



## **Staff Report**

Council Meeting Date: January 27, 2025

Subject: SRCLK.2025.01 – Public Notice Policy

Report from: Christine Fraser-McDonald, Clerk

Attachments: DRAFT Public Notice Policy

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### **Recommendation**

Be It Resolved that Council hereby approves Report Number SRCLK.2025.01 – Public Notice Policy; and

That a by-law be brought back to the next available Council meeting to bring force and effect to this policy and that By-law 01-03 be rescinded in its entirety.

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### **Background**

Section 270 of the Municipal Act, 2001 (the “Act”) requires that all municipalities adopt and maintain several specific policies which provide a basis for decision-making to support clear and consistent implementation processes. One of the requirements is a policy which outlines the circumstances in which the municipality shall provide notice to the public and, if notice is to be provided, the form, manner and times in which notice shall be given.

Staff regularly review current policies to ensure they meet current legislation. It is recommended that this policy rescind and replace the existing 2003 policy.

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### **Analysis**

#### Municipal Act, 2001

At the time that the Municipal Act, 2001, came into effect, the new legislation removed several mandatory notice requirements and put the onus on municipalities to develop policies to lay out the circumstances of providing notice to

the public. The intent being that municipalities can determine how best to ensure the public is aware of matters being considered by their local Councils. With the understanding that local circumstances could mean public notice policies may, and perhaps should, differ from one municipality to another.

An example of a previous public notice requirement in the repealed Municipal Act relating to changes with highways:

300.(1) Before passing a by-law for stopping up, altering, widening, diverting, selling or leasing a highway or for establishing or laying out a highway,

- a) notice of the proposed by-law shall be published at least once a week for four successive weeks, and in the case of a village or of a township with a population of less than 40,000, shall be posted up for at least one month in six of the most public places in the immediate neighbourhood of the highway or proposed highway; and
- b) the council shall hear any person who claims that the person's land will be prejudicially affected by the by-law and who applies to be heard.

The removal of the specific legislated public notice requirement related to closing a road should not be assumed to mean that the province no longer saw the need for public notice in various situations, instead the change to the overall framework of the legislation was intended to acknowledge that municipalities could determine how best to provide such notice within their own communities.

In the 20 years since its adoption, the Municipal Act, 2001, has also seen amendments which removed certain legislated public notice requirements (e.g. budget adoption, fees and charges), again, not necessarily because public notice is not seen as valuable, but because the province recognizes that municipalities can make decisions in the best interests of their own communities and local circumstances.

For example, currently there is no legislated requirement to provide public notice to change the composition of a local municipal council, but there is a legislated notice and public meeting requirement for an upper-tier municipality to change the composition of its council. It is up to a local municipality to then determine if it is reasonable to provide public notice and hold a public meeting if it were to consider changes to its council composition, and if it is determined to be reasonable, then identify how and when such notice would be provided.

#### Other Public Notice Requirements

There continue to be a variety of laws and regulations which mandate specific notice requirements for municipalities. Various pieces of legislation (e.g. the Planning Act, the Building Code Act) provide detailed notice requirements related to municipal decision-making processes. The proposed policy confirms that these legislative provisions apply and will be followed but does not restate such notice requirements.

Key Portions of the Policy:

- The Municipality will continue to use the municipal website as the public outlet source for notices to generate annual budget savings by eliminating advertising costs associated with publishing notices in the newspaper.
- Confirms the opportunity for members of the public to speak to or submit correspondence regarding the matter being considered for some actions (e.g. changing the name of a private road).

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**Link to Strategic/Master Plan**

6.6 Modernizing Services

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**Financial Impacts/Source of Funding/Link to Procurement Policy**

There are no direct financial implications associated with the report or draft policy. Although, the carrying out of the notice requirements may incur costs that would already be accounted for in the appropriate operating or capital budgets.

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Approved by: Emily Dance, Chief Administrative Officer