencing.

## F | SNOWCLEARING + SNOW STORAGE

The proposed building will be privately owned and maintained. Private contractors will be hired to clear snow from the site. Snow clearing and storage will conform to the City of St. John's Regulations.

Snow can be stored onsite on the landscaped areas in the front of the building and adjacent to the parking area. Snow storage in these areas will have no impact on building/parking access, no impact on the neighboring residents, and minimal impact on the areas of planting. In the rare event that the volume of snow accumulated exceeds these storage areas, more land is available to the south of the property for snow storage.

Please refer to the site plan in **Appendix B** for snow storage locations.

## G | OFFSTREET PARKING

According to the City of St. John's Development Regulations, Section 9 (Storage, Warehousing and Wholesale) states that one (1) parking space is required for every 100 m<sup>2</sup> of net storage, warehousing and wholesale area. Also one (1) parking space is required for every 30 m<sup>2</sup> of net office area. The proposed building with a net warehouse area of 1283 m<sup>2</sup> (gross = 1604 m<sup>2</sup>) and net office area of 90 m<sup>2</sup> (gross = 112 m<sup>2</sup>) would require sixteen (16) parking spaces in total based on this requirement. For the purposes of this calculation, net floor area = 80% of gross floor area. The utility space does not require parking. The current site plan illustrates thirty seven (37) parking spaces.

The parking lot will be treated with asphalt and surrounded by a concrete curb. Storm water runoff will be directed to catch basins located in the parking lot and the driveway. The catch basins will be connected to new storm sewer pipes that will be installed on the property. The storm sewer for this site will be connected to a storm water detention system that will discharge to the existing drainage ditch at the rear of the property in keeping with storm water detention guidelines.

## H | TRAFFIC

Trip generation has been calculated in the table below following the Institute of Transportation Engineers (ITE) Trip Generation Manual 9th Edition. The calculations have been completed following the land use 150 - Warehousing criteria for 1000 sq. foot of gross floor area as outlined in the Trip Generation Manual. This land use incorporates that these facilities may include a small office space within the building. The proposed warehouse building for 265 Brookfield Road is comprised of six (6) units with a total floor area of 270 m<sup>2</sup> (2906 ft<sup>2</sup>) each. To calculate the total trips per unit, the average trip rate as taken from the Trip Generation Manual, for 1,000 ft<sup>2</sup> of space will be multiplied by 2.9 to allow for the difference in gross floor area from the manual as compared to the proposed unit size.

Time Period	Floor Area Adjustment Factor	Average Trip Rate	% Trips Enter	% Trips Exit	Total Trips/Unit	# of Units	Total Trips	Trips In	Trips Out
AM Peak	2.9	0.42	65%	35%	1.22	6	7.32	4.76	2.56
PM Peak	2.9	0.45	19%	81%	1.31	6	7.86	1.49	6.37
Week day	2.9	3.56	50%	50%	10.3	6	61.8	30.9	30.9
Satur day	2.9	1.23	50%	50%	3.57	6	21.4	10.7	10.7
Sun day	2.9	0.78	50%	50%	2.26	6	13.6	6.78	6.78

Based on the calculated Total Trips in the table above, the property will not exceed 100 trips during peak hours and will not exceed 1000 trips daily. It is recommended that a traffic study not be required.

## I | MUNICIPAL WATER, SEWER SERVICES & STORMWATER DETENTION

The proposed building will be serviced with an onsite sewage treatment system and a drilled well that has been designed to meet all standards outlined by Government Services in the “Private Sewage Disposal and Water Supply Standards”.

A stormwater detention system has been designed and will discharge to the small drainage ditch at the rear of the property.

## J | PUBLIC TRANSIT

Metrobus does not currently have a route that runs along Brookfeild Road. The closest route is Route 21 with a stop at the Commonwealth Avenue and Old Placentia Road intersection. Please refer to **Appendix J** for correspondence with Metrobus and a Metrobus route map for the area.

## K | CONSTRUCTION TIMEFRAME

Following development approval, site development and construction of the proposed building will begin ideally in April or May 2017. Construction is estimated to take approximately 12 months and finish in Spring 2018. Phasing for the project will likely start with rough grading of the property followed by excavation for the building. While building construction is ongoing, placement of the storm water system will take place and well as construction of the retaining walls and granular placement for the parking/laneway areas. Curb and sidewalk placement would be completed next followed by asphalt placement. Finally the septic system would be installed.

Site development and construction will be in conformance with Municipal regulations and all necessary permits will be acquired. All on-site materials will be stored appropriately so as not to impact the adjacent properties to the development. Inspections will be carried out to ensure that safe and appropriate construction practices are followed on site. Parking for construction personnel involved with the project will be located on site. Please refer to **Appendix H** for a site plan depicting construction personnel parking and designated areas for equipment during

construction.

## K | WETLAND EVA PROTECTION

During construction silt fences will be placed along the perimeter of the property as well as along the 15 meter buffer line from the drainage ditch. **Appendix I** illustrates the layout and details for the silt fence placement. After construction the site will benefit from a storm water detention system. The system is designed so that finished side grading will collect all overland flow and discharge controlled amounts to the existing small drainage ditch at the rear of the property.

## CONCLUSION

In developing this rezoning application and corresponding conceptual design, there has been a specific focus on the following:

- Enhancing the aesthetic of the immediate area
- Respecting the privacy and minimizing any potential disturbances to neighboring residential properties
- Maximizing the use of the land and thereby contributing to the economic development of the community

As this Land Use Assessment Report demonstrates, there is minimal impact on the surrounding area of the proposed development. The design of the building and of the site carefully considers the placement of the building so as not to be within the 15 m buffer zone around the small drainage ditch at the south of the property and to minimize impact on surrounding residential properties. Landscaped elements on the site, such as lighting and planting, further reduce potential negative impacts of the development.



# APPENDIX A

## TERMS OF REFERENCE



**TERMS OF REFERENCE  
LAND USE ASSESSMENT REPORT (LUAR)  
APPLICATION FOR 6 UNIT COMMERCIAL BUILDING  
265 BROOKFIELD ROAD  
REZONING TO THE COMMERCIAL INDUSTRIAL (CI) ZONE  
PROPONENT: COMMANDER VENTURES INC.**

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The proponent shall identify significant impacts and, where appropriate, also identify measures to mitigate impacts on land uses adjoining the subject property. All information is to be submitted under one report in a form that can be reproduced for public information and review. The numbering and ordering scheme used in the report shall correspond with that used in this Terms of Reference and a copy of the Terms of Reference shall be included as part of the report (including an electronic PDF version with a maximum file size of 15MB). A list of those persons/agencies who prepared the Land Use Assessment Report shall be provided as part of the report. The following items shall be addressed by the proponent at its expense:

**A. Building Use**

- Identify the size of each proposed building by floor area (Gross Floor Area), and by Floor Area Ratio (FAR).
- Identify the proposed uses or occupancies within each building by their respective floor area.

**B. Building Materials**

- Provide elevations of the proposed buildings.
- Identify the finish and colour of exterior building materials.

**C. Building Height & Location**

Identify graphically the exact location and height of the proposed apartment buildings relative to:

- Property boundaries/lot lines.
- The minimum 15 metre development buffer from the stream to the rear (south end) of the property.

Additionally, using cross-section drawings, identify the effect of the proposed building height on properties in the vicinity of the development site in terms of the following criteria:

- Identify the proximity of the proposed buildings to property lines.
- Possible loss of sunlight/ potential shadowing/ other potential impacts on adjacent properties.
- Information on the proposed construction of patios/balconies.

**D. Exterior Equipment and Lighting**

- Identify the location and type of exterior lighting to be utilized. Identify possible impacts on adjoining residential properties and measures to be instituted to minimize these impacts.
- Identify the location and type of any exterior HVAC equipment to be used to service the proposed buildings. Identify possible impacts on adjoining residential properties and measures to be instituted to minimize these impacts.

**E. Landscaping & Buffering**

- Identify with a landscaping plan, details of site landscaping (hard and soft) and measures to be undertaken to buffer the adjoining residential properties from activities on the building site; including, but not limited to possible traffic noise and lights from vehicles. The City's Commercial Landscaping Plan shall also apply.
- Identify the location and proposed methods of screening electrical transformers and refuse containers to be used at the site.

**F. Snowclearing/Snow Storage**

Identify proposed method of snowclearing and location of snow storage area(s).

**G. Offstreet Parking**

Identify the number and location of off street parking spaces to be provided and means by which parking area storm water runoff is to be managed.

**H. Traffic**

Provide the anticipated traffic generation rates associated with the proposed development.

**I. Municipal Water, Sewer Services and Stormwater Detention**

Provide information as may be required by the City on the proposed installation of municipal water and sewer services to the site, including storm water detention.

**J. Public Transit (If Applicable)**

Consult with St. John's Metrobus (St. John's Transportation Commission) regarding public transit infrastructure requirements (e.g. a bus lay-by and shelter) and their provision as part of this proposed development.

**K. Construction Timeframe**

- Indicate the phasing of the project and approximate timelines for beginning and completion of each phase.
- Graphically, indicate on a site plan how workers' parking is to be accommodated during the construction period and designated areas for equipment and materials during the construction period.

**L. Wetland EVA Protection**

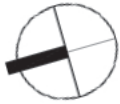
Provide information on measures and procedures to be instituted during project development to prevent intrusion into the minimum 15 metres development buffer of the stream to the rear (south) of the property in order to protect it from damage.



# APPENDIX B

CONTEXT MAP + SITE PLAN & LANDSCAPE ELEMENTS





**CONTEXT PLAN**  
N.T.S.

**WOODFORD/  
SHEPPARD**  
ARCHITECTURE LTD.



# PROPOSED COMMERCIAL SITE 265 BROOKFIELD ROAD

BY: COMMANDER VENTURES INC.

CITY OF ST. JOHN'S, NL



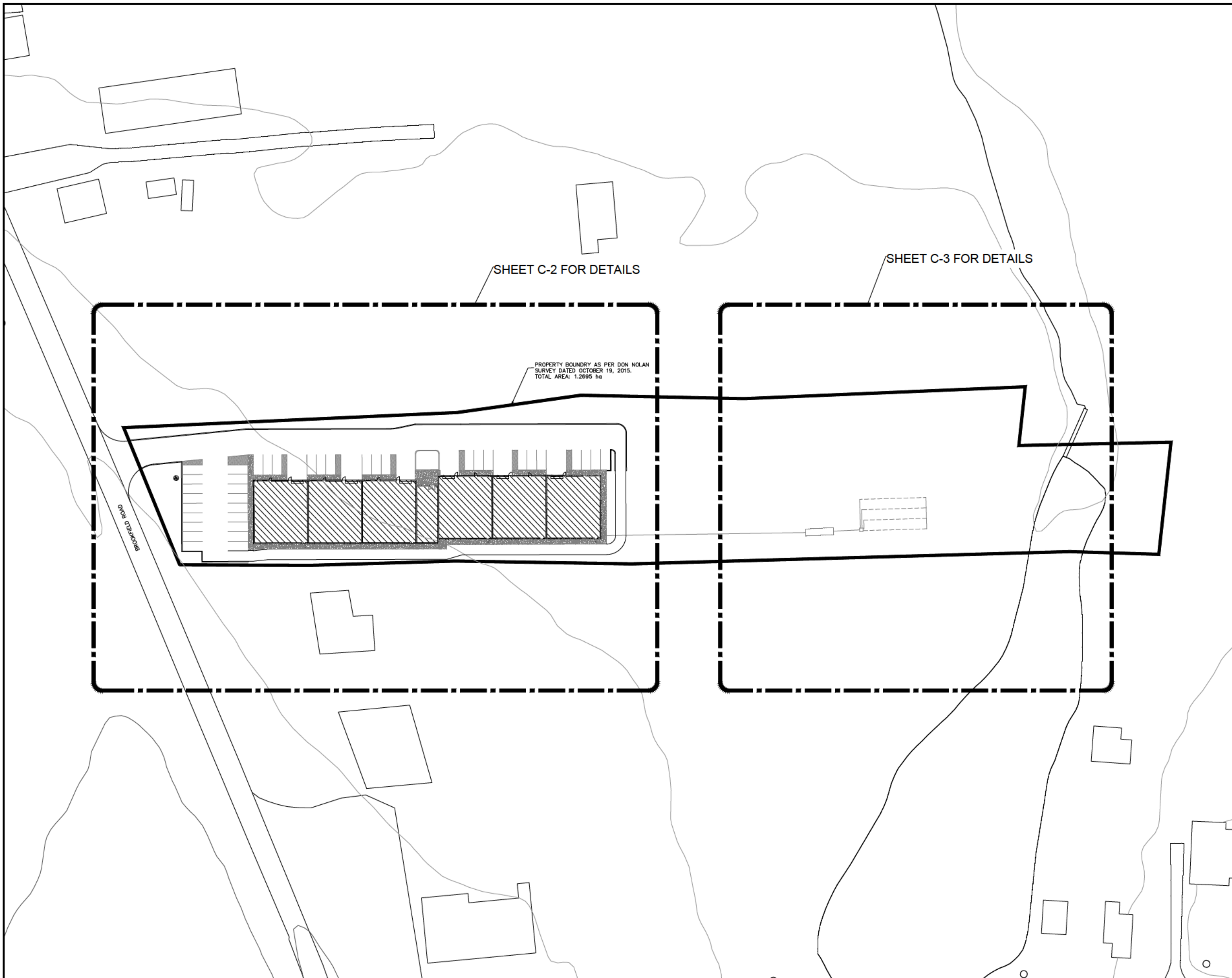
## LIST OF DRAWINGS

C-1	PRELIMINARY SITE PLAN
C-2	BUILDING LAYOUT
C-3	SEPTIC DISPOSAL FIELD/STORM WATER DETENTION LAYOUT & STORM DETENTION PROFILE
C-4	PROPERTY CROSS SECTIONS, GENERAL NOTES AND DETAILS
C-5	SEPTIC DISPOSAL FIELD DETAILS

1.0 ISSUED FOR REVIEW (JANUARY 27, 2016)  
2.0 ISSUED FOR REVIEW (August 1, 2016)



MAE PROJECT No: 2015.317



**NOTES**

SEE GENERAL NOTES SHEET C-4

No.	DESCRIPTION	DD/MM/YY
2.	ISSUED FOR REVIEW	01/08/16
1.	ISSUED FOR REVIEW	27/01/16

**REVISIONS**

PROVINCE OF NEWFOUNDLAND  
**PERMIT HOLDER**  
 This Permit Allows  
**MAE DESIGN LIMITED**  
 To practice Professional Engineering  
 in Newfoundland and Labrador.  
 Permit No. as issued by APBGN 00242  
 which is valid for the year 2016.

PROFESSIONAL ENGINEER  
**STEPHEN POWER**  
 SIGNATURE  
 DATE

PRIME CONSULTANT

CIVIL CONSULTANT

**MAE Design Limited**  
 CONSULTING ENGINEERS

TEL (709) 834-1554 FAX (709) 834-1558

DRAWN BY: S. POWER  
 CHECKED BY: R. SUMMERS  
 APPROVED BY:

SCALE	1:500
A	DETAIL NO.
B	DRAWING NO. WHERE DETAIL REQUIRED
C	DRAWING NO. WHERE DETAILED

PROJECT  
**265 BROOKFIELD ROAD**  
**SITE PLAN**  
 BY: **COMMANDER VENTURES INC.**  
**ST. JOHN'S, NL**

DRAWING TITLE  
**PRELIMINARY SITE PLAN**

PROJECT No. 2015.317 DRAWING No. C-1  
 DRAWING FILE No. MC-15317-001-160112 **SECRET 1 OF 5**



MUNICIPAL STANDARDS		PROPOSED
LOT AREA (MIN)	1800 M <sup>2</sup>	6100.3 M <sup>2</sup>
LOT FRONTAGE (MIN)	45 M	42.54 M
LOT COVERAGE (MAX)	50 %	29.8 %
FLOOR AREA RATIO (MAX)	0.5	0.298
BUILDING HEIGHT (MAX)	15 M	7.915 M
BUILDING LINE (MIN)	20 M	23.56 M
SIDE YARD (MIN)	3 M	6.12 M
SIDE YARD ON FLANKING ROAD (MIN)	10 M	NOT APPLICABLE
REAR YARD (MIN)	3 M	110 M
LANDSCAPING (MIN)	20 %	20.2 %

NOTE:  
LOT COVERAGE IS BUILDING FOOTPRINT AREA AS A PERCENTAGE OF THE DEVELOPMENT AREA.

PARKING CALCULATION:  
BASED ON NET FLOOR AREA (FROM REGULATIONS = 80% GROSS FLOOR AREA)

1 PARKING SPACE PER 100M<sup>2</sup> WAREHOUSING : (80% OF GROSS AREA) 1604M<sup>2</sup>(GROSS) / 100 = 13 SPACES REQUIRED  
1 PARKING SPACE PER 30M<sup>2</sup> OFFICE SPACE : (80% OF GROSS AREA) 112M<sup>2</sup>(GROSS) / 30 = 3 SPACES REQUIRED

TOTAL: 16 SPACES REQUIRED  
\*37 PARKING SPACES ACTUALLY PROVIDED

NOTES


SEE GENERAL NOTES SHEET C-4

No.	DESCRIPTION	DD/MM/YY
3.	REVISED AS PER CITY LUAR REVIEW COMMENTS	19/10/16
2.	ISSUED FOR REVIEW	01/08/16
1.	ISSUED FOR REVIEW	27/01/16

REVISIONS

PROVINCE OF NEWFOUNDLAND  
PERMIT HOLDER  
This Permit Allows  
M&E DESIGN LIMITED  
To practice Professional Engineering in Newfoundland and Labrador. Permit No. as issued by APBGN F0249 which is valid for the year 2016.

REGISTERED PROFESSIONAL ENGINEER  
STEPHEN POWER  
REGISTERED & LICENSED



PRINCIPAL CONSULTANT  
CIVIL CONSULTANT

MAE Design Limited  
CONCRETE & STEEL SPECIALISTS



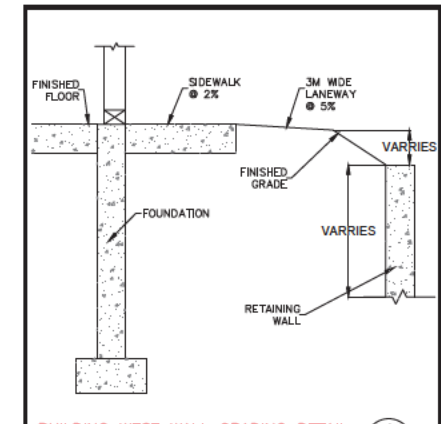
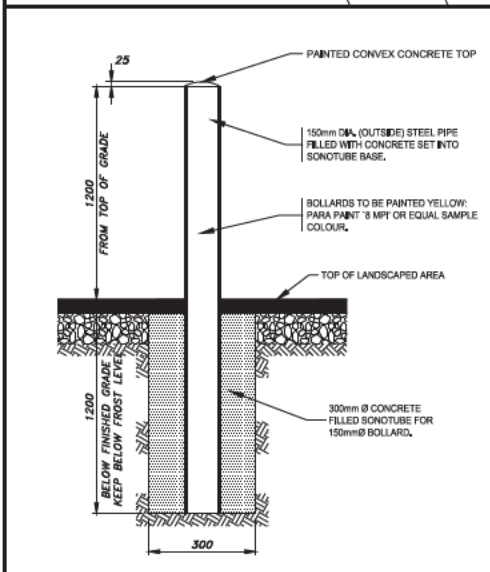
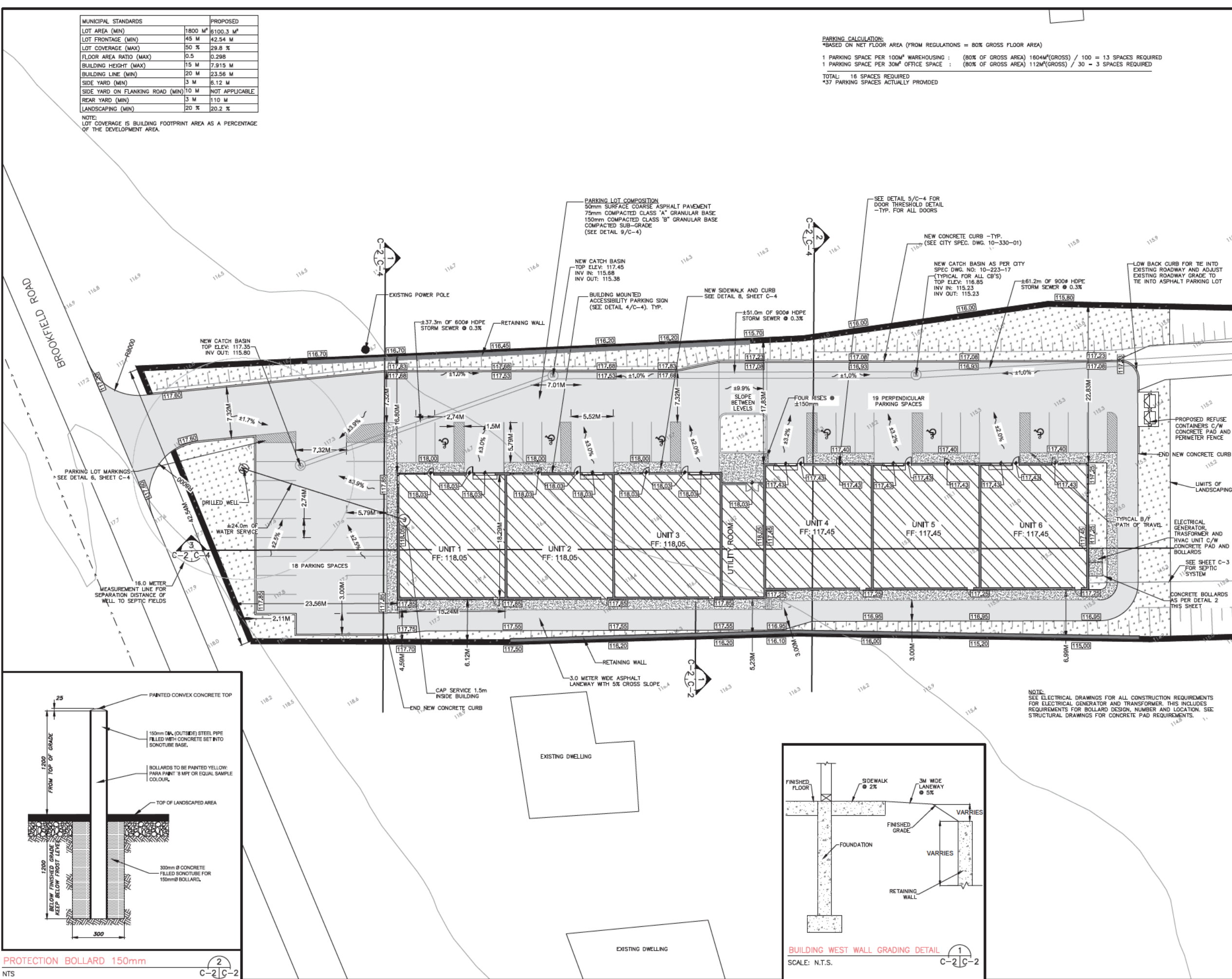
TEL (709) 834-1554 FAX (709) 834-1558  
DRAWN BY: S. POWER  
CHECKED BY: R. SUMMERS  
APPROVED BY:

SCALE: 1:450	DETAIL NO. A DRAWING NO. WHERE DETAIL REQUIRED
	DETAIL NO. B DRAWING NO. WHERE DETAIL REQUIRED
	DETAIL NO. C DRAWING NO. WHERE DETAIL REQUIRED

PROJECT  
265 BROOKFIELD ROAD  
SITE PLAN  
BY: COMMANDER VENTURES INC.

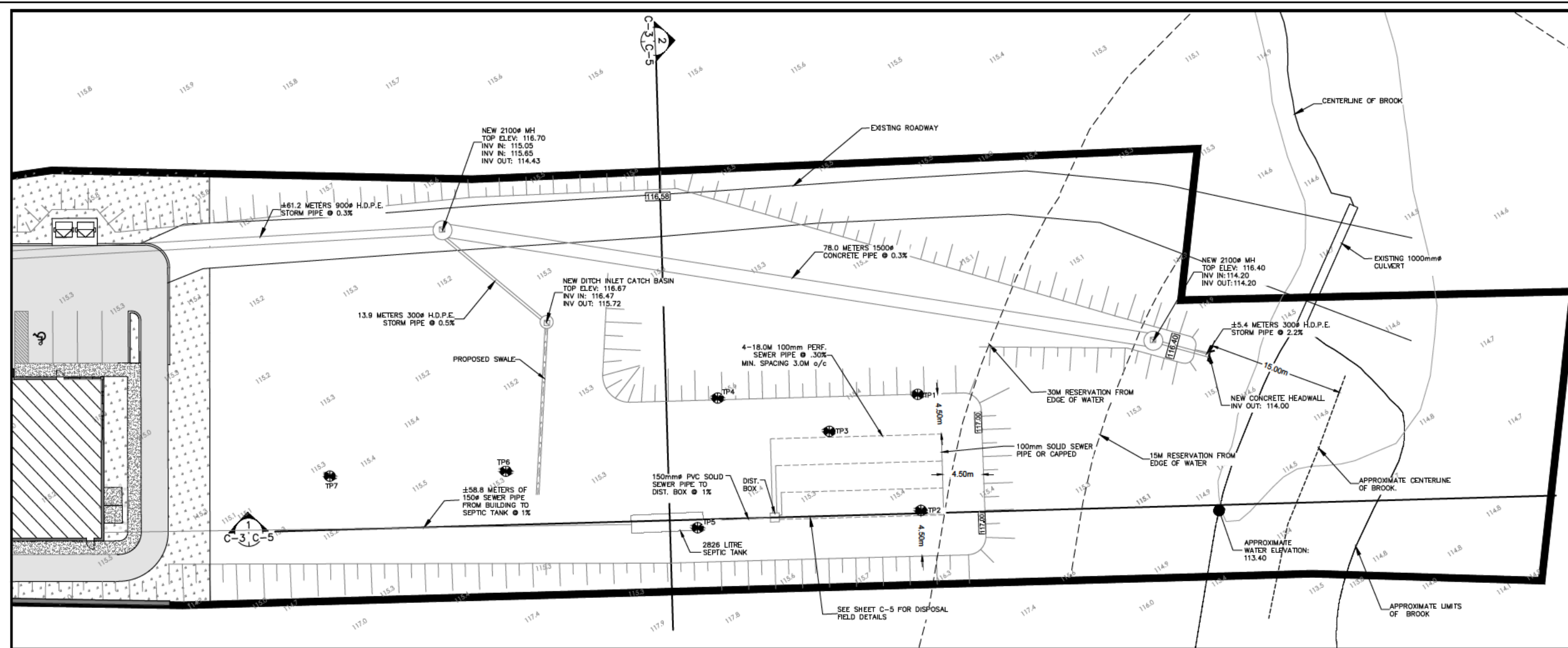
ST. JOHN'S, NL  
DRAWING TITLE  
BUILDING LAYOUT

PROJECT No. 2015.317 DRAWING No. C-2  
DRAWING FILE No. MC-15317-001-160112 SHEET 2 OF 5



2  
C-2/C-2

1  
C-2/C-2



**NOTES**

SEE GENERAL NOTES SHEET C-5

3.	REVISED AS PER CITY LUAR REVIEW COMMENTS	19/10/16
2.	ISSUED FOR REVIEW	01/08/16
1.	ISSUED FOR REVIEW	27/01/16
No.	DESCRIPTION	DD/MM/YY

**REVISIONS**

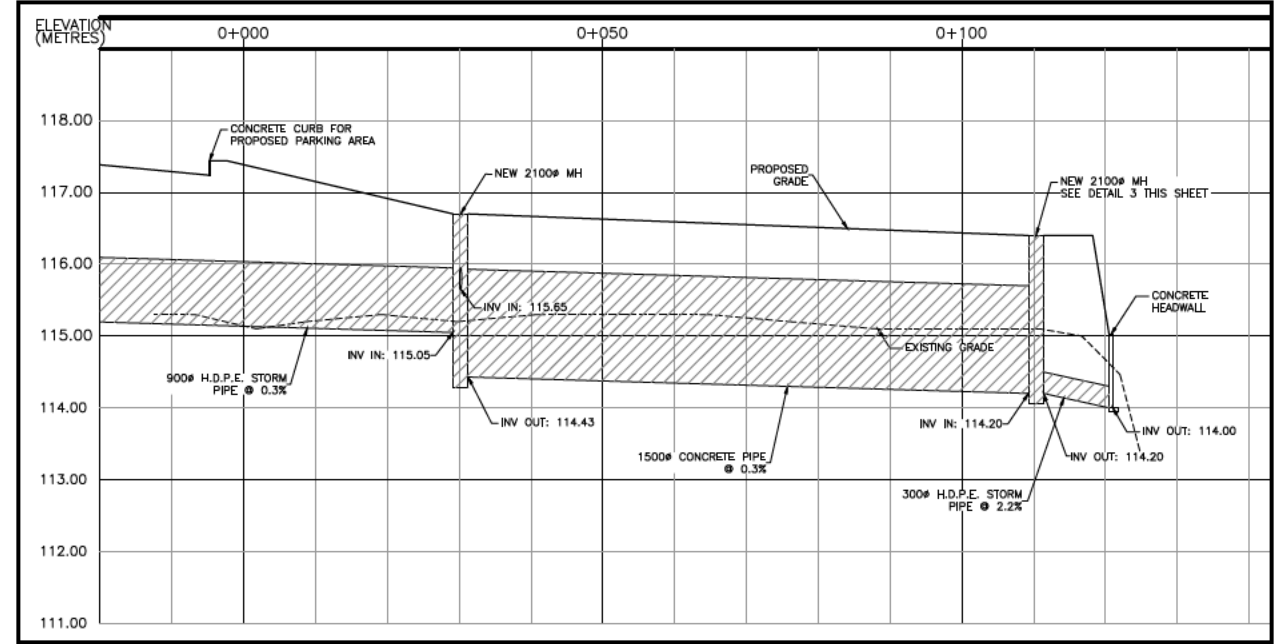
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**STEPHEN POWER**  
 ENGINEER  
 REGISTERED & LICENSED

**SEPTIC DISPOSAL FIELD/STORM WATER DETENTION LAYOUT**

SCALE =1:250

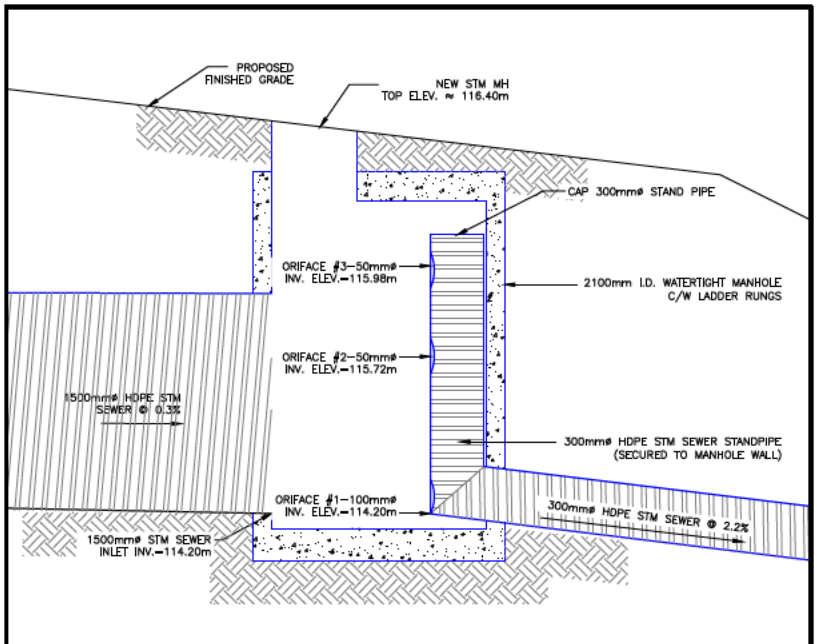
1  
C-3|C-3



**STORM WATER DETENTION PROFILE**

SCALE HORZ=1:500 VERT=1:50

2  
C-3|C-3



**STORM WATER DETENTION PROFILE**

SCALE N.T.S.

3  
C-3|C-3

PRINCIPAL CONSULTANT

CIVIL CONSULTANT

**MAE Design Limited**  
 CONSULTING ENGINEERS

TEL (709) 834-1554 FAX (709) 834-1558

DRAWN BY: S. POWDR

CHECKED BY: R. SUMMERS

APPROVED BY:

SCALE: 1:250

A	B	DETAIL NO.
B	C	DRAWING NO. WHERE DETAIL REQUIRED
C		DRAWING NO. WHERE DETAILED

PROJECT

**265 BROOKFIELD ROAD  
SITE PLAN  
BY: COMMANDER VENTURES INC.**

ST. JOHN'S, NL

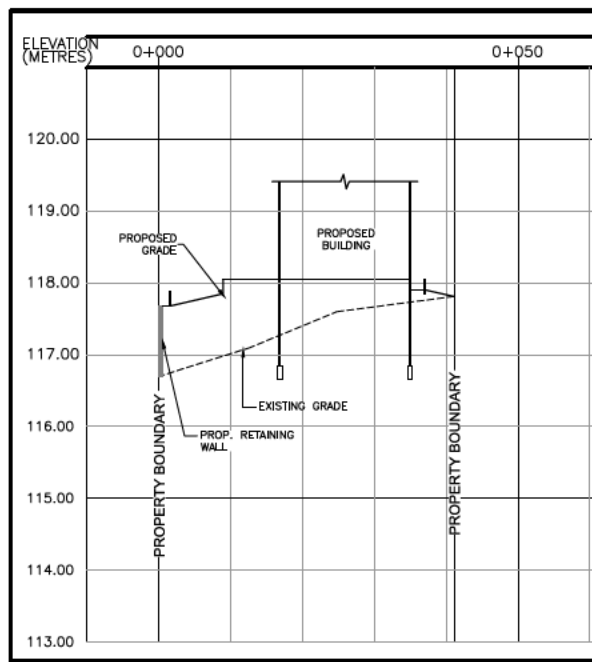
DRAWING TITLE

**SEPTIC DISPOSAL FIELD/STORM WATER DETENTION LAYOUT & STORM WATER DETENTION PROFILE**

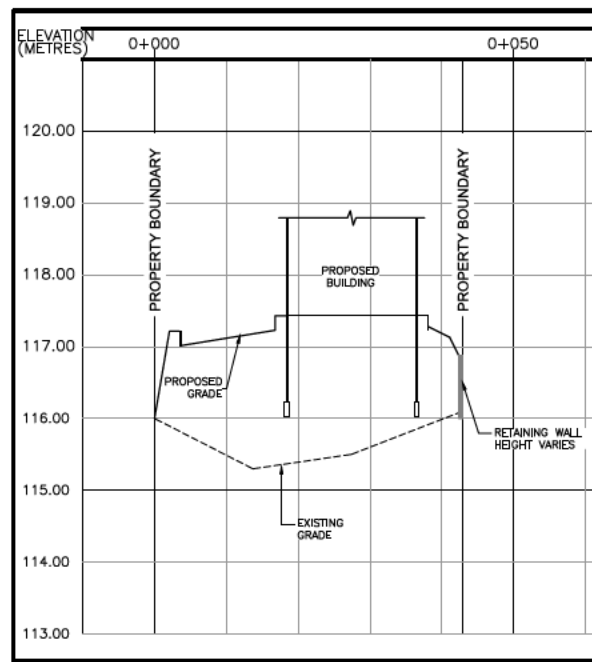
PROJECT No. 2015.317 DRAWING No. C-3

DRAWING FILE No. MC-15317-001-160112 SHEET 3 OF 5

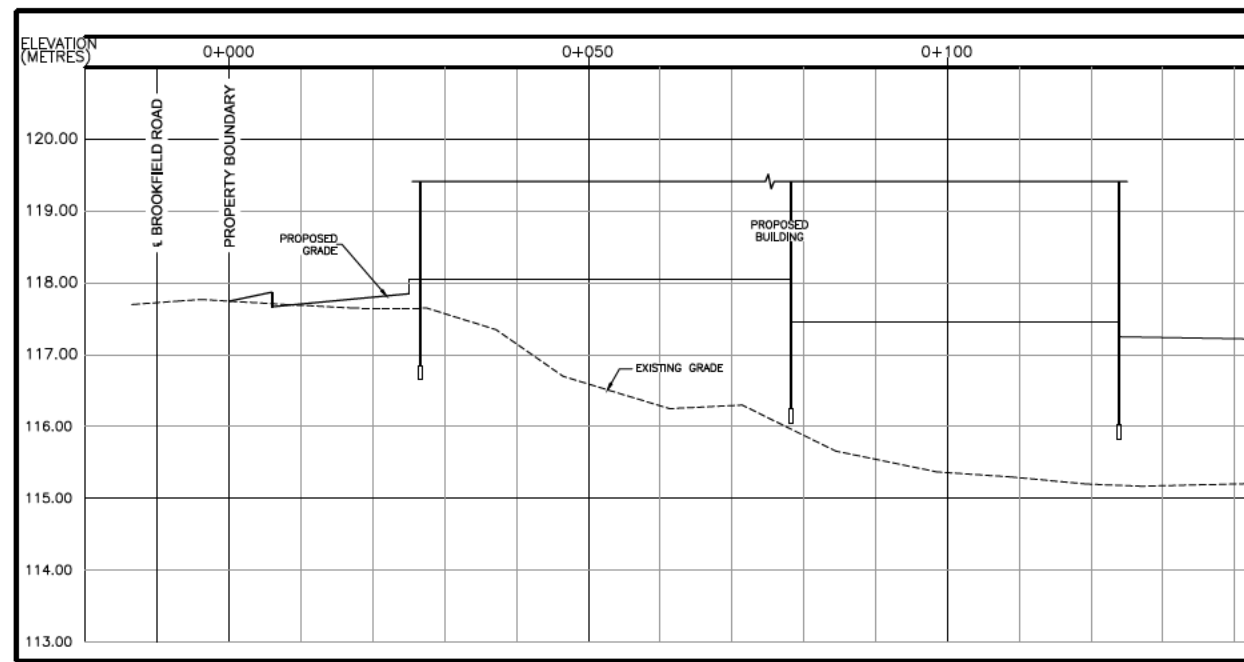




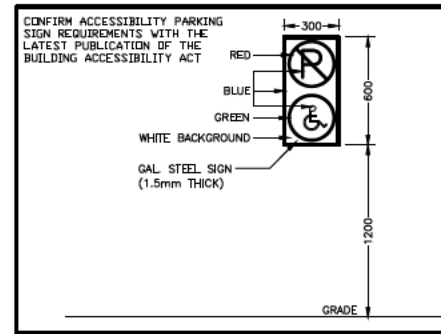
**SITE CROSS SECTION 1**  
SCALE HORZ=1:500 VERT=1:50



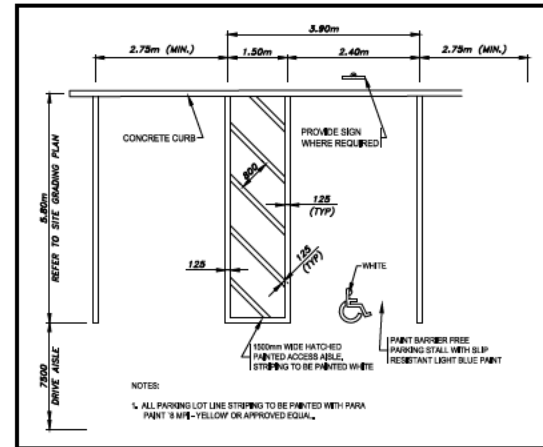
**SITE CROSS SECTION 2**  
SCALE HORZ=1:500 VERT=1:50



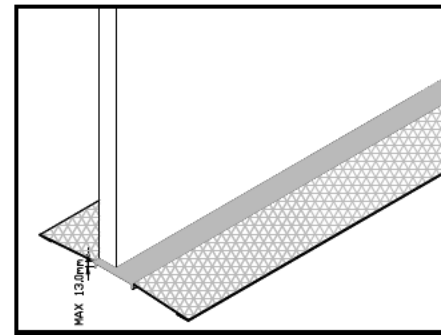
**SITE CROSS SECTION 3**  
SCALE HORZ=1:500 VERT=1:50



**BUILDING MOUNTED ACCESSIBILITY SIGN**  
SCALE: N.T.S.



**PARKING LOT LINES**  
SCALE: N.T.S.



**DOOR THRESHOLD DETAIL**  
SCALE: N.T.S.

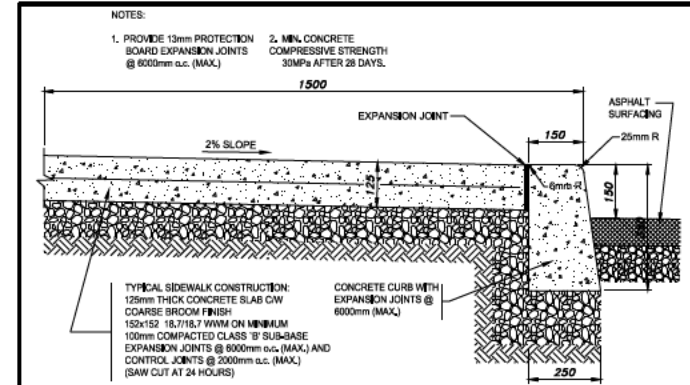
**GENERAL PROJECT NOTES**

- ALL WORK IS TO BE PERFORMED IN ACCORDANCE WITH THE CITY OF ST. JOHN'S STANDARD SPECIFICATIONS (SJS), LATEST EDITION.
- A PERMIT TO CONNECT MUST BE OBTAINED PRIOR TO PERFORMING ANY SERVICING WORK.
- THE CONTRACTOR MUST OBTAIN A STREET EXCAVATION PERMIT FROM THE CITY STREETS INSPECTOR AT THE MUNICIPAL DEPOT ON BLACKLER AVENUE PRIOR TO ANY EXCAVATION WORK WITHIN THE STREET RIGHT-OF-WAY.
- CONTRACTOR MUST VERIFY SIZE/LOCATION OF EXISTING SERVICES, DIMENSIONS AND CONDITIONS PRIOR TO STARTING CONSTRUCTION. REPORT ANY DISCREPANCIES TO ENGINEER. CONFIRM SIZE REQUIREMENTS WITH MECHANICAL ENGINEER.
- ALL DIMENSIONS GIVEN IN METERS UNLESS OTHERWISE NOTED. ELEVATIONS AND EXISTING GROUND ELEVATIONS GIVEN IN METERS AND DERIVED FROM GEODETIC DATUM.
- SAW CUT EXISTING ASPHALT TO NEAT STRAIGHT LINE AND MILL BACK 300mm TO A DEPTH OF 38mm AT ALL LOCATIONS WHERE NEW ASPHALT MEETS EXISTING ASPHALT. REINSTATEMENT IS TO BE IN ACCORDANCE WITH DRAWING 10-352-01 OF THE CITY OF ST. JOHN'S SPEC. BOOK. (MINIMUM 3.0m WIDE - FULL DEPTH PATCH). CONTRACTOR SHALL BE RESPONSIBLE FOR HIRING A QUALIFIED GEOTECHNICAL FIRM TO TEST AND REPORT THE INSTALLATION OF ALL GRANULARS, ASPHALT, CURB AND SIDEWALKS.
- CONTRACTOR MUST CONTACT ALL UTILITIES AND VERIFY LOCATION OF ANY BURIED CABLES OR INSTALLATIONS. OBTAIN PERMITS WHERE REQUIRED.
- ALL WATER USE ON THE PROPERTY, EXCEPT WHERE USED FOR THE SOLE PURPOSE OF FIRE PROTECTION, MUST BE METERED IN FULL AND MUST COMPLY WITH THE CITY'S WATER METER AND PREMISES ISOLATION BY-LAWS. THIS REQUIREMENT INCLUDES, BUT IS NOT LIMITED TO, ALL DOMESTIC WATER SERVICE FOR THE PROPOSED BUILDING. THE METER IS TO BE LOCATED INSIDE THE BUILDING, AT THE SERVICE ENTRANCE. PRIOR TO ANY BRANCH OR CONNECTION, THE METER MUST BE LOCATED IN A NON-CONFINED SPACE THAT PROVIDES PROTECTION FROM RISK OF FREEZING AND/OR DAMAGE.
- THE BUILDING WILL REQUIRE THE INSTALLATION OF A BACKFLOW PREVENTION DEVICE ON THE WATER SERVICE IN ACCORDANCE WITH THE CITY'S POLICY REGARDING 'PREMISES ISOLATION FROM THE PUBLIC WATER SUPPLY'.
- ALL ENQUIRIES RELATING TO THE ISSUES OF PREMISE ISOLATION AND WATER METERING (I.E. LOCATIONS, INSTALLATION, ACCEPTABLE EQUIPMENT TYPES, ETC.) SHOULD BE DIRECTED TO MR. CHAUNCEY HAYES, B.ENG., PROJECT ENGINEER - ENVIRONMENTAL SERVICES DIVISION. MR. HAYES CAN BE CONTACTED EITHER BY E-MAIL AT CHAYES@ST.JOHN.S.CA, OR BY TELEPHONE AT (709) 578-8199.
- LANDSCAPING SHALL CONSIST OF SUITABLE SOLID SUB GRADE, 150mm OF TOPSOIL AND CULTIVATED TURF GRASS SOD. (GRADE #2) THE CONTRACTOR SHALL PLACE TOPSOIL AND SOD (ON AREAS DESIGNATED) IN ACCORDANCE WITH ST. ITEM 511 TOPSOIL, SODDING AND/OR HYDROSEEDING. ALL LANDSCAPE SLOPING SHALL BE A MAXIMUM SLOPE OF TWO HORIZONTAL TO ONE VERTICAL. (2:1)
- IN ORDER TO ENSURE THERE ARE NO SIGHT OBSTRUCTIONS, THE FOLLOWING WILL NEED TO BE MET:
  - i ANY SHRUBS OR BUSHES LOCATED WITHIN 2.5 METERS FROM THE PROPERTY LINE ABUTTING A ROADWAY SHALL HAVE A HEIGHT NO GREATER THAN 0.75 FROM THE GRADE OF THE STREET.
  - ii ANY TREES LOCATED WITHIN 2.5 METERS FROM THE PROPERTY LINE ABUTTING A ROADWAY SHALL BE PRUNED UP TO A HEIGHT OF 2.0 METERS FROM THE GRADE OF THE STREET.
  - iii ANY SECTION OF THE LOT LOCATED WITHIN 2.5 METERS FROM THE PROPERTY LINE ABUTTING A ROADWAY SHALL BE LANDSCAPED TO ACHIEVE A HEIGHT NO GREATER THAN 0.75 FROM THE GRADE OF THE DRIVEWAY.
- SHOULD THE DEMOLITION/CONSTRUCTION ACTIVITIES ENCOACH INTO THE STREET RIGHT OF WAY AT ANY POINT IN TIME, THE APPLICANT WILL BE REQUIRED TO PROVIDE AN APPROVED TRAFFIC CONTROL PLAN.
- A FIRE SAFETY PLAN SHALL BE DEVELOPED AND IMPLEMENTED FOR THIS PROPERTY IN CONFORMANCE WITH SECTION 2.8 OF THE NATIONAL FIRE CODE.
- GARBAGE WILL BE STORED INSIDE BUILDING.
- ACCURATE AS-BUILT DRAWINGS MUST BE SUBMITTED TO THE CITY FOR RECORD PURPOSES UPON COMPLETION OF THE WORK.

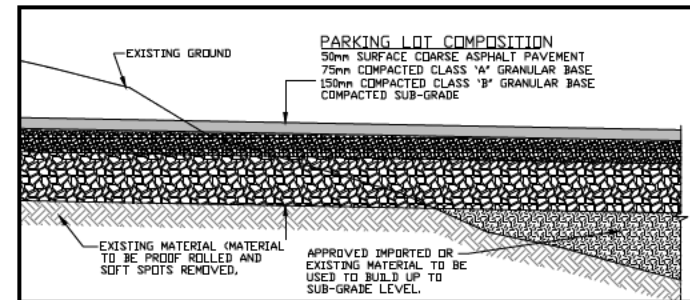
**GENERAL PROJECT NOTES**

**CONCRETE NOTES:**

- CONCRETE WORK TO CONFORM TO CSA CAN-3-A23.1.
- COORDINATE THIS DRAWING WITH ALL OTHER DRAWINGS PRIOR TO COMMENCING WORK.
- FOOTING, WALL, AND SLAB CONCRETE SHALL HAVE A 28 DAY COMPRESSIVE STRENGTH OF 25 MPa.
- CONCRETE SLAB TO BE MINIMUM 100mm THICK - U/N.
- CONCRETE SLUMP TO BE LESS THAN 80mm. CONCRETE AIR CONTENT TO BE 5±1% U/N. AND MAXIMUM AGGREGATE SIZE TO BE 20mm.
- REINFORCING STEEL SHALL CONFORM TO CSA-G30J8-09. GRADE 400 (F<sub>y</sub> = 400MPa).
- CONTINUE ALL FOOTING AND WALL REINFORCEMENT AT CORNERS.
- PROVIDE 75mm COVER FOR FOOTING REINFORCEMENT AND 40mm COVER FOR WALL REINFORCEMENT. U/N.
- SLAB REINFORCING TO CONSIST OF FIBREMESH.
- ALL ANCHOR BOLTS SHALL BE 16# x 325 LONG x 50 BEND AND CONFORM TO ASTM A307 UNLESS NOTED OTHERWISE. ANCHOR BOLTS TO BE SPACED MAXIMUM 1830mm O/C U/N.
- CONCRETE FROST WALL DEPTH BELOW FINISHED GRADE TO BE 1220mm (MIN) FOR FROST PROTECTION U/N.
- FOUNDATION TO BE PLACED ON SOLID BEARING WITH MIN. BEARING CAPACITY OF 150KPa.
- COMPACT ALL INTERIOR BACKFILL TO 100% PROCTOR.



**TYPICAL CONCRETE CURB AND SIDEWALK**  
SCALE: N.T.S.



**PARKING LOT COMPOSITION**  
SCALE: N.T.S.

**NOTES**

SEE GENERAL NOTES SHEET C-4

2.	ISSUED FOR REVIEW	01/08/16
1.	ISSUED FOR REVIEW	27/01/16
No.	DESCRIPTION	DD/MM/YY

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**PROFESSIONAL ENGINEER**  
STEPHEN POWER  
SIGNATURE  
DATE  
REGISTERED & LICENSED

PRINCIPAL CONSULTANT

**MAE Design Limited**  
connecting the world

TEL (709) 834-1554 FAX (709) 834-1558

CIVIL CONSULTANT

DRAWN BY: S. POWER  
CHECKED BY: R. SUMMERS  
APPROVED BY:

SCALE: 1:300

DETAIL NO. A  
DRAWING NO. B  
WHERE DETAIL REQUIRED C  
DRAWING NO. WHERE DETAILED

PROJECT

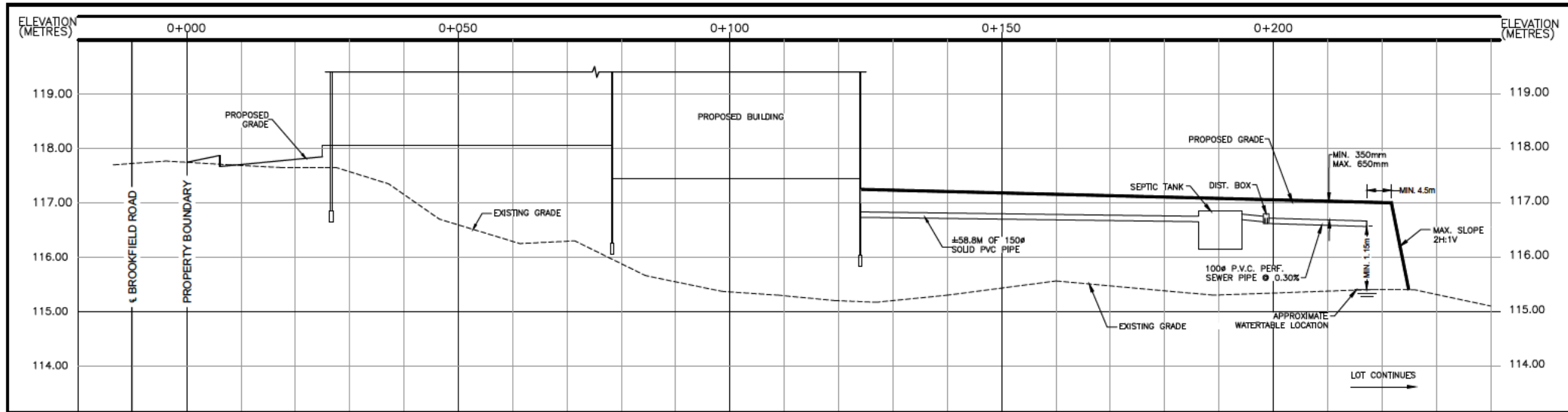
**265 BROOKFIELD ROAD  
SITE PLAN  
BY: COMMANDER VENTURES INC.**

ST. JOHN'S, NL

DRAWING TITLE

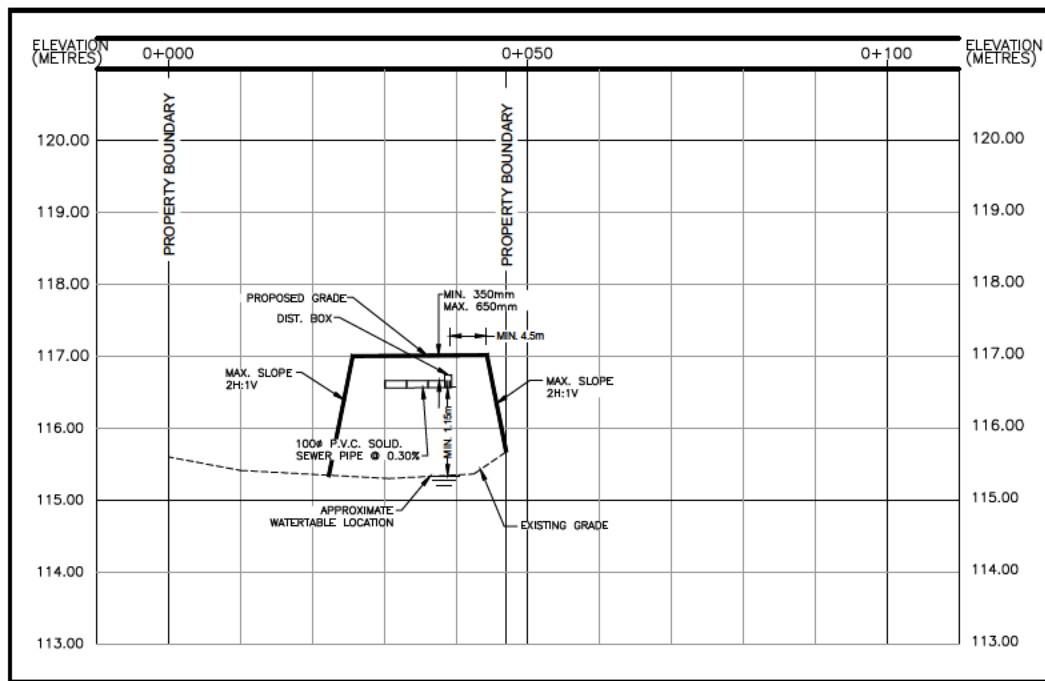
**PROPERTY CROSS SECTIONS,  
GENERAL NOTES AND  
DETAILS**

PROJECT No. 2015.317  
DRAWING FILE No. C-4  
MC-15317-001-160112 SHEET 4 OF 5



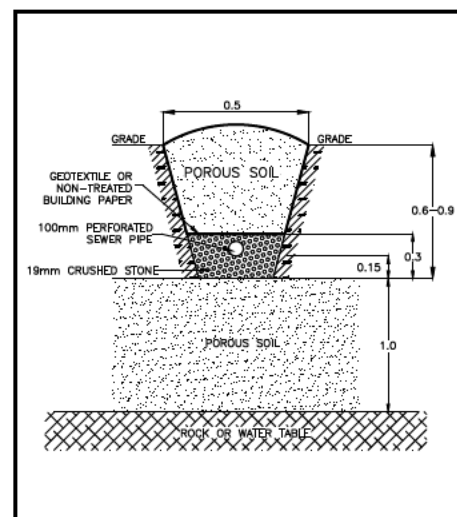
SEPTIC SYSTEM SECTION  
SCALE: HORZ. 1:500, VERT. 1:50

1  
C-3 | C-5



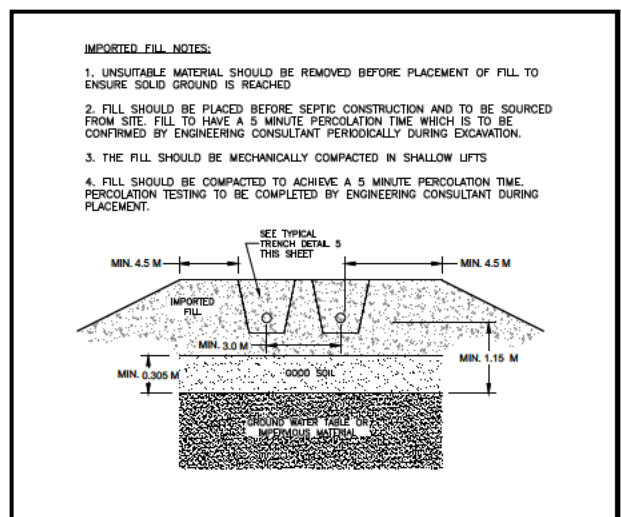
SEPTIC SYSTEM SECTION  
SCALE: HORZ. 1:200, VERT. 1:100

2  
C-3 | C-5



TYPICAL TRENCH CROSS SECTION  
SCALE: NTS

5  
C-5 | C-5



TILE FIELD BORROW FILL DETAIL  
SCALE: NTS

6  
C-5 | C-5

1. ALL WORK TO BE PERFORMED IN ACCORDANCE WITH THE CITY OF ST. JOHN'S MUNICIPAL ENGINEERING REGULATIONS, THE STANDARD MUNICIPAL WATER, SEWER, AND ROADS SPECIFICATIONS AND THE PRIVATE SEWAGE DISPOSAL AND WATER SUPPLY STANDARDS.

2. REPORT ANY DISCREPANCIES BETWEEN DRAWINGS AND CONDITIONS IN FIELD TO CONSULTANT PRIOR TO START OF WORK.

3. DO NOT SCALE FROM DRAWING.

4. VEHICULAR TRAFFIC SHALL NOT BE PERMITTED ONTO THE DISPOSAL FIELD AREA.

**SEPTIC TANK NOTES**  
 -MIN. 1.5 METERS FROM BUILDINGS.  
 -MIN. 3.0 METERS FROM PROPERTY BOUNDARIES.  
 -MIN. 16.0 METERS FROM DRILLED WELLS.  
 -MIN. 3.0 METERS FROM EMBANKMENTS.  
 -MIN. 4.5 METERS FROM WATER SERVICE LINES. -MIN. 30.0 METERS FROM DUG WELLS & WATER COURSES.

**DISPOSAL FIELD NOTES**  
 -MIN. 6.0 METERS FROM BUILDINGS.  
 -MIN. 3.0 METERS FROM PROPERTY BOUNDARIES. -MIN. 30.0 METERS FROM DUG WELLS AND WATER COURSES.  
 -MIN. 4.5 METERS FROM EMBANKMENTS.  
 -MIN. 7.5 METERS FROM WATER SERVICE LINES. -MIN. 16.0 METERS FROM DRILLED WELLS.

SEPTIC FIELD GENERAL NOTES  
SCALE: NTS

3  
C-3 | C-5

TEST PIT #1:	TEST PIT #2:	TEST PIT #3:
0.5M: GREY GRAVEL WITH ROCK 2.1M: DARK GREY GRAVEL WITH COBBLES BOTTOM OF TESTPIT	0.15M: BROWN TOPSOIL 0.5M: GREY SANDY MATERIAL WITH ROCK 1.5M: SEM-SATURATED BROWN SILTY MATERIAL WITH GRUBBING 1.8M: WATER BOTTOM OF TESTPIT	1.2M: GREYISH BROWN MATERIAL WITH ROCK 1.8M: WATER BOTTOM OF TESTPIT
COMMENTS: NO ROCK ENCOUNTERED WATER ENCOUNTERED @ 2.05M	COMMENTS: NO ROCK ENCOUNTERED WATER ENCOUNTERED @ 0.5M	COMMENTS: NO ROCK ENCOUNTERED WATER ENCOUNTERED @ 1.2M
TEST PIT #4:	TEST PIT #5:	TEST PIT #6:
1.1M: LIGHT BROWN SANDY GRAVEL WITH ROCK 1.2M: DARK GREY SANDY GRAVEL WITH ROCK 2.1M: GREY SANDY GRAVEL WITH ROCK BOTTOM OF TESTPIT	0.9M: BROWN TOPSOIL WITH COBBLE 1.8M: WATER BOTTOM OF TESTPIT	0.1M: GRUBBING 0.8M: SEM-SATURATED GREY SANDY GRAVEL WITH ROCK 1.8M: WATER BOTTOM OF TESTPIT
COMMENTS: NO ROCK ENCOUNTERED NO WATER ENCOUNTERED	COMMENTS: NO ROCK ENCOUNTERED WATER ENCOUNTERED @ 0.9M	COMMENTS: NO BEDROCK ENCOUNTERED WATER ENCOUNTERED @ 0.3M
TEST PIT #7:		
0.3M: LIGHT GREY SANDY GRAVEL 1.2M: DARK GREY SATURATED SILTY MATERIAL 1.4M: WATER BOTTOM OF TESTPIT		
COMMENTS: NO BEDROCK ENCOUNTERED WATER ENCOUNTERED @ 0.3M		

TEST PIT DATA

7  
C-5 | C-5

**PERCOLATION TEST RESULTS:**

PERCOLATION TEST	TIME TO FALL 25mm (T)	TEST PITS CONDUCTED BY: MAE DESIGN LIMITED/CHRIS FFIELD DATE: DECEMBER, 2015
PP1	20+ MIN	SYSTEM DESIGNED BY: STEPHEN POWER, P.ENG REGISTRATION NO: AD 2009-105692
PP2	20+ MIN	
PP3	20+ MIN	

\* IMPORTED FILL FOR THE SEPTIC AREA TO HAVE A PERCOLATION RATE BETWEEN 5-10 MINUTES.

**DESIGN CALCULATIONS:**

DAILY SEWAGE FLOW:  
 OFFICE SPACE = 6L / m<sup>2</sup>  
 - 6L x (14.0m<sup>2</sup> x 6 UNITS) = 1674 LITRES  
 - 6L x (84.0m<sup>2</sup>) = 504 LITRES

WAREHOUSE = 115L PER PERSON (2 PPL/WAREHOUSE)  
 = 115 x (2 x 6 UNITS) = 1380 LITRES  
 SUB TOTAL = 1884 LITRES

SEPTIC TANK SIZE:  
 1884 L/DAY x 1.5 = 2826 LITRES

DOSING VOLUME:  

$$\frac{174}{4} \times \# \text{ OF } \times \text{ LENGTH OF } \times 70\%$$

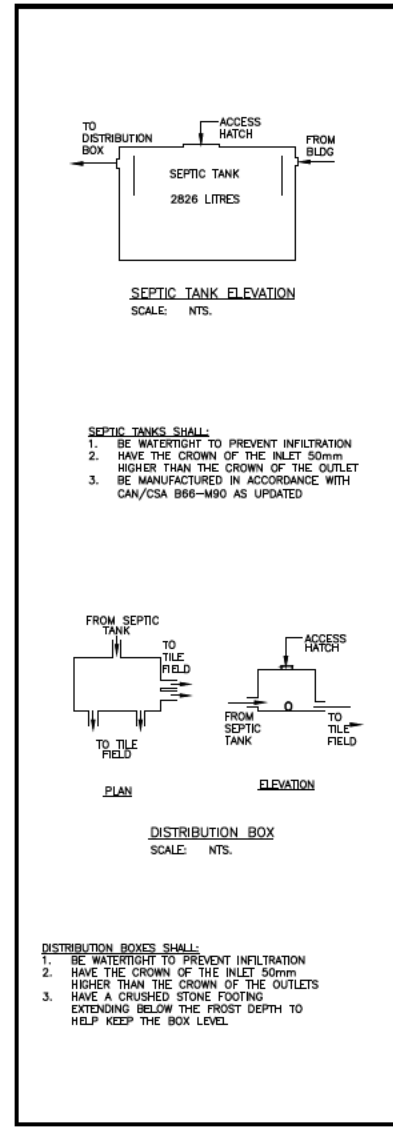
$$= \frac{3.14(0.10)^2 \times 4 \times 18.0 \times 0.70}{4}$$

$$= 396 \text{ LITRES}$$
 TOTAL LENGTH OF DISTRIBUTION PIPE:  
 L = 0.011 Q/T  
 WHERE:  
 L = TOTAL LENGTH OF DISTRIBUTION PIPE (M)  
 Q = TOTAL DAILY SEWAGE FLOW (LITRES)  
 T = PERCOLATION RATE (MINUTES)  

$$L = 0.011(2826) \sqrt{5.0} = 70.0 \text{ METERS}$$
 \*DESIGN: 4 LINES @ 18.0m = 72.0 METERS

PERCOLATION TEST RESULTS AND DESIGN CALCULATIONS

8  
C-5 | C-5



SEPTIC TANK & DIST. BOX NOTES  
SCALE: NTS

**NOTES**  
SEE GENERAL NOTES SHEET C-4

No.	DESCRIPTION	DD/MM/YY
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STEPHEN POWER  
 PROFESSIONAL ENGINEER  
 NEWFOUNDLAND & LABRADOR

PRINCIPAL CONSULTANT

CIVIL CONSULTANT

**MAE Design Limited**  
 CONSULTING ENGINEERS

TEL (709) 634-1554 FAX (709) 634-1558  
 DRAWN BY: S. POWDER  
 CHECKED BY: R. SUMMERS  
 APPROVED BY:  
 SCALE: 1:200

DETAIL NO. DRAWING NO. WHERE DETAIL REQUIRED. DRAWING NO. WHERE DETAILED.

PROJECT  
**265 BROOKFIELD ROAD SITE PLAN**  
 BY: COMMANDER VENTURES INC.  
 ST. JOHN'S, NL

DRAWING TITLE  
**SEPTIC DISPOSAL FIELD DETAILS**

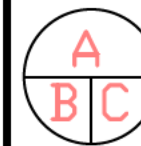
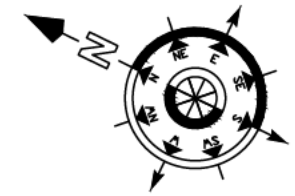
PROJECT No. 2015.317 DRAWING No. C-5  
 DRAWING FILE No. MC-15317-001-160112 SHEET 5 OF 5





AREA SUITABLE FOR SNOW STORAGE

NOTES



DETAIL NO.  
DRAWING NO.  
WHERE DETAIL REQUIRED  
DRAWING NO.  
WHERE DETAILED



TEL (709) 834-1554

FAX (709) 834-1558

DRAWN BY: K.N.

DATE: AUGUST 2016

CHECKED BY: S.P.

DATE: AUGUST 2016

APPROVED BY: S.P.

DATE: AUGUST 2016

SCALE: 1:500

PROJECT

265 BROOKFIELD ROAD  
SITE PLAN  
BY: COMMANDER VENTURES INC.

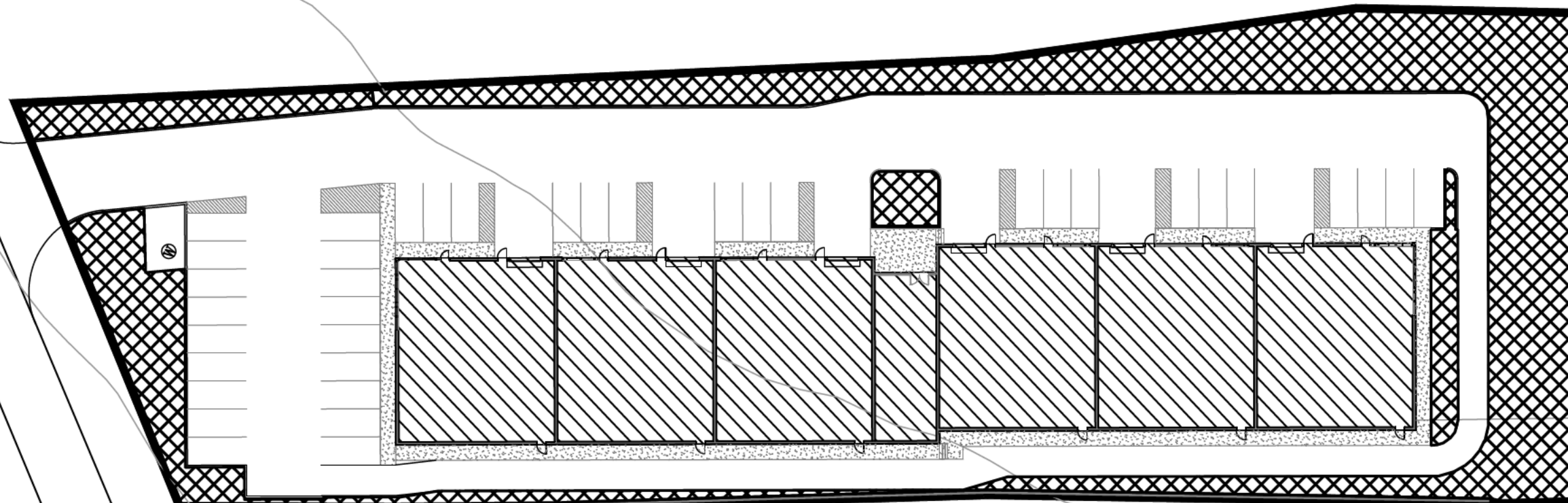
ST. JOHN'S, NL

DRAWING TITLE

SNOW CLEARING STORAGE

PROJECT No.  
2015.317

DRAWING No.  
SK-1  
SHEET 1 OF 1



BROOKFIELD ROAD

## **GARBAGE ENCLOSURE DESIGN**

All refuse containers and electrical transformers will be enclosed or screened from sight in a material that is complementary to the building's design and have landscaped areas around them. The design of this enclosure will be similar to the photo below with wood slats used in a horizontal pattern to create a screen. The wood will match the fencing along the west property line.



# EXAMPLE OF EXTERIOR LIGHTING STANDARD



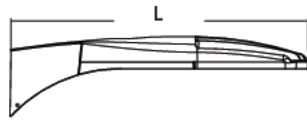
## D-Series Size 0 LED Area Luminaire



d<sup>series</sup>

### Specifications

EPA:	0.8 ft <sup>2</sup> (.07 m <sup>2</sup> )
Length:	26" (66.0 cm)
Width:	13" (33.0 cm)
Height:	7" (17.8 cm)
Weight (max):	16 lbs (7.25 kg)



Catalog Number	
Notes	
Type	

Hit the Tab key or mouse over the page to see all interactive elements.

### Introduction

The modern styling of the D-Series is striking yet unobtrusive - making a bold, progressive statement even as it blends seamlessly with its environment.

The D-Series distills the benefits of the latest in LED technology into a high performance, high efficacy, long-life luminaire. The outstanding photometric performance results in sites with excellent uniformity, greater pole spacing and lower power density. It is ideal for replacing up to 400W metal halide with typical energy savings of 65% and expected service life of over 100,000 hours.

### Ordering Information

EXAMPLE: DSX0 LED 40C 1000 40K T3M MVOLT SPA DDBXD

Series	LEDs	Drive current	Color temperature	Distribution	Voltage	Mounting	
DSX0 LED	<b>Forward optics</b> 20C 20 LEDs (one engine) 40C 40 LEDs (two engines) <b>Rotated optics<sup>1</sup></b> 30C 30 LEDs (one engine)	530 530 mA 700 700 mA 1000 1000 mA (1 A) <sup>2</sup>	30K 3000 K 40K 4000 K 50K 5000 K AMBPC Amber phosphor converted <sup>3</sup>	T1S Type I short T2S Type II short T2M Type II medium T3S Type III short T3M Type III medium T4M Type IV medium	TFTM Forward throw medium TSVS Type V very short TSS Type V short TSM Type V medium TSW Type V wide	MVOLT <sup>4</sup> 120 <sup>4</sup> 208 <sup>4</sup> 240 <sup>4</sup> 277 <sup>4</sup> 347 <sup>5</sup> 480 <sup>5</sup>	<b>Shipped included</b> SPA Square pole mounting RPA Round pole mounting WBA Wall bracket SPUMBA Square pole universal mounting adaptor <sup>4</sup> RPUMBA Round pole universal mounting adaptor <sup>4</sup> <b>Shipped separately<sup>7</sup></b> KMA8 DDBXD U Mast arm mounting bracket adaptor (specify finish)

Control options	Other options	Finish (required)
<b>Shipped installed</b> PER NEMA twist-lock receptacle only (no controls) <sup>8</sup> PER5 Five-wire receptacle only (no controls) <sup>8,9</sup> PER7 Seven-wire receptacle only (no controls) <sup>8,9</sup> DMG 0-10V dimming driver (no controls) <sup>10</sup> DCR Dimmable and controllable via ROAM <sup>®</sup> (no controls) <sup>11</sup> PIR Motion/ambient sensor, 8-15' mounting height, ambient sensor enabled at 5fc <sup>12</sup> PIRH Motion/ambient sensor, 15-30' mounting height, ambient sensor enabled at 5fc <sup>12</sup>	PIR1FC3V Motion/ambient sensor, 8-15' mounting height, ambient sensor enabled at 1fc <sup>12</sup> PIRH1FC3V Motion/ambient sensor, 15-30' mounting height, ambient sensor enabled at 1fc <sup>12</sup> BL30 Bi-level switched dimming, 30% <sup>13,14</sup> BL50 Bi-level switched dimming, 50% <sup>13,14</sup> PNMTDD3 Part night, dim till dawn <sup>15</sup> PNMTSD3 Part night, dim 5 hrs <sup>15</sup> PNMT6D3 Part night, dim 6 hrs <sup>15</sup> PNMT7D3 Part night, dim 7 hrs <sup>15</sup>	<b>Shipped installed</b> HS House-side shield <sup>16</sup> SF Single fuse (120, 277, 347V) <sup>17</sup> DF Double fuse (208, 240, 480V) <sup>17</sup> L90 Left rotated optics <sup>1</sup> R90 Right rotated optics <sup>1</sup> DDL Diffused drop lens <sup>16</sup> DDBXD Dark bronze DBLXD Black DNAXD Natural aluminum DWHXD White DDBTXD Textured dark bronze DBLTXD Textured black DNATXD Textured natural aluminum DWHGXD Textured white

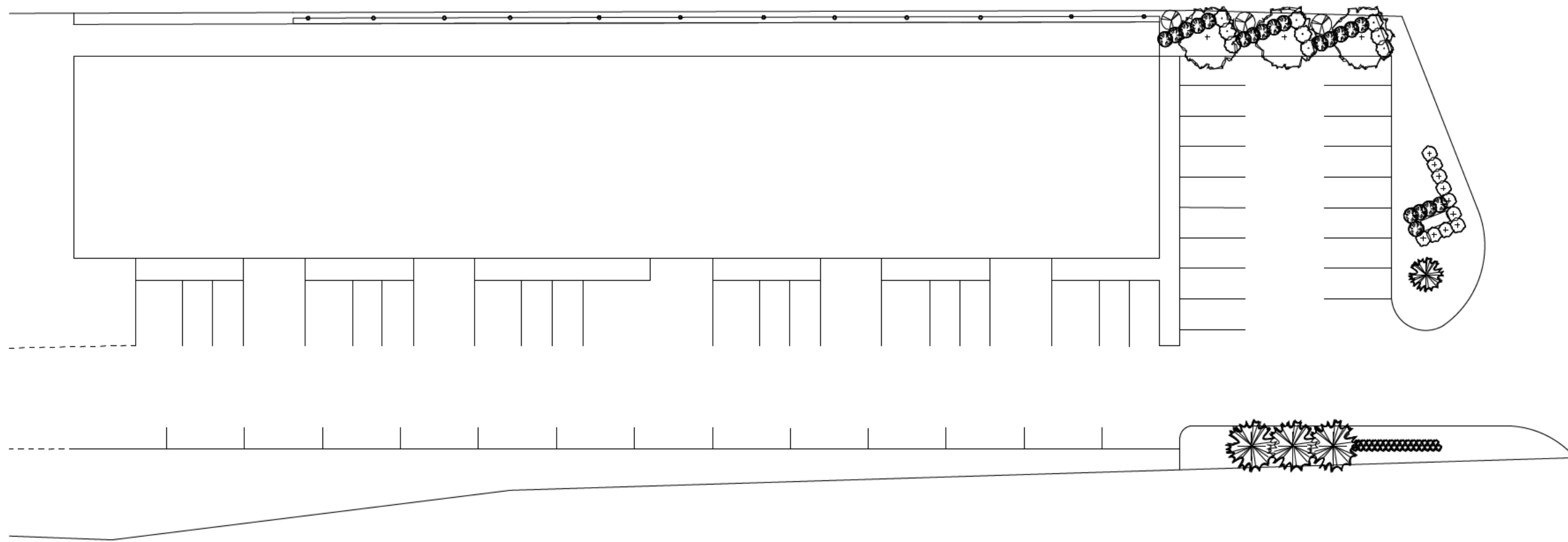
Accessories	
Ordered and shipped separately	
DLL12ZF 1.5 JU Photocell - SSL twist-lock (120-277V) <sup>18</sup> DLL347F 1.5 CUL JU Photocell - SSL twist-lock (347V) <sup>18</sup> DLL480F 1.5 CUL JU Photocell - SSL twist-lock (480V) <sup>18</sup> SC U Shorting cap <sup>14</sup> DSX0HS20C U House-side shield for 20 LED unit <sup>16</sup> DSX0HS30C U House-side shield for 30 LED unit <sup>16</sup> DSX0HS40C U House-side shield for 40 LED unit <sup>16</sup> DSX0DDL U Diffused drop lens (polycarbonate) <sup>14</sup> PUMBA DDBXD U* Square and round pole universal mounting bracket adaptor (specify finish) KMA8 DDBXD U Mast arm mounting bracket adaptor (specify finish) <sup>7</sup>	

- NOTES**
- 30 LEDs (30C option) and rotated options (L90 or R90) only available together.
  - 1000mA not available with AMBPC.
  - AMBPC only available with 530mA or 700mA.
  - MVOLT driver operates on any line voltage from 120-277V (50/60 Hz). Specify 120V, 208V, 240V or 277V options only when ordering with fusing (SF, DF options).
  - Not available with single board, 530mA product (20C 530 or 30C 530). Not available with BL30, BL50 or PNMT options.
  - Available as a separate combination accessory: PUMBA (finish) U; 1.5 G vibration load rating per ANCI C136.31.
  - Must be ordered as a separate accessory; see Accessories information. For use with 2-3/8" mast arm (not included).
  - Photocell ordered and shipped as a separate line item from Acuity Brands Controls. See accessories.
  - If ROAM<sup>®</sup> node required, it must be ordered and shipped as a separate line item from Acuity Brands Controls. Not available with DCR.
  - DMG option for 347V or 480V requires 1000mA.

- Specifies a ROAM<sup>®</sup> enabled luminaire with 0-10V dimming capability; PER option required. Additional hardware and services required for ROAM<sup>®</sup> deployment; must be purchased separately. Call 1-800-442-6745 or email: sales@roamservices.net. N/A with PER5, PER7, BL30, BL50 or PNMT options.
- PIR and PIR1FC3V specify the SensorSwitch SBGR-10-ODP control; PIRH and PIRH1FC3V specify the SensorSwitch SBGR-6-ODP control; see Motion Sensor Guide for details. Dimming driver standard. Not available with PER5 or PER7. Ambient sensor disabled when ordered with DCR. Separate on/off required.
- Requires an additional switched circuit.
- Dimming driver standard. MVOLT only. Not available with 347V, 480V, DCR, PER5, PER7 or PNMT options.
- Dimming driver standard. MVOLT only. Not available with 347V, 480V, DCR, PER5, PER7, BL30 or BL50.
- Also available as a separate accessory; see Accessories information.
- Single fuse (SF) requires 120V, 277V or 347V. Double fuse (DF) requires 208V, 240V or 480V.
- Requires luminaire to be specified with PER option. Ordered and shipped as a separate line item from Acuity Brands Controls.







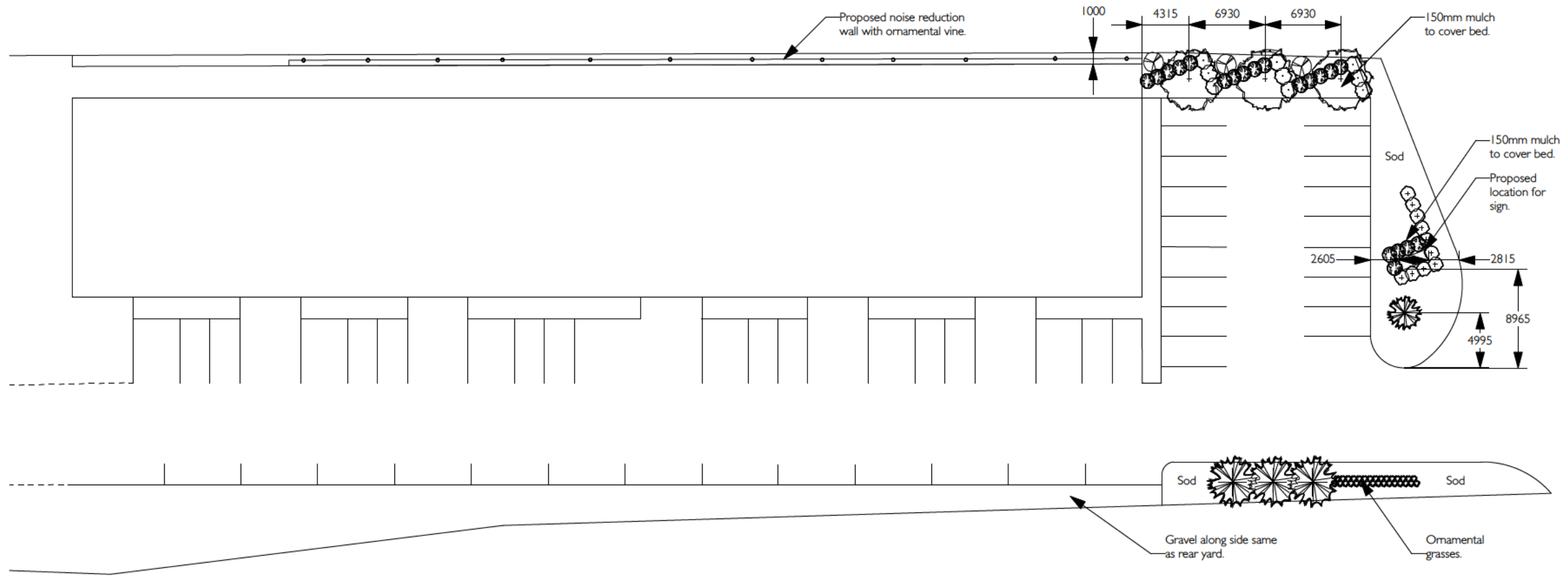
1 Landscape Master Plan  
1:450



2 Sound Reduction Fence Examples  
Wood, Precast Concrete, Allan Block



Production Title		Commander Ventures Landscape Design Plan	
Drawing Title		Master Plan	
Designer	J.Olah	Director	Andrea Rowe
Drawn By	J.Olah	Scale	1:450
Venue	265 Brookfield Rd.	Drawing No.	1
Date	11/18/15		of
CAD File Name	Airo-Commander-Brookfield		3

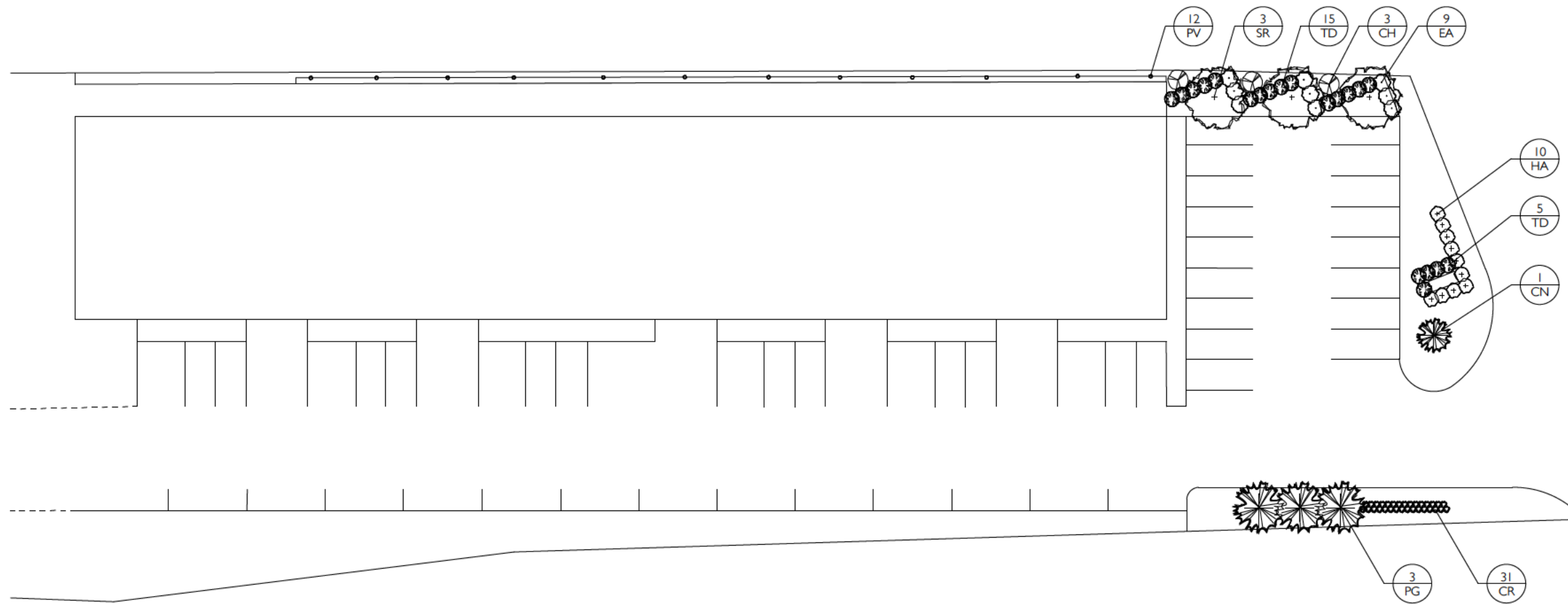


1 Landscape Annotated Plan  
1:450



Production Title		Commander Ventures Landscape Design Plan	
Drawing Title		Annotated Plan	
Designer	J.Olah	Director	Andrea Rowe
Drawn By	J.Olah	Scale	1:450
Venue	265 Brookfield Rd.	Drawing No.	2
Date	11/18/15		of
CAD File Name	Airo-Commander-Brookfield		3





1 Landscape Planting Plan  
1:450

<b>Plant List</b>				
ID	Qty	Latin Name	Common Name	Scheduled Size
CH	3	Cotoneaster horizontalis	Rockspray Cotoneaster	3 gal
CN	1	Chamaecyparis nootkatensis 'Pendula' (Xanthocyparis noot.)	Weeping Nootka Cypress	150cm WB
CR	31	Calamagrostis x acutiflora 'Karl Foerster'	Foerster's Feather Reed Grass	1 gal
EA	9	Euonymus alatus 'Compactus'	Dwarf Burning Bush	3 gal
HA	10	Hydrangea arborescens 'Annabelle'	Annabelle Hydrangea	3 gal
PG	3	Picea glauca	White Spruce	150cm WB
PV	12	Parthenocissus quinquefolia	Virginia Creeper	1 gal
SR	3	Syringa reticulata 'Ivory Silk'	Ivory Silk Tree Lilac	45mm WB
TD	20	Taxus x media 'Densiflora Select'	Select Dense Yew	3 gal



Production Title  
Commander Ventures  
Landscape Design Plan

Drawing Title  
Planting Plan

Designer: J.Olah | Director: Andrea Rowe

Drawn By: J.Olah | Scale: Sheet 3 of 3

Venue: 265 Brookfield Rd. | Drawing No. 3

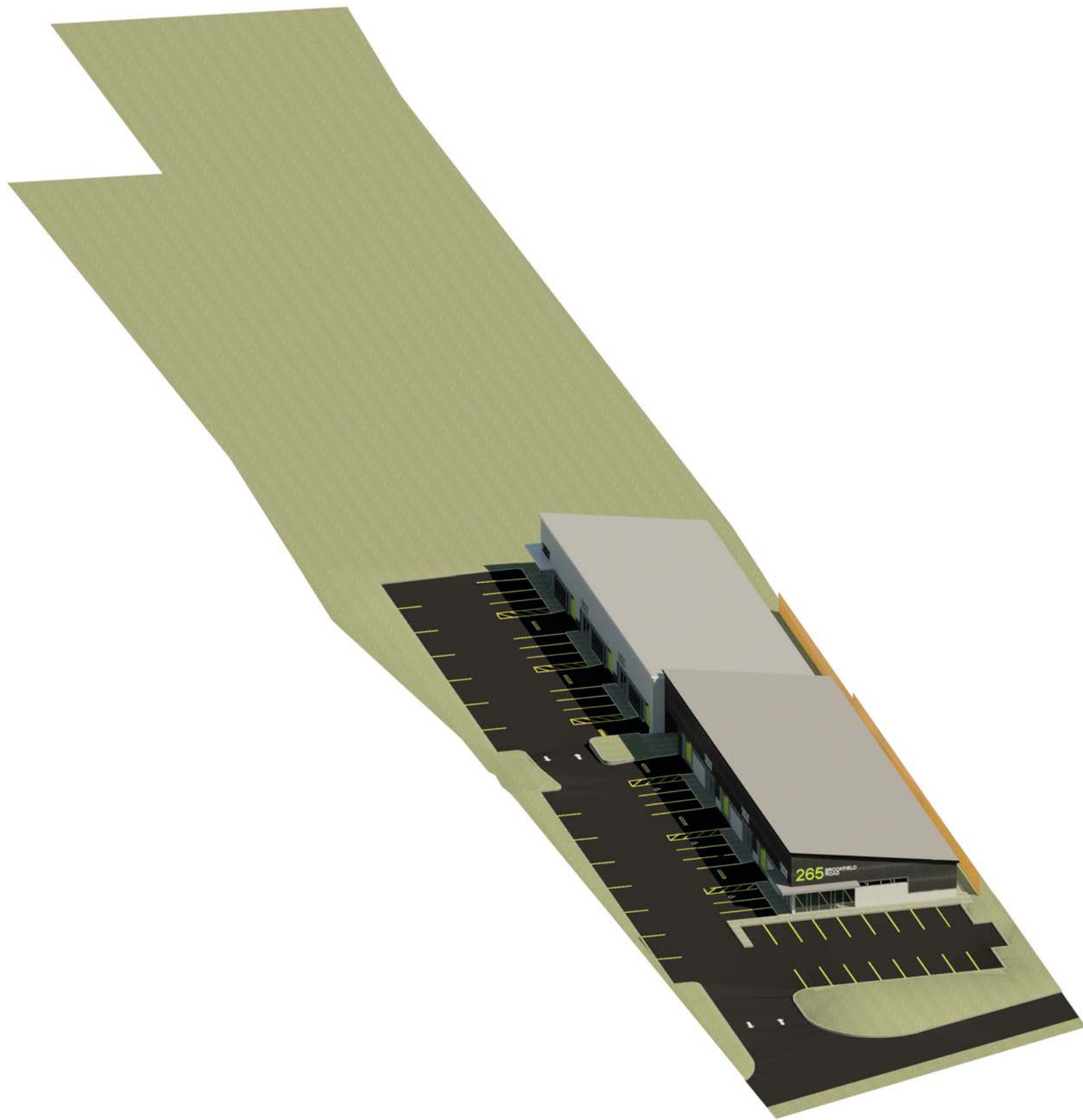
Date: 11/18/15 | of 3

CAD File Name: Airo-Commander-Brookfield | 3



# APPENDIX C

## RENDERINGS



**AERIAL VIEW OF SITE**

MAY NOT BE COMPLETELY INDICATIVE OF FINAL DESIGN

**WOODFORD/  
SHEPPARD**

ARCHITECTURE LTD.



**VIEW FROM BROOKFIELD ROAD**

MAY NOT BE COMPLETELY INDICATIVE OF FINAL DESIGN





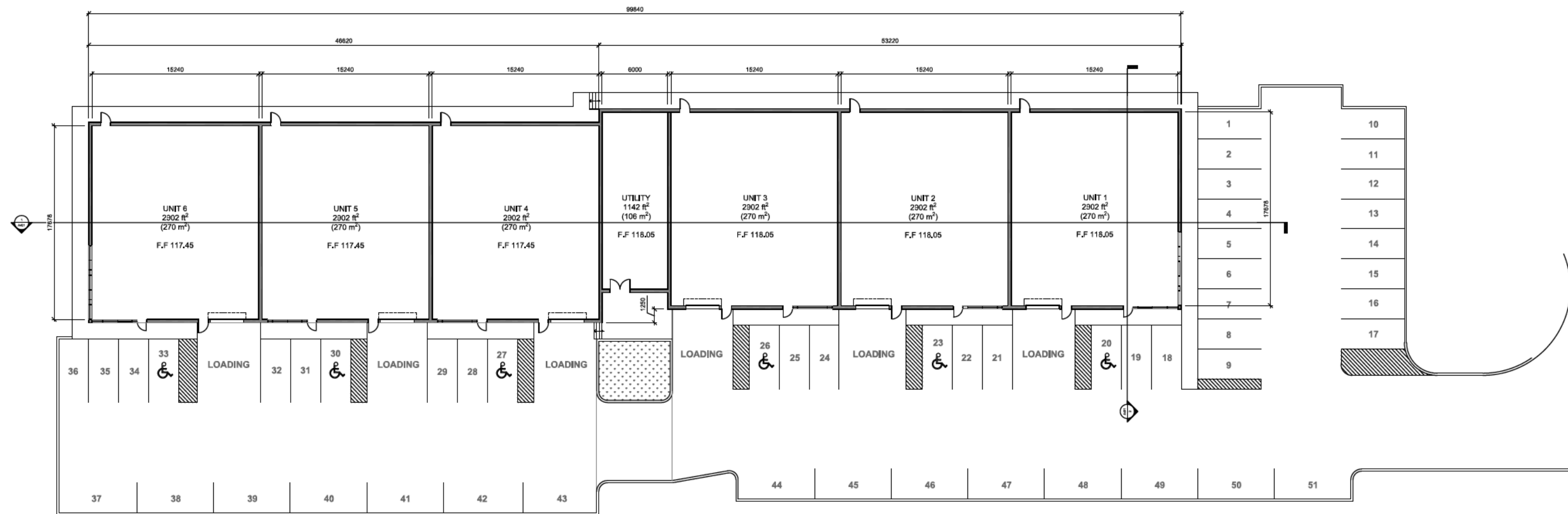
**VIEW FROM FRONT PARKING LOT**

MAY NOT BE COMPLETELY INDICATIVE OF FINAL DESIGN



# APPENDIX D

## FLOOR PLANS



NOTE: SEE CIVIL DRAWINGS FOR ALL SITE WORK.

**DRAFT**

**NOTES**

- DO NOT RELY UPON INFORMATION SHOWN ON THIS DRAWING FOR CONSTRUCTION UNLESS IT STATES BELOW THE SHEET HAS BEEN SPECIFICALLY ISSUED FOR THAT PURPOSE AND THE SHEET HAS BEEN STAMPED AND SIGNED.
- SURVEY INFORMATION PROVIDED BY \_\_\_\_\_ (DATE OF SURVEY)
- DO NOT SCALE FROM THIS DRAWING.
- ALL DIMENSIONS ARE IN MILLIMETRES (mm) UNLESS OTHERWISE NOTED
- CONFIRM CONDITIONS ON SITE BEFORE PROCEEDING WITH THIS WORK.
- ENSURE ALL PERMITS AND APPROVALS ARE IN PLACE BEFORE COMMENCING WORK.
- SCALE IS HALF OF WHAT IS SHOWN IF PRINTED ON 11"x17" PAPER
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- BUILDER SHALL CAREFULLY EXAMINE ALL INFORMATION CONTAINED IN THESE DOCUMENTS AND CONFIRM THAT IT IS ACCURATE. PRIOR TO COMMENCING CONSTRUCTION, NOTIFY CONSULTANT IMMEDIATELY, OF ANY ERRORS OR OMISSIONS, AND AWAIT CONSULTANT'S RESPONSE BEFORE BEGINNING PROJECT. SHOULD ISSUES ARISE DURING THE CONSTRUCTION PERIOD WHICH MAY AFFECT THE OVERALL INTENT OF THESE DOCUMENTS, BUILDER SHALL NOT TAKE IT UPON HIMSELF TO CHANGE OR ADJUST ANY ITEMS CONTAINED IN THE DOCUMENTS BUT INSTEAD SHALL NOTIFY THE CONSULTANT. CONSULTANT ASSUMES NO LIABILITY OR RESPONSIBILITY FOR ERRORS AND OMISSIONS OR PROBLEMS ENCOUNTERED DURING CONSTRUCTION WHICH ARE A DIRECT RESULT OF THE CONTRACTOR'S MISUSE OF THESE DOCUMENTS. FAILURE TO ABIDE BY THE CONDITIONS SET FORTH IN THE DOCUMENTS OR THROUGH USE OF THE DOCUMENTS BY UNQUALIFIED PERSONS.

STAMP NORTH REF.

No.	By	DESCRIPTION	Date
1	CW	ISSUED FOR DEVELOPMENT PERMIT	2018/01/27

**REVISIONS**

**WOODFORD / SHEPPARD**  
ARCHITECTURE INC.

11 Rowan Street  
St. John's Newfoundland Canada  
709 753 7913  
info@woodfordshppard.com

CLIENT  
**COMMANDER VENTURES**

PROJECT  
**BROOKFIELD ROAD DEVELOPMENT**

DRAWING  
**PROPOSED FLOOR PLAN**

DESIGNED	ORIGIN	SCALE
-	JS	1/200
APPROVED	DATE	SHEET
-	2018/01/27	A201
PROJECT # 2015-025		



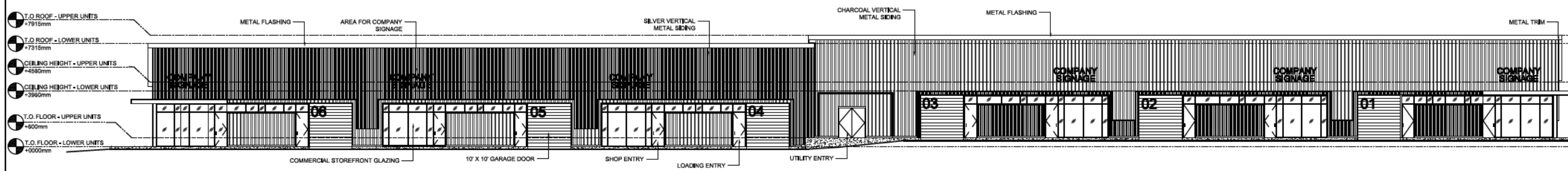


# APPENDIX E

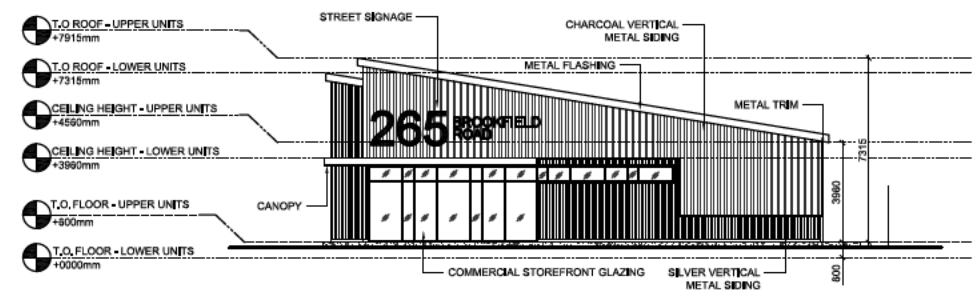
ELEVATIONS + SECTIONS

**NOTES**

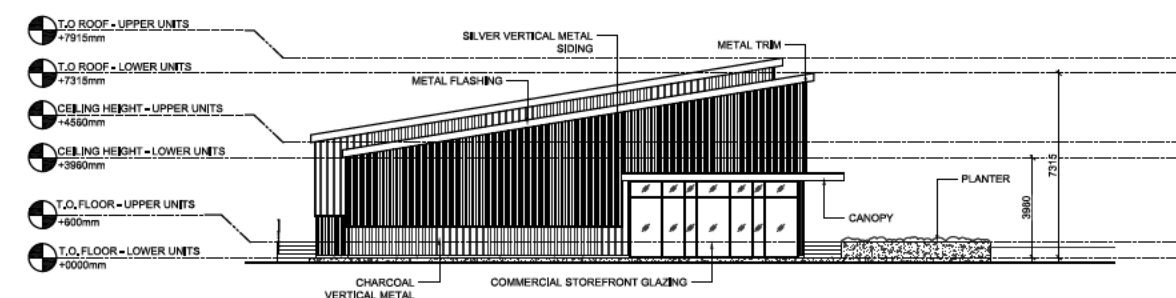
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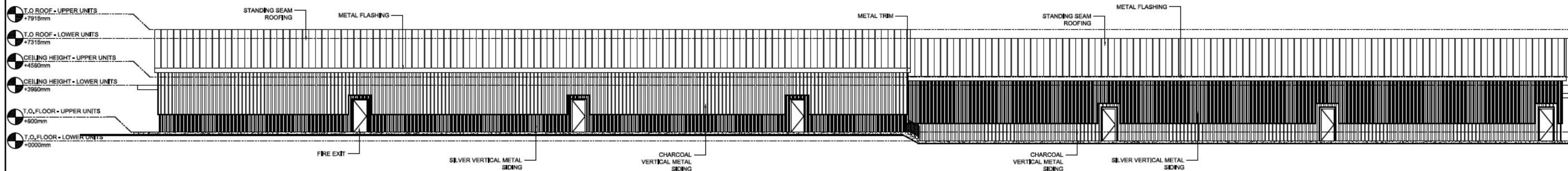
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A301 SCALE: 1:150



**2 SOUTH ELEVATION**  
A301 SCALE: 1:150



**3 NORTH ELEVATION**  
A301 SCALE: 1:150



**4 EAST ELEVATION**  
A301 SCALE: 1:150

**DRAFT**

STAMP NORTH REF.

No.	By	DESCRIPTION	Date
1	CW	ISSUED FOR DEVELOPMENT PERMIT	2018/01/27

**REVISIONS**

**WOODFORD / SHEPPARD**  
ARCHITECTURE INC.

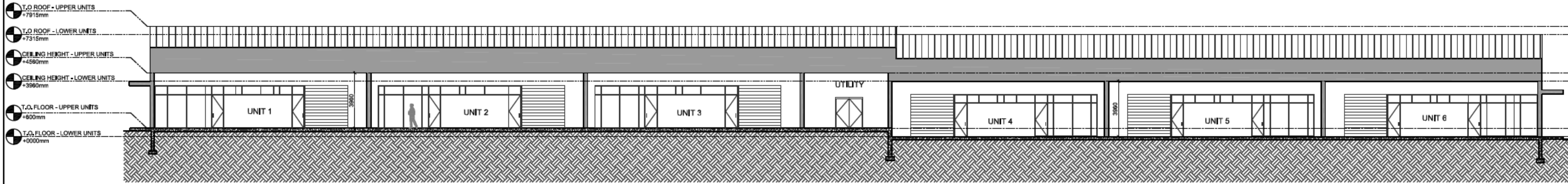
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St. John's Newfoundland Canada  
709 753 7913  
info@woodfordshppard.com

CLIENT **COMMANDER VENTURES**

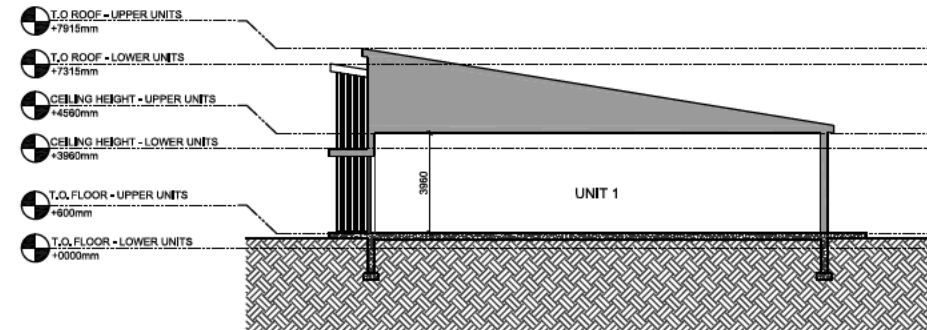
PROJECT **BROOKFIELD ROAD DEVELOPMENT**

DRAWING **ELEVATIONS**

DESIGNED	DRAWN	SCALE
-	JS	1:150
APPROVED	DATE	SHEET
-	2018/01/27	A301
PROJECT #	2015-025	



1 LONGITUDINAL SECTION  
A401 SCALE: 1:150



2 TRANSVERSE SECTION  
A401 SCALE: 1:150

DRAFT

NOTES

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STAMP NORTH REF.



No.	By	DESCRIPTION	Date
1	CW	ISSUED FOR DEVELOPMENT PERMIT	2018/01/27

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**COMMANDER VENTURES**

PROJECT  
**BROOKFIELD ROAD DEVELOPMENT**

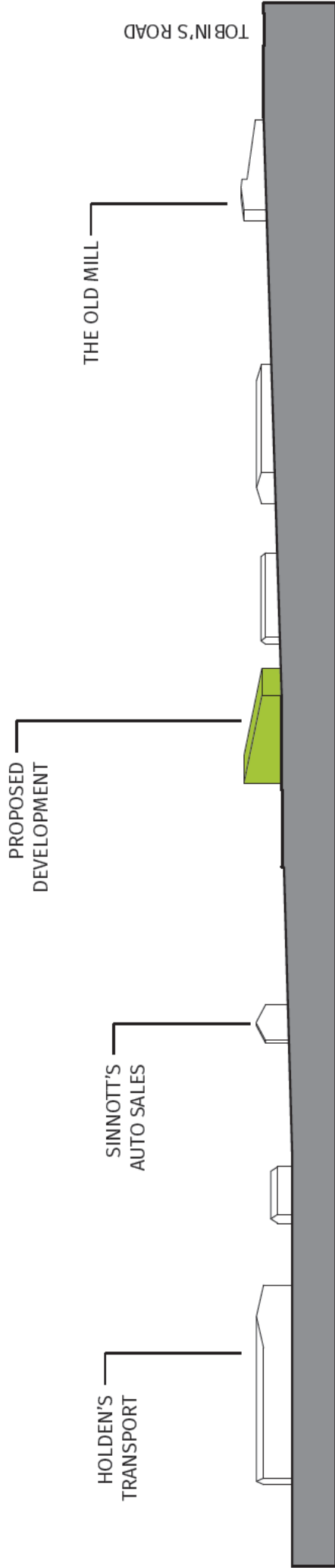
DRAWING  
**SECTIONS**

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APPROVED	DATE	SHEET
-	2018/01/27	A401
PROJECT #	2015-025	



# APPENDIX F

## SITE SECTION



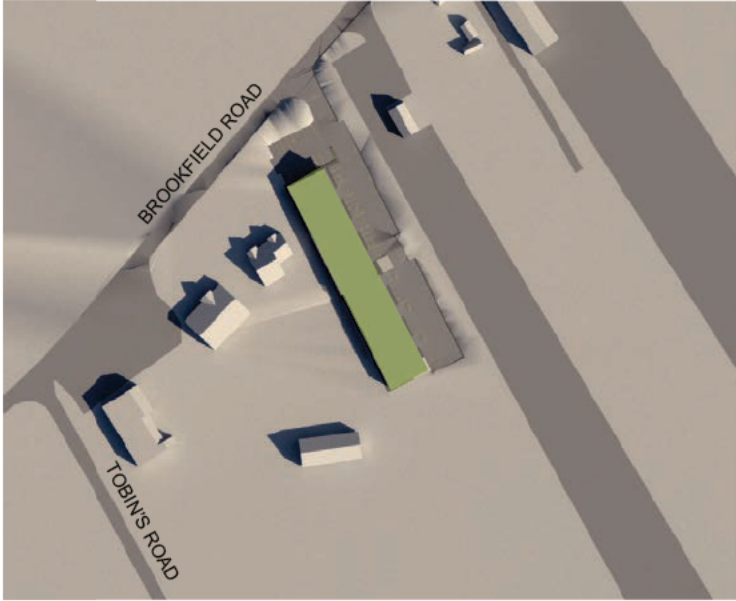
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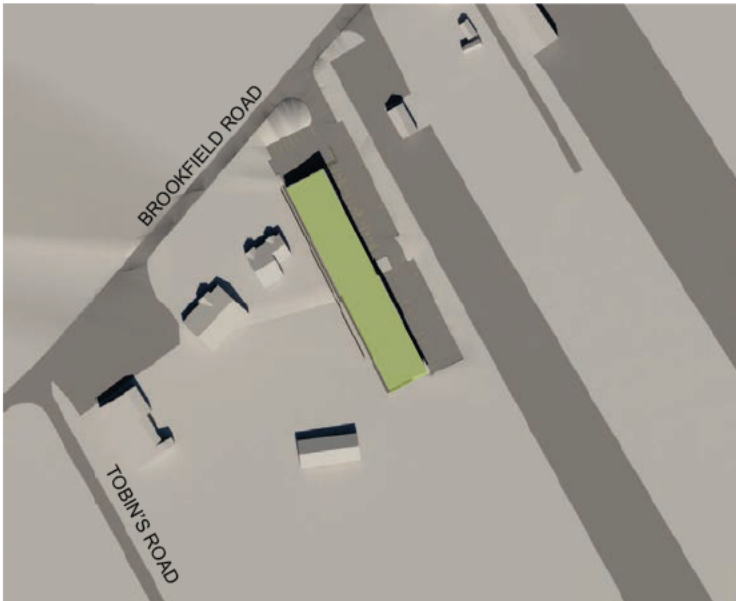


# APPENDIX G

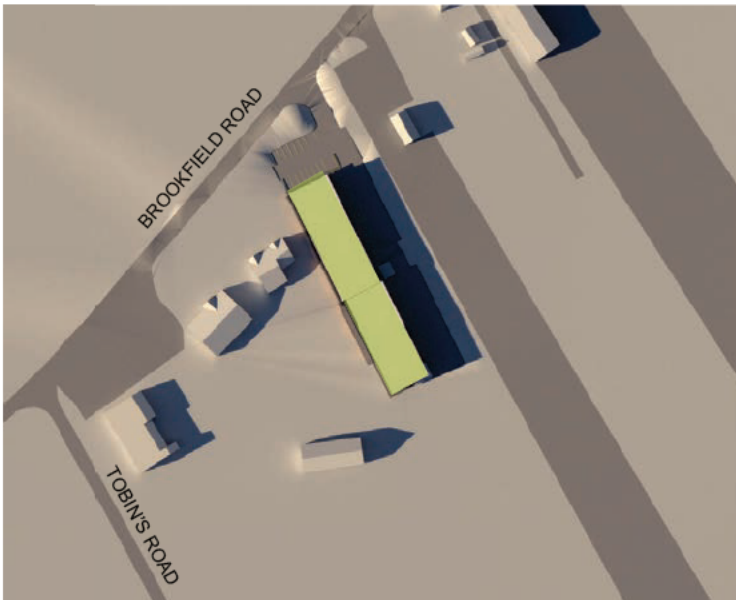
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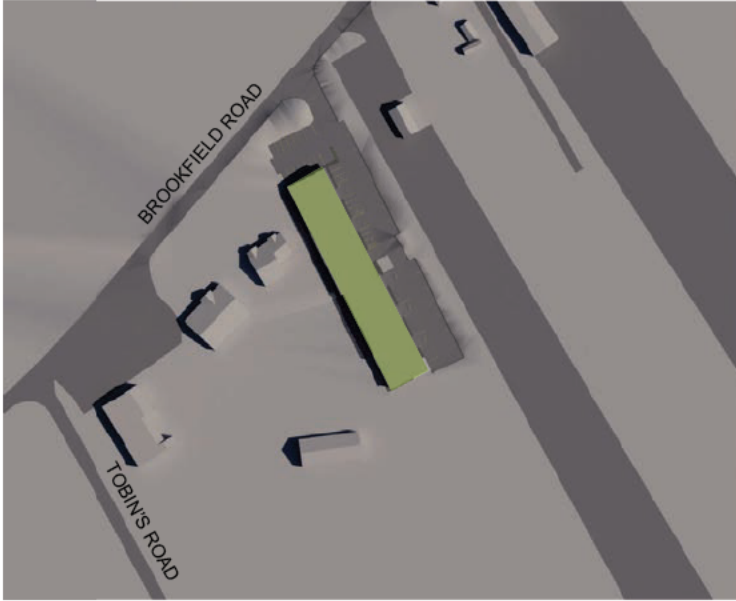


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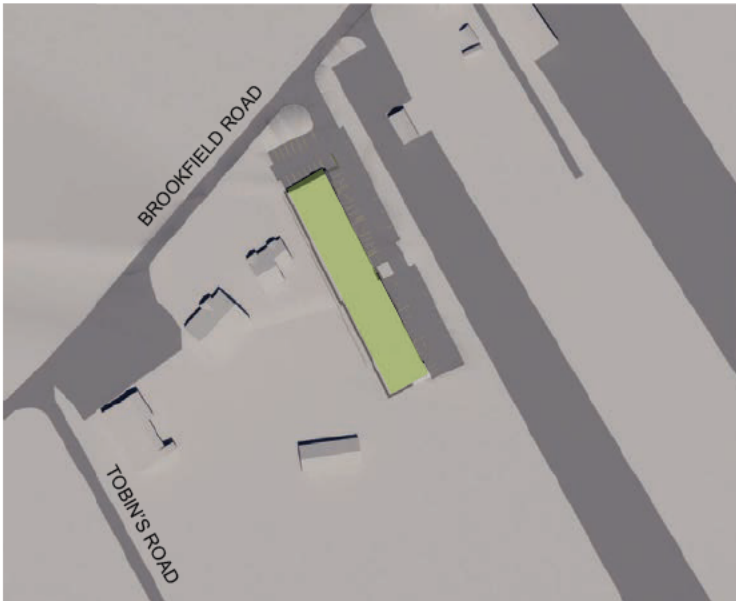


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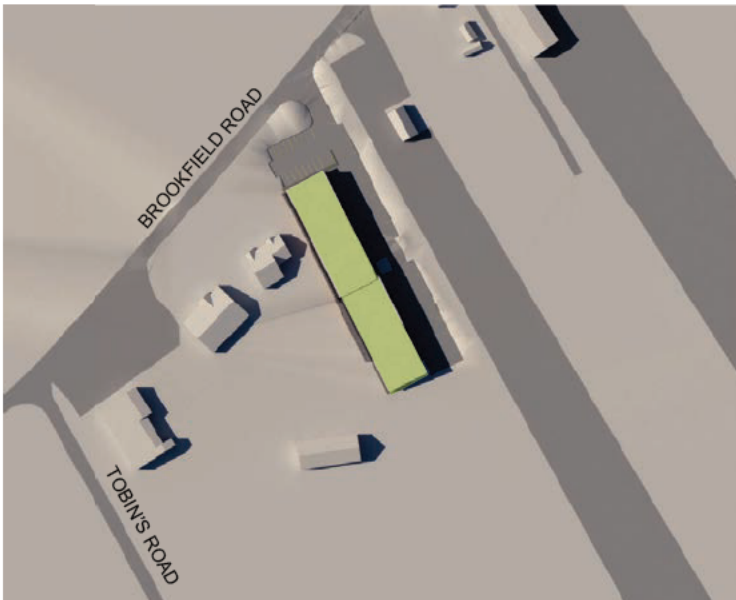




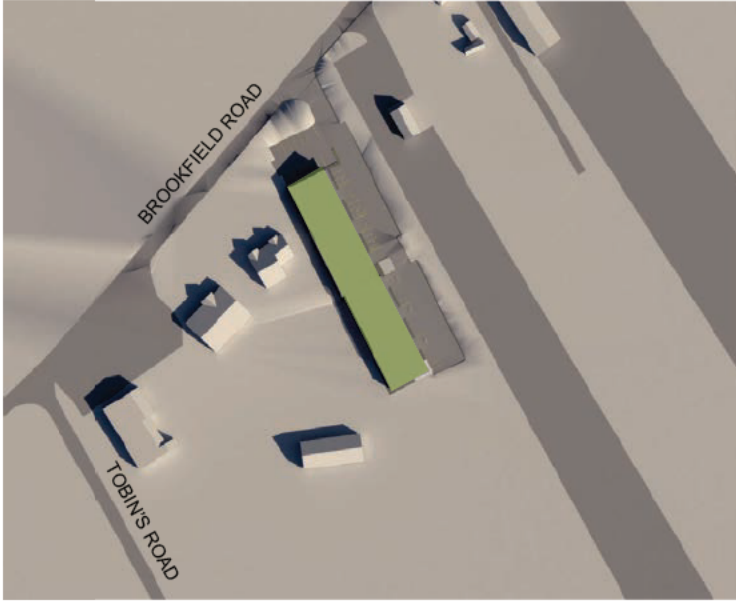
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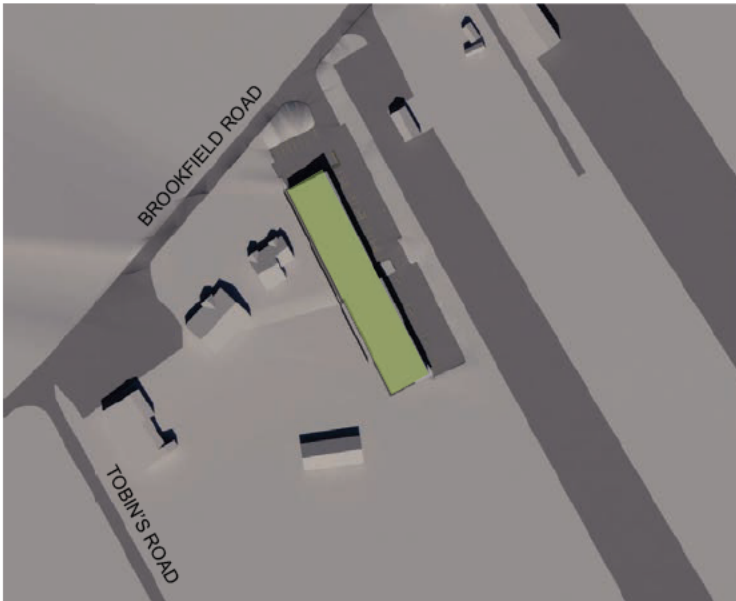
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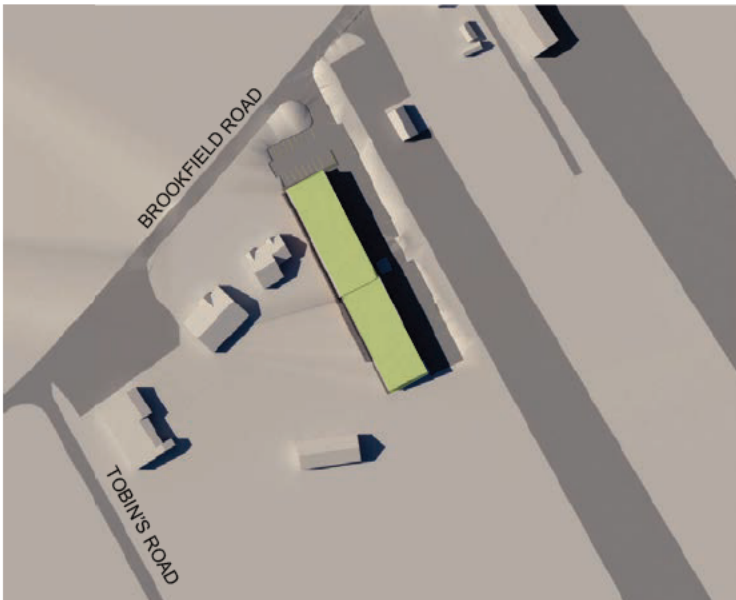
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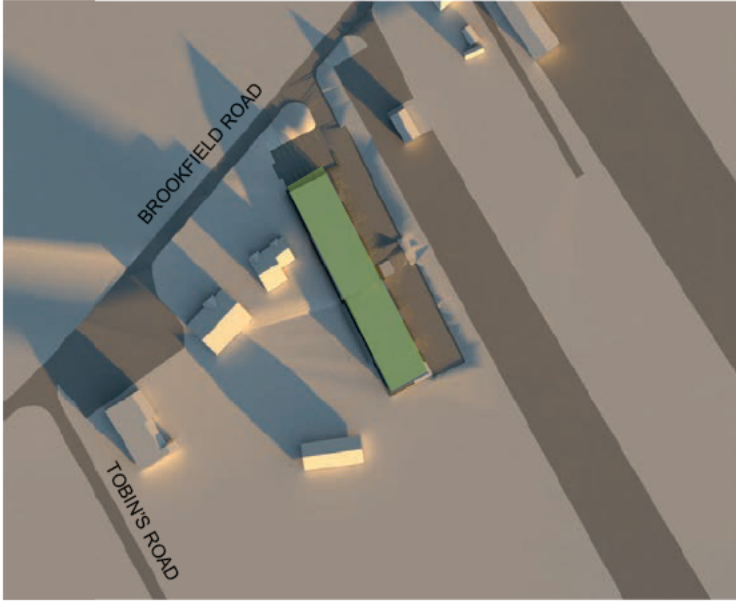
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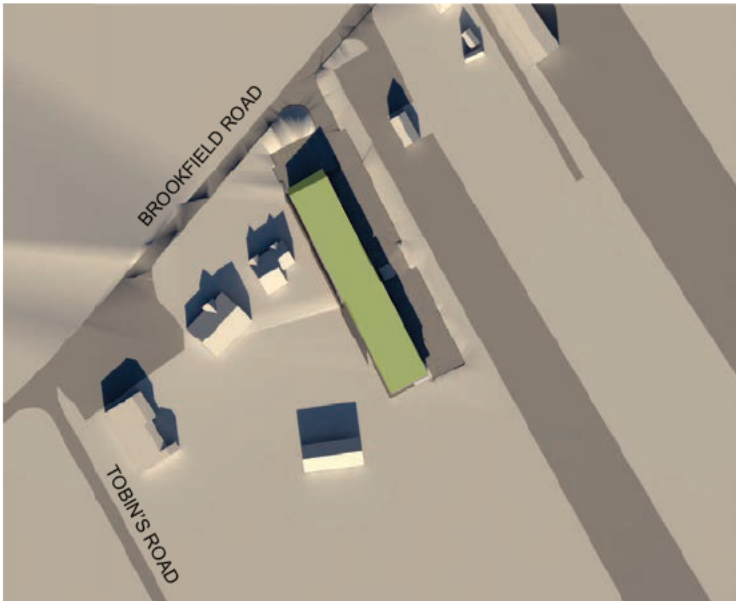
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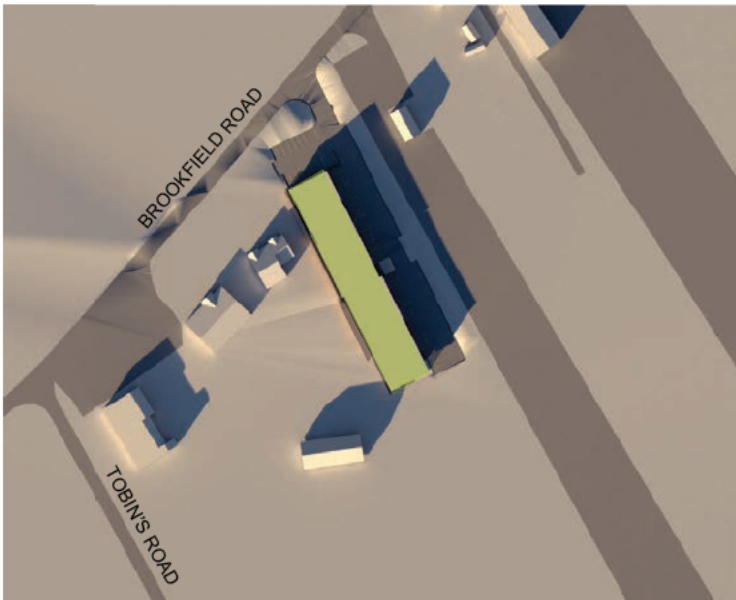
**FALL EQUINOX  
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5:00 PM



**WINTER SOLSTICE  
DECEMBER 21**  
9:00 AM



**WINTER SOLSTICE  
DECEMBER 21**  
12:00 PM

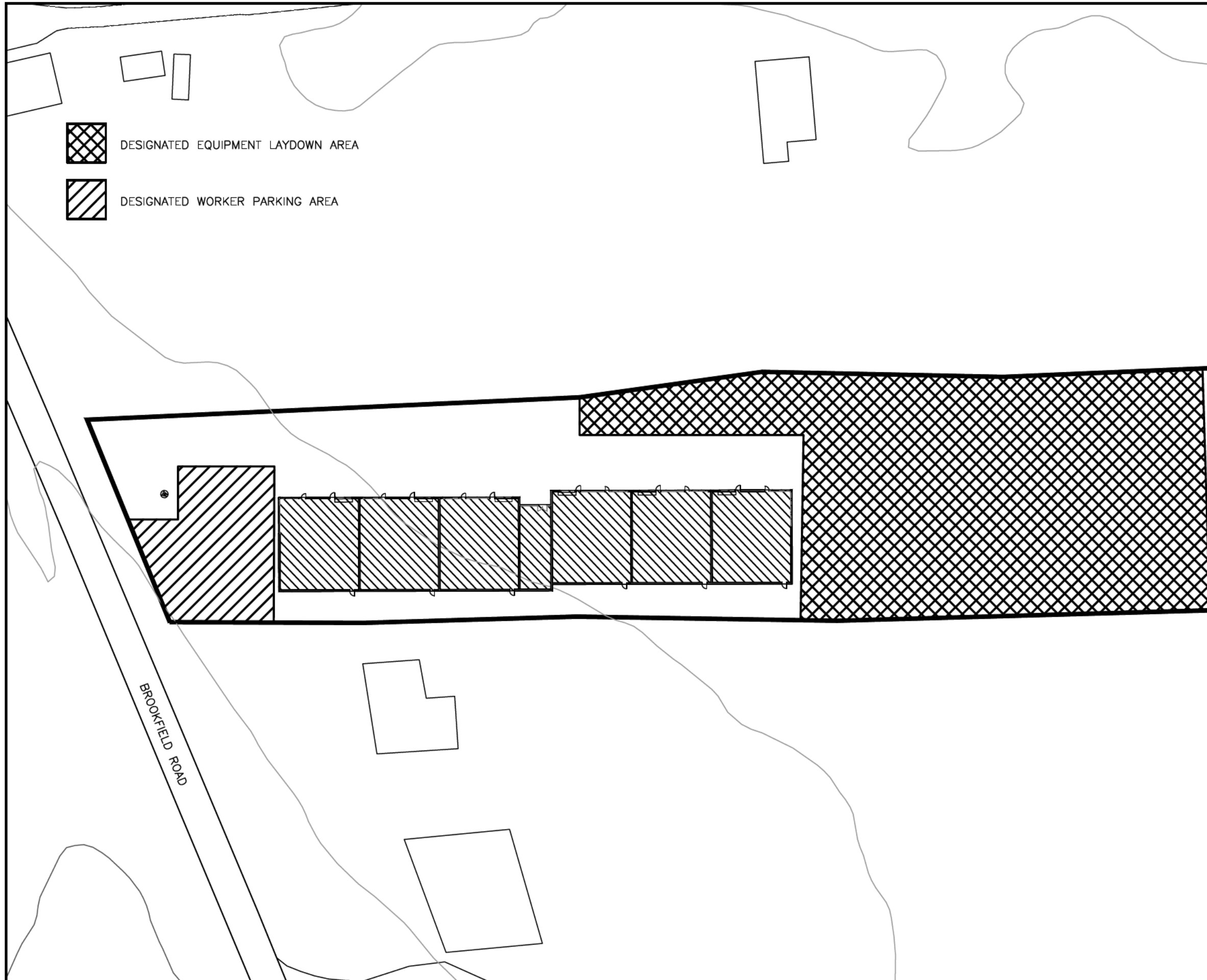


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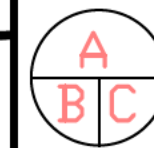
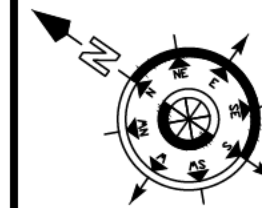


# APPENDIX H

## CONSTRUCTION PLAN



**NOTES**



**A** DETAIL NO.  
**B** DRAWING NO.  
**C** WHERE DETAIL REQUIRED

**A** DRAWING NO.  
**B** WHERE DETAILED  
**C** WHERE DETAILED



TEL (709) 834-1554 FAX (709) 834-1558

DRAWN BY: K.N. DATE: AUGUST 2016

CHECKED BY: S.P. DATE: AUGUST 2016

APPROVED BY: S.P. DATE: AUGUST 2016

SCALE: 1:500

PROJECT

**265 BROOKFIELD ROAD  
 SITE PLAN  
 BY: COMMANDER VENTURES INC.  
 ST. JOHN'S, NL**

DRAWING TITLE

**WORKERS PARKING AND  
 DESIGNATED LAYDOWN AREAS  
 DURING CONSTRUCTION**

PROJECT No.  
**2015.317**

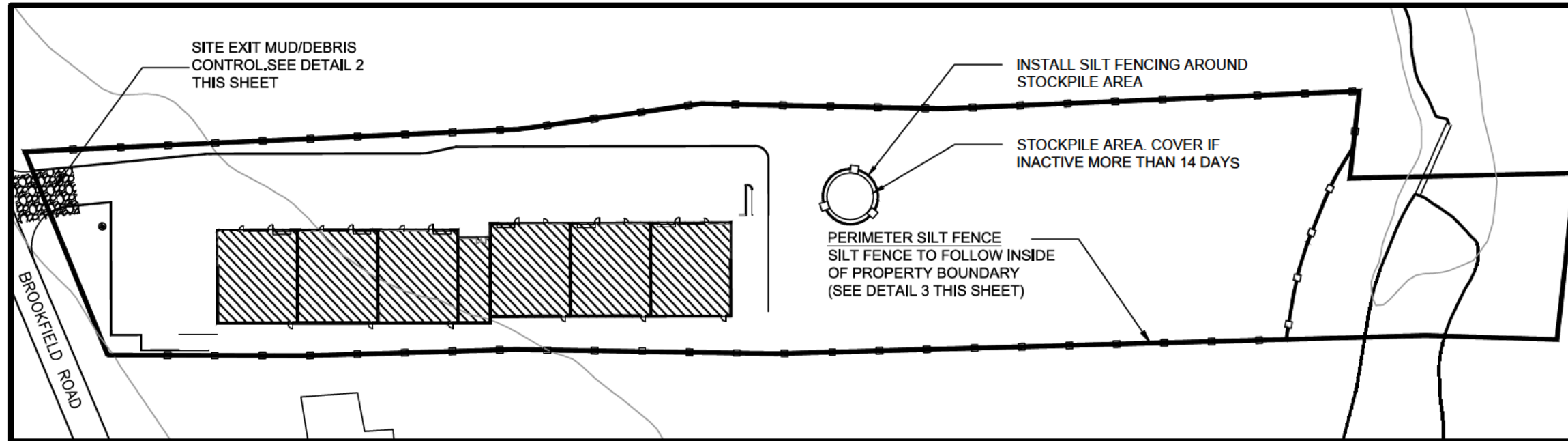
DRAWING No.  
**SK-2**  
 SHEET 1 OF 1



# APPENDIX I

## WATERWAY BUFFER PROTECTION

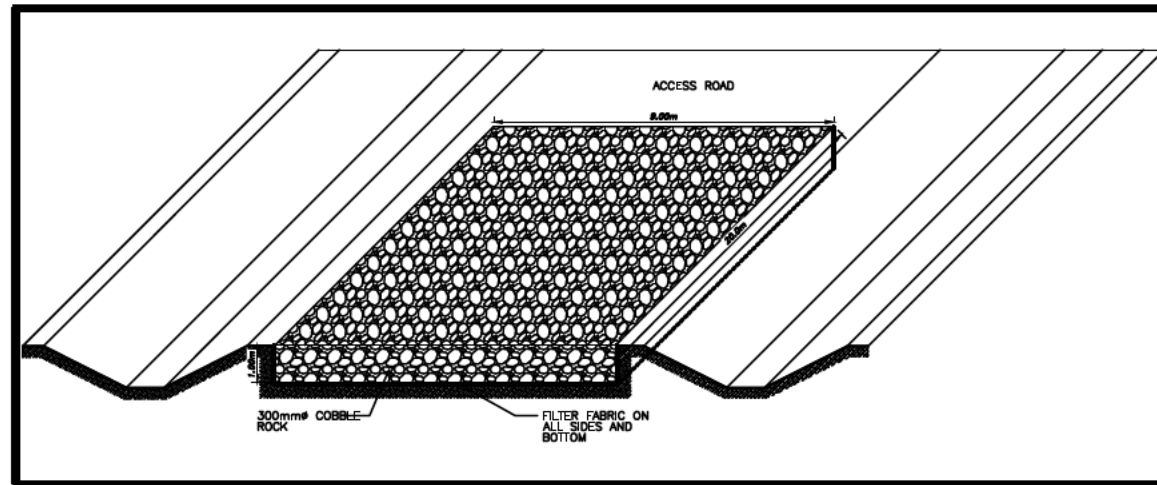




**EROSION AND SEDIMENT CONTROL PLAN**

SCALE: 1=1000

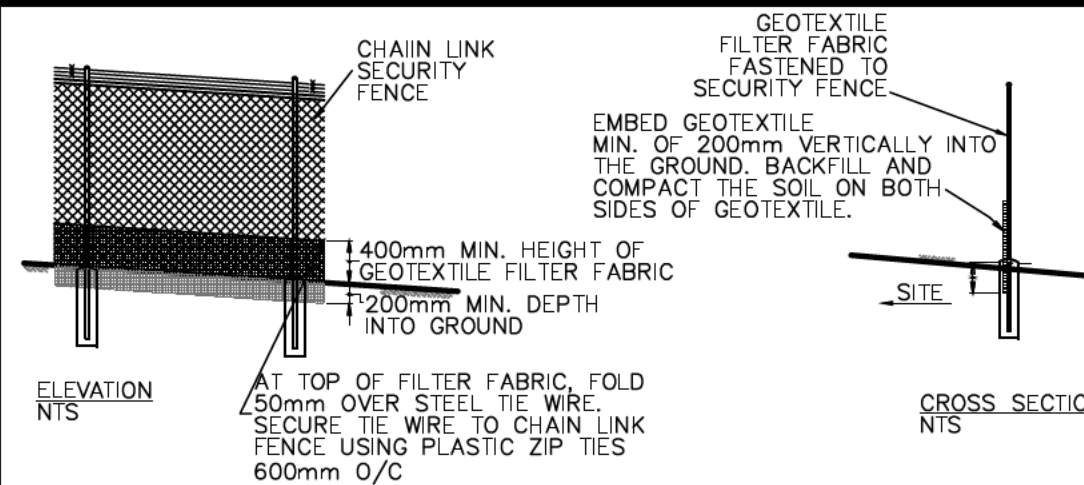
1  
SK-3 SK-3



**SITE EXIT MUD/DEBRIS CONTROL**

N.T.S.

2  
SK-3 SK-3



**CONSTRUCTION SPECIFICATIONS**

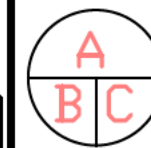
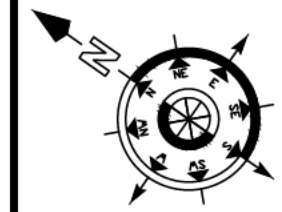
1. USE GEOTEXTILE FILTER FABRIC AS SPECIFIED IN SECTION 01560 OF THE STANDARD MUNICIPAL SPEC. AND FASTEN GEOTEXTILE SECURELY TO INSIDE OF SECURITY FENCE WITH WIRE TIES OR PLASTIC ZIP TIES AT TOP AND MID-SECTION 600mm O/C.
2. EMBED GEOTEXTILE A MINIMUM OF 200mm VERTICALLY INTO THE GROUND. BACKFILL AND COMPACT THE SOIL ON BOTH SIDES OF FABRIC.
3. REMOVE ACCUMULATED SEDIMENT AND DEBRIS WHEN BULGES DEVELOP IN SILT FENCE OR WHEN SEDIMENT REACHES 25% OF FENCE HEIGHT. REPLACE GEOTEXTILE IF TORN. IF UNDERMINING OCCURS, REINSTALL SILT FENCE. CONTRACTOR SHALL MAINTAIN INTEGRITY OF SILT FENCE UNTIL ALL SURFACES ARE STABILIZED ON SITE.
4. ACCESS POINTS TO SITE SHALL BE MOUNDED/GRADED SO THAT STORM RUN-OFF DOES NOT BY-PASS SILT FENCING.
5. ALL FILTER FABRIC AND PARTS TO BE REMOVED UPON COMPLETION OF SITE WORK AND PROPERLY DISPOSED. ALL AREAS BENEATH FENCE TO BE NEATLY DRESSED AND COMPACTED TO 50mm BELOW SECURITY FENCE.

**PERIMETER SILT FENCE DETAIL**

NTS

3  
SK-3 SK-3

**NOTES**



DETAIL NO.  
DRAWING NO. WHERE DETAIL REQUIRED  
DRAWING NO. WHERE DETAILED



TEL (709) 834-1554 FAX (709) 834-1558

DRAWN BY: K.N. DATE: AUGUST 2016

CHECKED BY: S.P. DATE: AUGUST 2016

APPROVED BY: S.P. DATE: AUGUST 2016

SCALE: 1:500

PROJECT

**265 BROOKFIELD ROAD  
SITE PLAN  
BY: COMMANDER VENTURES INC.**

**ST. JOHN'S, NL**

DRAWING TITLE

**SILT FENCE LAYOUT AND  
DETAIL**

PROJECT No.  
**2015.317**

DRAWING No.  
**SK-3**  
SHEET 1 OF 1



# APPENDIX J

## PUBLIC TRANSIT

## Jessica Stanford

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**From:** Chris Whelan <chris.whelan@metrobus.com>  
**Sent:** Tuesday, October 11, 2016 2:07 PM  
**To:** 'Jessica Stanford'  
**Subject:** RE: Transit Information for Brookfield Road Development

Hi Jessica

Metrobus would not have any infrastructure requirements for a development at 265 Brookfield Rd. We do not have any transit services in that area and yes you are right in that Route 21 would be the closest route to that address. Route 21 is a Mount Pearl route and would not be altered to service the development.

**Chris**  
**570-2071**

*Please consider the environment before printing this email!*



---

**From:** Jessica Stanford [mailto:jessica@woodfordsheppard.com]  
**Sent:** October-11-16 12:16 PM  
**To:** chris.whelan@metrobus.com  
**Subject:** Transit Information for Brookfield Road Development

Hi Chris,

Just in response to our phone conversation, I am working on a Land Use Assessment Report for the City of St. John's for a proposed warehouse/office development at 265 Brookfield Road and I was inquiring as to if there would be any transit infrastructure requirements (bus shelters or a bus lay-by, for example) that would be necessary at this proposed development.

The nearest intersection to the development would be Brookfield Road and Tobins Road and currently there is no bus route that runs along Brookfield Road at this location. From the Metrobus route map, I think the route that would best service this area would likely be Route 21 that has a stop at Commonwealth Avenue and Old Placentia Road.

Thanks again for your help!

Jessica

Jessica Stanford, M.Arch MRAIC

### WOODFORD/ SHEPPARD ARCHITECTURE

11 Rowan Street  
St. John's NFLD Canada  
A1B 2X2  
Tel. 709 753 7917



**METROBUS MAP (zoomed in)**

**N.T.S.**



**Public Meeting**  
**Tuesday, January 17, 2017**  
**7:00 p.m.**  
**Foran/Greene Room, 4<sup>th</sup> Floor, City Hall 6:59**

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Present: Councillor Sandy Hickman, Chairperson  
Councillor Arthur Puddister  
Councillor Wally Collins (entered at 7:05)  
Lindsay Lyghtle-Brushett, Planner III  
Stacey Fallon, Legislative Assistant

Also present: Arman Mirchandani – Commander Ventures  
Chris Woodford – Woodford Sheppard Architecture  
Jessica Stanford – Woodford Sheppard Architecture  
Stephen Power – Mae Design Ltd.

There were 10 people in attendance at the meeting.

#### **PURPOSE OF MEETING**

The purpose of the meeting was to discuss the following application:

***The City of St. John's has received an application from Commander Ventures, on behalf of 10327 Newfoundland Limited, to rezone 265 Brookfield Road to the Commercial Industrial (CI) Zone. The purpose of the rezoning is to develop a single storey, six unit commercial building to accommodate Light Industrial Use.***

4 written submissions against this application and 1 petition of support were received.

#### **CALL TO ORDER AND BACKGROUND PRESENTATIONS**

Councillor Hickman called the meeting to order at 6:59 p.m., he thanked everyone for coming and introduced the head table. After defining the process for the meeting he handed the floor over to Lindsay Lyghtle-Brushett with the City's Planning Department.

The following documents were included in the public meeting agenda:

- Location Map
- Survey Plan
- Land Use Assessment Report

Lindsay Lyghtle- Brushett, Planner III, spoke to the rezoning of 265 Brookfield Road from the Rural Residential Infill ( RRI ) Zone and Rural Zone ( R ) to the Commercial Industrial (CI) Zone. This rezoning is required to allow for the application, which was received from Commander Ventures on behalf of 10327 Newfoundland Limited to develop a single storey, six (6) unit commercial building to accommodate light industrial uses.

She reported the subject property is located on the south side of Brookfield Road and has an area of 1.27 hectares and a 40.4 metre frontage. The applicant submitted a Land Use Assessment Report, which provided detailed information and drawings, for both the proposed building and the property. There are no municipal water and sewer services in the area. Ms. Lyghtle - Brushett, reported that if this property gets rezoned, it will require a variance of 5.4% for the frontage, to meet requirements for the development. There are two active complaint files regarding the application site.

Chris Woodford of Woodford Sheppard Architecture spoke on behalf of the Proponent. He explained the history of the property and noted the properties surrounding as well as their uses historically He advised The property slopes back towards a tributary of the Waterford River which requires maintaining a 15 metre buffer.

He explained the application, gave a brief profile of the proponent and briefly discussed public engagement that they had done including a petition of support signed by 31 area residents and business owners.

## **DISCUSSION FROM THE FLOOR**

Although the proponent had a petition of support with 31 signatures, everyone in attendance was against this application, with the exception of the consultants who were representing the proponent.

There were many concerns raised about the property not conforming to the current zoning and those in attendance feared rezoning would intensify the problems. Many complaints had been made to the City as well as other Government Bodies over the years relating to concerns regarding this property. Staff had to clarify that several of the concerns being addressed by the residents applied to 33 Tobins Road, which is not part of the application site.

One neighboring couple had retained a Solicitor, Ms. Judy Manning to speak on their behalf. After Ms. Manning touched on some of the above noted concerns, she asked for



the opportunity to submit a response in writing subsequent to the meeting, in which the chair obliged. The Chair advised that he would check with the Legal Department on the complaints residents were referring to.

Concerns raised by area residents are listed below:

- Noise pollution is unbearable
- Garbage and debris is unsightly
- Property flooding because of backfilling
- Children and grandchildren's safety
- View of the site
- Existing non-conforming use to be intensified
- Property values
- Environmental concerns (Industrial Lot)
- Concerns for wells
- Why this would be allowed to move ahead with existing alleged complaint files outstanding.

#### **CONCLUDING REMARKS**

Councillor Hickman thanked everyone for coming and advised that the matter will be referred to Council for review in a few weeks.

#### **ADJOURNMENT**

The meeting adjourned at 8:41 p.m.

Councillor Hickman  
Chairperson

January 7, 2017

This letter is with reference to correspondence we received regarding an application from Commander Ventures on behalf of 10327 Newfoundland Limited requesting that 265 Brookfield Road be rezoned to a commercial Industrial (CI) zone.

My wife and I live at 25 Tobin's Road; we also own the adjacent 27 Tobin's Road, which is a vacant residential property.

We purchased 25 Tobin's Road in 1983 and built our home. 27 Tobin's Road was purchased at a later date when it became available.

The property referred to (265 Brookfield Road) extends immediately behind our property and is currently zoned "Residential". Unfortunately, present use includes among many things storage and the operation of heavy trucks and construction equipment.

Operations on this property are currently being disputed and a complaint has been filed with the city of St. John's by the residents of Tobin's Road.

City Inspector Joe Windsor has visited on several occasions and has been very helpful to review our concerns. Also, City councilor Wally Collins has visited but as of today's date little has been done by counsel to address them.

At the time of Mr. Collins visit it was felt by him that there would be very little that could be done to by the City to fix the situation due to the owner's uncooperativeness.

This is very disheartening when you consider the legality of such operations in a residential area.

Would city council allow such operation to be conducted on Pinebud Ave. or Regent St.?

It is believed that with a rezoning of the land in question, the construction of the proposed building and development would only increase all activity in and around this area. It is also believed that the rezoning request is just another means to postpone any clean up or ceasing of operation in the area.

When you consider the eyesore factor, the incredible and unbearable loud noise levels associated with current operations on this property. You can easily understand that it has been very difficult to live with and next to.

We haven't even mentioned the obvious adverse effect on property values and environmental concerns.

I'd like to also add that we have 9 young grand children living in St. John's who visit frequently. Their safety and well being is seriously jeopardized with all the noise and activity just on the other side of our fence.

I hope I have provided all the proof and reasons you need to deny this application.

We would also like to see additional measures be made to clean up existing activities immediately.

Regards,

W. A. (Bill) Bradley



January 13, 2017

To: City Clerk and whomever it may concern at The City of St. John's only.

This letter is in reference to the application to The City of St. John's for the rezoning of 265 Brookfield Rd from Commander Ventures on behalf of 10327 Newfoundland Limited from Rural/Rural Residential Infill to Commercial Industrial.

We started building our home at 11 Tobins Rd 14 years ago. The land in the area was and still is a mix of Rural and Rural Residential Infill. There was a collection of junk (10 old school buses filled with various pieces of rubbish) on the land that we purchased. This junk had belonged to the gentleman that owned 265 Brookfield Road at the time and it was removed from our property to 265 Brookfield Road before final purchase by us of 11 Tobins Road (the original owner of 11 Tobins Road lived out of province and was unaware of the storage use of his land). The gentleman that owned the 265 Brookfield Road passed away, his relatives removed the junk and debris and sold the land.

Within a short time of obtaining the land the new owner began to move in various pieces of derelict and surplus industrial and construction equipment. This new owner was Mr. Barrie James, the current proponent of the rezoning application.

The city had to proceed with legal action to eventually have the equipment removed, as it was not allowed under the zoning. This removal process took several years and the department of Environment had to be called in during this time when creosote railway ties and a liquid asphalt truck carrier, leaking tar, were stored on the land adjacent to our boundary. We are on well and septic and were concerned for contamination to our well, which sits close to this stretch of land.

Since that time we have had to endure many years of constant activity from trucks, cranes, welders and any other assortment of equipment that has been used and stored by Mr. James.

Mr. James also owns the land on the other side of the environmentally protected stream/wetland to the rear of 265 Brookfield Road. The land has been used agriculturally and is zoned Rural. To access this land from 265 Brookfield Road the river and drainage area (without permit from the City or Department of Environment) were filled in with pieces of steel, concrete, car parts etc. causing flooding in the area. At one point during heavy rain, sections of Tobins road were under water, and it caused all the land draining into this area to retain water. This incident also resulted in legal action having to be taken to have the issue addressed.

**Picture below shows small culvert that was eventually placed to open up the huge drainage area. Once water levels in the area rise this culvert is not sufficient for the amount of area it drains.**





In addition we have had huge water flooding issues on our property adjacent to the 265 Brookfield land. The rear of our property was naturally draining towards 265 Brookfield Road and down into the protected stream/wetland in the rear of our properties. Mr. James proceeded to fill in 265 Brookfield Road approximately 1 -2 meters above our backyard elevation with no allowance for water drainage and no permit or permission from the City. Our back yard became flooded to the point that once after a heavy rain we feared the basement of our house would flood. The issue was once again brought up with the city and we were told that Mr. James was supposed to put in drainage on the land and a site-grading plan was supposed to be followed. After 2 years of constant flooding on our land after every rainfall we finally had to proceed with digging up the rear of our property, installing French drains, digging a trench down the boundary of our land, and installing piping alongside the 265 Brookfield Road property to the stream/wetland drainage area to alleviate our flooding.

**Below are a couple of pictures of our flooded backyard.**











In the above pictures the fence shown is on our land boundary with 265 Brookfield Road. The proposed building will be located within one meter of this fence and the ground floor elevation of the building will be approximately level with the top of the fence.

In recent years Mr. James has been involved in the operation of Tech Lift Crane and Transport. This is a boom truck/crane operation that has set up operation in the former agricultural field at the back of 265 Brookfield Road, again outside of the municipal by laws in the area.

This has left the residents in the immediate area subject to a 7 day a week procession of trucks and equipment at all hours of the day. Every morning 6-6:30am there is usually a procession of boom trucks and other heavy equipment rumbling up through 265 Brookfield Road. Once again we are told the city has had to commence legal action against Mr. James to remove a commercial business from a rural zoned area and we are once again, as tax paying residents, left to withstand the disruption until the legal process is completed.

All of these events are indicative of some the activity that we as residents of the area have had to endure for many years. While some people in the Brookfield Road and even Tobins Road area may not notice or object to these activities (most people on the opposite side of the road are behind trees and have a buffer to this activity) there are some on Tobins road that have this in our backyards daily. We are frankly fed up with this activity. Why should we as taxpaying citizens have to endure this repeated illegal activity?

This application for rezoning, the Land Use Assessment Report (LUAR) and the Decision/Direction Note prepared by the City Planners raises many issues and questions. Below are a few of the issues/questions:

1. As stated in the Decision/Direction Note “The Municipal Plan outlines requirements for screening and protecting the quality of the rural environment, however an amendment to the Municipal Plan would not be required.” There is no amount of screening that can be created in our Newfoundland environment to screen an industrial building that has its ground elevation sitting several meters above current properties plus the height of the building. This type of development belongs in areas of similar developments with much larger parcels of land to allow for buffers. This building will sit about a meter from our boundary and an adjacent residential property bordering Brookfield Road. There is no room for a visual buffer and there will definitely not be any room for noise buffers.
2. As stated in the Decision/Direction Note “There are currently no permanent buildings on the site but the rear of the site has been used for the outdoor storage of commercial vehicles, construction equipment and storage containers.” This statement sounds as if this has been allowed when in fact it should have been noted by City staff that this is illegal activity and the legal department is currently handling this situation.
3. As stated in the Decision/Direction Note “The land is designated in the Rural District of the Municipal Plan. The property immediately east is designated Rural and zoned CI. In the same way, the subject property could be rezoned to CI while remaining in the Rural District (therefore, no Municipal Plan amendment is required). Given the long-standing commercial uses adjacent to this site, the CI Zone could be extended to include the subject property. Should the proponent take the proper steps to reduce the visual impact of the Commercial Uses and provide appropriate screening (as per Section 7.25 of the St. John’s Development Regulations) then the use may be deemed as suitable.” As a tax-paying citizen this is a very worrisome statement to be made by a planning committee. Just because there is other Commercial Industrial zoning in the area does not mean it should be allowed to migrate any further towards a residential area. How can this be justified? Has any research into the past and current issues with this parcel of land been undertaken? Since we moved to this location there have been so many visits by City staff, to take pictures for files (for illegal activity), of the 265 Brookfield Road property that I have lost count. Therefore the onus should not be on us as residents to provide the city with background on this parcel of land when their own staff has spent a good percentage of their career dealing with and following up on issues with this property.
4. The emphasis of this whole process seems to be on the LUAR and the building that Mr. James has proposed building on the site if it is rezoned CI. The city staff are replying to residents concerns (in an email and through phone conversations) stating that the building will be built closer towards Brookfield Road and that basically it won’t have much effect on them and their property because of its location. This building is a smokescreen just to get the property rezoned. The LUAR had to be provided before the application would be considered. Once the land is rezoned the activity that has previously existed on the property illegally will resume and the city and residents in the area will have no recourse. There will be no building built, no landscaping, no drainage, no buffers, no control and no restraints.
5. City staff keep emphasizing that the current and past issues on 265 Brookfield Road have nothing to do with the current application to have the land rezoned. As a resident of this city I find it very disheartening that the people that plan for the city would try to separate the issue. If the applicant



has been blatantly ignoring rules and bylaws for the past 13-14 years on the same piece of property, it should be first and foremost on the list of considerations of the current application.

**Below are several pictures of the current illegal activity on this parcel of land.**











More Construction equipment. Proximity to 25/27 Tobins Road is shown by owners fence in foreground.





This picture shows a trailer that was positioned within one meter of 25 Tobins Road residents property Tuesday January 10, 2017. Prior to this placement all equipment and activities were in full view of the residential property. The empty field and Gazebo off in the distance at the top of the picture are behind the proponents house and his son's house -owner/operator of the Techlift Crane company.

We as residents built our homes on the strength of the zoning of both our land and the adjacent areas. The city granted us permits to build our houses in this area. They (the City planning department) couldn't possibly have had plans for an increased industrial activity in this area. We have however seen that this rezoning of land from R and RRI to CI has crept ever closer to our homes.

Is there a move to have this complete area rezoned as an industrial development? Surely the City does not plan development based on one individual's attempt to hijack the city's bylaws.

As homeowners that live adjacent to 265 Brookfield Road we can see no benefit to this rezoning, only more grief for the residents and the City. Any rezoning will only serve to legitimize the illegal activities that have been carried on over the past number of years.

The land use assessment report does not even include any protection or buffering for any resident on Tobins road. We are the very ones that will be most affected by the proposed rezoning. Although as seen from the pictures above, it is nearly impossible to hide this type of land usage, especially with the narrow lot of 265 Brookfield Road.

One can only imagine the type of activity we will be subjected to if the zoning is changed and supports what has been carried out in the area over the last number of years illegally.

Kelly Harris and Paul O'Keefe  
Residents ■ Tobins Road St. John's

**SUBMISSIONS OF  
MR. BILL BRADLEY AND MRS. SANDRA BRADLEY**

**OPPOSING REZONING  
OF 265 BROOKFIELD ROAD, ST. JOHN'S**

**Submitted by:**

**JUDY M. MANNING**

Barrister & Solicitor

Solicitor for Bill Bradley and Sandra Bradley

53 Bond Street, Suite 100

St. John's, NL A1C 1S9

Tel: (709) 745-5400

Fax: (709) 745-5402

Email: [judy@manninglaw.ca](mailto:judy@manninglaw.ca)



Please accept the following submissions on behalf of Mr. Bill Bradley and Mrs. Sandra Bradley, in response to the application for rezoning of 265 Brookfield Road, St. John's:

### **BACKGROUND**

1. Bill and Sandra Bradley ["the Bradleys"] have resided at [REDACTED] Tobin's Road, St. John's, since in or about 1983, having obtained a permit to build their house at that location in the previous year. Their choice to live at 25 Tobin's Road was rooted in their desire to lead a "country lifestyle" which they assumed would be afforded through the current zoning of their property. The Bradleys are also the registered owners of an adjacent vacant lot situate at 27 Tobin's Road. For many years, the Bradleys kept horses in a corral which remains at the rear of their property; however, due to various types of nuisances emanating from the neighbouring properties, including the 265 Brookfield Road lot, the Bradleys determined that their property had been rendered unsuitable as a habitat for horses and the corral now stands vacant.

2. Commander Ventures Inc. is an extra-provincial company, which has advanced a rezoning application in relation to the property situate at 265 Brookfield Road, St. John's, on behalf of 10327 Newfoundland Limited, an incorporation, incorporated pursuant to the laws of this province. The sole director of 10327 Newfoundland Limited is Mr. Barrie James ["Mr. James"]. The local registered office for both of the aforementioned corporations is situate at 33 Tobin's Road, St. John's, NL.

3. The Bradleys are quite familiar with Mr. James, who also resides on Tobin's Road. It is under Mr. James' direction that the property adjacent to their own, along the rear perimeter of 25-27 Tobin's Road, is used for the purposes of heavy equipment storage and other commercial uses,

much to the dismay of the Bradleys and their neighbours. To the Bradleys' knowledge, neither Mr. James, nor any corporate entity under his control, has ever obtained permission from the City for said usages. In fact, complaints have been filed with the City, which complaints remain outstanding; a City Inspector, Mr. Joe Windsor, has visited Tobin's Road and observed the manner in which the property adjacent to the Bradleys' 25-27 Tobin's Road property is being used, but the problems caused by of heavy equipment storage and other commercial uses continue, unabated.

4. At a public meeting at City Hall on Tuesday, January 17, 2017, at City Hall, it was evident from the passionate concerns expressed by attendees that the vast majority of residents in the neighbourhood of 265 Brookfield Road object to the requested rezoning of 265 Brookfield Road, for a variety of reasons, including visual disturbances, noise disturbances, and disruptions and pollution of a stream in the area. Notably, not one resident of the area attended the meeting to identify himself/herself as a supporter of the rezoning application.

### **ISSUES**

5. The relevant issues to be considered are:
- a. What is the nature of the decision to be undertaken by City Council in considering a rezoning application?
  - b. If an application to rezone a property is compatible with the Municipal Plan, is there a presumption in favour of rezoning? What are the obligations of City Council in exercising its discretion in relation to a rezoning application?
  - c. What factors might influence City Council to reject the proponent's application for rezoning?

## LAW AND ARGUMENT

### **ISSUE A: What is the nature of the decision to be undertaken by City Council in considering a rezoning application?**

6. In *St. John's v Seanic Canada Inc*, 2016 NLCA 42, 2016 CarswellNfld 323 [TAB 1], a matter engaging “the principles of procedural fairness that are applicable to decision-making by a municipal council” (paragraph 1), the Court considered the City’s appeal of an Order quashing the City’s decision to reject a rezoning application. Rowe J, of the Newfoundland and Labrador Court of Appeal, as he then was, confirmed that a rezoning decision is a discretionary decision, to be taken by City Council on a “reasonableness” standard, having regard to “relevant planning considerations”. Rowe J wrote as follows:

[32] [...] While the statutory scheme focuses on proper land use planning, it accords considerable discretion to a body (City Council) comprised of elected persons who, by the nature of their office, apply political judgment as an integral part of their decision-making; they are engaged in examining practical and policy concerns rather than a set of rules or fixed criteria in the exercise of their discretion.

[...]

[34] Beyond this, I would note the line of analysis set out by counsel for St. John’s:

[9] There is a fundamental fallacy with Seanic’s argument both on the Appeal and the Cross-Appeal. Seanic argues in effect that its application to change the Development Regulations to re-zone the property is compatible with the Municipal Plan and that the City therefore must approve the change in the zoning and change the Development Regulations. This argument is based on a fundamental fallacy that the proposed amendment must be preferred over the existing zoning. Such a conclusion is incorrect in law.

[10] The Municipal Plan and the existing Development Regulations were created following all of the requirements of URPA. They reflect and embody appropriate planning and



development principles and policies. They have been prepared by professional planners. They have been through public hearing processes. They have been approved by the City Council. And they have been approved by the Minister of Municipal Affairs. This property is currently zoned Residential Low Density (R1) in the Development Regulations. The R1 zoning reflects the application of proper planning and development principles and policies.

.....

13. ... Anyone can apply to change the zoning designation of a property by submitting an application and paying a fee of \$300.00. That will begin a process which may possibly lead to a change in the zoning. But there is no entitlement to a change in zoning. There is no presumption in favour of change. At the end of the process, Council may decide that it wishes to retain the existing zoning designation which has already been established in accordance with sound planning principles and policies.

[...]

[35] The foregoing analysis supports the conclusion that the Trial Division judge did not err when he decided that the rezoning decision was not an adjudicative decision, rather it was discretionary, having regard to “relevant planning considerations”. (See para. 48 of the decision under appeal, reproduced above in para. 28 of this decision.)

**ISSUE B: If an application to rezone a property is compatible with the Municipal Plan, is there a presumption in favour of rezoning? What are the obligations of City Council in exercising its discretion in relation to a rezoning application?**

7. In *St. John's v Seanic Canada Inc*, *supra* [TAB 1], Rowe J confirmed that there is absolutely no right to have a rezoning application approved (distinguishing a request for rezoning from a project proposal wherein said project conforms with existing zoning):

[36] I would emphasize a critical distinction in decision-making by City Council. If a project proponent applies to develop a property and the proposal is (purportedly) in conformity with zoning (and other regulatory requirements), then the proponent is entitled to receive approval to proceed with the project or, if such approval is denied, to

be informed of the reasons why approval was denied. If the reasons disclose no valid basis for denying the approval, then the proponent has a right to seek judicial review, with a view to compelling City Council to grant approval.

[37] A different situation exists where a proponent seeks rezoning because the intended project does *not* conform with the existing zoning. That is the situation here. In such an instance, all that the proponent can expect is that City Council will consider the rezoning application within the context of the statutory authority conferred on it to make such decisions. If City Council fails to adhere to some procedural requirement set out in the statutory scheme (e.g. it fails to hold a public meeting), then the project proponent can seek to have Council's decision quashed on judicial review on the basis of procedural unfairness. Similarly, if Council bases its decision on factors that are unconnected with the purposes of the statutory scheme (e.g. it denies a rezoning application based on the political affiliation of the project proponent), then again the proponent can seek to have Council's decision quashed on judicial review as such a decision would be unreasonable. But, *the proponent has no right to have the rezoning application approved*. To repeat, this contrasts with the situation of a project plan that conforms with existing zoning (and other regulatory requirements), in which instance the proponent *does* have a right to receive approval to proceed with the project.

[...]

[42] A politician is not barred from having regard to the views of his or her constituents in making a discretionary decision, including rezoning. The legislature must have intended this, as it is a natural and predictable consequence of conferring authority to make rezoning decisions on City Council rather than conferring such authority on some institution (like the Ontario Municipal Board) whose members are appointed, rather than elected.

[43] It is not for the courts to tell members of City Council that they are to make discretionary decisions (as was this decision) without regard to the views of affected citizens, persons who are their constituents. That would run counter to the democratic system. [...]



**ISSUE C: What factors might influence City Council to reject the proponent’s application for rezoning?**

8. As noted in *St. John’s v Seanic Canada Inc*, *supra* [TAB 1], there is no presumption in favour of changing the zoning of a property. The subject property at 265 Brookfield Road is currently zoned, in part, Rural Residential Infill (RRI), with the balance of the property zoned as Rural (R), pursuant to *The 1994 Development Regulations for the City of St. John’s* (last revised November 2016).

9. The Rural Residential Infill (RRI) Zone provides for permitted uses of a residential, agricultural, recreational and “other” variety, specifically, for Family Home Child Care Service. **No commercial uses of land zoned as Rural Residential Infill (RRI) are permissible.**

10. The discretionary uses of land zoned as Rural Residential Infill (RRI) include, at 10.41.2(g), “Heavy Equipment Storage – subject to Section 7.25”. Section 7.25 of *The 1994 Development Regulations for the City of St. John’s*, reads as follows:

7.25 HEAVY EQUIPMENT STORAGE

Heavy Equipment Storage is subject to the following requirements:

- (a) Open storage of heavy equipment shall be screened and landscaped as determined by Council. In addition, where such a land use adjoins a Residential Use, Section 8.5.1 shall apply.
- (b) Where open storage of heavy equipment is carried on in a residential or rural residential zone, it shall be restricted solely to the rear yard and shall not be visible from a street, and the heavy equipment shall be owned and/or operated by the owner and/or resident of the property.

11. *The 1994 Development Regulations for the City of St. John’s*, at section 8.5.1, provide as

follows:

#### 8.5.1 Landscaped Area and Screen

A 3m landscaped area or a Screen at least 1.8 m in height shall be provided where a Commercial, Industrial, or Public Use adjoins a Residential Use.

12. The balance of the property at 265 Brookfield Road is zoned as Rural (R). The Rural Zone provides for permitted uses of a residential, agricultural, recreational and “other” variety, specifically, as Cemetery or Public Utility. **No commercial uses of land that is zoned as Rural (R) are permissible.** The discretionary uses of land that is zoned as Rural (R) include, at 10.38.2, (e) “Heavy Equipment Storage – subject to Section 7.25”.

13. The proponent of this rezoning application seeks to have the property at 265 Brookfield Road zoned as Commercial Industrial (CI). The Commercial Industrial Zone provides for permitted uses of a residential, commercial, industrial, recreational and “other” variety. Within the category of permitted commercial uses, the property may be used as a “Commercial Garage (Subject to Section 7.30)” or for “Retail Use – associated with a light industrial use or wholesale business”. The discretionary uses of land that is zoned as Commercial Industrial (CI) include, at 10.27.2, (j) “Heavy Equipment Storage (subject to Section 7.25 and Section 8.5.1)”.

14. There are compelling reasons for City Council to reject this application and thereby confirm the existing zoning, pursuant to the sound planning principles and policies underlying the existing zoning. The subject property at 265 Brookfield Road does not have adequate frontage to support a rezoning to Commercial Industrial (CI). The Decision/Direction Note prepared by City Council staff in relation to this application, dated May 13, 2016, indicates that “*The subject*

*property is long and narrow in shape and has an area of 1.27 hectares (12,700 square metres or 3.14 acres) with a 40.4 metre frontage.”* **The subject property, with its 40.4 metre frontage, does not meet the minimum Lot Frontage of 45 metres** prescribed at section 10.27.5(1)(b) of *The 1994 Development Regulations for the City of St. John’s*. There is no indication in these Regulations that Council may choose to deviate from this frontage requirement. Conversely, the Zone Requirements for minimum Side Yards of 3 metres prescribed at section 10.27.5(1)(g) are informed by the following notation “Notwithstanding the foregoing, Council may, in its discretion, allow a reduced Side Yard of 2 metres.” Notably, no similar discretion is noted for Council to accept a frontage of less than **45 metres** for a Commercial Industrial (CI) zoned property.

15. Another compelling reason for Council to reject this application is that it would perpetuate, and likely exacerbate, an existing illegal use of the Rural (R) zoned land that lies to the rear of the 265 Brookfield Road property, which lies adjacent to residential properties, which usage is confirmed by the Decision/Direction Note prepared by City Council staff in relation to this application, dated May 13, 2016, which indicates that “*There are currently no permanent buildings on the site but the rear of the site has been used for the outdoor storage of commercial vehicles, construction equipment and storage containers.*” As previously indicated, no commercial uses of Rural (R) zoned land are permissible. Furthermore, there is no indication that Council has permitted the discretionary use of this land for heavy equipment storage, but it continues to be used in this manner, under the direction of Mr. Barry James. In any event, even if heavy equipment storage had been approved as a discretionary use, the manner of usage is, in any event, in violation of Section 7.25 and Section 8.5.1 as it is certainly not screened or landscaped appropriately and is readily visible, as depicted in photographs taken from neighbouring residential properties,



depicting the rear of 265 Brookfield Road and the property extending beyond the rear of the subject property, which the Bradleys understand to also be under the care and control of Mr. Barry James [TAB 2].

16. There have been no efforts by Mr. James, despite neighbours' repeated complaints over the course of many years, to remove or reduce the visual disturbances caused by the existing commercial/industrial usages which are clearly in violation of the current zoning. The Decision/Direction Note prepared by City Council staff in relation to this application, dated May 13, 2016, indicates "*Should the proponent take the proper steps to reduce the visual impact of the Commercial Uses and provide appropriate screening (as per Section 7.25 of the St. John's Development Regulations) then the use may be deemed as suitable.*" Given the history of Mr. James' usage of the property which lies adjacent to the residences on Tobin's Road, as depicted in the photographs provided, it is highly unlikely that "proper steps" will be taken to "reduce the visual impact".

17. In addition to the visual impact, the Bradleys also complain of excessive noise, emitted by the heavy equipment, particularly when said machines are operating in reverse, which interfere with the Bradleys right to quiet enjoyment of their property, causing sleep disturbances and general restlessness.

18. The Bradleys are also concerned that the positioning of the planned building, should the proponent actually proceed to construct a building at 265 Brookfield Road, will further reduce the area available for turning and manoeuvring heavy equipment and will necessarily push the

vehicles beyond the boundaries of the subject property to the rear of that property, which does not form part of this rezoning request.

19. All of the commercial and industrial activity currently occurring immediately behind the Bradleys' property on Tobin's Road, and in plain view of their property, has inevitably decreased their property value. Sanctioning this illegal activity by changing the zoning of 265 Brookfield Road would be rewarding this flouting of the existing laws and regulations by Mr. James and would inevitably reduce the property values of neighbouring residential properties even further. The buffer that was afforded these residential properties, to separate them from the Holden's Transport commercial property further along Brookfield Road, would then be extinguished.

20. In addition, like their neighbours, the Bradleys share concerns with respect to additional flooding, given the presence of a stream in the area, and other environmental concerns that may arise due to pollutants emanating from this site. Flooding in the Tobin's Road neighbourhood has been attributed to grade changes that have occurred in or around the subject property, at the direction of Mr. James.

21. There is nothing to suggest that a corporation, of which Mr. James is the sole director, would be a responsible "Commerical/Industrial" neighbour in these circumstances, when such prolonged and reprehensible violations of the existing laws and regulations have been perpetuated by Mr. James, which violations continue to date. Surely, City Council will see fit not to exercise its discretion in Mr. James' favour, to allow a disturbance of the existing zoning, in these circumstances.

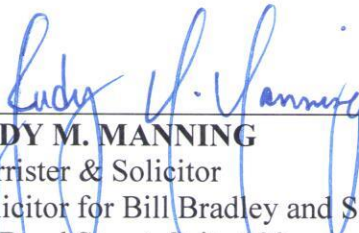


**RELIEF SOUGHT**

22. Based on the foregoing, the Bradleys respectfully request that Council retain the existing zoning designation which has already been established in accordance with sound planning principles and policies, and deny the application to rezone 265 Brookfield Road, St. John's.

**ALL OF WHICH IS RESPECTFULLY SUBMITTED.**

**DATED AT** St. John's, in the Province of Newfoundland and Labrador, this 1<sup>st</sup> day of February, 2017.

  
\_\_\_\_\_  
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**To: Office of the City Clerk**  
10 New Gower St.  
St. John's, NL  
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## APPENDICES

DOCUMENT	TAB
<i>St. John's v Seanic Canada Inc</i> , 2016 NLCA 42, 2016 CarswellNfld 323.	1
Photographs taken from neighbouring residential properties, depicting the rear of 265 Brookfield Road and the property extending beyond the rear of the subject property (which the Bradleys understand to also be under the care and control of Mr. Barry James).	2

2016 NLCA 42  
Newfoundland and Labrador Court of Appeal

St. John's (City) v. Seanic Canada Inc.

2016 CarswellNfld 323, 2016 NLCA 42, 1181 A.P.R. 100, 269 A.C.W.S. (3d) 565, 381 Nfld. & P.E.I.R. 100, 51  
M.P.L.R. (5th) 196, 5 Admin. L.R. (6th) 10

**CITY OF ST. JOHN'S (APPELLANT) AND SEANIC CANADA INC. (RESPONDENT)**

J.D. Green C.J.N.L., M.H. Rowe, M.F. Harrington J.J.A.

Heard: March 9, 2015; April 10, 2015

Judgment: August 15, 2016

Docket: 201401H0055

Proceedings: reversing *Seanic Canada Inc. v. St. John's (City)* (2014), 66 Admin. L.R. (5th) 139, 19 M.P.L.R. (5th) 55, 345  
Nfld. & P.E.I.R. 283, 1074 A.P.R. 283, 2014 NLTD(G) 7, 2014 CarswellNfld 19, David B. Orsborn C.J.T.D. (N.L. T.D.)

Counsel: Ian F. Kelly Q.C., for Appellant  
Michael J. Crosbie Q.C., for Respondent

Subject: Civil Practice and Procedure; Property; Public; Municipal; Human Rights

**Related Abridgment Classifications**

For all relevant Canadian Abridgment Classifications refer to highest level of case via History.

Administrative law

III Requirements of natural justice

III.2 Bias

III.2.a General principles

Administrative law

XII Practice and procedure

XII.2 On application for certiorari

XII.2.h Costs

Municipal law

IV Council members

IV.4 Impartiality

Municipal law

XVI Zoning

XVI.3 Rezoning land

XVI.3.e Jurisdiction and powers



Municipal law

XVI Zoning

XVI.3 Rezoning land

XVI.3.f Judicial review

## Headnote

Municipal law --- Zoning — Rezoning land — Judicial review

Applicant company applied to change zoning designation of parcel of land in order to accommodate development of land for seniors' assisted living residence facilities — Even though company's proposal was consistent with City's municipal plan and supported by city officials, City Council decided to refer it to public meeting in light of opposition by residents of area — At public meeting, Councillor C, whose ward included land in question, spoke strongly against proposal — Council voted to deny application to amend zoning by-law — Company's application for judicial review was granted in part, on basis that councillor C had prejudged issue, and matter was remitted back to Council for reconsideration in which C could only participate if he confirmed that he did not have closed mind — City appealed; company cross-appealed — Appeal allowed; cross-appeal dismissed — Application judge properly found that decision whether to rezone was legislative/policy making and not adjudicative in nature — Rezoning decision was discretionary decision, requiring council to have regard to "relevant planning considerations" — As project did not conform with existing zoning, all that company could expect was that City Council would consider application within context of statutory authority conferred on it, with procedural fairness and consideration of relevant factors — City Council was not required to give reasons for decision beyond debate preceding vote — Transcript of City Council debate showed that councillors referred to factors of traffic and parking, accessibility for seniors, need for seniors' homes, and lack of effect on property values, which were all valid planning concerns — Three councillors, including C, referred to opposition by residents of area as part of their rationale for voting against rezoning — Politicians were not barred from having regard to views of constituents in making discretionary decisions such as rezoning — Legislature must have intended this, as it was natural and predictable consequence of conferring authority to make rezoning decisions on city council rather than some institution, like Ontario Municipal Board, with appointed members — It was not for courts to tell members of City Council that they were to make discretionary decisions without regard to views of affected constituents.

Municipal law --- Zoning — Rezoning land — Jurisdiction and powers

Applicant company applied to change zoning designation of parcel of land in order to accommodate development of land for seniors' assisted living residence facilities — Even though company's proposal was consistent with City's municipal plan and supported by city officials, City Council decided to refer it to public meeting in light of opposition by residents of area — At public meeting, Councillor C, whose ward included land in question, spoke strongly against proposal — Council voted to deny application to amend zoning by-law — Company's application for judicial review was granted in part, on basis that councillor C had prejudged issue, and matter was remitted back to Council for reconsideration in which C could only participate if he confirmed that he did not have closed mind — City appealed; company cross-appealed — Appeal allowed; cross-appeal dismissed — Application judge properly found that decision whether to rezone was legislative/policy making, given decision-making process in stages of hearing citizens' views on application, analysis by city officials, debate by City Council, and finally Council vote — Process did not involve application of substantive rules, as elected body of City Council had considerable discretion to apply their political judgment in examining practical and policy concerns — City Council clearly had authority to decide rezoning applications so issue of vires was not in question — As project did not conform with existing zoning, all that company could expect was that City Council would consider application within context of statutory authority conferred on it, with procedural fairness and consideration of relevant factors.

Administrative law --- Requirements of natural justice — Bias — General principles

Applicant company applied to change zoning designation of parcel of land in order to accommodate development of land for seniors' assisted living residence facilities — Even though company's proposal was consistent with City's municipal plan



and supported by city officials, City Council decided to refer it to public meeting in light of opposition by residents of area — At public meeting, Councillor C, whose ward included land in question, spoke strongly against proposal — Council voted to deny application to amend zoning by-law — Company's application for judicial review was granted in part, on basis that councillor C had prejudged issue, and matter was remitted back to Council for reconsideration in which C could only participate if he confirmed that he did not have closed mind — City appealed; company cross-appealed — Appeal allowed; cross-appeal dismissed — Application judge properly decided that rezoning decision was not adjudicative decision, so he did not err in concluding that relevant test for bias was "closed mind" rather than "reasonable apprehension of bias" — Applying "closed mind" test in way according with realities facing elected officials, it did not require official to remain in state of uncertainty until instant before vote was taken but only when official refused to consider what they were supposed to consider — Councillor C addressed relevant planning issues, including traffic concerns and accessibility of services for seniors, while bearing in mind views of his constituents — Application judge erred in law in application of closed mind test, as C's participation in debate and vote on rezoning were proper in circumstances.

#### Municipal law --- Council members — Impartiality

Applicant company applied to change zoning designation of parcel of land in order to accommodate development of land for seniors' assisted living residence facilities — Even though company's proposal was consistent with City's municipal plan and supported by city officials, City Council decided to refer it to public meeting in light of opposition by residents of area — At public meeting, Councillor C, whose ward included land in question, spoke strongly against proposal — Council voted to deny application to amend zoning by-law — Company's application for judicial review was granted in part, on basis that councillor C had prejudged issue, and matter was remitted back to Council for reconsideration in which C could only participate if he confirmed that he did not have closed mind — City appealed; company cross-appealed — Appeal allowed; cross-appeal dismissed — Mayor's discussion of project with concerned citizens, including statement that he "shared their concerns", was not conflict of interest but ordinary work of elected office holder — Opposition to project by his daughter's in-laws was too remote to constitute conflict of interest — Mayor's absence during debate and vote on rezoning application was complete answer to any concerns relating to conflict of interest — Applying "closed mind" test for bias in way according with realities facing elected officials, it did not require official to remain in state of uncertainty until instant before vote was taken but only when official refused to consider what they were supposed to consider — Councillor C addressed relevant planning issues, including traffic concerns and accessibility of services for seniors, while bearing in mind views of his constituents — Application judge erred in law in application of closed mind test, as C's participation in debate and vote on rezoning were proper in circumstances.

#### Administrative law --- Practice and procedure — On application for certiorari — Costs

Applicant company applied to change zoning designation of parcel of land in order to accommodate development of land for seniors' assisted living residence facilities — Even though company's proposal was consistent with City's municipal plan and supported by city officials, City Council decided to refer it to public meeting in light of opposition by residents of area — At public meeting, Councillor C, whose ward included land in question, spoke strongly against proposal — Council voted to deny application to amend zoning by-law — Company's application for judicial review was granted in part, on basis that councillor C had prejudged issue, and matter was remitted back to Council for reconsideration in which C could only participate if he confirmed that he did not have closed mind — City appealed; company cross-appealed — Appeal allowed; cross-appeal dismissed — Company received 50 per cent of its costs based on its partial success, but factual basis underpinning costs award no longer existed, as city had succeeded in all respects on appeal — As issues of alleged bias and closed mind test in municipal context had not been previously subject of authoritative adjudication in this jurisdiction, discretion would be exercised to order each party to bear on costs on appeal and lower level.

#### Table of Authorities

#### Cases considered by *M.H. Rowe J.A.*:



*Baker v. Canada (Minister of Citizenship & Immigration)* (1999), 174 D.L.R. (4th) 193, 1999 CarswellNat 1124, 1999 CarswellNat 1125, 243 N.R. 22, 1 Imm. L.R. (3d) 1, 14 Admin. L.R. (3d) 173, [1999] 2 S.C.R. 817 (S.C.C.) — considered

*Congrégation des Témoins de Jéhovah de St-Jérôme-Lafontaine c. Lafontaine (Municipalité)* (2004), 2004 SCC 48, 2004 CarswellQue 1545, 2004 CarswellQue 1546, 323 N.R. 1, (sub nom. *Congrégation des témoins de Jéhovah de St-Jérôme-Lafontaine v. Lafontaine (Village)*) 241 D.L.R. (4th) 83, 49 M.P.L.R. (3d) 157, 17 Admin. L.R. (4th) 165, (sub nom. *Congrégation des témoins de Jéhovah de St-Jérôme-Lafontaine v. Lafontaine (Village)*) [2004] 2 S.C.R. 650, 121 C.R.R. (2d) 261, 2004 CSC 48 (S.C.C.) — considered

*Genge v. Parrill* (2007), 2007 NLCA 77, 2007 CarswellNfld 383, [2008] I.L.R. I-4665, 56 C.C.L.I. (4th) 161, 38 C.B.R. (5th) 224, 272 Nfld. & P.E.I.R. 199, 830 A.P.R. 199 (N.L. C.A.) — considered

*Keefe v. Edmonton (City)* (2002), 2002 ABQB 1098, 2002 CarswellAlta 1683, 329 A.R. 149, 38 M.P.L.R. (3d) 299, 2 Admin. L.R. (4th) 230, [2003] 9 W.W.R. 753, 16 Alta. L.R. (4th) 388 (Alta. Q.B.) — considered

*Keefe v. Edmonton (City)* (2005), 2005 ABCA 144, 2005 CarswellAlta 442, 363 A.R. 384, 343 W.A.C. 384, 11 M.P.L.R. (4th) 24, 29 Admin. L.R. (4th) 245, 47 Alta. L.R. (4th) 209, [2005] 11 W.W.R. 199 (Alta. C.A.) — referred to

*Nanaimo (City) v. Rascal Trucking Ltd.* (2000), 2000 SCC 13, 2000 CarswellBC 392, 2000 CarswellBC 393, 183 D.L.R. (4th) 1, 251 N.R. 42, 132 B.C.A.C. 298, 215 W.A.C. 298, 9 M.P.L.R. (3d) 1, [2000] 1 S.C.R. 342, [2000] 6 W.W.R. 403, 76 B.C.L.R. (3d) 201, 20 Admin. L.R. (3d) 1, 2000 CSC 13 (S.C.C.) — considered

*New Brunswick (Board of Management) v. Dunsmuir* (2008), 2008 SCC 9, 2008 CarswellNB 124, 2008 CarswellNB 125, D.T.E. 2008T-223, (sub nom. *Dunsmuir v. New Brunswick*) 2008 C.L.L.C. 220-020, 64 C.C.E.L. (3d) 1, 69 Imm. L.R. (3d) 1, 69 Admin. L.R. (4th) 1, 372 N.R. 1, (sub nom. *Dunsmuir v. New Brunswick*) 170 L.A.C. (4th) 1, (sub nom. *Dunsmuir v. New Brunswick*) 291 D.L.R. (4th) 577, 329 N.B.R. (2d) 1, (sub nom. *Dunsmuir v. New Brunswick*) [2008] 1 S.C.R. 190, 844 A.P.R. 1, (sub nom. *Dunsmuir v. New Brunswick*) 95 L.C.R. 65, 2008 CSC 9 (S.C.C.) — followed

*Old St. Boniface Residents Assn. Inc. v. Winnipeg (City)* (1990), 46 Admin. L.R. 161, 2 M.P.L.R. (2d) 217, [1991] 2 W.W.R. 145, 75 D.L.R. (4th) 385, 116 N.R. 46, 69 Man. R. (2d) 134, [1990] 3 S.C.R. 1170, 1990 CarswellMan 383, 1990 CarswellMan 235 (S.C.C.) — considered

*P.J.D. Holdings Inc. v. Regina (City)* (2010), 2010 SKQB 386, 2010 CarswellSask 776, 78 M.P.L.R. (4th) 116, 100 R.P.R. (4th) 61, 364 Sask. R. 63 (Sask. Q.B.) — considered

*RBC Dominion Securities Inc. v. Dawson* (1994), 111 D.L.R. (4th) 230, 114 Nfld. & P.E.I.R. 187, 356 A.P.R. 187, 1994 CarswellNfld 308 (Nfld. C.A.) — considered

*Save Richmond Farmland Society v. Richmond (Township)* (1990), 46 Admin. L.R. 264, [1990] 3 S.C.R. 1213, 116 N.R. 68, 2 M.P.L.R. (2d) 288, 75 D.L.R. (4th) 425, [1991] 2 W.W.R. 178, 52 B.C.L.R. (2d) 145, 1990 CarswellBC 282, 1990 CarswellBC 768 (S.C.C.) — considered

*United Taxi Drivers' Fellowship of Southern Alberta v. Calgary (City)* (2004), 2004 SCC 19, 2004 CarswellAlta 355, 2004 CarswellAlta 356, 46 M.P.L.R. (3d) 1, 236 D.L.R. (4th) 385, 318 N.R. 170, 18 R.P.R. (4th) 1, 50 M.V.R. (4th) 1, 26 Alta. L.R. (4th) 1, 12 Admin. L.R. (4th) 1, [2004] 7 W.W.R. 603, 346 A.R. 4, 320 W.A.C. 4, [2004] 1 S.C.R. 485, 2004 CSC 19 (S.C.C.) — considered

*Vasiliopoulos v. Dosanjh* (2008), 2008 BCCA 399, 2008 CarswellBC 2145, 84 B.C.L.R. (4th) 45, [2009] 1 W.W.R. 18, 63 C.P.C. (6th) 201, 261 B.C.A.C. 80, 440 W.A.C. 80 (B.C. C.A.) — considered

**Statutes considered:**

*Urban and Rural Planning Act, 2000*, S.N. 2000, c. U-8  
Generally — referred to

**Tariffs considered:**

*Rules of the Supreme Court, 1986*, S.N. 1986, c. 42, Sched. D  
R. 55, App., Pt. A, column 3 — referred to

APPEAL by city; CROSS-APPEAL by applicant company from judgment reported at *Seanic Canada Inc. v. St. John's (City)* (2014), 2014 NLTD(G) 7, 2014 CarswellNfld 19, 19 M.P.L.R. (5th) 55, 1074 A.P.R. 283, 345 Nfld. & P.E.I.R. 283, 66 Admin. L.R. (5th) 139 (N.L. T.D.), granting in part its application for judicial review of city's refusal to rezone land.

**M.H. Rowe J.A.:**

**INTRODUCTION**

1 This appeal engages the principles of procedural fairness that are applicable to decision-making by a municipal council relating to a land-development proposal that would have involved an amendment to the municipality's zoning by-laws.

2 Seanic Canada Inc. ("Seanic") sought to develop a parcel of land within the City of St. John's for a seniors' assisted living residence facility. The existing zoning did not permit that type of proposed development. Its application for a development permit was rejected by City officials. Seanic then applied to change the zoning designation to accommodate the development. Its proposed amendment was consistent with the City municipal plan. City officials supported the change and the ultimate development and, according to Seanic, encouraged it to push the proposal forward. As a result, Seanic expended money on, amongst other things, a land use assessment report.

3 Residents in the area of the proposed development who opposed the development opposed the zoning change. They expressed concerns about traffic, view obstruction and potential reduction in property values, amongst other things. At a regular meeting, Council decided that Seanic's application for rezoning be referred to a public meeting chaired by a member of Council.

4 Representatives of Seanic attended the public meeting and made a presentation explaining its proposal. A number of residents spoke against the rezoning and the development. Several municipal councillors were present and also expressed views. Councillor Wally Collins, whose ward included the land in question, spoke strongly against the proposal. A



subsequent vote by Council denied Seanic's application to amend the zoning by-law. Seanic sought judicial review of Council's decision.

## FACTS

5 In 2005, Seanic applied to City Council for rezoning. As a result of negative public response, Seanic asked City Council to defer consideration of the rezoning application.

6 In 2007, Seanic again applied to City Council for rezoning. In due course, a public meeting was scheduled concerning the project.

7 At that meeting on October 26, 2010, a number of citizens indicated their opposition to the project, based on obstruction of views, traffic issues and possible reduction in nearby property values.

8 Seanic requested that Council defer a vote on its rezoning application. Council decided to proceed with its decision.

9 On November 1, 2010, City Council rejected the rezoning application.

10 Seanic sought judicial review of City Council's rejection of the rezoning. A judge of the Trial Division quashed City Council's decision and remitted the matter to it. The judge did so on the basis that Council had not provided reasons to Seanic for its decision to proceed with the vote, rather than defer it, as Seanic had requested. That decision by the Trial Division judge is not the subject of this appeal.

11 City Council convened another public meeting on February 23, 2012; again, nearby residents voiced opposition to the project. At its March 12, 2012 meeting, Council considered Seanic's rezoning application.

12 Councillor Collins moved that Seanic's application for rezoning be rejected. The transcript of the debate on that motion is set out in the annex to this decision.

13 Councillors Collins, O'Leary, Hickman, Brennan, Hanlon and Duff voted for the motion to reject the rezoning. Councillors Tilley, Galgay and Hann voted against the motion (they favoured the rezoning). The motion to reject the rezoning thus carried by six to three.

14 Seanic again sought judicial review. It said that Mayor O'Keefe was biased, as he was actively involved with area residents who opposed the project. Seanic also said that Mayor O'Keefe was in a conflict of interest as his daughter's parents-in-law lived close to the project property.

15 As well, Seanic said that Councillor Collins (who was the ward councillor for the area) was biased against the project, as he voiced opposition to it from an early stage.

16 Further, Seanic said that Councillor Collins had prejudged the issue when it came before Council for debate and a vote. This was based, in particular, on statements he made at the February 23, 2012 public meeting, the minutes of which read in part:

Councillor Collins also spoke against the proposed development and assured residents that he will be voting against the Application when it is referred to council based upon the information and feedback he was receiving from residents.

The transcript of the meeting indicates that Councillor Collins also said that he was "dead set against" the project.

17 In cross-examination during the judicial review hearing, Councillor Collins said that at the October 26, 2010 public meeting he had assured his constituents that he would be voting against the project.

18 Finally, Seanic said that City Council failed to provide adequate reasons for its March 12, 2012 decision.

19 By way of relief, Seanic sought:

- (1) an order of the Court granting the rezoning; and
- (2) solicitor-client costs.

20 In his decision (2014 NLTD(G) 7 (N.L. T.D.)), a judge of the Trial Division held:

- (1) Mayor O'Keefe was not in a conflict of interest;
- (2) Councillor Collins did not show bias against the rezoning application;
- (3) however, Councillor Collins *did* prejudge the issue before it was debated and voted on by City Council on March 12, 2012; and
- (4) the debate by City Council on the rezoning application at the March 12, 2012 meeting constituted sufficient reasons for Council's decision.

21 Based on the foregoing, the Trial Division judge ordered:

- (1) the March 12, 2012 decision to reject the rezoning application be quashed and the matter be remitted to Council for reconsideration; and
- (2) Seanic receive 50% of its party-and-party costs (column 3), as it had succeeded in part.

22 As well, while it was not part of the order, the Trial Division judge offered a "suggestion" that if Councillor Collins were prepared to confirm at a meeting of Council that he did "not have a closed mind" on the rezoning application, then Councillor Collins could participate in Council's decision on the rezoning. Otherwise, Councillor Collins should "[recuse] himself from further deliberations and should [refrain] from voting".

23 City Council appealed the foregoing decision. It seeks to have the quashing of Council's March 12, 2012 set aside; it also seeks costs.

24 Seanic has cross-appealed seeking the relief that it sought before the Trial Division, as well as solicitor-client costs.

## ISSUES

- (1) What is the standard of review applicable to the determinations by the Trial Division judge that are in issue in the appeal and cross-appeal?
- (2) What was the nature of Council's decision on rezoning?
- (3) In its debate, did Council have regard to factors not relevant to "planning decisions"?
- (4) Was Council required to give reasons for its decision beyond the debate preceding the vote on rezoning?



- (5) Was Mayor O'Keefe in a conflict of interest?
- (6) Was Councillor Collins biased; did he prejudge the issue?
- (7) If Councillor Collins was biased or if he prejudged the issue, does this affect the validity of Council's March 12, 2012 decision?
- (8) If Council's decision was properly quashed because of Councillor Collins' participation, would that disqualify other councillors who participated in the March 12, 2012 decision from participating in subsequent consideration and a decision on the rezoning application?
- (9) Should Councillor Collins be permitted to participate in a new rezoning decision if he asserts that he has an "open mind"?
- (10) Should the Court order the granting of the rezoning application?
- (11) What order for costs should be made?

## ANALYSIS

### *(1) Standard of Review*

25 The standard of review will vary depending on the issue. It is settled law that for findings of fact the standard is palpable and overriding error, as it is for mixed questions of fact and law, save for extricable questions of law where the standard is as it is for questions of law, that is correctness.

### *(2) The Nature of the Decision*

26 The Trial Division judge described the legislative scheme under which City Council took the rezoning decision:

[24] The process for applying for approval of a proposed development is summarized in an Information Bulletin prepared by the City and made available to developers. I set out the relevant extracts:

#### **DEVELOPMENT INFORMATION BULLETIN:**

#### ***REZONING PROPERTY AND TEXT AMENDMENTS TO THE ST. JOHN'S DEVELOPMENT REGULATIONS***

This is one in a series of Development Information Bulletins prepared to assist Property Owners and Developers to undertake specific types of development in the City of St. John's. Please contact the Department of Planning for further Information on other Bulletins available in the series.

#### ***INTRODUCTION***

The St. John's Municipal Plan contains the policies adopted by the St. John's Municipal Council for land use and development of the City. The regulations that implement these policies are contained in the *St. John's Land Use Zoning and Subdivision Regulations*, commonly referred to as the St. John's Development Regulations. The Urban and Rural Planning Act requires that the Development Regulations be consistent with the policies of the Municipal Plan. Both documents have been adopted and approved under this Act.

The Development Regulations are used to regulate land use and development in the City. They contain a series of zoning maps, a description of the uses permitted in each specified zone, and a variety of standards for development



and/or subdivision.

### **ZONING INFORMATION**

Any person requiring information on zoning, should first locate the property involved on the zoning maps available from the City's Department of Planning, and establish what uses are permitted and what development standards apply to the property. City staff can assist.

### **AMENDMENT**

Occasionally, a development may be proposed which does not meet the requirements of the City's regulations. Applicants for such developments are advised to discuss them with the Department of Planning prior to seeking an amendment. Two types of amendments are recognized:

#### *1. Rezoning*

A change of the zoning, and in some cases, the Municipal Plan designation of a property, to allow a proposed development to proceed which otherwise would have been turned down.

#### *2. Text Amendment*

A change in the development standard or regulations text of the Development Regulations, and in some cases a change in a policy of the Municipal Plan, which would allow a proposed development to proceed which otherwise would have been turned down.

Planning staff can advise of the amendment procedure. Applications for rezoning are site-specific and therefore usually initiated by the applicant for a specific development. Applications for a text amendment often have a broader application; although they may be initiated by a specific development, they may have an affect on many areas of the city. ...

Once the application has been officially accepted for processing, the following steps occur:

1. The Department of Planning gathers background information and refers the application to other departments and public agencies as required.
2. A report is submitted to the Planning and Housing Committee of the St. John's Municipal Council. The Committee normally meets monthly to consider land use planning issues and rezoning applications and to make recommendations to Council on same.
3. The Planning and Housing Committee brings its recommendations to the next Regular Meeting of Council for consideration. Council then decides whether to accept the recommendations. In the case of rezoning applications, the *Urban and Rural Planning Act* requires that the City provide an opportunity for public comment.

The City publishes a public notice of the proposed amendment in a local newspaper and mails notices to property owners within a 150 metre radius of the subject property. Council usually sets up a Public Meeting to discuss the application in more detail.

4. The Public Meeting is organized by City staff and chaired by a Councillor. The Public Meeting is advertised in the newspaper at least 10 days beforehand. Notices are mailed to property owners within 150 metres of the site, at least 14 days beforehand. The general public is invited to attend. The applicant is asked to attend and present information about the application. City staff will also be present to discuss the proposed amendment.

5. The minutes of the Public Meeting are forwarded to Council at its next Regular Meeting for consideration. Council then decides whether to proceed further with the rezoning. If Council agrees to proceed, Council will adopt the amendments and forward all relevant documentation to the Department of Municipal & Provincial

Affairs for review.

6. When the Department of Municipal & Provincial Affairs confirms that there is no Provincial interest involved, the City will appoint an Independent Commissioner to convene a Public Hearing to discuss the proposed rezoning.

7. The general public is invited to attend the Public Hearing. The Hearing is advertised in a local newspaper and by, mail-out notice at least 14 days beforehand. The applicant will be asked to attend and present information on the application. City staff will also be present to discuss the proposed amendment.

8. The general public is invited to send in written submissions. In the event no written objections or concerns have been received by two (2) days before the date of the Public Hearing, the Hearing may be cancelled.

9. After the Public Hearing is held, the Commissioner submits a written report to Council, normally within thirty (30) days. The report will note people's comments and concerns and make a recommendation to Council on whether the amendment should be approved, modified, or rejected. Council is not bound by the recommendations of the Commissioner but does consider them fully.

10. The Commissioner's report is tabled for consideration at a Regular Meeting of Council. Council then decides whether to approve the amendments. The approved amendments are forwarded to the Minister of Municipal & Provincial Affairs for registration. The amendment comes into legal effect when the Minister's notice of registration is published in *The Newfoundland Gazette*. ...

#### **MUNICIPAL PLAN AMENDMENTS**

Some rezoning applications and text amendments to the Department Regulations require an amendment to the Municipal Plan. The Department of Planning will advise if this applies to a specific application. ...

[25] Although over the years there were multiple public and Council meetings addressing Seanic's application, the process outlined in the Bulletin reflects essentially the process followed in this case up until the Council's final decision to reject the application in March 2012. Accordingly the process ended at Step 5.

[26] The Bulletin refers to the Municipal Plan and to the St. John's Development Regulations. The development of land in St. John's is governed by the provisions of these documents, both created under the *URPA*.

12. A plan and development regulations are binding upon

- (a) municipalities and councils within the planning area governed by that plan or those regulations; and
- (b) a person undertaking a development in the area governed by that plan or those regulations.

[27] The Development Regulations must be consistent with the Municipal Plan — *O'Dea v. St. John's (City)*, 2004 CarswellNL 306 (T.D.).

[28] But the regulatory structure is intended to be flexible and capable of amendment — s. 25 of *URPA*. Sections 14 - 24 of *URPA* set out a detailed process for amendment, including provisions for public consultation, a report to Council on the public hearing and a public debate and vote on the matter by Council. It is this process that is summarized in the Bulletin reproduced above.

[29] Section 5.5 of the Development Regulations sets out the details of the procedure of public notification and the holding of public meetings. The Regulations also give some direction to Council when considering applications for



development:

### 5.1.3 Discretionary Powers

#### (1) *Compatibility with the Municipal Plan*

In considering an application for approval to carry out Development, Council shall take into account the policies expressed in the Municipal Plan and any further scheme, plan or regulation pursuant thereto.

Where the requirements appear inadequate to meet the policies of the Municipal Plan or any document pursuant thereto, or where requirements have not been specified in these Regulations or are left to the discretion of Council, Council may establish the necessary requirements. ...

### 5.2.5 Reasons for Refusing Permit

Council or an Officer shall, when refusing a permit or attaching conditions to a permit, state the reasons in terms of the criteria used in exercising discretionary powers as provided in Section 5.1.3.

[30] The Municipal Plan makes a number of references to the need for flexibility in its application and for awareness of the need for future amendments. The following extracts are illustrative: (my underlining throughout)

## 1 Purpose and Scope

A municipal plan is a document with text, maps, and other illustrations that expresses a municipality's policies for planning, use, and future development of land. The *St. John's Municipal Plan* guides the use of all land and property in the City of St. John's in the overall interest of the municipality and its citizens. [p. I-1]

The St. John's Land Use Zoning and Subdivision Regulations, commonly called the *St. John's Development Regulations*, implement the policies of the *St. John's Municipal Plan* and area subordinate to it. The Development Regulations are the primary regulations used to process development applications in St. John's. [p. I-5]

### 2.1.2 General Land Use Map

The General Land Use Map (Map III-1) sets out the Land Use Districts corresponding to the policies in Part III. The map describes the future development of the city. Since development is influenced by a variety of factors, some of which are difficult to predict or control, the General Land Use Map is designed to be a flexible guide for development and zoning. [p. I-6]

## 2.2 PLAN AMENDMENT PROCEDURE

The *St. John's Municipal Plan* is written to guide development in the context of a Vision for the City's future that establishes broad goals that are expected to hold over the life of this Plan revision. However, conditions can change: areas may evolve from one land use toward another or developers may propose ideas or developments with merit that were not foreseen when the plan was revised.

For these and other reasons, a municipal council can change any portion of its Municipal Plan, through a formal amendment process provided under Section 25 of the *Urban and Rural Planning Act*. Future amendments are expected as a natural evolution of the municipal planning process. The amendment process reflects the fact that the St. John's Municipal Plan is a dynamic document not a static one.

The Act requires that council consult the public before proceeding to amend the plan. When considering an amendment or amendments, Council shall evaluate the proposed amendment against the goals, objectives, and purposes of the Municipal Plan before deciding to accept or reject a new policy. The process is provided for in Provincial legislation because it is essential to ensuring that the Plan is flexible and responsive. [p. I-7&8]

### III CITY-WIDE OBJECTIVES AND POLICIES

#### 1 URBAN FORM

The broadest objective of land use policies is to facilitate an efficient pattern of development. Generally, this means building a compact city. A compact city makes better use of its infrastructure and needs less roadways. With shorter distances to travel to work and shopping, car trips are reduced and transit use is facilitated. Often too, parks, schools, and facilities can be used more intensively, meaning the same investment will serve more people. [p. III-3]

##### 1.2.3 Residential Development

The City shall:

1. increase densities in residential areas where feasible and desirable from a general planning and servicing point of view;
2. encourage a compatible mix of residential buildings of varying densities in all zones;
3. encourage conservation, compact renewal, and infill in the older parts of the City; and
4. minimize sprawl by encouraging large-scale integrated developments in all expansion areas.

##### 1.2.4 Mixed Use

The City shall encourage the mixture of land uses in all areas. [p. III-4]

#### 2 RESIDENTIAL

Perhaps the single most important function of municipal government is assisting in the provision of suitable, affordable, and attractive environments for housing of all groups in the population. Residential development is by far the largest category of urban land use in St. John's. As such, it has a major influence on the character of the city and the quality of life of its inhabitants. Residential environments, furthermore, are arguably more sensitive to other land uses and, therefore, require a higher degree of protection from other types of development.

Residential Districts are areas that will be developed primarily for residential purposes. Within these Districts the functioning of the evolving residential environment will be protected from other residential or non-residential land use that may be determined to be incompatible. That being said, it is implicit in the Vision for the City of St. John's and in the foregoing objectives and policies pertaining to Urban Form that the City will encourage mixed land use and higher density development where it is opportune. Provisions are included to allow the development of neighbourhood-supportive commercial uses like convenience stores, day care centres, and parking areas. Policies also encourage the supply of housing through the proactive initiative of the City, and through infill and intensification. [p. III-10] ...

(Underlining by the Trial Division judge.)

27 In his decision, the Trial Division judge relied on decisions of the Supreme Court of Canada, as follows:

[34] There is no question that when considering an application for rezoning, a municipal authority, in the absence of specific legislative provisions, owes the applicant a duty of procedural fairness. In *Congrégation des témoins de Jéhovah de St.-Jérôme-Lafontaine v. Lafontaine (Village)*, 2004 SCC 48, the Supreme Court of Canada considered the content of this duty. Of course, the content of the duty will vary according to the circumstances and the regulatory framework. Chief Justice McLachlin said, at paragraph 5:



5. The content of the duty of fairness on a public body varies according to five factors: (1) the nature of the decision and the decision-making process employed by the public organ; (2) the nature of the statutory scheme and the precise statutory provisions pursuant to which the public body operates; (3) the importance of the decision to the individuals affected; (4) the legitimate expectations of the party challenging the decision; and (5) the nature of the deference accorded to the body: *Baker v. Canada (Minister of Citizenship and Immigration)*, [1999] 2 S.C.R. 817. In my view and having regard to the facts and legislation in this appeal, these considerations require the Municipality to articulate reasons for refusing the Congregation's second and third rezoning applications.

[35] Of the first factor, the Chief Justice said this, at paragraph 6:

6. The first factor — the nature of the decision and the process by which it is reached — merges administrative and political concerns. The decision to propose a draft by-law rezoning municipal territory is made by an elected council accountable to its constituents in a manner analogous to that in which Parliament and the provincial legislatures are accountable to their own: *Godbout v. Longueuil (City)*, [1997] 3 S.C.R. 844, at para. 51. This decision is moreover tempered by the municipality's charge to act in the public interest: *Toronto (City) v. Trustees of the Roman Catholic Separate Schools of Toronto*, [1926] A.C. 81 (P.C.), at p. 86. What is in the public interest is a matter of discretion to be determined solely by the municipality. Provided the municipality acts honestly and within the limits of its statutory powers, the reviewing court is not to interfere with the municipal decision unless "good and sufficient reason be established": *Kuchma v. Rural Municipality of Tache*, [1945] S.C.R. 234, at p. 243 (per Estey J.); see also *Norfolk v. Roberts* (1914), 50 S.C.R. 283, at p. 293; *In re Glover and Sam Kee* (1914), 20 B.C.R. 219 (S.C.), at pp. 221-22; *Re Howard and City of Toronto*, [1928] 1 D.L.R. 952 (Ont. S.C., App. Div.), at p. 965.

[36] And of the fifth factor, she said at paragraph 11:

11. The fifth factor — the nature of the deference due to the decision maker — calls upon the reviewing court to acknowledge that the public body may be better positioned than the judiciary in certain matters to render a decision, and to examine whether the decision in question falls within this realm. Municipal decisions on rezoning fall within the sphere in which municipalities have expertise beyond the capacity of the judiciary, thus warranting deference from reviewing courts. However, this factor may not carry much weight where, as here on the second and third applications for rezoning, there is no record to indicate that the Municipality has actually engaged its expertise in evaluating the applications.

[37] Her conclusion, at paragraphs 12 - 13:

12. The five *Baker* factors suggest that the Municipality's duty of procedural fairness to the Congregation required the Municipality to carefully evaluate the applications for a zoning variance and to give reasons for refusing them. This conclusion is consistent with the Court's recent decision in *Prud'homme v. Prud'homme*, [2002] 4 S.C.R. 663, at para. 23, holding that municipal councillors must always explain and be prepared to defend their decisions. It is also consistent with *Baker*, where it was held, at para. 43 dealing with a ministerial decision, that if an organ of the state has a duty to give reasons and refuses to articulate reasons for exercising its discretionary authority in a particular fashion, the public body may be deemed to have acted arbitrarily and violated its duty of procedural fairness.

13. Giving reasons for refusing to rezone in a case such as this serves the values of fair and transparent decision making, reduces the chance of arbitrary or capricious decisions, and cultivates the confidence of citizens in public officials. Sustained by both law and policy, I conclude that the Municipality was bound to give reasons for refusing the Congregation's second and third applications for rezoning. This duty applied to the first application, and was complied with. If anything, the duty was stronger on the Congregation's second and third applications, where legitimate expectations of fair process had been established by the Municipality itself.



[38] In *Lafontaine*, the municipality's decision was apparently not reached at a public meeting; it was communicated in writing, reproduced at paragraph 27:

27. The Municipality responded by letter, dated August 24, 1993. Again, it refused the application for rezoning. Again, it offered no reasons. This time it did not even tell the Congregation that land was available in Zone P-3. The Municipality contented itself with asserting — erroneously — that since the Legislature had conferred discretion upon it, the Municipality was not required to offer any justification for refusing the Congregation's rezoning application:

[TRANSLATION] You have made a number of applications to amend the zoning by-law. The Legislature has given the municipal council the responsibility for exercising this power, which is discretionary. Upon careful consideration, the municipality of Lafontaine has decided not to take action in respect of your applications. The municipal council of Lafontaine is not required to provide you with a justification and we therefore have no intention of giving reasons for the council's decision.

[Emphasis added by Supreme Court of Canada.]

[39] The Congregation asked the Court to order that its rezoning application be granted. But the Court refused, saying at paragraph 32:

32. The Congregation argues that this remedy is inadequate because it fears that the Municipality will once again refuse its application, this time with proper reasons. Accordingly, it asks this Court to order the Municipality to grant its rezoning application. But such an order presupposes that the Congregation is entitled to a favourable decision by the Municipality in the proper exercise of its discretion. Having already discussed the broad scope of the municipal power to pursue its urban planning program with fairness, in good faith and with a view to the public interest, I take no position on this matter.

[40] The matter was remitted to the Municipality “to be considered in accordance with these reasons and in observance of the lawful exercise of discretionary authority”. (Paragraph 35).

[41] In another decision released in 2004, the Supreme Court of Canada considered a municipality's liability in damages arising out of the amendment of a by-law. In *Enterprises Sibeca Inc. v. Frelighsbury (Municipality)*, the Court said this of the nature of the functions of a municipal council — at paragraph 24:

... Municipalities perform functions that require them to take multiple and sometimes conflicting interests into consideration. To ensure that political disputes are resolved democratically to the extent possible, elected public bodies must have considerable latitude. Where no constitutional issues are in play, it would be inconceivable for the courts to interfere in this process and set themselves up as arbitrators to dictate that any particular interest be taken into consideration. They may intervene only if there is evidence of bad faith. The onerous and complex nature of the functions that are inherent in the exercise of a regulatory power justify incorporating a form of protection both in civil law and at common law. ...

28 Having addressed the general law with respect to municipal council decisions regarding zoning, the Trial Division judge then turned to the statutory scheme under which City Council made the decision in question:

[43] The governing legislation — in particular s. 16 of [the Urban and Rural Planning Act] contemplates that a municipal council will adopt (or reject) a rezoning application by majority vote. In this case, the vote of Council was



conducted in public after each councillor had spoken to the matter. The Council meeting was the final step in the lengthy process that included public meetings, Council committee meetings and the receipt of a number of written and oral submissions from those both for and against the development.

[44] Council is required by the Development Regulations — reflecting part of the content of the duty of procedural fairness — to give reasons for a decision to refuse approval. The reasons must relate to the criteria applied in the exercise of Council's discretion, essentially the policies expressed in the Municipal Plan and other relevant plans or regulations.

[45] This reflects the fact that Council does not have unfettered discretion to refuse an application for development. Its discretion must be exercised, and be seen to be exercised, within the boundaries established by the regulatory framework.

...

[48] Whether or not Council's reasons are adequate is an assessment that must reflect the context in which the decision is being made. Council has the discretion to reject the advice and opinions of its professional staff; councillors are entitled to form their own views on relevant planning considerations; councillors are not required, as an adjudicator may be, to outline any evidence in support of their conclusions, although they may choose to do so. On the other hand, Council is required to demonstrate that its decision was not influenced by considerations outside the planning process.

[49] I reiterate that this is a decision being taken by majority vote of elected representatives in a public forum. It seems to me to be appropriate that in such a setting, any consideration of the adequacy of reasons supporting a majority vote should start from the premise that all councillors are aware of the Municipal Plan, its purposes and objectives, of the reports prepared by City staff and of the general thrust of the various views that have been expressed — for and against — in the process culminating in the final Council meeting.

[50] The report of the debate — read as a whole and with the recognition that it is in the form of a debate in which conflicting views may be expressed — should show that Council is aware that it is debating a rezoning application; that the views put forward — construed generously — relate to considerations relevant to property development; and that the final decision could not be said to be arbitrary, in bad faith, or based on considerations outside the ambit of the regulatory framework. ... for rejection gave the developer an indication of whether or not further work on the proposal would be productive.

29 Seanic's view of the decision taken by City Council is fundamentally different. Seanic submits that the decision whether to rezone was adjudicative (quasi-judicial). Counsel for Seanic set out his position as follows:

74. The Applications Judge examined the issue of whether the City's decision concerning the Rezoning Application was legislative or quasi-judicial in the context of the duty to give reasons and the principles of administrative fairness such as the factors outlined in *Congrégation des Témoins de Jéhovah de St-Jérôme-Lafontaine c. Lafontaine (Municipalité)*, 2004 CarswellQue 1545 (S.C.C.) ("*Lafontaine*"), which in turn was relying on the factors explained in *Baker v. Canada (Minister of Citizenship & Immigration)*, 1999 CarswellNat 1124 (S.C.C.). (Reference: Decision paragraphs 34-53).

75. The Applications Judge erred in failing to consider whether he was reviewing an *intra vires* or *ultra vires* municipal decision. He did not consider the *Baker v. Canada* factors with respect to the issue of bias; rather his focus was upon the duty to give reasons. In the context of Council's obligation to give reasons, the Applications Judge stated (at paragraph 47):

Councillors are elected politicians. In making decisions on applications for development, they are performing an administrative act in furtherance of their ability and duty to regulate and control development in the city. Although making a decision which affects the interests of one or more persons or companies, they are not adjudicators. Decisions are by majority vote, and different Councillors may have different reasons for voting as they do.



(Emphasis added.)

76. In *Nanaimo (City) v. Rascal Trucking Ltd.*, [2000] S.C.J. No. 14 (S.C.C.), the Supreme court of Canada noted the difference between review of *intra vires* and *ultra vires* municipal decisions and set out three criteria that identify whether a decision is adjudicative or legislative/policy making: (i) whether there was an adversarial hearing; (ii) whether the application of substantive rules to individual cases was involved; and (iii) whether the decision would have a substantial impact on the rights of the parties.

77. The Applications Judge erred by not considering whether he was dealing with an *intra vires* or *ultra vires* decision [or], the three criteria above ....

.....

78. The Applications Judge failed to recognize that the Rezoning Application (the Public Meeting, the Public Meeting minutes and written submissions and the Council Meeting discussion and decision) involved an adversarial hearing. When the process is considered as a whole, the Rezoning Application involved the application of the substantive rules of *Municipal Plan* and *Development Regulations* to the situation of an individual property owner. It also involved a significant impact on the rights of Seanic, as well as the neighbouring property owners who were disputing the matter.

79. In accordance with *Nanaimo*, all of these circumstances point to the conclusion that — contrary to the thinking of the Applications Judge — the Rezoning Application was an adjudicative hearing before City Council.

.....

82. In addition, the Applications Judge did not consider previous cases that employed an analysis of the duty of procedural fairness in the situation of contested municipal rezoning applications: *Keefe v. Edmonton (City)*, 2002 CarswellAlta 1683 (Alta. Q.B.) affirmed 2005 CarswellAlta 442 (Alta. C.A.) and *P.J.D. Holdings Inc. v. Regina (City)*, 2010 CarswellSask 776 (Sask. Q.B.). Both of these cases considered the *Baker v. Canada* factors and concluded that when a municipal council decides a dispute between neighbouring property owners concerning the development of a specific property, council makes a judicial or quasi-judicial decision, *not* a legislative decision.

83. Therefore, council decisions on re-zoning applications of the within sort import a high degree of procedural fairness. The municipality in these quasi-judicial re-zoning processes must be prepared to meet a high “content level” of the fairness duty in order for their decision on the Rezoning Application to accord with procedural fairness.

84. The Applications Judge concluded that he should apply the reasonableness standard by asking whether the Council “was alive to the question at issue”. However, the ‘alive to the question at issue’ approach is for *intra vires* decisions and the conclusion and approach of the Applications Judge runs contrary to *Nanaimo*: reviewing whether an adjudicative decision of Council was *ultra vires* clearly attracts the correctness standard of review, not reasonableness. The Applications Judge should have decided whether the Council correctly considered, exercised, and justified its statutory discretion under the Development Regulations.

85. On the issue of bias, the Applications Judge quite rightly referred to *Old St. Boniface Residents Assn. Inc. v. Winnipeg (City)*, 1990 CarswellMan 235 (S.C.C.) and the *Save Richmond Farmland Society v. Richmond (Township)*, 1990 CarswellBC 282 (S.C.C.) re-zoning cases, which stand as seminal jurisprudence in that area of law.

86. However, the nature of the cases decided in *Old St. Boniface* and *Save Richmond* were quite different from Seanic’s case. Unfortunately, the Application judge failed to note that Seanic’s case (like the *Keefe* and *PJD Holdings* cases, but unlike the *Old St. Boniface* and the *Save Richmond* cases), is not a case of broad public policy. Thus, although *Old St. Boniface* and *Save Richmond* were placed further toward the legislative end of the spectrum of classifying administrative decisions, Seanic’s case is rightly placed on the quasi-judicial end of the spectrum because the nature of the dispute relates more to a decision arbitrating private interests [rather than] wide policy decisions.

.....

90. Applying the *Baker* factors to the within preceding, the following points are critical.

91. Seanic’s Rezoning Application did not involve a large parcel of land or broad planning issues like those involved



with development issues concerning large areas like Quidi Vidi Village or Galway. It involved a small parcel of land and whether zoning should be changed so that the Seniors Development could be built on the Property. While the idea of a seniors facility in the West End of St. John's was of some general interest to seniors in the city, the potential development and rezoning was of specific and particular focused concern to property owners located in the immediate area of the Property.

92. The within proceeding was a situation where legislation had already been passed by the City in the form of the *Municipal Plan* and *Development Regulations*, which set out the planning policies concerning this and other locations. When dealing with the rezoning, Council was not legislating any new planning policy or rules; rather, Council was merely applying existing planning policies and rules set out in the *Municipal Plan* and the *Development Regulations* to the circumstances of this particular property.

93. By contrast with *Lafontaine*, this case is not akin to Parliament (or the provincial legislature) passing legislation. It is more like a planning board or local board of appeal deciding, after representations and planning evidence by neighbours, whether, based upon the *Municipal Plan* and *Development Regulations*, a zoning amendment or municipal permit should be granted and what conditions should be involved.

94. Most importantly, this proceeding involved a dispute between neighbouring property owners concerning how existing planning rules and policies should be applied to the Property; a dispute which has direct impact on the rights of the property owners in this location, not the City in general. Thus, the nature of this Rezoning Application is adjudicative, not legislative, in accordance with the criteria stated in *Nanaimo*.

.....

97. To summarize, the Rezoning Application was primarily a dispute between neighbours that the City was being asked to determine based upon existing planning policies and rules — not a legislative or policy decision. Consequently, this *Baker* factor militates toward a high degree of procedural fairness.

98. The statutory background at play was discussed at paragraphs 18-42 above. The Rezoning Application was governed by existing legislated rules — by the URPA, the *Municipal Plan* and the *Development Regulations*.

99. The URPA required a public meeting and a decision and vote at a Council Meeting by the City Councillors after consideration of the representations arising from the public meeting. A Development Information Bulletin issued by the City set out in writing the Public Meeting and Council Meeting process. The Public Meeting was to be chaired by a member of Council. The notice of the Public Meeting was to be put in a local newspaper and specifically mailed to property owners within a 150-metre radius of the subject property.

100. Both the public and Seanic were asked to attend and present information about the application, and City staff were to be in attendance in order to discuss the Rezoning Application. Council members (other than the Meeting chair) were not asked or required to be in attendance or to speak; however minutes of the Public Meeting were to be forwarded to the Council for Consideration at Council's next regular meeting.

101. The *Municipal Plan* stated how the City Council was to deal with rezoning applications. Section 2.2 of the *Municipal Plan* stated:

When considering an amendment or amendments, counsel shall evaluate the proposed amendments against the goals, objectives, and purposes of the municipal plan before deciding to accept or reject a new policy.

102. Section 5.2.5 of the *Development Regulations* also specifically stated:

Council or an officer shall, when refusing or attaching conditions to a permit, state the reasons in terms of the criteria used in exercising discretionary powers as provided in section 5.1.3.

103. Section 5.2.5 of the *Development Regulations* is Council's own express statement that it must state its reasons in



terms of the criteria used in exercising discretionary powers as provided in section 5.1.3 when refusing or attaching conditions to a permit. Further, section 5.5 of the Development Regulations made it mandatory that Council consider the record produced by the Public Meeting. Section 5.5 stated:

The City Clerk shall cause to be recorded the proceedings of the Public Meeting and these proceedings, together with any written representations, shall be considered by Council when it makes its decision on the matter, which is the subject of the Public Meeting.

(Emphasis added.)

104. All of the above provisions point to the adjudicative nature of the re-zoning decisions made by Council. Then, on top of that, there is no right of appeal from this adjudicative decision. This Baker factor indicates a high degree of procedural fairness.

(Underlining by counsel for Seanic.)

30 Seanic sought to distinguish *Lafontaine* and the other Supreme Court of Canada cases relied on by the Trial Division judge on the basis that the facts in those cases differ from those in this case. I do not find that persuasive. While there are factual differences, what was relied on by the Trial Division judge were the broad principles outlined by the Supreme Court of Canada in the cases to which he referred, most notably what Chief Justice McLachlin wrote in *Lafontaine* regarding municipal rezoning decisions. In my view, those principles apply in this case.

31 Seanic's position is based largely on *Nanaimo (City) v. Rascal Trucking Ltd.*, 2000 SCC 13, [2000] 1 S.C.R. 342 (S.C.C.), which (in the words of Seanic's Factum),

... set out three criteria that identify whether a decision is adjudicative or legislative/policy making: (i) whether there was an adversarial hearing; (ii) whether the application of substantive rules to individual cases was involved; and (iii) whether the decision would have a substantial impact on the rights of the parties.

32 The problem with the foregoing is that it does not fit with the nature of the decision by City Council. First, there was no "adversarial hearing"; rather, there was an application by Seanic, there were the views of interested citizens, there was analysis by municipal officials, there was debate by City Council and, in the end, there was a vote by City Council. Thus, the decision-making process consisted of several stages, involving multiple actors, engaged in diverse ways, quite different from an adversarial/adjudicative process. Second, the process did not involve "the application of substantive rules". While the statutory scheme focuses on proper land use planning, it accords considerable discretion to a body (City Council) comprised of elected persons who, by the nature of their office, apply political judgment as an integral part of their decision-making; they are engaged in examining practical and policy concerns rather than a set of rules or fixed criteria in the exercise of their discretion.

33 Further to this, Seanic relies on a distinction between *intra vires* and *ultra vires* decisions of Council. Given the facts of this case, that is not a relevant distinction. City Council has authority to decide rezoning applications; the issue of *vires* is, thus, not in question. Rather, the proper lens for judicial review of City Council's decision is the test of "reasonableness" as set out by the Supreme Court of Canada in *New Brunswick (Board of Management) v. Dunsmuir*, 2008 SCC 9, [2008] 1 S.C.R. 190 (S.C.C.). Seanic does not argue that City Council's decision was unreasonable; rather, Seanic argues that the decision was incorrect (by reference to the standard of correctness) or that it was *ultra vires* (i.e. taken without jurisdiction). But, as I have indicated, *vires* is not in issue and correctness is not the relevant standard of review.

34 Beyond this, I would note the line of analysis set out by counsel for St. John's:

[9] There is a fundamental fallacy with Seanic's argument both on the Appeal and the Cross-Appeal. Seanic argues in



effect that its application to change the Development Regulations to re-zone the property is compatible with the Municipal Plan and that the City therefore must approve the change in the zoning and change the Development Regulations. This argument is based on a fundamental fallacy that the proposed amendment must be preferred over the existing zoning. Such a conclusion is incorrect in law.

[10] The Municipal Plan and the existing Development Regulations were created following all of the requirements of URPA. They reflect and embody appropriate planning and development principles and policies. They have been prepared by professional planners. They have been through public hearing processes. They have been approved by the City Council. And they have been approved by the Minister of Municipal Affairs. This property is currently zoned Residential Low Density (R1) in the Development Regulations. The R1 zoning reflects the application of proper planning and development principles and policies.

.....

13. ... Anyone can apply to change the zoning designation of a property by submitting an application and paying a fee of \$300.00. That will begin a process which may possibly lead to a change in the zoning. But there is no entitlement to a change in zoning. There is no presumption in favour of change. At the end of the process, Council may decide that it wishes to retain the existing zoning designation which has already been established in accordance with sound planning principles and policies.

14. In this case, Seanic sought to change the existing Residential Low Density (R1) zoning under the Development Regulations to the Apartment Special (AA) Zone which permits an apartment building of three (3) stories (up to 12 meters) and to introduce "Personal Care Home" as a Discretionary Use in the AA Zone. These changes are compatible with the Municipal Plan in the sense that the proposed use would not require an amendment to the broader policies contained in the Plan. But compatibility with the Plan just gets Seanic to the starting line for consideration; it does not entitle Seanic to a change in zoning.

15. Seanic argues that its proposed change is compatible with the Municipal Plan and meets appropriate planning principles. But the decision for City Council is not a choice between Seanic's proposal and something which is incompatible with the Municipal Plan and proper planning principles. Rather, the decision for City Council is a choice between Seanic's proposal and the existing zoning which already complies with proper planning principles.

16. The decision is a policy or legislative decision for Council. Council is required to provide an opportunity to be heard in accordance with URPA and previous case authority. But Council is not deciding a *lis* or a dispute between parties. Council is deciding a matter of public policy, whether to amend the Development Regulations to change the zoning. ...

17. Council does not need "evidence" in order to reject the proposed change. The existing zoning is already compliant with URPA and proper planning. Council's decision to retain the existing zoning is simply a policy choice that Council is entitled to make.

.....

23. The [Supreme Court of Canada in *Old St. Boniface, supra*] rejected allegations of bias in respect of a councillor who had openly supported a proposed development. The Court pointed out at paragraph 90 that "the role of a municipal councillor is quite different from that of the chairman of the National Energy Board...". The Court continued the contrast at paragraph 91, pointing out that "...members of the National Energy Board do not have political or legislative duties. Prejudgment of issues is not inherent in the nature of their extra-adjudicative functions". The Court thus indicated the inherent political and legislative nature of councillors' functions which permits a degree of pre-judgment.

24. The Court concluded that what is to be avoided is personal interest, not partiality by reason of pre-judgment. The Court stated at paragraph 92:

92 I would distinguish between a case of partiality by reason of prejudgment on the one hand and by reason of personal interest on the other. It is apparent from the facts of this case, for example, that some degree of prejudgment is inherent in the role of a councillor. That is not the case in respect of interest. There is nothing inherent in the hybrid functions, political, legislative or otherwise, of municipal councillors that would make it mandatory or desirable to excuse them from the requirement that they refrain from dealing with matters in respect of which they have a personal or other interest. It is not part of the job description that municipal councillors be



personally interested in matters that come before them beyond the interest that they have in common with the other citizens in the municipality. Where such an interest is found, both at common law and by statute, a member of council is disqualified if the interest is so related to the exercise of public duty that a reasonably well-informed person would conclude that the interest might influence the exercise of that duty. This is commonly referred to as a conflict of interest: See *Re Blustein*, [1967] 1 O.R. 604, 61 D.L.R. (2d) 659 (H.C.); *Moll v. Fisher* (1979), 23 O.R. (2d) 609, 8 M.P.C.R. 266, 96 D.L.R. (3d) 506 (Div. Ct.); *Ctee. for Justice*, supra; and *Valente u. R.*, [1985] 2 S.C.R. 673, 49 C.R. (3d) 97, 37 M.V.R. 9, 23 C.C.C. (3d) 193, 24 D.L.R. (4th) 161, 19 C.R.R. 354, 14 O.A.C. 79, 64 N.R. 1

*Old St. Boniface Residents Assn. Inc. v. Winnipeg (City)*, 1990 CarswellMan 235 (S.C.C.)

.....

27. ... In *Nanaimo (City) v. Rascal Trucking Ltd.*, the Court recognized that municipalities are political bodies. "To a large extent council decisions are necessarily motivated by political considerations and not by an entirely impartial application of expertise." (para. 32) The Court continued at paragraph 35:

35 In light of the conclusion that Nanaimo acted within its jurisdiction in passing the resolutions at issue, it is necessary to consider the standard upon which the courts may review those *intra vires* municipal decisions. Municipal councillors are elected by the constituents they represent and as such are more conversant with the exigencies of their community than are the courts. The fact that municipal councils are elected representatives of their community, and accountable to their constituents, is relevant in scrutinizing *intra vires* decisions. The reality that municipalities often balance complex and divergent interests in arriving at decisions in the public interest is of similar importance. In short, these considerations warrant that the *intra vires* decision of municipalities be reviewed upon a deferential standard.

*Nanaimo (City) v. Rascal Trucking Ltd.*, [2000] S.C.J. No. 14 (S.C.C.)

28. In 2003, in *United Taxi Drivers' Fellowship of Southern Alberta v. Calgary (City)*, the Supreme Court of Canada embraced a broad and purposive approach to the interpretation of municipal statutes affirming that, absent any challenge on constitutional grounds, it is for the municipality to decide the best interests of its citizens.

*United Taxi Drivers' Fellowship of Southern Alberta v. Calgary (City)*, 2004 CarswellAlta 355 (S.C.C.)

29. In 2004, in *Congregation des temoins de Jehovah de St-Jerome-Lafontaine v. Lafontaine (Municipality)*, the Court considered the refusal of a municipality to re-zone a property to permit a place of worship. The municipality gave no explanation for its decision. The Court remitted to the municipality the matter for re-consideration. ... The Court stated:

6 The first factor — the nature of the decision and the process by which it is reached — merges administrative and political concerns. The decision to propose a draft by-law rezoning municipal territory is made by an elected council accountable to its constituents in a manner analogous to that in which Parliament and the provincial legislatures are accountable to their own: *Godbout c. Longueuil (Ville)*, [1997] 3 S.C.R. 844 (S.C.C.), at para. 51. This decision is moreover tempered by the municipality's charge to act in the public interest: *Toronto (City) Roman Catholic Separate School Board v. Toronto (City)* (1925), [1926] A.C. 81 (Ontario P.C.), at p. 86. What is in the public interest is a matter of discretion to be determined solely by the municipality. Provided the municipality acts honestly and within the limits of its statutory powers, the reviewing court is not to interfere with the municipal decision unless "good and sufficient reason be established": *Kuchma v. Tache (Rural Municipality)*, [1945] S.C.R. 234 (S.C.C.), at p. 243 (*per* Estey J.); see also *Norfolk v. Roberts* (1914), 50 S.C.R. 283 (S.C.C.), at p. 293; *Glover v. Kee* (1914), 20 B.C.R. 219 (B.C. C.A.), at pp. 221-22; *Howard v. Toronto (City)*, [1928] 1 D.L.R. 952 (Ont. C.A.), at p. 965.

[Emphasis added]



*Congrégation des Témoins de Jéhovah de St-Jérôme-Lafontaine c. Lafontaine (Municipalité)*, 2004 CarswellQue 1545 (S.C.C.)

.....

33. In this case, councillors were considering an application to re-zone the property from its existing R1 zoning to Apartment Special (AA) zoning. Council had before it essentially two choices. One choice was to maintain the existing zoning. The existing zoning had been prepared, examined and approved in accordance with all of the processes and procedures set forth in URPA. It met proper planning policies and principles. The second choice was to change the zoning as proposed by Seanic. After following all of its required processes and procedures, Council decided to retain the existing zoning. That was a legislative decision based upon policy choices that Council was entitled to make in the exercise of its discretion and judgment.

34. The decision falls within a range of reasonable outcomes available to Council under the URPA. The decision conforms with the regulatory scheme set up by the Legislature embodied in the URPA. Council did not act for any improper purpose or in bad faith. Consequently, there is no basis upon which the Court can interfere with Council's decision.

(Underlining by counsel for St. John's.)

35 The foregoing analysis supports the conclusion that the Trial Division judge did not err when he decided that the rezoning decision was not an adjudicative decision, rather it was discretionary, having regard to "relevant planning considerations". (See para. 48 of the decision under appeal, reproduced above in para. 28 of this decision.)

36 I would emphasize a critical distinction in decision-making by City Council. If a project proponent applies to develop a property and the proposal is (purportedly) in conformity with zoning (and other regulatory requirements), then the proponent is entitled to receive approval to proceed with the project or, if such approval is denied, to be informed of the reasons why approval was denied. If the reasons disclose no valid basis for denying the approval, then the proponent has a right to seek judicial review, with a view to compelling City Council to grant approval.

37 A different situation exists where a proponent seeks rezoning because the intended project does *not* conform with the existing zoning. That is the situation here. In such an instance, all that the proponent can expect is that City Council will consider the rezoning application within the context of the statutory authority conferred on it to make such decisions. If City Council fails to adhere to some procedural requirement set out in the statutory scheme (e.g. it fails to hold a public meeting), then the project proponent can seek to have Council's decision quashed on judicial review on the basis of procedural unfairness. Similarly, if Council bases its decision on factors that are unconnected with the purposes of the statutory scheme (e.g. it denies a rezoning application based on the political affiliation of the project proponent), then again the proponent can seek to have Council's decision quashed on judicial review as such a decision would be unreasonable. But, *the proponent has no right to have the rezoning application approved*. To repeat, this contrasts with the situation of a project plan that conforms with existing zoning (and other regulatory requirements), in which instance the proponent *does* have a right to receive approval to proceed with the project.

## ***(2) Did Council have Regard to Planning Factors?***

38 When one reads the transcript of the City Council debate preceding the vote, key factors referred to by Councillors were:

- Collins (the ward councillor): traffic concerns; lack of accessible amenities for seniors
- Galgay: no problems with respect to traffic; no effect on property values
- O'Leary: traffic concerns; poor accessibility to the site by seniors; public opposition
- Tilley: need for more seniors homes

- Hickman: traffic concerns; lack of accessible amenities for seniors; public opposition.
- Hann: need for more seniors homes
- Breen: traffic concerns
- Hanlon: parking concerns
- Duff: parking concerns; lack of accessible amenities for seniors; opposed to “spot zoning” that is incompatible with surrounding land use
- Collins (closing debate): public opposition.

39 Concerns regarding traffic, parking and compatibility of the project with surrounding land use are all valid planning concerns. The same is true of accessibility to amenities by seniors, in a situation where Council was being asked to exercise their discretion to change the zoning so that the land could be used as the site for a seniors home.

40 The same can be said for the Councillors who favoured rezoning because they wanted to see more housing for seniors. They wished to exercise their discretion in favour of rezoning in order to support a valid public policy goal, albeit one not directly related to land use planning.

41 Finally, there were three councillors (Collins, Hickman and O’Leary) who gave as part of their rationale for voting against the rezoning application the fact that persons living in the vicinity of the proposed project were opposed to it.

42 A politician is not barred from having regard to the views of his or her constituents in making a discretionary decision, including rezoning. The legislature must have intended this, as it is a natural and predictable consequence of conferring authority to make rezoning decisions on City Council rather than conferring such authority on some institution (like the Ontario Municipal Board) whose members are appointed, rather than elected.

43 It is not for the courts to tell members of City Council that they are to make discretionary decisions (as was this decision) without regard to the views of affected citizens, persons who are their constituents. That would run counter to the democratic system. Seanic’s submissions on this point must be rejected.

***(4) Was Council Required to Give Reasons for its Decision Beyond the Debate Preceding the Vote?***

44 Based on the foregoing, notably the discretionary nature of the rezoning decision and the content of the debate, there is no basis in law to require City Council to provide additional reasons for its decision. The judicial review judge did not err in his conclusion that the debate in the Council chambers was sufficient to comply with the duty to give reasons.

***(5) Was Mayor O’Keefe in a Conflict of Interest?***

45 Seanic said that Mayor O’Keefe was in a conflict of interest because he discussed the proposed project with concerned citizens and told them that he shared their concerns. This is not a conflict of interest; this is the ordinary work of an elected office holder.

46 Seanic further said that Mayor O’Keefe was in a conflict of interest because his daughter’s parents-in-law lived near the proposed project and opposed it. This is too remote to constitute a conflict of interest.

47 Mayor O’Keefe was also not present during the debate nor did he vote on the rezoning application. This is a complete answer to any concerns relating to conflict of interest.

***(6) Was Ward Councillor Collins Biased; Did He Prejudge the Issue?***



48 Here is what the Trial Division judge wrote with respect to whether Councillor Collins was biased or had prejudged the issue:

[60] Seanic asserts that Mayor O'Keefe had prejudged the issue and was biased because of his involvement with opponents of the process. The evidence, which I accept, is that the mayor spoke throughout the process to those for and against the development. The assertion of either bias or prejudice on the part of the Mayor is not supported by the evidence and, as previously noted, the mayor did not vote on the final decision.

[61] Seanic also asserts that Councillor Collins demonstrated prejudice in that he came to the Council meeting on March 12 having made up his mind to reject the application, based primarily on the opposition of area residents.

[62] Councillor Collins testified in a forthright manner. He acknowledged that in the public meeting of October 26, 2010 he answered, in response to a question from a member of the public, that he would be voting against the proposal. At the subsequent Council meeting on November 1, 2010, he referred to the project as "just crazy". He remained consistent in his position.

[63] He confirmed that his mind was made up before the Council meeting on March 12, 2012; he went on to indicate that he would probably vote for the project if the residents were in favour of it.

[64] The evidence satisfies me that Councillor Collins had, before the Council meeting of March 12, 2012, completely made up his mind to reject the proposal, that his rejection was primarily based on the opposition from area residents, and that he was not open to be persuaded by any argument or representation to the contrary.

[65] The issue of bias in the sense of prejudice has been discussed in at least three decisions of the Supreme Court of Canada.

[66] In *Old St. Boniface Residents Assn. Inc. v. Winnipeg (City)*, [1990] 3 S.C.R. 1170, the Supreme Court of Canada considered prejudice in the context of a contested rezoning by the City of Winnipeg. A councillor who voted for the rezoning had previously expressed his support for the application during consideration by the City's Finance Committee. The majority judgment, written by Justice Sopinka, first sets out the circumstances under which the council makes zoning decisions. It is not dissimilar to the process in *St. John's*.

.....

[67] After discussing a number of authorities, [Justice Sopinka] concludes at paragraph 57:

57. In my opinion, the test that is consistent with the functions of a municipal councillor and enables him or her to carry out the political and legislative duties entrusted to the councillor is one which requires that the objectors or supporters be heard by members of Council who are capable of being persuaded. The Legislature could not have intended to have a hearing before a body who has already made a decision which is irreversible. The party alleging disqualifying bias must establish that there is a prejudice of the matter, in fact, to the extent that any representations at variance with the view, which has been adopted, would be futile. Statements by individual members of Council while they may very well give rise to an appearance of bias will not satisfy the test unless the court concludes that they are the expression of a final opinion on the matter, which cannot be dislodged. In this regard it is important to keep in mind that support in favour of a measure before a committee and a vote in favour will not constitute disqualifying bias in the absence of some indication that the position taken is incapable of change. The contrary conclusion would result in the disqualification of a majority of Council in respect of all matters that are decided at public meetings at which objectors are entitled to be heard.

[68] This test was confirmed in *Save Richmond Farmland Society v. Richmond (Township)*, [1990] 3 S.C.R. 1213, at paragraphs 47 - 48. See also on this point *Newfoundland Telephone Co. v. Newfoundland (Public Utilities Board)*, [1992] 1 S.C.R. 623 at paragraph 27.

[69] Did Councillor Collins come to the Council meeting on March 12, 2012 with a closed mind, so determined to vote



against the proposal such that any representation or argument to the contrary would be futile? The evidence satisfies me that the answer is yes. In this case, the situation is more troubling since, in my assessment, Councillor Collins' mind was closed primarily because of the opposition of those who elected him and not because of legitimate planning considerations. Although Councillor Collins did express concerns about traffic, safety and amenities, these were not, in my assessment, the considerations which persuaded him to vote as he did. They were concerns which were subject to being overridden by the wishes of his constituents.

[70] The closed mind test is a stringent test. It reflects the nature of the process and the fact that discretionary decisions are being made by an elected body whose members may well be participants in various aspects of what may be a prolonged approval process, who will be the recipients of entreaties from those who elected them, and who may be required during an election campaign to take positions on divisive development issues. A degree of prejudgment, perhaps to a significant degree, is to be expected as a lengthy consultation and public process approaches completion.

[71] Nonetheless, a vote by Council on a rezoning application is expected to be a considered vote following deliberation and debate by Council. It is a vote on a proposal on which a developer, as in this case, may have expended significant resources, often at the direction of the municipality. The regulatory regime governing development — in particular its recognition of the evolutionary nature of municipal planning — requires that councillors bring a degree of independent judgment to their deliberations and decisions. Even though they are elected, councillors, in this context, are not a simple proxy for their electors; they are entrusted with the development of the municipality in accordance with the Municipal Plan and regulations.

[72] When the time comes for a vote on a development proposal, fairness to the applicant and adherence to the regulatory regime for property development require that each councillor listen to the views expressed by his or her colleagues, respect and be governed by the criteria against which the discretionary authority is to be exercised and, where there has been a degree of prejudgment, honestly and objectively consider whether his or her position should be maintained.

[73] In this case, Councillor Collins did not do that. As noted, I am satisfied that his mind was closed and that any representations to the contrary would be futile.

49 In this appeal, Seanic took the position that the Trial Division judge was mistaken as to the nature of the rezoning decision, that it was adjudicative and, therefore, the test to be applied was "reasonable apprehension of bias", rather than "closed mind". As well, Seanic said that whichever test one applies, Councillor Collins fell afoul of it.

50 In this regard, counsel for Seanic argued:

130. The Supreme Court of Canada has noted that the inquiry as to whether a person is biased is "highly fact-specific" (Reference: *Wewaykum Indian Band v. Canada*, [2003] SCJ No. 50 at paragraph 77). The Supreme Court of Canada has also approved of the comment that:

This is a corner of the law in which the context, and the particular circumstances, are of supreme importance.

Ref: *Wewaykum*, paragraph 77

131. With regard to the issue of bias, there are two tests: 1) with regard to tribunals that are on the adjudicative end of the spectrum; and 2) with regard to tribunals which are on the legislative or policy-making end of the spectrum. The test concerning an administrative tribunal that is exercising an adjudicative function is known as the reasonable apprehension of bias test.

.....

132. The test concerning an administrative tribunal that is exercising legislative or policymaking functions is known as the "closed mind" test, which requires significant prejudgment by the impugned decision-maker:



The party alleging disqualifying bias must establish that there is a prejudgment of the matter, in fact, to the extent that any representations at variance with the view, which is being adopted, would be futile. Statements by individual members of council, while they may very well give rise to an appearance of bias, will not satisfy the tests unless the court concludes that they are the expression of a final opinion on the matter, which cannot be dislodged. In this regard it is important to keep in mind that support in favour of a measure before a committee and a vote in favour will not constitute disqualifying bias in the absence of some indication that the position taken is incapable of change.

Ref: *Old St. Boniface Residence Association Inc. v. Winnipeg (City)*, Op. Cit., at paragraph 94.

133. The closed-mind test deliberately sets a higher threshold and is a harder test to satisfy than the reasonable apprehension of bias test. Moreover, it is an inescapable conclusion that if bias in accordance with the closed mind test has been found, then bias in accordance with the reasonable apprehension of bias test has also been found.

134. The appropriate test respecting Seanic's Rezoning Application, where the City was acting on the adjudicative end of the spectrum, should have been the reasonable apprehension of bias test.

135. Accordingly, the Applications Judge erred in law by selecting the closed mind test. However, this legal error by the Applications Judge does not fatally affect his ultimate findings, because the Applications Judge also concluded that Councillor Collins had prejudged the matter enough to satisfy the closed mind test.

136. The finding that Councillor Collins had prejudged the matter was principally a fact-finding decision. This factual finding made by the Applications Judge also satisfies the reasonable apprehension of bias test: since he concluded that the comments and actions of Councillor Collins demonstrated a closed mind, it inevitably follows that those same comments and actions demonstrate a reasonable apprehension of bias.

51 As noted in paragraph 35 above, I have concluded that the Trial Division judge did not err when he decided that council's rezoning decision was not an adjudicative decision, rather it was discretionary, having regard to the "relevant planning considerations". Thus, the Trial Division judge did not err when he concluded that the relevant test was the "closed mind" test.

52 This leads to the question whether in applying that test the Trial Division judge erred. Counsel for St. John's submitted that the Trial Division judge did so. He argued as follows:

32. Chief Justice Orsborn at paragraphs 69 and 72 of his decision states that Councillor Collins had a closed mind when it came time to vote on Seanic's development proposal. This conclusion reflects a fundamental misunderstanding about how the process works. At the March 12, 2012 Council meeting, the councillors were expected to have considered all the material and submissions from the consultation process and have made up their minds. The vote on March 12, 2012 was the end of the process that initially began in 2007.

.....

44. The Learned Trial Judge erred in law with respect to the "closed mind" test and its application in this case. Mr. Collins was the ward councillor for the area affected by the rezoning application. He was entitled to form his opinions as the matter progressed, as he considered the application, read the various reports and listened to the concerns of the area residents. After considering the matter, he formed his opinion that the rezoning application should be rejected based on all the facts and legitimate planning concerns, also shared and articulated by his fellow councillors. It defies logic to find that Councillor Collins, having formed his opinion after giving the matter due consideration, should be disqualified due to bias at the time of the final vote, simply for expressing his views in Council. Making a motion to reject the rezoning application and explaining his reasons for doing so are a permissible exercise of the councillor's duties and powers.

45. Councillors are elected officials accountable to their constituents. They have a mandate to form and express opinions on policy matters such as planning and zoning. They have an obligation to listen to the views of the constituents in their ward regarding planning and zoning decisions for that ward. It is perfectly permissible for a ward councillor to listen to



the views of his constituents and form and express his opinions, particularly at the decision stage. This is a permissible expression of a discretionary political power and cannot be grounds to overturn a decision of Council.

.....

58. It is difficult to see how Councillor Collins' comments differ much from the others who voted against the rezoning application. They all cite traffic concerns, topography, parking, the lack of amenities available to seniors, all properly acknowledged by Chief Justice Orsborn as valid planning concerns. They also discuss the concerns of the residents in the area, clearly another valid planning concern. This factor seems to be diminished or even challenged by the reasoning of the learned Chief Justice given that he finds it problematic that Councillor Collins' main concern was the views of his constituents.

.....

60. It cannot be said that Councillor Collins had a "closed mind" in the sense that his decision was tainted by *legally impermissible* bias when the comments provided are his reasons for his decision. This is akin to a Judge providing reasons for judgment. Obviously, coming to conclusions about a matter as part of one's deliberations after having heard the case does not amount to bias. *Vasiliopoulos v. Dosanjh*, 2008 CarswellBC 2145 (B.C. C.A.). The ward councillor moving the motion to reject the rezoning application obviously had his mind made up and was required to express his reasons for reaching the conclusion that he did. Every other councillor had also made up his or her mind, voted and expressed their reasons. Councillor Collins' comments do not constitute *impermissible* bias at that stage of the rezoning process. They simply reflect the reasons for the councillor's decision to move to reject the rezoning application, which included concerns raised by his constituents, a perfectly permissible exercise in the circumstances.

53 Based on the foregoing, I would state the following:

(a) The "closed mind" test needs to be applied in a way that accords with the realities facing elected officials. It does not require an elected official to remain in a state of uncertainty until the instant before a vote is taken. Rather, a "closed mind" exists when someone refuses to consider what they are supposed to consider, in this case "relevant planning considerations".

(b) I cannot agree with Seanic's submission that Councillor Collins was biased against the project and that he prejudged the decision because he opposed it based on the views of his constituents. Councillor Collins did what we expect politicians to do; he listened to his constituents on matters relevant to the issues under consideration. Where the decision to be taken is discretionary (as it was here), elected officials are entitled to do so. That is part of the normal process of politics in a democracy. It is not "bias". (An example of bias would be if Councillor Collins opposed the project for some invalid purpose, e.g. if he opposed it because he wished to cause harm to a proponent who had supported a rival candidate.)

(c) It would be an error to say that bias exists because a councillor takes into account the views of his constituents when considering relevant concerns, e.g. traffic. It would be no less an error to say a councillor has a "closed mind" because he tells his constituents that he shares their views regarding relevant concerns.

(d) As to prejudging the issue, it is too artificial, too much at odds with the role of a politician to require him or her to proclaim until the moment before a vote is taken that he or she continues to have an "open mind" on the issue when almost certainly he or she does not. That is not reality. That is not practicality. And the law should be neither unrealistic nor impractical.

(e) Councillor Collins addressed relevant planning issues, including traffic concerns and the accessibility of services for seniors in his consideration of Seanic's application for rezoning. The fact that he approached such issues bearing in mind the views of his constituents did not undermine the legitimacy of his participation in the debate and the vote by Council.

54 Accordingly, I find that the Trial Division judge erred in law in his application of the closed mind test. Councillor Collins' participation in the Council debate and his vote on the rezoning application offended no law; they were proper in the

circumstances.

**(8) If Councillor Collins was Biased or if He Prejudiced the Issue Does this Affect the Validity of Council's March 12, 2012 Decision?**

55 In light of the foregoing, this issue does not arise.

**(9) Should Other Councillors Be Disqualified From Participating in a Subsequent Decision on the Rezoning Application?**

56 In light of the foregoing, this issue does not arise.

**(10) Should Councillor Collins be Permitted to Participate If He Asserts He Has an "Open Mind"?**

57 In light of the foregoing, this issue does not arise.

**(11) Should An Order Be Made By The Court Granting The Rezoning Application?**

58 In light of the foregoing, this issue does not arise.

**(12) Costs**

59 In the Trial Division, Seanic received 50% of its costs based on its partial success there. However, City Council has succeeded in all respects in this appeal and cross-appeal. Thus, the factual basis underpinning the Trial Division judge's exercise of discretion in awarding costs no longer exists.

60 This case dealt with alleged bias and the application of the "closed mind" test in the municipal context; these issues have not been previously the subject of authoritative adjudication in this jurisdiction. Bearing this in mind and having regard to this Court's decisions in such cases as *RBC Dominion Securities Inc. v. Dawson* (1994), 114 Nfld. & P.E.I.R. 187 (Nfld. C.A.) (para. 46) and *Genge v. Parrill*, 2007 NLCA 77, 272 Nfld. & P.E.I.R. 199 (N.L. C.A.) (at 207), I would exercise my discretion as to costs and order that each party bear their own costs here and in the Trial Division.

## CONCLUSION

61 I would allow the appeal by St. John's and dismiss the cross-appeal by Seanic. I would set aside the order quashing Council's decision of March 12, 2012 as that decision was validly taken. Each party should bear their own costs.

**J. D. Green C.J.N.L.:**

I Concur:

**M. F. Harrington J.A.:**

I Concur:

*Appeal allowed; cross-appeal dismissed.*

## Annex

*Councillor Wally Collins:*

..., I move rejection of this application, can I get a seconder?

I had a lot to say about it but I will stick to the facts really why it is not appropriate to go there. Number one, that intersection is still the most dangerous intersection in St. John's, and for us to put one more car there is really, I mean, we're putting it not even the length of this building (80 ft., 27 metres) we are putting a senior home right in the middle of that intersection. So I



disagree, that's number one.

Number two, the topography of it, where it's to on the hill there. I mean there's sure going to be lots of water coming down over that. Once you take the side of that hill out, there's icy conditions down there now, there's nowhere .... If there's anybody in a wheelchair, there's no sidewalks for them to push them down over the street and number three, there's nothing for seniors to do there. There's nothing to go to only Tim Horton's and you got to cross a four lane highway just to get to that. Anybody that done any research on seniors homes, it should be a flat area and there should be some amenities that you can go to like a doctor's office, a dentist, a drug store so they can get their medicine, even a grocery store, somewhere that they can kill their day. You know they can walk around and talk to people, but up there on the side of that hill, as far as I am concerned it don't make common sense to put that up there.

*Acting Mayor Duff:*

Councillor Galgay and then Councillor O'Leary.

*Councillor Galgay:*

Your Worship, I will be voting for the project that's proposed by Seanic. I had voted for it before and I am going to vote for it again. To me it's a total issue of "not in my backyard", and I am going to take the arguments for rejection and to hopefully knock down the "straw man" or the "straw women" that are involved in this particular issue.

Number one, we have heard about property in that particular area being devaluated. That is pure unadulterated nonsense. And the examples I give is if you go down King's Bridge Road you have a service station there, and in the weekend's paper in the real estate section, you have one house going for 1.1 million and you have another house going for 1.3 million, you have Forest Road, these huge mansions from the turn of the century which are selling for a fortune, are bordering the Sheraton Hotel and if you were to go there tomorrow the prices would not be down because of the Sheraton. So I would to debunk that particular argument.

The issue of traffic is a non issue. You have 50 or 60 assisted seniors living complex. Number one, if you look at the traffic report in the minutes, you will notice there that there would be no significant increase in traffic because of the presence of an assisted senior citizens complex in that particular area. Now let's be serious about it. Do you expect seniors in the assisted living home all to be up on the morning at 8:00 or 9:00 o'clock with the cars coming out on Kilbride Road or in the afternoon hitting that gas and joining all the other cars that are coming out in that particular area. So the argument that you know the presence of this particular complex is going to suddenly cause disruption and an increase in traffic and on it goes is pure nonsense.

I would like to point out, your Worship that the goal of a Municipal Plan is evolutionary. It is a growth document. It encourages density, so I see no problem with that particular home going in there. I also point out, if you walk along Bowring Park, I encourage people to go. I think it's further west of the Bungalow. My wife and I went out last week and we looked across the highway and what do we see first, the Irving Oil gas station. What do we see beyond that, an open field where the proponent is going to put this much needed seniors complex. It would be an addition to that neighbourhood. The people should be rejoicing that senior citizens are coming in to this particular neighbourhood. And here we are in a situation where we have an aging population, not only in Newfoundland and Labrador but if you look at the statistics here in St. John's in the next ten to fifteen years many of us would be of that particular age or state where we could avail of that particular complex. So it's unobtrusive, it's not invasive and I don't see what all the fuss is about.

I, your Worship, support it for those reasons. Staff had told us that it has merit to be considered. So having said that, number one, I voted the last time for it. I haven't changed my mind because I haven't seen any significant arguments or issues or reasons that would make me change my vote at this present moment. For those reasons I will be supporting the presence of a much needed seniors assisted living complex in the west end of St. John's in that particular area and I would hope other areas of this City would also be open and we get rid of this "not in my backyard" syndrome.

*Acting Mayor Duff:*

Councillor O'Leary and then Councillor Tilley.

*Councillor O'Leary:*

Thank you Madam Mayor and members of Council. As a voted representative of the public with a promise for responsible City planning, I am once again opposing the application by Seanic Canada Inc. for the rezoning of Old Petty Harbour Road/Dorsey's Lane/Carrondale Drive.

Seanic Canada Inc. was represented by Legal Counsel at this recent public meeting whereby Mr. Michael Crosbie presented statements that Council were being "populist" and "whimsical" in our decision making process, alluding to Council's decision making as somehow irresponsible. In fact, and in response to these statements, I would say that the community should be reflected by the desire of the population and that we are elected to be the voice of the people.

In amidst of our Municipal Plan Review process recently kicked off with a highly successful Mayor's Symposium, we are conducting many avenues for public input into our Municipal Plan Review and it is imperative that our efforts focus on



positive visioning on the future of our neighbourhoods and act as agents of responsible City planning.

In the recent public hearing on the potential rezoning of the area to accommodate a seniors three story seniors living residence, the overwhelming number of residents in the nearby area stated their case as to why they opposed this application in an incredibly articulate fashion. This is not a case of NIMBY and we are all certainly aware of the need for more seniors housing in our community, especially in the west end. But this issue is not about seniors living, rather it is an issue of whether this is an appropriate location and I stand firm once again that this application does not meet acceptable standards for rezoning.

None of my rationale for rejecting the rezoning of this property has to do with public/private views as Councillor Galgay has spoken to. The reasons that I have chosen to oppose this once again are as a result of an incomplete assessment of the traffic impacts in its entirety in the Petty Harbour Road, Bay Bulls Road and Huntingdale Drive Area. Staff have studied only one component of the LUAR of a much larger area that has profound existing traffic and safety issues. Safety has to be the number one issue in this particular development.

The implementation of traffic lights has been proposed but will not solve the traffic problems that the residents presently have and this development will create further congestion and stress to the residents.

A series of retaining walls will be necessary as a result of the incredible sloping grade. This grade will also prove problematic for seniors walking down a dangerous slope winter time in icy conditions with a lack of existing sidewalks. Accessibility would be very difficult.

One of the residents, Sara Colborne Penney, a local resident advocating for the safety issue in the neighbourhood, researched the City of Waterloo who commissioned Dr. Boydell on the topic of appropriate locations for seniors housing and the results indicated: Seniors supportive housing should be integrated into the surrounding neighbourhood. It should ideally be located in an area that is safe, attractive and provides access to community amenities including transit, shopping, services, parks and recreation and activities. Ideally a post office, public library, medical and dental offices and a community centre should be within two blocks. In addition, a comfortable walking environment, especially since we are not providing lots of parking and such for people who apparently do not drive cars, should include sidewalks that are wide enough and in good condition and crosswalks that are clearly separated from the vehicular flow and the topography that is flat. As Ms. Colborne Penney also stated, given these parameters, this is clearly not a good location for a seniors complex and I must concur with her statements. They are not next to amenities, it's a treacherous incline, insufficient sidewalks in an area of already established traffic issues for the City to try to resolve in future efforts, and the seniors would be isolated.

So aside from that, there are environmental impacts and you know how I feel about environmental issues and the soil retention issues and the run-off issues. On such a steep grade there will be impacts.

Finally, the issues I have brought forward do not even address the negative impacts on the already existing residents, but again the issue is about this spot is not an appropriate location for this particular development, so I will not be supporting a rezoning.

*Acting Mayor Duff:*

Councillor Tilley.

*Councillor Tilley:*

Yes Madam Deputy I will be voting for the proposal. When this project came to Council previously I voted for it. Staff says that the project certainly merits consideration. There was a tremendous need in our community for seniors assisted living the last time and I think that's only increased by now. I stressed in my platform when I ran for Council that I would do everything in my power for seniors. Seniors need our support for this type of facility that certainly meets their needs and their concerns. We are an aging community, and this facility would be an asset to seniors.

*Deputy Major Duff:*

Anyone else? Councillor Hickman.

*Councillor Hickman:*

Thanks Deputy Major. This is the second time, I think perhaps third time we have reviewed this and I voted against the proposal so I will be voting in favour of the motion to reject.

I haven't seen any new information that would change my mind. I personally feel that we do have a traffic problem at the bottom of Old Petty Harbour Road that we need to take care of in any event. I don't think the number of cars that would be generated by this project is an issue so therefore we are assuming that people will be picked up by their families or they are going to be walking. There's no question that activity and exercise for seniors is important and on nice days for them to get out and walk. Maybe that's not reason enough legislatively to not support it, but I personally don't feel it's a great location for that. There are no services available. Many of these services are approximate to other seniors facilities that are built on major roads or in level areas that are more accessible for seniors.

I think that historically that area up that hill was always private farm land or just open space. It was rezoned a number of



years ago for R1. A lot of it is developed. This particular part was not developed, so to me it is sitting there perfectly situated for an R1 infill and I question why it is not being considered by either this proponent or someone else for that purpose. So, if indeed this were to be rejected, if the proponent is interested in seniors assisted living, perhaps they will be looking for another site to do that, based on some of the information that he or she aren't here.

Also my only other point I really want to make is that we were all elected democratically. Every single issue that comes before us we vote on and we have voted on this before and now we are asked to vote on it again. So I think democracy is what's in action here and it is based on our knowledge and our experience as Councillors, the input from staff, from the proponent, from citizens and other facts that we have to take into account, not just what one person believes is right is what the picture provides. And there is no question as well in my mind that the neighbours are important and the neighbourhood is important and I certainly will be supporting Councillor Collins' motion.

*Acting Mayor Duff:*

Okay. Councillor Hann and then Breen.

*Councillor Hann:*

Yes, Deputy Mayor, I voted for this when it first came before Council and I can't support this motion to reject. It's been a very contentious issue and I think I've read more reports on this application than I have on any other application since I've been around here. The only thing I can say that has not — well it's already been said — that we have a significant need for this kind of operation in the city, assisted living for seniors. And as you know I've been actively involved in terms of looking at the future for seniors with the Mayor's Advisory Committee on Seniors, and we have a significant report coming to Council on Age Friendly Communities and so on, which is a project that we have been doing with Memorial University, but that's for the future. But there is a serious need because we are going to look 15 or more years down the road and I think our aging population in excessive of 40 percent will be 55 and over. So we are growing older each and every month and each and every year and I don't think municipalities, not only ours but other municipalities, are planning for the inevitable when we reach the point of our majority of our population is 55 or 60 plus and that's why we have to take a serious look at it. So I don't think there's anything changed since I voted the last time so I will be voting rejection.

*Acting Mayor Duff:*

Councillor Breen.

*Councillor Breen:*

Yes, Deputy Mayor, last time this came before Council I voted against it and like my colleagues, I haven't seen anything new in this proposal or anything that wasn't in the last proposal that is markedly different. I am concerned there about the traffic. I am concerned about the intersection. I think the intersection really before any further development happens in that area, that intersection needs to be dealt with. It's very dangerous and it certainly is a problem for me.

I do have a problem with the location of the building inside that R1 Zone surrounded by the R1 houses. I think it doesn't have any street frontage at all. It's got a narrow laneway but you know that I am sure may not be the big issue, but the big issue for me is the traffic. It's that intersection and it needs a lot of work. I also found that this issue became a little off the rails a little. This became an issue about seniors and it's not about seniors. Everybody knows that we need seniors facilities and nobody is voting against seniors. That would be like voting against our mothers and fathers and our brothers and sisters. We are dealing here with an application that we have to vote on and given the application and given where it's located and given what I've seen and what I think at that intersection and the troubles that are there, I can't support this application.

*Acting Mayor Duff:*

Councillor Hanlon.

*Councillor Hanlon:*

Well I waited until last because this is by far the biggest struggle I've had since I'm on Council, to determine this one. I mean look at this — this is the first time I've seen an addendum to our regular Council agenda with different documentation all on this one issue.

*Acting Mayor Duff:*

I think this is just all the stuff that was sent in that Karen put together.

*Councillor Hanlon:*

That's what I'm saying. So we don't often get that and believe me it was a lot of late night reading over the weekend, as well as I purposely tried to avoid talking to the developers on this issue, I would like people to know. I wanted to rely on staff and the project that was put forward and I am trying to take the personal side out of it which when I went through a lot of the letters from the residents, it appeared to me "not in my backyard" was evident when they were talking about their views and how a project of this magnitude would disrupt their lives for a couple of years with the construction and the fact that it was R1 when they bought it and it should stay that way. But that's not how it works. We have the right as Council to change the zoning if we so feel it fit, just like we don't' [*sic*] have the right to say that it should be open space behind you as it's



publically owned by someone else, privately owned.

So it was very difficult to pull out the personal side and I was on the fence all along as I was today but that's why I wanted to hear my fellow colleagues and I also spoke to some of our legal advisors as well and I did think it was very strong "not in my backyard" but at the end of the day I am going to vote with you, Councillor Collins, because I am very uncomfortable with that intersection. And that's the only thing that I am going to stand on here is the traffic and I feel that... I lived in Richmond Hill. I sold half the houses up in Richmond Hill. I lived there for six years. I think it's actually a beautiful area for a seniors home. I disagree with someone saying that it isn't. I think it's a good area but I do not agree with the parking as it is now. I've been out there several times before and it's saying that it's going to be a couple of years. We have it in the works, but it's not done. So I am uncomfortable, very uncomfortable with the parking situation, so for that reason and that reason alone I will be voting with Councillor Collins for rejection.

*Acting Mayor Duff:*

Well I guess that leaves it up to me since if I am counting right, it's 4 to 4 and like you Councillor Hanlon I..... 5 to 3, well I think in fairness I will state my own thing anyway.

I did not support this the first time around. I have really struggled with it for the reasons that you have Councillor Hanlon that we are very much in favour of seniors and very cognizant for more seniors development. My concern with this is strictly based on planning and the specific location. Not even the wider location of Kilbride or the Goulds. I think this is spot zoning. This is a site that is totally surrounded on all side by single family detached housing. Our Plan also speaks to compatibility and I think that you could not say there is compatibility in scale or form. What you're doing is in a cube of single family housing, inserting a fairly large institutional type building.

I also have concern that it is back lot development. It is not fronting on a public street and I have concern that the pathway that is going over there, well they have taken out one house to create the access to this enclosed space, it is deficient in terms of our Development Regulations. It isn't sufficiently wide. I have concern that there is an unresolved parking issue. I don't think this is going to create tons of cars but there is an unresolved parking issue in that area and a very substandard intersection which I don't think we are going to have the funding to do very much about in the short term and the distance between that small single family lot, which is the only exit in and out of this development and the intersection is deficient in terms of our Development Regulations. So my concerns are with that specific site not being an appropriate site for this type of development. I think there are actually other sites even in that area that might be appropriate. I don't have a problem with the development itself. If you could take it and put it somewhere else that had frontage, that had more amenities near it that wasn't on a slope, there are all kinds of issues, I would probably support it, but I cannot support it on that particular site for those reasons.

From a pure planning point of view too, Councillor Galway was referencing the goal of the Municipal Plan. Well actually the goal of the Municipal Plan zoning regulation is to guide the orderly development of a community and that doesn't mean that every time you get a zoning application you have to say yes to it. One of the reasons we go to public hearing is to hear the views of neighbours or other property owners and then we have to weigh that. We have to look at it. Some of the things that were said I totally disagree with. Some of the things that you raise, Councillor Galgay, I totally agree with you. I don't think they were concerns that I would take into account, but overall I don't think I can support — I know I can't support this development in that location.

So I now call the question... Oh, you can close debate if you like.

*Councillor Collins:*

Yes, your Worship, on what Councillor Tilley said about the seniors, I mean I guess there's 20 seniors living there now, the Murphy's, the Aylward's, the Densmore's, the Crane's. You know, what about them? They are going up behind their houses, the ambulances in the night time more and what Councillor Galgay said, I mean he said it's not going to increase any traffic, but I mean people got to work there. Delivery trucks got to go back and forth. So they are not all going to walk to work. So it's going to increase the traffic problem there in that intersection, I don't care what anyone says.

The letters of support — there's 125 letters of support but there's only one of them from Kilbride and that guy lives up the road about a mile and one-half. It's 125 letters of support. I got a petition with 189 letter but they are all from the neighbourhood you know what I mean. So they are the ones that's going to be impacted, not the one's out in the east end of town. So while though they support seniors, do they support a seniors home in that spot?

And probably the last thing too, like they are saying they need seniors homes in the west end. We got 4 seniors homes in the Goulds. I don't know but 5, but there's 4 there I think for sure. We got one there on Heavy Tree Road, we got St. Luke's there on Road De Luxe, we got Agnes Pratt there on Topsail Road and we got Bishop Meaden Manor and I think it's McLaughlin Street. Plus there's another on there on top of Mount Pearl and another one there by Fun and Fast. We got lots of seniors home in the west end. I don't know what they are talking about that. But the traffic is the main thing for me — that traffic intersection is torture.

*Acting Mayor Duff:*

Ok, I will call the question, all in favour of the motion to reject? One, two, three..., Ok opposed....?

The motion is carried.

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267 Brookfield Rd.

St. John's, NI

A1E 6J6

January 15, 2017

To: City of St. John's

(Attn: Chair & Members, Planning & Development Committee)

Re: Rezoning of 265 Brookfield Rd, PDE# REZ1600003

Dear Council Members,

I am the owner of the property at 267 Brookfield Rd. and have significant concerns regarding the proposed rezoning of the abutting property located at 265 Brookfield Rd.

My recently deceased husband and I purchased the land known as [REDACTED] Brookfield Rd in 2010. We have spent this last number of years constructing what we consider to be our "dream home."

The current proposal you present calls for the land directly abutting my property to be rezoned Commercial Industrial. It is to have a 6 unit Commercial apartment building constructed on it. **It is obvious there has been absolutely no consideration given to the peaceful enjoyment of my residential property, which I believe I am entitled to. I ask council, has there been consideration given to the effect this rezoning and subsequent use of this land will have on my property value, my well, my air exchange system etc. The area already has a high water table, there are already issues with water run-off from another abutting property and this development would be detrimental to my septic field. I also ask you would you permit myself or any other resident to construct a residential unit in Donovan's or Kenmount Industrial Park? I would think not!**

Your proposal also states that currently there are no structures on this piece of property (265). Please be advised there is most certainly a garage on that property which was constructed this past summer/fall, I suspect without a permit. The proposal also calls for "light industrial use" ....There are currently a number of cranes and other heavy equipment on the property which are coming and going at all hours of the day and night 1am, 4am, 5am; This without any approval in place. The dust, noise & diesel fumes alone are irritants to my property and restrict my enjoyment of it. Furthermore, a recent application from 33 Tobin's rd (which is directly abutting the rear of 265 Brookfield) for the storage of containers was rejected by council, however containers have been coming and going on that lot for the last year & ½ to 2 years at



least. These were transported by the flatbeds and cranes that are visible on the property next door to mine.

Considering 265 Brookfield Rd does not have the required frontage, I ask council what it is that makes this property entitled to a variance which would be required to rezone the property? This variance would place the structure extremely close to my property.

In 2012 there was an application made to council to subdivide a neighbouring property at 257 Brookfield Rd. Subsequent to this, half of the lot was sold to Sinnott's Auto and the other half was sold to Holden's. We expressed concern at a meeting such as this, and were assured that the auto business would have little or no effect on our property and a buffer zone consisting of trees etc. would be erected to protect neighbouring properties. Council said there would be no more than approx. 30 cars at the location at any given time. A permit was granted to develop a portion of the property at 257 Brookfield Rd. Currently, I would estimate in excess of 100 cars occupy that lot (see attached photos). It appears the lot is being used as storage for a local Dodge/Chrysler dealer. The protective buffer was never put in place. I literally look out the rear windows of my beautiful home onto a car lot! Photos attached.

*If indeed it is council's decision to allow this proposal to proceed, despite my objections; I suggest that you also require the developer to purchase my property at its replacement value, so that I can relocate to a more peaceful location and retain the value of my investment. This is not my preference as I said...my now deceased husband, Shane and I built this together. The house, although relatively new, holds immense memories & sentiment for me but I can no longer tolerate the aggravation of living directly next door to an industrial operation. Nor can I afford to have my property devalued to the extensive degree this development would cause.*

*I respectfully ask council to consider my concerns and reject this proposed rezoning.*

Sincerely,

---

Elaine Martin



















































Residents/Businesses in the Immediate Vicinity of 265 Brookfield Rd.

St. John's, NL

December 23, 2016

Mayor, Deputy Mayor, Councillors

Department of Planning, Development and Engineering

City of St. John's

P.O. Box 908

St. John's, NL A1C 5M2

Re: Proposed Rezoning and Development of Vacant Lot at 265 Brookfield Rd., St. John's

Dear Sir/Madam:

As residents and/or businesses in the immediate vicinity of 265 Brookfield Rd., we are writing to express our support for the proposal by Commander Ventures Inc. to rezone and develop the vacant lot at 265 Brookfield Rd., St. John's.

We understand that Commander Ventures Inc. has applied to:

- Rezone the lot from Rural Residential Infill (RRI)/Rural (R) to Commercial Industrial (CI)
- Develop the lot with a multi-unit, single-storey commercial/light industrial building (total area of ~19,000 sq. ft.) with 6 office/warehouse units (~3000 sq. ft. each) and a utility room

We are supportive of this proposal as we believe the development will:

- Enhance the aesthetic and appeal of the immediate area
- Respect the privacy and minimize any potential disturbances to the neighboring properties
- Contribute to the progress and economic development of the community

As well, we are encouraged by some of the specific considerations that will be incorporated into the development:

- Attractive building design with a modern and "clean" appearance
- Landscaping that improves the visual appeal of the area
- Low density occupancy with insignificant impact to the traffic and related activity in the area
- Low, non-imposing building profile and orientation that respects the privacy of the surrounding residential properties
- Sound reduction barrier along the western boundary of the property
- Improved grading and drainage to better manage storm water runoff and detention not just for the property but also for the surrounding area

- Ongoing occupancy and maintenance of a currently vacant and unattractive lot that promotes a sense of upkeep for the neighborhood

Lastly, at a time of economic uncertainty in our province and our city, we are supportive of responsible development that supports and grows our community.

Sincerely,

Residents/Businesses in the Immediate Vicinity of 265 Brookfield Rd.

Name

Signature

Gordon Piccott

Gordon Piccott

TIM CONNOR

Tim Connolly

Colin Lester

Colin Lester

Chris Rideout

Chris Rideout

Carolyn Penney

Carolyn Penney

Brad Lester

Brad Lester

(Don of Lewis)  
DON LEWIS

Don Lewis

J. Sales

John Power

John Power

STEVEN Perham

Steve Perham

RALPH

Breakfield Rd

Rainy Mt

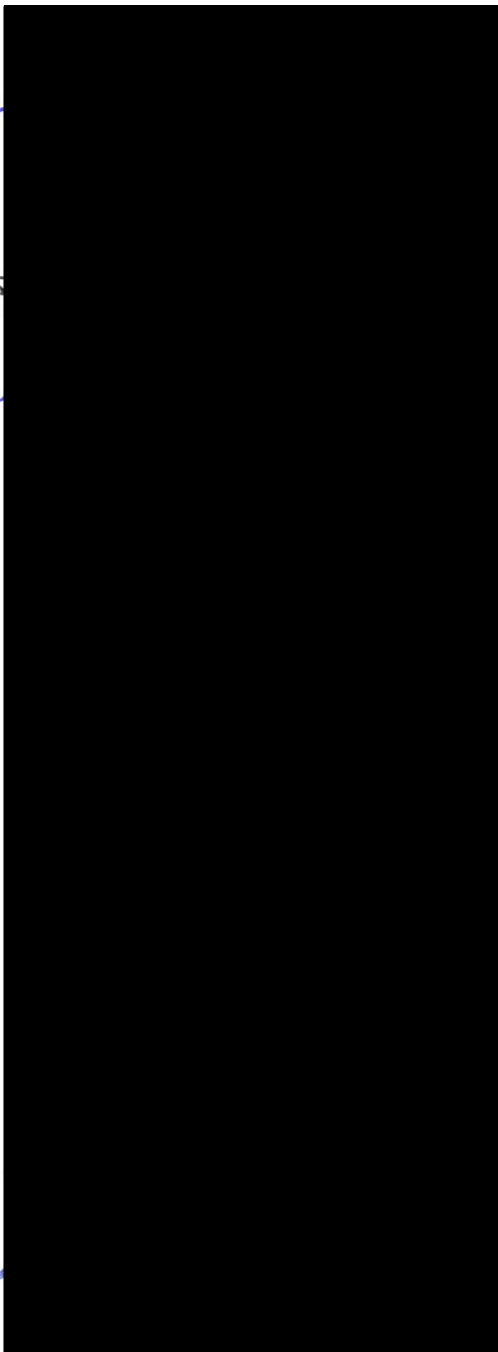


- Ongoing occupancy and maintenance of a currently vacant and unattractive lot that promotes a sense of upkeep for the neighborhood

Lastly, at a time of economic uncertainty in our province and our city, we are supportive of responsible development that supports and grows our community.

Sincerely,

Residents/Businesses in the Immediate Vicinity of 265 Brookfield Rd.

<u>Name</u>	<u>Address</u>	<u>Signature</u>
Philip Escott		Philip Escott
Edward Sinnott		Edward Sinnott
Dena Eales		Dena Eales
STIRLEY		field Shirley Eales
Perry Hou		field Perry Hou
Hubert Sinnott		H.S.
Craig Lester		Craig Lester
JUANITA Lester		Juanita Lester
John Dealey		John Dealey
Derek McDonald		D. McDonald
Darril Sheppard		D. Sheppard
Ward Pike		Ward Pike
TERRY GRANDY		Terry Grandy
DALE Cox		Dale Cox
Pat Kent		Pat Kent
Warren Cline	Warren Cline	

Name

Address

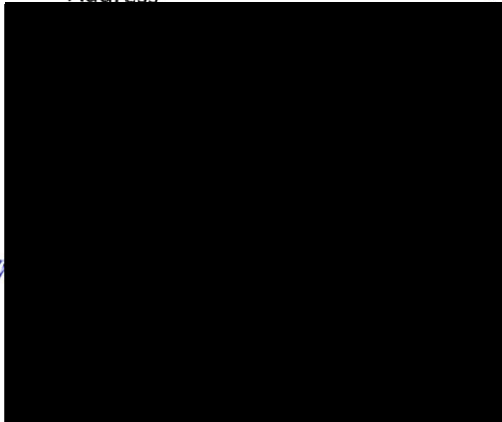
Signature

John LESTER

Curtis Aveny

W Paul Willard

Kim Power



Rd. John Lester  
[Signature]

KFIELD RD. Willard

[Signature]

**REPORTS/RECOMMENDATION**

**Development Committee**

**January 31, 2017 – 10:00 a.m. – Conference Room A, 4<sup>th</sup> Floor, City Hall**

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**1. Crown Land Grant Pursuant for Sawmill at 410 Maddox Cove Road –  
CRW1700002**

It is recommended by the Development Committee that Council approve the Crown Land Grant Pursuant.

**Jason Sinyard  
Deputy City Manager – Planning, Engineering & Regulatory Services  
Chairperson**



# DECISION/DIRECTION NOTE

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**Title:** Crown Land Grant Pursuant for Sawmill at 410 Maddox Cove Road-  
CRW1700002

**Date Prepared:** January 31, 2017 (Date of next meeting: February 6, 2017)

**Report To:** His Worship the Mayor and Members of Council

**Councillor & Role:** Councillor Art Puddister, Chair, Planning and Development Committee

**Ward:** 5

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**Decision/Direction Required:**

To seek approval for a Crown Land Grant Pursuant for 0.45 hectares of land.

**Discussion – Background and Current Status:**

The Provincial Department of Municipal Affairs has referred an application requesting a Grant Pursuant for a parcel of land comprising of an area of 0.45 hectares which is located in the Rural (R) Zone. The proposed use of the land is a Sawmill which has been in operation under a “Permit to Occupy Crown Land” since 1994.

**Key Considerations/Implications:**

1. **Budget/Financial Implications:** N/A
2. **Partners or Other Stakeholders:** N/A
3. **Alignment with Strategic Directions/Adopted Plans:** N/A
4. **Legal or Policy Implications:** N/A
5. **Engagement and Communications Considerations:** N/A
6. **Human Resource Implications:** N/A
7. **Procurement Implications:** N/A
8. **Information Technology Implications:** N/A
9. **Other Implications:** N/A

**Recommendation:**

It is recommended that the Crown Land Grant Pursuant be approved.

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# ST. JOHN'S

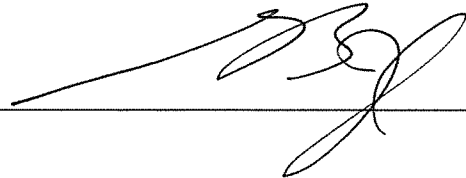
**Prepared by - Date/Signature:**

Ashley Murray- Assistant Development Officer

Signature: Ashley Murray

**Approved by - Date/Signature:**

Jason Sinyard, Deputy City Manager, Planning, Engineering & Regulatory Services

Signature: 

AAM/dm

Attachments: N/A

**DEVELOPMENT PERMITS LIST**  
**DEPARTMENT OF PLANNING, ENGINEERING AND REGULATORY SERVICES**  
**FOR THE PERIOD OF January 26, 2017 TO February 1, 2017**

Code	Applicant	Application	Location	Ward	Development Officer's Decision	Date
RES		Home Office for Mobile Welding	37 Airport Road	1	Approved	17-01-27
RES		Home Office for Mobile Car Cleaning Service	1 Bonnie Drive	5	Approved	17-01-31
COM	J.W. Lindsay Limited	Pedway to Link Buildings on Property	130 Kelsey Drive	4	Approved	17-01-31

\* Code Classification:  
RES - Residential      INST - Institutional  
COM - Commercial      IND - Industrial  
AG - Agriculture  
OT - Other

\*\* This list is issued for information purposes only. Applicants have been advised in writing of the Development Officer's decision and of their right to appeal any decision to the St. John's Local Board of Appeal.

**Gerard Doran**  
**Development Supervisor**  
**Planning, Engineering and**  
**Regulatory Services**

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# Building Permits List

## Council's February 6, 2017 Regular Meeting

Permits Issued: 2017/01/26 To 2017/02/01

### Class: Commercial

371-373 Duckworth St	Co	Tavern
371-373 Duckworth St, Levels	Sn	Tavern
38 Hamlyn Road, Red Pepper	Sn	Eating Establishment
5-7 Pippy Pl	Sn	Retail Store
20 Stavanger Dr	Sn	Retail Store
470 Topsail Rd, M & M	Sn	Retail Store
30-70 White Rose Dr	Nc	Accessory Building
64 Pippy Pl, Level 1 #100	Rn	Mixed Use
464 Torbay Rd. Vitalaire #103	Cr	Service Shop
Avalon Mall, Nl Chocolate Co.	Cr	Retail Store
10 Beaumont Hamel Way	Rn	Communications Use
650 Topsail Rd	Rn	Retail Store
250 Southside Rd	Sw	Office

This Week \$ 2,689,766.00

### Class: Industrial

This Week \$ .00

### Class: Government/Institutional

This Week \$ .00

### Class: Residential

303 Brookfield Rd	Nc	Fence
18 Orlando Pl, Lot 253	Nc	Single Detached & Sub.Apt
24 Orlando Pl, Lot 250	Nc	Single Detached & Sub.Apt
164 Canada Dr	Co	Single Detached & Sub.Apt
55 Long's Hill	Co	Home Office
10 Connolly's Lane	Ex	Accessory Building
6 East Middle Battery Road	Rn	Single Detached Dwelling
10 Belvedere St	Rn	Townhousing
125 Bond St	Rn	Single Detached Dwelling
57 Hayward Ave	Rn	Single Detached Dwelling
18 King's Rd	Rn	Boarding House(4 Or Less)
23 Northern Ranger St	Rn	Single Detached Dwelling
10 Otter Dr	Rn	Single Detached Dwelling
9 Wedgeport Rd	Rn	Single Detached Dwelling
205 Ladysmith Dr	Sw	Single Detached Dwelling

This Week \$ 543,600.00

### Class: Demolition

400 Blackhead Rd	Dm	Single Detached Dwelling
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This Week \$ 00

This Week's Total: \$ 3,233,366.00

Repair Permits Issued: 2017/01/26 To 2017/02/01 \$ 3,700.00

Legend

Co	Change Of Occupancy	Sw	Site Work
Cr	Chng Of Occ/Renovtns	Ms	Mobile Sign
Ex	Extension	Sn	Sign
Nc	New Construction	Cc	Chimney Construction
Oc	Occupant Change	Dm	Demolition
Rn	Renovations		

Year To Date Comparisons			
February 6, 2017			
Type	2016	2017	% Variance (+/-)
Commercial	\$2,929,228.00	\$5,599,247.00	91
Industrial	\$0.00	\$0.00	0
Government/Institutional	\$0.00	\$0.00	0
Residential	\$2,617,461.00	\$2,732,685.00	4
Repairs	\$95,220.00	\$133,400.00	40
Housing Units(1 & 2 Family Dwelling	4	5	
<b>Total</b>	<b>\$5,641,909.00</b>	<b>\$8,465,332.00</b>	<b>50</b>

Respectfully Submitted,

Jason Sinyard, P. Eng., MBA  
Deputy City Manager  
Planning, Engineering & Regulatory Services

# MEMORANDUM

**Weekly Payment Vouchers  
For The  
Week Ending February 1, 2017**

## **Payroll**

<b>Public Works</b>	<b>\$ 622,592.37</b>
<b>Bi-Weekly Casual</b>	<b>\$ 25,510.12</b>
<b>Accounts Payable</b>	<b>\$2,891,869.93</b>

**Total: \$ 3,539,972.42**

**ST. JOHN'S**

DEPARTMENT OF FINANCE

CITY OF ST. JOHN'S PO BOX 908 ST. JOHN'S NL CANADA A1C 5M2 WWW.STJOHNS.CA



NAME	CHEQUE #	DESCRIPTION	AMOUNT
RYDIN DECAL	1221	PARKING PERMITS	8,462.30
XPSOLUTIONS	1222	SOFTWARE RENEWAL	28,914.54
DESERT DIAMOND INDUSTRIES	1223	REPAIR PARTS	2,866.94
KEYZACT	1224	SOFTWARE RENEWAL	61,926.42
BIG BELLY	1225	SOFTWARE RENEWAL	382.53
KIRKLAND BALSOM & ASSOC.	106704	COURT OF APPEAL REFUND	400.00
ROBERT REGULAR PLC INC.	106705	COURT OF APPEAL REFUND	200.00
IEGFRIED STAUBITZER	106706	COURT OF APPEAL REFUND	60.00
MARK & JUDY COLLINS	106707	COURT OF APPEAL REFUND	60.00
PAUL RUBY	106708	COURT OF APPEAL REFUND	60.00
TREVOR EARLE	106709	COURT OF APPEAL REFUND	60.00
MARK & SHANNON DAWSON	106710	COURT OF APPEAL REFUND	60.00
BRIAN & SANDRA COLBOURNE	106711	COURT OF APPEAL REFUND	60.00
GRANT THORNTON	106712	COURT OF APPEAL REFUND	60.00
LINDSAY LOVELESS	106713	COURT OF APPEAL REFUND	60.00
NANCY LOVELESS	106714	COURT OF APPEAL REFUND	60.00
TIMOTHY & TANYA O'NEILL	106715	COURT OF APPEAL REFUND	60.00
NEWFOUNDLAND POWER	106716	ELECTRICAL SERVICES	137,794.74
EDWARD & GENEVIEVE WILLIAMS	106717	REFUND OVERPAYMENT OF TAXES	5,264.29
FLORENCE MURRAY	106718	REFUND OVERPAYMENT OF TAXES	981.51
GENTARA REAL ESTATE LP	106719	LEASE OF OFFICE SPACE	27,609.60
PRINTER ERROR	106720 - 106732	PRINTER ERROR	0.00
NEWFOUNDLAND POWER	106733	ELECTRICAL SERVICES	444,679.07
ROGERS COMMUNICATIONS CANADA INC.	106734	DATA & USAGE CHARGES	862.49
PARTS FOR TRUCKS INC.	106735	REPAIR PARTS	11,836.41
SMITH STOCKLEY LTD.	106736	PLUMBING SUPPLIES	373.14
STEPHEN CLARKE	106737	REFUND SECURITY DEPOSIT	7,500.00
ROGERS COMMUNICATIONS CANADA INC.	106738	DATA & USAGE CHARGES	3,105.00
MCLOUGHLAN SUPPLIES LTD.	106739	ELECTRICAL SUPPLIES	1,524.02
BELL ALIANT	106740	TELEPHONE SERVICES	17,255.99
GORDON BARNES	106741	PROFESSIONAL SERVICES	2,400.00
HARRIS & ROOME SUPPLY LIMITED	106742	ELECTRICAL SUPPLIES	547.36
PENNECON HEAVY CIVIL LTD.	106743	PROGRESS PAYMENT	129,853.40
WELSH, SHERRY	106744	REPLENISH RAILWAY PETTY CASH	432.30
ACKLANDS-GRAINGER	106745	INDUSTRIAL SUPPLIES	573.83
ACTION CAR AND TRUCK ACCESSORIES	106746	AUTO PARTS	39.55
ANIXTER CANADA INC.	106747	REPAIR PARTS	1,371.10
ATLANTIC PURIFICATION SYSTEM LTD	106748	WATER PURIFICATION SUPPLIES	10,205.10
AUDIO SYSTEMS LTD.	106749	AUDIO EQUIPMENT	293.25
AQUAM	106750	RECREATION SUPPLIES	59,610.49
BABB SECURITY SYSTEMS	106751	PROFESSIONAL SERVICES	288.08
KELLOWAY CONSTRUCTION LIMITED	106752	CLEANING SERVICES	862.50
ROBERT BAIRD EQUIPMENT LTD.	106753	RENTAL OF EQUIPMENT	2,247.86
NEWFOUNDLAND EXCHEQUER ACCOUNT	106754	REGISTRATION OF EASEMENT	1,490.40
BATTLEFIELD EQUIP. RENTAL CORP	106755	REPAIR PARTS	416.30
DONALD C PECKHAM	106756	COMMISSIONER - ASSESSMENT REVIEW COURT	2,150.00
STAPLES THE BUSINESS DEPOT - MP	106757	OFFICE SUPPLIES	273.64

NAME	CHEQUE #	DESCRIPTION	AMOUNT
BELL ALIANT	106758	TELEPHONE SERVICES	349.60
GRAND CONCOURSE AUTHORITY	106759	MAINTENANCE CONTRACTS	60,200.80
BELBIN'S GROCERY	106760	CATERING SERVICES	42.88
HAROLD SNOW & SONS	106761	HARDWARE SUPPLIES	2,723.00
JENKINS POWER SHEET METALS INC	106762	PROFESSIONAL SERVICES	460.00
TONY'S TAILOR SHOP	106763	PROFESSIONAL SERVICES	531.30
CABOT PEST CONTROL	106764	PEST CONTROL	316.25
BEST DISPENSERS LTD.	106765	SANITARY SUPPLIES	227.43
ROCKWATER PROFESSIONAL PRODUCT	106766	CHEMICALS	1,091.35
TIM HORTONS STORE 387	106767	REFRESHMENTS	518.08
EC BOONE LTD.	106768	PROTECTIVE CLOTHING	1,421.53
OVERHEAD DOORS NFLD LTD	106769	REPAIRS TO DOORS	2,496.65
BRENKR INDUSTRIAL SUPPLIES	106770	PROTECTIVE CLOTHING	593.81
DBA CONSULTING ENGINEERS LTD.	106771	PROFESSIONAL SERVICES	7,828.63
UNITED PARCEL SERVICE CAN LTD.	106772	PARCEL DELIVERY AND FREIGHT	69.26
KELLOWAY INVESTMENTS LTD	106773	SNOW CLEARING	13,212.12
CANSEL SURVEY EQUIPMENT INC.	106774	REPAIR PARTS	232.37
JLG TRANSPORTATION LTD.	106775	TAXI SERVICES	125.50
PINNACLE OFFICE SOLUTIONS LTD	106776	PHOTOCOPIES	856.03
BONGARDE COMMUNICATIONS LTD.	106777	SUBSCRIPTION RENEWAL	939.67
CITY OF MOUNT PEARL	106778	GYM MEMBERSHIP	125.00
STAPLES THE BUSINESS DEPOT - STAVANGER DR	106779	STATIONERY & OFFICE SUPPLIES	229.31
CHESTER DAWE CANADA - O'LEARY AVE	106780	BUILDING SUPPLIES	2,366.70
CAMPBELL'S SHIP SUPPLIES	106781	PROTECTIVE CLOTHING	417.06
AIR LIQUIDE CANADA INC.	106782	CHEMICALS AND WELDING PRODUCTS	68,203.12
COASTAL DOOR & FRAME LTD	106783	DOORS/FRAMES	792.35
NORTRAX CANADA INC.,	106784	REPAIR PARTS	457.19
NEWFOUNDLAND GLASS & SERVICE	106785	GLASS INSTALLATION	397.90
WM L CHAFE & SON LTD.	106786	PROTECTIVE CLOTHING	730.25
KENT	106787	BUILDING SUPPLIES	48.04
CLARKE'S TRUCKING & EXCAVATING	106788	GRAVEL	647.56
CLEARWATER POOLS LTD.	106789	POOL SUPPLIES	379.50
ATLANTIC HOME FURNISHINGS LTD	106790	APPLIANCES	2,309.20
WALMART 3093-MERCHANT DRIVE	106791	MISCELLANEOUS SUPPLIES	68.76
CANADIAN RED CROSS	106792	CPR RECERTIFICATION	714.34
PF COLLINS CUSTOMS BROKER LTD	106793	DUTY AND TAXES	38.90
STEELE COMMUNICATIONS	106794	ADVERTISING	897.00
COLONIAL GARAGE & DIST. LTD.	106795	AUTO PARTS	3,553.08
SCMA NEWFOUNDLAND AND LABRADOR	106796	MEMBERSHIP RENEWAL	454.25
PETER'S AUTO WORKS INC.	106797	TOWING OF VEHICLES	12,617.19
YARDI SYSTEMS INC.	106798	LICENSE FEES	10,560.32
CONSTRUCTION SIGNS LTD.	106799	SIGNAGE	2,615.10
FEDERATION OF CANADIAN MUNICIPALITIES	106800	MEMBERSHIP RENEWAL	18,155.52
COUNTRY TRAILER SALES 1999 LTD	106801	REPAIR PARTS	94.88
SCARLET EAST COAST SECURITY LTD	106802	TRAFFIC CONTROL	3,796.73
J3 CONSULTING & EXCAVATION LIMITED	106803	PROFESSIONAL SERVICES	5,877.49
CRANE SUPPLY LTD.	106804	PLUMBING SUPPLIES	1,805.17

NAME	CHEQUE #	DESCRIPTION	AMOUNT
FASTENAL CANADA	106805	REPAIR PARTS	91.47
CREDIT RECOVERY 2003 LIMITED	106806	CREDIT COLLECTIONS	1,106.26
CRAWFORD & COMPANY CANADA INC	106807	ADJUSTING FEES	1,265.00
DICKS & COMPANY LIMITED	106808	OFFICE SUPPLIES	465.83
WAJAX POWER SYSTEMS	106809	REPAIR PARTS	1,795.91
HITECH COMMUNICATIONS LIMITED	106810	REPAIRS TO EQUIPMENT	2,493.94
REEFER REPAIR SERVICES (2015) LIMITED	106811	REPAIR PARTS	2,052.91
DOMINION RECYCLING LTD.	106812	PIPE	400.55
CAHILL INSTRUMENTATION LTD.	106813	PROFESSIONAL SERVICES	376.63
RUSSEL METALS INC.	106814	METALS	1,811.25
CANADIAN TIRE CORP.-MERCHANT DR.	106815	MISCELLANEOUS SUPPLIES	64.34
CANADIAN TIRE CORP.-KELSEY DR.	106816	MISCELLANEOUS SUPPLIES	827.14
EAST CHEM INC.	106817	CHEMICALS	1,560.57
ECONOMY DRYWALL SUPPLIES	106818	BUILDING SUPPLIES	105.92
ELECTRIC MOTOR & PUMP DIV.	106819	REPAIR PARTS	397.79
NATIONAL ENERGY EQUIPMENT INC.	106820	REPAIR PARTS	6.77
ENTERPRISE RENT A CAR	106821	RENTAL OF VEHICLES	1,322.50
EMCO SUPPLY	106822	REPAIR PARTS	365.70
EM PLASTIC & ELECTRIC PROD LTD	106823	REPAIR PARTS	286.35
ENVROMED ANALYTICAL INC.	106824	REPAIR PARTS AND LABOUR	561.88
ESRI CANADA	106825	CONFERENCE FEE	931.50
EXECUTIVE TAXI LIMITED	106826	TRANSPORTATION SERVICES	652.05
CONTROL PRO DISTRIBUTOR INC.	106827	REPAIR PARTS	372.60
QUALITY CLASSROOMS	106828	SUPPLIES - RECREATION PROGRAMS	93.73
STELLAR INDUSTRIAL SALES LTD.	106829	INDUSTRIAL SUPPLIES	132.43
ENTERPRISE RENT-A-CAR	106830	RENTAL OF VEHICLES	2,615.36
REVOLUTION ENVIRONMENTAL SOLUTIONS LP/TERRAPURE	106831	PROFESSIONAL SERVICES	8,011.83
PROVINCIAL FENCE PRODUCTS	106832	FENCING MATERIALS	5,405.00
WOLSELEY CANADA INC.	106833	REPAIR PARTS	767.76
TROY LIFE & FIRE SAFETY LTD.	106834	PROFESSIONAL SERVICES	225.40
HARVEY & COMPANY LIMITED	106835	REPAIR PARTS	8,617.10
A HARVEY & CO. LTD.	106836	ROAD SALT	134,906.91
HARVEY'S OIL LTD.	106837	PETROLEUM PRODUCTS	105,826.33
NEFWOUND ROOFING LTD	106838	PROFESSIONAL SERVICES	4,485.00
BOMA NL	106839	MEMBERSHIP RENEWAL	460.00
GUILLEVIN INTERNATIONAL CO.	106840	ELECTRICAL SUPPLIES	477.89
HEATING PRODUCT 1978 LTD.	106841	STEAM COILS	793.50
BRENNTAG CANADA INC	106842	CHLORINE	101,622.64
RONA	106843	BUILDING SUPPLIES	791.99
HISCOCK RENTALS & SALES INC.	106844	HARDWARE SUPPLIES	926.90
HOLDEN'S TRANSPORT LTD.	106845	RENTAL OF EQUIPMENT	2,972.75
FLEET READY LTD.	106846	REPAIR PARTS	630.02
SOURCE ATLANTIC INDUSTRIAL DISTRIBUTION	106847	REPAIR PARTS	667.00
BUSCH SYSTEMS INTERNATIONAL INC.,	106848	PROFESSIONAL SERVICES	56,062.50
IMPRINT SPECIALTY PROMOTIONS LTD	106849	PROMOTIONAL ITEMS	1,873.39
ONX ENTERPRISE SOLUTIONS LIMITED	106850	PROFESSIONAL SERVICES	1,288.00
UMBRELLA SECURITY	106851	ALARM MONITORING	547.42



NAME	CHEQUE #	DESCRIPTION	AMOUNT
PINNACLE ENGINEERING LTD.	106852	PROFESSIONAL SERVICES	4,597.13
KANSTOR INC.	106853	REPAIR PARTS	6,129.50
BOSCH REXROTH CANADA CORP.	106854	REPAIR PARTS	1,798.37
WORK AUTHORITY	106855	PROTECTIVE CLOTHING	143.75
COLLEGE OF THE NORTH ATLANTIC	106856	H.G.R. MEWS SCHOLARSHIP FUND	600.00
CARMICHAEL ENGINEERING LTD.	106857	PROFESSIONAL SERVICES	3,990.50
CANADIAN AV INC.,	106858	REPAIR PARTS	51,871.90
BELFOR PROPERTY RESTORATION	106859	REFUND SECURITY DEPOSIT	7,500.00
J.A. LARUE	106860	REPAIR PARTS	1,276.77
MARTIN'S FIRE SAFETY LTD.	106861	SAFETY SUPPLIES	6,285.90
DR. E. JONES	106862	MEDICAL EXAMINATION FEE	20.00
DOCU GUARD/SHRED GUARD	106863	PROFESSIONAL SERVICES	101.38
BURTON SPINE CENTRE INC.,	106864	PROFESSIONAL SERVICES	60.00
MCLOUGHLAN SUPPLIES LTD.	106865	ELECTRICAL SUPPLIES	59.89
MIKAN INC.	106866	LABORATORY SUPPLIES	310.62
MILL SUPPLY LTD.	106867	REPAIR PARTS	105.86
FIRST CHOICE AUTO GLASS	106868	PROFESSIONAL SERVICES	368.00
MDI CONTRACTING	106869	PROFESSIONAL SERVICES	787.75
POWERLAND COMPUTERS	106870	SOFTWARE RENEWAL	42,484.94
ADVOCATE PRINTING	106871	OFFICE SUPPLIES	637.10
BACALAO NOUVELLE CUISINE NEWFOUNDLAND INC.,	106872	LUNCHEON	652.05
MODERN BUSINESS EQUIPMENT LTD.	106873	LEASING OF EQUIPMENT	914.25
MOORE CANADA	106874	OFFICE SUPPLIES	5,697.68
WAJAX INDUSTRIAL COMPONENTS	106875	REPAIR PARTS	280.91
NU-WAY EQUIPMENT RENTALS	106876	RENTAL OF EQUIPMENT	2,806.00
NEWFOUNDLAND DISTRIBUTORS LTD.	106877	INDUSTRIAL SUPPLIES	129.72
NEWFOUNDLAND DESIGN ASSOCIATES	106878	PROFESSIONAL SERVICES	11,236.40
BELL ALIANT	106879	TELEPHONE SERVICES	821.93
TOROMONT CAT	106880	AUTO PARTS	4,116.30
LESTER'S FARM CHALET & LESTER FARM INC.	106881	SENIORS CHRISTMAS PARTY	649.76
PENNECON ENERGY HYDRAULIC SYSTEMS	106882	REPAIR PARTS	3,116.58
PBA INDUSTRIAL SUPPLIES LTD.	106883	INDUSTRIAL SUPPLIES	75.38
GCR TIRE CENTRE	106884	TIRES	270.25
PETER PAN SALES LTD.	106885	REFUND OVERPAYMENT OF TAXES	4,737.60
PETRO PLUS INC.	106886	REPAIR PARTS	6,008.76
THE HUB	106887	LUNCHEON	2,116.00
RIDEOUT TOOL & MACHINE INC.	106888	TOOLS	3,599.43
NAPA ST. JOHN'S 371	106889	AUTO PARTS	1,160.13
TRANSCONTINENTAL NEWFOUNDLAND & LABRADOR DIV.	106890	ADVERTISING	12,096.57
ROYAL FREIGHTLINER LTD	106891	REPAIR PARTS	1,770.03
SPEEDY GLASS	106892	WINDSHIELD REPAIRS	257.31
STATE CHEMICAL LTD.	106893	CHEMICALS	2,930.20
SUPERIOR OFFICE INTERIORS LTD.	106894	OFFICE SUPPLIES	3,846.76
TERRA NOVA MOTORS LTD.	106895	REPAIR PARTS	56.83
TULK'S GLASS & KEY SHOP LTD.	106896	PROFESSIONAL SERVICES	496.17
URBAN CONTRACTING JJ WALSH LTD	106897	PROPERTY REPAIRS	230.00
WATERWORKS SUPPLIES DIV OF EMCO LTD	106898	REPAIR PARTS	126.50

NAME	CHEQUE #	DESCRIPTION	AMOUNT
WESCO DISTRIBUTION CANADA INC.	106899	REPAIR PARTS	200.76
WINDCO ENTERPRISES LTD.	106900	PROFESSIONAL SERVICES	86.25
WALMART 3092-KELSEY DRIVE	106901	MISCELLANEOUS ITEMS	152.39
DR. T.G. HOGAN	106902	MEDICAL EXAMINATION FEE	20.00
LANCASTER HOUSE	106903	SUBSCRIPTION RENEWAL	458.85
SUPREME COURT OF NEWFOUNDLAND AND LABRADOR	106904	FILING FEE FOR STATEMENT OF CLAIM	123.00
DR. H.B. DROVER	106905	MEDICAL EXAMINATION FEE	20.00
RISE & SHINE NURSERY	106906	REFUND SECURITY DEPOSIT	200.00
FIT FOR WORK	106907	PROFESSIONAL SERVICES	2,988.37
HUNGRY HEART CAFE	106908	SANDWICH TRAYS	614.25
STAPLES THE BUSINESS DEPOT - KELSEY DR	106909	OFFICE SUPPLIES	61.49
DR. ESLIER AGUILAR	106910	MEDICAL EXAMINATION FEE	20.00
AQUARENA	106911	REAL PROGRAM	4,462.50
MCINNES COOPER	106912	PROFESSIONAL SERVICES	4,000.00
STEWART MCKELVEY	106913	LEGAL CLAIM	3,172.85
SOBEYS ROPEWALK LANE	106914	MISCELLANEOUS SUPPLIES	82.35
SOULFUL SOUNDS MUSIC STUDIO	106915	REAL PROGRAM	1,186.00
DR. G. SUTTON	106916	MEDICAL EXAMINATION FEE	20.00
IRIS KIRBY HOUSE INC.	106917	FRONT STEP PARTIAL HPS FUNDS	16,154.00
DR. A.R. ROLFE	106918	MEDICAL EXAMINATION FEE	20.00
DR. ANDREW HUTTON	106919	MEDICAL EXAMINATION FEE	20.00
RECREATION NL	106920	MEMBERSHIP RENEWAL	20.00
SULLIVAN'S CONTRACTING	106921	PROFESSIONAL SERVICES	425.00
TYCO INTEGRATED SECURITY CANADA, INC.	106922	PROFESSIONAL SERVICES	603.75
SNOWIE NEWFOUNDLAND	106923	REFUND SECURITY DEPOSIT	2,051.26
PROVINCIAL INVESTMENTS INC.	106924	COURIER SERVICES	200.00
CST CANADA CO.	106925	PROFESSIONAL SERVICES	576.92
ST. JOHN AMBULANCE NL COUNCIL	106926	PROFESSIONAL SERVICES	2,001.00
TROY'S CARNIVAL SALES	106927	REFUND SECURITY DEPOSIT	1,822.42
CLARE DAWN COUTURE	106928	TOURISM AWARD	200.00
STEPHEN MARTIN	106929	REFUND SECURITY DEPOSIT	240.00
PROVINCIAL JR. CURLING CHAMPIONS	106930	YOUTH SPORT TRAVEL GRANT	100.00
74767 NEWFOUNDLAND AND LABRADOR INC.	106931	REFUND SECURITY DEPOSIT	400.00
PRETZELMAKER	106932	REFUND SECURITY DEPOSIT	300.00
FROZEN MONETS ICE CREAM TRUCK	106933	REFUND SECURITY DEPOSIT	200.00
MANDY'S	106934	REFUND SECURITY DEPOSIT	200.00
TRENT BATH	106935	REFUND SECURITY DEPOSIT	2,000.00
EDWIN BASIL REDMOND	106936	REFUND OVERPAYMENT OF TAXES	711.80
THE ESTATE OF JEAN STENTAFORD	106937	REFUND OVERPAYMENT OF TAXES	290.16
ANGELA PENNY	106938	HERITAGE FINANCIAL INCENTIVES PROGRAM	5,180.00
DARLENE RENDELL	106939	HERITAGE FINANCIAL INCENTIVES PROGRAM	1,108.00
JOHN PICCOTT	106940	EMPLOYMENT RELATED EXPENSES	20.00
CLARENCE DOYLE	106941	EMPLOYMENT RELATED EXPENSES	437.10
WINSOR, LYNNANN	106942	PEGNL MEMBERSHIP RENEWAL	312.11
GREG WALSH	106943	HONORARIUM	100.00
CHRISTINE FITZGERALD	106944	VEHICLE BUSINESS INSURANCE	123.05
ANGELA BLANCHARD	106945	MILEAGE	21.30

NAME	CHEQUE #	DESCRIPTION	AMOUNT
MELISSA MURRAY	106946	MILEAGE	85.29
MAHER, TRAVIS	106947	MILEAGE	50.52
SULLIVAN, DAPHNE	106948	MILEAGE	294.98
SHEA FRANCIS	106949	MILEAGE	18.78
HAYWARD, SARAH	106950	EMPLOYMENT RELATED EXPENSES	131.92
KRYSTAL MULLEY HATCHER	106951	TUITION	412.90
MCGRATH, JENNIFER	106952	MILEAGE	24.48
SHERRY MERCER	106953	MILEAGE	13.00
RON SINYARD	106954	VEHICLE BUSINESS INSURANCE	381.95
KELLY GAULTON	106955	ISA MEMBERSHIP RENEWAL	135.00
SIMONE LILLY	106956	MILEAGE	52.49
MAX BURKE	106957	MILEAGE	18.78
MELANIE SHEA	106958	TUITION	1,307.80
PENNEY'S HOLDINGS LIMITED	106959	PROFESSIONAL SERVICES	1,773.50
SCOTIA RECYCLING (NL) LIMITED	106960	TIPP FLOOR PROCESSING	188,167.71
ACCO BRANDS DIRECT	106961	SUBSCRIPTION RENEWAL	92.33
RCAP	106962	LEASE OF OFFICE EQUIPMENT	392.24
PAUL MURPHY SERVICES INC	106963	REPAIR PARTS	967.13
HUBERT & EMMA HARNETT	106964	REFUND OVERPAYMENT OF TAXES	103.35
NEWFOUNDLAND POWER	106965	ELECTRICAL SERVICES	39,456.51
PF COLLINS CUSTOMS BROKER LTD	106966	DUTY AND TAXES	93.88
PETER'S AUTO WORKS INC.	106967	TOWING OF VEHICLES	203.54
MARK'S WORK WEARHOUSE	106968	PROTECTIVE CLOTHING	754.49
NOVA CONSULTANTS INC.	106969	PROFESSIONAL SERVICES	3,095.52
POWER SMOOTHIES	106970	REFUND SECURITY DEPOSIT	200.00
POMERLEAU INC.,	106971	SETTLEMENT OF CLAIM	732,728.02
<b>Total: \$</b>			<b>2,891,869.93</b>



# MEMORANDUM

Date: February 02, 2017  
To: Mr. Kevin Breen, Mr. Rick Squires, Ms. Elaine Henley  
From: John Hamilton  
Re: Council Approval for Tender 2016171 Furniture Paul Reynolds Center

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The results of Tender 2016171 Furniture Paul Reynolds Center is as follows:

Vendor	Tendered Price
Dick's and Company	\$36,540.00
Superior Office	\$92,682.00
Staples	\$ 8,498.42
Island Office	\$23,010.00

The results of Tender 2016171 Furniture Paul Reynolds Center - are stated on the spreadsheet below.

This tender contains 82 lines which are meeting specification are awarded individually. Shown is the itemized total for each of the lowest bids and includes all of the bids received.

It is recommended to award this tender to the lowest bidders, noted above, meeting the specifications, as per the Public Tendering Act.

  
John Hamilton  
Senior Buyer

## ST. JOHN'S

DEPARTMENT OF CORPORATE SERVICES  
CITY OF ST. JOHN'S PO BOX 908 ST. JOHN'S NL CANADA A1C 5M2 WWW.STJOHNS.CA

## Quote Form - 2016171 Appendix "A" List #1

Line Item	Spec	Quantity	Each	Dicks and Company Basics		Island Office		Superior Office Interiors		Staples Business Advantage	
				Unit Price	Total	Unit Price	Total	Unit Price	Total	Unit Price	Total
1	Haworth Model TPCR-3672 Lunch Table 36" w x 72" w x 29" h. High Pressure Laminate Top. Heavy Duty 13 gauge welded tube bases.	1	Each	\$ 458.0000	\$ 458.00	\$ 447.0000	\$ 447.00	\$ 339.0000	\$ 339.00	\$ 1,247.1700	\$ 1,247.17
2	Inline Model 3SLF3020 Two Drawer Lateral File with lock and hanging frames. C/W a Model 3HHBG3042 Single Bookcase Hutch with is 30" w 42.5" h. c/w two adjustable shelves. Finish: Maple.	7	Each	\$ 690.0000	\$ 4,830.00	\$ 669.0000	\$ 4,683.00	\$ 684.0000	\$ 4,788.00	\$ 922.1700	\$ 6,455.19
3	Inline Model 3SBG4812 Open Bookcase with two adjustable 1" thick shelves to prevent bowing. Finish: Maple	1	Each	\$ 285.0000	\$ 285.00	\$ 273.9500	\$ 273.95	\$ 245.0000	\$ 245.00	\$ 354.1100	\$ 354.11
4	Haworth Model TVBA-3CVB-SL Electric Height Adjustable Desk with 72" x 66" High Pressure Laminate Top. Adjustment range to be: 24.7" min. to 51.3" max. at 1.4" per second or greater. Maple Top, White Base.	9	Each	\$ 1,515.0000	\$ 13,635.00	\$ 1,495.0000	\$ 13,455.00	\$ 1,400.0000	\$ 12,600.00	\$ 1,226.0200	\$ 11,034.18
5	Haworth Model TVBA-2TVC two legged Electric Height Adjustable Desk with 30 x 66 High Pressure Laminate Top. Adjustment range: 24.7" min. to 51.3" max. at 1.4" per second or greater. C/W Haworth Model JPMA-24-S1 Metal two Drawer Mobile Pedestal. Color White. c/w 1 ea. 5G 500 Ergonomic Spring Assist Articulating Keyboard Tray with full palm rest. 26" wide.	6	Each	\$ 1,194.0000	\$ 7,164.00	\$ 1,146.5000	\$ 6,879.00	\$ 1,364.0000	\$ 8,184.00	\$ 1,202.3700	\$ 7,214.22
6	Inline L-Shape Desk Unit consisting of: 1 each Model 3CF3624F Corner Unit, 1 each Model 3TF4824-Y Return with full modesty, 1 each Model 3TF4824-Y Return with partial modesty, 1 ea. 3SJX20 Box/Box/File Pedestal with lock.	1	Each	\$ 786.0000	\$ 786.00	\$ 760.9500	\$ 760.95	\$ 789.0000	\$ 789.00	\$ 1,562.7700	\$ 1,562.77
7	Haworth Compose Reception Desk as per the enclosed layout. Panels are to be high pressure laminate on the outside and fabric upholstered on the inside. Includes ceiling height power and data. High Pressure Laminate surfaces, Metal storage.	1	Each					\$ 12,890.0000	\$ 12,890.00		
8	Haworth Model JLD-0336-SJ Three Drawer Lateral File with lock and hanging frames. Color - White	1	Each			\$ 714.9500	\$ 714.95	\$ 475.0000	\$ 475.00	\$ 788.1700	\$ 788.17
9	Haworth Model JLD-0536-SJ Five Drawer Lateral File with lock and hanging frames. Color - White	3	Each			\$ 1,095.0000	\$ 3,285.00	\$ 709.0000	\$ 2,127.00	\$ 1,259.3200	\$ 3,777.96

10	Inline Model 3RT3672 Boardroom Table with Model 3UPW72 Panel Base. C/W round grommet 1.5" dia. For phone cords and 1 power/data grommet with receptacles and RJ45 and RJ11 connections.	1	Each	\$ 624.0000	\$ 624.00	\$ 604.9700	\$ 604.97	\$ 645.0000	\$ 645.00	\$ 666.0300	\$ 666.03
11	Haworth Model M600-2112 Improv Four legged Boardroom Chairs on Casters. Upholstered seat and back. 325lb rating minimum Must have a 24-7 use warranty.	8	Each			\$ 172.9400	\$ 1,383.52	\$ 189.0000	\$ 1,512.00	\$ 425.7100	\$ 3,405.68
12	Haworth Model M600-2110 Improv Four legged Boardroom Chairs on Glides. Upholstered seat and back. 325lb rating minimum Must have a 24-7 use warranty.	8	Each			\$ 172.9400	\$ 1,383.52	\$ 159.0000	\$ 1,272.00	\$ 257.5900	\$ 2,060.72
13	ergoCentric, Seating Systems, Model AIR2087997	1	Each					\$ 799.0000	\$ 799.00	\$ 471.1000	\$ 471.10
14	Haworth Model Z861-1W41 Ergonomic Chair with Height/width/pivot adj. arms, adjust. Lumbar, sliding seat depth, forward tilt. Arms must adjust in from the seat toward the users body so they are no further than 10" apart. 325lb rating minimum Must have a 24-7 use warranty.	22	Each			\$ 547.9300	\$ 12,054.46	\$ 465.0000	\$ 10,230.00	\$ 471.1000	\$ 10,364.20
15	Haworth Model TVBA-2TVC two legged Electric Height Adjustable Desk with 30 x 66 High Pressure Laminate Top. Adjusts from 24.7" min. to 51.3" max. at 1.4" per second	1	Each	\$ 995.0000	\$ 995.00	\$ 976.4900	\$ 976.49	\$ 890.0000	\$ 890.00	\$ 1,202.3700	\$ 1,202.37
16	Inline Model 3SPB3624 Personal Storage Cabinet 36"w x 24"d x 72"h with 1" thick shelves for strength. Locking doors. 1 fixed and three adjustable shelves.	2	Each	\$ 729.0000	\$ 1,458.00	\$ 714.9400	\$ 1,429.88	\$ 770.0000	\$ 1,540.00	\$ 1,318.1200	\$ 2,636.24



## Quote Form - 2016171 Appendix "A" List #2

Line Item	Description	Quantity	UOM	Dicks and Company Basics Submission 1		Island Office Submission 1		Superior Office Interiors Submission 1		Staples Business Advantage Submission 1	
				Price	Total	Price	Total	Price	Total	Price	Total
1	Logiflex Infiniti Series Modular Lounge Chairs set up. 3 units required. Each unit consists of the following pieces: 6 each Model 020BARCOB Armless Outer 2 seater Bench with outer back rest. Vinyl upholstery. Minimum 500,000 double rub abrasion. 24" d x 32.5" h with brushed chrome bun feet to keep floor area open. Elastic straps on seat. Firm Density Velva foam on seat.	3	Each			\$ 1,659.0000	\$ 4,977.00	\$ 7,699.0000	\$ 23,097.00	\$ 744.7000	\$ 2,234.10
2	Logiflex Infiniti Series Model 181421UTPM Rectangular Laminate End table 18" w x 21" d x 14" h to line up with modular seating. Brushed chrome bun feet.	3	Each			\$ 379.0000	\$ 1,137.00	\$ 475.0000	\$ 1,425.00	\$ 247.9900	\$ 743.97
3	Logiflex Infiniti Series Model TRMAG 2429 Round Laptop Tables with disc base. 24" Dia. x 29" high.	6	Each			\$ 259.0000	\$ 1,554.00	\$ 377.0000	\$ 2,262.00	\$ 564.3400	\$ 3,386.04
4	Rubbermaid - baby / toddler High Chair7806-08, removable table, safety straps, easy to clean, industrial grade	6	Each	\$ 255.0000	\$ 1,530.00						
5	Stackable Bench 6 foot, rugged fibreglass ES Bench, stackable, lightweight. (Splashes)	15	Each	\$ 699.0000	\$ 10,485.00						
6	Fat Boy Bean Bag Chairs combination of Sizes and shapes (most adult) Various colours / designs in line with the colour scheme Industrial / Easy to clean	10	Each	\$ 120.0000	\$ 1,200.00						
7	Rubbermaid Rolling supply cabinets - 3457 Utility Cart with Lockable Doors, Sliding Drawer and 4" dia (10.2 cm) Swivel Casters 2 separate options - one with lower drawer, one open shelving	3	Each	\$ 555.0000	\$ 1,665.00						
8	Jonti-Craft Model 8144JC1 Children's Chair with 14" seat height. 15.5" w x 16.5" d x 23.5" h. Polypropylene Shell with Chrome legs.	20	Each	\$ 36.2000	\$ 724.00					\$ 81.8200	\$ 1,636.40
9	Allseating Tuck Series Sled Base Chairs Model #11050NA with polypropylene seat and back, chrome wire sled base. Warranted for users up to 325lb.	300	Each	\$ 105.0000	\$ 31,500.00	\$ 94.5900	\$ 28,377.00	\$ 89.0000	\$ 26,700.00	\$ 120.4900	\$ 36,147.00
10	Model TUCK Dolly-35	10	Each	\$ 323.0000	\$ 3,230.00	\$ 159.9500	\$ 1,599.50	\$ 210.0000	\$ 2,100.00	\$ 283.7900	\$ 2,837.90
11	Allseating Tuck Series Sled Base Arm Chairs Model #11050WA with polypropylene seat and back, Polypropylene armcaps and chrome wire sled base. Warranted for users up to 325 lb.	70	Each	\$ 129.0000	\$ 9,030.00	\$ 238.9400	\$ 16,725.80	\$ 112.0000	\$ 7,840.00	\$ 112.2700	\$ 7,858.90
12	Worksmart Model BT04FA 48" x 24" x 22.75" - 32.5" h Height Adjustable Fold in Half Resin Multi-Purpose Tables. 23 lb. light weight, easy to move.	12	Each	\$ 121.9500	\$ 1,463.40			\$ 108.0000	\$ 1,296.00	\$ 328.5400	\$ 3,942.48
13	Worksmart Model BT06Q 30 x 72 x 29.25" H Resin Multi Purpose Table with folding legs. 34 lb. light weight, easy to move. 350 lbs. weight load.	120	Each	\$ 124.9500	\$ 14,994.00			\$ 129.5000	\$ 15,540.00	\$ 892.3700	\$ 107,084.40

14	Worksmart Model TC102 Caddy for above tables. Holds up to 20 tables. 76"l x 30" w x 45.3" h	6	Each	\$ 369.0000	\$ 2,214.00		\$ 359.0000	\$ 2,154.00	\$ 4,970.6400	\$ 4,970.64
15	Provide storage solution for 18 feet of wall space. Storage for toys / Supplies for children's programs. Large shelving units for different shaped containers, Industrial, easy to clean, wall mounted, or moveable modular on wheels (no risk of falling over).	1	Each							
16	Haworth Model TZRN-4242-LTSCZ 42" Round Table with Disc Base. Table height is to be 42" overall height. High Pressure Laminate Top. Metallic Silver Disc Base.	1	Each			\$ 495.0000	\$ 495.00		\$ 772.7400	\$ 772.74
17	Allseating Model 11056 Bar Stool with polypropylene seat and back and chrome wire sled base. Stacks 5 high. Warranted for users up to 325 lb.	10	Each	\$ 250.0000	\$ 2,500.00	\$ 243.9500	\$ 2,439.50	\$ 214.0000	\$ 2,140.00	\$ 2,281.70
18	Bar Height Kitchen Island on casters 6ft long, lockable wheels, easy to clean, with overhang of counter space so you can sit comfortably on stool but table won't tip, industrial materials, in line with mill work.	1	Each						\$ 699.2600	\$ 699.26
19	FECK Seating by Trendway: Model OES2 Orca Easy Square 2, 44" w x 30 9/16" h x 33 11/16" d, 3 each: Model OO Orca Ottoman, 22 1/16" w x 13 13/16" h x 22 7/8" d. 2 each: Model BLBM Bobby Seat, 33" diameter x 17 3/4" h. All to be made of Polyurethane Foam with Polyurethane coating with puncture resistance ASTM D4833-07: 30 lb. Various color options.	3	Each				\$ 11,585.0000	\$ 34,755.00	\$ 1,009.9500	\$ 3,029.85
20	Model BT04FA Four foot height adjustable Fold in Half Resin Multi Purpose Table. 48" w x 24" d x 22.75" - 32.5" h 23 lb.	4	Each	\$ 121.9500	\$ 487.80		\$ 108.0000	\$ 432.00	\$ 328.5400	\$ 1,314.16
21	Inline Model 3SSF422054 Storage Cabinet with door and lock. 42" w x 20" d x 54" h with 10 openings 5" high. C/W locking casters. Plastic Laminate with 3mm pvc edge.	3	Each				\$ 1,499.0000	\$ 4,497.00		
22	Jonti-Craft Tub Tower, Item 03540JC, 32" Tower w/Clear Tubs, W27", D27", H533/4"	1	Each	\$ 1,085.0000	\$ 1,085.00					
23	RMA3-72: 72" w Mesa Bench with Back + Arms   Peter Pepper Products   Expressive Essentials®	8	Each			\$ 4,159.0000	\$ 33,272.00	\$ 3,200.0000	\$ 25,600.00	\$ 916.0200
24	Haworth Model TZRN-3636-LTSCZ Round Tables with disc base. High Pressure Laminate Top. Metallic Silver disc base.	6	Each			\$ 389.0000	\$ 2,334.00	\$ 279.0000	\$ 1,674.00	\$ 3,985.08
25	Allseating Tuck Series Sled Base Arm Chairs Model #11050WA with polypropylene seat and back, Polypropylene armcaps and chrome wire sled base. C/W with arms Warranted for users up to 325 lb.	12	Each	\$ 105.0000	\$ 1,260.00	\$ 238.9400	\$ 2,867.28	\$ 112.0000	\$ 1,344.00	\$ 284.4300
26	Allseating Tuck Series Sled Base Arm Chairs Model #11050WA with polypropylene seat and back, Polypropylene armcaps and chrome wire sled base. 12 without arms Warranted for users up to 325 lb.	12	Each	\$ 129.0000	\$ 1,548.00	\$ 215.9300	\$ 2,591.16	\$ 89.0000	\$ 1,068.00	\$ 284.4300
27	Jonti-Craft Glider Rocker A150JC with blue cushions	2	Each	\$ 570.0000	\$ 1,140.00					

## Quote Form - 2016171 Appendix "A" List #3

Line Item	Description	Quantity	UOM	Dicks and Company Basics		Island Office		Superior Office Interiors		Staples Business Advantage	
				Price	Total	Price	Total	Price	Total	Price	Total
1	24" Industrial Metal Shelving (BSS62472) Metal shelving units are available in three different sizes and with six durable shelves. Each shelf will hold up to 300 lbs. evenly distributed, which meets BIFMA's requirements. Metal shelving available in Charcoal Grey only. Dimensions: W36 x D24 x H72 IN.	10	Each	\$ 269.0000	\$ 2,690.00	\$ 239.9500	\$ 2,399.50	\$ 275.0000	\$ 2,750.00		
2	Haworth Model JRPY-3848-SIAN 18 3/4" d x 39 1/2" h x 48" w Recycling Station. Painted Steel Cabinet and top with three openings. Non-locking hinged doors. Clear Acrylic overlay for top. 3 removable Rubbermaid Recycle containers. 3 sections - Garbage, Paper, Cans / metal / plastic	8	Each					\$ 1,250.0000	\$ 10,000.00		
3	Multicircles - both green and blue in colour, 20 pieces total of various sizes that fit together. <a href="http://multicircles.com/presse_brochure/multicircles_large1_medium1_2%20ebook.pdf">http://multicircles.com/presse_brochure/multicircles_large1_medium1_2%20ebook.pdf</a>	1	Set								
4	For storage of Janitorial supplies that is pushed throughout site and used for cleaning multiple rooms. To be stored in each Janitorial closet.	3	Each								
5	Jonti-Craft 2 Tub Sensory Table - Standard, 0485JC, W20 1/2", D41 1/2", H24" Laminate top for easy clean, two tub, standard child height.	1	Each	\$ 357.0000	\$ 357.00						
6	Jonti-Craft Blossom Table, 5774JC, W36", D36", H15-19"	2	Each	\$ 359.0000	\$ 718.00						
7	Jonti-Craft Chairries 6803JC 11" Seat Height, W17 1/2", D20 1/2", 21 1/2" Easy to clean, light weight	8	Each	\$ 96.0000	\$ 768.00						
8	Jonti-Craft Mobile Cubbie-Tray fold n Locks - 04280JC (25 with Clear Trays), W96", D15", H35 1/2". On wheels, Approx 48W, 27D, 65H, must be on wheels, lockable, flexible pieces, Rectangle, swing closed	4	Each	\$ 1,295.0000	\$ 5,180.00						
9	Jonti-Craft Double sided Pick-a Book stand, Item 3507JC Mobile (on castors) On wheels Lockable	3	Each	\$ 327.0000	\$ 981.00						
10	Jonti-Craft Multi-Station Art center, 0294JC W49 1/2", D20", H45", - if available with lockable casters that is preferred. 4 Person station sized for school age, on wheels, lockable. In line with other children/youth furniture.	1	Each	\$ 739.0000	\$ 739.00						
11	Jonti-Craft Adjustable Easels - 4181JC Toddler, W24", D24", H40" 4 person station (or 2 double sided) sized for Toddlers In line with other children/ youth furniture	2	Each	\$ 154.0000	\$ 308.00						





