

**THE CORPORATION OF THE TOWN OF ERIN**

**BY-LAW # 10 – 50**

Being a By-Law to prescribe the form and manner and times for the provision of notice.

**WHEREAS** Section 270(1) of the Municipal Act, 2001, S.O. 2001, c. 25, makes provision in part, that Municipalities adopt and maintain policies for circumstances in which the Municipality shall provide notice to the public, including the form, manner and times notice shall be provided;

**AND WHEREAS** the Municipal Act 2001, S.O. 2001, c. 25, requires a municipality to give notice to the public generally of its intention to pass certain by-laws, notice of the holding of certain required public meetings and notice of other matters;

**AND WHEREAS** Section 8(1) of the Municipal Act 2001, S.O. 2001 c. 25 provides in part that the powers of a municipality under the Municipal Act shall be interpreted to enable the municipality to govern its affairs as it considers appropriate;

**AND WHEREAS** it is deemed advisable to establish a public notice policy;

**NOW THEREFORE** the Council of the Corporation of the Town of Erin **ENACTS AS FOLLOWS:**

1. In this by-law

“Act” means the Municipal Act, 2001, S.O. 2001, c. 25

“Clerk” means the Clerk of the Town of Erin;

“Municipality” shall mean The Corporation of the Town of Erin;

“Newspaper” shall have the same meaning of newspaper in Subsection 29(1) of the Interpretation Act, as amended from time to time, which presently reads as follows: “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 sold to the public and to regular subscribers”;

“Notice”

- “Notice to the Public” or “Public Notice” shall mean notice given to the public generally, but does not include notice given only to specified persons.
- “Notice Page” shall mean the page where notices are posted on the Town of Erin’s website.
- “Personal Notice” shall mean notice given to a specified person or persons by personal service, and shall be deemed to be completed on the day that the serving of all required notices is completed.
- “Notice by Mail” shall mean notice given to a specified person or persons by pre-paid first class mail and shall be deemed to be completed on the day that the mailing of all required notices is completed.

2. Where the municipality is required to give public notice pursuant to a provision of the Municipal Act or where Council deems it appropriate to prescribe notice, notice shall be given in a form and manner indicated as shown on Schedule “A” attached.

3. A public notice given under the provisions of clause 2 of this By-Law, utilizing the Town of Erin's website, shall be sufficient even if the Town of Erin website is not accessible at all times during the public notice posting period.
4. Notwithstanding the provision of this By-Law to the contrary, clause 2 shall not be applicable where:
  - a. The Municipal Act, or another Act or regulation prescribe specific notice requirements, or
  - b. The Town of Erin Council directs that public notice be given in the manner different from the public notice provision of clause 2.
5. A public notice given under the provision of this By-Law shall contain the following information:
  - a. A general description of the matter; and
  - b. Where the matter relates to a defined location, sufficient particulars of the location such as a key map, municipal address or legal description; and
  - c. The date, item and location of the Council meeting at which the matter will be considered; and
  - d. The instructions for obtaining additional information.
6.
  - a. If a matter is deferred at a Council meeting or if a matter is considered at a subsequent Council meeting, no additional public notice shall be required, except where the Municipal Act, other Provincial Statute provides otherwise, or if the Council directs that additional public notice be given.
  - b. If the matter is considered at a subsequent Council Meeting, no additional notice is required, except where the Municipal Act or other Provincial Statute provides otherwise.
7. The public notice requirements of this By-Law are minimum requirements and Council, Clerk or the Town Manager are authorized to provide additional public notice if reasonable and necessary under the circumstances.
8. No public notice shall be required under the provision of this By-Law where the Council is authorized by the Municipal Act to consider a matter in a meeting closed to the public.
9. If a matter arises, which in the opinion of the Town Manager, 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 Town of Erin, 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 notice as is reasonable under the circumstances.
10. That the effective date of this By-Law shall be the date of final passage thereof.

**READ A FIRST, SECOND AND  
THIRD TIME AND FINALLY PASSED  
THIS 24 DAY OF August 2010.**

  
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Mayor

  
\_\_\_\_\_  
Clerk

Schedule "A"  
To By-Law #10 - 50

**Group 1 Notice:** **Personal Notice to an Individual or a Limited Number of People and/or to required Agencies and/or to other levels of government** – included on agenda and published prior to the meeting and posted on the Town's website.

**Format: first class mail to the last known address or hand deliver.**

**Group 2 Notice:** **Advertisement/notice** published in a newspaper having regular publication and **Notice shall be placed at least 14 days prior to passing the By-Law** – included on agenda and published prior to the meeting and posted on the Town's website.

**Format: Printed in a newspaper 14 days prior to passing.**

**Group 3 Notice:** **Advertisement/notice** published in a newspaper and posted on the Town's website.

**Format: One insertion in a newspaper.**

**Group 4 Notice:** **Advertisement/notice** posted on the Town's website.

**Group 5 Notice:** **Notice** included on agenda published prior to the meeting and posted on the Town's website.

Municipal Act Part/Section	Subject Matter	Basic Requirement	Notice Class	Department Accountable for Ensuring Notice is Given
34(1)	Highway Closing Permanent	<p><b>No Statutory requirement for Notice</b>            Advertisement/notice published in a local newspaper having a regular publication at least 14 days prior to passing By-Law.            Included on agenda published prior to the meeting and posted on the Town's website.</p>	# 2 14 days notice	Planning
48	Naming of Private Roads	<p><b>Statutory requirement for Notice.</b>            Municipality shall give public notice of intention to pass By-Law by newspaper advertisement at least 14 days prior to passing By-Law and posted on the Town's website.</p>	# 2 14 days notice	Planning
81	Shut-off of Public Utilities	<p><b>Statutory requirement for Notice.</b>            Provide reasonable notice of the proposed shut-off to the owners and occupants of the land by personal service or prepaid mail or by posting the notice on the land in a conspicuous place.</p>		Water
99	Advertising Devices - Signage	<p><b>No Statutory requirement for Notice.</b>            Notice posted on the Town's website prior to passing of the By-Law</p>	# 4	Administration
110(5)	Capital Facilities Agreements	<p><b>Statutory requirement for Notice.</b>            Written notice of By-Law to the Minister of Education</p>	# 1	Finance
110(8)	Tax Exemption By-Law	<p><b>Statutory requirement for Notice.</b>            Notice of contents of the By-Law passed under Subsection (6) to be given to (a) the assessment corporation, (b) the clerk of any other municipality that would, but for the By-Law, have had authority to levy rates on the assessment for the land exempted under the By-Law (c) the secretary of any school board if the area includes the land exempted by the By-Law.</p>	# 1	Finance
132	Adjacent - Building, Fence or other Structures on the Land	<p><b>Statutory requirement for Notice.</b>            The owner or occupant of the land shall provide reasonable notice of the proposed entry to the occupier of the adjoining land by personal service or prepaid mail or by posting the notice on the land in a conspicuous place.</p>	# 1	Water

Municipal Act Part/Section	Subject Matter	Basic Requirement	Notice Class	Department Accountable for Ensuring Notice is Given
149	Annual Farm Dues	<p><b>Statutory requirement for Notice.</b> A local municipality may authorize the annual dues of members of any farm organization approved by the Minister of Agriculture Food and Rural Affairs to be entered on the tax roll and collected in the same manner as taxes. Notice to the member by personal service or prepaid mail</p>	# 1	Finance
151	Municipal By-Law – General Licensing Powers	<p><b>No Statutory requirement for Notice.</b> Public notice posted on the Town’s website at least 14 days prior to passage of By-Law. At least one public meeting shall be held at which any person who attends has an opportunity to make representation with respect to the matter.</p>	# 4	Administration
173	Proposal to Restructure - Consultation	<p><b>Statutory requirement for Notice.</b> Before the council of a municipality votes on whether to support or oppose a restructuring proposal, the council shall consult with the public by giving notice of and hold at least one public meeting.</p>	# 3	Administration
187	Change of Name	<p><b>No Statutory requirement for Notice.</b> Provide public notice of intent to pass By-Law by newspaper advertisement at least 14 days prior to passing the By-Law and posted on the municipal website. Copy of the By-Law to be sent to the Director of Titles appointed under the Land Titles Act and to the Minister promptly after passage.</p>	# 1 & # 2	Administration
210	Business Improvement Areas - Notice	<p><b>Statutory requirement for Notice.</b> Before passing a By-Law to establish an area as an improvement area – subsection 204(1), to set a levy upon rateable property in the improvement area – clause 203(2) b), subsection 208(3) or to alter the boundaries of the improvement area – subsection 209, notice of the proposed By-Law shall be sent by pre-paid mail to the Board of Management of the Improvement Area, if any, and to every person who, on the last returned assessment roll, is assessed for rateable property that is in a prescribed business property class which is located (a) where the improvement area already, exists, in the improvement area and in any geographic area the proposed By-Law would add to the improvement area and (b) where a new improvement area would be created by proposed By-Law, in the proposed improvement area.</p>	# 1	Administration

Municipal Act Part/Section	Subject Matter	Basic Requirement	Notice Class	Department Accountable for Ensuring Notice is Given
211	Business Improvement Areas – Repeal of By-Law	<p><b>Statutory requirement for Notice.</b></p> <p>(1) Council shall give notice in accordance with subsection 210(1) of a proposed By-Law to repeal a By-Law under subsection 204(1) if the municipality has received (a) a resolution from the Board of Management requesting the repeal, or (b) a request for the repeal signed by persons who are responsible for at least one-third of the taxes levied for the purposes of the general local municipal levy on rateable property in all prescribed business property classes in the improvement area.</p>	# 1 within 60 days of receiving the resolution or request	Administration
216	Dissolution of Local Boards - Restriction	<p><b>No Statutory requirement for Notice.</b></p> <p>Before passing a By-Law the municipality shall give notice of the intention to pass the by-law at least 14 days prior to passage and post on the Town's website and on the County's website if applicable, and hold at least one public meeting to consider the matter</p>	# 2 Hold at least 1 public meeting.	Administration
217	Council Composition	<p><b>No Statutory requirement for Notice.</b></p> <p>Before passing a By-Law the municipality shall give notice of the intention to pass the By-Law at least 14 days prior to passage and post on the Town's website and hold at least one public meeting to consider the matter.</p>	# 2 Hold at least 1 public meeting.	Administration
222	Wards – Establishment of Wards	<p><b>No Statutory requirement for Notice.</b></p> <p>Before passing a By-law the municipality shall give notice of the intention to pass the By-Law at least 14 days prior to passage and post on the Town's website and hold at least one public meeting to consider the matter.</p>	# 2 Hold at least 1 public meeting.	Administration
222(3)	Wards – Establishment of Wards By-Law	<p><b>Statutory requirement for Notice.</b></p> <p>Within 15 days after a By-Law is passed the municipality shall give notice of the passing of the By-Law to the public specifying the last day for filing a notice of appeal .</p>	# 3	Administration
222(5)	Notices of Appeal to OMB	<p><b>Statutory requirement for Notice.</b></p> <p>Within 15 days after the last day of filing a notice of appeal, the municipality shall forward any notices of appeal to the Ontario Municipal Board.</p>	# 1 Notice to OMB within 15 days of the last filing date.	Administration

Municipal Act Part/Section	Subject Matter	Basic Requirement	Notice Class	Department Accountable for Ensuring Notice is Given
238	Procedure By-Law	<p><b>No Statutory requirement for Notice.</b>            Notice of intent to pass By-Law included on agenda published prior to the meeting and posted on the Town's website.</p>	# 5	Administration
291(1)	Adopt Budget	<p><b>No Statutory requirement for Notice.</b>            Before passing a budget By-Law under the provisions of Section 290, the municipality shall give notice of its intention to adopt the budget at a council meeting specified included on agenda published prior to the meeting and posted on the Town's website.</p>	# 5	Finance
291(1)	Amend Budget	<p><b>No Statutory requirement for Notice.</b>            Notice of Budget Amendments shall be indicated on reports published on the agenda prior to the meeting and posted on the Town's website.</p>	# 5	Finance
295	Publication of Financial Statement	<p><b>Statutory requirement for Notice.</b>            Within 60 days after receiving the audited financial statements of the municipality for the previous year, the Treasurer shall publish in a newspaper having general circulation in the municipality a copy of the audited financial statements, the notes to the financial statements, auditor's report and tax rate information for the current and previous year as contained in the financial review, or a notice that the information described previously will be made available at no cost to any taxpayer or resident of the municipality upon request, and may provide the information described previously to such persons and in such other manner as the Treasurer considers appropriate.</p>	# 3	Finance
297	Auditor's right to attend	<p><b>Statutory requirement for Notice.</b>            The auditor is entitled to receive all notices relating to any meeting of Council or Committees that any member is entitled to receive and to make representations at the meeting on any matter that concerns him or her as an auditor.</p>	# 1 As requested	Finance
308	Tax Ratios as Prescribed	<p><b>Statutory Requirement for Notice.</b>            The Minister of Finance may make regulations requiring municipalities that establish tax ratios to give notice of the tax ratios to such persons and in such manner as prescribed</p>	As Prescribed by Regulation.	Finance



Municipal Act Part/Section	Subject Matter	Basic Requirement	Notice Class	Department Accountable for Ensuring Notice is Given
318	Tax Phase-in	<p><b>Statutory Requirement for Notice.</b> The local municipality shall give a notice of demand of taxes payable in respect of which there is a phase-in and shall indicate the amount of taxes that would have been payable without the phase-in, the amount of taxes that are payable and the difference.</p>	# 1	Finance
331 (9)	Tax on Eligible Property	<p><b>Statutory Requirement for Notice.</b> The local municipality shall mail to the owner of each eligible property the list of the comparable properties and the determination made under subsection (2) with respect to that eligible property within 60 days after the date the list is received by the local municipality</p>		Finance
342 (5)	Tax Installments	<p><b>Statutory Requirement for Notice.</b> The use by a taxpayer of the alternative installments and due dates under the clause (1)(b) ceases if, the taxes of the taxpayer are unpaid after the due date and the Treasurer gives notice to the taxpayer that the alternative installments and due dates may no longer be used.</p>		Finance
343 (1)	Tax Bill	<p><b>Statutory requirement for Notice.</b> The Treasurer shall send a tax bill to every taxpayer at least 21 days before taxes shown on the tax bill are due.</p>	# 1 21 days written notice before taxes due	Finance
348	Tax Status	<p><b>Statutory requirement for Notice.</b> The Treasurer shall by February 28<sup>th</sup> in each year determine the position of every tax account as of December 31<sup>st</sup> of the preceding year, and on making the determination, the Treasurer shall send to every taxpayer who owes taxes from the preceding year a notice of those taxes and of the related late payment charges and said notice may be sent with the tax bill.</p>	By February 28 <sup>th</sup> in each year	Finance
350	Tenant Obligations	<p><b>Statutory requirement for Notice.</b> When taxes are owed in respect of any land occupied by a tenant, the Treasurer may give the tenant notice in writing requiring the tenant to pay the rent in respect of the land to the Treasurer as it becomes due up to the amount of the taxes due and unpaid plus costs, and the tenant shall comply with this notice.</p>	#1	Finance



Municipal Act Part/Section	Subject Matter	Basic Requirement	Notice Class	Department Accountable for Ensuring Notice is Given
351 (8)	Seizure of Assets	<p><b>Statutory requirement for Notice.</b> The Treasurer or the Treasurer's agent shall give the public notice of the time and place of the public auction and the name of the person whose personal property is to be sold.</p>	# 1 & # 3 As determined by the Treasurer	Finance
351 (14)	Priority after Notice	<p><b>Statutory requirement for Notice.</b> The Treasurer shall give notice of the amount for taxes to a sheriff, bailiff, assignee, liquidator, trustee or licensed trustee in bankruptcy, as appropriate.</p>		Finance
356	Dividing Land for Sale	<p><b>Statutory requirement for Notice.</b> Within 14 days after making its decision, Council shall notify the applicants and owners of the decision and specify the last day for appealing the decision</p>	# 1	Administration
357 (5) & (6)	Cancel, reduce or refund taxes	<p><b>Statutory requirement for Notice.</b> On or before September 30 of the year following the year in which the application is made, Council shall hold a meeting at which time the applicants may make representations to Council. Council shall notify applicants of the meeting by mail sent at least 14 days before the meeting and making its decision. Within 14 days after making its decision, Council shall notify the applicants and owners of the decision and specify the last day for appealing the decision.</p>	# 1 Notification 14 days in advance of meeting and within 14 days of making decision specify the last day for appealing the decision	Finance
358	Overcharges caused by a gross or manifest error	<p><b>Statutory requirement for Notice.</b> (8) If an application is not valid under subsection (5) the Treasurer shall notify the applicant in writing of the reasons it is not valid (9) on or before September 30 of the year following the year in which the application is made, Council shall (a) hold a meeting at which the applicant may make representation to Council (b) notify the applicant of the meeting by mail sent at least 14 days before the meeting (10). Within 14 days after making its decision Council shall notify the applicant of the decision.</p>	# 1 Notification 14 days in advance of meeting and within 14 days of decision	Department Accountable for Ensuring Notice is Given

Municipal Act Part/Section	Subject Matter	Basic Requirement	Notice Class	Department Accountable for Ensuring Notice is Given
359	Increase in Taxes (as a result of any undercharge by a gross or manifest error) but not an error in judgment assessing the land	<p><b>Statutory requirement for Notice.</b>            An application made on or before December 31 of the year following the year by the Treasurer in respect of which the application is made. (3) Council shall (a) hold a meeting at which the Treasurer and the person in respect of whom the application is made may make representation to Council (b) notify the Treasurer and the person in respect of who the application is made of the meeting by mail sent at least 14 days after making its decision, Council shall notify the Treasurer and the person in respect of whom the application is made of the decision and specify the last day for appealing the decision.</p>	# 1 Notification 14 days in advance of meeting and within 14 days after making its decision and specify the last day for appealing the decision	Finance
359.1	Error in calculating taxes	<p><b>Statutory requirement for Notice.</b>            (2) Before making a decision under subsection (1), Council shall (a) hold a meeting at which the Treasurer and the person in respect of who the application is made may make representation to Council (b) notify the Treasurer and the person in respect of whom the application is made of the meeting by mail sent at least 14 days before the meeting (3) Within the 14 days after making its decision the Council shall notify the Treasurer and the person in respect of who the application is made of the decision and specify the last day for appealing the decision.</p>	# 1 Notification 14 days in advance of meeting within 14 days after making its decision and specify the last day for appealing the decision	Finance
367	Gross Leases	<p><b>Statutory requirement for Notice.</b>            The tenant is not required to pay the landlord an amount unless the landlord gives the tenant a notice in accordance with subsection (7) that the landlord requires the tenant to pay an amount under this section.</p>		Finance

Municipal Act Part/Section	Subject Matter	Basic Requirement	Notice Class	Department Accountable for Ensuring Notice is Given
374	Notice of Registration of Tax Arrears Certificate	<p><b>Statutory requirement for Notice.</b>            Within 60 days after the registration of a tax arrears certificate, the Treasurer shall send a notice of the registration of the certificate to various specified persons.</p>	<p># 1            Within 60 days after registration of a tax arrears certificate.</p>	Finance
379 (1)	Public Sale (Tax Arrears Certificate) – Final Notice	<p><b>Statutory requirement for Notice.</b>            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 registration of the tax arrears certificate.</p>	<p># 1            Within 30 days after the expiry of the 280 – day period.</p>	Finance
379 (2)	Public Sale Advertisement	<p><b>Statutory requirement for Notice.</b>            Notice of Public Sale if at the end of the one-year period following the date of the registration of the tax arrears certificate, the cancellation price remains unpaid and there is no subsisting extension agreement, the land shall be offered for public sale by public auction or public tender, as the Treasurer shall decide, and the Treasurer shall immediately (a) make a statutory declaration stating the names and addresses of the persons to whom notice was send under subsection (1) and (b) advertise the land for sale once in The Ontario Gazette and once a week for four weeks in the newspaper that, in the opinion of the Treasurer, has such circulation within the municipality as to provide reasonable notice of the sale.</p>	<p># 1 and # 3            Advertise in the Ontario Gazette and once a week for 4 weeks in newspaper</p>	Finance
379 (7.1)	Notice of Vesting	<p><b>Statutory requirement for Notice.</b>            Treasurer may prepare if land does not sell in tax sale. When registered, vests in the municipality an estate in fee simple in the land, together with all right, privileges and appurtenances and free from all estates and interests, including all estates and interests of the Crown in right of Ontario with various specified exceptions.</p>		Finance

Municipal Act Part/Section	Subject Matter	Basic Requirement	Notice Class	Department Accountable for Ensuring Notice is Given
380 (3)	Application of Proceeds	<b>Statutory requirement for Notice.</b> Notice to Public Guardian and Trustee of payment of proceeds. Within 60 days after making a payment into court under subsection (2), the Treasurer shall send a copy of the statement to the Public Guardian and Trustee and to the persons to whom the Treasurer sent notice under subsection 379 (1).	# 1 Within 60 days	Finance
380.1 (1)	Second time offer of land for public sale	<b>Statutory requirement for Notice.</b> At least 30 days before the land is readvertised for public sale, the Treasurer shall send to the persons entitled to receive notice under subsection 379(1) a notice that the land will be readvertised for public sale subsection 379 (2) and sections 380 to 387 apply.	# 1 Advertise in the Ontario Gazette and once a week for 4 weeks in newspaper.	Finance
381 (1) Part XI	Method of giving notice.	<b>Statutory requirement for Notice.</b> Any notice required to be sent to any person under this Part may be given by personal delivery or be sent by certified or registered mail by the required methods as prescribed under Section 381 (1) of the Act.	# 1	Finance
400	Fee and Charges	<b>No statutory requirement for Notice.</b> Notice included on agenda published prior to the meeting and posted on the Town's website	# 5	Finance
402	Debt – Notice of Application	<b>Statutory requirement for Notice.</b> Upon receipt of an application of a municipality to incur a debt, the Ontario Municipal Board may direct the municipality to give notice of the application to such persons and in such manner as the Board determines.	As directed or required	Finance
408	Debenture By-Law	<b>Statutory requirement for Notice.</b> Notice to persons with an interest.		Finance
435	Power of Entry	<b>Statutory requirement for Notice.</b> Notice of the proposed entry shall be provided to the occupier of the land with exceptions.		Enforcement
441	Collection of unpaid licensing fines.	<b>Statutory requirement for Notice.</b> Notice of unpaid fine. Give 21 days' notice to the person against whom the fine was imposed, a written notice specifying the amount of the fine payable and the final date on which it is payable.		Enforcement

Municipal Act Part/Section	Subject Matter	Basic Requirement	Notice Class	Department Accountable for Ensuring Notice is Given
447	Order to Close Premises	<b>Statutory requirement for Notice.</b> If a licensing By-Law has been passed in respect of which a closing order was made the party shall be given notice of the proceedings in accordance with the rules of the court.		Enforcement
447.1	Closing premises – public nuisance	<b>Statutory requirement for Notice.</b> Notice to the Attorney-General - The municipality shall give 15 days' notice of its intention to make an application to the Attorney General with respect to subsection (1).		Enforcement
473	Terms in other Acts	<b>No Statutory requirement for Notice.</b> Notice to the Clerk deemed to be notice to the Treasurer		Administration
478	Building Fortification	<b>Statutory requirement for Notice.</b> May at a reasonable time, enter and inspect any land to determine whether a By-Law or order under this section is being complied with – notice stating that if the work is not done in compliance with an order within the period specified, the municipality may have the work done at the expense of the owner.		Enforcement