



# The Regional Municipality of Durham Report

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To: Finance and Administration Committee  
From: Commissioner of Corporate Services  
Report: #2024-A-2  
Date: February 13, 2024

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**Subject:**

Repeal of Public Notice By-law and Approval of new Public Notice Policy

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**Recommendation:**

That the Finance and Administration Committee recommends to Regional Council:

- A) That the Public Notice Policy included as Attachment #1 to this report be approved.
  - B) That the Regional Clerk, in consultation with the Chief Administrative Officer, be granted the authority to amend the Public Notice Policy as required.
  - C) That Public Notice By-law [#82-2007](#) be repealed.
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**Report:**

**1. Purpose**

- 1.1 To update the procedure for providing public notice by repealing the current Public Notice By-law and replacing it with the proposed Public Notice Policy included as Attachment #1 to this report. This update will simplify the process for providing notice, incorporate contemporary methods and account for potential legislative changes.

**2. Background**

- 2.1 The Municipal Act requires that municipalities adopt and maintain a number of policies including with respect to the circumstances in which a municipality shall provide notice to the public, and if notice is to be provided, the form, manner and times notice shall be given.

- 2.2 The current Public Notice By-law [#82-2007](#) has been in place since 2007. Since then, methods for providing notice to the public have evolved to include greater use of electronic notification methods.
- 2.3 In the development of the new Public Notice Policy, a review of the existing By-law was conducted, other municipal notice policies were reviewed, and stakeholder consultations occurred with staff throughout the organization including the Communications and Engagement, and the Legal divisions.

### **3. Previous Reports and Decisions**

- 3.1 Report [#2007-A-60](#) Report on New Notice By-law, Accountability, and Transparency Policy and Delegation Policy.

### **4. Discussion**

- 4.1 Recently, Metroland Media announced the cessation of in-print newspaper publications in communities across Ontario, including those in Durham Region. Several pieces of legislation require municipalities to give notice by print newspaper, therefore the loss of local in-print publications has proved challenging. Although, some independent local in-print newspapers are available, they do not reach all local area municipalities. Wide-reaching options available currently include newspapers such as the Toronto Star, National Post, or the Globe and Mail, which may not have sufficient circulation in Durham Region to effectively provide notice to Durham Region residents.
- 4.2 The Legislation Act defines newspaper as a document that is printed in sheet form at regular intervals of a week or less with circulation to the general public and consists primarily of news of current events of general interest. The definition does not recognize online versions of the same publications.
- 4.3 In October 2023, the Regional Chair's office, in consultation with the Regional Clerk, Communications and Engagement, and Legal, wrote to the Attorney General to request an amendment to the definition of newspaper in the Legislation Act to include online community-focused newspapers and municipal government websites. The correspondence also suggested, in support of the publishing sector, that the definition could include provisions that only permit these online options where an in-print newspaper with local municipal circulation is not available. The results of this request are pending. As such, any notices that are required by legislation to be published in a newspaper must still be published in print. Examples include notices under the Expropriations Act and the Development Charges Act.
- 4.4 The Region's Public Notice Policy must account for the legislative requirements for providing notice, while being broad enough to account for any updates that may be made to the legislation and the changing landscape resulting from the decrease in the availability of in-print publications.

## **5. Proposed Revisions**

- 5.1 It is being proposed that a Policy be enacted instead of the existing By-law, with authority given to the Regional Clerk, in consultation with the Chief Administrative Officer, to make any necessary updates.
- 5.2 The current By-law outlines various methods for providing notice and contains a table outlining proposed actions and the corresponding recommended notice methods that pertain to each action. This table was removed in the proposed Policy. The methods for providing notice will no longer vary based on the proposed actions; instead, public notice will be provided in the same manner regardless of the purpose of the notice, subject to certain limitations. The guidelines for providing Public Notice in the proposed Policy have been written in a more simplified manner than what is currently contained in the By-law.
- 5.3 Notice will only be required to be provided on the Region's website rather than in multiple forms, unless stated otherwise in legislation or it is deemed appropriate in the circumstances. Members of the public may subscribe to the Region's Public Notice page [durham.ca/PublicNotices](https://durham.ca/PublicNotices) to receive notifications when a public notice is published or updated. Additional communications tactics may be included depending on the nature of the notice and the audience.
- 5.4 The proposed Public Notice Policy includes broad reference to legislation, rather than referencing specific legislative parameters as is the case with the current By-law. These broad references ensure the Policy remains relevant despite any potential changes to legislation.
- 5.5 The proposed policy establishes criteria for when discretionary notice is to be provided by asking staff to determine whether a matter is of sufficient public interest to warrant the giving of public notice by considering the number of people affected by the matter, the financial implications to the Region, the time period or duration for which the matter is applicable, and the extent of the geographic area affected.

## **6. Relationship to Strategic Plan**

- 6.1 This report aligns with/addresses the following strategic goals and priorities in the Durham Region Strategic Plan:
  - a. Goal 5: Service Excellence. Objective: To provide exceptional value to Durham taxpayers through responsive, effective and fiscally sustainable service delivery.
    - 5.3 Demonstrate commitment to continuous quality improvement and communicating results
    - 5.4 Drive organizational success through innovation, a skilled workforce, and modernized services

## 7. Conclusion

- 7.1 It is being proposed that the existing Public Notice By-law [#82-2007](#) be repealed and that it be replaced by a new Public Notice Policy in order to simplify the instructions for providing Public Notice and to ensure the Public Notice guidelines remain current despite potential legislative amendments. For the most part, notices will be posted on the Region's Public Notice page.
- 7.2 A comprehensive campaign is underway by Communications and Engagement to encourage community members to subscribe to the Region's Public Notice page.
- 7.3 For additional information, contact: Alexander Harras, Regional Clerk, at 905-668-7711, extension 2100.

## 8. Attachments

Attachment #1: Proposed Public Notice Policy

Prepared by: Leigh Fleury, Deputy Clerk, at 905-668-7711, extension 2020.

Respectfully submitted,

Original signed by

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Barb Goodwin, MPA, CPA/CGA,  
B.Comm, CPM, CMMIII  
Commissioner of Corporate Services

Recommended for Presentation to Committee

Original signed by

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Elaine C. Baxter-Trahair  
Chief Administrative Officer



**Regional Municipality of Durham**  
Corporate Services  
Council Policy Manual

<b>Title: Public Notice Policy</b>		
<b>Policy #: CS-NOT-1</b>	<b>Issued: February 28, 2024</b>	<b>Page #: 1 of 3</b>
<b>Revised:</b>		
<b>Approved by: Regional Council</b>		
<b>Responsibility: Regional Clerk/CAO</b>		<b>Section: Corporate Services</b>

## **1. Policy**

- 1.1 In accordance with the Municipal Act, municipalities must adopt and maintain a policy with respect to the circumstances in which a municipality shall provide notice to the public, and if notice is to be provided, the form, manner and times notice shall be given. This policy is deemed to satisfy the requirements of section 270 (1) 4. of the Municipal Act, 2001, as amended.
- 1.2 The Regional Clerk, in consultation with the Chief Administrative Officer, may make amendments to this policy as required.

## **2. Purpose**

- 2.1 To outline the circumstances in which public notice will be provided, what will be included in the notice (form), how it will be provided (manner) and the timelines for providing notice.
- 2.2 To ensure accountability and transparency with respect to municipal actions.

## **3. Definitions**

- 3.1 "Regional Clerk" means the Clerk of The Regional Municipality of Durham, or that person's designate;
- 3.2 "Municipal Act" means the Municipal Act, 2001, S.O. 2001, c.25;
- 3.3 "newspaper" means a printed publication or a combination of printed publications 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 to the public, and circulated within the municipality as to provide reasonable notice to those affected;
- 3.4 "Notice to the Public" or "Public Notice" means notice given to the public generally, but does not include notice given only to specified persons;
- 3.5 "Regional Administration" means the relevant Department Head(s) or their designate(s);

- 3.6 “Region’s Website” means the official website of the Regional Municipality of Durham which is open to the public and currently found at durham.ca or such other address as may be used from time to time.

#### **4. Application**

- 4.1 Where the Region determines that Notice to the Public shall be given, the notice shall be given in a form and manner as indicated in this policy, unless:
- i) An Act or Regulation prescribes otherwise, in which case the notice requirements in the Act or Regulation shall prevail. If the Act or Regulation does not specify the form, manner or time for giving notice, the Region shall give notice in accordance with this policy;
  - ii) The requirements are prescribed in another Regional Policy or By-law, in which case staff may determine which notice requirements are the most appropriate; or
  - iii) Council directs that other Public Notice is to be given

#### **5. Procedures**

##### **Circumstances**

- 5.1 The Region shall give public notice of a matter under the following circumstances:
- i) When required by provincial or federal statute or regulation;
  - ii) When required by a Regional policy or by-law;
  - iii) When in the opinion of the Region’s Administration the matter is of sufficient public interest to warrant the giving of public notice.
- 5.2 When determining whether a matter is of sufficient public interest to warrant the giving of public notice, staff shall consider:
- i) The number of people affected by the matter;
  - ii) The financial implications of the matter for the municipality;
  - iii) The time period or duration for which the matter is applicable; and
  - iv) The extent of any geographical area affected.

##### **Form**

- 5.3 Public Notices shall be written in plain language in an accessible manner and shall contain:
- i) The authority under which the notice is being given (By-law, Policy, Legislation, Regional Administrative authority);
  - ii) A description of the matter, and any decisions to be made in relation to it;
  - iii) Where applicable, a map or description of any lands affected by the matter;
  - iv) The date, time and location of any meeting at which the matter may be considered;

- v) Instructions on how comments or questions may be submitted on the matter, including contact information for any Regional employee(s) responsible for the matter;
- vi) How to exercise any rights of appeal, if applicable; and
- vii) Any other information deemed necessary by the Region.

### **Manner**

- 5.4 Public Notices shall be posted on the Region's Website on the Public Notices page.
- 5.5 Public Notice may also be provided by mail or e-mail to affected parties, where deemed appropriate in the circumstances.
- 5.6 Public Notice may also be posted in a newspaper or online community-focused newspaper but is not required unless legislated. Sharing of public notices shall be done in collaboration with the Communications and Engagement Division.

### **Time**

- 5.7 Public Notice shall be posted and/or distributed a minimum of 10 days prior to the matter being considered at a meeting, or prior to any referenced action being taken on the matter.
- 5.8 When calculating the 10-day notice period, the day of giving notice is excluded and the day on which the relevant action is to be taken is included.
- 5.9 If a matter specified in the public notice does not occur at the specified date and time and is rescheduled, additional notice shall be provided to advise of the rescheduled date and time as soon as possible and in accordance with any legislative requirements.

## **6. Urgent or Time Sensitive Matters**

- 6.1 If a matter arises which is considered to be urgent in nature, or which would affect the health or well-being of the residents of the Region, the notice provisions in this policy may be waived and the Region shall make its best effort to provide as much notice as is reasonable and timely under the circumstances.

## **7. Inquiries**

- 7.1 For additional information regarding this policy please contact the Regional Clerk at [clerks@durham.ca](mailto:clerks@durham.ca).