

**Township of Schreiber
Policy Statement G-2007-05**

NOTICE PROVISION POLICY

The *Municipal Act, 2001* (the Act) requires that all municipalities adopt and maintain a policy with respect to the circumstances in which the municipality shall provide Notice to the public and if Notice is to be provided, the form, manner and times Notice shall be given. The purpose of this policy is to establish standards for the giving of reasonable Notice. This policy applies to all committees of Council, departments and staff.

The manner and form of Notice dictated in this policy shall be deemed minimum requirements. Additional methods of giving Notice may be undertaken at the discretion of the Clerk or as directed by Council. Notwithstanding the Notice requirements defined in this Policy, where the giving of Notice to the public is required by legislation, Council may provide additional Notice, reduce or amend such requirements upon passage of a resolution at a duly called meeting of Council, provided the motion dictates an alternate method of giving Notice deemed to be in a form and manner adequate to the circumstances. Where the giving of Notice to the public is not required by legislation, Council may waive the Notice requirements dictated in the Policy by passage of a resolution at a duly called meeting of Council.

STATEMENT OF INTENT

The Council of the Municipality, as a duly elected municipal government, is directly accountable to its constituents for its legislative decision making, policies, and administrative functions. In order to be accountable to the public, and transparent in its conduct, Council recognizes and respects the principle of public information and consultation, and the need to communicate with the public in a timely and efficient manner is vital to this process.

CORPORATE VALUES

Vision Statement

Our vision is growth for our community.

To do this, we will pro-actively:

- promote and enhance the unique Schreiber experience
- pursue new opportunities
- establish strategic alliances
- position Schreiber to act on opportunities

in keeping with our quality lifestyle.

Mission Statement

To respond to community needs and provide services with pride and respect in a friendly manner, to the best of our abilities.

DEFINITIONS

For the purposes of this policy, the following shall be established as follows:

Act – The Municipal Act 2001, RSO.

Clerk - The Clerk of the Township of Schreiber.

Council - The Council of the Corporation of the Township of Schreiber.

Newspaper – a printed publication in sheet form, intended for general circulation, published regularly at intervals of not longer than a week, consisting in great part of news of current events of general interest and provided to the public and/or general subscribers.

Notice – a written, printed, published, verbal, electronic or posted notification or announcement.
Township - The Corporation of the Township of Schreiber.

Website - the official Township of Schreiber website www.schreiber.ca

NOTICE CLASSIFICATIONS

For the purposes of this policy, the following shall be established as the Notice classifications:

Group Notice #1

This area of Notice infers to the personal Notice to an individual or a limited number of people. It targets a very select group. It is recommended that this Notice be sent by registered mail to the last known address or hand delivered. In certain instances, Notice by way of regular mail may suffice.

Group Notice #2

Advertisement published in a newspaper once a week for three consecutive weeks and published on the Township of Schreiber website.

Group Notice #3

Public Notice to be in the form of any or all of the following:

1. published in a newspaper at a minimum of one week prior to the passing of the bylaw;
2. declared at an open meeting of Council that the subject will be placed on the next regularly scheduled meeting of Council;
3. set out on the Council Agenda that is subsequently posted on the Township of Schreiber website prior to a Council meeting.

Group Notice #4

Notice by letter through regular mail of the content and the passage of a bylaw to the appropriate parties, (i.e. School Boards, Assessment Office, other government agencies). As a courtesy the Township may post it on the website.

CONTENT OF NOTICE

Unless otherwise prescribed in the Act or its regulations, where Notice of intention to pass a by-law or Notice of a public meeting is required to be given, the form of the Notice shall include the following information:

1. Heading/Title noting subject of Notice;
2. Preamble providing the authority for the Notice;
3. Outline of the subject matter and purpose/effect of the Notice;
4. Date, time and location of the meeting at which the matter will be considered;
5. Inclusion of a map indicating affected jurisdiction and/or description as deemed applicable to providing reasonable Notice;
6. Description of how and where comments and/or objections and/or appeal process may be made;
7. Name and address of the person who will receive written comments on the issue that is the subject of the meeting, and the deadline for receiving such comments;

8. Identification of manner of Notice provided as applicable under the requirements of this policy; and
9. Inclusion of a signature line and/or printed name and date.

DEEMED MINIMUM STANDARDS

The manner and form of Notice dictated in this policy shall be deemed minimum requirements. Nothing in this policy shall prevent the Clerk from using more comprehensive methods of Notice or providing for a longer Notice period.

GENERAL

1. Where separate bylaws have been enacted in accordance with provisions contained in the Act, the Notice provisions set out in such bylaws shall prevail.
2. No Notice shall be required under this policy where the provision of Notice will interfere with the ability of Council to conduct business with respect to a matter permitted for a closed session under Section 239 of the Act.

EMERGENCY PROVISION

If a matter arises, which in the opinion of the Clerk, in consultation with the Mayor, is considered to be of an urgent or time sensitive nature, or which could affect the health or well-being of the residents of the Township of Schreiber, or if a State of Emergency is declared, or if so advised by a Provincial Ministry, the Notice requirements of this By-law may be waived, and the Clerk shall make his/her best efforts to provide as much prior Notice as is reasonable under the circumstances. Failing to provide Notice prior to the action, the Clerk shall provide Notice as soon as practicable following the action.

ALTERNATE METHOD BY COUNCIL RESOLUTION

Notwithstanding the Notice requirements defined in this Policy, where the giving of Notice to the public is required by legislation, Council may provide additional Notice, reduce or amend such requirements upon passage of a resolution at a duly called meeting of Council, provided the motion dictates an alternate method of giving Notice deemed to be in a form and manner adequate to the circumstances. Where the giving of Notice to the public is not required by legislation, Council may waive the Notice requirements dictated in the Policy by passage of a resolution at a duly called meeting of Council.

NOTWITHSTANDING PROVISION

Where Notice of intention to pass a bylaw or Notice of a public meeting is required to be given and the timeframe for such Notice is not already prescribed in the Act or its Regulations or otherwise addressed in this policy, Notice shall be given by publication in a newspaper no less than 4 days prior to the proposed activity to be undertaken.

The following shall be established as the Notice Provisions – Statutory Notice Per Municipal Act, 2001 RSO:

Section	Subject Matter	When Notice is Required	Time Limits Prescribed	Type of Notice Required (i.e.) - Public - Reasonable	Notice Requirements (minimum)
Section 48	Change / naming of private roads	A local municipality may name or change the name of a private road after giving public Notice of its intention to pass the bylaw.		Public	#2
Section 36	Depriving access to controlled access highways	Notice to the public and the owner of any land abutting the highway of intention to pass bylaw	Reasonable	Personal	#1
Section 81 (1)	Shut off of Public Utilities	Upon proposed shut-off by municipality of a public utility	Reasonable	Public	#1
Section 110 (8)	Tax Exemption Bylaw	<p>Upon the passing of a Bylaw under subsection (6), the Clerk of the municipality shall give written Notice of the contents of the Bylaw to:</p> <ol style="list-style-type: none"> 1. the assessment corporation 2. the Clerk of any other municipality that would, but for the Bylaw, have had authority to levy rates on the assessment for the land exempted by the Bylaw; and 3. the secretary of any school board if the area of jurisdiction of the board includes the land exempted by the Bylaw. 4. 		Written Notice	#4

Section	Subject Matter	When Notice is Required	Time Limits Prescribed	Type of Notice Required (i.e.) - Public - Reasonable	Notice Requirements (minimum)
Section 173 (3)	Restructuring Proposal	<p>Before the Council of a municipality votes on whether to support or oppose a restructuring proposal, the Council shall or may, as applicable, do the following things when the proposal is being developed or after it is developed:</p> <ol style="list-style-type: none"> 1. Council shall consult with the public by giving Notice of, and by holding, at least one public meeting. 2. Council shall consult with such persons or bodies as the Minister may prescribe. 3. Council may consult with such other persons and bodies as the municipality considers appropriate 	Prior to Council voting	Shall consult Consultations with public by holding one public meeting	#3 also through Ministerial regulations
Section 174 (12)	Commission on restructuring	The commission shall give Notice to the public in the prescribed geographic area advising them of the opportunity to inspect the restructuring proposal	set by the Commission	shall give Notice to the public in the prescribed geographic area advising them of the opportunity to inspect the restructuring proposal.	#3 set by the Commission
Section 206	Powers to establish Corporations (Improvement Areas) (BIA)	A board of management shall give reasonable Notice to the general membership of the improvement area of a meeting to hold a vote under clause 204 (3) (b) or for the purposes of a discussion under subsection 205 (1).	date and time set by municipality	to general membership	#3

Section	Subject Matter	When Notice is Required	Time Limits Prescribed	Type of Notice Required (i.e.) - Public - Reasonable	Notice Requirements (minimum)
Section 210	BIA Bylaw	Prior to passing a Bylaw and Prior to designating an area as an improvement area and establish a board of management and to set levy upon rateable property in the improvement area		Prepaid mail to the Board of Management of improvement area...and every person assessed for rateable property within improvement area	#1
Section 211	BIA - Repealing Bylaw	Council shall give Notice to repeal a Bylaw (s.204) if municipality received resolution or request	Before passing the Bylaw changing the name	A municipality shall give Notice before passing a Bylaw and shall hold at least one public meeting.	#1
Section 238(2.1)	Giving of Notice	The Procedural Bylaw shall provide for public Notice of meetings.	As approved by Council.	Public Notice	#3
Section 260 & 262	Council member resignation	Notice in writing filed with the Clerk (not effective if it would reduce the numbers to less than a quorum).		Public in writing in accordance with Municipal Elections Act.	None
Section 268	Sale of land procedures	Prior to the sale of proposed land	As per Policy under Section 270	Public	#3
Section 283	Council remuneration & expenses	Council shall review a bylaw under subsection 5 at a public meeting at least once during the term of office of its members after a regular election	Public and holding of one public meeting	Public	#3
Section 291	Budget – adopt or amend	Prior to adopting or amending the budget, the municipality shall give public notice of its intentions	Reasonable Notice	Public	#3

Section	Subject Matter	When Notice is Required	Time Limits Prescribed	Type of Notice Required (i.e.) - Public - Reasonable	Notice Requirements (minimum)
Section 295	Financial Statements - Publication	Within 60 days after receiving the audited financial statements of the municipality for the previous year.	60 days after receipt	Public Notice	#3
Section 297	Auditor's right to attend - Right of Access	Auditor's entitlement to attend any meeting and receive all Notices relating to the meeting and to make representation as required.	As requested	Reasonable Notice	#1
Section 307	Establishment of Tax Ratios	Ministerial regulations requiring municipalities to give notice of tax ratios	Reasonable	Public	#3
Section 331	Taxes on Eligible Properties	The local municipality shall mail to the owner of each eligible property the list of the comparable properties and the determination made under subsection (2) with respect to that eligible property within 60 days after the date the list is received by the local municipality	Within 60 days	List of comparable properties	#1
Section 343	Notice of Tax Bill	The Treasurer shall send a tax bill to every taxpayer at least 21 days before any taxes shown on the tax bill are due.	21 days prior to due date	Notice of Tax Bill	#1
Section 348	Determination of Tax Status	Upon making the determination of every tax account as of December 31 st of the preceding year	By February 28 th in each year	Notice of Tax Arrears & related late payment charges	#1
Section 350	Obligations of tenant - taxes owed	Taxes owed in respect of any land occupied by tenant		To tenant in writing requiring tenant to pay rent in respect of the land	#1
Section 351	Seizure personal property - Public Auction	When Treasurer sells all or part of seized personal property to recover taxes & costs of seizure	at time set by Treasurer	Public Notice	#1 & #3

Section	Subject Matter	When Notice is Required	Time Limits	Type of Notice Required (i.e.) - Public - Reasonable	Notice Requirements
Section 357 (6)	Cancellation, reduction, refund of taxes	Within 14 days after making its decision, Council shall notify the applicants of the decision and specify the last day for appealing the decision	Within 14 days of decision	Applicant and ARB	#1
Section 358	Overcharges caused by a gross or manifest error	Treasurer to send copy of application to the Assessment Corporation and Assessment Review Board; and to notify applicant of invalid application	On or before September 30 th of the year following the year in which the application is made	Hold a meeting where applicant may make representation to the Council	#1 and #4
Section 359	Increase of Taxes as a result of any undercharge caused by a gross or manifest error...but not an error in judgement in assessing the land	Upon application made by the Treasurer	Within the year in which the application is made	In writing to the person in respect of whom the application is made	#1 and #4

Section	Subject Matter	When Notice is Required	Time Limits Prescribed	Type of Notice Required (i.e.) - Public - Reasonable	Notice Requirements (minimum)
Section 374 (1)	Notice of Registration of Tax Arrear Certificate	<p>Within 60 days after the registration of a tax arrears certificate, the treasurer shall send a Notice of the registration of the certificate to the following persons:</p> <ol style="list-style-type: none"> 1. The assessed owner of the land. 2. Where the land is registered under the <i>Land Titles Act</i>, every person appearing by the parcel register and by the index of executions for the area in which the land is situate to have an interest in the land on the day the tax arrears certificate was registered, other than a person who has an interest referred to in clause 379 (7.1) (a) or (b). 3. Where the <i>Registry Act</i> applies to the land, every person appearing by the abstract index and by the index of executions for the area in which the land is situate to have an interest in the land on the day the tax arrears certificate was registered, other than a person who has an interest referred to in clause 379 (7.1) (a) or (b). 2001, c. 25, s. 374 (1); 2006, c. 32, Sched. A, s. 153. 	Within 60 days	Notice of Registration of certificate	#1

Section	Subject Matter	When Notice is Required	Time Limits Prescribed	Type of Notice Required (i.e.) - Public - Reasonable	Notice Requirements (minimum)
Section 379 (1)	Public Sale (Tax Arrears Certificate)	If the cancellation price remains unpaid 280 days after the day the tax arrears certificate is registered, the treasurer, within 30 days after the expiry of the 280-day period, shall send to the persons entitled to receive Notice under section 374 a final Notice that the land will be advertised for public sale unless the cancellation price is paid before the end of the one-year period following the date of the registration of the tax arrears certificate	within 30 days after the expiry of the 280-day period	Final Notice that land will be advertised for public sale - unless the cancellation price is paid before the end of the one-year period following the date of the registration of the tax arrears certificate.	#1
Section 380 (3)	Payment into Court - proceeds of sale	after making a payment into court under subsection 380(2) (following sale of land)	within 60 days	copy of a statement to the Public Guardian and Trustee and to the persons to whom the treasurer sent Notice under subsection 379(1)	#1
Section 388 (2)	Notice of forfeiture registered	If, before January 1, 2004 a Notice of forfeiture was registered with respect to any land under section 23 of the Municipal Tax Sales Act, 1984, the land is vested in the municipality upon registration as it read on December 31, 2002,	Before January 1, 2004	Registration of a Notice of forfeiture	#1
Section 400 - Regulations	Fees and Charges imposed by a municipality on a person constitute a debt of the person ~ amount owing added to tax roll	Prior to passing a bylaw imposing the fees and charges which have priority lien status which are added the tax roll.	none provided	Notice of intent to pass a Bylaw ~ In the manner and form and at the times As prescribed by the Minister	#1

Section	Subject Matter	When Notice is Required	Time Limits	Type of Notice Required (i.e.) - Public - Reasonable	Notice Requirements
Section 435(2)	Conditions Governing Power of Entry	<p>When Notice is required, the Notice must satisfy the following requirements:</p> <ol style="list-style-type: none"> 1. Be given to the occupier of the land in respect of which the power of entry will be exercised. 2. Must be given within a reasonable time before the power of entry is exercised. 3. Must be given by personal service in the case of a proposed exercise of a power of entry under section 79, 80 or 446 in respect of a room or place actually used as a dwelling. 4. In the case of a proposed exercise of a power of entry other than one described in paragraph 3, the Notice must be given by personal service or prepaid mail or by posting the Notice on the land in a conspicuous place. 2006, c. 32, Sched. A, s. 184 	must provide reasonable Notice of the proposed entry	inform occupier of the land by personal service or prepaid mail or by posting the Notice on the land in a conspicuous place	#1
Section 447(3)	Closing premises , Public Nuisance	Notice to the Attorney General....Upon the application of a municipality, where activities or circumstances constitute a public nuisance.... the Superior Court of Justice may make an order...be closed to any use...not to exceed two years.	15 days Notice of its intention to make an application	Letter of application	#1
Section 440	Collection of unpaid licensing fines	Whenever any part of a fine for a contravention of a licensing Bylaw passed under the <i>Municipal Act</i> remains unpaid after the fine becomes due and payable under section 6 of the <i>Provincial Offences Act</i> .	No date specified	Written Notice specifying the amount of the fine payable and final date to pay (no less than 21 days after date of Notice)	#1