

July 30, 2026

The Council of the Corporation of the Town of Gananoque

Subject: VETO of Council Motion – Report PD-2026-09 / By-Law 2023-098

Good day,

At the special Council meeting of July 28th, 2026 and in her Report PD-2026-09, Manager of Planning and Development Brendy Guy recommended that Council pass the following motion:

BE IT RESOLVED THAT THE COUNCIL OF THE TOWN OF GANANOQUE AUTHORIZES THE MAYOR AND CLERK TO SIGN THE CONSENT LETTER FOR THE PROPERTY KNOWN AS THE UNOPEN ROAD ALLOWANCE OF BIRCH STREET FROM SECOND STREET TO THIRD STREET FROM THE OWNER “JACO INVESTMENTS” TO “THE BIRCH STREET RETIREMENT LIVING DEVELOPMENT LTD.” AS PER THE PURCHASE AND SALE AGREEMENT;

AND FURTHER THAT THE TOWN ACKNOWLEDGES THAT IT WILL NOT EXERCISE THE RIGHTS TO REPURCHASE THE UNOPEN ROAD ALLOWANCE, AS PRESENTED IN COUNCIL REPORT PD-2026-09

That motion, as recommended, passed by a vote of 3 “Ayes” to 1 “Nay”. I voted against the motion. Here is context, and an explanation for the reasons why.

Background and Special Council Meeting of 28 July 2026

As we all know, in a previous decision, Council approved the sale of the unopened Birch Street road allowance to the developer (JACO Investments) as a condition of approval of the **Class III Development Permit – DP2022-08 – 460 Second Street – Jaco Investments Ltd. (+Report Council-PD-2023-14)** which was passed by Council on July 18, 2023. That development is currently under construction.

Built into the sale agreement between the Corporation of the Town of Gananoque and JACO Investments were clauses that enabled the Corporation, at its discretion, to repurchase the road allowance in question from JACO Investments under the following conditions:

Within the Purchase and Sale Agreement, the Town may exercise the Option to Repurchase if:



(a) Within twenty-four (24) months of the date of registration of the Transfer of the Lands to the Purchaser, the Purchaser fails to obtain an occupancy permit for a building on the Lands having a minimum gross floor area of two thousand (2,000) square feet in accordance with an approved plan; or

(b) Prior to obtaining an occupancy permit, the Purchaser sells, transfers or otherwise disposes of the Lands or any part thereof to any third person without the prior written consent of the Town, except for the purpose of securing the Lands in favour of a bona fide commercial lender in connection with a builder's mortgage.

It is essential to note that this contract of sale, and the conditions in it, were entered into voluntarily and with full knowledge by both parties; JACO Investments Limited and its' owner(s) and the Corporation of the Town of Gananoque. There are no surprises here.

At the Special Council meeting of July 28th, 2026, and given that I was assured that both "JACO Investments" and "The Birch Street Retirement Living Development Ltd." have the same owner, I stated that I supported the transfer in ownership from one to the other.

I also asked if the purchaser, JACO Developments had, by the end of the twenty-four (24) months, obtained an occupancy permit that complied with the condition in the Purchase and Sale agreement. The Manager of Planning and Development's answer was "no". I then asked why we, Council, hadn't been made aware when the condition was unfulfilled after 24 months, but didn't get an answer.

I then expressed to the Councillors in attendance that I had serious concerns about whether the Corporation's interests would be served by surrendering a lever designed to ensure rapid construction of housing that is needed in our community. I did not and am not asserting that doing so would be in the best interests of the community at this time, or for that matter in the future, but the outright surrender of leverage built into a contract is not good business. I made that point to the other Council members at the meeting, and said that I didn't believe surrendering leverage was in the interest of the Corporation and that I could not support doing so.

Despite this, a point of order was raised by a member of Council to call a vote on the motion as recommended. This prevented the severance of the two paragraphs of the motion into two motions. The entire motion passed by a vote of 3-1 with, as noted above, myself as the only dissenting vote. The outcome of this motion is an amendment to Schedule B of By-Law 2023-098, the Option to Repurchase Agreement.

Strong Mayor Powers

In 2025, and following an election in which the platform of the Progressive Conservative Party of the Province of Ontario was endorsed with an absolute majority of seats, and an absolute majority of votes here in our riding, “strong mayor” powers were extended to more municipalities, including the Corporation of the Town of Gananoque. This is a profoundly democratic process given that municipalities are, under the Canadian Constitution, creatures of the Province and that municipalities, their elected officials and some municipal employees have the responsibilities, obligations, authorities and municipal government structure assigned to them by the Province and defined by Act, statute and regulation.

It must also be noted that an absolute majority of our fellow riding residents voted in support of the Progressive Conservative candidate and thereby endorsed the Progressive Conservative platform.

The Ontario Municipal Councillor’s Guide (<https://www.ontario.ca/document/ontario-municipal-councillors-guide/10-strong-mayor-powers-and-duties>) states in Section 10. Strong mayor powers and duties, that:

“Some strong mayor powers are related to provincial priorities that are identified in the following regulation. Provincial priorities include the following:

- building 1.5 million new homes by December 31, 2031
- constructing and maintaining infrastructure to support housing, including:
 - transit
 - roads
 - utilities
 - servicing”

Explicit to the purpose of delegation of strong mayor powers is the construction of new housing and there’s a built-in goal and a timeline: 1.5 million new homes no later than December 31, 2031.

The outright surrender of any leverage that could potentially help a municipality enforce a planning agreement for housing construction and advance Provincial housing goals, in my analysis, achieves the opposite of the stated purpose that underlies the delegation of strong



mayor powers and potentially impedes municipal advancement on the Provincial priorities which they are supposed to help fulfil as they relate to housing.

Amending a By-law to remove a clause intended to provide leverage, if needed, that could be used to drive timelines for housing construction and help advance Provincial housing priorities cannot be in the interests of the Corporation of the Town of Gananoque.

Exercise of Veto

Therefore, under Bill 3, the *Strong Mayors, Building Homes Act*, 2022, which amended the *Municipal Act*, 2001, I, John Beddows, Mayor of the Town of Gananoque, have decided as follows:

I exercise my authority to veto the decision of Council at the Special Meeting of Council on July 28th, 2026, in which Council approved the recommended motion from the Manager of Planning's report PD-2026-09 and the amendment of By-Law No. 2023-098 including Schedule "A" of the By-Law (Agreement of Purchase and Sale (Commercial)) & Schedule "B" of the By-law (Option to Repurchase Agreement) and by which Council decided to surrender a lever built into a sale agreement signed voluntarily by all parties which, at need, could potentially be used to accelerate construction of new housing in the Town of Gananoque and help us contribute to Provincial housing objectives.

Yours in service,

John S. Beddows, CD1, MPA

Mayor

The Corporation of the Town of Gananoque

30 King St. E., Gananoque ON, K7G 1E9

613-382-2149 Ext. 1119

Fax: 613-382-8587

CC

Ms. Penny Kelly
Clerk of the Corporation

Ms. Lynsey Zufelt
Deputy Clerk of the Corporation

Attachments

1. Special Council Meeting Agenda – Held on Tuesday, July 28, 2026, at 1:00 PM - Virtual Only
2. Special Council Meeting Minutes - Held on Tuesday, July 28, 2026, at 1:00 PM - Held Virtually
3. Council Report PD -2026-09 - Unopen Road Allowance – Birch Street – Author Brenda Guy, Manager of Planning and Development
4. By-Law 2023-098 - BEING A BY-LAW TO STOP UP AND CLOSE THE UNOPENED ROAD ALLOWANCE OF BIRCH STREET, FOR THE PURPOSE OF RESIDENTIAL DEVELOPMENT, AND AUTHORIZE THE MAYOR AND CLERK TO SIGN THE AGREEMENT OF PURCHASE AND SALE – Including Annex A and Annex B and all supporting documents thereunto
5. The Ontario municipal councillor's guide – Section 10 – Strong Mayor Powers and Duties



SPECIAL COUNCIL MEETING AGENDA
Held on Tuesday, July 28, 2026, at 1:00 PM
Virtual Only

Teleconference Toll Free Number – 1-833-311-4101
Access Code: 2869 209 1893

Video Conference Link: [Click Here](#)
Access Code: 2869 209 1893

1.	Call Meeting to Order
2.	Disclosure of Pecuniary Interest & General Nature Thereof
3.	Public Question/Comment (Only Addressing Motion(s) or Reports on the Agenda)
4.	Staff Reports
	John Morrison, Treasurer
	Council-FIN-2026-25 – Municipal Insurance Policy 
	Brenda Guy, Manager of Planning and Development
	Council-PD-2026-08 – Castlegrove Subdivision – Part Lot Control (Plan 28M-26) 
	Council-PD-2026-09 – Unopen Road Allowance – Birch Street 
5.	Questions from the Media
6.	Confirmation By-law
	By-law No. 2026-067 – Confirm the proceedings of Council for the special meeting held on Tuesday, July 28, 2026
7.	Next Meeting: Wednesday, August 12, 2026 @ 5:00 PM
8.	Adjournment

The Town invites and encourages people with disabilities to attend and voice their comments in relation to accessibility related reports. For those who are unable to attend, the Town encourages the use of the Customer Feedback Form found on the Accessibility Page on the Town’s website.



SPECIAL COUNCIL MEETING MINUTES

Held on Tuesday, July 28, 2026, at 1:00 PM

Held Virtually

COUNCIL MEMBERS PRESENT		STAFF PRESENT
Mayor:	John Beddows	Melanie Kirkby, CAO
Councillors:	Colin Brown	Penny Kelly, Clerk
	Anne-Marie Koiner	John Morrison, Treasurer
	Vicky Leakey	Brenda Guy, Manager of Planning and Development
		Jeff Johnston, Manager of Parks, Recreation & Facilities
Regrets:		Andrew Dickson, Fire Chief
	Matt Harper	Lynsey Zufelt, Deputy Clerk
	Patrick Kirkby	
	David Osmond	

1.	Call Meeting to Order
	Mayor Beddows called the meeting to order at 1:01 PM.
2.	Disclosure of Pecuniary Interest & General Nature Thereof – None
3.	Public Questions/Comments (Only Addressing Motion(s) or Reports on the Agenda) – None
4.	Staff Reports
Council-FIN-2026-25 – Municipal Insurance Policy	
	Motion #26-134 – Municipal Insurance Policy – July 29, 2026 to July 29, 2027 Moved By: Councillor Brown Seconded By: Councillor Koiner BE IT RESOLVED THAT THE COUNCIL OF THE TOWN OF GANANOQUE: - APPROVE THE RENEWAL OF THE TOWN'S MUNICIPAL INSURANCE PROGRAM WITH INTACT PUBLIC ENTITIES THROUGH HALPENNY INSURANCE BROKERS LTD. FOR THE POLICY PERIOD JULY 29, 2026, TO JULY 29, 2027, AT AN ANNUAL PREMIUM OF \$414,227, EXCLUDING APPLICABLE TAXES; - APPROVE THE RENEWAL OF THE TOWN'S CYBER LIABILITY INSURANCE WITH CFC UNDERWRITING FOR A \$2,000,000 AGGREGATE LIMIT AT AN ANNUAL PREMIUM OF \$11,295, PLUS APPLICABLE TAXES AND SUBJECT TO SATISFACTION OF THE INSURER'S BACKUP AND INCIDENT-RESPONSE REQUIREMENTS; - RENEW THE TOWN'S AUTOMOBILE INSURANCE WITH ITS EXISTING STATUTORY ACCIDENT-BENEFIT SELECTIONS AND NOT ADD OPTIONAL ACCIDENT BENEFITS AT THIS TIME, PENDING A REVIEW OF ANY GAPS BETWEEN THE AUTOMOBILE POLICY, WSIB AND THE TOWN'S EMPLOYEE BENEFIT PROGRAMS, AS PRESENTED IN REPORT COUNCIL-FIN-2026-25. CARRIED – UNANIMOUS

	By-law No. 2026-068 – Municipal Insurance Policy Renewal Agreements Moved By: Deputy Mayor Leakey Seconded By: Mayor Beddows BE IT RESOLVED THAT THE COUNCIL OF THE TOWN OF GANANOQUE PASS BY-LAW NO. 2026-068, BEING A BY-LAW TO AUTHORIZE THE MAYOR AND CLERK TO SIGN THE REQUIRED AGREEMENTS, AS PRESENTED IN REPORT COUNCIL-FIN-2026.25. CARRIED – UNANIMOUS
Council-PD-2026-08 – Castlegrove Subdivision – Part Lot Control (Plan 28M-26)	
	By-law No. 2026-069 – Castlegrove Subdivision – Part Lot Control (Plan 28M-26) Moved By: Councillor Brown Seconded By: Deputy Mayor Leakey BE IT RESOLVED THAT THE COUNCIL OF THE TOWN OF GANANOQUE PASS BY-LAW NO. 2026-069, BEING A BY-LAW TO EXEMPT BLOCKS 9 AND 10 WITHIN PLAN 28M-26 CASTLEGROVE SUBDIVISION TO PERMIT THE DIVISION OF LAND THROUGH SECTION 50 OF THE <i>PLANNING ACT</i>, PART LOT CONTROL; AND FURTHER, THAT COUNCIL DELEGATES ITS AUTHORITY TO THE MANAGER OF PLANNING AND DEVELOPMENT FOR PLAN 28M-26 CASTLEGROVE REGARDING THIS MATTER, AS PRESENTED IN REPORT COUNCIL PD-2026-08. CARRIED – UNANIMOUS
Council-PD-2026-09 – Unopen Road Allowance – Birch Street	
	Motion #26-135 – Unopen Road Allowance – Birch Street Moved By: Councillor Brown Seconded By: Deputy Mayor Leakey BE IT RESOLVED THAT THE COUNCIL OF THE TOWN OF GANANOQUE AUTHORIZES THE MAYOR AND CLERK TO SIGN THE CONSENT LETTER FOR THE PROPERTY KNOWN AS THE UNOPEN ROAD ALLOWANCE OF BIRCH STREET FROM SECOND STREET TO THIRD STREET FROM THE OWNER "JACO INVESTMENTS" TO "THE BIRCH STREET RETIREMENT LIVING DEVELOPMENT LTD." AS PER THE PURCHASE AND SALE AGREEMENT; AND FURTHER THAT THE TOWN ACKNOWLEDGES THAT IT WILL NOT EXERCISE THE RIGHTS TO REPURCHASE THE UNOPEN ROAD ALLOWANCE, AS PRESENTED IN COUNCIL REPORT PD-2026-09. CARRIED – 3 Ayes, 1 Nay
5.	Questions from the Media – None
6.	Confirmation By-law
	By-law No. 2026-067 – Confirming By-law – Tuesday, July 28, 2026 Moved By: Mayor Beddows Seconded By: Councillor Kolner BE IT RESOLVED THAT THE COUNCIL OF THE TOWN OF GANANOQUE PASS BY-LAW NO. 2026-067, BEING A BY-LAW TO CONFIRM THE PROCEEDINGS OF COUNCIL AT ITS SPECIAL MEETING HELD ON TUESDAY, JULY 28TH, 2026, BE READ THREE TIMES AND FINALLY PASSED THIS 28TH DAY OF JULY 2026. CARRIED – UNANIMOUS
7.	Next Meeting(s): Wednesday, August 12, 2026 at 5:00 PM
8.	Adjournment
	Moved By: Mayor Beddows Be it resolved that Council hereby adjourns this special meeting of Council at 1:44 PM. CARRIED – UNANIMOUS
John S. Beddows, Mayor Penny Kelly, Clerk	



Report Council – PD-2026-09

Date: July 28, 2026 ☐ **IN CAMERA**

Subject: Unopen Road Allowance – Birch Street

Author: Brenda Guy, Manager of Planning and Development ☒ **OPEN SESSION**

RECOMMENDATION:
BE IT RESOLVED THAT THE COUNCIL OF THE TOWN OF GANANOQUE AUTHORIZES THE MAYOR AND CLERK TO SIGN THE CONSENT LETTER FOR THE PROPERTY KNOWN AS THE UNOPEN ROAD ALLOWANCE OF BIRCH STREET FROM SECOND STREET TO THIRD STREET FROM THE OWNER "JACO INVESTMENTS" TO "THE BIRCH STREET RETIREMENT LIVING DEVELOPMENT LTD." AS PER THE PURCHASE AND SALE AGREEMENT;

AND FURTHER THAT THE TOWN ACKNOWLEDGES THAT IT WILL NOT EXERCISE THE RIGHTS TO REPURCHASE THE UNOPEN ROAD ALLOWANCE, AS PRESENTED IN COUNCIL REPORT PD-2026-09.

STRATEGIC PLAN COMMENTS:
2. Champion a Strong and Sustainable Local Economy - 3) Improve the conditions and opportunities for planned, responsible housing.

BACKGROUND:
In 2023, the Town sold the unopen road allowance of Birch Street from Second to Third Street to Jaco Investments. By-law 2023-098 was passed to stop and close the unopened portion in order for the Mayor and Clerk to sign the Purchase and Sale Agreement.

The lands were to merge with the abutting property.

INFORMATION/DISCUSSION:
The purchase and sale of the unopen Birch Street road allowance was a condition of approval for the development. The lands for development included 15 buildings with 4 units for a total of 60 dwelling units which was originally on three parcels of land (Appendix 1).

At the time of application and development the lands were in the name of Jaco Investments Ltd. The owner of Jaco Investments Ltd. has merged all of the lands for the development under "The Birch Street Retirement Living Development Ltd." which is the same owner to clean title. This was undertaken under instrument number LE156111.

In order to complete the legal requirements for the purchase and sale and secure funding the Town has been requested to agree to the transfer and additionally forgo the option to repurchase.

Within the Purchase and Sale Agreement, the Town may exercise the Option to Repurchase if:

(a) Within twenty-four (24) months of the date of registration of the Transfer of the Lands to the Purchaser, the Purchaser fails to obtain an occupancy permit for a building on the Lands having a minimum gross floor area of two thousand (2,000) square feet in accordance with an approved plan; or

(b) Prior to obtaining an occupancy permit, the Purchaser sells, transfers or otherwise disposes of the Lands or any part thereof to any third person without the prior written consent of the Town, except for the purpose of securing the Lands in favour of a bona fide commercial lender in connection with a builder's mortgage.

The intent around the right to repurchase would be undertaken should/if/when the owner did not develop the lands and the Town was in a scenario where the lands were left vacant and/or undeveloped. Given this was originally municipal property, it provides the Town with an option to repurchase. Repurchase price is 90% of the purchase price (\$60,000).

At this time, the owner has six open building permits.

From the Town's perspective, the unopened road allowance has not been constructed, as it serves as the access route to the development. Staff are of the opinion that the development is actively underway and that the developer is continuing to make progress on the construction of the dwelling units. As such, considering an option to repurchase the property would not be in the Town's best interest.

APPLICABLE POLICY/LEGISLATION:

Planning Act, Purchase and Sale Agreement

FINANCIAL CONSIDERATIONS:

n/a

CONSULTATIONS:

n/a

ATTACHMENTS:

Attachment 1 – The Birches illustrating unopen road allowance

Attachment 2 – LE156110 Transfer of Jaco to Birch Street Retirement

Attachment 3 – Letter for Issuance

APPROVAL	
	Brenda Guy, Manager of Planning and Development
	John Morrison, Treasurer Certifies that unless otherwise provided for in this report the funds are contained within the approved Budgets and that the financial transactions are in compliance with Council's own policies and guidelines and the Municipal Act and regulations.
	Melanie Kirkby, CAO

Attachment 1 – The Birches



Report Council-PD-2026-09, Attachment 2

LRO # 28 Transfer

Received as LE156111 on 2024 05 17 at 14:51

The applicant(s) hereby applies to the Land Registrar.

yyyy mm dd Page 1 of 3

Properties

PIN

44253 - 0763 LT

Interest/Estate

Fee Simple

Description

LOT 181, 182, 183, 184, 185, 186, 187, 188, 189, 190, 191, 192, 193, 194, 195, 196, 197, 198, 199 & 200 WEST GANANOQUE RIVER PLAN 86, SAVE & EXCEPT PART 1 PLAN 28R5713 AND PART 1, 28R15833; LOT 125, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140 WEST GANANOQUE RIVER, PLAN 86; BIRCH STREET, PLAN 86 BETWEEN SECOND STREET & THIRD STREET (CLOSED BY BYLAW NO. 2023-098 AS IN LE151577); TOWN OF GANANOQUE

Address

BIRCH STREET
GANANOQUE

Consideration

Consideration \$560,000.00

Transferor(s)

The transferor(s) hereby transfers the land to the transferee(s).

Name

JACO INVESTMENTS LTD.

Address for Service

3140 Woodburn Rd, Joyceville, ON, K0H 1Y0

A person or persons with authority to bind the corporation has/have consented to the registration of this document.
This document is not authorized under Power of Attorney by this party.

Transferee(s)	Capacity	Share
Name THE BIRCH STREET RETIREMENT LIVING DEVELOPMENT LTD.	Registered Owner	
Address for Service 3140 Woodburn Rd, Joyceville, ON, K0H 1Y0		

Signed By

Arden Kathleen Delr

280 King St. East
Gananoque
K7G 1G5

acting for
Transferor(s)

Signed

2024 05 17

Tel

613-382-2112

Fax

613-382-8107

I am the solicitor for the transferor(s) and the transferee(s) and this transfer is being completed in accordance with my professional standards.

I have the authority to sign and register the document on behalf of all parties to the document.

Arden Kathleen Delr

280 King St. East
Gananoque
K7G 1G5

acting for
Transferee(s)

Signed

2024 05 17

Tel

613-382-2112

Fax

613-382-8107

I am the solicitor for the transferor(s) and the transferee(s) and this transfer is being completed in accordance with my professional standards.

I have the authority to sign and register the document on behalf of all parties to the document.

Submitted By

CLARKE & WRIGHT PROFESSIONAL CORPORATION

280 King St. East
Gananoque
K7G 1G5

2024 05 17

Tel

613-382-2112

Fax

613-382-8107

Fees/Taxes/Payment

Statutory Registration Fee

\$69.95

Provincial Land Transfer Tax

\$7,675.00

Total Paid

\$7,744.95

LAND TRANSFER TAX STATEMENTS

In the matter of the conveyance of: 44253 - 0763 LOT 181, 182, 183, 184, 185, 186, 187, 188, 189, 190, 191, 192, 193, 194, 195, 196, 197, 198, 199 & 200 WEST GANANOQUE RIVER PLAN 86, SAVE & EXCEPT PART 1 PLAN 28R5713 AND PART 1, 28R15833; LOT 125, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140 WEST GANANOQUE RIVER, PLAN 86; BIRCH STREET, PLAN 86 BETWEEN SECOND STREET & THIRD STREET (CLOSED BY BYLAW NO. 2023-098 AS IN LE151577); TOWN OF GANANOQUE

BY: JACO INVESTMENTS LTD.

TO: THE BIRCH STREET RETIREMENT LIVING DEVELOPMENT LTD. Registered Owner

1. JEFFREY FREDERICK KENNETH MCEWEN

I am

- ☐ (a) A person in trust for whom the land conveyed in the above-described conveyance is being conveyed;
- ☐ (b) A trustee named in the above-described conveyance to whom the land is being conveyed;
- ☐ (c) A transferee named in the above-described conveyance;
- ☐ (d) The authorized agent or solicitor acting in this transaction for _____ described in paragraph(s) () above.
- ☒ (e) The President, Vice-President, Manager, Secretary, Director, or Treasurer authorized to act for THE BIRCH STREET RETIREMENT LIVING DEVELOPMENT LTD. described in paragraph(s) (c) above.
- ☐ (f) A transferee described in paragraph () and am making these statements on my own behalf and on behalf of _____ who is my spouse described in paragraph () and as such, I have personal knowledge of the facts herein deposed to.

2. I have read and considered the definition of "single family residence" set out in subsection 1(1) of the Act. The land being conveyed herein:
- does not contain a single family residence or contains more than two single family residences.

3. The total consideration for this transaction is allocated as follows:

(a) Monies paid or to be paid in cash	\$560,000.00
(b) Mortgages (i) assumed (show principal and interest to be credited against purchase price)	\$0.00
(ii) Given Back to Vendor	\$0.00
(c) Property transferred in exchange (detail below)	\$0.00
(d) Fair market value of the land(s)	\$0.00
(e) Liens, legacies, annuities and maintenance charges to which transfer is subject	\$0.00
(f) Other valuable consideration subject to land transfer tax (detail below)	\$0.00
(g) Value of land, building, fixtures and goodwill subject to land transfer tax (total of (a) to (f))	\$560,000.00
(h) VALUE OF ALL CHATTELS -Items of tangible personal property	\$0.00
(i) Other considerations for transaction not included in (g) or (h) above	\$0.00
(j) Total consideration	\$560,000.00

6. Other remarks and explanations, if necessary.

1. The information prescribed for purposes of section 5.0.1 of the Land Transfer Tax Act is not required to be provided for this conveyance.
2. The transferee(s) has read and considered the definitions of "designated land", "foreign corporation", "foreign entity", "foreign national", "Greater Golden Horseshoe Region", "specified region", "spouse" and "taxable trustee" as set out in subsection 1(1) of the Land Transfer Tax Act and O. Reg 182/17. The transferee(s) declare that this conveyance is not subject to additional tax as set out in subsection 2(2.1) of the Act because:
3. (c) The transferee(s) is not a "foreign entity" or a "taxable trustee".
4. The transferee(s) declare that they will keep at their place of residence in Ontario (or at their principal place of business in Ontario) such documents, records and accounts in such form and containing such information as will enable an accurate determination of the taxes payable under the Land Transfer Tax Act for a period of at least seven years.
5. The transferee(s) agree that they or the designated custodian will provide such documents, records and accounts in such form and containing such information as will enable an accurate determination of the taxes payable under the Land Transfer Tax Act, to the Ministry of Finance upon request.
6. I acknowledge that the personal information collected in the provincial land transfer tax statements provided in this conveyance is being collected by the Ministry of Finance under the authority of the Land Transfer Tax Act, R.S.O. 1990, c. L.6, as amended ("the Act"), and that the personal information may be used for purposes of the administration or enforcement of the Act, other tax statutes, and for purposes of compiling statistical information and of developing and evaluating economic, tax and fiscal policy. (Note: Personal information collected under section 5.0.1 of the Act that accompanies this conveyance can be used only to administer and enforce the Act. De-identified data collected under section 5.0.1 can be used to compile statistical information and develop and evaluate economic, tax and fiscal policy.)

PROPERTY Information Record

A. Nature of Instrument: Transfer
LRO 28 Registration No. LE156111 Date: 2024/05/17

B. Property(s): PIN 44253 - 0763 Address BIRCH STREET
GANANOQUE Assessment -
Roll No

C. Address for Service: 3140 Woodburn Rd, Joyceville, ON, K0H 1Y0

D. (i) Last Conveyance(s): PIN 44253 - 0763 Registration No. LE151630
(ii) Legal Description for Property Conveyed: Same as in last conveyance? Yes ☒ No ☐ Not known ☐

E. Tax Statements Prepared By: Arden Kathleen Delr
280 King St. East
Gananoque K7G 1G5

Report Council-PD-2026-09, Attachment 3



July 22, 2026

Emma Cotman-Wright: [REDACTED]@cswan.com
Marlene MacHattie: [REDACTED]@cswan.com
Jeff McEwen : jeff [REDACTED]
Rachelle Cooper : rachelle [REDACTED]

TO: The Birch Street Retirement Living Development Ltd.
AND TO: The Bank of Nova Scotia

Re: Consent to Transfer, Consent to Charge, and Waiver of Option to Repurchase Property: Birch Street, Plan 86, between Second Street and Third Street, Gananoque, Being all of PIN 44253-0522 (LT) (the "Lands") Option to Repurchase Agreement registered as Instrument No. LE151632 (the "Option Agreement")

We write on behalf of The Corporation of the Town of Gananoque (the "Town") with respect to the above-noted Lands, which are subject to the Option Agreement dated September 19, 2023, between Jaco Investments Ltd. (the "Optionor") and the Town.

Pursuant to the Option Agreement, the Town hereby provides its consent to the sale, transfer, and disposition of the Lands by Jaco Investments Ltd. to The Birch Street Retirement Living Development Ltd. (the "Transferee").

The Town further consents to the registration of a charge/mortgage and related security in favour of The Bank of Nova Scotia against the Lands, and to any subsequent charge registered immediately thereafter, in connection with the Transferee's financing of the Lands.

The Town confirms that it will not exercise its option to repurchase the Lands as set out in the Option Agreement and releases and discharges all rights under the Option Agreement. For greater certainty, the Town hereby waives any right it may have to exercise the right to repurchase under the Option Agreement.

Yours truly,

John Beddows, Mayor

Penny Kelly, Clerk

THE CORPORATION OF THE TOWN OF GANANOQUE

BY-LAW NO. 2023-098

BEING A BY-LAW TO STOP UP AND CLOSE THE UNOPENED ROAD ALLOWANCE OF BIRCH STREET, FOR THE PURPOSE OF RESIDENTIAL DEVELOPMENT, AND AUTHORIZE THE MAYOR AND CLERK TO SIGN THE AGREEMENT OF PURCHASE AND SALE

WHEREAS Section 5 of the *Municipal Act*, 2001, S.O. 2001, c. 25, the powers of a municipal corporation are to be exercised by its Council;

AND WHEREAS the *Municipal Act*, 2001, S.O. 2001, c. 25, provided that the powers of every Council are to be exercised by By-law;

AND WHEREAS the Council of the Town of Gananoque held a Public Meeting on July 18, 2023, regarding a Class III Development Permit (DP2022-08) Application for the development of a fifteen (15) residential building, containing four (4) dwelling units in each, and; a utility building to be constructed on the subject lands;

AND WHEREAS reviewed Report Council-PD-2023-14, and concurs with the staff recommendation and passed Motion #23-155;

AND WHEREAS the aforementioned Motion set out conditions prior to issuance of a Development Permit, one of which stated "THAT THE DEVELOPER OBTAIN APPROVAL FROM COUNCIL FOR THE PURCHASE AND SALE OF THE UNOPENED ROAD ALLOWANCE OF BIRCH STREET TO INCLUDE A BY-LAW TO BE PASSED TO STOP UP AND CLOSE THE ROAD ALLOWANCE AND THE LANDS BE MERGED IN TITLE";

AND WHEREAS on August 15, 2023, in Closed Session, Council received Report-PD-2023-IC-01 regarding the sale of lands being the unopened road allowance of Birch Street from Second to Third Street to Jaco Investments Ltd., and provided direction to the Chief Administrative Officer (CAO) to negotiate the sale;

AND WHEREAS on September 19, 2023, Council reviewed the Agreement of Purchase and Sale between Jaco Investments Ltd., and the Town of Gananoque to sell the unopened road allowance legally described as BIRCH ST PL 86 BTN SECOND ST & THIRD ST; GANANOQUE; BEING ALL OF PIN 44253-0522 (LT), in the amount of \$60,000;

AND WHEREAS Council directed staff to read in Open Session a recommendation to pass a By-law authorizing the Mayor and Clerk to sign the said Agreement of Purchase and Sale with the Jaco Investments Ltd., as outlined in Closed Session on September 19, 2023;

AND WHEREAS the Council of the Corporation of the Town of Gananoque deems it appropriate to pass this By-law.

NOW THEREFORE the Council of the Corporation of the Town of Gananoque enacts as follows:

1. **AUTHORIZATION:**

- 1.1 That the lands municipally known as "the unopened road allowance of Birch Street", and; legally described as BIRCH ST PL 86 BTN SECOND ST & THIRD ST; GANANOQUE; BEING ALL OF PIN 44253-0522 (LT), hereby be stopped up and closed.

1.2 That the Mayor and Clerk are hereby authorized to sign the Agreement of Purchase and Sale with Jaco Investments Ltd., in the amount of \$60,000.

1.3 That the Purchase of said lands merge in Title with the abutting lands.

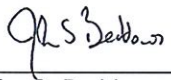
2. **SCHEDULE:**

2.1 Attached to and forming part of this By-law is the Agreement of Purchase and Sale, marked as Schedule 'A'.

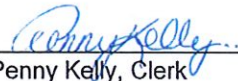
3. **EFFECTIVE DATE:**

3.1 This By-law shall come into full force and effect on the date it is passed by Council.

Read a first, second and third time and finally passed this 19th day of September 2023.



John S. Beddows, Mayor



Penny Kelly, Clerk

(Seal)

SCHEDULE "B"

Option to Repurchase Agreement

THIS OPTION TO REPURCHASE AGREEMENT made this 18th day of September, 2023

BETWEEN:

JACO INVESTMENTS LTD.

(the "Optionor")

OF THE FIRST PART

AND:

THE CORPORATION OF THE TOWN OF GANANOQUE

(the "Town")

OF THE SECOND PART

WHEREAS the Optionor purchased from the Town those lands more particularly described as Birch Street Plan 86 between Second Street and Third Street, Gananoque, Being all of PIN 44253-0522 (LT) (the "Lands");

AND WHEREAS for the purpose of selling the Lands, the Town relied on representations made by the Optionor that:

- (i) the Optionor would construct a building or buildings on the Lands in accordance with a plan(s) approved by the Town and obtain an occupancy permit for it within twenty-four (24) months from the date of purchase of the Lands; or
- (ii) the Optionor would not sell, transfer or otherwise dispose of all or any part of the Lands prior to completion of the building or buildings without the prior written consent of the Town, except for the purpose of securing the Lands in favour of a *bona fide* commercial lender in connection with a builder's mortgage;

AND WHEREAS for the purpose of securing its obligations, the Optionor has agreed to grant an option to repurchase the Lands to the Town in accordance with the terms of this agreement.

NOW THEREFORE in consideration of the mutual covenants and agreements contained herein and other good and valuable consideration, the parties agree each with the other as follows:

In this agreement,

1. The Optionor hereby grants to the Town an option to repurchase the Lands (the "Option").
2. The Town may exercise the Option if:
 - (a) Within twenty-four (24) months of the date of registration of the Transfer of the Lands to the Purchaser, the Purchaser fails to obtain an occupancy permit for a building on the Lands having a minimum gross floor area of two thousand (2,000) square feet in accordance with an approved plan; or
 - (b) Prior to obtaining an occupancy permit, the Purchaser sells, transfers or otherwise disposes of the Lands or any part thereof to any third person

without the prior written consent of the Town, except for the purpose of securing the Lands in favour of a *bona fide* commercial lender in connection with a builder's mortgage.

3. If the Town has the right to exercise the Option in accordance with Clause 2 above, it may exercise its right by written notice delivered to the Optionor and any other person who may appear from the abstract of title for the Lands to have an interest in the Lands as follows:
 - (a) If the Optionor has failed to obtain an occupancy permit as required in sub-clause 2(a) above, at any time prior to the earlier of
 - i. the date on which an occupancy permit is issued; or
 - ii. the ten (10) year anniversary of the date of registration of the Transfer for the Lands to the Optionor; or
 - (b) In the case of a sale, transfer or other disposition of the Lands contrary to sub-clause 2(b) above, at any time within 60 days from the date on which the Town is notified in writing that the Optionor has sold, transferred or otherwise disposed of the Lands.
4. The purchase price to be paid by the Town if it exercises the Option shall be an amount equal to ninety percent (90%) of the purchase price paid by the Optionor to originally acquire the Lands from the Town.
5. The purchase transaction shall close 30 days following the date the Town delivers notice exercising the Option (the "Closing Date").
6. The Town shall have the right, subsequent to delivery of notice exercising the Option to enter onto the Lands, by itself or by its agents or contractors, to conduct such environmental assessment of the Lands as the Town may, at its cost, determine necessary or prudent and, if dissatisfied with the results of such assessment, the Town shall have the right to not proceed with the purchase of the Lands.
7. The Optionor shall indemnify and save harmless the Town from any and all claims of every nature and kind which may be made against the Town whether for damages or otherwise as a result of the Lands containing as at the Closing Date any contaminant or pollutant within the meaning of the *Environmental Protection Act* (Ontario), or any other substances which may be considered hazardous or dangerous to the health of persons or to the environment under any other legislation of the Province of Ontario or Canada applicable therein. Without limiting the obligation of the Optionor aforesaid, such obligation to indemnify shall exist with respect to claims against the Town for damages to persons or property or for the costs of complying with any orders for clean up of the Lands which may be issued under any legislation or by any Court of competent jurisdiction in respect of any contamination existing at the Closing Date. This obligation of the Optionor to indemnify the Town shall survive the Closing Date.
8. The Town shall take title to the Lands at the time of closing free of all mortgages, liens and encumbrances existing against the Lands that were registered subsequent to the registration of this Option to Repurchase Agreement; provided that the Town shall pay the Option Price,
 - (a) Firstly, on account of any unpaid property taxes, interest and penalties for the Lands
 - (b) Secondly, to all persons, other than the Optionor, having an interest in the Lands according to their priority at law; and
 - (c) Thirdly, to the Optionor.

9. The Transfer of Land shall, except for the Land Transfer Tax Affidavit, be prepared in registerable form by and at the expense of the Optionor.
10. If the Town tenders the Option Price on the Closing Date and the Optionor fails or refuses for any reason to deliver to the Town a deed to the Lands in registerable form, the Town may deposit the Option Price with the solicitors for the Town for and on behalf of and in the name of the Optionor. Upon the deposit being made, the Town shall be deemed conclusively to be the owner of the land, and the Optionor hereby irrevocably constitutes and appoints the Chief Administrative Officer of the Town as its lawful attorney to execute all deeds and other documents necessary to complete the purchase and sale of the Lands.
11. It is the intention of the parties that the foregoing rights to re-purchase in favour of the Town shall create an interest in the Lands and, despite any decision by the Town to not exercise its right at a particular time, shall continue and be binding on all subsequent owners of the land until the rights expire at the prescribed time.
12. This agreement shall enure to the benefit of and be binding upon the parties hereto and their respective personal representatives, successors and assigns.

IN WITNESS WHEREOF the parties hereto have entered into this agreement as at the date first set out above.

SIGNED, SEALED AND DELIVERED

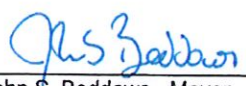
in the presence of :

JACO INVESTMENTS LTD.


Per: Jeffrey McEwen, President

I have the Authority to bind the Corporation

THE CORPORATION OF THE TOWN OF
GANANOQUE


John S. Beddows - Mayor


Penny Kelly - Clerk

We have the Authority to bind the Corporation

Previous (<https://www.ontario.ca/document/ontario-municipal-councillors-guide/9-fiscal-context>)

Next (<https://www.ontario.ca/document/ontario-municipal-councillors-guide/11-land-use-planning>)

10. Strong mayor powers and duties

Overview

In some municipalities, the head of council has additional powers and duties, known as strong mayor powers and duties. This section of the guide outlines differences in the role of head of council and the municipal council, the municipal budget process, accountability and transparency rules for the head of council and the rules for filling a vacant head of council seat in these municipalities where strong mayor rules apply.

These additional strong mayor powers and duties apply to the head of council in any designated municipality, regardless of whether they are called “mayor” or another term, such as “chair” or “warden”.

Designated municipalities

Additional strong mayor powers and duties for the head of council apply only to designated municipalities. A designated municipality includes a municipality designated under this regulation (<https://www.ontario.ca/laws/regulation/220530>) and the City of Toronto.

Provincial priorities

Some strong mayor powers are related to provincial priorities that are identified in the following regulation (<https://www.ontario.ca/laws/regulation/220580>) . Provincial priorities include the following:

- building 1.5 million new homes by December 31, 2031
- constructing and maintaining infrastructure to support housing, including:
 - transit
 - roads
 - utilities
 - servicing

Powers and duties for the head of council and council in strong mayor municipalities

Appoint a chief administrative officer

The head of council can choose to appoint their municipality's chief administrative officer.

Hire municipal division heads and change organizational structure

The head of council can hire municipal division heads, excluding certain statutory positions. Positions that are excluded from this power include:

- the clerk or deputy clerk
- a treasurer or deputy treasurer
- an Integrity Commissioner
- an Ombudsman
- an Auditor General

- a registrar, as described in section 223.11 (<https://www.ontario.ca/laws/statute/01m25#BK263>) of the Act
- a chief building official, as defined in the *Building Code Act, 1992* (<https://www.ontario.ca/laws/statute/92b23>)
- a chief of police
- a fire chief, as defined in the *Fire Protection and Prevention Act, 1997* (<https://www.ontario.ca/laws/statute/97f04>)
- a medical officer of health, as defined in the *Health Protection and Promotion Act* (<https://www.ontario.ca/laws/statute/90h07>) .
- other officers or heads of divisions required to be appointed under *the Municipal Act, 2001* (<https://www.ontario.ca/laws/statute/01m25>) , the *City of Toronto Act, 2006* (<https://www.ontario.ca/laws/statute/06c11>) or any other Act
- any other persons identified in regulation (<https://www.ontario.ca/laws/regulation/r22530>)

The head of council can also choose to create and re-organize the structure of the municipality.

When making any changes to the organizational structure of the municipality, the head of council and municipality are subject to legal requirements including any terms in existing collective agreements or contracts that may apply.

Create, assign functions and appoint chairs of committees

The head of council can create new committees of council made under the *Municipal Act, 2001* (<https://www.ontario.ca/laws/statute/01m25>) and *City of Toronto Act, 2006* (<https://www.ontario.ca/laws/statute/06c11>) , where all members are council members and assign their functions. The head of council is also able to appoint the chairs and vice-chairs of such committees of council.

Bring forward matters for council consideration related to provincial priority

The head of council can bring forward matters for council consideration if they are of the opinion that considering the matter could potentially advance a provincial priority in this regulation (<https://www.ontario.ca/laws/regulation/220580>) .

When bringing forward such a matter for council consideration, the head of council should consider whether any rules with respect to notice and public consultation apply to the exercise of a particular municipal authority.

By-law power related to provincial priorities

The head of council can propose certain municipal by-laws if they are of the opinion that the proposed by-law could potentially advance a prescribed provincial priority in this regulation (<https://www.ontario.ca/laws/regulation/220580>). When using this power, the head of council can only propose by-laws made under:

- the *Municipal Act, 2001* (<https://www.ontario.ca/laws/statute/01m25>)
- the *City of Toronto Act, 2006* (<https://www.ontario.ca/laws/statute/06c11>)
- the *Planning Act* (<https://www.ontario.ca/laws/statute/90p13>)
- section 2 of the *Development Charges Act* (<https://www.ontario.ca/laws/statute/97d27>)

When proposing the by-law, the head of council must provide a copy of the proposed by-law and their reasons for the proposal to the clerk and each member of council. The head of council can require council to consider and vote on the proposed by-law at a meeting (despite any rules in a local procedure by-law). By-laws proposed by the head of council using this power are passed if more than one-third of all council members vote in favour of the by-law. The head of council is also able to vote on passing the by-law.

Note: municipal procedure by-laws and by-laws related to filling a vacancy on council are excluded from this power. There is also a separate process related to proposing the municipal budget. Read “Municipal budget process” in this section for more information.

Veto power and council override

The head of council can choose to veto certain by-laws if they are of the opinion that all or part of the by-law could potentially interfere with a provincial priority in this regulation (<https://www.ontario.ca/laws/regulation/220580>). Only by-laws approved by council made under the *Municipal Act, 2001* (<https://www.ontario.ca/laws/statute/01m25>), the *City of Toronto Act, 2006* (<https://www.ontario.ca/laws/statute/06c11>), the *Planning Act* (<https://www.ontario.ca/laws/statute/90p13>) and

section 2 of the *Development Charges Act* (<https://www.ontario.ca/laws/statute/97d27>) may be vetoed by the head of council.

Note: there is a separate veto process related to the municipal budget. Read “Municipal budget process” in this section for more information.

It is up to the head of council to determine if they will consider vetoing a by-law, regardless of whether they attend a council meeting.

The head of council must provide written notice to council of their intent to consider vetoing the by-law on or before two days after council voted in favour of the by-law.

Note: municipalities may wish to work with their head of council to develop local practices and procedures that could shorten the two-day period before by-laws are deemed to be passed. For example, heads of council may wish to explore providing written approval of certain by-laws the day council votes in favour of the by-law, in order to facilitate faster passage.

If the head of council decides to use their veto within 14 days after the day council voted in favour of the by-law, the head of council must provide a written veto document (which includes the veto and reasons for the veto) to the clerk on the day they use the veto power. The clerk must then share the written document with each member of council by the next business day and also make the written document available to the public.

Council override

If the head of council uses their veto power, council then has the ability to override the veto. Within 21 days after the clerk provides the written veto document to the members of council, council may override the veto if two-thirds of all council members vote to override the veto. During this process, the head of council remains as a member of council for council decision-making with one vote.

Direct staff

The head of council can direct staff to do certain things related to their additional powers and duties. Direction from the head of council to staff under this authority must be provided in writing. For example, the head of council could direct staff to

undertake research and provide advice on policies and programs or to implement any decisions related to their additional powers and duties.

For more information on written documentation requirements for the head of council, please see Accountability and transparency rules for head of council in this section.

For more information about these powers and duties for the head of council, see the legislation and in particular, the following sections:

- 284.3 (<https://www.ontario.ca/laws/statute/01m25#BK361>)
- 284.5 (<https://www.ontario.ca/laws/statute/01m25#BK363>)
- 284.6 (<https://www.ontario.ca/laws/statute/01m25#BK364>)
- 284.8 (<https://www.ontario.ca/laws/statute/01m25#BK366>)
- 284.10 (<https://www.ontario.ca/laws/statute/01m25#BK368>)
- 284.11 (<https://www.ontario.ca/laws/statute/01m25#BK369>)
- 284.16 (<https://www.ontario.ca/laws/statute/01m25#BK374>)

Delegating certain powers

The head of council may delegate certain strong mayor powers to council. These include the following:

- appointing a chief administrative officer
- creating, assigning functions and appointing chairs of committees of council

The head of council may also delegate certain strong mayor powers to either council or the municipality's chief administrative officer (if one is appointed). These include the following:

- hiring certain municipal division heads
- changing the organizational structure of a municipality

Municipal budget process

Municipal budgets help define priorities for service delivery and projects each year. The budget process for designated municipalities is outlined in this regulation (<https://www.ontario.ca/laws/regulation/r22530>) . It is a local responsibility to determine the scope of a head of council's powers and how they apply in the municipality's particular circumstances.

Annual budget process

The head of council is required to propose the budget for the municipality each year by February 1. The head of council must share the proposed budget with each member of council and the municipal clerk and make it available to the public. If the head of council does not propose the budget by February 1, council must prepare and adopt the budget.

After receiving the proposed budget from the head of council, council can amend the proposed budget by passing a resolution within a 30-day review period. The head of council then has 10 days from the end of the council review period to veto any council amendment. To veto a council amendment, the head of council must provide written documentation of the veto and rationale to each member of council and the municipal clerk on the day of the veto. Within a 15-day period after the head of council's veto period, council may override the head of council's veto of a council amendment if two-thirds of all council members vote to override the veto.

There are mechanisms in place to enable council and the head of council to shorten their respective review, veto and override periods. For example, council could pass a resolution to shorten their review and override period and the head of council could provide written documentation to members of council and the municipal clerk to shorten the veto period.

At the end of this process, the resulting budget is deemed to be adopted by the municipality.

As part of the strong mayor budget process, heads of council and municipal councils may wish to consider a multi-year vision focusing on achieving longer term plans.

In-year budget amendments

The head of council is also able to initiate and prepare in-year budget amendments to raise additional amounts from property tax. The head of council may propose the budget amendment by sharing the proposed budget amendment with each member of council and the municipal clerk and making it available to the public.

After receiving the proposed budget amendment from the head of council, council can amend the proposed budget amendment by passing a resolution within a 21-day review period. The head of council then has 5 days from the end of the council review period to veto any council amendment. To veto a council amendment, the head of council must provide written documentation of the veto and rationale to each member of council and the municipal clerk on the day of the veto. Within a 10-day period after the head of council's veto period, council may override the head of council's veto of a council amendment to the proposed budget amendment if two-thirds of all council members vote to override the veto.

There are mechanisms in place to enable council and the head of council to shorten their respective review, veto and override periods. For example, council could pass a resolution to shorten their review and override period and the head of council could provide written documentation to members of council and the municipal clerk to shorten the veto period.

At the end of this process, the resulting budget amendment is deemed to be adopted by the municipality.

Accountability and transparency rules for head of council

Section 2 of the guide outlines the legislated accountability and transparency framework (<https://www.ontario.ca/document/ontario-municipal-councillors-guide/2-accountability-and-transparency>) for all members of council in Ontario, including the head of council. In municipalities with strong mayor powers, the head of council is also subject to additional rules.

For example, when the head of council uses any of these additional powers or

duties, they are required to provide written documentation to the municipal clerk and members of council by the next business day. They must also make this written documentation available to the public. It is up to the municipality to work with their head of council to establish a process for making this documentation available to the public. For example, a municipality may wish to consider creating an online repository for written documentation.

Note: there are separate written documentation requirements for the head of council when using the veto power and by-law power related to provincial priorities and for the municipal budget process.

Additionally, when a head of council directs municipal staff to do certain things related to these additional strong mayor powers and duties, they must do so in writing and are required to provide written documentation to the municipal clerk and chief administrative officer (if one is appointed) by the next business day.

Municipalities and the head of council may wish to work together to determine a local process for sharing written documentation that considers general accountability and transparency requirements, as well as confidentiality requirements.

The head of council is also subject to rules in the *Municipal Conflict of Interest Act* (<https://www.ontario.ca/laws/statute/90m50>) that limit the use of their strong mayor powers or duties when they have certain pecuniary (financial) interests in a municipal matter. If the head of council is prohibited from preparing aspects of the budget due to a financial interest, the council can pass a resolution to amend the budget to address the matter. The head of council cannot veto these amendments. See the Accountability and Transparency (<https://www.ontario.ca/document/ontario-municipal-councillors-guide/2-accountability-and-transparency#section-4>) section of this guide for more information on *Municipal Conflict of Interest Act* matters.

Municipal Election years

There are special rules for when the head of council can propose the budget for the year immediately following an election-year. In addition, there are also limits on the head of council's powers during an election year. See *O. Reg. 530/22* (<https://www.ontario.ca/laws/regulation/220530>)

www.ontario.ca/laws/regulation/220530) for more information.

Filling a vacant head of council seat

At times, a head of council's seat may become vacant. Municipalities that have strong mayor powers are required to fill the head of council's seat through a by-election (see section 284.12 (<https://www.ontario.ca/laws/statute/01m25#BK370>) of the Act).

Note: in the event of a dual vacancy where a lower-tier head of council also sits as a member on the upper-tier council, the lower-tier municipality (not the upper-tier) is required to fill the vacancy (see section 263(2) (<https://www.ontario.ca/laws/statute/01m25#BK333>) of the Act).

A vacant head of council seat must be declared vacant at the next council meeting after the seat becomes vacant (except in situations where the vacancy is due to death of the head of council).

The rules for municipal by-elections would apply. For example, after declaring the vacancy, council has 60 days to pass a subsequent by-law to initiate the by-election. Nominations can be filed once the by-law has been passed. Municipalities continue to have flexibility within these timelines. For example, they could wait the full 60 days to pass the by-law if municipal staff need time to plan and prepare for the by-election.

Additionally, a municipality is not required to fill the position if a head of council's seat becomes vacant within 90 days before voting day in the year of a regular election.

If a head of council's seat becomes vacant after March 31 in the year of a regular municipal election, the municipality is required to appoint a head of council. This appointed head of council would not have these additional powers and duties outlined in this section of the guide.

These rules are specific to the head of council and do not impact the flexibility designated municipalities have in deciding how to fill other vacant council seats

(<https://www.ontario.ca/document/ontario-municipal-councillors-guide/6-changes-council-composition#section-1>) .

For certain upper-tier municipalities, there are different rules for filing a vacant head of council seat. See section 218.1 (<https://www.ontario.ca/laws/statute/01m25#BK244>) of the *Municipal Act, 2001* for information on which municipalities are affected and the applicable rules.

Strong mayor powers and duties do not transfer to an interim or acting head of council. Once a new head of council takes office, that person will be able to exercise the strong mayor powers and duties. The head of council may choose to delegate certain strong mayor powers. If the head of council chooses to delegate certain powers, these powers can still be exercised by the individual(s) to whom the powers were delegated to, in the event that head of council's seat becomes vacant.

Helpful considerations: section 10

- Be aware of the legal framework within which your municipality must operate and whether your municipality is a designated municipality.
- Familiarize yourself with all of the following:
 - the provincial priorities as the use of certain strong mayor powers is related to them.
 - the roles of the head of council and council in a designated municipality.
 - the municipality's policies and procedures (for example, procedure by-law, council-staff relations policy) and consider whether updates are necessary.
 - the *Municipal Conflict of Interest Act*, which sets out a primary set of ethical rules for council and local board members regarding pecuniary (financial) conflicts of interest.
- If you are the head of council of a designated municipality:
 - you must follow all legal requirements when exercising your strong mayor powers and duties.

- it is your duty to prepare and propose the municipal budget by February 1 (if you do not, council must prepare and adopt the budget).
- you should consider whether to delegate certain strong mayor powers that could continue to be exercised when you are away.
- The council of a designated municipality may override a head of council veto by a two-thirds vote or approve certain by-laws proposed by the head of council by a more than one-third vote. These thresholds refer to all council members of the municipality, regardless of their presence at the council meeting or if they are on a leave of absence.

Previous (<https://www.ontario.ca/document/ontario-municipal-councillors-guide/9-fiscal-context>)

Next (<https://www.ontario.ca/document/ontario-municipal-councillors-guide/11-land-use-planning>)

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