



Corporate Policy

08. Media and Public Relations

08.1 Provision of Notice

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| Approved by: | Council | on | December 12, 2007 |
| Report No.: | N/A | Effective: | December 12, 2007 |
| Reviewed: | N/A | Amended: | N/A |
| Next Review: | N/A | Note(s): | By-law 109 of 2007 |

Purpose:

A by-law to govern the “Public Notice” Policy as required under Bill 130 of the revised *Municipal Act, 2001, S.O. 2001*.

Policy Statement:

This policy seeks to outline the requirements to give reasonable notice to the public through completion of the actions dictated in this policy.

Scope:

This policy applies to all notices on behalf of the Township of Warwick.

Principles:

1. The manner and form of notice set out in Schedule “A” attached shall be deemed minimum requirements. Additional methods and timeframes may be undertaken at the discretion of the Clerk or as directed by Council.
2. That the following sections are exceptions from Schedule “A”:
 - General Licensing Powers – sect. 150(4) (b)*
 - Emergency – Public Meeting – Licensing Power – sect. 150(5)*
 - Business Improvement Areas – Sect. 210*
 - Business Improvement Area – Sect. 211*

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Establishment of Wards – Sect. 222

Division of Land – Sect. 356

Debenture by-law – Sect. 408

Collection of unpaid licensing Fines – Sect. 441(1)

| Section Subject Matter | Requirement in the Act | Policy |
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| 34(1) Permanent Closure of a Highway | Notice not required | Notice of intent to persons and agencies directly affected by the by-law to be provided at least 2 weeks prior to enactment of the by-law: <ul style="list-style-type: none"> ▪ Personal service or prepaid first class mail to all persons who abut the affected highway; ▪ Publication within a newspaper having sufficient circulation; ▪ Township website |
| 34(2) Permanent Altering of a Highway | Notice not required | Notice of intent to persons and agencies directly affected by the by-law to be provided at least 2 weeks prior to enactment of the by-law: <ul style="list-style-type: none"> ▪ Personal service or prepaid first class mail to all persons who abut the highway; ▪ Township website |

| Section Subject Matter | Requirement in the Act | Policy |
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| 47 Changing-Name of Highway | Section Repealed Notice not required | <p>Notice of intent to persons and agencies directly affected by the by-law to be provided at least 2 weeks prior to enactment of the by-law:</p> <ul style="list-style-type: none"> ▪ Personal service or prepaid first class mail to all persons who abut the highway; ▪ Township website |
| 48 Naming of Private Roads | A local municipality may name or change the name of a private road after giving public notice of its intention to pass the by-law | <p>Notice of intent to persons and agencies directly affected by the by-law to be provided at least 2 weeks prior to enactment of the by-law:</p> <ul style="list-style-type: none"> ▪ Personal service or prepaid first class mail to all persons who abut the highway; ▪ Township website |
| 99(1) By-Law – Advertising Devices, including signs | Notice not required | <p>Notice of the Council's intent to pass a By-Law to be provided at least 2 weeks prior to the meeting:</p> <ul style="list-style-type: none"> ▪ Publication within a newspaper having sufficient circulation; ▪ Township website |
| 110(5) Agreements for Municipal Capital Facilities | Upon the passing of a by-law permitting a municipality to enter into an agreement under this section, the Clerk of the municipality shall be given written notice of the by-law to the Minister of Education. | Written notice to the Minister of Education by prepaid first class mail within ten (10) days of the passing of this by-law. |
| 110(8) Tax Exemption By-Law | <p>Upon the passing of a by-law under subsection (6), the Clerk shall give written notice of the contents of the by-law to:</p> <ul style="list-style-type: none"> ▪ The assessment corporation; ▪ The Clerk of any other municipality that would, but for the by-law, have had the authority to levy rates on the | Written notice by prepaid first class mail immediately upon passing of the By-Law, to all persons identified by the Act as requiring notice. |

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| | <p>assessment for the land exempted by the by-law; and</p> <ul style="list-style-type: none"> ▪ The secretary of any school board if the area of jurisdiction of the board includes the land exempted by the by-law. | |
| 150 (4) (b) General Licensing Powers | Notice and public meeting not required | <p>Notice of Council's intent to be provided at least 2 weeks prior to the meeting:</p> <ul style="list-style-type: none"> ▪ Publication within a newspaper having sufficient circulation; ▪ Township website |
| 150 (5) Emergency – Public Meeting – Licensing Power (Post Activity) | Notice and public meeting not required | <p>Notice of By-Law passing to be provided once a week for 2 weeks within 10 days of passing of the By-Law prior:</p> <ul style="list-style-type: none"> ▪ Publication within a newspaper with sufficient circulation; ▪ Township website |
| 173 (3) Restructuring Proposal | <p>Before the Council of a municipality votes on whether to support or oppose a restructuring proposal, the Council shall or may, as applicable, do the following things when the proposal is being developed or after it is developed:</p> <ul style="list-style-type: none"> ▪ Council shall consult with the public by | <p>Notice of public meeting to be provided:</p> <ul style="list-style-type: none"> ▪ Publication within a newspaper having sufficient circulation for two (2) consecutive weeks prior to the meeting; ▪ Township website <p>Personal service or prepaid first class mail to those</p> |

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| | <p>giving notice of at least one public meeting;</p> <ul style="list-style-type: none"> ▪ Council shall consult with such persons or bodies as the Minister may prescribe; and, ▪ Council may consult with such other persons and bodies as the municipality considers appropriate. | <p>persons who request further notice following the public meeting.</p> |
| 174 (12) Commission of Restructuring | <p>The Commission shall give notice to the public in the prescribed geographic area advising them of the opportunity to inspect the restructuring proposal.</p> | <p>As determined by the Commission.</p> |
| 187 (2) Change of Name | <p>Notice and public meeting not required</p> | <p>Notice of public meeting to be provided:</p> <ul style="list-style-type: none"> ▪ Publication within a newspaper having sufficient circulation for four consecutive weeks prior to the meeting; ▪ Township website <p>Personal service or prepaid first class mail to those persons who request further notice following the public meeting</p> |
| 210 Business Improvement Areas | <p>Before passing a by-law under subsection 204(1), clause 208(2)(b), subsection 208(3) or section 209, notice of the proposed by-law shall be sent by prepaid mail to the board of</p> | <p>Personal notice by prepaid first class mail at least two (2) weeks prior to the passage of the by-law to the Board of Management of the improvement area (existing, or proposed, as the case may be) and every</p> |

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| | <p>management of the improvement area. If any, and to every person who on the last returned assessment roll, is assessed for rateable property that is in a prescribed business property class which it is located,</p> <ul style="list-style-type: none"> ▪ Where the improvement area already exists, in the improvement area and in any geographic area the proposed by-law would add to the improvement area; ▪ Where a new improvement area would be created by the proposed by-law, in the proposed improvement area. | <p>person assessed for rateable property within the improvement area.</p> |
| <p>216 (4) Dissolution of Local Boards (Exception of Police Service Boards)</p> | <p>Notice not required</p> | <p>Notice of intent to be provided at least two (2) weeks prior to the enactment of the by-law to those persons directly affected:</p> <ul style="list-style-type: none"> ▪ Personal service or prepaid first class mail to all board members ▪ Township website |
| <p>217 Council Composition - Local</p> | <p>Notice not required</p> | <p>Notice of public meeting to be provided at least two (2) weeks prior to the meeting:</p> <ul style="list-style-type: none"> ▪ Publication within a newspaper having sufficient circulation; |

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| | | <ul style="list-style-type: none"> ▪ Township website |
| 222 Establishment of Wards | <p>Notice of Council's intention not required.</p> <p>Notice of by-law enactment required within 15 days of enactment.</p> | <p>Notice of public meeting to be provided at least twenty (20) days prior the meeting:</p> <ul style="list-style-type: none"> ▪ Publication within a newspaper having sufficient circulation ▪ Township website <p>Personal service or prepaid first class mail to those persons who request further notice following the public meeting</p> <p>Notice of by-law passing not later than fifteen (15) days following enactment:</p> <ul style="list-style-type: none"> ▪ Publication within a newspaper having sufficient circulation; ▪ Township website ▪ Personal service or prepaid first class mail to those persons who have requested notice |
| 260 & 262 Council Member Resignation | <p>Notice in writing filed with the Clerk; however, it is not effective if it would reduce the number of members to less than quorum.</p> | <p>Council shall declare the vacancy at its next meeting following their resignation declare the vacancy. If the vacancy occurs as the result of death, the declaration must be made at the next two meetings. Vacancy must be filled within 60 days of the declaration. If vacancy occurs within 90 days of an election, the municipality is not required to fill the vacancy and in accordance with</p> |

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| | | the <i>Municipal Elections Act</i> . |
| 291 Budget – Adoption or Amendment | Section repealed – no notice required | Public Notice in the newspaper and posted on the Township Web Site once a week for one week prior to the adoption of the budget |
| 295 Financial Statement - Publication | <p>Within 60 days after receiving the audited financial statements of the municipality for the previous year, the Treasurer of the municipality</p> <p style="padding-left: 40px;">a) Shall publish in a newspaper having general circulation in the municipality</p> <p style="padding-left: 80px;">(i) a copy the audited financial statements, the notes to the financial statement, the auditor’s report and the tax rate information for the current and previous year as contained in the financial review; or (ii) a notice that the information in subclause (i) will be made available at no cost to any taxpayer or resident of the municipality upon request; and (b) may provide the information described in subclause (a)(i) or (ii) to such persons and in such other manner as the Treasurer considers appropriate.</p> | On the Township website within 60 days of receipt. |

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| <p>297 (4) Auditors right to attend – Right of Access</p> | <p>The auditor may attend any meeting of Council or local board and is entitled to a) receive all notices relating to the meeting that any member is entitled to receive; and b) to make representation at that meeting on any matter that concerns him/her as auditor.</p> | <p>Auditor to be provided with a list of Council/Committee schedule together with agenda title pages for information purposes.</p> |
| <p>331 Taxes on eligible properties</p> | <p>The local municipality shall mail to the owner of each eligible property the list of the comparable properties and the determination made under subsection (2) with respect to that eligible property within 60 days after the date the list is received by the local municipality.</p> | <p>Personal notice by prepaid first class mail to the eligible property owner within 60 days after receipt of the list from MPAC.</p> |
| <p>342 Tax Installments</p> | <p>The use by a taxpayer of the alternative installments and due dates under the clause (1) (b) ceases if the taxes of the taxpayer are unpaid after the due date and the Treasurer gives written notice to the taxpayer that the alternative installments and due dates may no longer be used.</p> | <p>Personal reminder notice by prepaid First Class Mail, as determined by the Municipality.</p> |
| <p>348 Determination of Tax Status</p> | <p>The Treasurer shall send to every taxpayer who owes taxes from a proceeding year a notice of those taxes and of the related late payment charges.</p> | <p>Personal notice by prepaid First Class Mail to each affected taxpayer by February 28th in each year.</p> |
| <p>350 (1) Obligation of tenant</p> | <p>Where taxes are owed in respect of any land occupied by a tenant, the Treasurer may give</p> | <p>Personal notice by prepaid first class mail to the tenant with a copy forwarded by registered mail to</p> |

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| <p>– Taxes Owed</p> | <p>the tenant notice in writing requiring the tenant to pay the rent in respect of the land to the Treasurer as it becomes due up to the amount of the taxes due and unpaid plus costs, and the tenant shall comply with the notice.</p> | <p>the owner/taxpayer.</p> |
| <p>351 (8) Seizure of Assets</p> | <p>The Treasurer or the Treasurer’s agent shall give the public notice of the time and place of the public auction to recover the taxes and cost of seizure.</p> | <p>Personal notice by prepaid Registered Mail to affected party. Public notice in the newspaper and posted on the Township Web Site once a week for two (2) consecutive weeks prior to the public auction.</p> |
| <p>356 Division of Land</p> | <p>On or before September 30 of the year following the year in which the application is made, Council shall a) hold a meeting at which the applicants and owners of any part of the land may make representations to Council; b) notify the applicants and owners of the meeting by mail sent at least 14 days before the meeting; and c) make its decision.</p> | <p>Personal notice by prepaid Registered Mail to the applicants and owner at least 14 days prior to the meeting.</p> <p>Council shall also notify the applicants and owner of the decision within 14 days after making its decision. Said decision shall specify the last day for appealing the decision.</p> |
| <p>357 Cancellation, reduction, refund of taxes</p> | <p>On or before September 30 of the year following the year in which the application is made, Council shall, a) hold a meeting at which the applicants may make representations to Council; b) notify the applicants of the meeting by mail sent at least 14 days before the meeting; and c) make its decision.</p> | <p>Personal notice by prepaid Registered Mail to applicants at least 14 days prior to the meeting.</p> <p>Council shall also notify the applicants of the decision within 14 days after making its decision. Said decision shall specify the last day for appealing the decision.</p> |

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| <p>358 Overcharges caused by a gross or manifest error</p> | <p>Treasurer to send copy of application to the Assessment corporation and the registrar of the Assessment Review Board; and to notify applicant of invalid application.</p> | <p>Personal notice by prepaid Registered Mail to the applicants at least 14 days prior to the meeting.</p> <p>Council shall also notify the applicants of the decision within 14 days after making its decision. Said decision shall specify the last day for appealing the decision.</p> <p>Prepaid first class mail to the assessment corporation and the registrar of the Assessment Review Board.</p> |
| <p>359 Increase of taxes (as a result of any undercharge caused by a gross or manifest error) but not an error in judgement assessing the land.</p> | <p>Council shall, a) hold a meeting at which the Treasurer and the person in respect of whom the application is made may make representations to Council; b) notify the Treasurer and the person in respect of whom the application is made of the meeting by mail sent at least 14 days before the meeting; and c) make its decision.</p> | <p>Personal notice by prepaid Registered Mail to the person in respect of whom the application is made and personal service to the Treasurer at least 14 days prior to the meeting.</p> <p>Council shall also notify the Treasurer and the person in respect of whom the application is made of the decision within 14 days after making its decision. Said decision shall specify the last day for appealing the decision.</p> |
| <p>365 Cancellation, reduction or refund of taxes</p> | <p>If a lower tier municipality has passed a by-law under subsection (1), it shall give notice of that fact to the upper-tier municipality and the upper-tier municipality may pass a by-law to provide a similar cancellation, reduction or refund of taxes levied for upper-tier purposes.</p> | <p>Written notice by prepaid first class mail to upper-tier municipality as soon as possible after passing the by-law.</p> |

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| <p>365.1 (4)(5) Cancellation of taxes, rehabilitation and development period</p> | <p>If a lower-tier municipality intends to pass a by-law under subsection (2), it shall give notice of its intention to the upper-tier municipality and the Minister of Finance.</p> | <p>Copy of proposed by-law forwarded by prepaid first class mail to upper-tier municipality and to the Minister of Finance.</p> <p>Note: Information to be provided to the Minister of Finance as per the Act.</p> |
| <p>365.1 (7)(25) Cancellation of taxes, rehabilitation and development period</p> | <p>If a local municipality passes a by-law under subsection (2) or (3), it shall, within 30 days, give a copy of the by-law to the Minister and Minister of Finance.</p> | <p>By-Law to be forwarded to the Minister and Minister of Finance by prepaid first class mail within thirty (30) days of passage.</p> |
| <p>365.1 (9)(11) Cancellation of taxes, rehabilitation and development period</p> | <p>Upon approval of an application under subsection (8), local municipality to advise owner of the commencement date of tax assistance. Minister of Finance to be provided above information within 30 days of advising the owner.</p> | <p>Personal notice by prepaid first class mail to the owner and by prepaid first class mail to the Minister of Finance within thirty (30) days of providing notice to the owner.</p> <p>Note: Minister of Finance may specify additional information to be provided by local municipality.</p> |
| <p>365.1 (23) Cancellation of taxes, rehabilitation and development period</p> | <p>Owner to notify municipality within 30 days of filing a Record of Site condition and local municipality, within 30 days of receipt, to advise Minister of Finance.</p> | <p>Written notice by prepaid first class mail within thirty (30) days of receipt of notice from owner.</p> |
| <p>365.2 (5)(6) Tax Reduction – Eligible Heritage</p> | <p>A local municipality shall deliver a copy of the by-law passed under subsection (4) to the Minister of Finance within 30 days of its</p> | <p>Copy of by-law to be forwarded by prepaid first class mail to the Minister of Finance and upper-tier municipality within thirty (30) days of its passing.</p> |

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| Properties | passage and notify the upper-tier municipality of the amount of taxes to be reduced or refunded. | |
| 374 (1) Notice of Registration | Within 60 days after the registration of a tax arrears certificate, the Treasurer shall send a notice of the registration of the certificate to the assessed owner of the land; if under land Titles to persons appearing on the parcel register and if under Registry Act, to persons appearing by the abstract index and by the index of writs received for execution by the sheriff... | Notice of registration certificate by prepaid registered mail within 60 days after registration to parties specified in the Act. |
| 379 (1) Public Sale | If the cancellation price remains unpaid 280 days after the day the tax arrears certificate is registered, the Treasurer, within 30 days after the expiry of the 280 day period, shall send to the persons entitled to received notice under Section 374 a notice that the land will be advertised for public sale unless the cancellation price is paid before the end of the one-year period following the date of registration of the tax arrears certificate. | Final notice that land will be advertised for public sale to be given by prepaid registered mail to persons entitled to receive notice within 30 days after the expiry of the 280 day period. |
| 379 (2) Public Sale – Advertisement | If, at the end of the one-year period following the date of the registration of the tax arrears certificate, the cancellation price remains unpaid and there is no subsisting extension agreement, the land shall be offered for | Public notice one week in the Ontario Gazette, once a week for four (4) consecutive weeks in the newspaper and posted on the Township website. |

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| | public sale by public auction or public tender, as the Treasurer shall decide, and the Treasurer shall immediately, b) advertise the land for sale once in the Ontario Gazette and once a week for four weeks in a newspaper that, in the opinion of the Treasurer, has such circulation within the municipality as to provide reasonable notice of the sale or, if there is no such newspaper, post a notice in the municipal office and one other prominent place in the municipality. | |
| 379 (5b) and (15) No Registration of Notice of Vesting | If there is no successful purchaser, the Treasurer may prepare and register in the name of the municipality, a notice of vesting. | Notice of Vesting to be registered within two (2) years after the public sale is conducted. |
| 380 (3) Application of Proceeds – Payment into Court | Within 60 days after making a payment into court under subsection (2), the Treasurer shall send a copy of the statement to the Public Guardian and Trustee and to the persons to whom the Treasurer send notice under subsection 379 (1). | Copy of statement to be sent 60 days after payment into court by Prepaid Registered Mail. |
| 400 Regulations re Fees and Charges | The Minister may make regulations providing for any matters which, in the opinion of the Minister, are necessary or desirable for the purposes of this Part, including, f) requiring a municipality or local board to give | Notice of intent to pass a By-law in the manner and form and at the times as prescribed by the Minister. Public Notice in the newspaper and posted on the Township website once a week for two (2) consecutive |

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| | the prescribed notice of its intention to pass a by-law imposing fees and charges which have priority lien status under (d) which are added to the tax roll, to the prescribed persons in the manner and form and at the times prescribed. | weeks prior to the passing of the by-law. |
| 402 (1) Notice of Debt | Upon receipt of an application of a municipality to incur a debt, the Ontario Municipal Board may direct the municipality to give notice of the application to such persons and in such manner as the Board determines. | Notice of Debt to such persons and in such manner as determined by the Ontario Municipal Board. |
| 408 Debenture By-Law | When a municipality authorizes long term borrowing by the issue of debentures or through another municipality under Section 403 or 404. | Personal notice by prepaid first class mail to persons issuing the debenture. |
| 431 Where Power of Entry exercised | Where a Municipality exercises a power of entry under this Act, the Municipality shall, a) except with respect to an entry to determine whether a by-law, order or condition to a permit has been complied with or an entry under Section 87, 97, 122 or 166 or clause 430 (a), (b) or (c), provide reasonable notice of the proposed entry to the occupier of land by personal service or prepaid mail or by posting the notice on the land in a conspicuous place; b) despite clause a), in | Two weeks prior to entry, inform occupier of the land by personal service of prepaid first class mail or by posting the notice on the land in a conspicuous place. Notice shall be by personal service in the circumstances identified in 431 (b) of the Act. |

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| | the case of an entry described under clause 430 (d), give reasonable notice of the proposed entry to the occupier of the land by personal notice. | |
| 433 – now 447(3) Closing premises, public nuisance | Notice to the Attorney General. After obtaining a consent under subsection (2) but before making an application under subsection (1), the municipality shall give 15 days notice of its intention to make an application under subsection (1) to the Attorney General. | Letter of application to the Attorney General 15 days prior to making application by prepaid registered mail. |
| 440 – now 441 (1) Collection of unpaid licensing fines | If any part of a fine for a contravention of a business licensing by-law remains unpaid after the fine becomes due and payable under section 66 of the Provincial Offences Act, including any extension of time for payment ordered under that section, the authorized officer may give the person against whom the fine was imposed a written notice specifying the amount of the fine payable and the final date on which it is payable, which shall be not less than 21 days after the date of the notice. | Written notice by prepaid registered mail specifying the amount of the fine payable and final date to pay (not less than 21 days after the date of notice). No time limits specified for giving of notice. |

References:

- Municipal Act, 2001, S.O. 2001

Roles:

Accountable:

Administrator/Clerk

Responsible:

All project managers and staff for the Township of Warwick