

# ST. JOHN'S

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## Regular Meeting - City Council Agenda

February 20, 2024

3:00 p.m.

4th Floor City Hall

### Pages

1. CALL TO ORDER
2. PROCLAMATIONS/PRESENTATIONS
  - 2.1 Heritage Day/Week Proclamation 2024 4
  - 2.2 Poet Laureate Proclamation 5
3. APPROVAL OF THE AGENDA
  - 3.1 Adoption of Agenda
4. ADOPTION OF THE MINUTES
  - 4.1 Minutes of February 6, 2024 6
5. BUSINESS ARISING FROM THE MINUTES
6. DEVELOPMENT APPLICATIONS
  - 6.1 Public Works and Infrastructure in the Floodplain and Buffer - 374B Kenmount Road – SUB2200022 17
  - 6.2 Accessory Building, Fence and Driveway in the Watershed (Town of Portugal Cove-St. Phillip's – 841 Thorburn Road – INT2400002 21
  - 6.3 Re-establish the Building Line Setback – 22 Belfast Street - INT2400006 26
  - 6.4 Notices Published – 319 Hamilton Avenue - DEV2400001 30
7. RATIFICATION OF EPOLLS
8. COMMITTEE REPORTS

8.1	Audit Standing Committee Report	47
1.	Occupational Health and Safety Audit Report	49
2.	RHB Scale House Operations - Assignment #18-02	120
3.	Travel Authorization - Institute of Internal Auditors GAM Conference	122
4.	Cyber Security Audit – Information Technology	127
8.2	Committee of the Whole Report - February 13, 2024	134
1.	51 Harvey Road – SUB2300020 – Heritage Report Adoption	137
2.	50 International Place – MPA2300001	157
9.	<b>DEVELOPMENT PERMITS LIST (FOR INFORMATION ONLY)</b>	
9.1	Development Permits List February 1 - 14, 2023	164
10.	<b>BUILDING PERMITS LIST (FOR INFORMATION ONLY)</b>	
10.1	Building Permits List	165
11.	<b>REQUISITIONS, PAYROLLS AND ACCOUNTS</b>	
11.1	Weekly Payment Vouchers for Week Ending February 7, 2024	168
11.2	Weekly Payment Vouchers for Week Ending February 14, 2024	169
12.	<b>TENDERS/RFPS</b>	
12.1	2024001 Crosstown Shared-Use Path from Canada Drive to T'railway	170
12.2	2024006 – Supply and Delivery of Uniform Clothing	172
13.	<b>NOTICES OF MOTION, RESOLUTIONS QUESTIONS AND PETITIONS</b>	
14.	<b>NEW BUSINESS</b>	
14.1	CAMA Conference Travel Approval – Banff, AB	174
14.2	Shea Heights Community Centre – New Board Appointments	177



14.3	Federation of Canadian Municipalities Annual Conference & Trade Show – Calgary, Alberta (June 6 – 9, 2024)	181
14.4	Senior’s Advisory Committee – Approval of New Members	183
<b>15.</b>	<b>OTHER BUSINESS</b>	
15.1	2024 Civic Improvement Assessment Rates	186
15.2	Text Amendment – Daycare Centre - Adoption	190
<b>16.</b>	<b>ACTION ITEMS RAISED BY COUNCIL</b>	
<b>17.</b>	<b>ADJOURNMENT</b>	

# Proclamation

**Heritage Day/Week  
February 19, 2024**

WHEREAS: the third Monday in February is recognized nationally as Heritage Day; and

WHEREAS: Heritage Day and Heritage Week are a time to reflect on the achievements of past generations and to accept responsibility for protecting our heritage; and

WHEREAS: our citizens should be encouraged to celebrate Newfoundland and Labrador's uniqueness and to rejoice in our heritage; and

WHEREAS: in 2024 the residents of Newfoundland and Labrador will celebrate our rich and diversa heritage.

THEREFORE: I, Mayor Danny Breen, do hereby proclaim Monday, February 19, 2024, as Heritage Day and February 19-25, 2024, as Heritage Week in the City of St. John's, and call upon all citizens to celebrate the richness of our past and the promise of our future.

Signed at City Hall, St. John's, NL on this 20th day of February, 2024.

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Danny Breen, Mayor

# Proclamation

## City of St. John's Poet Laureate

**February 20, 2024**

WHEREAS: The Poet Laureate is an honour bestowed by the City of St. John's as a way of acknowledging and celebrating poets, literary arts, and their value and contribution to civic life; and

WHEREAS: The City of St. John's recognizes literary arts, and all art, as a fundamental and necessary component of society; and

WHEREAS: The City of St. John's Poet Laureate will act as an ambassador for literary arts and will integrate literary arts into a range of official and unofficial civic events;

THEREFORE: I, Mayor Danny Breen, do hereby proclaim Mark Callanan as Poet Laureate of the City of St. John's.

Signed at City Hall, St. John's, NL on this 20<sup>th</sup> day of February 2024.

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Danny Breen, Mayor

# **ST. JOHN'S**

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## **Minutes of Regular Meeting - City Council**

**Council Chamber, 4th Floor, City Hall**

**February 6, 2024, 3:00 p.m.**

**Present:**

- Mayor Danny Breen
- Deputy Mayor Sheilagh O'Leary
- Councillor Maggie Burton
- Councillor Ron Ellsworth
- Councillor Sandy Hickman
- Councillor Debbie Hanlon
- Councillor Jill Bruce
- Councillor Ophelia Ravencroft
- Councillor Jamie Korab
- Councillor Carl Ridgeley

**Staff:**

- Kevin Breen, City Manager
- Derek Coffey, Deputy City Manager of Finance & Administration
- Jason Sinyard, Deputy City Manager of Planning, Engineering & Regulatory Services
- Lynnann Winsor, Deputy City Manager of Public Works
- Cheryl Mullett, City Solicitor
- Ken O'Brien, Chief Municipal Planner
- Karen Chafe, City Clerk
- Stacey Corbett, Legislative Assistant
- Jackie O'Brien, Manager of Communications

### **Land Acknowledgement**

**The following statement was read into the record:**

**"We respectfully acknowledge the Province of Newfoundland & Labrador, of which the City of St. John's is the capital City, as the ancestral homelands of the Beothuk. Today, these lands are home to a diverse population of indigenous and other peoples. We would also like to acknowledge with respect the diverse histories and cultures of the Mi'kmaq, Innu, Inuit, and Southern Inuit of this Province."**

1. **CALL TO ORDER**
2. **PROCLAMATIONS/PRESENTATIONS**
3. **APPROVAL OF THE AGENDA**

- 3.1 **Adoption of Agenda**

SJMC-R-2024-02-06/48

**Moved By** Councillor Korab

**Seconded By** Councillor Bruce

That the Agenda be adopted as presented.

For (9): Mayor Breen, Deputy Mayor O'Leary, Councillor Burton, Councillor Ellsworth, Councillor Hickman, Councillor Hanlon, Councillor Bruce, Councillor Korab, and Councillor Ridgeley

**MOTION CARRIED (9 to 0)**

4. **ADOPTION OF THE MINUTES**

- 4.1 **Adoption of Minutes - January 23, 2024**

SJMC-R-2024-02-06/49

**Moved By** Councillor Burton

**Seconded By** Councillor Hickman

That the minutes of January 23, 2024, be adopted as presented.

For (9): Mayor Breen, Deputy Mayor O'Leary, Councillor Burton, Councillor Ellsworth, Councillor Hickman, Councillor Hanlon, Councillor Bruce, Councillor Korab, and Councillor Ridgeley

**MOTION CARRIED (9 to 0)**

5. **BUSINESS ARISING FROM THE MINUTES**

6. **DEVELOPMENT APPLICATIONS**

- 6.1 **Request for Parking Relief – 22 Blatch Avenue – INT2400003**

The Deputy Mayor asked staff to explain the process if a vehicle were parked and was overhanging on the sidewalk. The Deputy City Manager of Planning, Engineering and Regulatory Services assured Council that any overhanging vehicle would be ticketed as per the City's bylaws.

SJMC-R-2024-02-06/50

**Moved By** Councillor Ridgeley

**Seconded By** Councillor Ellsworth

That Council approve the parking relief at 22 Blatch Avenue for one (1) parking space to accommodate the proposed Subsidiary Dwelling unit.

For (9): Mayor Breen, Deputy Mayor O'Leary, Councillor Burton, Councillor Ellsworth, Councillor Hickman, Councillor Hanlon, Councillor Bruce, Councillor Korab, and Councillor Ridgeley

**MOTION CARRIED (9 to 0)**

**6.2 Re-establish the Building Line Setback – 488 Logy Bay Road – INT2400002**

SJMC-R-2024-02-06/51

**Moved By** Councillor Ridgeley

**Seconded By** Deputy Mayor O'Leary

That Council approve the re-established Building Line setback at 12.357 metres as measured from Robin Hood Bay Road to allow the change in frontage and new civic address for the property currently recognized as 488 Logy Bay Road.

For (9): Mayor Breen, Deputy Mayor O'Leary, Councillor Burton, Councillor Ellsworth, Councillor Hickman, Councillor Hanlon, Councillor Bruce, Councillor Korab, and Councillor Ridgeley

**MOTION CARRIED (9 to 0)**

**6.3 Notices Published – 120 East White Hills Road - DEV2300170**

The Deputy Mayor expressed that, due to the close proximity to the road, the property should be contained. The Chief Municipal Planner advised Council that the property would be fenced.

SJMC-R-2024-02-06/52

**Moved By** Councillor Ridgeley

**Seconded By** Councillor Hickman

That Council approve the Discretionary Use application at 120 East White Hills Road for a Kennel Use and set parking at 35 spaces for the proposed Kennel Use.

For (9): Mayor Breen, Deputy Mayor O'Leary, Councillor Burton, Councillor Ellsworth, Councillor Hickman, Councillor Hanlon, Councillor Bruce, Councillor Korab, and Councillor Ridgeley

**MOTION CARRIED (9 to 0)**

**6.4 Notices Published – 220 Newfoundland Drive - DEV2300138**

Councillor Ridgeley declared a conflict of interest and abstained from voting.

SJMC-R-2024-02-06/53

**Moved By** Councillor Korab

**Seconded By** Councillor Hanlon

That Council approve the Discretionary Use application at 220 Newfoundland Drive for a Parking Garage, located on the 1st storey of a proposed new building.

For (9): Mayor Breen, Deputy Mayor O'Leary, Councillor Burton, Councillor Ellsworth, Councillor Hickman, Councillor Hanlon, Councillor Bruce, Councillor Ravencroft, and Councillor Korab

Abstain (1): Councillor Ridgeley

**MOTION CARRIED (9 to 0)**

**6.5 Notices Published – 410 Thorburn Road - DEV2300154**

SJMC-R-2024-02-06/54

**Moved By** Councillor Ridgeley

**Seconded By** Councillor Burton

That Council reject the Discretionary Use application at 410 Thorburn Road as the proposed location for the Daycare Centre is in an unserved area, which raises safety concerns as outlined by St. John's Regional Fire Department.

For (10): Mayor Breen, Deputy Mayor O'Leary, Councillor Burton, Councillor Ellsworth, Councillor Hickman, Councillor Hanlon, Councillor Bruce, Councillor Ravencroft, Councillor Korab, and Councillor Ridgeley

**MOTION CARRIED (10 to 0)**

**6.6 Notices Published – 44 Austin Street - DEV2300176**

SJMC-R-2024-02-06/55

**Moved By** Councillor Ridgeley

**Seconded By** Deputy Mayor O'Leary

That Council approve the Discretionary Use at 44 Austin Street to allow the proposed Daycare Centre.

For (10): Mayor Breen, Deputy Mayor O'Leary, Councillor Burton, Councillor Ellsworth, Councillor Hickman, Councillor Hanlon, Councillor Bruce, Councillor Ravencroft, Councillor Korab, and Councillor Ridgeley

**MOTION CARRIED (10 to 0)**

**7. RATIFICATION OF EPOLLS**

**8. COMMITTEE REPORTS**

**8.1 Committee of the Whole Report**

**1. Records and Information Management Policy and Procedures**

SJMC-R-2024-02-06/56

**Moved By** Councillor Ellsworth

**Seconded By** Councillor Hickman

That Council approve the Records and Information Management Policy and Procedures as presented.



For (10): Mayor Breen, Deputy Mayor O'Leary, Councillor Burton, Councillor Ellsworth, Councillor Hickman, Councillor Hanlon, Councillor Bruce, Councillor Ravencroft, Councillor Korab, and Councillor Ridgeley

**MOTION CARRIED (10 to 0)**

**2. 46 Hazelwood Crescent – REZ2300019**

Concerns were expressed that by changing the zoning with no proposed changes that this would allow for changes to be made in the future which would not require resident engagement.

It was advised that although no plans are proposed, the amendment will be advertised so that the public understands the potential changes that could be allowed in the future as a result of the rezoning.

SJMC-R-2024-02-06/57

**Moved By** Councillor Burton

**Seconded By** Councillor Ellsworth

That Council consider rezoning property at 46 Hazelwood Crescent from the Residential 1 (R1) Zone to the Apartment 1 (A1) Zone to bring an existing Apartment Building into conformance and advertise the amendment for public review and comment.

For (8): Mayor Breen, Deputy Mayor O'Leary, Councillor Burton, Councillor Ellsworth, Councillor Hickman, Councillor Bruce, Councillor Ravencroft, and Councillor Ridgeley

Against (2): Councillor Hanlon, and Councillor Korab

**MOTION CARRIED (8 to 2)**

**3. Text Amendment – Institutional Zone Standards**

See REVISED DN including provisions for building height.

Councillor Ellsworth declared a conflict and abstained from voting.

SJMC-R-2024-02-06/58

**Moved By** Councillor Burton

**Seconded By** Councillor Hickman

That Council consider a text amendment to the Envision St. John's Development Regulations to change the standards of the Institutional (INST) Zone.

For (9): Mayor Breen, Deputy Mayor O'Leary, Councillor Burton, Councillor Hickman, Councillor Hanlon, Councillor Bruce, Councillor Ravencroft, Councillor Korab, and Councillor Ridgeley

Abstain (1): Councillor Ellsworth

**MOTION CARRIED (9 to 0)**

**9. DEVELOPMENT PERMITS LIST (FOR INFORMATION ONLY)**

**9.1 Development Permits List January 18 - 31, 2023**

**10. BUILDING PERMITS LIST (FOR INFORMATION ONLY)**

**10.1 Building Permits List**

**11. REQUISITIONS, PAYROLLS AND ACCOUNTS**

**11.1 Weekly Payment Vouchers for the Week Ending January 24, 2024**

SJMC-R-2024-02-06/59

**Moved By** Councillor Ellsworth

**Seconded By** Deputy Mayor O'Leary

That the weekly payment vouchers for the week ending January 24, 2024, in the amount of \$ 6,695,513.30, be approved as presented.

For (10): Mayor Breen, Deputy Mayor O'Leary, Councillor Burton, Councillor Ellsworth, Councillor Hickman, Councillor Hanlon, Councillor Bruce, Councillor Ravencroft, Councillor Korab, and Councillor Ridgeley

**MOTION CARRIED (10 to 0)**

**11.2 Weekly Payment Vouchers for the Week Ending January 31, 2024**

SJMC-R-2024-02-06/60

**Moved By** Councillor Korab

**Seconded By** Councillor Ellsworth

That the weekly payment vouchers for the week ending January 31, 2024, in the amount of \$9,322,303.94, be approved as presented.

For (10): Mayor Breen, Deputy Mayor O'Leary, Councillor Burton, Councillor Ellsworth, Councillor Hickman, Councillor Hanlon, Councillor Bruce, Councillor Ravencroft, Councillor Korab, and Councillor Ridgeley

**MOTION CARRIED (10 to 0)**

**12. TENDERS/RFPS**

**12.1 2023215 Supply & Delivery of Bosch Rexroth / Compuspread Parts**

SJMC-R-2024-02-06/61

**Moved By** Councillor Ellsworth

**Seconded By** Councillor Hickman

That Council approve for award this open call to the sole bidder, Parts for Trucks Inc., meeting specification, for \$39,050.00 per year (HST not included) as per the Public Procurement Act.

For (10): Mayor Breen, Deputy Mayor O'Leary, Councillor Burton, Councillor Ellsworth, Councillor Hickman, Councillor Hanlon, Councillor Bruce, Councillor Ravencroft, Councillor Korab, and Councillor Ridgeley

**MOTION CARRIED (10 to 0)**

**12.2 Water Street Infrastructure Improvements - Phase 4**

SJMC-R-2024-02-06/62

**Moved By** Councillor Korab

**Seconded By** Councillor Ellsworth

That Council approve for award this work to the sole source supplier, Newfoundland Power Inc., for \$137,5818.25 (HST excluded) as per the Public Procurement Act.

For (10): Mayor Breen, Deputy Mayor O'Leary, Councillor Burton, Councillor Ellsworth, Councillor Hickman, Councillor Hanlon, Councillor Bruce, Councillor Ravencroft, Councillor Korab, and Councillor Ridgeley

**MOTION CARRIED (10 to 0)**

**12.3 2023213 Shared-Use Path from Portugal Cove Road to Logy Bay Road via Kenny's Pond and Tupper Laurier Park**

The Deputy City Manager of Planning, Engineering and Regulatory Services advised Council that staff anticipate the work starting in the fall of 2024 and finished the following year.

SJMC-R-2024-02-06/63

**Moved By** Councillor Korab

**Seconded By** Deputy Mayor O'Leary

THAT Council approve for award this open call to the top ranked proponent Dillon Consulting Limited for \$349,844.95 (HST included) as per the Public Procurement Act.

For (10): Mayor Breen, Deputy Mayor O'Leary, Councillor Burton, Councillor Ellsworth, Councillor Hickman, Councillor Hanlon, Councillor Bruce, Councillor Ravencroft, Councillor Korab, and Councillor Ridgeley

**MOTION CARRIED (10 to 0)**

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

**14. NEW BUSINESS**

**14.1 CERAWEEK 2024 – Houston, Texas**

SJMC-R-2024-02-06/64

**Moved By** Councillor Ellsworth

**Seconded By** Councillor Hickman

That Council approve the travel costs associated for Mayor Breen to attend the 2024 CERAWEEK in Houston, Texas.

For (10): Mayor Breen, Deputy Mayor O'Leary, Councillor Burton, Councillor Ellsworth, Councillor Hickman, Councillor Hanlon, Councillor Bruce, Councillor Ravencroft, Councillor Korab, and Councillor Ridgeley

**MOTION CARRIED (10 to 0)**

**14.2 Travel Authorization – Big City Mayor's Caucus**

SJMC-R-2024-02-06/65

**Moved By** Councillor Ellsworth

**Seconded By** Deputy Mayor O'Leary

That Council approve the travel costs associated for Mayor Danny Breen to attend the 2024 BCMC meeting in Ottawa on February 26th, 2024.

For (10): Mayor Breen, Deputy Mayor O'Leary, Councillor Burton, Councillor Ellsworth, Councillor Hickman, Councillor Hanlon, Councillor Bruce, Councillor Ravencroft, Councillor Korab, and Councillor Ridgeley

**MOTION CARRIED (10 to 0)**

**15. OTHER BUSINESS**

**16. ACTION ITEMS RAISED BY COUNCIL**

The Deputy Mayor advised Council that she has been receiving complaints regarding the City's recycling process. The blue bags required do not have to be contained and often blow away onto roads or other properties. It was mentioned that other jurisdictions have containers, similar to the ones currently used for garbage. She asked that staff conduct a review of our current recycling practices.

**17. ADJOURNMENT**

There being no further business, the meeting adjourned at 3:48 p.m.

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MAYOR

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CITY CLERK

# DECISION/DIRECTION NOTE

**Title:** Public Works and Infrastructure in the Floodplain and Buffer - 374B Kenmount Road – SUB2200022

**Date Prepared:** February 12, 2024

**Report To:** Regular Meeting of Council

**Councillor and Role:** Councillor Carl Ridgeley

**Ward:** Ward 4

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**Decision/Direction Required:** To consider approval of Public Works and Infrastructure within the Floodplain and Floodplain Buffer at 374B Kenmount Road.

**Discussion – Background and Current Status:** An application was received for the upgrading of infrastructure as part of Bristolwood Phase 7A, in the Kenmount Terrace development. An existing storm sewer and headwall within the Floodplain and Floodplain Buffer needs to be upgraded for capacity; the existing pipe will be upgraded from a 900mm diameter to 1200mm diameter. The location of the pipe and headwall will not change.

Subject to Section 4.10(4) and (5) of the Development Regulations, Council may permit Public Works and Infrastructure within the Floodplain and Floodplain Buffer. Subject to Section 4.10(6), prior to Council's consideration the application was referred to the Environment and Sustainability Experts Panel for their consideration. The panel has no concerns with the proposed application.

## **Key Considerations/Implications:**

1. Budget/Financial Implications: Not applicable.
2. Partners or Other Stakeholders: Not applicable.
3. Alignment with Strategic Directions:

A Sustainable City: Plan for land use and preserve and enhance the natural and built environment where we live.

Choose an item.

4. Alignment with Adopted Plans: St. John's Municipal Plan and Development Regulations.

# ST. JOHN'S

5. Accessibility and Inclusion: Not applicable.
6. Legal or Policy Implications: St. John's Development Regulations Section 4.10  
"Waterways, Wetlands, Ponds or Lakes."
7. Privacy Implications: Not applicable.
8. Engagement and Communications Considerations: Not applicable.
9. Human Resource Implications: Not applicable.
10. Procurement Implications: Not applicable.
11. Information Technology Implications: Not applicable.
12. Other Implications: Not applicable.

**Recommendation:**

That Council approve replacement of the existing storm sewer and headwall (Public Works and Infrastructure) within the Floodplain and Floodplain Buffer at 374B Kenmount Road to allow upgraded capacity.

**Prepared by:**

Lindsay Lyghtle Brushett, MCIP Supervisor – Planning & Development  
Planning, Engineering and Regulatory Services

**Approved by:**

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



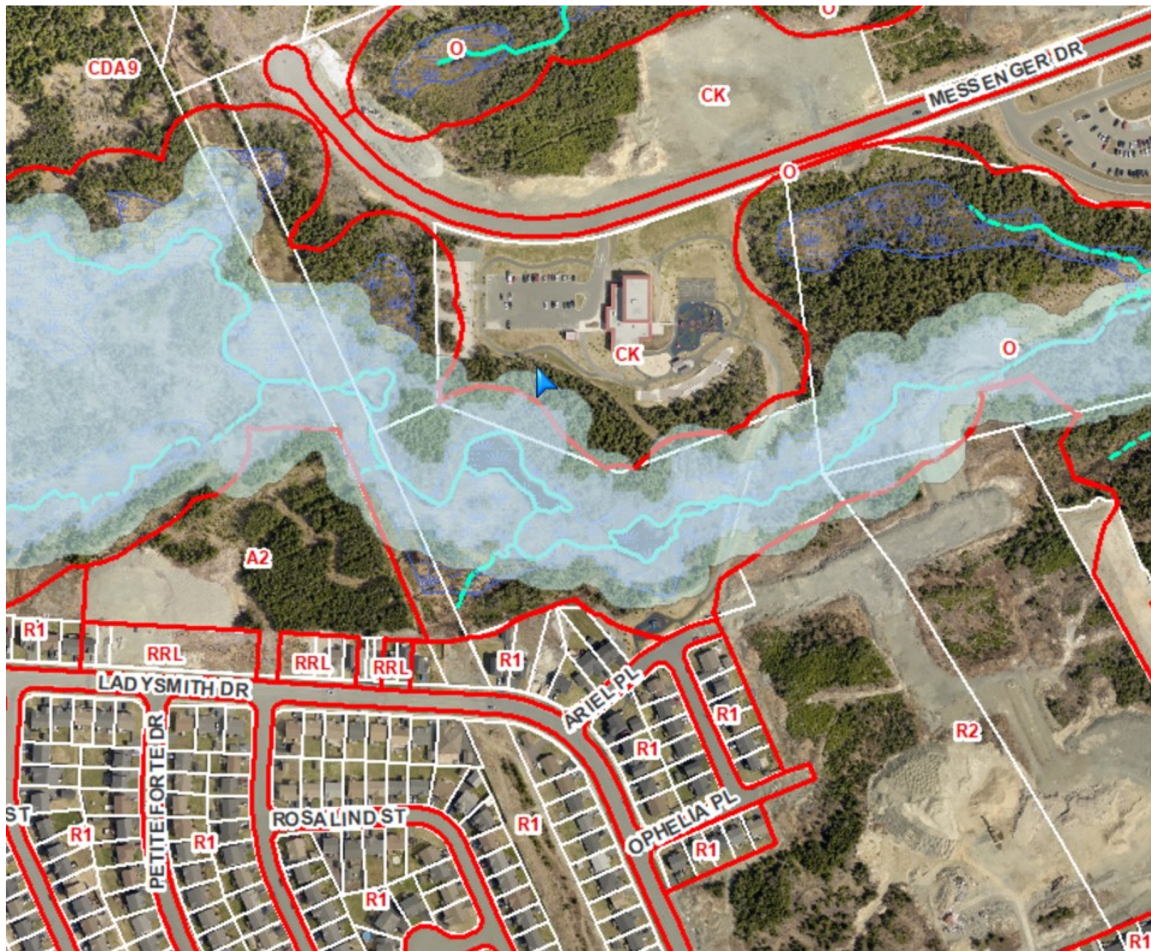
**Report Approval Details**

Document Title:	Development Committee - Public Works and Infrastructure in the Floodplain and Buffer - 374B Kenmount Road - SUB2200022.docx
Attachments:	- 374B Kenmount Road.png
Final Approval Date:	Feb 12, 2024

This report and all of its attachments were approved and signed as outlined below:

**Jason Sinyard - Feb 12, 2024 - 2:26 PM**

# 374B Kenmount Road



# DECISION/DIRECTION NOTE

<b>Title:</b>	Accessory Building, Fence and Driveway in the Watershed (Town of Portugal Cove-St. Phillip's – 841 Thorburn Road – INT2400002
<b>Date Prepared:</b>	February 8, 2024
<b>Report To:</b>	Regular Meeting of Council
<b>Councillor and Role:</b>	Councillor Carl Ridgeley, Development
<b>Ward:</b>	N/A

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**Decision/Direction Required:** Request to develop an Accessory Building, fence, and driveway in the Watershed at 841 Thorburn Road, Town of Portugal Cove-St. Philip's.

**Discussion – Background and Current Status:**

The Town of Portugal Cove-St. Philip's referred an application to construct an Accessory Building, approximately 29.7 square metres in area, along with a fence and a new driveway at 841 Thorburn Road. The property is within the Broad Cove Watershed. The Accessory Building, fence and driveway contemplated under this application have all been constructed without permits.

Section 104 (4)(a) of the City of St. John's Act states that Council may permit an Accessory Building to an existing private family dwelling. This size requirement as outlined within the St. John's - Paradise Watershed Agreement states that only one (1) Accessory Building for a residential use to a maximum size of 29.7 square metres (16'x20') be considered within the Watershed. This policy is applied to all adjacent municipalities for equity purposes.

There are currently two other existing Accessory Buildings on the property; one is proposed to be removed and a new one added. Only one Accessory Building is allowed on a property within the Watershed. Unless the applicant is willing to remove two Accessory Buildings, the new structure should not be considered. The City does not regulate fences or driveways in the Watershed.

**Key Considerations/Implications:**

1. Budget/Financial Implications: Not applicable.
2. Partners or Other Stakeholders: Not applicable.

# ST. JOHN'S

3. Alignment with Strategic Directions:

A Sustainable City: Plan for land use and preserve and enhance the natural and built environment where we live.

Choose an item.

4. Alignment with Adopted Plans: Not applicable.

5. Accessibility and Inclusion: Not applicable.

6. Legal or Policy Implications: City of St. John's Act Section 104.

7. Privacy Implications: Not applicable.

8. Engagement and Communications Considerations: Not applicable.

9. Human Resource Implications: Not applicable.

10. Procurement Implications: Not applicable.

11. Information Technology Implications: Not applicable.

12. Other Implications: Not applicable.

**Recommendation:**

That Council reject the request for an Accessory Building in the Watershed at 481 Thorburn Road, Town of Portugal Cove-St. Philip's, as only one Accessory Building may be considered on a property.

**Prepared by:**

Lindsay Lyghtle Brushett, MCIP, Supervisor - Planning & Development  
Planning, Engineering & Regulatory Services

**Approved by:**

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

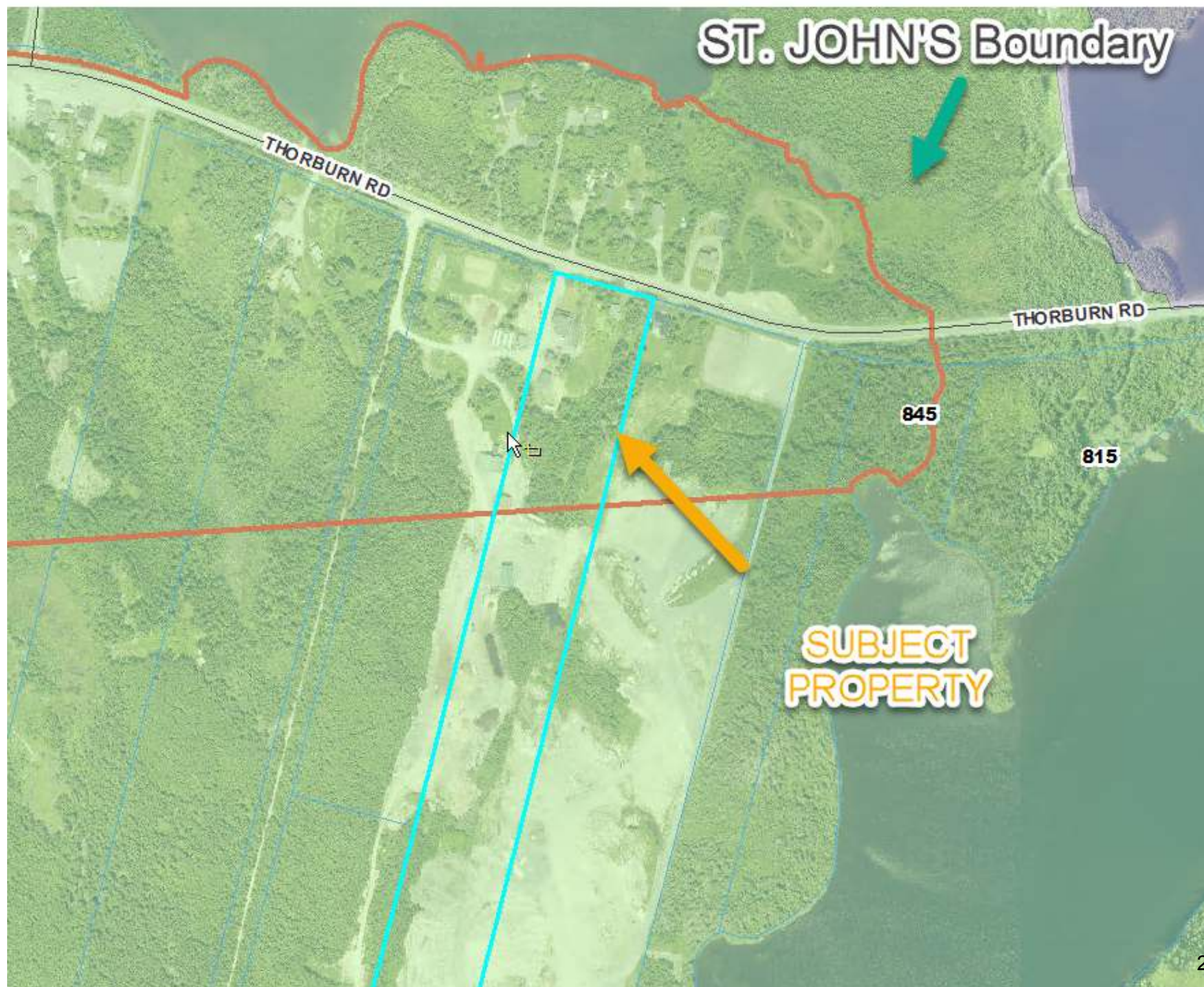
**Report Approval Details**

Document Title:	Development Committee - Residential Accessory Building in the Watershed (PCSP) - 841 Thorburn Road - INT2400002.docx
Attachments:	- Site Location.pdf
Final Approval Date:	Feb 12, 2024

This report and all of its attachments were approved and signed as outlined below:

**Jason Sinyard - Feb 12, 2024 - 1:57 PM**









# DECISION/DIRECTION NOTE

**Title:** Re-establish the Building Line Setback – 22 Belfast Street - INT2400006

**Date Prepared:** February 14, 2024

**Report To:** Regular Meeting of Council

**Councillor and Role:** Councillor Carl Ridgeley, Development

**Ward:** Ward 4

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**Decision/Direction Required:** To seek approval to re-establish the Building Line Setback for 22 Belfast Street at 6metres to accommodate a proposed Dwelling extension.

**Discussion – Background and Current Status:**

An application was submitted to add an extension to an existing Single Detached Dwelling at 22 Belfast Street, which would reduce the Building Line setback to 6 metres. The minimum Building Line setback in the Residential Special (RA) Zone is 9 metres. As per Section 7.2.1(a) of the St. John's Development Regulations, Council shall have the power to re-establish the Building Line for any Street, or for any Lot situate thereon, at any point or place that Council deems appropriate. The proposed setback of 6 metres is consistent with the varied pattern of development on the street.

**Key Considerations/Implications:**

1. Budget/Financial Implications: Not applicable.
2. Partners or Other Stakeholders: Not applicable.
3. Alignment with Strategic Directions:

A Sustainable City: Plan for land use and preserve and enhance the natural and built environment where we live.

Choose an item.

4. Alignment with Adopted Plans: Envision St. John's Municipal Plan and Development Regulations.
5. Accessibility and Inclusion: Not applicable.

# ST. JOHN'S



6. Legal or Policy Implications: St. John's Development Regulations Section 7.2.1 "Building Lines -Yards" and Section 10 "Residential Special (RA) Zone".
7. Privacy Implications: Not applicable.
8. Engagement and Communications Considerations: Not applicable.
9. Human Resource Implications: Not applicable.
10. Procurement Implications: Not applicable.
11. Information Technology Implications: Not applicable.
12. Other Implications: Not applicable.

**Recommendation:**

That Council approve the re-established Building Line setback for 22 Belfast Street at 6 metres to accommodate the proposed Dwelling extension.

**Prepared by:**

Lindsay Lyghtle Brushett, MCIP Supervisor – Planning & Development  
Planning, Engineering and Regulatory Services

**Approved by:**

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

**Report Approval Details**

Document Title:	Development Committee - Establish the Building Line - 22 Belfast Street - INT2400006.docx
Attachments:	- 22 Belfast Street.pdf
Final Approval Date:	Feb 15, 2024

This report and all of its attachments were approved and signed as outlined below:

**Jason Sinyard - Feb 15, 2024 - 1:18 PM**

# 22 Belfast St - INT2400006





# DECISION/DIRECTION NOTE

**Title:** Notices Published – 319 Hamilton Avenue - DEV2400001

**Date Prepared:** February 13, 2024

**Report To:** Regular Meeting of Council

**Councillor and Role:** Councillor Carl Ridgeley, Development

**Ward:** Ward 2

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## **Decision/Direction Required:**

A Discretionary Use application has been submitted by The Market Family at 319 Hamilton Avenue.

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

The proposed application is for a Restaurant (take-out). Hours of operation will be Monday to Friday, 6 a.m. to 9 p.m., Saturday 9 a.m. to 9 p.m., and Sunday 9 a.m. to 6 p.m. The floor area of the business will be approximately 63m<sup>2</sup> and is located on the ground floor. On-street parking is available. The proposed application site is zoned Commercial Neighbourhood (CN).

Eight submissions were received. Four submissions were in support of the proposed application, while others raised concerns pertaining to a lack of on-street parking in the area, road safety concerns at the intersection, blocking of driveways, and worry about new or excessive lighting from the business.

Based on the proposed floor area of the Restaurant, on-site parking for the proposed use is not required, nor parking required for the previous retail use. The application was reviewed by transportation engineering, who have no concerns with the proposed change of use. Parking Enforcement also reviewed the application and noted that parking is limited in this area. Hamilton Avenue has no parking directly in front of the proposed location, while the opposite side of the street has a no stopping restriction, which also prohibits parking. Between civic 325 and 335 there are approximately six on-street spaces which provide parking for the other businesses and homes in the area. On Richmond Street, there are one or two parking spaces, before vehicles start to block access to private driveways. There is no designated off-street parking for staff the property. Adjacent sites have parking designated for existing uses in those buildings.

Although no parking is required for the Use based on proposed floor area, a take-out is more intensive than the previous retail use. With the higher volume of traffic coming/going for pick-up orders, there is concern that a lack of parking around the building could cause parking in

# ST. JOHN'S

non-designated areas around the building or in front of private driveways, leading to sightlines being blocked at the Richmond Street intersection.

The applicant noted that no major changes will occur to interior or exterior lightening. They wish to keep at least one of the existing exterior lights turned on during the night for safety purposes, while the current business uses all exterior lights. The proposed new exterior signage will not be luminated.

### **Key Considerations/Implications:**

1. Budget/Financial Implications: Not applicable.
2. Partners or Other Stakeholders: Property owner and neighboring property owners.
3. Alignment with Strategic Directions:  
  
A Sustainable City: Plan for land use and preserve and enhance the natural and built environment where we live.  
  
Choose an item.
4. Alignment with Adopted Plans: Envision St. John's Municipal Plan and Development Regulations.
5. Accessibility and Inclusion: Not applicable.
6. Legal or Policy Implications: St. John's Development Regulations Section 10.5 "Discretionary Use" and Section 10 "Commercial Neighbourhood (CN) Zone".
7. Privacy Implications: Not applicable.
8. Engagement and Communications Considerations: Public advertisement in accordance with Section 4.8 Public Consultation of the St. John's Envision Development Regulations. The City has sent written notices to property owners within a minimum 150-metre radius of the application site. The application has been advertised in The Telegram newspaper at least twice and is posted on the City's website. Written comments received by the Office of the City Clerk are included in the agenda for the regular meeting of Council.
9. Human Resource Implications: Not applicable.
10. Procurement Implications: Not applicable.
11. Information Technology Implications: Not applicable.

12. Other Implications: Not applicable.

**Recommendation:**

That Council reject the Discretionary Use application at 319 Hamilton Avenue for a Restaurant (take-out), as there is not sufficient on-street parking available to support the intensity of the proposed Use.

**Prepared by:**

Lindsay Lyghtle Brushett, MCIP Supervisor – Planning & Development  
Planning, Engineering and Regulatory Services

**Approved by:**

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

**Report Approval Details**

Document Title:	Notices Published - 319 Hamilton Avenue.docx
Attachments:	
Final Approval Date:	Feb 15, 2024

This report and all of its attachments were approved and signed as outlined below:

**Lindsay Lyghtle Brushett - Feb 14, 2024 - 1:29 PM**

**Jason Sinyard - Feb 15, 2024 - 1:26 PM**



**SUBJECT PROPERTY**

HAMILTON AVE

RICHMOND ST



**Karen Chafe**

---

**From:** [REDACTED]  
**Sent:**  
**To:** CouncilGroup  
**Subject:** 319 Hamilton Avenue

Some people who received this message don't often get email from [REDACTED] [Learn why this is important](#)

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Dear councillors,

I am writing in support of the proposal for a restaurant at 319 Hamilton Avenue. I live on [REDACTED] and pass this location multiple times per day. The area to the south is a dense residential neighbourhood that deserves walkable food options. If opened, I would walk there myself.

Temporary on-street parking exists on the opposite corner of Richmond Street, in front of Marie's, and is rarely if ever full. The Decision Note does not indicate whether short-term parking was considered on Richmond Street, immediately next to the proposed location. There is space at the top of the street, beside 319 Hamilton, which overlaps with no homes or driveways. As you know, residents do not own the street near their house and are not entitled to have public roadways reserved for their use. The Decision Note also neglected to mention that the location's immediate neighbours on Richmond Street also have multi-car driveways with garages.

Please consider all options to enable this and other local, walkable business options in this area. Particularly with the loss of Water West, the neighbourhood needs options. We should not be stifling neighbourhood development based on the parking wants of immediate neighbours.

Thank you,  
[REDACTED]

**Karen Chafe**

---

**From:** [REDACTED]  
**Sent:** Monday, February 12, 2024 8:35 AM  
**To:** CityClerk; [REDACTED]  
**Subject:** RE: 319 Hamilton Avenue

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Hi

We're [REDACTED]

We and our neighbours are very concerned about this development. There are several issues that need addressing:

- Parking is already an issue with Maries Mini Mart on the opposite side of Richmond. The parking spots listed in the letter are already used for other business and are taken early in morning for the full day. Often we are blocked into our parking lot with people doing 'short term' parking. I've personally called to have cars ticketed.
- Snow clearing. There is no legal place to put the snow from the parking listed. Snow clearing is already a problem in the area with Maries putting snow on a vacant lot.
- Traffic flow is a mess. With parking on both sides of Richmond, the entrance to Richmond turns into one lane causing traffic backup on Hamilton. Difficult to navigate crosswalks now and 'Choices for Youth' at 304 Hamilton is adding 100 people to this immediate area and a large retail site. Plus planned expansions to Urban Market.
- The owner of the property has not been a good corporate neighbour with several incidents of putting snow on private property, un-approved construction (fined in 2022) and aggressive behavior towards residents.

Please have these issues addressed before approving.

Thanks,  
[REDACTED]

**Karen Chafe**

---

**From:** [REDACTED]  
**Sent:** Monday, February 12, 2024 12:13 PM  
**To:** CityClerk  
**Subject:** Opening of the restaurant

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I am very concerned and pessimistic about opening a restaurant at 319 Hamilton Ave. Because even now everyone who comes to public places is located near us, parking on our quiet street. I'm afraid to think what will happen when this restaurant opens. Every employee needs a parking space, and so do customers. I think it will make it difficult to leave and enter our street, which will cause inconvenience for people who live here. So I express my disagreement with the opening of this restaurant. I ask that my name be kept anonymous. Thank you.

[REDACTED]  
[REDACTED]

## Karen Chafe

---

**From:** [REDACTED]  
**Sent:** Wednesday, February 7, 2024 4:25 PM  
**To:** CityClerk  
**Subject:** The Market Family - 319 Hamilton Avenue

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Office of the City Clerk  
PO Box 908  
St. John's NL  
A1C 5M2

### **Discretionary use application submitted by *The Market Family* for 319 Hamilton Avenue**

It's good to see the lively mix of neighbourhood-sized business and services that's been springing up in the area, and although we're not familiar with this business at its previous Ridge Road location we're looking forward to seeing how it adds to the mix.

We wish to raise two points, one concerning road safety and one concerning our enjoyment of our residential property:

#### Parking and Road Safety:

As is stated in the notice from Council, on-street parking is available: on the east side of Hamilton Avenue, and also at the top of Richmond Street. It's already well used by existing businesses in the area, and ready parking availability may become an increasing issue for business operators. Despite this, we believe it's essential that the existing No Parking area on Hamilton immediately in front of #319 be maintained. The Richmond-Hamilton intersection is virtually "blind" on the left for drivers exiting Richmond Street; we have seen several accidents and near-misses during our time living in the area. Keep the No Parking area, please!

Obviously we would want the other, even-numbered, side of Hamilton continued as No Parking as well; there clearly is no room to safely do otherwise.

#### Lighting and Residential Enjoyment:

[REDACTED] We enjoy sitting on our front verandah in the evenings (though not so much in the dead of winter) and excessive or unnecessary light later in the evenings would be intrusive and annoying. An example is the all-night lighting currently used in the alleyway of #323 / 325 Hamilton - although luckily it's partly blocked from us. The level of lighting from the current business at #319 Hamilton, on the other hand, is relatively moderate; if the proposed business didn't exceed that, particularly after business hours, we'd be good with that.

Thank you for the opportunity to comment, and we look forward to seeing how our points are dealt with.

Sincerely,

[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]

## Karen Chafe

---

**From:** [REDACTED]  
**Sent:** Monday, February 12, 2024 10:39 AM  
**To:** CityClerk  
**Subject:** 319 Hamilton Avenue application for status change

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[REDACTED]  
[REDACTED]  
[REDACTED]

Good Morning,

We received notice for the Pot Paraphernalia shop at 319 Hamilton Avenue, being converted to a take out restaurant.

In principal we have no issue with that action, but we certainly have an issue with the parking that it generates.

Our area is very saturated with businesses demanding parking. Marie's Mini Mart, and the beauty parlour currently flood the area, so much so that our driveways currently are often blocked by their clients. This is of course frustrating. The parking area in front of 319 Hamilton Ave is block off to allow cars from Richmond Street to safely pull out onto Hamilton Avenue. The two places behind 319 are used for rental suites above the proposed restaurant.

Hamilton Avenue isn't wide enough for two cars to safely pass as cars parked on both sides of the street reduce traffic to one lane. Additionally, Marie's has a lot of foot traffic and we observe many near misses of pedestrians trying to manipulate that area.

There is another significant commercial building (Choices for Youth) going up Hamilton Avenue just a stones throw from the corner we are talking about. The effect of that traffic will also be a burden I'm sure, filling up Hamilton avenues few parking places.

There is a medical supply store, physio therapy centre, lawyers offices, flower shop etc next door to 319, they already use up much of the areas parking.

We request that a parking solution will be found first, before issuing any new licence.  
The area just isn't designed to handle its existing volume.

We have been patient with our commercial neighbours, but they really are infringing on our limited park space. Our house guests must park a block away now. Our driveways are blocked by those doing business with the current establishments. There's just too much happening in a small area.

Thanks for considering our voice.

Yours respectfully,

[REDACTED]

[REDACTED]

[REDACTED]

**Karen Chafe**

---

**From:** [REDACTED]  
**Sent:** Thursday, February 1, 2024 5:30 PM  
**To:** CityClerk  
**Subject:** Application for 319

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Emailing about the application for 319 Hamilton ave being voted on feb 20/24.

I work 2 buildings up and I think it would be a great addition to the neighbourhood and great to get the smoke shop out of there as it brings around an unsavoury crowd.

Please allow them to open up, I need a new lunch spot.

Thank you

Sent from my iPhone



## Karen Chafe

**From:** [REDACTED]  
**Sent:** Wednesday, January 31, 2024 12:31 PM  
**To:** CityClerk  
**Subject:** 319 Hamilton Ave

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[REDACTED]

**Re: 319 Hamilton Avenue**

**Application**  
A Discretionary Use application has been submitted by The Market Family at 319 Hamilton Avenue.

**Description**  
The proposed application is for a Restaurant (Take-out). Hours of operation will be Monday to Friday 6 a.m. – 9 p.m., Saturday 9 a.m. – 9 p.m., and Sunday 9 a.m. – 6 p.m. The floor area of the business will be approximately 63m<sup>2</sup> and is located on the ground floor. On-street parking is available.

**Comment By**  
9:30 a.m. Tuesday, February 13, 2024.

**Comments**  
Provide your comments to the Office of the City Clerk including your name and address to [cityclerk@stjohns.ca](mailto:cityclerk@stjohns.ca) or P.O. Box 908, St. John's NL A1C 5M2.

Comments received become a matter of public record and are included in the Council agenda for the date a decision on the application will be made. Any identifying information (including your name) will be removed prior to your comment being released publicly. If you are writing on behalf of a group, organization, business, etc. and wish to remain anonymous, you must indicate as such with your submission.

Collection of personal information is authorized under the Access to Information and Protection of Privacy Act, 2015 and is needed to consider your comments on this application. Questions about the collection and use of your information may be directed to the City Clerk at 709-576-8202 or [cityclerk@stjohns.ca](mailto:cityclerk@stjohns.ca).

**Council Decision Date**  
February 20, 2024.

**Additional Information**  
Notices are sent to property owners within 150 metres of the application site. For more information call 709-576-6192 or email [planning@stjohns.ca](mailto:planning@stjohns.ca).

*I wish the applicant lots of success.*

**ST. JOHN'S**

City of St. John's PO Box 908 St. John's, NL Canada A1C 5M2 [www.stjohns.ca](http://www.stjohns.ca)

Sent from my iPhone

## Karen Chafe

---

**From:** [REDACTED]  
**Sent:** Wednesday, February 7, 2024 9:25 AM  
**To:** CityClerk  
**Subject:** The Market Family Cafe

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I'm writing this note regarding a request by the Family Market Cafe to open up at 319 Hamilton Ave. I had the chance to try some of their products when they were located at the YMCA. I feel the addition of this cafe to the area would be an excellent decision! There isn't anything like it in the surrounding area, and their food is delicious! I look forward to their future presence!

Sent from my iPhone

## Karen Chafe

---

**From:** [REDACTED]  
**Sent:** Saturday, January 27, 2024 9:55 AM  
**To:** CityClerk  
**Subject:** Application - 319 Hamilton Avenue

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Hi there,

I am writing to offer support for the above referenced application.

While the market cafe was located at the YMCA I went there at least once a week. There was always awesome food that was affordable, fresh and delicious. Ther service was always the best and I really enjoyed my chats with the owner.

I think this would be a great addition to the area and highly support the application.

Thanks,  
[REDACTED]

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## **Report of Audit and Accountability Standing Committee**

**November 20, 2023**

**12:00 p.m.**

**4th Floor City Hall**

Present:

- Ana Koren, Citizen Representative
- Mayor Danny Breen
- Councillor Jamie Korab
- Kevin Breen, City Manager
- Derek Coffey, Deputy City Manager of Finance and Administration
- Sean Janes, City Internal Auditor
- Sean McGrath, Senior Internal Auditor
- Julie Critch, Senior Internal Auditor
- David Day, Manager Emergency & Safety Services
- Stacey Baird, Legislative Assistant

### **1. Occupational Health and Safety Audit Report**

The Occupational Health and Safety Audit Report was presented to the Committee by Julie Critch, Senior Internal Auditor.

Due to time constraints, the audit focused on seven elements.

- Leadership and Administration
- OH&S Committees
- Education and Training
- Communication
- Hazard Recognition, Evaluation, and Control
- Workplace Inspection
- Incident Investigations

Discussion took place and it was advised that:

- There is a standardized incident reporting form that is use, but a lot of them tend to be incomplete when submitted.
- It was suggested to look at the City's claims management system to see if it could be used to incorporate an incident reporting system.

**Moved By** Ana Koren

**Seconded By** Danny Breen

That Council approve the Occupational Health and Safety Audit Report and the associated action plans put forth by management.

**MOTION CARRIED**

2. **RHB Scale House Operations - Assignment #18-02**

It is recommended to remove the audit report from the follow-up list as the report is now 5 years old.

The recommendation for a back up power source for the PC Scale system is still pending due to staff trying to find a cheaper alternative.

Implementation of this recommendation is now expected by the end of 2024. It was advised that the risk to operations resulting from a loss of power is low.

**Moved By** Danny Breen

**Seconded By** Ana Koren

That Council approve the removal of the Robin Hood Bay Waste Management Facility – Scale House Operations audit report from Internal Audit's follow-up list.

**MOTION CARRIED**

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CHAIR, BOYD CHISLETT

# DECISION/DIRECTION NOTE

**Title:** Occupational Health and Safety Audit Report

**Date Prepared:** November 8, 2023

**Report To:** Audit Standing Committee

**Councillor and Role:** Councillor Jamie Korab, Audit Standing Committee

**Ward:** N/A Choose an item.

---

## Decision/Direction Required:

To approve the Occupational Health and Safety Audit report and the associated action plans put forth by management.

## Discussion – Background and Current Status:

An Occupational Health and Safety (OH&S) program is an employer's plan for preventing incidents, injuries, and occupational diseases. By implementing an OH&S program, the City of St. John's is demonstrating its commitment to providing a healthy and safe workplace. Workplace NL recommends that the standard OH&S program should include ten main elements. OH&S is also regulated by the Occupational Health and Safety Act and Regulations of Newfoundland and Labrador.

The primary responsibility for OH&S and its management at the City belongs to the Emergency and Safety Services (ESS) division. Prior to 2019, the Employee Wellness function of the Human Resources (HR) Department was responsible for OH&S, except for the Disability Management element which still resides under HR.

The Office of the City Internal Auditor recently completed an audit of seven of the ten elements of the OH&S program. Elements were selected based on associated risk and to ensure the audit was completed in a timely manner. The audit noted that the City has numerous policies and procedures in place that support the elements of the OH&S program. The City has also successfully passed the Workplace NL PRIME audits for the past three years.

Nevertheless, the audit identified areas for improvement to the OH&S program. These include items such as consolidating all current OH&S policies to align with best practices and current operations, developing formal goals and objectives for the program, and creating performance measurements to determine if goals and objectives are being met. Additionally, ensuring information is adequately documented will help in decision making and investigative purposes.

Details on the findings and related recommendations can be found in the attached audit report. Management have responded to all recommendations and have also provided action plans and implementation dates for the recommendations that will be implemented.

The Office of the City Internal Auditor would like to thank the Manager, Emergency and Safety Services and the City's Safety Advisors for their invaluable help and time during this review.

### **Key Considerations/Implications:**

1. Budget/Financial Implications:

- There may be budget implications depending on how management decides to mitigate the risks highlighted in the report.

2. Partners or Other Stakeholders:

- City staff involved in management of OH&S
- All City employees (as all employees must comply with OH&S legislation)

3. Alignment with Strategic Directions:

An Effective City: Work with our employees to improve organizational performance through effective processes and policies.

Choose an item.

4. Alignment with Adopted Plans: N/A

5. Accessibility and Inclusion: N/A

6. Legal or Policy Implications:

- Policies and/or procedures have been recommended throughout this report.

7. Privacy Implications:

- There may be privacy implications depending on how management decides to mitigate the risks highlighted in the report.

8. Engagement and Communications Considerations:

- There may be engagement and communications considerations depending on how management decides to mitigate the risks highlighted in the report.

9. Human Resource Implications:

- There may be human resource implications depending on how management decides to mitigate the risks highlighted in the report.



10. Procurement Implications:

- There may be procurement implications depending on how management decides to mitigate the risks highlighted in the report.

11. Information Technology Implications:

- There may be information and technology implications depending on how management decides to mitigate the risks highlighted in the report.

12. Other Implications:

- There may be other implications depending on how management decides to mitigate the risks highlighted in the report.

**Recommendation:**

That Council approve the Occupational Health and Safety Audit Report and the associated action plans put forth by management.

**Prepared by:** Julie Critch, Senior Internal Auditor

**Approved by:** Sean Janes, City Internal Auditor

# **INTERNAL AUDIT REPORT**

## **Department of Finance and Corporate Services – Emergency and Safety Services Division**

### **Occupational Health & Safety Audit**

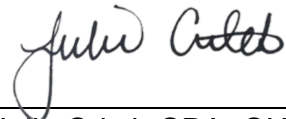
**Assignment # 22-03**

# **INTERNAL AUDIT REPORT**

## **Department of Finance and Corporate Services – Emergency and Safety Services Division**

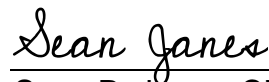
### **Occupational Health & Safety Audit**

**Assignment # 22-03**



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Julie Critch CPA, CIA  
Senior Internal Auditor  
Date: July 31, 2023



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Sean P. Janes, CPA,  
CMA, CIA, CFE  
City Internal Auditor  
Date: July 31, 2023

# ST. JOHN'S

## TABLE OF CONTENTS

<b>INTRODUCTION.....</b>	<b>2</b>
<b>OBJECTIVES .....</b>	<b>2</b>
<b>BACKGROUND.....</b>	<b>3</b>
City of St. John's OH&S Philosophy .....	3
OH&S Program Administration .....	4
Program Overview .....	4
Legislation .....	5
Workplace NL.....	6
Canadian Centre of Occupational Health and Safety (CCOHS).....	7
<b>METHODOLOGY &amp; SCOPE.....</b>	<b>7</b>
<b>CONCLUSION .....</b>	<b>9</b>
<b>EXECUTIVE SUMMARY .....</b>	<b>10</b>
<b>DETAILED ANALYSIS .....</b>	<b>12</b>
<b>Section 1 – Leadership and Administration.....</b>	<b>12</b>
Issue 1.1 – City OH&S Policies and Policy Statement .....	12
Issue 1.2 – Internal Responsibility System/Authority.....	15
Issue 1.3 – Goal and Objective Setting.....	18
<b>Section 2 – OH&amp;S Committees .....</b>	<b>21</b>
Issue 2.1 – OH&S Committee Policy and Program Manual .....	21
Issue 2.2 – Terms of Reference.....	24
Issue 2.3 – OH&S Committee Training .....	26
Issue 2.4 – OH&S Committee Meetings and Minutes .....	28
<b>Section 3 – Education and Training.....</b>	<b>31</b>
Issue 3.1 – Safety Orientation Policy and Checklist .....	31
Issue 3.2 – Employee OH&S Orientation Form.....	34
Issue 3.3 – Workplace NL Training .....	35
<b>Section 4 – Communication .....</b>	<b>39</b>
Issue 4.1 – OH&S Communication Policy .....	39
Issue 4.2 – Provision of Consistent and Timely OH&S Information .....	41
<b>Section 5 – Hazard Recognition, Evaluation, and Control (HREC) .....</b>	<b>44</b>
Issue 5.1 – Hazard Assessment Policy and Training .....	45
Issue 5.2 – HREC Documentation, Statistics, and Oversight .....	47
Issue 5.3 – Implementation and Follow-up of Controls .....	50
<b>Section 6 – Workplace Inspections .....</b>	<b>53</b>
Issue 6.1 – Inspection Policy and Requirements.....	53
Issue 6.2 – Inspection Checklist .....	57
<b>Section 7 – Incident Investigations.....</b>	<b>60</b>
Issue 7.1 – Accident/Incident Investigation Policy .....	60
Issue 7.2 – Incident Investigation Reports (IIR) .....	62
Issue 7.3 – Statistics - IIR .....	64

To: Chair & Committee Members - City of St. John's Audit Committee

Area Responsible: Derek Coffey, DCM – Finance & Corporate Services  
David Day, Manager – Emergency & Safety Services

Copy to: Kevin Breen, City Manager – City of St. John's

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## INTRODUCTION

### **OBJECTIVES**

In accordance with the City of St. John's approved audit plan (SJMC-R-2022-02-21/65), the objective of the audit was to determine whether the City of St. John's (the City) is effectively managing select elements of the Occupational Health and Safety (OH&S) Program. This was determined using the following criteria:

- The following elements of the OH&S program are adequately supported by formally documented and effective policies and procedures:
  - Leadership and administration
  - OH&S Committees
  - Training and education
  - Communication
  - Hazard recognition, evaluation, and control
  - Workplace inspections
  - Incident investigations
- Work performed is adequately documented, reviewed, and signed-off to establish an appropriate audit trail and promote accountability.
- Systems are in place to ensure all information relating to the OH&S program is being captured and recorded.
- Formal goals and objectives are in place to provide guidance to management and staff and help to evaluate and control performance.
- Adequate performance measures are in place to determine if the goals and objectives are being met.

These criteria reflect best practice as determined through external research, professional judgement, and guidance from the Institute of Internal Auditors. The criteria represent control activities, that if appropriately designed and implemented, will help mitigate the risks identified in this report and assist the City of St. John's in meeting its strategic directions.

## **BACKGROUND**

### **City of St. John's OH&S Philosophy**

According to the City's Occupational Health and Safety Policy Statement:

"The City of St. John's is committed to preserving and promoting the well-being of all its Employees.

The City will provide all reasonable safeguards and take all practical steps to ensure that its Employees are protected at all of its facilities and throughout its operations. In order to ensure that the City meets its responsibilities under legislation all staff members, Joint Occupational Health and Safety Committee (JOHSC) members and Workplace Health and Safety Representatives (WHSR) have been delegated specific roles as outlined in the City's Occupational Health and Safety (OHS) Program Manual. The City adopts the Internal Responsibility philosophy which is based on the principle that every individual in the workplace is responsible for health and safety.

Managers and Supervisors are responsible for the health and safety of Employees under their supervision. This includes implementation and monitoring of all aspects of the OHS Program."

## **OH&S Program Administration**

The primary responsibility for OH&S and its management at the City belongs to the Emergency & Safety Services (ESS) division of the St. John's Regional Fire Department (SJRFD). However, the OH&S function of the ESS division reports to the City's Finance and Corporate Services Department rather than the SJRFD. There is currently one manager and two Safety Advisors within the ESS division. Prior to 2019, the Employee Wellness Function of the City's Human Resources division was responsible for OH&S. Since that time, ESS has been responsible for OH&S, except for the Disability Management element which still resides under Human Resources.

## **Program Overview**

According to Workplace NL an OH&S program is an employer's plan for preventing incidents, injuries, and occupational diseases. By implementing an OH&S program, the employer is demonstrating its commitment to providing a healthy and safe workplace. The OH&S program within the City of St. John's follows the Workplace NL standard program and includes ten main elements:

1. Leadership and Training
2. OH&S Committees and Worker Health and Safety Representatives
3. Education and Training
4. Communication
5. Hazard Recognition, Evaluation and Control
6. Safe Work Practices
7. Workplace Inspection
8. Incident Investigation
9. Emergency Preparedness
10. Disability Management



Each program is different based on the identified hazards and risks of specific workplaces. Additionally, some employers may have more elements in their program due to higher-risk activities.

## Legislation

All workplaces within the province of Newfoundland and Labrador must adhere to the *Occupational Health and Safety Act (the “Act”)* and *Regulations (the “Regulations”)*. The *OH&S Act* imposes minimum conditions on all workplaces that ensure that workers are provided with an environment that neither impairs their health nor imperils their safety. The areas that are addressed within the *Act* include the following:

- The duties of the employer, the worker, the contractor, and the supplier
- Stop work orders
- Appeals
- Right to refuse
- Discriminatory action
- Accident reporting
- OH&S committees
- Offences

The *OH&S Regulations* provide additional guidance on specific areas that must be adhered to. These include:

- Working alone
- Personal protective equipment
- Machinery and equipment
- Fall protection
- Confined space entry

## Workplace NL

Workplace NL provides no-fault workplace injury insurance to employers and workers across NL under the direction of the *Act*. They collaborate with employers and workers to promote safe and healthy workplaces, prevent workplace injuries, support injured workers and their families, and establish strong return-to-work programs.

The *Act* requires employers performing work in the province to register with Workplace NL and pay assessments for workplace injury coverage for their workers. Assessment-based employers (i.e., the City) are insured through collective liability and contribute to Workplace NL's Injury Fund through assessment premiums based on their annual payrolls.

The Prevention and Return-to-Work Insurance Management for Employers/Employees (PRIME) Program is Workplace NL's employer incentive program. Through PRIME, employers can lower their assessment rates by meeting the PRIME practice requirements and managing claim costs through early and safe return-to-work programs. Audits are completed each year to determine if employers meet the full requirements for a refund. However, it should be noted that meeting PRIME requirements does not ensure compliance with Provincial or Federal Occupational Health and Safety legislation.

At the time of our audit Workplace NL had recently completed PRIME audits at the City for the years 2019, 2020, and 2021. Documentation provided by management show that the City passed the PRIME audit for each year. Management should be commended for this achievement. However, the documentation also noted that two sites had missed a required OH&S committee meeting in 2020 and one site had missed a required OH&S committee meeting in 2021. Although Workplace NL received justification from the City and decided to pass the City for both years it was noted that continued instances of OH&S committee delinquency may result in the City not passing future PRIME audits.

Management also indicated that due to the decentralized nature of the City's OH&S program, gathering the information/documentation required to respond to the PRIME audit is onerous and could possibly lead to not being able to locate the required

information/documentation. Management is also of the opinion that the requirements to pass the PRIME audit are likely to get more difficult in the future and that the City's OH&S program may need to become more streamlined to meet any future changes to the requirements.

### **Canadian Centre of Occupational Health and Safety (CCOHS)**

As a part of audit procedures, extensive research was performed by the Office of the City Internal Auditor (OCIA) during the planning stages of the audit to gain an understanding of industry standards and best practices. This research identified the Canadian Centre of Occupation Health and Safety (CCOHS) as the preeminent source of OH&S information in Canada.

The CCOHS was established in 1978 by the Canadian Centre for Occupational Health and Safety Act. A federal department corporation, CCOHS is governed by a tripartite Council – representing government, employers, and labour – to ensure a balanced approach to workplace health and safety issues. The CCOHS serve Canadians, and the world, with credible and relevant tools and resources to improve workplace health and safety programs.

### ***METHODOLOGY & SCOPE***

The scope of the audit included a review of seven of the ten elements of an OH&S program as listed by Workplace NL. The seven elements reviewed were:

1. Leadership and administration (except for the City's contractor program)
2. OH&S committees and worker health and safety representatives
3. Education and training
4. Communication
5. Hazard recognition, evaluation, and control
6. Workplace inspection

## 7. Incident investigation

As part of the audit a review of the OH&S Program Manual and related City policies was conducted to determine if they were aligned with current processes and best practices.

Also scoped into the audit was a review of training records for OH&S committee members as well as a selection of Workplace NL regulated courses to determine if employees had received the required training and if the training was kept up to date. The Workplace NL courses reviewed included Fall Protection, Traffic Control, Powerline Hazards, and Confined Space Entry.

In addition, the scope included a review of a selection of workplace inspections (since January 2021) to ensure the inspections were completed accurately, in full, and in a timely manner.

Furthermore, a sample of 35 incident investigations for each of the years 2021 and 2022 was also reviewed to determine if they were completed accurately, in full, and in a timely manner.

To ensure the timeliness of the audit there were three elements of the OH&S program, as listed by Workplace NL, that were excluded from the scope. These elements were Safe Work Practices and Procedure, Emergency Preparedness and Response, and Disability Management. Also excluded was the City's contractor program under the Leadership and Administration element. Each of these elements could be considered separate audit topics.

Also, it should be noted that due to the breadth of the audit, audit procedures for those elements that were considered in scope were mostly performed at a high level. This was also to ensure the timeliness of the audit as many of the elements included in the scope could also be considered audit topics themselves.

## **CONCLUSION**

The audit determined that the City, and the ESS division in particular, are applying numerous best practices to help effectively manage the elements of the OH&S program that were under review. These include having various policy and procedure documents in place to help employees and management navigate the select elements of the program, and utilizing forms and checklists, where practical, for numerous processes within the program. Additionally, the City passed the most recent PRIME audits (i.e., audits for the years 2019, 2020, and 2021) as conducted by Workplace NL.

Nevertheless, the audit identified opportunities for the City and the ESS division to use additional best practices to help effectively manage the select elements of the OH&S program. For example:

- OH&S policies can be improved through consolidation and updating.
- Work performed can be more adequately documented, reviewed, and signed-off.
- Systems, computerized or otherwise, can be implemented to help capture and record information, and to produce reports to provide information to management for decision making.
- Goals and objectives can be developed to help guide management and employees with the OH&S program.
- Performance measures can be developed to help determine if the OH&S program is meeting its goals and objectives.

However, it should be noted that extra resources in the way of computerized systems and/or human resources may be required in the ESS division to implement many of the improvements recommended in this report.

## EXECUTIVE SUMMARY

The Office of the City Internal Auditor's ("OCIA") review of select elements of the Occupational Health and Safety (OH&S) program at the City of St. John's was undertaken in accordance with the Council approved (SJMC-R-2022-02-21/65) audit plan.

The primary responsibility for OH&S and its management at the City belongs to the Emergency & Safety Services (ESS) division which consists of one manager and two Safety Advisors. According to Workplace NL an OH&S program is an employer's plan for preventing incidents, injuries, and occupational diseases. Workplace NL recommends the standard OH&S program should include ten main elements; however, the OCIA's review focused on only seven of the elements to ensure the timeliness of the audit. The elements that were included in the audit's scope were determined by the associated risk of the element and the resources (i.e., mainly time) required to complete the review. As a result, important elements of the OH&S program were not included in this review and will be considered during the audit planning process for a potential future audit.

The objective of the audit was to determine whether the City is effectively managing select elements of the OH&S program. To help evaluate this audit objective, best practice criteria was developed by the OCIA and corresponding audit procedures were performed. Audit procedures utilized during the audit included discussion with management and staff, review of policy and procedure, examination of documentation, research into best practices, and testing of select records. Based on the results of these audit procedures several positive outcomes were noted.

Foremost, the City has various policy and procedure documents in place to help employees and management navigate the select elements of the OH&S program. Management have also developed and implemented forms and checklists, where practical, for numerous processes within the program. Additionally, the City passed the most recent PRIME audits (i.e., audits for the years 2019, 2020, and 2021) as conducted by Workplace NL.

However, the audit also identified areas for improvement. Some of the more significant items include:

- Consolidating all the current OH&S policies and updating the information contained therein to align with best practices and current operations. This will help ensure that employees and management have the appropriate guidance required to apply the elements of the OH&S program accurately and consistently.
- Ensuring work performed is adequately documented, reviewed, and signed-off. This will help to provide an appropriate audit trail and promote accountability. This information can be very useful to management for decision making and investigative purposes as it allows management to determine what work processes were performed and when they were performed.
- Implementing systems, computerized or otherwise, to help capture and record information related to the OH&S program. This information is required for management decision making and program performance evaluation.
- Developing formal goals and objectives for the OH&S program. This will help provide guidance to management and staff and help to evaluate and control performance.
- Creating performance measures to help determine if the goals and objectives are being met.

These recommendations and other observations outlined in the report will assist management and the ESS division in its continued effort in providing an effective OH&S program. However, it should be noted that extra resources in the way of computerized systems and/or human resources may be required in the ESS division to implement many of the recommended improvements.



## DETAILED ANALYSIS

### ***Section 1 – Leadership and Administration***

According to Workplace NL, Occupational Health & Safety (OH&S) management starts with leadership and administration. Employers committed to healthy and safe workplaces understand that a safe workplace is better for the business, the workers, and the community. Reducing injuries and illnesses improves the overall health and well-being of workers. To ensure a healthy and safe workplace, it is imperative that everyone, at any level of the organization, understands their roles and responsibilities in OH&S. One of the main steps in implementing this element effectively requires that employers establish, implement, and maintain procedures to integrate throughout all the business operations.

#### **Issue 1.1 – City OH&S Policies and Policy Statement**

The *OH&S Act and Regulations* require that an employer establish and maintain an OH&S program. Areas of an OH&S program include an OH&S policy, a statement of commitment (i.e., a policy statement), statements of respective responsibilities, procedures for orientating and training, provisions for committees, etc. Most of these requirements can be met with the establishment of effective policies and procedures.

According to the Canadian Centre for Occupational Health and Safety (CCOHS), an OH&S policy statement is a statement of principles and general rules that guides actions. It should be stated in clear terms, kept up to date, signed by the senior official, and communicated to all employees. The *OH&S Regulations* indicate that a policy statement shall be signed and dated by the employer and shall contain a statement of the employer's commitment to occupational health and safety. The employer is also required to review and, where necessary, update the policy statement at least annually.

Internal research conducted by the Office of the City Internal Auditor (OCIA) during the audit located two different OH&S policy statements. Firstly, City Policy 03-07-10, Occupational Health and Safety Policy Statement, was found in the Policy section of the

City's Intranet. This policy was created May 1, 1995, and there is no indication that it has been updated since that time. Although this policy contains many of the requirements set out in the *OH&S Regulations* it is not signed and dated by the employer and has not been reviewed and updated annually as required.

The second policy statement can be found in the OH&S Program Manual which was also found in the Policy and Just Ask sections of the City's intranet. This policy statement appears to be in compliance with the *OH&S Regulations*, is signed and dated by the Mayor, and management indicated that it is reviewed annually and updated as required. However, having two different policy statements can be confusing to management and staff and could potentially have a negative effect on any future Workplace NL PRIME audits.

In addition, research and discussions with management disclosed that there are currently numerous active City policies related to the OH&S program located on the City's intranet that are outdated and no longer align with current practice. Management indicated that the most current guidance on the OH&S program can be found in the OH&S Program Manual, also located on the City's intranet, but that the various other related policies have not been kept up to date. Having so many different sources of guidance on the OH&S program, with many being outdated, can lead to confusion among City management and staff and make it challenging to find accurate information. Furthermore, the *OH&S Regulations* state that the OH&S program shall be reviewed and revised at least every three years.

It should be noted that management have already begun the process of reviewing all OH&S policies with the goal of creating one overall policy to cover the OH&S program. The OCIA is very supportive of this initiative as it should help to eliminate some of the issues noted above.

**Recommendation 1.1**

- i. To ensure compliance with the *OH&S Regulations* and to minimize the potential confusion of management and staff, ESS management should consider having only one official OH&S Policy Statement. The statement should be signed and dated by the Mayor, reviewed annually and updated as required.
- ii. To make it easier for management and staff to find guidance and information on the OH&S program, ESS management should continue the process of consolidating all OH&S related policies. This will allow the program to be easier to manage and keep updated. Additional recommendations related to updating policies can be found in other sections of this report.
- iii. Management should ensure that any policy associated with the OH&S program is reviewed and revised, if necessary, every three years to adhere to legislation (except for the Policy Statement which must be reviewed annually).

**Management Response and Intended Course of Action 1.1**

Management agrees with the recommendation. The City's Policy Analyst is engaged in reviewing/rescinding existing policies and development of a new comprehensive OH&S Program Policy.

**Conclusion 1.1**

The recommendations will be implemented as stated above.

**Action By:** Manager, Emergency & Safety Services

**Action Date:** December 31, 2024

**Information Only:** DCM, Finance & Corporate Services  
City Clerk  
Policy Analyst

## Issue 1.2 – Internal Responsibility System/Authority

An internal responsibility system (IRS) is a system, within an organization, where everyone has direct responsibility for health and safety as an essential part of his or her job. According to the CCOHS the IRS puts in place an employer-worker partnership in ensuring a safe and disease-free workplace. The IRS is the underlying philosophy of the OH&S legislation in all Canadian jurisdictions. Its foundation is that everyone in the workplace – both workers and employers – is responsible for his or her own safety and for the safety of co-workers. It holds employers responsible for determining the steps to ensure the health and safety of all workers.

CCOHS also indicates that the IRS does the following:

- Establishes responsibility sharing systems.
- Promotes safety culture and communication.
- Promotes best practice.
- Helps develop self-reliance.
- Ensures compliance.

The CCOHS indicates that one of the main challenges for an employer under the IRS is to know when they have fulfilled all appropriate regulatory requirements. This can be achieved through due diligence activities. According to CCOHS, applied to OH&S, due diligence means that employers shall take all reasonable precautions, under the particular circumstances, to prevent injuries or incidents in the workplace. They go on to list numerous methods an employer can take to establish a due diligence program including:

- establishing policies, practices, and procedures,
- providing appropriate training and education:
  - to employees to ensure they understand and carry out their work according to the established policies, practices, and procedures.
  - to supervisors to ensure they are competent persons, as defined in legislation.

- monitoring the workplace to ensure that employees are following the policies, practices, and procedures, etc.

Through observations, discussions with management and staff, and testing, many aspects of an IRS have been identified at the City. These include:

- policies, practices, and procedures have been developed,
- a comprehensive OH&S Program Manual that discusses the IRS and the concept of due diligence, among many other things, is in place,
- training, education, and orientation sessions have been developed and are provided to managers, supervisors, and employees,
- joint occupational health and safety committees are in operation,
- incident investigation reporting system is in place, etc.

Management should be commended for having many of these legislated requirements and best practices in place. However, many of these items are either outdated, not in alignment with current practices, or could be improved. Further discussion related to these items and corresponding recommendations can be found throughout this report.

The one area of the IRS that the City does not have in place relates to monitoring the workplace to ensure compliance (i.e., to know if the City has fulfilled all regulatory compliance). Although the OH&S Program Manual indicates that management accepts the responsibility for providing the leadership of the health and safety program and will be accountable for its effectiveness and improvement, the OCIA could find no mechanism in the manual or in other policies and procedures for ensuring OH&S information is gathered and provided to the leadership of the City. Without this type of information, it would be difficult for senior management to know if the program is operating effectively and where improvement may be required.

In addition, even though management accepts responsibility for the program, the decentralized nature of the different elements of the OH&S program makes it difficult to

ensure compliance and makes it difficult for ESS to respond to requests from Workplace NL, especially during PRIME audits. Furthermore, although the OH&S program delegates responsibility and authority for health and safety to managers, supervisors, and employees as recommended by best practice, there appears to be no centralized body tasked with the responsibility and authority to ensure health and safety tasks are properly completed and in a timely manner for the organization overall. Without this important control it would be difficult for senior management to meet the due diligence requirement of the IRS.

### **Recommendation 1.2**

- i. To help ensure the IRS and the overall OH&S program is operating effectively, management should consider formally granting the ESS division with the responsibility and authority for the overall OH&S program. This will help provide a mechanism for senior management to obtain the information required for decision making. This authority should be documented in the new, consolidated OH&S policy recommended in Issue 1.1(ii). It should also outline the responsibilities of the ESS division in meeting this mandate (e.g., ensuring OH&S tasks are completed in a timely manner, gathering information, regular reporting to senior management, etc.). Additional, more specific, recommendations regarding the need for determining responsibility and authority for the overall OH&S program can be found throughout this report.
- ii. Management should consider having the ESS division perform workplace safety audits on an annual basis. This will help ensure the ESS division can fulfill the mandate of reporting on the effectiveness of the overall OH&S program. Implementing a workplace safety audit process would entail development of a risk-based audit plan that would provide senior management with assurance that it has fulfilled all appropriate regulatory compliance activities. More specific recommendations regarding areas of the OH&S program that should be included in these audits as well as other methods of obtaining information required for reporting to senior management are discussed throughout this report.

**Management Response and Intended Course of Action 1.2**

- i. Management agrees and will incorporate into the overall policy development. Care must be taken when including the IRS responsibility and authority into the program policy so that managers, supervisors, and workers do not lose sight that it is a shared responsibility.
- ii. The process to implement a compliance audit program within the division will require budgetary increases for additional resources.

**Conclusion 1.2**

Recommendation i. will be implemented as stated above. Recommendation ii. will not be implemented at this time. Management have indicated that enhancements to monitoring and safety audits will require budgetary increases for additional resources. The OCIA will follow-up with management during the regular audit follow-up process to determine if they were able to move this recommendation forward.

**Action By:** DCM, Finance & Corporate Services

**Action Date:** i. December 2024  
ii. To be determined

**Information Only:** Manager, Emergency & Safety Services  
City Clerk  
Policy Analyst

**Issue 1.3 – Goal and Objective Setting**

Goal and objective setting are important governance tools that provide guidance and direction to management and staff, helps facilitate planning for the area, and helps to evaluate and control performance.

According to CCOHS, the OH&S policy statement should provide a clear indication of the company's objectives and plans for OH&S and the statement should comment on the organization's commitment to monitor the policy's effectiveness by having a method for setting and reviewing OH&S objectives and targets. Workplace NL also require employers to establish procedures that set OH&S objectives and targets.

Through discussions with management, it was determined that although there is a sentence in the City's policy statement that could be considered a goal of the OH&S program, it is very general in nature and there are no formal objectives set.

Without formal goals and objectives that are assessed annually, it can be difficult to measure the performance and effectiveness of the OH&S program as recommended by the CCOHS and Workplace NL. Implementing goals and objectives will also allow the performance of management and employees to be measured as it relates to the OH&S program.

### **Recommendation 1.3**

- i. Senior management and ESS management should develop formally documented goals and objectives for the overall OH&S program. The goals should align with the strategic directions of the City overall and should be focused on reducing harmful or risky exposures and common occupational injuries/illnesses in the workplace. The objectives should be more specific and outline measurable actions that management and staff will take to achieve the goals.
- ii. Once the OH&S policy is further developed and the overall goals and objectives have been set, management should consider developing formal goals and objectives for those departments/divisions that are considered higher risk, as determined by management.



**Management Response and Intended Course of Action 1.3**

Management agrees with the recommendations. Once the OH&S Program policy is developed, ESS will sit with the Senior Executive Committee to develop goals and objectives for 2024.

**Conclusion 1.3**

The recommendations will be implemented as stated above.

**Action By:** Manager, Emergency & Safety Services

**Action Date:** December 2024

**Information Only:** DCM, Finance & Corporate Services

## **Section 2 – OH&S Committees**

According to CCOHS, a joint health and safety committee is a forum for bringing the internal responsibility system into practice. The committee consists of labour and management representatives who meet on a regular basis to deal with health and safety issues. The advantage of a joint committee is that the in-depth practical knowledge of specific tasks (employees) is brought together with the larger overview of company policies, and procedures (management). Another significant benefit is the enhancement of cooperation among all parts of the workforce toward solving health and safety problems.

Workplace NL indicates that OH&S committees, representatives, and designates bring management and workers together to talk about OH&S concerns and find the safest way for workers to do their work. They allow workers to participate in OH&S and support the three basic rights of workers: right to know, right to participate, and right to refuse unsafe work.

In Newfoundland and Labrador, employers who are regulated by provincial OH&S legislation such as the City must have a committee, representative, or designate for a work site, construction site, or industrial project. Specific requirements under the *OH&S Act* and *Regulations* as it relates to OH&S committees are further discussed in this section of the report.

### **Issue 2.1 – OH&S Committee Policy and Program Manual**

The *OH&S Act* states that, where ten or more workers are employed at a workplace, the employer shall establish an OH&S committee to monitor the health, safety, and welfare of the workers employed at the workplace. Where less than ten workers are employed, the employer shall ensure that a worker not connected with management is designated as the worker health and safety representative to monitor the health, safety, and welfare

of workers employed at the workplace. The *Act* and *Regulations* also stipulate numerous requirements of OH&S committees and representatives.

In response to these requirements the City has developed Policy 03-07-26, Occupational Health and Safety Committees, to help guide management and employees in ensuring compliance with the *Act* and *Regulations* relating to OH&S committees. However, this policy, dated November 5, 2011, is outdated, and no longer aligns with current practices at the City. For example, the policy's reference to the number of committees at the City is incorrect. Also, the policy makes several references to the responsibilities of specific departments and divisions that are no longer accurate.

Furthermore, management have created a section in the OH&S Program Manual titled OHS Committee and Worker Health and Safety Representative. This section contains information that more closely aligns with current practices at the City. However, this part of the manual contains some information, such as committee obligations regarding workplace inspections, that sets direction or guides the activities surrounding the OH&S committees and would be more appropriate in a policy.

In addition, although this section of the OH&S Program Manual provides some detailed guidance on certain activities of the OH&S committees, it could be improved. For example, additional guidance should be provided on how to electronically file committee minutes to the Workplace NL website or what is required of the committee if asked to assist in the resolution of a right to refuse to work investigation.

By updating and ensuring the accuracy of the Occupational Health and Safety Committees policy and providing detailed guidance, where possible, of tasks required by the OH&S committees and worker health and safety representatives management can lower the risk of possible non-compliance with the *OH&S Act* and *Regulations*

**Recommendation 2.1**

To help ensure the effective functioning of the OH&S committees and the worker health and safety representatives and lower the risk of possible non-compliance with the *OH&S Act* and *Regulations*, management should:

- i. ensure information from Policy 03-07-26, Occupational Health and Safety Committees, is updated when performing the planned consolidation of OH&S policies as recommended in Issue 1.1(ii). This would include:
  - correcting the number of OH&S committees listed at the City or removing the reference to the number of OH&S committees altogether.
  - updating the department/division responsible for the establishment of the committees.
  - outline the membership requirements of the committees (i.e., as per the *Act* and *Regulations*).
  - reviewing the responsibility and accountability section of the policy to ensure it is accurate and aligns with current practice.
- ii. review Section 2.0, OHS Committee and Worker Health and Safety Representative, of the OH&S Program Manual to ensure it is accurate, aligns with current practice and the new consolidated policy, and provides appropriate guidance to committee members and worker health and safety representatives. At a minimum, this should include providing additional guidance on:
  - how to electronically file committee minutes to the Workplace NL website.
  - what is required of the committee if asked to assist in the resolution of a right to refuse to work investigation.

**Management Response and Intended Course of Action 2.1**

Management agrees with the recommendations. ESS staff will make the appropriate updates to the OH&S manual.

**Conclusion 2.1**

The recommendations will be implemented as stated above.

**Action By:** Manager, Emergency & Safety Services

**Action Date:** i. December 2024  
ii. October 2023.

**Information Only:** DCM, Finance & Corporate Services  
City Clerk  
Policy Analyst

**Issue 2.2 – Terms of Reference**

While there is no specific requirement for an OH&S committee's terms of reference within the *OH&S Act*, research conducted during the audit identified establishing terms of reference as a best practice for OH&S committees. According to the CCOHS, employers should establish terms of reference applicable to the formation, structure, and functioning of the committee. Such terms of reference should ensure:

- compliance with the OH&S legislation.
- effectiveness of the committee in meeting workplace specific needs.
- the widest possible employee involvement.

By documenting and abiding by a terms of reference, management and OH&S committees are establishing their due diligence to a commitment to a healthy and safe workplace. ESS management recognized this best practice and indicated that they forwarded a template of an OH&S committee terms of reference to each of the City's committees for them to individualize to their specific committee's needs and to be signed by each committee's co-chairs. However, several of the committees have not individualized and signed the terms of reference as requested.

Audit testing on committee terms of reference determined that:

- two committees do not have individualized terms of reference.
- eight committees have terms of reference that are not signed by the co-chairs.
- eight committees have terms of reference that do not include an implementation date.

Although many of the items that would be included in a general terms of reference are covered in the OH&S Program Manual, not having individualized terms of reference, as recommended by best practices, could result in committee members not being fully aware of their roles and responsibilities within the operations for which they are responsible.

### **Recommendation 2.2**

- i. To help ensure OH&S committee members are fully aware of their roles and responsibilities within the operations they are responsible for and the City overall, each committee should have individualized terms of reference.
- ii. The terms of reference should include the implementation date of the terms and should be signed and dated by the current co-chairs of the committee.
- iii. Each terms of reference should be forwarded to the ESS division for approval and ESS should maintain a copy of the terms of reference for all committees. This will help ensure that ESS can fulfil the responsibility and authority mandate recommended in issue 1.2(i).

### **Management Response and Intended Course of Action 2.2**

Management agrees with the recommendations. As identified, work was begun on this item. However, finalizing and documenting still needs to be completed. At the time of the response, two committees' Terms of References remained outstanding.

### **Conclusion 2.2**

The recommendations will be implemented as stated above.

**Action By:** Manager, Emergency & Safety Services

**Action Date:** October 2023

**Information Only:** DCM, Finance & Corporate Services

### **Issue 2.3 – OH&S Committee Training**

According to the *OH&S Act and Regulations*, where 50 or more workers are employed in a workplace, the employer shall provide and pay for training for the members of the OH&S committee at the workplace. The training provided shall meet the requirements set by the Workplace Health, Safety and Compensation Commission (Workplace NL).

Discussions with ESS management disclosed that all OH&S committee members must complete the two-day Health and Safety Certification training course, which is set out by Workplace NL. Certification is for a three-year period and an online refresher course is available prior to the expiration of the certification. Failure to complete the refresher prior to expiration of the certification will result in the committee member having to repeat the full two-day course.

ESS management also indicated that staff of the ESS division will instruct this course for new committee members if there are at least eight members who require the training. For smaller numbers, members will be sent to an external training provider.

In addition, ESS management noted that training certification records are maintained by the Human Resources Information Services (HRIS) function of the Human Resources division. However, because external providers of the training sometimes provide the certification certificates directly to the member who attended the course, HRIS may not always be aware of completed training and, therefore, the City's training certification records may not be accurate.

A review of certification records conducted by the OCIA as of August 2022 indicated that 73% or 54 of the City's OH&S committee members had up to date training while 18% or 13 required the training. The OCIA could not confirm if training was up to date for 9% or 7 of the members due to the issue regarding external providers as previously noted.

Although many of the City's OH&S committee members appear to be up to date with the two-day Health and Safety Certification training course, having members not trained or current with their training could result in members not being aware of their roles and responsibilities for OH&S. This could also increase the City's risk of being non-compliant with the *OH&S Act and Regulations*.

### **Recommendation 2.3**

- i. Management should ensure that all committee members complete the required two-day Health and Safety Certification training course in a timely manner. Certifications should also be kept up to date. This will help ensure that OH&S committee members are aware of their roles and responsibilities related to OH&S. It will also decrease the risk of the City being considered non-compliant with the *OH&S Act and Regulations*.
- ii. To help ensure the accuracy of the records related to the two-day Health and Safety Certification training course, management should develop and document a process for receiving the required information from external providers of the training.

### **Management Response and Intended Course of Action 2.3**

Management agrees with the recommendations. ESS has put in place a process for external trainers to upload completed training records to the Workplace NL Central Training Records (CTR) database so that the City has access to those records. ESS will also ensure that this requirement be mandatory in future requests for proposals for



regulated OH&S training. At the time of this response, there are no known untrained OH&S Committee members.

### **Conclusion 2.3**

The recommendations will be implemented as stated above.

**Action By:** Manager, Emergency & Safety Services

**Action Date:** October 2023

**Information Only:** DCM, Finance & Corporate Services  
Director, Human Resources  
Manager, HRIS

### **Issue 2.4 – OH&S Committee Meetings and Minutes**

The *OH&S Act* states that meetings of a committee shall take place during regular working hours at least once every 3 months. The *OH&S Regulations* state that the minutes of all regular meetings and special committee meetings shall be recorded in the form prescribed by the commission (Workplace NL) and one copy shall be kept on file with the committee, one copy shall be filed with the commission, and one copy shall be posted in a prominent place in the workplace.

The City's OH&S Program Manual specifies that committee meetings shall occur at least every 90 days. Minutes of meetings must also be recorded and shall be filed electronically to Workplace NL, shall be posted on the OH&S Board in each facility, shall be sent to Information Services to post on the City Intranet, etc. However, the program manual does not provide details of how to post the minutes electronically to Workplace NL. A detailed procedure of how to electronically post the minutes would help ensure they are posted consistently and correctly by all OH&S committees and would be particularly beneficial to new committee members.

Through discussions with ESS management, it was determined that ESS reviews the Workplace Connect site regularly to ensure that committees are posting their minutes electronically as required; however, as there are numerous committees within the City, reviewing all the information poses a challenge with current resources. Management also indicated that they do not control who uploads the meeting minutes to the intranet nor are they responsible for posting the minutes in prominent places.

A review of the Workplace NL Prime Audit documentation noted that two City workplace sites had missed a required OH&S committee meeting in 2020 and one site had missed a required OH&S committee meeting in 2021. Although Workplace NL received justification from the City and decided to pass the City for both years, it was noted that continued instances of OH&S committee delinquency may result in the City not passing future PRIME audits. This would result in the City not being eligible for the PRIME refund.

Furthermore, audit testing disclosed that committee meeting minutes were not always being posted to the intranet as required by the OH&S Program Manual. Testing for 2021 meeting minutes found that two committees had all their minutes posted on the intranet, four committees had some minutes available, and nine committees did not have any minutes posted to the intranet. Having all committee meetings posted to the intranet would be another method that the City could use to ensure that it is meeting the legislated requirement to have all minutes posted in a prominent location. It could also prove useful to the City's committees who would be able to easily determine what OH&S issues are being found in other workplaces that may be applicable to their own and should be included in their inspections.

#### **Recommendation 2.4**

- i. To help ensure that meeting minutes are electronically posted to the Workplace Connect site in a consistent and accurate manner, management should develop a procedure outlining the process and include it in the OH&S Program Manual.

- ii. The ESS division should monitor the posting of committee meeting minutes to the City's intranet to ensure they are being posted as per the OH&S Program Manual.
- iii. To help ensure meetings are held within legislated time frames, management should consider maintaining a formal schedule for the meetings. Having a formal schedule would make it easier for the ESS division to determine if meetings are occurring as legislatively required.

### **Management Response and Intended Course of Action 2.4**

Management agrees with the recommendations. The OH&S Manual will be updated to include instructions in uploading to the Workplace NL Connect site and the City's intranet. ESS staff will continue to remain vigilant in monitoring adherence to the 90-day meeting requirements and will verify that the 90-day requirements are included in each Terms of Reference.

### **Conclusion 2.4**

Recommendation i. and ii. will be implemented as stated above. Recommendation iii. Will not be implemented. Management indicated they will not be developing a formal schedule for committee meetings as it would be difficult to implement due to the number of committees at the City. Also, it is the committee co-chairs responsibility to set meeting times and ensure that the meeting times work for their committees. However, management indicated the legislated time frames for meetings will be included in each committees' terms of reference which should help ensure the requirements are met.

**Action By:** Manager, Emergency & Safety Services

**Action Date:** October 2023

**Information Only:** DCM, Finance & Corporate Services

### ***Section 3 – Education and Training***

The *OH&S Act* stipulates that the employer shall, where it is reasonably practicable, provide the information, instruction, supervision, and facilities that are necessary to ensure the health, safety, and welfare of his or her workers. The *OH&S Regulations* indicate that the OH&S program shall include a plan for orienting and training workers and supervisors in workplace and job-specific safe work practices, plans, policies and procedures, including emergency response, that are necessary to eliminate, reduce or control hazards.

Under the education and training element of an OH&S program, Workplace NL states that workers who are educated and trained have the knowledge and skills to do their jobs safely and that education and training is most effective when it is planned as a system to include training development, delivery, and evaluation.

Furthermore, CCOHS indicates that the objective of education and training is to instruct recipients about health and safety procedures or specific job practices, and to raise awareness or skill levels to an acceptable standard.

#### **Issue 3.1 – Safety Orientation Policy and Checklist**

In response to the education and training requirements under the *OH&S Act* and *Regulations* and best practices as per Workplace NL, CCOHS, and other organizations, management developed Policy 03-07-25, Safety Orientation Policy, and section 3.0 of the OH&S Program Manual titled Education and Training.

A review of Policy 03-07-25, Safety Orientation Policy, disclosed that it was last revised on November 9, 2009, and no longer aligns with current practice at the City. For example, the policy statement indicates that all employees shall receive a general OH&S orientation coordinated through the Employee Development division and shall receive division specific OH&S orientation from their supervisor. However, the Employee Development

division no longer exists at the City and ESS management indicated that the general OH&S orientation is currently required to be performed by the employee's supervisor/manager. Having outdated policies can lead to confusion among staff and increase the risk of employee injury/illness and non-compliance with legislation.

As previously stated, section 3.0 of the OH&S Program Manual deals with education and training. The information in this section of the manual more closely aligns with current practices at the City and, if followed, helps to ensure the City complies with legislation. This section of the manual indicates that supervisors are responsible to perform the general and job specific orientation for their employees and that they must review and discuss all items on the Employee OH&S Orientation Form with their employees and file the form internally.

However, this section of the manual does not assign oversight for ensuring that these employee orientations are taking place and are being performed properly. ESS management indicated that it appears that many supervisors/managers are unaware that they are responsible for providing the general and job specific orientation training, and because the documents, such as the Employee OH&S Orientation Form, are filed with each supervisor/manager, the ESS division is unable to determine if the orientations are taking place as required. This increases the risk of non-compliance with legislation.

In addition, the OCIA questions whether supervisors/managers, who may not have received proper training themselves, are appropriately equipped to provide quality safety orientation to their employees. For example, although a supervisor/manager may be knowledgeable regarding specific OH&S risks of their area, they may not have the general OH&S knowledge, or the necessary skills required to provide quality safety orientation to other employees. This could lead to inconsistent and inaccurate information being provided to employees which could potentially increase the risk of employee injury/illness.

**Recommendation 3.1**

- i. When performing the planned consolidation of OH&S policies as recommended in Issue 1.1(ii), management should ensure information from policy 03-07-25, Safety Orientation Policy, is updated to align with current practices and any pertinent recommendations made in this section of the report.
- ii. In line with the responsibility and authority mandate recommended in issue 1.2(i), management should consider giving the ESS division the task of overseeing and authority for ensuring that all employees receive the general and job specific OH&S orientations. This could include ensuring that documentation, such as the Employee OH&S Orientation Form, is forwarded to the ESS division upon completion so that ESS can be aware of who has completed the orientations. It may be beneficial for management to consider a computerized system for the maintenance of these documents.
- iii. Management should ensure that appropriate training is provided to those supervisors/managers responsible for delivering the general OH&S training to help ensure that correct and consistent information is provided to all employees.

**Management Response and Intended Course of Action 3.1**

Management agrees with the recommendations. ESS will work with the Human Resources Division to develop a process for receiving and maintaining completed orientation forms. In addition, the Organizational Performance Division is implementing an eLearning platform. A specific module can be created in the platform as a refresher for content covered in the OH&S Supervisor Roles and Responsibilities training course to ensure supervisors/managers are appropriately trained for providing the orientations. As this platform is in the implementation stage, no timeline for completion can be provided.

**Conclusion 3.1**

Recommendations i. and ii. will be implemented as stated above. Recommendation iii will not be implemented at this time. Management have indicated that they are in agreement with the recommendation but as there is no implementation date for the new eLearning software, they cannot provide an implementation date. The OCIA will follow-up with management during the regular audit follow-up process to determine if management were able to fully implement the recommendation.

**Action By:** Manager, Emergency & Safety Services

**Action Date:** i. & ii. December 2023  
iii. To be determined

**Information Only:** DCM, Finance & Corporate Services  
Director, Human Resources  
City Clerk  
Policy Analyst

**Issue 3.2 – Employee OH&S Orientation Form**

The CCOHS recommends a worker OH&S orientation, which includes orientation sessions that normally cover an explanation of the work unit, organizational relationships, administrative arrangements, and various policies and rules. They recommend using a checklist that includes the following various areas: OH&S rights, safety rules, policies, potential hazards, OH&S committees, WHMIS, emergency evacuation, and emergency contacts.

As previously mentioned in Issue 3.1, the current practice at the City is to have both the general and job-specific orientation provided by an employee's supervisor/manager. To help supervisors/managers complete the orientation and to comply with best practice, management have developed the Employee OH&S Orientation form. Management should be commended for developing and implementing this checklist.

The Employee OH&S Orientation form highlights many aspects of the City's OH&S program for the supervisor/manager to review with the employee such as the OH&S Program Manual, organization rules, respectful workplace policy, alcohol and drug policy, etc. However, the form does not provide descriptions of the items or provide any guidance on where additional information can be found. As a result, the supervisor/manager may have difficulty providing a detailed orientation and/or answering any questions an employee may have which could limit the efficiency and effectiveness of the orientation.

**Recommendation 3.2**

To help improve the efficiency and effectiveness of employee OH&S orientation, management should update the Employee OH&S Orientation form to include descriptions of each item and/or guidance on where more information can be found (e.g., OH&S Program Manual (including section numbers), legislation, City intranet, etc.).

**Management Response and Intended Course of Action 3.2**

Management agrees with the recommendation.

**Conclusion 3.2**

The recommendation will be implemented as stated above.

**Action By:** Manager, Emergency & Safety Services

**Action Date:** October 2023

**Information Only:** DCM, Finance & Corporate Services

**Issue 3.3 – Workplace NL Training**

The *OH&S Act and Regulations* require safety training for workers, depending on their roles and responsibilities within the workplace. This safety training includes such courses as Fall Protection, Powerline Hazards, Traffic Control, Confined Space Entry, First Aid,



Supervisor Health and Safety, etc. Safety training required by the *Act* and *Regulations* is administered through Workplace NL.

To determine if the City was in compliance with the safety training requirements under the *OH&S Act* and *Regulations* the audit included a review of training records for those employees requiring Fall Protection, Powerline Hazards, Traffic Control, and Confined Space Entry training. Each of these courses have a three-year certification period. At the end of the three-year period the employee can complete a refresher course to be certified for another three-year period. If the refresher course is not completed in time the employee would have to retake the full course again to be recertified.

Through discussions with management, it was determined that training records for these courses are maintained at the City by the HRIS function of the Human Resources division. However, course completion certificates for these courses are often sent directly to the employees and therefore HRIS may not be aware that the courses or refresher training was completed. Management also indicated that, since training requirements are often not documented in employee job descriptions, it is very difficult to determine which employees require these training courses.

In addition, management indicated that tracking expired training is very challenging due to a lack of resources – both personnel and technology – with maintenance of up-to-date training records being a shared responsibility between the employee and the employer. Not having an effective oversight function for legislated OH&S training increases the City's risk of being non-compliant with the *OH&S Act* and *Regulations*.

As a result of these issues, it was determined that any testing conducted by the OCIA would be incomplete and could not be relied upon to provide assurance that the City was in compliance with the training requirements under the *Act* and *Regulations*. Nevertheless, the OCIA did review employee training records for these courses which did show that a significant number of employees, who at one time did hold certifications, have let their certifications expire. Although it cannot be determined with certainty, this testing

appears to indicate that at least some employees may require recertification or refresher training for these courses.

It should be noted that management recognized these issues with training prior to the audit and commenced a Continuous Improvement (CI) project to improve and streamline the OH&S and regulatory training process. This project was underway at the time of the audit and includes staff from the Organizational Performance and Strategy division and the ESS division. This project aims to reduce rework and defects, improve safety, and improve the internal service for those involved in the training process. Management should be commended for taking the initiative to commence this CI project.

### **Recommendation 3.3**

To help ensure that the City is compliant with the training requirements under the *OH&S Act* and *Regulations*, management should:

- i. consider giving the ESS division the responsibility for oversight of the training requirements under the *Act* and *Regulations*. This would align with the responsibility and authority mandate recommended in Issue 1.2(i).
- ii. continue with the OH&S and regulatory training CI project and ensure that it recommends a process to make certain that legislated training is obtained by those employees who require it and that the training is kept up to date.
- iii. ensure that any process improvements recommended by the CI project are documented in formal procedure. This will help to establish accountability over the process and ensure that it is performed accurately and consistently.

### Management Response and Intended Course of Action 3.3

Management agrees with the recommendations. Success of implementing these recommendations require resolution of two key Continuous Improvement (CI) project recommendations:

- Identifying OH&S regulated training in job descriptions. This will require additional resources and collaboration with HR.
- Improve access to OH&S training records. A trial project has begun on connecting staff and Workplace NL CTR accounts, with the City when trained by external trainers. ESS is also in discussions with HR and the Access Privacy Analyst regarding use of employee emails for purposes of registering with CTR. More discussion is required on what, if any, role Star Garden will play in maintaining regulated and unregulated OH&S training. Regardless, implementation of these recommendations will require additional resources and collaboration with HR. Complicating the matter is a requirement of Workplace NL that by 2026, CTR will be the mandated source for training records.

### Conclusion 3.3

The recommendations will be implemented as stated above.

**Action By:** DCM, Finance & Corporate Services  
Manager, Emergency & Safety Services

**Action Date:** December 2024

**Information Only:** DCM, Public Works  
Director, Human Resources  
City Clerk  
Manager, Organizational Performance & Strategy  
Policy Analyst

## **Section 4 – Communication**

According to the *OH&S Act and Regulations*, an employer shall, where reasonably practicable, provide the information, instruction, training, supervision, and facilities that are necessary to ensure the health, safety, and welfare of his or her workers. While communication is not clearly defined in the *Act or Regulations*, it is woven throughout the legislation by referencing employee awareness, knowledge, instruction, and access to information.

Workplace NL states that communication is the two-way exchange of information between people and that it is critical that workers get information to let them know how to be healthy and safe. Workplace NL also states that communication and awareness of workplace hazards and controls is an important part of an OH&S program. Information that should be communicated, according to Workplace NL, include, but is not limited to, training requirements for tasks, roles and responsibilities for OH&S within the workplace, OH&S committees and their responsibilities, emergency procedures, and how to report incidents.

CCOHS states that the OH&S program must be communicated to all workers. Special emphasis should be given to new workers, newly appointed supervisors, and new members of the joint health and safety committee. Revisions to policies and procedures should be publicized.

### **Issue 4.1 – OH&S Communication Policy**

In response to the communication requirements under the *OH&S Act and Regulations* and best practices/requirements as per Workplace NL, CCOHS, and other organizations, management developed Policy 03-07-36, OH&S Communications Policy, and section 4.0 of the OH&S Program Manual titled Communication.

A review of Policy 03-07-36, OH&S Communications Policy, dated November 9, 2009, disclosed that the policy is outdated, and no longer fully aligns with current OH&S

communications practices at the City. For example, the policy does not provide guidance on how the OH&S program will be communicated to employees, supervisors, and managers, especially those that do not have access to a computer or email. Although some of this information can be found in the OH&S Program Manual, the policy does not reference the manual and therefore City employees may not be aware to look for the additional information.

In addition, the policy does not assign oversight for ensuring that communication practices are being followed as outlined in the policy and OH&S Program Manual. Without adequate oversight it is difficult for management to determine if requirements under the legislation are being met.

#### **Recommendation 4.1**

To help ensure that employees receive adequate guidance on the OH&S program and to ensure that the City is in compliance with the communications requirements under the *OH&S Act* and *Regulations*, management should update the information contained in Policy 03-07-36, OH&S Communications Policy, as part of the planned consolidation of OH&S policies recommended in Issue 1.1(ii). The updated information should include:

- i. the assignment of responsibility for oversight for overall communication of the OH&S program to the ESS division. This would align with the responsibility and authority mandate recommended in issue 1.2(i).
- ii. references to where employees can find more detailed guidance on communications (e.g., intranet, emails, toolbox talks, safety posters, etc.).

#### **Management Response and Intended Course of Action 4.1**

Management agrees with the recommendations.

**Conclusion 4.1**

The recommendations will be implemented as stated above.

**Action By:** Manager, Emergency & Safety Services

**Action Date:** December 2024

**Information Only:** DCM, Finance & Corporate Services  
City Clerk  
Policy Analyst

**Issue 4.2 – Provision of Consistent and Timely OH&S Information**

As previously stated, the *OH&S Act* and *Regulations* make numerous requirements of employers related to communication of OH&S information. In addition, best practice, as laid out by CCOHS, indicates that the OH&S program should be communicated to all workers.

CCOHS states that providing safety awareness can help set realistic goals, distribute pertinent information, and incorporate safe work outcomes into performance appraisals or job reviews. Management's commitment to OH&S, hazard and risks, results of investigations, and changes that impact the OH&S system should all be communicated to workers. This can be completed through the intranet, email, safety bulletin boards, and safety talks.

Discussions with management at the time of the audit disclosed that providing consistent and timely information is challenging for several reasons. Risks can vary from department to department, frequency of communication is not consistent, and access to communication devices can be limited. For example, the majority of CUPE 569 employees do not have a City email address or access to a computer.

Management also noted that the former Employee Wellness division previously communicated OH&S through Lunch and Learn Sessions and participated in the North American OH&S Week (NAOHS), but these have not been done in the past few years, due to fiscal and resource constraints. When information is not communicated, employees may be unaware of their OH&S responsibilities or may not be aware of hazards, which could lead to increased risk of injuries/illnesses.

It should be noted that management indicated that they have requested a Climate Assessment and Audit Tool (CAAT) review from Workplace NL for the City's Public Works Department. The CAAT review will provide management with information about how the City's OH&S internal responsibility system is functioning within the Public Works Department and should provide good information regarding the effectiveness of OH&S communication within the department. Management should be commended for taking the initiative of having this assessment completed.

## **Recommendation 4.2**

To help determine the effectiveness of OH&S communications within the City, management should:

- i. proceed with the request to Workplace NL to have the CAAT review completed for the Public Works Department and consider implementing any recommendations that may be made as part of the review.
- ii. include procedures to gauge management and employee awareness of the OH&S program as part of the workplace safety audits recommended in Issue 1.2(ii). If management and/or employee awareness needs improvement, ESS management should increase OH&S information provided to the organization. This could include general OH&S program updates and emails, toolbox safety talks, intranet information, injury reporting posters, virtual information sessions, and safety communication boards.

**Management Response and Intended Course of Action 4.2**

Management agrees. ESS division has consulted with Public Works who are in agreement to move forward with the CAAT Assessment as a pilot on a couple of divisions which is the preference of Workplace NL. As well, ESS will seek advice from Communications and Marketing on developing a communications strategy to address concerns in 4.1 and 4.2. The division has already had discussions on finding a more prominent place for OH&S on the intranet.

**Conclusion 4.2**

Recommendation i. will be implemented as stated above. Recommendation ii. will be partially implemented at this time. Management indicated they will work with Communications and Marketing to develop a communications strategy. However, including procedures to gauge management and employee awareness in safety audits, as recommended in 1.2(ii), can only be completed with budgetary increases for additional resources.

**Action By:** Manager, Emergency & Safety Services

**Action Date:** February 2024.

**Information Only:** DCM, Finance & Corporate Services  
DCM, Public Works



## ***Section 5 – Hazard Recognition, Evaluation, and Control (HREC)***

The *OH&S Act* states that an employer shall ensure that his or her workers, and particularly his or her supervisors, are made familiar with health or safety hazards that may be met by them in the workplace. The *Act* also states that a supervisor shall advise workers under his or her supervision of the health or safety hazards that may be met by them in the workplace.

Furthermore, hazard recognition, evaluation, and control (HREC) are woven throughout the *OH&S Regulations* as the majority of the sections of the regulations references an employer's responsibility to recognize, control, and evaluate hazards. Although there are too many references in the regulations to list, one example under section 15, Working Alone states:

- 15.(2) An employer shall conduct a risk assessment where a worker is assigned to work alone or in isolation.
- 15.(3) Where a risk assessment required under subsection (2) identifies a hazard, appropriate controls shall be implemented to eliminate, or where elimination is not practicable, minimize the risk associated with the hazard.

Workplace NL considers HREC to be the foundation of an OH&S program, and indicates it is used to identify hazards and manage risks in the workplace. HREC is a set way to make decisions on what could harm workers and how to work safely. It is also an important activity used to get everyone on the same page for what is an acceptable risk and the resources needed to manage them.

Additionally, Workplace NL and CCOHS provide numerous examples of best practices for HREC. Some of these best practices are discussed in this section of the report.

**Issue 5.1 – Hazard Assessment Policy and Training**

A hazard risk assessment is a systematic process that examines the organizations operations and tasks by identifying jobs and related tasks, looking for potential hazards, examining such hazards, and implementing controls to eliminate or reduce the hazards.

Workplace NL advises that to increase the effectiveness of HREC and risk assessment processes, employers should make sure to appoint a competent person to manage the process and determine the training for those involved in HREC. In addition, CCOHS advises that risk assessments should be done by a competent person or team of individuals who have a good working knowledge of the situation being studied.

In response to these best practices management have developed City Policy 03-07-29, Hazard Assessment Policy, which states that all departments shall complete a hazard assessment and develop controls to mitigate identified hazards. The responsibility to have these assessments completed lies with the related managers within the departments and divisions. Management have also created a Hazard Risk Assessment form to help with the completion of the risk assessments. In addition, management have developed a section of the OH&S Program Manual dedicated to HREC that provides employees with legislative and City requirements and best practices for HREC. Management should be commended for having these items in place.

However, the Hazard Assessment Policy, dated November 9, 2009, appears to be outdated as it does not reference the Hazard Risk Assessment form and does not address the training or competency requirements for those that are required to complete hazard assessments. The OH&S Program Manual is also deficient in these areas. Having outdated policies and procedures could lead to confusion among management and employees and increases the risk that the HREC program may not be carried out in line with legislation.

Furthermore, ESS management indicated that prior to 2019 the City offered in-house training sessions on Supervisor OH&S Roles and Responsibilities which included a

review of the HREC program. Since that time, the City has sent 27 employees to complete the course through Workplace NL, however, management indicated that there are likely many managers, who are required to complete hazard risk assessments, who have not completed this training.

If those that are required to complete hazard risk assessments are not adequately trained (i.e., competent), the risk assessments may not be completed adequately and/or consistently throughout the City. This could result in hazards not being identified and/or appropriately mitigated which would subsequently result in increased risk of injury to employees and/or the general public.

### **Recommendation 5.1**

To improve the efficiency and effectiveness of the HREC program and to ensure the program is implemented consistently and according to legislation, management should:

- i. ensure that when performing the planned consolidation of OH&S policies as recommended in Issue 1.1(ii), the information from policy 03-07-29, Hazard Assessment Policy, is updated to include:
  - a. a reference to the Hazard Risk Assessment form.
  - b. information on the training requirements for those involved in HREC.
  - c. a requirement that at least one member of the hazard risk assessment team must have received the training.
- ii. ensure that City managers and supervisors receive the appropriate HREC training in a timely manner.

### **Management Response and Intended Course of Action 5.1**

Management agrees. In support of recommendation ii, ESS staff have been providing OH&S Supervisor Roles and Responsibilities training to staff in 2022/2023 with

approximately 75 trained. Training will continue in 2023 with intentions of providing a more in-depth Risk Assessment awareness training in 2024.

### **Conclusion 5.1**

The recommendations will be implemented as stated above.

**Action By:** Manager, Emergency & Safety Services

**Action Date:** June 2024

**Information Only:** DCM, Finance & Corporate Services  
City Clerk  
Policy Analyst

### **Issue 5.2 – HREC Documentation, Statistics, and Oversight**

The *OH&S Act and Regulations* require that an OH&S program include a system for the recognition, evaluation, and control of hazards and risks. Workplace NL advises that HREC is most effective when procedures are established, implemented, and maintained and that they:

- assign responsibility for managing and administering the program.
- define measures to ensure HREC is proactive rather than reactive.
- ensure assessments are kept up to date, made available to workers, and are reviewed before changes are made.
- review the effectiveness of the HREC program at regular intervals.
- consider risks and controls when establishing, implementing, and maintaining the OH&S program.
- educate and train workers based on the results of risk assessments.
- develop a process for reviewing risk assessments to make sure they are working as planned.

- develop a reporting process to management on how well the HREC activities are working, etc.

As previously mentioned, City Policy 03-07-29, Hazard Assessment Policy, does not refer to the Hazard Risk Assessment form that is to be completed by departmental/divisional management when completing a risk assessment. The policy also does not provide guidance on where this documentation should be maintained. Discussions with ESS management disclosed that any completed hazard risk assessment documents are maintained within the departments/divisions where they were performed.

Without a centralized location for the hazard risk assessment documentation, it is difficult, if not impossible, for the City to establish the best practices recommended by Workplace NL. For example, without a centralized location it would be difficult for the City to gather the statistics and information required to: review the effectiveness of the HREC program; consider risks and controls when establishing, implementing, and maintaining the OH&S program; educate and train employees based on the results of risk assessments; develop a reporting process to management on how well the HREC activities are working, etc.

In addition, the City's Hazard Risk Assessment policy does not outline who is responsible for oversight of the HREC program. As previously stated, Workplace NL recommends that responsibility is assigned for managing and administering the program. Establishing oversight can help ensure that the best practices recommended by Workplace NL are put in place and make certain that hazard risk assessments are being completed as required.

## **Recommendation 5.2**

To help ensure that the HREC program is operating effectively and efficiently and best practices, as recommended by Workplace NL, are put in place, management should:

- i. Create a centralized system for the maintenance of hazard risk assessment documentation. It may be beneficial for management to consider a computerized system for the maintenance of these documents.

- ii. Include information in the new planned consolidated OH&S policy and/or the OH&S Program Manual that provides guidance to departmental/divisional management on the new process for hazard risk assessment documentation maintenance.
- iii. Establish appropriate oversight for the overall HREC program in the new planned consolidated OH&S policy to ensure that the best practices, as recommended by Workplace NL, can be implemented.

### **Management Response and Intended Course of Action 5.2**

While management is in agreement, given the size of the ESS division, implementation is contingent on the availability of additional resources. A further decision will have to be made regarding acquiring an HREC system to facilitate the process.

### **Conclusion 5.2**

The recommendations will not be implemented at this time. Management have indicated that they are in agreement with the recommendations but will require additional resources to implement. The OCIA will follow-up with management during the regular audit follow-up process to determine if they were able to move these recommendations forward.

**Action By:** Manager, Emergency & Safety Services

**Action Date:** To be determined

**Information Only:** DCM, Finance & Corporate Services  
City Clerk  
Policy Analyst

**Issue 5.3 – Implementation and Follow-up of Controls**

According to CCOHS, hazard risk assessments form an integral part of an OH&S management plan. They help create awareness of hazards and risks and determine whether a control is required for a particular hazard. CCOHS also indicates that there are numerous stages in the process for completing hazard risk assessments including listing the steps of a task and identifying any potential hazards related to the task. Once these hazards are noted, risks are prioritized, and controls are implemented to eliminate, substitute, or reduce the hazard for those with an elevated risk profile. Any controls implemented in response to an identified hazard should be subsequently evaluated for their effectiveness.

A review of City Policy 03-07-29, Hazard Assessment Policy, and the OH&S Program Manual noted that although there is mention of monitoring safe work practices or controls to ensure they are effective there is no guidance provided to managers/supervisors on how to perform monitoring activities. For example, what does it mean to monitor activities, how often should activities be monitored, do the monitoring activities need to be documented, what are the documentation requirements, etc.

In addition, ESS management indicated that evaluation and follow-up of recommended and implemented controls, identified during hazard assessments and inspections, may not always be occurring. Management further stated that ESS does not have the resources to perform regular walkthroughs of areas to determine if evaluation and follow-up is being completed and that the evaluation of controls is often absent on the reported OH&S Committee meeting minutes.

If controls implemented in response to an identified hazard are not appropriately evaluated and followed-up on, and the evaluation is not properly documented, it would be difficult for the City to prove it performed due diligence in response to a Workplace NL safety incident investigation. Lack of evaluation and follow-up on controls could also lead to an increased risk of employee injury/illness.

**Recommendation 5.3**

To help ensure effective monitoring and follow-up activities are performed for controls implemented in response to an identified hazard, management should:

- i. include additional guidance for managers/supervisors in the new planned consolidated OH&S policy and/or the OH&S Program Manual on how to properly perform and document monitoring and follow-up activities.
- ii. provide additional direction to OH&S committees to ensure that they seek out and discuss any completed hazard assessments. The committees should also be instructed to evaluate any controls implemented in response to a hazard. These activities should be documented in the committee meeting minutes.
- iii. having ESS staff complete random walkthroughs of operations to ensure that identified hazards have an assessment completed and that effective controls are implemented to reduce or eliminate the hazards. Alternatively, this process could be undertaken as a part of the workplace safety audits recommended in Issue 1.2(ii).

**Management Response and Intended Course of Action 5.3**

Management agrees. Additional guidance will be included in the OH&S Program manual as it is procedural. Management feels that hazard assessment and effective controls compliance is best completed as part of 1.2(ii).

**Conclusion 5.3**

Recommendations i. and ii. will be implemented as stated above. Recommendation iii. will not be implemented at this time. Management indicated that recommendation iii. would be best completed as part of recommendation 1.2(ii) which will occur as budgetary resources permit. The OCIA will follow-up with management during the regular audit follow-up process to determine if they were able to move this recommendation forward.



**Action By:** Manager, Emergency & Safety Services

**Action Date:** i. and ii. June 2024  
iii. To be determined

**Information Only:** DCM, Finance & Corporate Services  
City Clerk  
Policy Analyst

## **Section 6 – Workplace Inspections**

According to the City's OH&S Program Manual, a workplace inspection is a planned walk-through looking to identify and correct existing and potential hazards, unsafe acts and conditions ensuring that existing controls are functioning adequately and, when appropriate, recommending corrective actions. It is a means of determining the level of compliance with established standards for hazard controls, safe work practices, job procedures and safety rules.

Furthermore, CCOHS states that workplace inspections help prevent incidents, injuries, and illnesses. Through a critical examination of the workplace, inspections help to identify and record hazards for corrective action. Health and safety committees can help plan, conduct, report, and monitor inspections. Regular workplace inspections are an important part of the overall OH&S program and management system.

The *OH&S Regulations* require regular inspections of all buildings, excavations, structures, machinery, equipment, work practices, and places of employment to be made by the employer or his or her representative at intervals to ensure that safe working conditions are maintained and that unsafe conditions are remedied without delay.

### **Issue 6.1 – Inspection Policy and Requirements**

As previously mentioned, the *OH&S Regulations* require regular inspections of all buildings, excavations, structures, machinery, equipment, work practices, and places of employment. The *OH&S Act* notes that committees shall participate in a workplace inspection that an employer is required by the regulations to conduct.

In addition, Workplace NL indicates that to build an effective workplace inspection program a process should be developed to:

- assign responsibility for managing and administering the program.
- identify the nature, scope, timing, and responsibilities for inspection activities.

- educate and train those who will be doing inspections.
- develop checklists to record inspections.
- evaluate the effectiveness of the workplace inspection program, etc.

In response to these requirements and best practices, management developed Policy 03-07-30, Workplace Inspection Policy, which states that all departments shall complete a minimum of two workplace inspections each year to identify and correct unsafe conditions or unsafe acts. The responsibility to have these workplace inspections completed and any identified issues addressed lies with the managers in each department. As part of the policy, management have also created a Workplace Inspection form to be completed by the inspection team for each inspection. In addition, management have developed a section of the OH&S Program Manual dedicated to workplace inspections that provides employees with legislative and City requirements and best practices for workplace inspections. Management should be commended for having these items in place.

However, the Workplace Inspection Policy, dated April 19, 2004, appears to be outdated as it was last revised on November 9, 2009. The policy does not assign responsibility for managing and administering the program, outline the education and training requirements of those who will be doing inspections, or provide a framework for the evaluation of the effectiveness of the workplace inspection program as recommended by Workplace NL.

The policy also does not identify the different types of inspections that may occur in the workplace (e.g., pre-operation equipment/vehicle inspections, floor warden inspections, pool safety checks, OH&S committee inspections, etc.) or outline the requirements of each type of inspection. Although the OH&S Program Manual provides additional guidance regarding inspections it is also deficient in many of these areas. Having outdated policies and procedures could lead to confusion among management and employees and increases the risk that workplace inspections may not be carried out in line with legislation and best practice.

In addition, ESS management indicated that the City's OH&S committees often struggle with the process to complete their required two inspections per year. OCIA testing conducted to determine if the OH&S committees were meeting their required two inspections per year was inconclusive due to documentation issues.

### **Recommendation 6.1**

To improve the efficiency and effectiveness of the City's workplace inspections process and to ensure the process is performed consistently and according to legislation and best practices, management should:

- i. ensure that when performing the planned consolidation of OH&S policies as recommended in Issue 1.1(ii), the information from policy 03-07-30, Workplace Inspection Policy, is updated to include:
  - a. definitions of the types of inspections that occur throughout operations and provide examples of each (e.g., OH&S committee inspections, floor warden inspections, pre-operation equipment/vehicle inspections, etc.). Details related to these inspections may be more appropriately added to the OH&S Program Manual.
  - b. requirements for the development of procedures that outline the process for completing each type of inspection, including documentation requirements.
  - c. guidance on who is responsible to perform each type of inspection as well as the number of inspectors required.
  - d. training requirements for those that complete inspections.
  - e. assignment of overall responsibility for oversight of the workplace inspection process to the ESS division.
- ii. Departments/divisions should be instructed to develop procedures (if not already available), as required by the regulations, that outline the process for completing the various types of formal inspections in their areas. This would include the steps to be followed when completing the inspections including who should complete the

inspection, the requirements for the use of checklists when completing the inspection, and the requirement for the inspection to be signed and dated by the inspectors. The ESS division could include a review of these procedures as a part of the workplace safety audits recommended in Issue 1.2(ii).

- iii. To ensure the OH&S committees are completing their required inspections, ESS management should develop a schedule for the committees to follow outlining when their inspections are due. ESS should follow-up with the committees on a regular basis to ensure the inspections are completed in a timely manner.

### **Management Response and Intended Course of Action 6.1**

Management agrees. As workplace inspections are the responsibility of all management, ESS is developing a pilot project to automate and centralize the collection of workplace inspection checklists. Should ESS move to a software solution to centralize documentation, workplace inspections along with contractor inspections could be included. As previously mentioned, to fulfill item ii as part of the compliance and audit recommended in section 1.2, additional resources will be required.

### **Conclusion 6.1**

Recommendations i. and iii. will be implemented as stated above. Recommendation ii. will be partially implemented as management have indicated the review portion of the recommendation would be best completed as part of recommendation 1.2(ii) which will occur as budgetary resources permit.

**Action By:** Manager, Emergency & Safety Services

**Action Date:** October 2023

**Information Only:** DCM, Finance & Corporate Services  
City Clerk  
Policy Analyst

**Issue 6.2 – Inspection Checklist**

CCOHS indicates that a checklist helps to clarify inspection responsibilities, controls inspection activities, and provides a report of inspection activities. They also indicate the best checklist for a workplace is one that has been developed for the workplace's specific needs. In addition, as previously mentioned, Workplace NL indicates that one of the items required to build an effective workplace inspection program are checklists to record inspections.

City policy 03-07-30, Workplace Inspection Policy, makes numerous references to using a checklist. However, the policy does not explicitly make the use of a checklist mandatory for formal inspections. In addition, the OH&S Program Manual states in one area that inspections are required to be completed, using a checklist, by mobile equipment operators and in another area that checklists are "recommended for formal inspections and pre-use inspections". Having unclear statements in policies and procedures could lead to confusion among management and employees and increases the risk that workplace inspections may not be carried out in line with best practices as outlined by Workplace NL and CCOHS.

**Recommendation 6.2**

- i. When performing the planned consolidation of OH&S policies as recommended in Issue 1.1(ii), the information from policy 03-07-30, Workplace Inspection Policy, should be updated to include a mandatory requirement for using checklists when performing certain types of inspections, in line with best practice. The policy should guide readers to the OH&S Program Manual for more information on the types of inspections where checklists are required.
- ii. Management should update the OH&S Program Manual to provide clarity on which types of inspections require the mandatory use of checklists.

- iii. The OH&S Program Manual should also be updated to require departments/divisions to develop standardized inspection checklists for inspections required to be completed in their areas. Utilizing a checklist would help ensure that the inspections are consistently performed from one inspection to the next and that important areas are not missed. The checklists should:
  - a. have an area where inspectors can document hazards/issues found that are not indicated on the checklist, and
  - b. contain areas for each inspector to sign and date to establish accountability and an audit trail for each inspection.
- iv. The ESS division should include a review of these checklists as a part of the workplace safety audits recommended in Issue 1.2(ii). The review should ensure that checklists are:
  - a. completed for all required inspections,
  - b. completed correctly, and
  - c. signed and dated as required.

### **Management Response and Intended Course of Action 6.2**

Management agrees. As previously mentioned, to fulfill item iv as part of the compliance and audit recommendations in section 1.2, additional resources will be required.

### **Conclusion 6.2**

Recommendations i., ii., and iii. will be implemented as stated above. Recommendation iv. will not be implemented at this time as management indicated that this recommendation would be best completed as part of recommendation 1.2(ii) which will occur as budgetary resources permit.

**Action By:** Manager, Emergency & Safety Services

**Action Date:** i., ii., iii. December 31, 2023  
iv. To be determined

**Information Only:** DCM, Finance & Corporate Services  
City Clerk  
Policy Analyst



## ***Section 7 – Incident Investigations***

According to Workplace NL a workplace accident or incident is an event that could or does result in unintended harm or damage. Incidents are usually divided into categories: those that could have caused harm or damage but did not (no-loss or near-miss incidents) and those that do cause harm or damage (loss-type incidents). The purpose of an incident investigation is to gather all relevant evidence and find the root cause to prevent it from happening again.

Furthermore, CCOHS indicates that the purpose of an incident investigation is to find facts that can lead to corrective actions, not to find fault. They also state that reasons to investigate a workplace incident include:

- to find out the cause of incidents and to prevent similar incidents in the future.
- to fulfill any legal requirements.
- to determine the cost of an incident.
- to determine compliance with applicable regulations (e.g., occupational health and safety, criminal, etc.).
- to process workers' compensation claims.

### **Issue 7.1 – Accident/Incident Investigation Policy**

In response to legislative requirements and best practices for accident/incident investigations as per Workplace NL, CCOHS, and other organizations, management developed Policy 03-07-38, Accident/Incident Investigation Policy, and Section 8.0 of the OH&S Program Manual titled Incident Investigation.

A review of Policy 03-07-38, Accident/Incident Investigation Policy, disclosed that it was last revised on September 7, 2010, and no longer aligns with current practice at the City. For example, the policy makes references to the Employee Wellness division, which is no longer responsible for incident investigations, contains inaccurate contact information,

and does not reference the Incident Investigation Report Flow Chart that illustrates the current process for incident reporting. Although some of this information can be found in the OH&S Program Manual, the policy does not reference the manual and therefore City employees may not be aware to look for the additional information.

In addition, the policy does not assign oversight for ensuring investigations are performed as required and that Incident Investigation Reports (IIR) are fully completed and documented. Without adequate oversight it is difficult for management to determine if requirements under the legislation (as set out by Workplace NL) are being met.

### **Recommendation 7.1**

When creating the new consolidated OH&S policy as recommended in Issue 1.1(ii) management should ensure that the information contained in Policy 03-07-38, Accident/Incident Investigation Policy, is updated to align with current and best practices. This would involve:

- i. ensuring references to departments/divisions are corrected to align with the current practice.
- ii. removing the contact information from the policy and referring readers to the OH&S Program Manual to obtain this information.
- iii. adding references to the Incident Investigation Report Flow Chart, the OH&S Program Manual, and/or any other pertinent procedures.
- iv. assigning oversight of the incident investigation process to the ESS division.

These updates to the policy should help ensure that employees can easily find adequate guidance on the accident/incident investigation process at the City and provide the oversight required to provide management with assurance that the process is working as intended.

### **Management Response and Intended Course of Action 7.1**

Management agrees.

**Conclusion 7.1**

The recommendations will be implemented as stated above.

**Action By:** Manager, Emergency & Safety Services

**Action Date:** December 2023

**Information Only:** DCM, Finance & Corporate Services  
City Clerk  
Policy Analyst

**Issue 7.2 – Incident Investigation Reports (IIR)**

According to the *OH&S Regulations* an employer shall, within three days after an accident happens to a worker that results in a serious injury to the worker, provide written notice to the minister that an accident has occurred that includes the following information:

- a. the nature of the accident,
- b. the time and place of the accident,
- c. the name and address of the worker injured in the accident, and
- d. the name and address of the physician who treated or is treating the worker for the injury.

The methods of reporting incidents which resulted in, or could have resulted in, a serious injury or death is prescribed by Workplace NL and includes the completion of numerous forms (Incident Investigation Reports (IIRs)) that are to be filled out by the employee, supervisor, and treating physician. Guidance for staff on the completion of these forms is included in the City's OH&S Program Manual.

To determine if IIRs are being completed accurately, completely, and in a timely manner, audit testing was completed on a sample of 70 IIRs (35 each from 2021 and 2022). The

testing determined that information was missing in 18 of the 35 IIRs (or 51%) tested for 2021 and 7 of the 35 IIRs (or 20%) tested for 2022<sup>1</sup>. Missing information included dates, names, signatures, and/or follow up information.

In addition, testing for timeliness of reporting determined that incidents appeared to be reported within three days of occurrence as required by legislation; however, it could not be determined if the IIR reporting process was completed in a timely fashion as there is no guidance from the City on how long the process should take on average.

Through discussion with management, it was determined that the tracking of IIRs is difficult as there are many parties involved in the investigation process and not all information will be captured in the reports. For example, many IIRs will have missing information (e.g., type of incident, loss potential, preventive action, etc.). It should be noted that the ESS division has been diligent in trying to ensure that IIRs are completed. However, it is currently the responsibility of the departments/divisions to ensure IIRs are completed, and that adequate controls are implemented to address the root cause of any incidents.

## **Recommendation 7.2**

To help ensure that all required information is captured on the IIRs and that they are completed in a timely manner, management should:

- i. develop a process for the escalation of issues with the IIRs to the appropriate manager to provide further support for the ESS division. This process should be documented in formal procedure.
- ii. consider using a computerized system for the IIRs process. This could help speed up the process of completing the IIRs and make it easier for the ESS

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<sup>1</sup> For 2022, IIRs that were available as of September 26, 2022, were reviewed. The review did not include IIRs that were completed after that date.

division to monitor their completion.

### **Management Response and Intended Course of Action 7.2**

Management agrees. However, implementation is contingent of availability of funding to procure a software solution.

### **Conclusion 7.2**

The recommendations will not be implemented at this time. Although management is in agreement with the recommendations, they have indicated that implementation is contingent on funding to procure a software solution. The OCIA will follow-up with management during the regular audit follow-up process to determine if they were able to move these recommendations forward.

**Action By:** Manager, Emergency & Safety Services

**Action Date:** To be determined

**Information Only:** DCM, Finance & Corporate Services

### **Issue 7.3 – Statistics - IIR**

Gathering and reviewing data and statistics can help an organization proactively address issues, measure progress towards goals and objectives, and capitalize on opportunities. In the case of IIRs, reviewing statistics can reveal potential trends that may be occurring in the types of incidents happening at the City. This can help management proactively implement controls to prevent similar incidents from happening in the future. This information can also help management measure progress towards any goals and objectives that may be set for OH&S as recommended in Issue 1.3.

Through discussion with management, it was determined that there are no statistics gathered from the IIRs. In addition, management indicated that they do not have the technology or resources to track statistics from the IIRs. As a result, it is difficult for management to determine if any trends exist in the incidents that happen at the City and to be proactive in implementing controls to help reduce the occurrence of workplace incidents and injuries.

### **Recommendation 7.3**

To help reduce the occurrence of workplace incidents and injuries and to help management with performance measurement activities management should track data and statistics from information contained in IIRs. Implementing a computerized process as recommended in Issue 7.2(ii) should prove beneficial for data tracking, analysis, and reporting purposes.

### **Management Response and Intended Course of Action 7.3**

Management agrees. ESS has begun collecting basic statistics for 2023 and shares statistics with the Risk Review Committee. In a recent committee meeting, it was discussed sharing overall risk statistics with senior management. As previously mentioned, a software solution is contingent on additional funding.

### **Conclusion 7.3**

The recommendation will be partially implemented at this time. Management have indicated that they have begun to collect basic statistics; however, additional funding for a software solution will be required before additional statistics can be tracked. The OCIA will follow-up with management during the regular audit follow-up process to determine if they were able to move this recommendation forward.

**Action By:** Manager, Emergency & Safety Services

**Action Date:** To be determined

**Information Only:** DCM, Finance & Corporate Services

# DECISION/DIRECTION NOTE

**Title:** RHB Scale House Operations - Assignment #18-02

**Date Prepared:** November 9, 2023

**Report To:** Audit Standing Committee

**Councillor and Role:** Councillor Jamie Korab, Audit Standing Committee

**Ward:** N/A Choose an item.

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## Decision/Direction Required:

To approve the removal of the Robin Hood Bay Waste Management Facility – Scale House Operations audit report from Internal Audit’s follow-up list.

## Discussion – Background and Current Status:

Current practice of the Office of the City Internal Auditor is to remove a report from the follow-up list after five years. The reasons for this practice are:

- Changes occurring in an area over five years (i.e., new management, systems, processes, etc.) can make recommendations outdated.
- Perceived lack of importance of recommendations that are not acted upon over such a long period.
- Lack of resources available to internal audit that could be better spent in other areas.

Management indicates the recommendations made in the Robin Hood Bay Waste Management Facility – Scale House Operations audit report are now substantially implemented (i.e., 97%). One recommendation related to obtaining a back-up power source for the PC Scale system remains outstanding. Management has indicated that they plan to install back-up power to the system in 2024. To ensure audit resources are optimally utilized it is now recommended to remove this report from the follow-up list.

## Key Considerations/Implications:

1. Budget/Financial Implications: N/A
2. Partners or Other Stakeholders: N/A
3. Alignment with Strategic Directions: N/A





Choose an item.

Choose an item.

4. Alignment with Adopted Plans: N/A
5. Accessibility and Inclusion: N/A
6. Legal or Policy Implications: N/A
7. Privacy Implications: N/A
8. Engagement and Communications Considerations: N/A
9. Human Resource Implications: N/A
10. Procurement Implications: N/A
11. Information Technology Implications: N/A
12. Other Implications: The possibility exists that the pending recommendation will not be implemented, and the corresponding issues/risks identified will not be mitigated.

**Recommendation:**

That Council approve the removal of the Robin Hood Bay Waste Management Facility – Scale House Operations audit report from Internal Audit's follow-up list.

**Prepared by:** Sean Janes, City Internal Auditor

**Approved by:** Sean Janes, City Internal Auditor

# DECISION/DIRECTION NOTE

**Title:** Travel Authorization

**Date Prepared:** December 4, 2023

**Report To:** Audit Standing Committee

**Councillor and Role:** Councillor Jamie Korab, Audit Standing Committee

**Ward:** N/A Choose an item.

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## Decision/Direction Required:

Committee approval is requested for the City Internal Auditor to attend the Institute of Internal Auditors (IIA) GAM Conference in Las Vegas, NV, USA from March 11<sup>th</sup> to the 13<sup>th</sup>, 2024. The cost of attendance is estimated at \$4,000 CAD.

## Discussion – Background and Current Status:

The City Internal Auditor is a member of the Institute of Internal Auditors and as a Certified Internal Auditor (CIA), Certified Fraud Examiner (CFE), and Chartered Public Accountant (CPA), requires 40 hours of verifiable professional development each year. The IIA GAM Conference provides internal auditors an opportunity to develop and further their skillset, keep up to date with best practices, and network with other internal auditors across North America.

In addition, the IIA is comprehensively reviewing and updating their International Professional Practices Framework including the International Standards for the Professional Practice of Internal Auditing which guides the work of the City's Internal Audit division. Promotional materials for the conference indicate that "the new Standards are certain to be top of mind at the 2024 GAM Conference. GAM will offer attendees numerous opportunities to gain valuable insights and tools for incorporating the new Standards within their audit functions".

## Key Considerations/Implications:

1. Budget/Financial Implications:
  - The cost of the conference, including travel, will be covered by the Internal Audit Division's training budget.
2. Partners or Other Stakeholders: N/A
3. Alignment with Strategic Directions:

Choose an item.

# ST. JOHN'S

Choose an item.

4. Alignment with Adopted Plans: N/A
5. Accessibility and Inclusion: N/A
6. Legal or Policy Implications:
  - Information gained from the conference will be used to update the Internal Audit Division's Procedure Manual.
7. Privacy Implications: N/A
8. Engagement and Communications Considerations: N/A
9. Human Resource Implications: N/A
10. Procurement Implications: N/A
11. Information Technology Implications: N/A
12. Other Implications: N/A

**Recommendation:**

That Council approve the travel request for the City Internal Auditor to attend the IIA GAM Conference in Las Vegas, NV, USA from March 11th to the 13th, 2024.

**Prepared by:** Sean Janes, City Internal Auditor

**Approved by:** Sean Janes City Internal Auditor

**Report Approval Details**

Document Title:	Travel Authorization.docx
Attachments:	- GAM Conference Email.pdf
Final Approval Date:	Dec 7, 2023

This report and all of its attachments were approved and signed as outlined below:

**Kevin Breen - Dec 7, 2023 - 4:58 PM**

## Sean Janes

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**From:** The Institute of Internal Auditors <iia-conferences@iia-communications.org>  
**Sent:** Wednesday, November 22, 2023 11:04 AM  
**To:** Sean Janes  
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Hi Sean,

The new Standards are certain to be top of mind at the 2024 Great Audit Minds Conference. GAM will offer attendees numerous opportunities to gain valuable insights and tools for incorporating the new Standards within their audit functions.

**Register Today!**

Katleen Seeuws, IIA Vice President of Standards and Guidance, and David Petrisky, IIA Director of Professional Standards, will be conducting a pre-conference workshop, “Raising the Bar: Performing at a High Level.” Additionally, the following concurrent sessions will touch on important Standards-related topics:

**Ambition Model as Readiness Assessment for the Global Internal Audit Standards**  
Presented by Maureen Vermeij-de Vries, Director and Ambition Model Creator, and Els Heesakkers, Ambition Model Creator

**Leveraging the New Standards Governing Domain to Work With Boards in the Public Sector, Nonprofit Sector, and Small Organizations**  
Presented by James Rose, Managing Director, SunHawk Consulting LLC

### **The Art of Conformance Focus Group**

Presented by Katleen Seeuws, Vice President of Standards and Guidance, The IIA, and David Petrisky, Director of Professional Standards, The IIA

### **New IPPF: Quality Assessment Challenges and Opportunities**

Presented by Warren Hersh, Director of Quality Services, The IIA

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# DECISION/DIRECTION NOTE

**Title:** Cyber Security Audit – Information Technology

**Date Prepared:** December 4, 2023

**Report To:** Audit Standing Committee

**Councillor and Role:** Councillor Jamie Korab, Audit Standing Committee

**Ward:** N/A Choose an item.

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## Decision/Direction Required:

To approve the Cyber Security Audit – Information Technology report and the associated action plans put forth by management. The report is being presented in an in-camera session as it contains information that pertains to the information technology security posture of critical City of St. John's infrastructure and related technological systems.

## Discussion – Background and Current Status:

### Cyber Security Background

Cyber Security refers to the protection of electronic information and associated technological infrastructure. It includes the body of technologies, processes, and internal controls designed to protect networks, computers, programs, and data from a cyber-attack. These attacks are carried out by individuals or groups known as threat actors.

The Canadian Centre for Cyber Security (“CCCS”) has observed an increase in threat activity against municipal and provincial governments. It notes that there have been over 100 cases of cyber threat activity targeting Canadian municipalities since the beginning of 2020. Furthermore, Statistics Canada noted in 2021 that almost 1 in 5 businesses reported being impacted by a cyber-attack and the corresponding financial damages from such attacks are increasing.

Nevertheless, the CCCS remarks that many cyber threats can be mitigated through awareness and the implementation of cyber security best practices. Therefore, while no organization can fully prevent a cyber-attack, having a strong cyber security program in place helps reduce the likelihood of falling victim to such an attack.

The City of St. John's Corporate Information Services Division (“CIS”) plays an important role in cyber security as it is responsible for managing the connectivity and security of information technology (“IT”) that is under its administration. The division maintains all the City's networks and attendant communication links, along with all attached hardware and software. These responsibilities, among others, are outlined in the Information Technology Policy. Similarly, the



Information Technology Procedures further outlines the roles and responsibilities of CIS relating to IT usage and security.

### Audit Background

The Office of the City Internal Auditor recently completed an audit of Cyber Security relating to IT at the City of St. John's ("City"). The scope of the audit included a review of select IT cyber security processes and associated internal controls that help identify, protect, detect, respond, and recover from cyber threats. Cyber security controls were evaluated pursuant to either the National Institute of Standards and Technology ("NIST") cyber security framework or the Centre for Internet Security's Critical Security Controls. These frameworks were chosen as audit criteria as they are suitable for use by organizations of all sizes and all cyber security maturity levels.

The issues and recommendations presented in the report are categorized using NIST's cyber security framework and the related functions of Identify, Protect, Detect, Respond, and Recover. These functions provide a holistic view of the cyber security controls required to effectively manage all facets of cyber security risk for an organization.

### Audit Results

Audit procedures carried out during the review identified several positive outcomes. Foremost, management has numerous IT security solutions in place to protect assets and related electronic data. The implementation of these security solutions, and corresponding internal controls, is congruent with numerous best practices set forth by NIST.

Furthermore, CIS has developed and implemented policy and procedure that provides a roadmap for IT operations including cyber security. Both the Information Technology Policy and corresponding Information Technology Procedures outline critical IT security processes. Having this policy and procedure in place provides consistency of operations and allows the organization to hold employees accountable for their behaviour.

A robust cyber security training program is also implemented that requires all City employees and elected officials to complete annual cyber security training. The training, which is provided through a third-party training platform, includes learning modules, quizzes, and interactive simulated phishing attacks. NIST notes that the best defence for a cyber-attack is a well-trained and cyber aware workforce and therefore this is an excellent control to have in place.

In addition to training, various awareness activities are also undertaken to increase cyber security visibility across the organization. These activities include periodic emails to all staff regarding emerging cyber threats and posting cyber security information on the intranet. Such communications help employees to recognize IT security concerns and respond accordingly.

The audit also noted that management utilizes detailed hardware and software listings to track applicable assets. These listings are an essential part of cyber security as organizations must know what assets they have in order to ensure appropriate security controls are applied.



Furthermore, management has implemented detective controls such as quarterly audits of user accounts. This process reduces the risk of unauthorized access by ensuring all user accounts are valid and actively used. Likewise, management utilizes reports generated from its security solutions to ensure potential threats, such as malicious websites and emails, are appropriately blocked.

Management also engages a third-party expert to complete vulnerability scans of its network. These scans are integral to identifying and remediating potential vulnerabilities in the City's network and protect against potential breaches. The last external vulnerability scan completed by a third-party in early 2022 concluded that the City's security posture for its internet facing systems is above average when compared to organizations of similar size.

Other controls, including annual work plans, bi-weekly management meetings, and informal discussions with senior management are evidence that IT and cyber security issues are frequently discussed, and projects are planned to reduce major risks.

Discussions with CIS management and staff also indicated the division takes cyber security matters very seriously and is well educated about the business and reputational risks associated with a potential cyber incident. Management and staff are also knowledgeable regarding both general cyber security threats and specific threats that are applicable to City hardware and software.

While CIS should be commended for having the above processes and controls in place, the audit also identified opportunities for improvement.

### Recommendations

#### *Identify Function*

The Identify Function of the NIST framework assists in developing an organizational understanding to managing cyber security risk to systems, people, assets, data, and capabilities. Recommendations related to this function are included in the audit report.

Foremost, there is an opportunity for management to improve governance related reporting for cyber security issues. This could be done by periodically reporting cyber security data to the City of St. John's Audit Committee to ensure members are well informed of applicable risks and mitigation activities.

Cyber security operations would also benefit by completing a formal cyber security risk assessment. This would help identify significant cyber security risks facing the organization and allow management to focus its resources on related mitigation activities. Likewise, the completion of a risk assessment would also aid in developing an organizational cyber security strategy that could be used to manage cyber security risks. An accepted cyber security framework, such as the one set forth by NIST, could be incorporated into strategy development to ensure risks are managed in accordance with best practices.

Opportunities also exist to improve upon the hardware and software inventory processes that are already in place. These include capturing further details in the inventory listings, better segregating duties, and implementing a new solution to track the software inventory. Furthermore, consideration should be given to implementing new processes to further ensure hardware validity.

### *Protect Function*

The Protect Function outlines appropriate safeguards to ensure delivery of critical infrastructure services. The function also supports the ability to limit or contain the impact of a potential cyber security event. Recommendations related to this function are included in the audit report.

Foremost, improvements could be made to the security solutions implemented at the City. These include incorporating management review into some of the processes, developing procedure, and implementing additional account management best practices.

Similarly, to further reduce access related risks, management should review the listing of door fobs to determine if any can be deactivated. It would also be prudent for management to determine the extent fobs are required to maintain operations or if programmable City ID cards are sufficient for controlling door access. If management determines fobs are still required, it would be beneficial to have corresponding criteria in place outlining when a fob would be issued. Steps could also be taken to better control and monitor the use of shared fobs at select City facilities.

Additional controls can also be implemented relating to removable media. These include making pertinent updates to the Information Technology Procedures, removing outdated procedure from the intranet, disabling certain functionality, and enabling device control on the City's endpoint software.

Furthermore, although CIS has a strong cyber security training program in place, opportunities exist to better measure the effectiveness of the training, develop related internal training procedure, and document training requirements in the Information Technology Procedures. These actions would ensure training offerings are effective in making employees more cyber aware and provide consistency to operations.

Controls around user accounts could also be improved to reduce cyber security risks. These include implementing additional controls to ensure the completeness of user account deactivations, further implementing password best practices, and documenting the internal user account auditing process in procedure. Moreover, additional best practices related to account management could also be implemented for service accounts, privileged accounts, and device encryption accounts.

Updates could also be made to the Access to City Facilities Policy to accurately reflect the appropriate City divisions and personnel involved in managing access to City facilities. Similarly, steps could be taken to ensure all employees are familiar with the provisions of the Information Technology Procedures.

Opportunities also exist to implement additional physical controls related to certain IT hardware and document the controls in procedure.

#### *Detect Function*

The Detect Function defines the appropriate activities to identify the occurrence of a cyber security event on a timely basis. Recommendations related to this function are included in the audit report.

Foremost, management should continue to utilize the use of experts to perform vulnerability scans and ensure these scans are completed annually going forward. The scope, timing, and resources required to procure these scans should be documented in multi-year plans and incorporated into budget requests and annual work plans. Additionally, updates could be made to the Information Technology Procedures to document the multiple mechanisms that employees can report potential security incidents.

#### *Respond Function*

The Respond Function includes appropriate activities that allow organizations to respond to a detected cyber security incident and supports the ability to contain the impact of the incident. A recommendation related to this function is included in the audit report and concerns implementing best practices pertaining to an incident response plan.

#### *Recover Function*

The Recover Function identifies appropriate activities to maintain plans for resilience and to restore any capabilities or services that were impaired due to a cyber security incident. A recommendation related to this function is included in the audit report and involves establishing a post-incident review process to help minimize the risk of similar incidents happening again.

These recommendations and other observations outlined in the confidential report will assist CIS and the City in its continued efforts to effectively manage cyber security risks.

The Office of the City Internal Auditor would like to thank the CIS Director, Infrastructure Supervisor, and CIS staff for their invaluable help and time during the audit.

#### **Key Considerations/Implications:**

1. Budget/Financial Implications:
  - There are budget implications as select recommendations depend on additional or continued funding in order to be implemented.
2. Partners or Other Stakeholders:
  - CIS staff involved in managing cyber security.
  - All City employees (as cyber security is the responsibility of all staff).

### 3. Alignment with Strategic Directions:

An Effective City: Work with our employees to improve organizational performance through effective processes and policies.

Choose an item.

### 4. Alignment with Adopted Plans: N/A

### 5. Accessibility and Inclusion: N/A

### 6. Legal or Policy Implications:

- Policies and/or procedures have been recommended throughout this report.

### 7. Privacy Implications:

- There may be privacy implications depending on how management decides to mitigate the risks highlighted in the report.

### 8. Engagement and Communications Considerations:

- There may be engagement and communications considerations depending on how management decides to mitigate the risks highlighted in the report.

### 9. Human Resource Implications:

- There may be human resource implications depending on how management decides to mitigate the risks highlighted in the report.

### 10. Procurement Implications:

- There may be procurement implications depending on how management decides to mitigate the risks highlighted in the report.

### 11. Information Technology Implications:

- There may be information technology implications depending on how management decides to mitigate the risks highlighted in the report.

### 12. Other Implications:

- There may be other implications depending on how management decides to mitigate the risks highlighted in the report.

### **Recommendation:**

That Council approve the Cyber Security Audit – Information Technology report and the associated action plans put forth by management.

**Prepared by:** Sean McGrath, Senior Internal Auditor

**Approved by:** Sean Janes, City Internal Auditor

**Report Approval Details**

Document Title:	Cyber Security Audit.docx
Attachments:	
Final Approval Date:	Dec 7, 2023

This report and all of its attachments were approved and signed as outlined below:

**Kevin Breen - Dec 7, 2023 - 4:57 PM**

# ST. JOHN'S

## Minutes of Committee of the Whole - City Council

Council Chambers, 4th Floor, City Hall

February 13, 2024, 3:00 p.m.

Present: Mayor Danny Breen  
Deputy Mayor Sheilagh O'Leary  
Councillor Ron Ellsworth  
Councillor Sandy Hickman  
Councillor Debbie Hanlon  
Councillor Jill Bruce  
Councillor Jamie Korab  
Councillor Carl Ridgeley

Regrets: Councillor Maggie Burton  
Councillor Ophelia Ravencroft

Staff: Kevin Breen, City Manager  
Derek Coffey, Deputy City Manager of Finance & Administration  
Tanya Haywood, Deputy City Manager of Community Services  
Jason Sinyard, Deputy City Manager of Planning, Engineering & Regulatory Services  
Lynnann Winsor, Deputy City Manager of Public Works  
Linda Bishop, Senior Legal Counsel  
Ken O'Brien, Chief Municipal Planner  
Karen Chafe, City Clerk  
Jackie O'Brien, Manager, Corporate Communications  
Emily-Jane Gillingham, Communications & Public Relations Officer  
Ashley Hurley, Communications & Public Relations Officer  
Jennifer Squires, Legislative Assistant

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**1. 51 Harvey Road – SUB2300020 – Heritage Report Adoption**

Councillor Ellsworth asked for clarification on the provision of samples of the proposed materials for the building. Staff responded that the Built Heritage Experts Panel made four recommendations, which the proponent fulfilled. The modifications were included in the revised Heritage Report and as such Staff are simply asking Council to approve the report and exempt the building from the Heritage Design Standards.

Recommendation

**Moved By** Councillor Korab

**Seconded By** Councillor Hickman

That Council exempt the new building proposed at 51 Harvey Road from the St. John's Heritage Design Standards, and adopt the Heritage Report for 51 Harvey Road dated January 25, 2024.

For (8): Mayor Breen, Deputy Mayor O'Leary, Councillor Ellsworth, Councillor Hickman, Councillor Hanlon, Councillor Bruce, Councillor Korab, and Councillor Ridgeley

**MOTION CARRIED (8 to 0)**

**2. 50 International Place – MPA2300001**Recommendation

**Moved By** Councillor Korab

**Seconded By** Councillor Bruce

That Council:

(1) Consider rezoning 50 International Place from the Open Space (O) Zone to the Commercial Highway (CH) Zone for a Place of Worship;

(2) Send a request to the Minister of Municipal and Provincial Affairs to amend the St. John's Urban Region Regional Plan at 50 International Place from the Public Open Space designation to the Urban Development designation;

(3) Upon completion of the Virginia River floodplain study and receiving a satisfactory site plan, advertise the amendment for public review and comment.

For (8): Mayor Breen, Deputy Mayor O'Leary, Councillor Ellsworth, Councillor Hickman, Councillor Hanlon, Councillor Bruce, Councillor Korab, and Councillor Ridgeley

**MOTION CARRIED (8 to 0)**

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Mayor



# DECISION/DIRECTION NOTE

**Title:** 51 Harvey Road – SUB2300020 – Heritage Report Adoption

**Date Prepared:** February 6, 2024

**Report To:** Committee of the Whole

**Councillor and Role:** Councillor Maggie Burton, Built Heritage Experts Panel

**Ward:** Ward 2

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## Decision/Direction Required:

Whether to exempt the new building proposed at 51 Harvey Road from the St. John's Heritage Design Standards, and adopt the Heritage Report for 51 Harvey Road.

## Discussion – Background and Current Status:

The City received an application to construct a new mixed-use building at 51 Harvey Road, which is currently a vacant site. The main floor is proposed to have office space with residential units above. The site is located in the Commercial District, the Commercial Mixed (CM) Zone, and in Heritage Area 3.

In accordance with section 8(2)(c) of the St. John's Heritage By-Law, an application for a new development in a Heritage Area shall require a Heritage Report. Council approved the terms of reference for the Heritage Report at 51 Harvey Road at its regular meeting on November 14, 2023. Unarchitecture Ltd. prepared the Heritage Report, which is attached.

The terms of reference required the applicant to show why the proposed development should be exempt from the Heritage Design Standards. This is addressed on page 6 of the report. The report explains that the building was designed in response to the historic pattern of the streetscape but not exactly in line with adjacent buildings, which is required by section 2 of the Heritage Design Standards.

From the City's Heritage Design Standards - for New Buildings in a Heritage Area:

*2. Façade design shall respond to the development pattern of the historic street and the design of adjacent buildings. New buildings shall have roof lines, eave lines, window lines and cornice lines in common with adjacent buildings in order to establish a visual continuity along the streetscape. Façades shall incorporate the rhythm of the street with respect to fenestration.*

Due to the 1992 fire that destroyed many of the surrounding structures on Harvey Road, the buildings located directly adjacent to 51 Harvey Road provide a mixture of post 1992 architectural styles. Therefore, in this instance, an exemption from the Heritage Design Standards is appropriate.

# ST. JOHN'S

The report states that historic elements, including cladding, window lines, and eave lines were designed to align with adjacent buildings. The uppermost window shape was inspired by arched dormers that are seen along the streetscape. The report explains that while the proposed new building incorporates elements of the adjacent buildings, it “offers visual and material contrast from traditional historic buildings and the surrounding buildings.”

The report provides an impact analysis in section 4 which concludes that there will be “limited negative impacts on the heritage features of the streetscape associated with the proposed development.”

The Built Heritage Experts Panel reviewed the Heritage Report and made the following recommendation to Council:

*That Council exempt the new building proposed at 51 Harvey Road from the City’s Heritage Design Standards and approve the Heritage Report prepared by Unarchitecture Ltd, with the following modifications:*

- 1. The applicant use a natural wood veneer, like a Prodema product, as the main cladding for the building. A sample of the proposed material should be submitted for review of colour and texture.*
- 2. The prefinished metal roofing/cladding is acceptable provided a sample is provided for approval.*
- 3. The setback to the top level of the development (finished in metal roofing / cladding) is increased slightly to create greater visual separation and definition between the building elements.*
- 4. The depth of the window reveals are increased.*

Samples of the natural wood veneer and the prefinished metal cladding were submitted by the applicant and sent to the Panel for review and comment. The Panel members who provided comment on the materials were all supportive. All of the modifications outlined above were found acceptable to the applicant and the Heritage Report was updated to include the modifications.

Staff agree with the Panel’s recommendation to exempt the new building proposed at 51 Harvey Road from the City’s Heritage Design Standards and approve the attached Heritage Report.

**Key Considerations/Implications:**

1. Budget/Financial Implications: Not applicable.
2. Partners or Other Stakeholders: Property owners; Built Heritage Experts Panel.
3. Alignment with Strategic Directions:

A Sustainable City: Plan for land use and preserve and enhance the natural and built environment where we live.

A Sustainable City: Facilitate and create the conditions that drive the economy by being business and industry friendly; and being a location of choice for residents, businesses and visitors.

4. Alignment with Adopted Plans: Envision St. John's Development Regulations; St. John's Heritage By-Law.
5. Accessibility and Inclusion: Not applicable.
6. Legal or Policy Implications: Council may exempt the owner of a newly constructed building from the Heritage Design Standards pursuant to section 10(3) of the St. John's Heritage By-Law. The adopted Heritage Report will form part of the Development Approval, if obtained.
7. Privacy Implications: Not applicable.
8. Engagement and Communications Considerations: Not applicable.
9. Human Resource Implications: Not applicable.
10. Procurement Implications: Not applicable.
11. Information Technology Implications: Not applicable.
12. Other Implications: Not applicable.

**Recommendation:**

That Council exempt the new building proposed at 51 Harvey Road from the St. John's Heritage Design Standards, and adopt the Heritage Report for 51 Harvey Road dated January 25, 2024.

**Prepared by: Lindsay Church, MCIP, Planner III – Urban Design and Heritage**

**Approved by: Ken O'Brien, MCIP, Chief Municipal Planner**

**Report Approval Details**

Document Title:	51 Harvey Road - SUB2300020 - Heritage Report Adoption.docx
Attachments:	- HERITAGE REPORT RESUBMISSION_240125.pdf
Final Approval Date:	Feb 8, 2024

This report and all of its attachments were approved and signed as outlined below:

**Ken O'Brien - Feb 6, 2024 - 10:58 AM**

**Jason Sinyard - Feb 8, 2024 - 9:52 AM**

HERITAGE REPORT  
APPLICATION FOR A NEW BUILDING  
51 HARVEY ROAD

25 01 2024

HERITAGE REPORT PREPARED BY UNARCHITECTURE.LTD  
NORA BOONE, STUDENT INTERN / JOHN FOLLETT, INTERN ARCHITECT /  
NICK HERDER, ARCHITECT OF RECORD - NLAA

# 01 INTRODUCTION TO DEVELOPMENT SITE

The proposed mixed-use, multi-unit residential development is located at 51 Harvey Road, on a currently vacant site (01). Nestled between Harvey Road (02) and Long’s Hill (03), at the base of Fort Townshend (04), the proposed development sits within a collection of culturally and socially disparate establishments. Surrounding enterprises include independent bakeries, both long standing and new restaurants, hair and beauty salons, the Church Lads’ Brigade Armoury (CLB)(05), The Royal Newfoundland Constabulary, a 24-hour Tim Hortons, the Paramount Building (06) (Consulate of South Korea, St. John’s Board of Trade), the Benevolent Irish Society, St. Andrew’s Church, better known as the Kirk (07), and the Rooms (08). Single family or multi-unit row houses are also prevalent within the surrounding streetscape, particularly along Long’s Hill, near a popular public transit bus stop. As a relatively active pedestrian area, the intersection of Harvey Road and Long’s Hill induces a confluence of people, lifestyles, and social cultures. It is one of the few streetscapes that offers a more honest and comprehensive portrayal of St. John’s. Located 63m above sea level, the Narrows (09), St. John’s Harbour (10), and the South Side Hills (11) are also visible from particular vantage points along Harvey Road. (T.O.R. 01-B)

Historically, Harvey Road comprised a collection of businesses, including many independent takeouts or “grease pits”, and continues to be a common neighborhood both for traditional and contemporary takeout fare.<sup>01</sup> The Paramount Theatre (now an office building, the Paramount Building) also contributed to the longstanding popularity of Harvey Road as a patchwork of mixed-use buildings. Harvey Road bridges Military Road and Lemarchant Road, and is considered a common thoroughfare for motor vehicle traffic. In 1964, it was described as an artery for businesses and a connection point between the heart of the city and its growing outport areas by the architect John Bland, who was commissioned to compose a report on the city of St. John’s for planning purposes.<sup>02</sup> (T.O.R.

01-C)

The Rooms, northeast of the proposed site, offers an example of contemporary architecture in the surrounding area. It illustrates a precedent for utilizing modern building practices and materials, while taking inspiration and cues from vernacular architecture and social culture. (T.O.R. 01-C)

More recently, the 2023 “Come Home” mural, commissioned by the city of St. John’s, was installed along the eastern portion of Harvey Road. The mural is intended to offer an opportunity for residents and visitors to explore and celebrate the multiple meanings of home and the expanding urban framework of St. John’s, through engaging with visual art.<sup>03</sup> (T.O.R. 01-C)

Thus, the development site is situated in a culturally and socially diverse and prominent neighborhood within the city of St. John’s.

development/resources/Planning-Reports/1964-Land-Use-Plan-for-St.-John's.pdf  
03 “Harvey Road ‘Come Home’ Mural Unveiled,” City of St. John’s, posted May 16, 2023, <https://www.stjohns.ca/en/news/harvey-road-come-home-mural-unveiled.aspx>

01 Memorial University Archives and Special Collections, Streetscapes 1984, Vol. 07 (St. John’s, NL: Memorial University, 1984),13.  
02 John Bland, Report on the City of St. John’s Newfoundland: Made for The Commission on Town Planning, Appointed under Section 92 of the St. John’s Municipal Act, 1921 (St. John’s, Newfoundland, June 1946), 3 , <https://www.stjohns.ca/en/building->



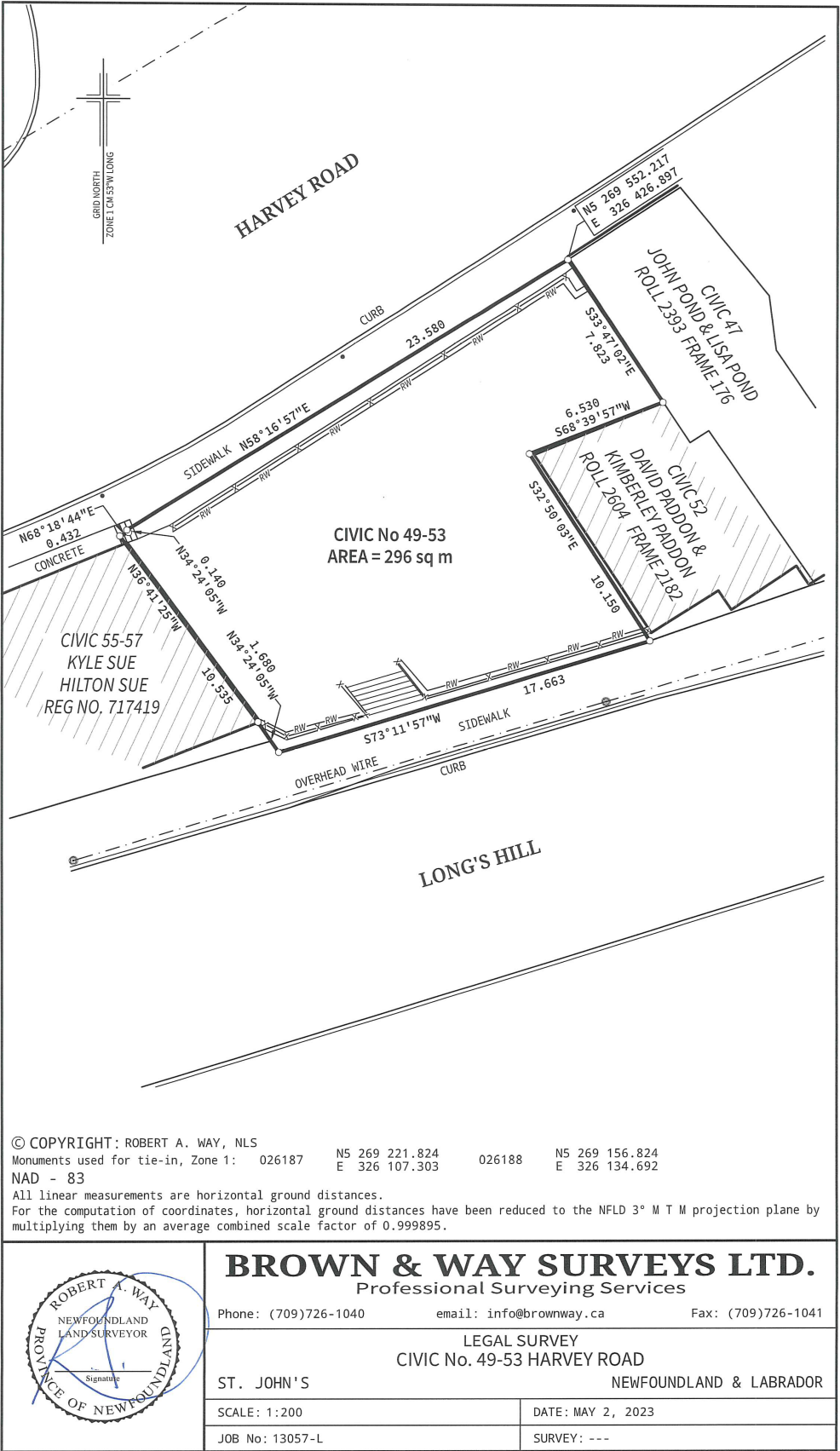
CONTEXT SITE PLAN (T.O.R. 01-A)

- 01 Site
- 02 Harvey Road
- 03 Long's Hill
- 04 Fort Townshend
- 05 The CLB Armoury
- 06 The Paramount Building
- 07 The Kirk
- 08 The Rooms
- 09 The Narrows
- 10 St. John's Harbour
- 11 The South Side Hills





EXISTING SITE CONDITIONS (T.O.R. 01-A)





02 BACKGROUND RESEARCH AND HISTORICAL CONTEXT

Heritage denotes a sense of cultural value and historical importance that is inherited by a society. While rooted in the past, it also implies a continuation, a transition, and a future as it is passed on from generation to generation.<sup>01</sup> This new proposal offers an exciting opportunity to merge innovative construction techniques and materials with vernacular architectural practices. It intends to sit within the present day context, while contributing to the future heritage of this dynamic urban neighborhood, as well as the city of St. John's more broadly.

The site of the proposed development has remained vacant throughout its recent past. Currently, the adjacent buildings are addressed as 55 Harvey Road (Seahorse Salon) to the West and 47 Harvey Road (most recently The Green Kitchen, permanently closed) to the east.

Previously, The Candlelite Restaurant may have occupied a portion of the site, as it was addressed as 53 Harvey Road in the 1969 Telephone directory.<sup>02</sup> The building appears to have changed hands a few times throughout the late 1900's, and was later included in the 1984 Streetscapes publication as Finnigans Pub.<sup>03</sup> (T.O.R. 02-A)

As depicted in the photos, the building facade also changed significantly over a short period of time, alluding to the dynamic nature of the Harvey Road streetscape that has persisted throughout the years. Contributing to this dynamism, it is also important to note the 1992 fire that started at the CLB Armoury (West of the proposed site), and destroyed many structures along a portion of Harvey Road. Most businesses were quickly rebuilt, thus the ages of the surrounding buildings are also variable. Despite the devastating loss, the neighborhood continues to thrive as a relatively unique example of a mixed-use residential and commercial community within St. John's. (T.O.R. 02-A)

Given the cultural and social diversity of the area, the proposed site merits thoughtful consideration for its heritage significance. We appreciate the opportunity to reflect upon the dynamic history of the local context, and consider how we might contribute to the future of this expanding and multifarious neighborhood. (T.O.R. 02-B)



01 "Heritage," Oxford English Dictionary, accessed November 9, 2023, <https://www.oed.com/search/dictionary/?scope=Entries&q=heritage>; "Heritage," Cambridge Dictionary, accessed November 9, 2023, <https://dictionary.cambridge.org/dictionary/english/heritage>.  
02 Avalon Telephone Company Limited, Telephone directory, 1969: Eastern Newfoundland (St. John's, NL: Avalon Telephone Company, 1969), 25.  
03 Memorial University, Streetscapes, 14.

TOP / The Candlelite Restaurant, 1969, 53 Harvey Road.  
"Who remembers the Candlelite Restaurant Harvey Road," I Love Old Newfoundland especially St. John's, posted May 12, 2018.  
BOTTOM / Finnigans Pub, 1974, 53 Harvey Road.  
Memorial University, Streetscapes, 14.

### 03 DESCRIPTION OF THE PROPOSED DEVELOPMENT

The proposed development includes four residential condominium units, a private secure parking garage accessible from Long's Hill, and commercial space accessible from the ground level of Harvey Road. Each dwelling unit measures approximately 2,100 ft<sup>2</sup>, occupies its own level, and includes three bedrooms, two bathrooms, and a private balcony on the Long's Hill facade. (T.O.R. 03-A)

As a new development in Heritage Area 3, the Heritage Design Standards dictate, under Schedule D, that a building must be designed with a traditional form and maintain facade design elements that respond to the development pattern of the historic street and of adjacent buildings. In this regard, it should retain common roof lines, eave lines, window lines, and cornice lines to maintain visual continuity and rhythm along the streetscape. Heritage Design Standards also suggest that traditional materials be used, while also permitting modern materials that replicate the period or architectural style of the streetscape. Buildings are required to be oriented perpendicular to the street, and to incorporate recessed entries typical of commercial properties at street level, when applicable. Mixed-use buildings are also expected to include a visual distinction between the realm of the street level pedestrian storefront, and upper storey residential units.<sup>01</sup>

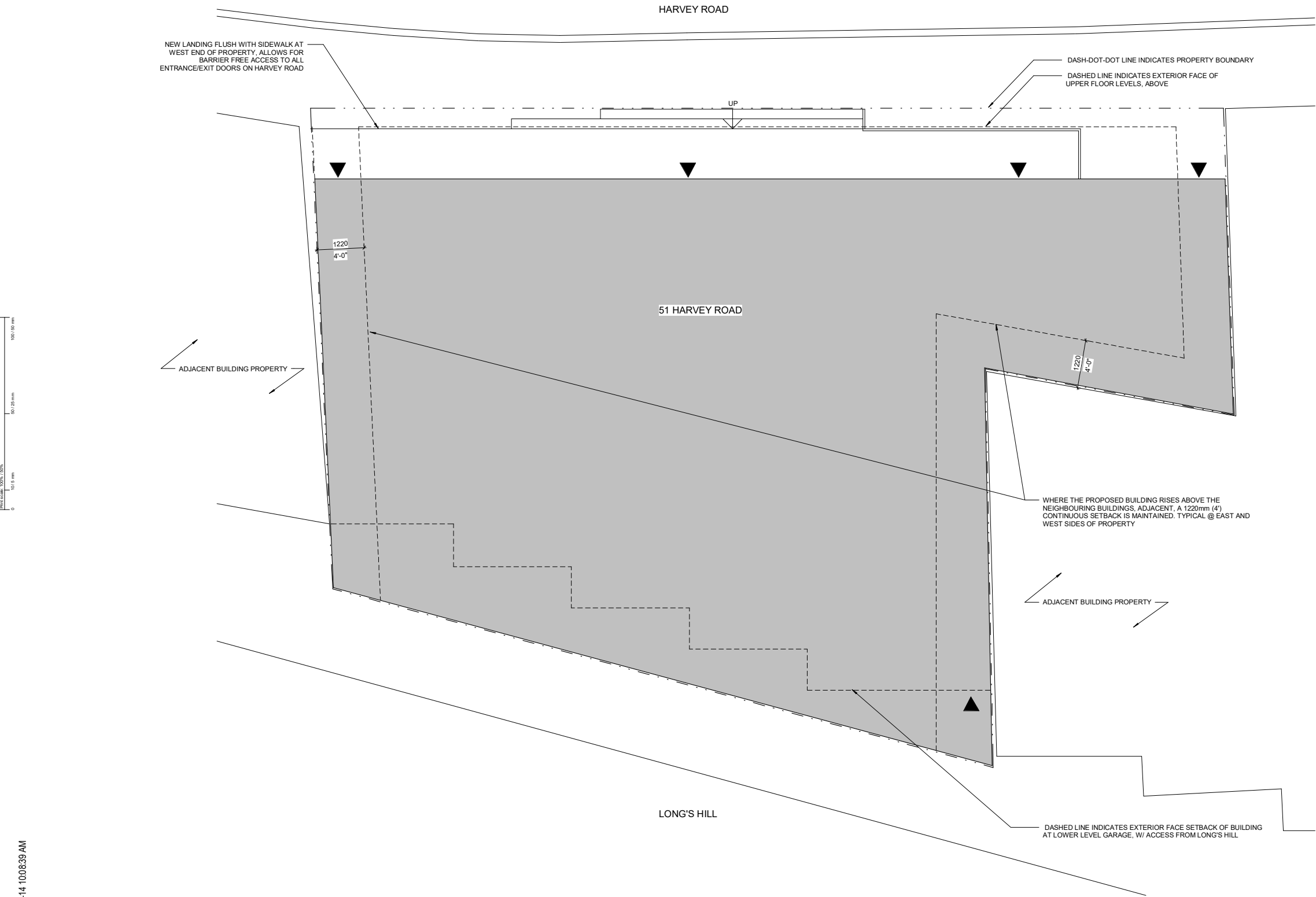
The proposed new building objectively adheres to the guidelines outlined above, regarding the historic pattern of the streetscapes described within this report. The building's form and arched window style on the upper-most level takes inspiration from mansard roofs with arched dormer windows, typical of Newfoundland vernacular and common to the surrounding area. Other facade details, including cladding, window lines, and eave lines were designed to acknowledge and align with those of adjacent buildings, and to complement the existing rhythm and visual identity of the streetscape. While we are proposing more contemporary materials, we have carefully selected materials in direct response to the Heritage Design

Standards outlined for cladding/siding of residential buildings and is compatible with the period/architectural style of the streetscape. Although it does not formally replicate traditional wood clapboard, the proposed cladding alludes to it by way of its narrow (5") horizontal pattern. (T.O.R. 03-B-I)

While the overall design represents a direct response to the Heritage Design Standards, the proposed development does offer visual and material contrast from traditional historic buildings and the surrounding buildings. Despite this divergence, the neighborhood is culturally, socially, and visually eclectic, and its streetscapes are composed of a diverse collection of buildings. We believe the proposed building design maintains a strong relationship with the historic context of the neighborhood while also establishing itself in the context of present day and contemporary material culture of the region and therefore should be considered as an exemption under the St. John's Heritage By-Law (T.O.R. 03-C).

<sup>01</sup> City of St. John's, Schedule D Heritage Design Standards, St. John's, Newfoundland, June 13, 2022.

CONCEPTUAL SITE PLAN (T.O.R. 03-B-II)



NOT FOR CONSTRUCTION DRAFT FOR REVIEW ONLY.  
CONTRACTOR TO VERIFY ALL DIMENSIONS IN THE  
FIELD. ALL DIMENSIONS PROVIDED IN  
MILLIMETRES(mm) UNLESS NOTED OTHERWISE.

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B	ISSUED FOR REVIEW	230824
A	ISSUED FOR REVIEW	230405
No.	YYMMDD	

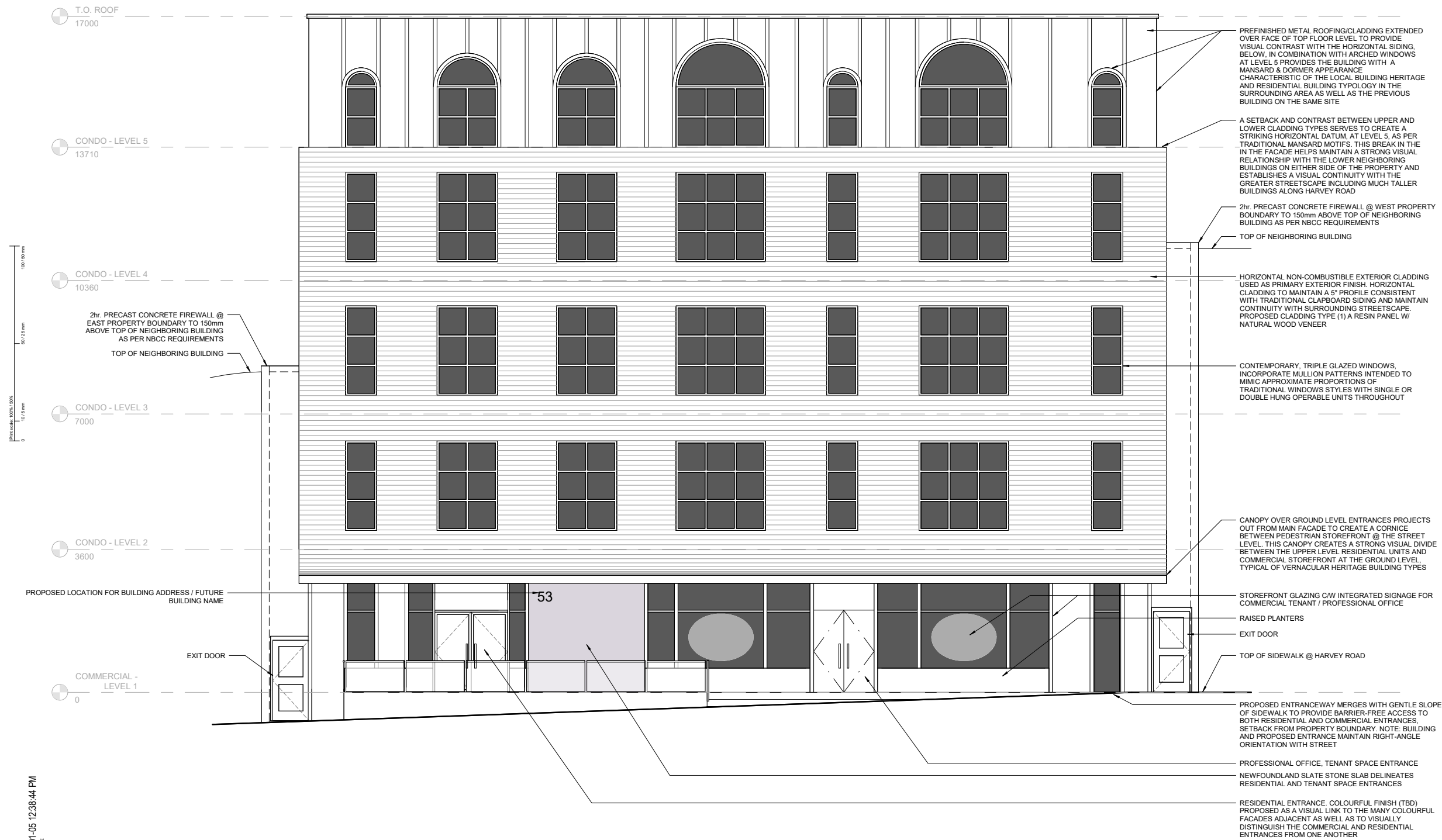
53 HARVEY ROAD  
ST. JOHN'S, NL

HARVEY ROAD  
CONDOMINIUMS

SITE PLAN

SCALE (A1 / TABLOID) 1 : 50 / 1 : 100	PROJECT NUMBER 2305
DRAWING NUMBER	A101

NORTH BUILDING ELEVATION (T.O.R. 03-B-III)



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CONTRACTOR TO VERIFY ALL DIMENSIONS IN THE FIELD. ALL DIMENSIONS PROVIDED IN MILLIMETRES(mm) UNLESS NOTED OTHERWISE.

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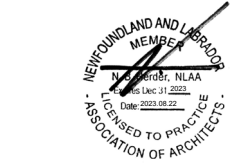
53 HARVEY ROAD  
ST. JOHN'S, NL

HARVEY ROAD  
CONDOMINIUMS

NORTH ELEVATION

SCALE (A1 / TABLOID) 1 : 50 / 1 : 100	PROJECT NUMBER 2305
DRAWING NUMBER	A501

SOUTH BUILDING ELEVATION (T.O.R. 03-B-III)



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CONTRACTOR TO VERIFY ALL DIMENSIONS IN THE FIELD. ALL DIMENSIONS PROVIDED IN MILLIMETRES(mm) UNLESS NOTED OTHERWISE.

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53 HARVEY ROAD  
ST. JOHN'S, NL

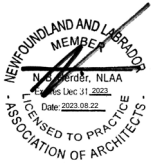
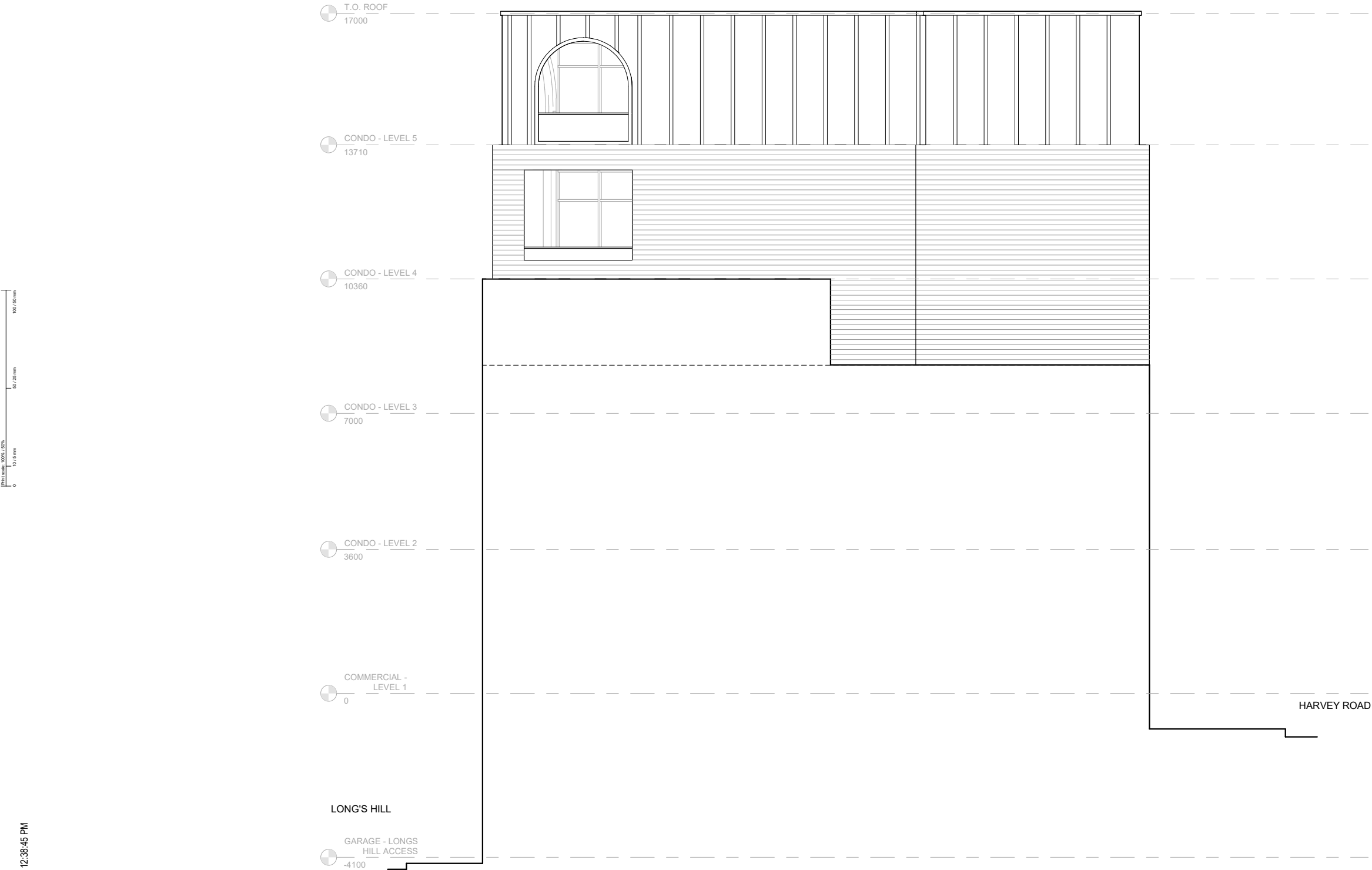
HARVEY ROAD  
CONDOMINIUMS

SOUTH ELEVATION

SCALE (A1 / TABLOID) 1 : 50 / 1 : 100	PROJECT NUMBER 2305
DRAWING NUMBER	A502



EAST BUILDING ELEVATION (T.O.R. 03-B-III)



NOT FOR CONSTRUCTION DRAFT FOR REVIEW ONLY.  
CONTRACTOR TO VERIFY ALL DIMENSIONS IN THE  
FIELD. ALL DIMENSIONS PROVIDED IN  
MILLIMETRES(mm) UNLESS NOTED OTHERWISE.

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C	REVISED FOR BHEP REVIEW	231113
B	REVISED FOR BHEP REVIEW	230824
A	ISSUED FOR REVIEW	230405
No.		YYMMDD

53 HARVEY ROAD  
ST. JOHN'S, NL

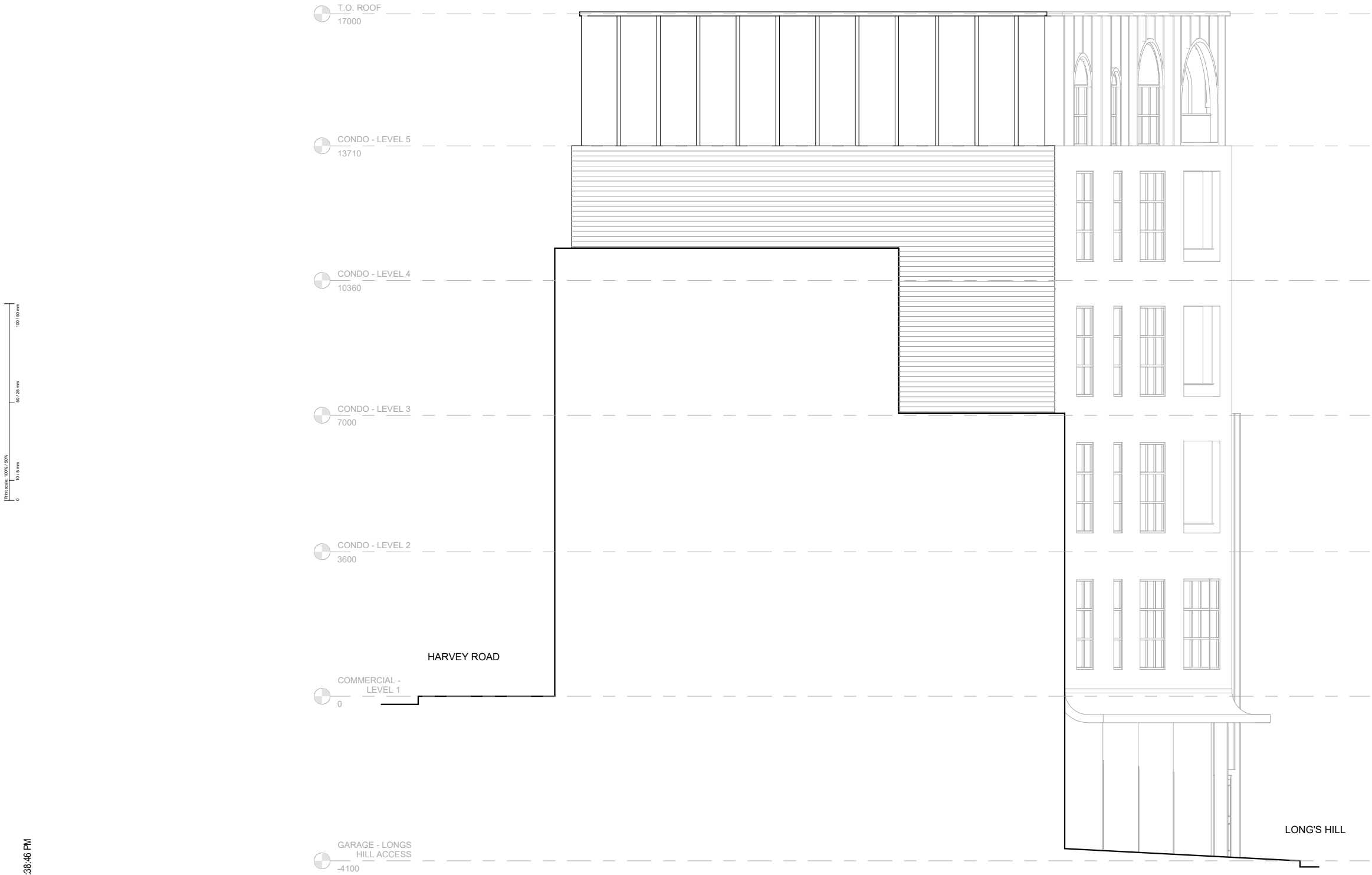
HARVEY ROAD  
CONDOMINIUMS

EAST ELEVATION

SCALE (A1 / TABLOID) 1 : 50	PROJECT NUMBER 2305
DRAWING NUMBER	A503

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Print Date

WEST BUILDING ELEVATION (T.O.R. 03-B-III)



NOT FOR CONSTRUCTION DRAFT FOR REVIEW ONLY.  
CONTRACTOR TO VERIFY ALL DIMENSIONS IN THE  
FIELD. ALL DIMENSIONS PROVIDED IN  
MILLIMETRES(mm) UNLESS NOTED OTHERWISE.

D	REVISED FOR BHEP REVIEW	240105
C	REVISED FOR BHEP REVIEW	231113
B	REVISED FOR BHEP REVIEW	230824
A	ISSUED FOR REVIEW	230405
No.	YYMMDD	

53 HARVEY ROAD  
ST. JOHN'S, NL

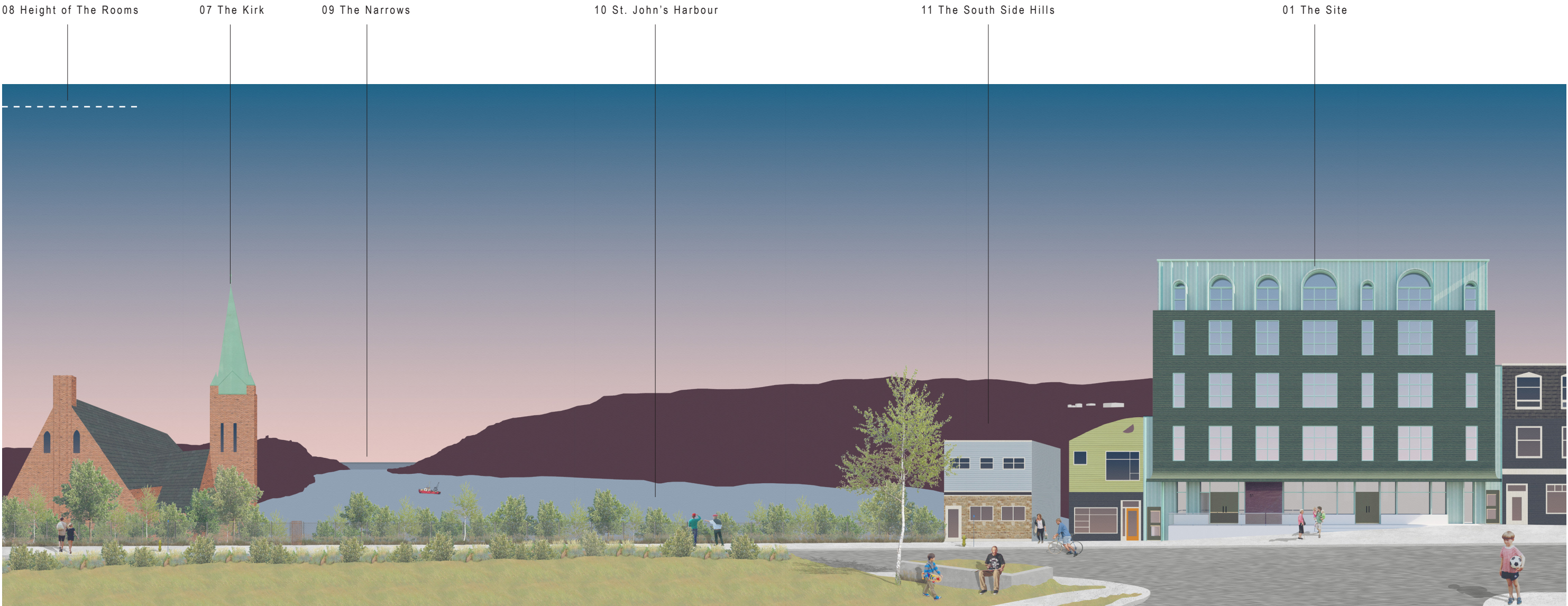
HARVEY ROAD  
CONDOMINIUMS

WEST ELEVATION

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DRAWING NUMBER	A504

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RENDERING / LOOKING SOUTH FROM FORT TOWNSHEND (T.O.R. 03-D-II)





RENDERING / LOOKING WEST ALONG HARVEY ROAD (T.O.R. 03-D-I)





RENDERING / LOOKING NORTH FROM LONG'S HILL (T.O.R. 03-D-III)



04 IMPACT ANALYSIS

The site of the proposed development is currently vacant and formally unoccupied. Nor is the site used informally by members of the local community to the best of our knowledge. No change in land use or significant land disturbances are required, nor will there be any destruction or alteration of heritage features.(T.O.R. 04-A,B,D,E)

Although the proposed development is two or three stories above adjacent buildings, limited obstruction of significant vistas are expected. However, the proposed development will offer direct and indirect views to Signal Hill, the Narrows, and the South Side Hills for its residents. (T.O.R. 04-C)

Therefore, we perceive limited negative impacts on the heritage features of the streetscape associated with the proposed development.

REFERENCES

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Memorial University Archives and Special Collections. Streetscapes 1984, Vol. 07. St. John's, NL: Memorial University, 1984. <https://dai.mun.ca/PDFs/archives/Streetscapes1984Vol07.pdf>

Oxford English Dictionary. "Heritage." Accessed November 9, 2023. <https://www.oed.com/search/dictionary/?scope=Entries&q=heritage>



**TERMS OF REFERENCE  
HERITAGE REPORT  
APPLICATION FOR A NEW BUILDING  
51 HARVEY ROAD  
PROPONENT: RICHARD COOK (RJC SERVICES) FOR 59931 NEWFOUNDLAND AND  
LABRADOR LIMITED  
OCTOBER 2023**

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A Heritage Report shall at a minimum evaluate and identify heritage values and resources located in the neighbourhood and on the streetscape. A Heritage Report shall address the anticipated impacts the proposed building may have on the heritage value of the neighbourhood and/or streetscape.

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 (include an electronic PDF version with a maximum file size of 15MB). A list of those persons/agencies who prepared the Heritage Report shall be provided as part of the report.

A Heritage Report will be prepared at the proponent's expense and should contain, but is not limited to:

**1. Introduction to Development Site**

- a. A location and current site plan of the property;
- b. A brief description of the property and its location, identifying significant features of the streetscape, buildings, landscapes and vistas;
- c. A brief description of the context of the property, including adjacent properties and cultural resources, their recognition at the municipal, provincial, and/or federal level, and any unidentified or unrecognized potential heritage resources.

**2. Background Research and Historical Context**

- a. A comprehensive review of the history of the property's development as documented and observed through archival, historical, archaeological, written and visual records; and
- b. an evaluation of the heritage significance of the site within the City, and the site in local context.

**3. Description of the Proposed Development**

- a. A description of the proposed development.
- b. A conceptual site plan and conceptual drawings of all building elevations:
  - i. The description and conceptual drawings should note which heritage feature(s) from the streetscape, if any, are used.
  - ii. Site plan to:
    - 1. include location of the proposed building in relation to neighbouring buildings;
    - 2. include proximity of the building to property lines and identify setbacks;

- 3. identify any setbacks of higher storeys from lower storeys; and
    - 4. identify any encroachment over property lines (if applicable);
  - iii. Building elevations to include current and proposed elevations and:
    - 1. identify the height of the building;
    - 2. identify the finish and colour of exterior building materials;
    - 3. provide information on the proposed construction of patios/balconies (if applicable);
    - 4. identify any rooftop structures;
    - 5. include immediately adjacent buildings and spaces to inform scale/massing/context.
- c. An explanation why the proposed development should be exempt under the St. John's Heritage By-Law and should not meet the Heritage Design Standards.
- d. Provide a rendering of the proposed building from the following locations:
  - i. near 47 Harvey Road looking west along Harvey Road;
  - ii. near the intersection of Fort Townshend and Harvey Road looking south toward the façade of the building; and
  - iii. on Longs Hill looking at the rear of the subject property showing neighbouring buildings for context.

**4. Impact Analysis**

A discussion identifying any impact the proposed development may have on the heritage features of the streetscape and character-defining elements of the area. Negative impacts on heritage resources may include, but are not limited to:

- a. the destruction of any, or part of any, significant heritage feature;
- b. alteration that is not sympathetic to a heritage feature;
- c. direct or indirect obstruction of significant views or vistas;
- d. a change in land use which negates the property's cultural heritage value; and
- e. land disturbances such as a grade change that alters soils and drainage patterns that adversely affect a cultural heritage resource.

# DECISION/DIRECTION NOTE

**Title:** 50 International Place – MPA2300001

**Date Prepared:** February 6, 2024

**Report To:** Committee of the Whole

**Councillor and Role:** Councillor Maggie Burton

**Ward:** Ward 1

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## **Decision/Direction Required:**

To consider rezoning 50 International Place from the Open Space (O) Zone to the Commercial Highway (CH) Zone for a Place of Worship.

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

The City has received an application to rezone 50 International Place from the Open Space (O) Zone to the Commercial Highway (CH) Zone for a Place of Worship. The applicant is proposing to consolidate 40 and 50 International Place, to form one lot with two places of worship (there is already a church at #40). The new building will be 874 square metres. The subject property is within the Open Space District of the Envision St. John's Municipal Plan, therefore a Municipal Plan amendment is required to redesignate the property as Commercial.

The Virginia River Trail and floodplain runs between the two properties and the proposed development will require two crossings over the river and trail. A secondary access is required for emergency purposes. The floodplain on the City's mapping has not been delineated with climate-change rainfall data. A floodplain study, which includes this section of Virginia River, is underway; results are expected this spring. It is possible that the floodplain will change, in which case the applicant will be required to revise the site plan to ensure no development occurs within 1.2 metres of the floodplain buffer.

Under our previous application process, the floodplain analysis would have to be done first, and the site plan revised, before bringing the application to Council. However, under our new process, staff are bringing rezoning requests to Council earlier. The site plan is conceptual only. Should Council decide to consider the amendment, then after the floodplain study is done, revisions will be required to the site plan to meet the Development Regulations prior to public consultation.

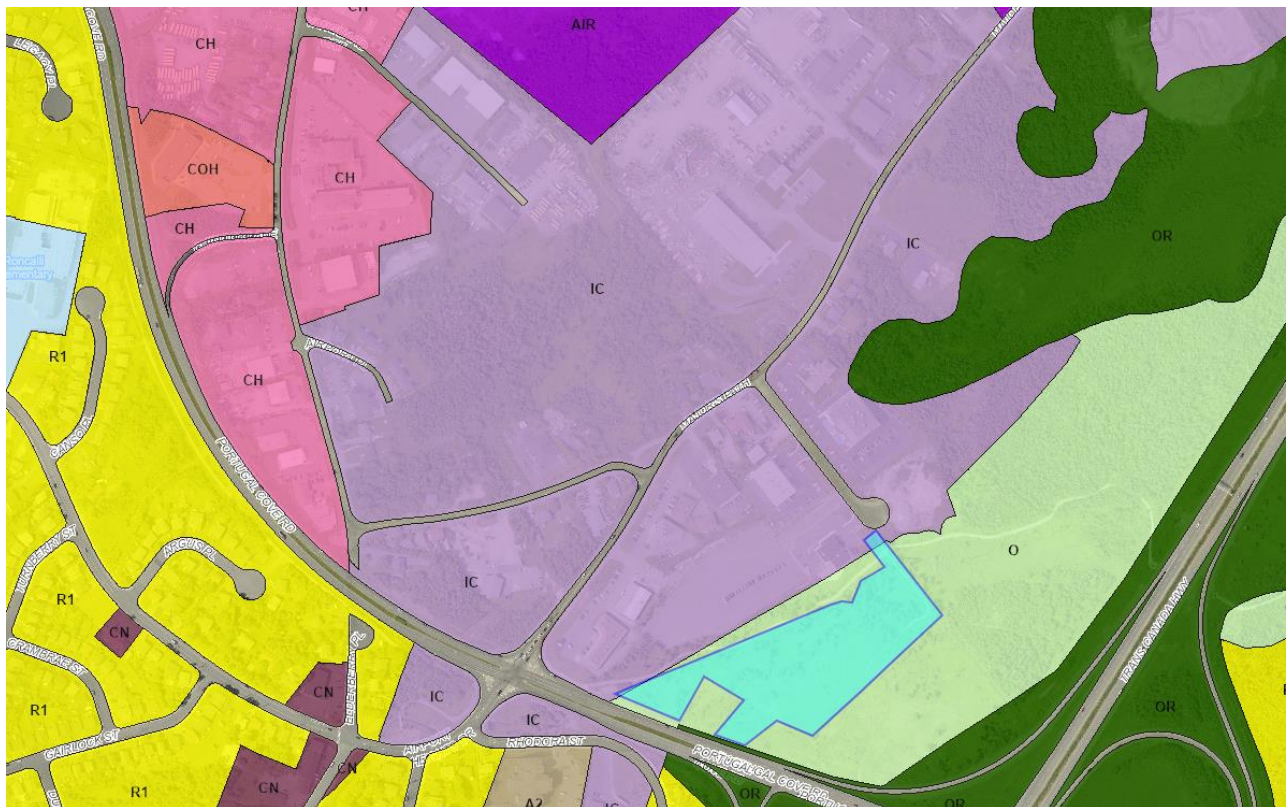
## Alignment with Municipal Plan Policies

The subject property is designated as Public Open Space under the St. John's Urban Region Regional Plan. Should Council wish to rezone the property, the City will need to request a Regional Plan amendment. Should the Minister of Municipal Affairs agree to consider the amendment, the Regional Plan amendment process would occur alongside the City's process.

# ST. JOHN'S

A Place of Worship is enabled under the Envision Municipal Plan in the Commercial and Institutional Districts. Under the previous Municipal Plan and Development Regulations, a Church was a permitted use in the Commercial Industrial Zone, which is how the church was approved at 40 International Place. Under the Envision St. John's review, Council decided that a Place of Worship is not suitable within the Industrial Commercial (IC) Zone, so that use was removed. Therefore, should Council wish to consider a Place of Workshop at 50 International Place, the Commercial Highway (CH) Zone is recommended. The CH Zone is used nearby along Airport Road. While the CH Zone will be a new zone for International Place, it is better to consider using that zone rather than adding Place of Worship to the IC Zone.

The Institutional (INST) Zone could also be used here. However, should the Place of Worship close down the road, the INST Zone would constrain future uses of the property, whereas the CH Zone would be more in line with other land uses on International Place. The exact area to be rezoned will be finalized prior to public consultation. It is recommended that any portion of the Virginia River floodplain and buffer remain in the Open Space (O) Zone and only the area required for development be rezoned to CH. Access to Portugal Cove Road from 50 International Place will not be permitted.



Section 4.9(2)(a) of the Development Regulations requires a Land Use Report (LUR) for rezonings. However, as per Section 4.9(3), where the scale or circumstances of the proposed development do not merit a full LUR, Council may accept a staff report. There are no

residential areas near the subject property and the floodplain analysis will address any environmental impacts that would normally be required in the LUR, therefore staff recommend that Council accept a staff report in lieu of an LUR. The staff report will be brought to Council at a later stage should the rezoning proceed.

#### Public Consultation

Should Council consider this amendment, staff recommend public notification. Following public consultation, the amendment will be forwarded to the NL Department of Municipal and Provincial Affairs. As a Municipal Plan amendment is required, plus a Regional Plan amendment, a public hearing chaired by an independent commissioner will be required later.

#### **Key Considerations/Implications:**

1. Budget/Financial Implications: Not applicable.
2. Partners or Other Stakeholders: Neighbouring property owners.
3. Alignment with Strategic Directions:  
  
A Sustainable City: Plan for land use and preserve and enhance the natural and built environment where we live.  
  
A Sustainable City: Facilitate and create the conditions that drive the economy by being business and industry friendly; and being a location of choice for residents, businesses and visitors.
4. Alignment with Adopted Plans: Envision St. John's Municipal Plan and Development Regulations
5. Accessibility and Inclusion: Not applicable.
6. Legal or Policy Implications: A map amendment (rezoning) to the Envision St. John's Development Regulations is required.
7. Privacy Implications: Not applicable.
8. Engagement and Communications Considerations: Engagement will be carried out in accordance with Section 4.8 of the Development Regulations.
9. Human Resource Implications: Not applicable.
10. Procurement Implications: Not applicable.
11. Information Technology Implications: Not applicable.
12. Other Implications: Not applicable.

**Recommendation:**

That Council:

- (1) Consider rezoning 50 International Place from the Open Space (O) Zone to the Commercial Highway (CH) Zone for a Place of Worship;
- (2) Send a request to the Minister of Municipal and Provincial Affairs to amend the St. John's Urban Region Regional Plan at 50 International Place from the Public Open Space designation to the Urban Development designation;
- (3) Upon completion of the Virginia River floodplain study and receiving a satisfactory site plan, advertise the amendment for public review and comment.

**Prepared by: Ann-Marie Cashin, MCIP, Planner III**

**Approved by: Ken O'Brien, MCIP, Chief Municipal Planner**



**Report Approval Details**

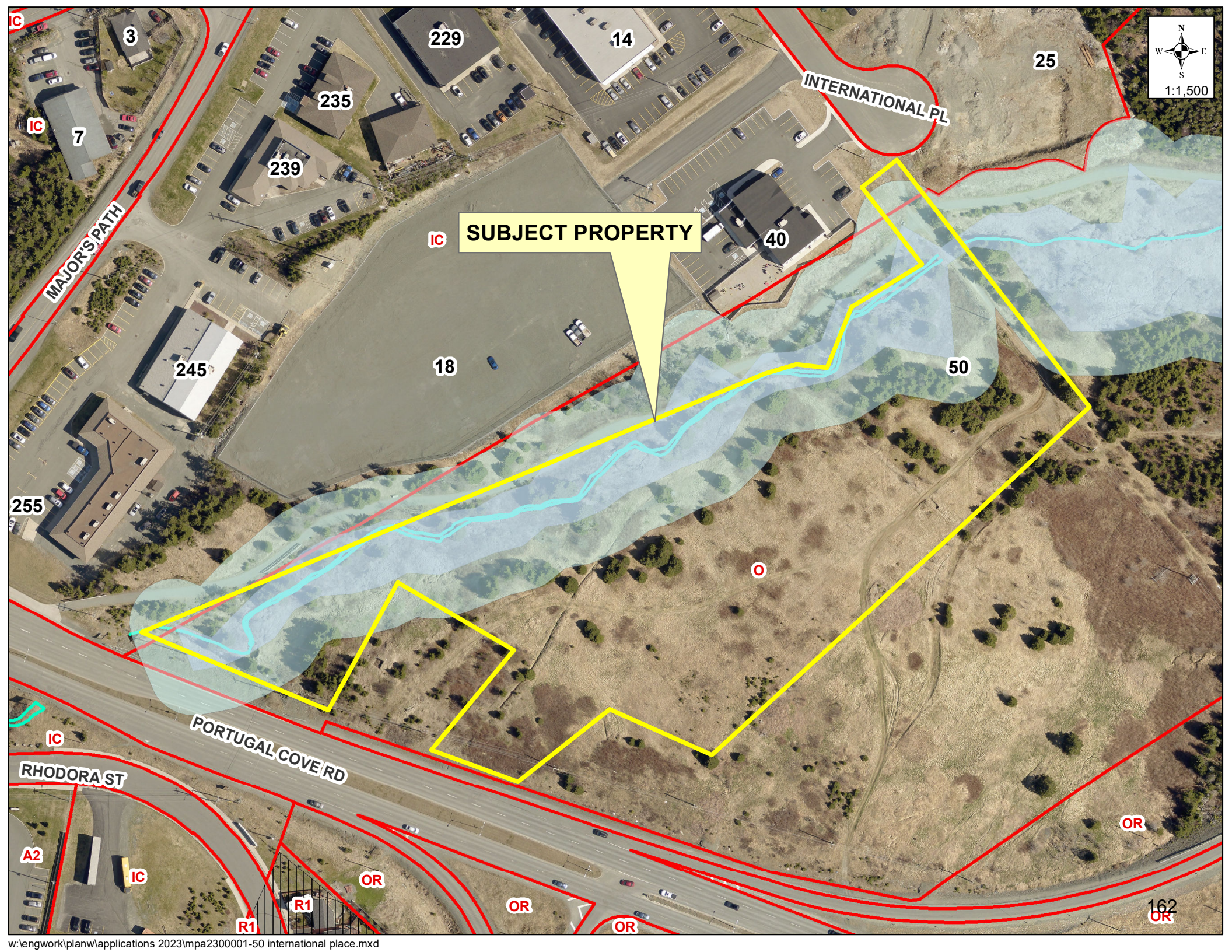
Document Title:	50 International Place - MPA2300001.docx
Attachments:	- 50 International Place - Aerial.pdf - 50 International Place - Site Plan (copy).pdf - O and CH Zone Tables.pdf
Final Approval Date:	Feb 8, 2024

This report and all of its attachments were approved and signed as outlined below:

**Ken O'Brien - Feb 8, 2024 - 10:31 AM**

**Jason Sinyard - Feb 8, 2024 - 12:45 PM**





SUBJECT PROPERTY

IC

INTERNATIONAL PL

MAJOR'S PATH

PORTUGAL COVE RD

RHODORA ST

IC

255

245

7

3

239

235

229

14

18

40

25

50

162

A2

IC

R1

R1

OR

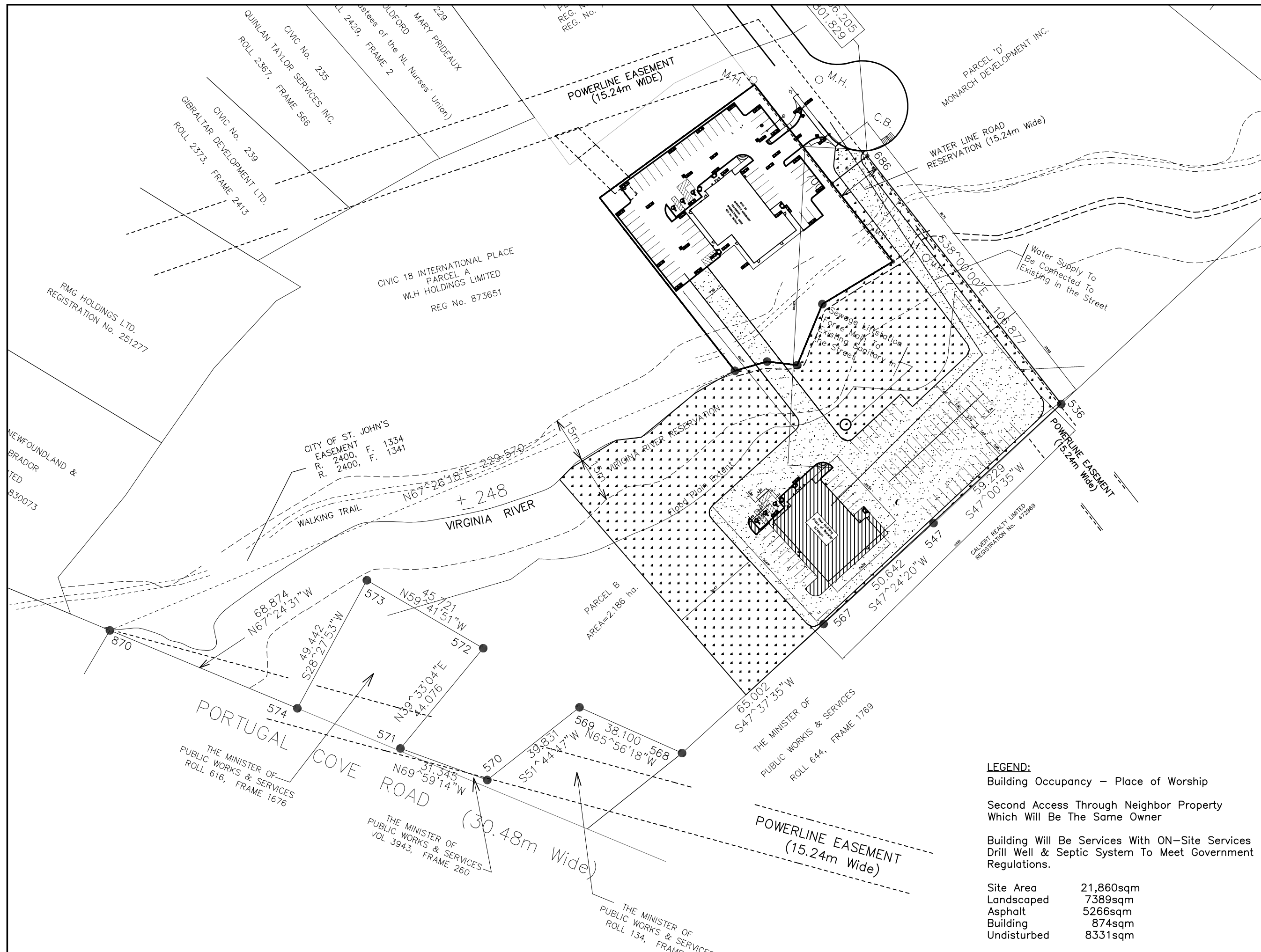
OR

OR

OR

OR





Notes:

1. All work must be performed in accordance with the City of St.John's Engineering Guidelines, and Municipal Master Specifications.
2. Sanitary Sewer must be installed at a minimum slope of 2%.
3. Maximum allowable slopes is 2H:1V. All slopes must be stabilized with 150mm thick topsoil and sod.
4. Grades at property boundaries must match existing grades.
5. Top of foundation wall must be 200mm above finished grade.
6. Class "A" for asphalt must be placed on Class "B".
7. Landscaping must consist of a minimum of 150mm thick topsoil and nursery sods.Landscaping must be completed to the bottom of the ditch.

PRIME CONSULTANT

Project Management



Ph(709)747-1444 / Fax747-1430  
P.O. Box 915, 19 Old Placentia Rd. Mt. Pearl, NF. A1N 3C8

Proposed  
Site Development  
International Place Parcel "B"

International Place	St. John's, NL
PROJECT TITLE	

RD	DATE	DESCRIPTION	SCALE	1:250
RD	May 2023	Issued for Evaluation	DATE	May 2023
R1	June 2023	LRT Station Added, Water Supply	DRAWN BY	AD
			CHECK'D BY	
REVISIONS			DATE PRINTED	
<div>Site Plan</div>			SET NUMBER	
DRAWING TITLE			DRAWING No.	R1

## Development Permits List For February 1 to February 14, 2023

Code	Applicant	Application	Location	Ward	Development Officer's Decision	Date
RES		Subdivide for 2 Lots and development of 51 Bay Bulls Road	49 & 51 Bay Bulls Road	5	Approved	2024-02-08
COM		Site and Service Upgrades	39 Topsail Road	3	Approved	2024-02-08

**\* 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.**

**Lindsay Lyghtle Brushett**  
**Supervisor – Planning & Development**

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**Permits List**  
**Council's February 20, 2024 Regular Meeting**

Permits Issued: 2024/02/01 to 2024/02/14

**BUILDING PERMITS ISSUED**

**Residential**

<b>Location</b>	<b>Permit Type</b>	<b>Structure Type</b>
114 Circular Rd	Renovations	Single Detached Dwelling
13 Cherrington St	Renovations	Single Detached w/ apt.
17 Janeway Pl	New Construction	Townhousing
17 Terry Lane	Renovations	Single Detached Dwelling
18 Sir Wilfred Grenfell Pl	New Construction	Single Detached w/ apt.
19 Janeway Pl	New Construction	Townhousing
2 Mercer's Dr	Accessory Building	Accessory Building
21 Janeway Pl	New Construction	Townhousing
23 Janeway Pl	New Construction	Townhousing
231 Pennywell Rd	Change of Occupancy	Single Detached w/ apt.
25 Errol Pl	Site Work	Driveway
29 Borden St	Change of Occupancy	Home Office
29 Leonard J. Cowley St	New Construction	Single Detached Dwelling
32 Leonard J. Cowley St	New Construction	Single Detached Dwelling
325 Empire Ave	Renovations	Single Detached Dwelling
33 Leslie St	Renovations	Single Detached Dwelling
38 Pleasantville Ave	Change of Occupancy	Single Detached w/ apt.
40 Henry St	Sign	Apartment Building
44 Lilac Cres	Renovations	Single Detached Dwelling
44 Monroe St	Renovations	Townhousing
5 Tobin Cres	Change of Occupancy	Single Detached w/ apt.
7 Martin Cres	Change of Occupancy	Single Detached Dwelling
78 Terra Nova Rd	Change of Occupancy/Renovations	Single Detached w/ apt.
8 Thompson Pl	Change of Occupancy	Single Detached Dwelling
80 Pepperwood Dr	New Construction	Single Detached Dwelling

This Week: \$1,377,452.49

**Commercial**

Location	Permit Type	Structure Type
13 Lemarchant Rd	Change of Occupancy/Renovations	Restaurant
13 Lemarchant Rd	Sign	Restaurant
15 Aberdeen Ave	Sign	Car Washing Establishment
174 Water St	Change of Occupancy/Renovations	Eating Establishment
187 Kenmount Rd	Sign	Office
211-213 Kenmount Rd	Renovations	Car Sales Lot
24 Queen's Rd	Renovations	Clinic
351 Water St	Renovations	Mixed Use
48 Kenmount Rd	Sign	Retail Store
8 Barrows Rd	Renovations	Retail Store
8-10 Rowan St	Renovations	Retail Store
92 Thorburn Rd	Renovations	Eating Establishment
Elizabeth Ave	Site Work	Other

This Week: \$748,736.80

#### Government/Institutional

Location	Permit Type	Structure Type
10 Barter's Hill	Renovations	Office
141 Frecker Dr	Site Work	Other
4 Escasoni Pl	Accessory Building	Accessory Building
5 Nagle's Pl	Deck	Patio Deck
99 Churchill Ave	Renovations	Office

This Week: \$1,059,600.00

#### Industrial

Location	Permit Type	Structure Type
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This Week: \$0.00

#### Demolition

Location	Permit Type	Structure Type
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This Week: \$0.00

**This Week's Total: \$3,185,789.29**

#### **REPAIR PERMITS ISSUED:**

**\$63,114.00**

**NO REJECTIONS**

YEAR TO DATE COMPARISONS			
February 20, 2024			
TYPE	2023	2024	% Variance (+/-)
Residential	\$4,681,267.34	\$4,440,301.73	-5
Commercial	\$3,715,903.98	\$1,727,615.35	-54
Government/Institutional	\$0.00	\$1,063,500.00	0
Industrial	\$0.00	\$0.00	0
Repairs	\$40,815.00	\$152,614.00	274
<b>TOTAL</b>	<b>\$8,437,986.32</b>	<b>\$7,384,031.08</b>	-12
Housing Units (1 & 2 Family Dwelling)	9	11	

Respectfully Submitted,

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

# MEMORANDUM

## **Weekly Payment Vouchers For The Week Ending February 7, 2024**

### **Payroll**

<b>Public Works</b>	<b>\$ 775,976.98</b>
<b>Bi-Weekly Casual</b>	<b>\$ 41,003.49</b>
<b>Accounts Payable</b>	<b>\$5,608,021.97</b>

*(A detailed breakdown available [here](#))*

**Total: \$ 6,425,002.44**

# **ST. JOHN'S**

DEPARTMENT OF FINANCE

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



# MEMORANDUM

## **Weekly Payment Vouchers For The Week Ending February 14, 2024**

### **Payroll**

<b>Public Works</b>	<b>\$ 586,435.97</b>
<b>Bi-Weekly Administration</b>	<b>\$ 842,655.22</b>
<b>Bi-Weekly Management</b>	<b>\$ 978,160.05</b>
<b>Bi-Weekly Fire Department</b>	<b>\$1,011,258.64</b>
<b>Accounts Payable</b>	<b>\$1,912,513.08</b>

(A detailed breakdown [here](#))

**Total: \$ 5,331,022.96**

# ST. JOHN'S

DEPARTMENT OF FINANCE

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

# DEPARTMENTAL APPROVAL REQUEST/RFP

**Commodity/Bid #:** 2024001 Crosstown Shared-Use Path from Canada Drive to T’railway

**Date Prepared:** Monday, February 12, 2024

**Report To:** Regular Meeting

**Councillor and Role:** Councillor Sandy Hickman, Transportation

**Ward:** **Ward 3**

**Department:** PERS Transportation Engineering

**Quotes Obtained By:** Sherri Lee Higgins

**Budget Code:** ENG-2024-184

**Source of Funding:** Capital

**Purpose:**  
The City of St John’s is seeking design, contract administration and construction inspection services for the detailed design of the Crosstown shared-use path (SUP) from Canada Drive to the T’railway.

**Proposals Submitted By:**

Vendor Name
CBCL Limited
Dillon Consulting Limited
9028161 Canada Ltd. (Harbouside Transportation Consultants)

**Expected Value:** ☐ Value shown is an estimate only for a # year period. The City does not guarantee to buy specific quantities or dollar value.

**Contract Duration:** The detailed design for the projects should be completed by August 31, 2024, so that a construction tender could be called in September 2024.

**Recommendation:**  
THAT Council approve for award this open call to the top ranked proponent CBCL Limited for \$357,762.13 (HST included) as per the Public Procurement Act.

**Attachments:**



### Report Approval Details

Document Title:	2024001 Crosstown Shared-Use Path from Canada Drive to T'railway.docx
Attachments:	
Final Approval Date:	Feb 13, 2024

This report and all of its attachments were approved and signed as outlined below:

**Amer Afridi - Feb 12, 2024 - 4:28 PM**

**Scott Winsor - Feb 13, 2024 - 9:08 AM**

**Jason Sinyard - Feb 13, 2024 - 4:32 PM**

# BID APPROVAL NOTE

**Bid # and Name:** 2024006 – Supply and Delivery of Uniform Clothing  
**Date Prepared:** Tuesday, February 13, 2024  
**Report To:** Regular Meeting  
**Councillor and Role:** Councillor Jamie Korab, Public Works  
**Ward:** N/A

**Department:** Public Works  
**Division:** Administration Public Works  
**Quotes Obtained By:** Annette Power  
**Budget Code:** 3011-55788  
**Source of Funding:** Operating

**Purpose:**

This Limited Call was issued to establish a standing offer agreement for the supply and delivery of uniform clothing.

**Results:** ☐ As attached ☒ As noted below

Vendor Name	Bid Amount
Professional Uniform and Mats Inc.	\$34,998.22
Imprint Specialty Promotions Limited	Disqualified

**Expected Value:** ☒ As above  
☒ Value shown is an estimate only for a one (1) year period. The City does not guarantee to buy specific quantities or dollar value.

**Contract Duration:** Two (2) year term, with an option to extend an additional one (1) year term.

**Bid Exception:** None

**Recommendation:**

That Council approve for award this limited call 2024006 – Supply and Delivery of Uniform Clothing to the lowest, and only bidder meeting specification, Professional Uniform and Mats Inc., for \$34,998.22 (HST not included) per year, as per the Public Procurement Act.

**Attachments:**

# ST. JOHN'S

### Report Approval Details

Document Title:	2024007 - Supply and Delivery of Uniform Clothing.docx
Attachments:	
Final Approval Date:	Feb 13, 2024

This report and all of its attachments were approved and signed as outlined below:

**Rick Squires - Feb 13, 2024 - 3:59 PM**

**Derek Coffey - Feb 13, 2024 - 4:02 PM**

# DECISION/DIRECTION NOTE

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**Title:** CAMA Conference Travel Approval – Banff, AB

**Date Prepared:** February 6, 2024

**Report To:** Regular Meeting of Council

**Councillor and Role:** Mayor Danny Breen, Governance & Strategic Priorities

**Ward:** N/A

---

## **Decision/Direction Required:**

Seeking Council Approval for the City Manager to attend the Canadian Association of Municipal Administrators (CAMA) Conference in Banff, AB.

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

This annual event offers an array of opportunities for all Chief Administrative Officers, Municipal Senior Managers, and staff members from various other functions in the organization to enhance skills. The conference is designed to prepare us and our community with information and best practices to help with success and prosperity.

## **Key Considerations/Implications:**

1. Budget/Financial Implications: Budgeted Travel
2. Partners or Other Stakeholders: N/A
3. Alignment with Strategic Directions:

An Effective City: Achieve service excellence through collaboration, innovation and modernization grounded in client needs.

An Effective City: Work with our employees to improve organizational performance through effective processes and policies.

4. Alignment with Adopted Plans: N/A
5. Accessibility and Inclusion: N/A
6. Legal or Policy Implications: N/A
7. Privacy Implications: N/A

# ST. JOHN'S

8. Engagement and Communications Considerations: N/A

9. Human Resource Implications: N/A

10. Procurement Implications: N/A

11. Information Technology Implications: N/A

12. Other Implications: N/A

**Recommendation:**

That Council approve the costs associated for the City Manager to attend the Canadian Association of Municipal Administrators (CAMA) Conference in Banff, AB on June 3-5, 2024.

**Prepared by:**

Stacey Baird  
Legislative Assistant

**Approved by:**

Karen Chafe  
City Clerk

**Report Approval Details**

Document Title:	CAMA Conference Travel Approval - Banff, AB.docx
Attachments:	
Final Approval Date:	Feb 6, 2024

This report and all of its attachments were approved and signed as outlined below:

**Karen Chafe - Feb 6, 2024 - 10:59 AM**



# DECISION/DIRECTION NOTE

**Title:** Shea Heights Community Centre – New Board Appointments

**Date Prepared:** February 7, 2024

**Report To:** Special Meeting of Council

**Councillor and Role:** Councillor Carl Ridgeley

**Ward:** Ward 5

---

## Decision/Direction Required:

To approve the appointment of two (2) new At Large member to fill vacancies on the Shea Heights Community Centre Board of Directors.

## Discussion – Background and Current Status:

The Shea Heights Community Centre Board of Directors is a Board appointed by the City of St. John's, created to facilitate the development and implementation of social, recreational and educational benefits and services for the residents of Shea Heights.

The Shea Heights Community Centre Board of Directors may have a maximum of twenty (20) Board members:

1. One (1) Stakeholder Group	Vacant
2. One (1) NL Housing Tenant Representative	Vacant
3. One (1) Past Chair	Vacant
4. Two (2) Community Resource Members	2
5. Ten (10) At Large Members	8 Filled
6. Four (4) Ex-Officio Members	4 Filled

As the Shea Heights Community Centre Board of Directors is appointed by the City of St. John's, any new members must be approved by Council.

A public expression of interest was held to seek volunteers to fill current vacancies. Applications were received from **David Thomlyn and Kassie Kane**. The applicants are supported by the Board to be put forth for appointment to vacant At Large position.

**Key Considerations/Implications:**

1. Budget/Financial Implications: N/A
2. Partners or Other Stakeholders:
  - a. The Recreation Division and Community Centre staff work closely with the Board of Directors to deliver programs, services, and events to residents of Shea Heights.
  - b. Newfoundland and Labrador Housing provides an annual operating grant to the Board of Directors to work closely with the community members of NLHC towards developing healthier lifestyles and enriching the communities in which they serve.
3. Alignment with Strategic Directions:

A Connected City: Develop and deliver programs, services and public spaces that build safe, healthy and vibrant communities.

A Connected City: Increase and improve opportunities for residents to connect with each other and the City.
4. Alignment with Adopted Plans: N/A
5. Accessibility and Inclusion: N/A
6. Legal or Policy Implications: N/A
7. Privacy Implications: N/A
8. Engagement and Communications Considerations: N/A
9. Human Resource Implications: N/A
10. Procurement Implications: N/A
11. Information Technology Implications: N/A
12. Other Implications: N/A

**Recommendation:**

That Council approve the appointment of David Thomlyn and Kassie Kane to the Shea Heights Board of Directors, within the 'At Large' category of the Board structure.

**Prepared by:**  
**Approved by:**

### Report Approval Details

Document Title:	Shea Heights Community Centre Board of Directors – New Board Appointments.docx
Attachments:	<ul style="list-style-type: none"><li>- Kassie Kane Board Application .pdf</li><li>- David Thomlyn Application.pdf</li><li>- Board Contacts 2024.xlsx</li></ul>
Final Approval Date:	Feb 8, 2024

This report and all of its attachments were approved and signed as outlined below:

**Tanya Haywood - Feb 8, 2024 - 9:50 AM**

# DECISION/DIRECTION NOTE

**Title:** Federation of Canadian Municipalities Annual Conference & Trade Show – Calgary, Alberta (June 6 – 9, 2024)

**Date Prepared:** January 31, 2024

**Report To:** Regular Meeting of Council

**Councillor and Role:** Mayor Danny Breen, Governance & Strategic Priorities

**Ward:** N/A

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## Decision/Direction Required:

Council's approval is required for members of Council to attend the Federation of Canadian Municipalities Annual Conference being held in Calgary, Alberta from June 6 – 9, 2024.

## Discussion – Background and Current Status:

An early bird registration rate is in effect until April 19<sup>th</sup> at \$1095.00 per person. After that, the rate is \$1295.00 per person. The preliminary agenda for the event is linked [here](#) and the registration information is linked [here](#).

The following members of Council have expressed an interest in attending this event so far:

- Mayor Danny Breen
- Deputy Mayor Sheilagh O'Leary
- Councillor Maggie Burton

Travel Costs are roughly estimated per traveller as follows and subject to change:

Daily Per diem * 4 days	\$400
Flight (estimated and dependent on options selected)	\$1000
Hotel Accommodations * 4 nights (based on minimum cost of \$320 per night)	\$1280
Conference Registration (early bird)	\$1095
Total per person	\$3775

## Key Considerations/Implications:

1. Budget/Financial Implications: Council's travel budget and as noted above
2. Partners or Other Stakeholders: Members of Council, FCM
3. Alignment with Strategic Directions: N/A

# ST. JOHN'S

4. Alignment with Adopted Plans: N/A
5. Accessibility and Inclusion: N/A
6. Legal or Policy Implications: N/A
7. Privacy Implications: N/A
8. Engagement and Communications Considerations: N/A
9. Human Resource Implications: N/A
10. Procurement Implications: N/A
11. Information Technology Implications: N/A
12. Other Implications: N/A

**Recommendation:**

That Council approve travel authorization for the following members of Council interested in attending the Federation of Canadian Municipalities Conference in Calgary, Alberta from June 6 – 9, 2024:

- Mayor Danny Breen
- Deputy Mayor Sheilagh O’Leary
- Councillor Maggie Burton.

**Prepared by:**

**Approved by:**

# DECISION/DIRECTION NOTE

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**Title:** Senior's Advisory Committee – Approval of New Members

**Date Prepared:** January 30, 2024

**Report To:** Special Meeting of Council

**Councillor and Role:** Councillor Jill Bruce, Seniors Advisory Committee

**Ward:** N/A

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**Decision/Direction Required:**

Seeking Council's approval of the recommended candidate for the current vacancy on the Senior's Advisory Committee.

**Discussion – Background and Current Status:**

The Senior's Advisory Committee is seeking to fill the current vacant position for one citizen's representative.

A call for members was publicly circulated and a total of seven applications were received.

Staff believe the below candidate would be a great addition to the committee due to their extensive experience and involvement with Seniors needs.

**Key Considerations/Implications:**

1. Budget/Financial Implications: N/A
2. Partners or Other Stakeholders: N/A
3. Alignment with Strategic Directions:

A Connected City: Increase and improve opportunities for residents to connect with each other and the City.

4. Alignment with Adopted Plans: N/A
5. Accessibility and Inclusion: N/A
6. Legal or Policy Implications: N/A
7. Privacy Implications: N/A

# ST. JOHN'S

8. Engagement and Communications Considerations: All applicants will be advised of Council's decision to appoint new members.
9. Human Resource Implications: N/A
10. Procurement Implications: N/A
11. Information Technology Implications: N/A
12. Other Implications: N/A

**Recommendation:**

That Council approve Lynn Bryant to serve on the Senior's Advisory Committee.

**Prepared by:**

Stacey Baird  
Legislative Assistant

**Approved by:**

Karen Chafe  
City Clerk



**Report Approval Details**

Document Title:	Senior's Advisory Committee - Approval of New Member.docx
Attachments:	- SAC Application- Ranking JL-2024.xlsx
Final Approval Date:	Jan 31, 2024

This report and all of its attachments were approved and signed as outlined below:

**Karen Chafe - Jan 31, 2024 - 3:11 PM**

# DECISION/DIRECTION NOTE

**Title:** 2024 Civic Improvement Assessment Rates

**Date Prepared:** January 31, 2024

**Report To:** Regular Meeting of Council

**Councillor and Role:** Councillor Jamie Korab, Public Works

**Ward:** N/A

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## Decision/Direction Required:

To set assessment rates for 2024.

## Discussion – Background and Current Status:

Under the City's Assessment Policy Council has to set the new assessment rates each year for civic improvements which are to be completed in that year. Assessment rates are determined by multiplying established base assessment rates by an adjustment factor. This adjustment factor is the ratio of current construction costs to costs estimated using the City's base unit prices. This procedure allows the adjustment factor to reflect changes in construction costs from year to year.

### Assessment Rates for 2024

Watermain	\$ 219/m
Sanitary Sewer	\$ 200/m
Storm Sewer	\$ 130/m
Water Service	\$1,425/EA
Sanitary Service	\$1,470/EA
Storm Service	\$1,470/EA
Commercial Water Service	\$5,399/EA
Commercial Sanitary Service	\$2,608/EA
Commercial Storm Service	\$2,389/EA
Street Improvement	\$ 117/m
New Street	\$ 495/m
Sidewalk	\$ 28/m
Rural Street Upgrading	\$ 100/m

### Assessment Rates for 2023

Watermain	\$ 213/m
Sanitary Sewer	\$ 194/m
Storm Sewer	\$ 126/m
Water Service	\$1,384/EA
Sanitary Service	\$1,428/EA
Storm Service	\$1,428/EA
Commercial Water Service	\$5,245/EA
Commercial Sanitary Service	\$2,533/EA
Commercial Storm Service	\$2,321/EA
Street Improvement	\$ 114/m
New Street	\$ 481/m
Sidewalk	\$ 27/m
Rural Street Upgrading	\$ 97/m

# ST. JOHN'S

**Key Considerations/Implications:**

1. Budget/Financial Implications:  
N/A – Assessments are not considered part of the project funding.
2. Partners or Other Stakeholders:  
Applicable City of St. John's property owners.
3. Alignment with Strategic Directions:  
  
A Sustainable City: Be financially responsible and accountable.  
  
A Connected City: Increase and improve opportunities for residents to connect with each other and the City.
4. Alignment with Adopted Plans:  
Strategic Plan – Our City Our Future
5. Accessibility and Inclusion:  
Various civic improvements increase accessibility.
6. Legal or Policy Implications:  
Assessments required as per the City of St. John's Act.
7. Privacy Implications:  
N/A
8. Engagement and Communications Considerations:  
Assessment details are communicated to applicable properties.
9. Human Resource Implications:  
N/A
10. Procurement Implications:  
N/A
11. Information Technology Implications:  
N/A
12. Other Implications:  
N/A

**Recommendation:**

That Council approve the assessment rates for 2024.

**Prepared by:** Mark White, P. Eng., Manager Construction Engineering

**Approved by:** Scott Winsor, P.Eng., Director of Engineering

**Report Approval Details**

Document Title:	2024 Civic Improvement Assessment Rates.docx
Attachments:	
Final Approval Date:	Jan 31, 2024

This report and all of its attachments were approved and signed as outlined below:

**Scott Winsor - Jan 31, 2024 - 11:30 AM**

**Jason Sinyard - Jan 31, 2024 - 1:51 PM**

# DECISION/DIRECTION NOTE

**Title:** Text Amendment – Daycare Centre - Adoption

**Date Prepared:** February 13, 2024

**Report To:** Regular Meeting of Council

**Councillor and Role:** Councillor Maggie Burton

**Ward:** N/A

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**Decision/Direction Required:**

That Council adopt Envision St. John's Development Regulations Amendment Number 26, 2024, to make changes to children's daycare regulations.

**Discussion – Background and Current Status:**

The Province of NL advised the City that our daycare regulations do not align with provincial regulations on the size of daycares and the number of children permitted. At its regular meeting on August 7, 2023, Council decided to consider a text amendment to the City's Development Regulations to remove references to maximum floor area within a home and change terminology to match the provincial language.

Since initial consideration, Council and staff have proposed additional changes. Council has proposed to make Daycare Centre a permitted use in various commercial and institutional zones and staff have proposed to remove Day Care Centre from zones in unserved areas. See the attached amendment for background information and analysis.

During the amendment review, the St. John's Regional Fire Department (SJRFD) advised that a Daycare Centre is priority 1 (highest risk priority). SJRFD advises there are challenges in areas not serviced by municipal water, and further challenges with dry hydrants and with underground tanks, which are required for developments in unserved areas. Some unserved areas have emergency response times that are over the recommended maximum response time as per National Fire Protection Association (NFPA) standards. While there are many areas in the area serviced by SJRFD that are beyond recommended response times, they are typically in areas with municipal water supply or are commercial buildings with self-sufficient occupants (that is, people who can get out of a burning building by themselves).

In a Daycare Centres, if a fire occurs, the staff have to get the children out of the building themselves, which is a concern. People may panic; some children may need to be carried; and children may run and hide inside rather than follow instructions to get out. Given these factors, SJRFD does not consider it ideal to build a Daycare Centre in an unserved area. Therefore, the attached amendment removes Daycare Centre from the Rural Residential (RR) and Rural Village (RV) Zones. At this time, St. John's does not have any Daycare Centres in unserved areas.

# ST. JOHN'S

Staff recommend removing the use from the RR and RV Zones, rather than leaving it as a discretionary use because it is highly unlikely that staff would recommend approval in an unserviced area, given the concerns from the Fire Department. It would be misleading to applicants to leave the use in those zones. A daycare within a home (a Family Child Care Service), which is at a smaller scale, will still be permitted in those zones.

Daycare Centres will remain as discretionary in the Rural Residential Infill (RRI) Zone because there are some areas zoned RRI that have municipal water.

#### Public Consultation

The proposed text amendment was advertised on three separate occasions for a total of nine times in *The Telegram* and posted on the City's website. The City consulted with provincial staff and with Family and Child Care Connections and sent a notice to the Association of Early Childhood Educators NL. One submission was received by the City Clerk's Office and two comments were made on the project Engage Page. Comments support the amendment.

Should Council decide to adopt the amendment, the documents will be forwarded to the NL Department of Municipal and Provincial Affairs for registration.

#### **Key Considerations/Implications:**

1. Budget/Financial Implications: Not applicable.
2. Partners or Other Stakeholders: General public, especially parents of young children; provincial departments; Family and Child Care Connections; the Association of Early Childhood Educators NL; neighbouring residents and property owners of proposed daycares.
3. Alignment with Strategic Directions:

A Sustainable City: Plan for land use and preserve and enhance the natural and built environment where we live.

A Sustainable City: Facilitate and create the conditions that drive the economy by being business and industry friendly; and being a location of choice for residents, businesses and visitors.

4. Alignment with Adopted Plans: Envision St. John's Municipal Plan and Development Regulations.
5. Accessibility and Inclusion: Not applicable.
6. Legal or Policy Implications: An amendment to the Envision St. John's Development Regulations is required.

7. Privacy Implications: Not applicable.
8. Engagement and Communications Considerations: Engagement was carried out in accordance with the Development Regulations.
9. Human Resource Implications: Not applicable.
10. Procurement Implications: Not applicable.
11. Information Technology Implications: Not applicable.
12. Other Implications: Not applicable.

**Recommendation:**

That Council adopt the attached Envision St. John's Development Regulations Amendment Number 26, 2024, to amend regulations related to Daycare Centre and Family Child Care Services.

**Prepared by: Ann-Marie Cashin, MCIP, Planner III**

**Approved by: Ken O'Brien, MCIP, Chief Municipal Planner**



**Report Approval Details**

Document Title:	Text Amendment - Daycare Centre - Adoption.docx
Attachments:	- DR Amend No. 26, 2024 - Daycares - TEXT (amc).pdf
Final Approval Date:	Feb 15, 2024

This report and all of its attachments were approved and signed as outlined below:

**Ken O'Brien - Feb 14, 2024 - 4:10 PM**

**Jason Sinyard - Feb 15, 2024 - 1:23 PM**

# **City of St. John's Development Regulations, 2021**

## **St. John's Development Regulations Amendment Number 26, 2024**

### **Text Amendment to Daycare Regulations**

**February 2024**



**URBAN AND RURAL PLANNING ACT, 2000**

**RESOLUTION TO ADOPT**

**CITY OF ST. JOHN'S Development Regulations, 2021**

**Amendment Number 26, 2024**

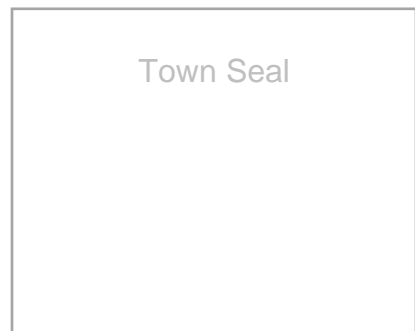
Under the authority of section 16 of the *Urban and Rural Planning Act, 2000*, the City Council of St. John's adopts the City of St. John's Development Regulations Amendment Number 26, 2024.

Adopted by the City Council of St. John's on the 20th day of February, 2024.

Signed and sealed this \_\_\_\_ day of \_\_\_\_\_.

Mayor: \_\_\_\_\_

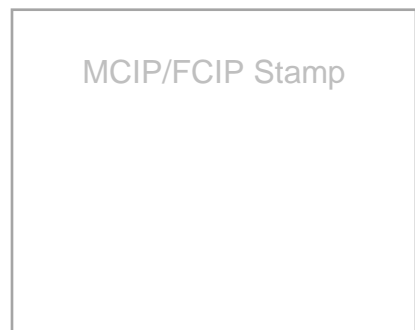
Clerk: \_\_\_\_\_



**Canadian Institute of Planners Certification**

I certify that the attached City of St. John's Development Regulations Amendment Number 26, 2024 has been prepared in accordance with the requirements of the *Urban and Rural Planning Act, 2000*.

MCIP/FCIP: \_\_\_\_\_



Development Regulations/Amendment	
<b>REGISTERED</b>	
Number	_____
Date	_____
Signature	_____

## **CITY OF ST. JOHN'S**

### **Development Regulations Amendment Number 26, 2024**

#### **BACKGROUND AND ANALYSIS**

The City received concerns from the province that the City's daycare regulations do not align with provincial regulations with respect to language, floor area of the daycares, and number of children permitted. The purpose of this amendment is to address the concerns. Where possible, references to maximum areas within the home have been removed and definitions updated to match the province's terms.

Following initial consultation, Council recommended additional changes to make daycares within dwellings a Permitted Use in residential zones. Under the current Development Regulations, a daycare within a home is considered a Home Occupation. The proposed amendment will create a new use, Family Child Care Service (childcare within a home), and set conditions for that use. Family Child Care Service will be a Permitted Use in most Residential zones, and a Discretionary Use in Zones where dwellings are discretionary, such as the Agriculture (AG), Forestry (F) and Rural (RUR) Zones.

During the amendment review, St. John's Regional Fire Department (SJRFD) advised that a Daycare Centre is considered priority 1 (highest risk priority). SJRFD advises there are challenges in areas that are not serviced by municipal water (unserved areas) and further challenges with dry hydrants and underground tanks, which are required for an unserved area. Some unserved areas are located where the response times are over the recommended response as per NFPA. With respect to Daycare Centres, if a fire occurs, evacuation will need to be managed solely by staff, which is concerning with the type of occupants in the building. Given the mitigating factors, SJRFD does not consider it ideal to build a Daycare Centre in an unserved area. Therefore, this amendment removes Daycare Centre from the Rural Residential (RR) Zone and Rural Village (RV) Zone. At this point, the City does not have any Daycare Centres in unserved areas.

Section 4.2.1 of the St. John's Municipal Plan states that the City will accommodate daycare services in appropriate locations within residential neighbourhoods and workplace contexts. This text amendment is in line with the Municipal policy and will help clarify the requirements for daycares. An amendment to the Municipal Plan is not required.

#### **PUBLIC CONSULTATION**

The proposed amendment was initially advertised on three occasions in The Telegram newspaper on August 19, August 26, and September 2, 2023. A notice of the amendment was posted on the City's website, and on the Planning Engage Page. City staff met with provincial staff and a representative from Family and Child Care

Connections to review the proposed changes. The City also forwarded the public notice to the Association of Early Childhood Educators NL for disbursement to their members. One submission was received by the City Clerk's Office and two comments were made on the project Engage Page. Comments were in support of the amendment.

While there were no concerns with the proposed changes, it was raised during consultation meetings that the process for Daycare Centres can be lengthy, especially given the current need for child care services. Council then proposed additional changes to add Family Child Care Service as a Permitted Use in residential zones and add Daycare Centre as a Permitted Use in various commercial and institutional zones. These changes were advertised on three occasions in The Telegram newspaper on November 11, November 18, and November 25, 2023. Subsequent changes regarding Daycare Centre in unserved areas was advertised on January 20, January 27 and February 3, 2024. During both occasions, a notice of the amendment was also posted on the City's website, on the Planning Engage Page, and forwarded to provincial staff. No further submissions were received.

Submissions received are included in Council's February 20, 2024 Regular Council Meeting agenda.

#### **ST. JOHN'S URBAN REGION REGIONAL PLAN**

The proposed amendment is in line with the St. John's Urban Region Regional Plan. An amendment to the St. John's Urban Region Regional Plan would not be required to amend regulations regarding Daycare Centre and Family Child Care Service.

#### **ST. JOHN'S DEVELOPMENT REGULATIONS AMENDMENT NUMBER 26, 2024**

The City of St. John's Development Regulations, 2021 is amended by:

- 1) **Repealing Daycare Centre in Section 2 - Definitions, which states:**  
**"DAYCARE CENTRE means a Building or part of a Building in which licensed child care services are provided to more than 5 non-resident children at any one time."**

**and replacing it with the following:**

**"CHILD CARE CENTRE means a Building or part of a Building in which child care services are provided, as approved by the Province, but does not include Family Child Care Service."**

- 2) **Adding the following to Section 2 – Definitions:**  
**"FAMILY CHILD CARE SERVICE means a dwelling in which a child care service provider, as approved by the Province, lives and operates a child care service."**

- 3) Repealing Section 6.4 (c) regarding Adult Massage Parlour, which states:  
“(c) 150 metres of a School, a Place of Worship or Daycare Centre.”

and replacing it with the following:

“(c) 150 metres of a School, a Place of Worship or Child Care Centre.”

- 4) Repealing Section 6.12 Daycare Centre, which states:

**“6.12 DAYCARE CENTRES**

**6.12.1 Daycare Centre in Residential Use**

A Daycare Centre in a Residential Use shall:

- (a) not exceed the lesser of 60 metres square or 40% of the Floor Area of the Dwelling Unit in which it is situate;
- (b) be clearly delineated and separated from any other occupancies in the Building; and
- (c) comply with all applicable Provincial and Municipal legislation.

**6.12.2 Daycare Centre in Non-Residential Use**

A Daycare Centre in a non-Residential Use shall:

- (a) be clearly delineated and separated from any other occupancies in the Building;
- (b) comply with all applicable Provincial and Municipal legislation; and
- (c) where located in a Residential Zone, maintain the following minimum standards:

Standard	Residential Zones					
	R1	R2	R3	RD	RM	RQ
Lot Area (minimum)	600 metres square	450 metres square	450 metres square	450 metres square	450 metres square	450 metres square
Lot Frontage (minimum)	18 metres	15 metres	15 metres	15 metres	15 metres	15 metres
Landscaping Front yard (minimum)	50%	50%	50%	N/A	50%	N/A”

And replacing it with the following:

**“6.12 CHILD CARE CENTRES**

**6.12.1 Child Care Centre in Residential Use**

A Child Care Centre in a Residential Use shall:

- (a) be clearly delineated and separated from any other occupancies in the dwelling; and
- (b) comply with all applicable Provincial and Municipal legislation.

**6.12.2 Child Care Centre in Non-Residential Use**

A Child Care Centre in a non-Residential Use shall:

- (a) be clearly delineated and separated from any other occupancies in the Building;
- (b) comply with all applicable Provincial and Municipal legislation; and
- (c) where located in a Residential Zone, maintain the following minimum standards:

Standard	Residential Zones					
	R1	R2	R3	RD	RM	RQ
Lot Area (minimum)	600 metres square	450 metres square	450 metres square	450 metres square	450 metres square	450 metres square
Lot Frontage (minimum)	18 metres	15 metres	15 metres	15 metres	15 metres	15 metres
Landscaping Front yard (minimum)	50%	50%	50%	N/A	50%	N/A

- 5) Repealing Section 6.13(1) and 6.13(2) regarding a Drive Through, which states:

“(1) A Drive Through shall be a Discretionary Use when located within 150 metres of:

- (a) a Residential Zone;
- (b) an Apartment Zone;
- (c) a Residential Use;
- (d) a School;
- (e) a Daycare Centre;
- (f) an Adult Day Centre; or
- (g) a Place of Worship

(2) A separation distance between the closest edge of the nearer of a Drive Through Stacking Lane or an on-site traffic lane designed to bypass a Stacking Lane shall be provided as follows:

From the boundary of a Residential or Apartment Zone	Minimum of 10 metres
From a Residential Use located in a zone which is not exclusively for residential purposes	Minimum of 3 metres
From a School, Daycare Centre, Adult Day Centre or Place of Worship	Minimum of 3 metres”

and replacing it with the following:

“(1) A Drive Through shall be a Discretionary Use when located within 150 metres of:

- (a) a Residential Zone;
- (b) an Apartment Zone;
- (c) a Residential Use;
- (d) a School;
- (e) a Child Care Centre;

- (f) an Adult Day Centre; or
- (g) a Place of Worship

(2) A separation distance between the closest edge of the nearer of a Drive Through Stacking Lane or an on-site traffic lane designed to bypass a Stacking Lane shall be provided as follows:

From the boundary of a Residential or Apartment Zone	Minimum of 10 metres
From a Residential Use located in a zone which is not exclusively for residential purposes	Minimum of 3 metres
From a School, Child Care Centre, Adult Day Centre or Place of Worship	Minimum of 3 metres"

6) Adding the following to Section 6 – Specific Developments

“6.14 Family Child Care Service

A Family Child Care Service shall:

- (a) comply with all applicable Provincial and Municipal legislation; and
- (b) the operator of the Family Child Care Service shall maintain their primary residence at the property.”

and renumbering remaining sections.

7) Following renumbering, updating references in Section 6 - Specific Developments by:

- (a) Changing reference in Section 6.25(3)(a) from “Section 6.25 (3)” to “Section 6.26 (3)”.

8) Repealing Section 8.3 Parking Standards regarding Daycare Centre, which states:

“Type or Nature of Building	Range of Parking Spaces	
	Minimum	Maximum
Daycare Centre	1 parking space for every 3 employees together with 1 parking space for every 100 m2 of Gross Floor Area	1 parking space for every 3 employees together with 1 parking space for every 15 m2 of Gross Floor Area”



and replacing it with the following:

"Type or Nature of Building	Range of Parking Spaces	
	Minimum	Maximum
Child Care Centre	1 parking space for every 3 employees together with 1 parking space for every 100 m2 of Gross Floor Area	1 parking space for every 3 employees together with 1 parking space for every 15 m2 of Gross Floor Area"

- 9) Adding the following to Section 8.3 Parking Standards regarding Family Child Care Service:

"Type or Nature of Building	Range of Parking Spaces	
	Minimum	Maximum
Family Child Care Service	Zero if on-street parking is available.	4 parking spaces."

- 10) Repealing "Daycare Centre" from the following Zones:

Residential 1 (R1) Zone  
 Residential 2 (R2) Zone  
 Residential 3 (R3) Zone  
 Residential Downtown (RD) Zone  
 Residential Mixed (RM) Zone  
 Residential Quidi Vidi (RQV) Zone  
 Apartment 1 (A1) Zone  
 Apartment 2 (A2) Zone  
 Apartment 3 (A3) Zone  
 Apartment Downtown (AD) Zone  
 Apartment Harvey Road (AHR) Zone  
 Apartment Special (AA) Zone  
 Atlantic Place (AP) Zone  
 Commercial Downtown (CD) Zone  
 Commercial Downtown Mixed (CDM) Zone  
 Commercial Downtown Mixed 2 (CDM2) Zone  
 Commercial Highway (CH) Zone  
 Commercial Kenmount (CK) Zone  
 Commercial Local (CL) Zone  
 Commercial Local – Downtown (CLD) Zone  
 Commercial Mixed Use (CM) Zone  
 Commercial Neighbourhood (CN) Zone  
 Commercial Office (CO) Zone

**Commercial Office Hotel (COH) Zone  
Commercial Regional (CR) Zone  
Industrial Commercial (IC) Zone  
Industrial Quidi Vidi (IQV) Zone  
Institutional (INST) Zone  
Institutional Downtown (INST-DT) Zone  
Rural Residential (RR) Zone  
Rural Residential Infill (RRI) Zone  
Rural Village (RV) Zone  
Planned Mixed Development 1 (PMD1) Zone**

**11) Adding “Child Care Centre” as a Permitted Use to the following Zones:**

**Residential Mixed (RM) Zone  
Apartment 1 (A1) Zone  
Apartment 2 (A2) Zone  
Apartment 3 (A3) Zone  
Apartment Downtown (AD) Zone  
Apartment Special (AA) Zone  
Atlantic Place (AP) Zone  
Commercial Downtown (CD) Zone  
Commercial Downtown Mixed (CDM) Zone  
Commercial Downtown Mixed 2 (CDM2) Zone  
Commercial Highway (CH) Zone  
Commercial Kenmount (CK) Zone  
Commercial Local (CL) Zone  
Commercial Local – Downtown (CLD) Zone  
Commercial Mixed Use (CM) Zone  
Commercial Neighbourhood (CN) Zone  
Commercial Office (CO) Zone  
Commercial Office Hotel (COH) Zone  
Commercial Regional (CR) Zone  
Industrial Commercial (IC) Zone  
Institutional (INST) Zone  
Institutional Downtown (INST-DT) Zone  
Planned Mixed Development 1 (PMD1) Zone**

**12) Adding “Child Care Centre in Residential Use” as a Permitted Use to the following Zone:**

**Apartment Harvey Road (AHR) Zone**

**13) Adding “Child Care Centre” as a Discretionary Use to the following Zones:**

**Residential 1 (R1) Zone  
Residential 2 (R2) Zone  
Residential 3 (R3) Zone  
Residential Downtown (RD) Zone  
Residential Quidi Vidi (RQV) Zone**

**Industrial Quidi Vidi (IQV) Zone**  
**Rural Residential Infill (RRI) Zone**

**14) Adding “Family Child Care Service” as a Permitted Use to the following Zones:**

**Residential 1 (R1) Zone**  
**Residential 2 (R2) Zone**  
**Residential 2 Cluster (R2C) Zone**  
**Residential 3 (R3) Zone**  
**Residential Battery (RB) Zone**  
**Residential Downtown (RD) Zone**  
**Residential Mixed (RM) Zone**  
**Residential Quidi Vidi (RQV) Zone**  
**Residential Special (RA) Zone**  
**Apartment 1 (A1) Zone**  
**Apartment 2 (A2) Zone**  
**Apartment 3 (A3) Zone**  
**Apartment Downtown (AD) Zone**  
**Apartment Harvey Road (AHR) Zone**  
**Apartment Special (AA) Zone**  
**Rural Residential (RR) Zone**  
**Rural Residential Infill (RRI) Zone**  
**Rural Village (RV) Zone**

**15) Adding “Family Child Care Service” as a Discretionary Use to the following Zones:**

**Agriculture (AG) Zone**  
**Forestry (F) Zone**  
**Rural (RUR) Zone**

**16) Updating references (due to renumbering) in Section 10 – Use Zone Schedules from “Section 6.15” to “Section 6.16” in the following Zones:**

**Commercial Downtown (CD) Zone Section (4)**  
**Commercial Highway (CH) Zone Section (5)**  
**Commercial Kenmount (CK) Zone Section (4)**  
**Commercial Mixed Use (CM) Zone Section (5)**  
**Commercial Neighbourhood (CN) Zone Section (4)**  
**Commercial Regional (CR) Zone Section (6)**  
**Industrial Commercial (IC) Zone Section (5)**