

# County Presentation on Status of 310 Division Street

## 16 October 2024

This was not provided on the agenda and is reconstructed from Screen grabs

## Progress on Opening 310 Division

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- ▶ Occupancy permit obtained for phase one (ground floor)
  - ▶ Main Floor – Resource Centre and 24/7 Drop-in Centre/warming hub
- ▶ Building permit issued for phase two – anticipated completion in 2024
  - ▶ Emergency Shelter beds and Transitional Housing units
- ▶ Acquiring furniture for Drop-in Centre
- ▶ Staffing is in place
- ▶ Phase one ready to open by October 18, 2024
  - ▶ Winter Ready

# 310 Division Street: A collective effort

- ▶ Since July, there has been a substantial coordination and support to getting to this point of ready to open:
  - ▶ **Community Engagement since December 2023**
    - ▶ Community Engagement Sessions
    - ▶ Community Liaison Committee
    - ▶ Building relationships with neighbouring property owners and demonstrating good neighbour practices
  - ▶ **Funding**
    - ▶ County purchase of property
    - ▶ Province funding construction
    - ▶ Other grants sought by Transition House for operations
  - ▶ **Shifting ownership model and partnership structure**
    - ▶ Transition House and County – signed a revised MOU for the operation of a shelter out of 310
    - ▶ Occupancy Licensing Agreement signed
    - ▶ Service Agreement for new location ready to go
    - ▶ Bringing together of support services for opening
      - HART Hub connection and support
  - ▶ **Construction**
    - ▶ Expedited construction schedule
    - ▶ Contractors and Consultants – instrumental in prioritizing the completion of 310
    - ▶ Cost-savings support from in-house staffing expertise – electricians, locksmiths, project managers

# Community Liaison Committee

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- ▶ Training Session – September 25
  - ▶ Nearly 30 people attended
  - ▶ Dedication from attendees to understand the issues and see 310 as a success
  
- ▶ Interviews for selection scheduled for week of October 22
  - ▶ Currently 22 community members have expressed interest to serve

# Emergency Care Establishment By-law - Exemptions

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- ▶ Application submitted August 16, 2024
  - ▶ Response on September 23 – Town not reviewing the application and offer refund for exemption request and license fee
- ▶ Resubmission on October 1, 2024
  - ▶ Reduced request to 4 exemptions including proposed conditions that could be considered
- ▶ Town responded to exemption requests on October 7, 2024
- ▶ County staff sought meeting with Director of Legislative Services and CAO to discuss exemption requests on October 11.
  - ▶ No meeting was held – staff directed to Manager of By-law or to procedures under the by-law (i.e. Hearings Officer)
  - ▶ County staff spoke to Manager of By-law on October 15 to seek understanding of applicability

# Emergency Care Establishment By-law – Status of Exemptions

By-law Reference	County Rationale for Exemption	Town Response	Considerations for County Council
<p>Section 6.1 (d) (iii) – requires the provision of mobile security to address “circumstances involving shelter residents in the surrounding 500-meter radius”.</p>	<p>Exemption was sought in relation to mobile security. (onsite security 24.7 will be provided)</p> <p>The County nor private security contracted by the County has a mandate or legal authority to respond to issues off its property.</p>	<p>“Granted with Condition”</p> <ul style="list-style-type: none"><li>- Requires intervention with known shelter residents within sightlines of the property</li><li>- 500 metre radius response required for an incident directly related to ECE activities</li></ul>	<p>An exemption has not been granted, condition provided is a term of the by-law. As an employer, Transition House cannot have staff leave property. Despite attempts, County staff remain unclear on the process that the Town will use to determine activities ‘directly related to ECE’.</p>

By-law Reference	County Rationale for Exemption	Town Response	Considerations for County Council
<p>Section 6.1 (d) (iv) – lot maintenance plan including responsibility for the waste and debris from the activities of the ECE or its shelter occupants within a 500m radius of the site.</p>	<p>The County and Transition House outlined the waste management plan for onsite activities at 310 Division Street.</p> <p>The County cannot be responsible for waste and debris within 500m radius of site.</p>	<p>“Granted”</p> <p>Notes that the 500 metre radius requirement “is directly related to activity for which litter, waste and debris can be proven to be directly related to ECE activities.</p>	<p>A full exemption has not been granted, condition provided is a term of the by-law. Despite attempts, County staff remain unclear on the process that the Town will use to determine activities ‘directly related to ECE’.</p>

By-law Reference	County Rationale for Exemption	Town Response	Considerations for County Council
<p>Section 6.1. (i). A statement by applicant attesting to the accuracy of application including: compliance with various legislation as required by Town of Cobourg</p>	<p>County provided a slightly modified form with the following changes:</p> <ul style="list-style-type: none"> <li>- Clarifying it is a statement not an agreement</li> <li>- Present tense shifted to future tense (upon full operational status)</li> <li>- Limit indemnity of the Town to activities solely resp. of the Town</li> <li>- Added that the County did receive zoning compliance prior to purchase</li> </ul>	<p>“Denied”</p> <ul style="list-style-type: none"> <li>- By-law allows the Director or Manager to refuse to accept an application unless it is submitted on forms approved by the Director or Manager</li> </ul>	<p>The County cannot make a false statement. The County has demonstrated substantial reasonability its resubmission in narrowly limiting the Town’s indemnity. Without this exception, the County would be stating that it will indemnify the Town against all claims related to the operation of 310 division street, even if the Town itself is solely responsible for such claims</p>

By-law Reference	County Rationale for Exemption	Town Response	Considerations for County Council
<p>Section 4.3. – an agent trustee or representative of persons operating an ECE will be personally liable for compliance – failure to do so is an offence S. 24.2 – each director or officer of a corporation who knowingly concurs in contravention of By-law is guilty of an offence for each day it continues.</p>	<p>As a municipal corporation – the County cannot dissolve or become insolvent and therefore the intent of the by-law that the entity most responsible under any license is maintained with respect to the County without recourse to personal liability.</p>	<p>“Denied” The County’s submissions rely upon proposed statements of law rather than factual information and reasons for an exemption request.</p> <p>Providing an exemption would not maintain the general intent and purpose of the by-law.</p>	<p>Liability applies to <b>all</b> employees/councilors of Northumberland. Municipal Act Subsection 448 (1) – no proceeding may be commenced against officers/agents for any act done in good faith.</p> <p>Situations where the by-law contravenes with provincial and federal legislation – how do employees/councilors navigate with threat of personal liability under by-law.</p>



# Emergency Care Establishment By-law - Application

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- ▶ Town of Cobourg have provided initial comments on the application – mostly minor and can be addressed
- ▶ While requirements can be met, some are onerous and not equitably considered for other businesses, services or residents
- ▶ With all concerns being addressed (including exemptions) conditional license will be issued

# Moving forward – 310 Division Street opening

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Direction from Council on how to move forward:

- ▶ Exemption Conditions
- ▶ Next Steps with the Town of Cobourg's ECE By-law
- ▶ Options to support individuals who are experiencing homelessness in the imminent cold weather