



**THE CORPORATION OF THE CITY OF MISSISSAUGA
NOTICE BY-LAW 215-08**

(amended by 376-08)

WHEREAS on December 17, 2003 the Council of The Corporation of the City of Mississauga enacted By-law 0516-2003 to prescribe the form and manner for the giving of public notice under the *Municipal Act, 2001*, S.O. 2001, c.25;

AND WHEREAS the *Municipal Act, 2001* was amended by the *Municipal Statute Law Amendment Act, 2006*, S.O. 2006, c.32 to, among other things, change some of the public notice requirements and to stipulate in section 270(1) 4 that a municipality shall adopt and maintain policies with respect to the circumstances in which the municipality shall provide notice and, if notices are to be provided, the form, manner and times notice shall be given;

AND WHEREAS, pursuant to such amendment, the Council of The Corporation of the City of Mississauga wishes to repeal and replace By-law 0516-2003 in order to update the circumstances, form, manner and times for giving public notice;

NOW THEREFORE the Council of The Corporation of the City of Mississauga ENACTS as follows:

DEFINITIONS

1. In this by-law:

“**Act**” means the *Municipal Act, 2001*, S.O. 2001, c. 25, as amended;

“**Clerk**” means the City Clerk and includes her/his designate;

“**Mail**” means prepaid, first-class mail unless legislation requires otherwise;

“**Newspaper**” means a printed publication in sheet form, intended for general circulation and published regularly at intervals of not longer than a week and consisting in great part of news of current events of general interest and sold to the public and to regular subscribers and available within the City of Mississauga;

“**Website**” means the official internet website of the City of Mississauga whose uniform resource locator is known as www.mississauga.ca.

APPLICATION

2. (1) Subject to subsection 2(3) below, where the City wishes to give notice to the public or is required to give notice under a provision of the Municipal Act, 2001, the notice shall be given through posting on the City's website for at least the two week period immediately preceding consideration of the matter by City Council and in a form and manner and at the times indicated in Schedule A to this By-law, unless: (376-08)
 - i. notice is otherwise prescribed by statute or regulation;
 - ii. Council directs that other public notice is to be given as Council considers adequate in the circumstances;
 - iii. the City Manager determines that notice shall be waived due to an emergency situation.
- (2) No additional notice will be required for subsequent meetings where a matter has been deferred or referred to a subsequent meeting by City Council or by a Committee of Council. (376-08)
- (3) Where the City proposes to sell land it shall give notice to the public of the proposed sale by listing it on its website for a two week period, provided the expiry of the said two week period is at least one week before the execution of the agreement for the sale of the said land. (376-08)

SHORT TITLE

3. This By-law may be referred to as the Notice By-law.

REPEAL

4. By-law 0516-2003, as amended, being the Notice By-law, is hereby repealed.

ENACTED AND PASSED this 18th day of June, 2008.

Signed by: Susan McFadden, Acting Mayor and Crystal Greer, City Clerk

Schedule A
Public Notice Requirements

| Municipal Act Section & Subject | Requirement of Municipal Act | City of Mississauga Requirements |
|--|---|--|
| Section 34 Permanent closure of a highway | No public notice requirement. | Website posting* 2 weeks prior to Committee meeting at which road closure is being considered. Where the traveled portion of the road is affected, notice in newspaper 2 weeks prior to Committee meeting at which road closure is being considered. |
| Change/naming of highway | No public notice requirement. | In accordance with Corporate Policy 10-02-01, when a name change is approved, Clerk's to ensure that name change is advertised in local newspaper and all emergency service agencies are notified. |
| Section 48 Change / naming of private roads | A local municipality may name or change the name of a private road after giving public notice of its intention to pass the by-law. | New Name – Website posting* 2 weeks prior to Committee meeting at which new name is being considered. Name Change – Website posting* and Notice in newspaper 2 weeks prior to Committee meeting at which name change is being considered. |
| Section 99 By-law - advertising devices | No public notice requirement. | Website posting* 2 weeks prior to Committee meeting at which by-law amendments are being considered |
| Section 110 Agreements for municipal capital facilities | Upon the passing of a by-law permitting a municipality to enter into an agreement under this section, the clerk of the municipality shall give written notice of the bylaw to the Minister of Education | As required by the Act |

*website posting to remain until Council has made a decision on the matter.

Schedule A
Public Notice Requirements

| Municipal Act Section & Subject | Requirement of Municipal Act | City of Mississauga Requirements |
|---|---|---|
| Section 110 Agreements for municipal capital facilities - tax exemptions | Upon the passing of a by-law under subsection (6), the clerk of the municipality shall give written notice of the contents of the by-law 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 by the by-law; and (c) the secretary of any school board if the area of jurisdiction of the board includes the land exempted by the by-law. | As required by the Act |
| Section 150 General Licensing Powers | No public notice requirement. No public meeting requirement. | Website posting* 2 weeks prior to Committee meeting at which matter is being considered. |
| Section 173 Restructuring Proposal | Before the council of a municipality votes on whether to support or oppose a restructuring proposal, the council shall or may, as applicable, do the following things when the proposal is being developed or after it is developed: 1. Council shall consult with the public by giving notice of, and by holding, at least one public meeting. 2. Council shall consult with such persons or bodies as the Minister may prescribe. 3. Council may consult with such other persons and bodies as the municipality considers appropriate. | Council shall hold at least one public meeting. Website posting* 2 weeks prior to public meeting. Notice in newspaper 2 weeks prior to public meeting and otherwise as prescribed by the Minister. |
| Section 187 Change of name of municipality | No public notice requirement. | Council shall hold at least one public meeting. Website posting* 2 weeks prior to public meeting. Notice in newspaper 2 weeks prior to public meeting |

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| Section 204 - 210 Business Improvement Areas | <p>A local municipality may designate an area as an improvement area and may establish a board of management. Before passing a by-law under subsection 204 (1), clause 208 (2) (b), subsection 208 (3) or section 209, notice of the proposed by-law shall be sent by prepaid 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,</p> <p>(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</p> <p>(b) where a new improvement area would be created by the proposed by-law, in the proposed improvement area.</p> | As required by the Act |
| Section 211 Business Improvement Areas - Repealing By-law | <p>Council shall give notice of a proposed by-law to repeal a by-law establishing a business improvement area. Notice of the proposed by-law shall be sent by prepaid 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,</p> <p>(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</p> <p>(b) where a new improvement area would be created by the proposed by-law, in the proposed improvement area.</p> <p>Notice shall be given within 60 days of receiving a valid request to repeal the by-law. Recipients are to respond within 60 days after the last day of mailing of the notices.</p> | As required by the Act |
| Section 216 Dissolution of Local Boards (excluding Police Services Board) | No public notice requirement. | Notice by mail to local board 2 weeks prior to Committee meeting at which matter is being considered. |

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| Section 217 Council Composition | No public notice requirement. | Council shall hold at least one public meeting. Website posting* 2 weeks prior to public meeting. Notice in newspaper 2 weeks prior to public meeting |
| Section 222 Establishment of Wards | No requirement for public meeting. | Council shall hold at least one public meeting. Website posting* 2 weeks prior to public meeting. Notice in newspaper 2 weeks prior to public meeting |
| | Within 15 days after the by-law is passed, the municipality shall give notice of the passing of the by-law to the public specifying the last date for filing a notice of appeal. | Website posting* within 15 days of passing by-law Notice in newspaper within 15 days of passing by-law |
| Section 238 Procedural By-laws | No public notice requirement prior to passage of procedural by-law. | Website posting* 2 weeks prior to Committee meeting at which matter is being considered. |
| Section 270.1 Sale of Land | A municipality shall adopt and maintain policies with respect to the sale and other disposition of land. A municipality shall adopt and maintain policies with respect to the circumstances in which the municipality shall provide notice to the public and, if notice is to be provided, the form, manner and times notice shall be given. | Where the City proposes to sell land, it shall give notice to the public of the proposed sale by listing it on its website for a two week period, provided the expiry of the said two week period is at least one week before the execution of the agreement for the sale of the said land. (376-08) |

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| Section 291 Budget - Adopt or Amend | No public notice requirement. | Website posting* 2 weeks prior to the Budget Committee Meeting at which the consideration of the final budget recommendations commences. Notice in newspaper 2 weeks prior to the Budget Committee Meeting at which the consideration of the final budget recommendations commences. |
| Section 295 Financial Statements - Publication | <p>Within 60 days after receiving the audited financial statements of the municipality for the previous year, the treasurer of the municipality,</p> <p>(a) shall publish in a newspaper having general circulation in the municipality,</p> <p style="padding-left: 20px;">(i) a copy of the audited financial statements, the notes to the financial statements, the auditor's report and the tax rate information for the current and previous year as contained in the financial review, or</p> <p style="padding-left: 20px;">(ii) a notice that the information described in subclause (i) will be made available at no cost to any taxpayer or resident of the municipality upon request; and</p> <p>(b) may provide the information described in subclause (a) (i) or (ii) to such persons and in such other manner as the treasurer considers appropriate.</p> <p>If a request is made under subsection (1), the treasurer shall provide a copy of the information to the taxpayer or resident at no cost.</p> | As required by the Act |
| Section 297 Auditor | <p>The auditor may attend any meeting of members of council or any local board of the municipality and is entitled,</p> <p>(a) to receive all notices relating to the meeting that any member is entitled to receive; and</p> <p>(b) to make representations at that meeting on any matter that concerns him or her as auditor</p> | As required by the Act |

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| Municipal Act Section & Subject | Requirement of Municipal Act | City of Mississauga Requirements |
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| Section 308 Establishment of Tax Ratios | The Minister 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 | As required by the Act |
| Section 318 Phase-in of Tax Changes Resulting from Reassessments | A notice of demand of taxes payable in respect of which there is a phase-in 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. | As required by the Act |
| Section 331 Taxes on Eligible Properties | The assessment corporation shall provide a list of the comparable properties for each eligible property [as defined in 331(20) -ie properties with additional assessments; properties that cease to be exempt; properties that are added to the roll due to subdivision or severance of land; or properties for which there is a change in classification]. The municipality shall mail to the owner of each eligible property the list of comparable properties, along with the municipality's determination of taxes, within 60 days after the date the list of comparable properties is received by the municipality. | As required by the Act |
| Section 343 Notice of Tax Bill | The treasurer shall send a tax bill to every taxpayer at least 21 days before any taxes shown on the tax bill are due. | As required by the Act |
| Section 348 Determination of Tax Status | The treasurer shall by February 28 in each year determine the position of every tax account as of December 31 of the preceding year. On making this determination, the treasurer shall send to every taxpayer who owes taxes from a preceding year a notice of those taxes and of the related late payment charges. The notice may be sent with a tax bill. | As required by the Act |
| Section 350 Obligations of tenant - taxes owed | Where taxes are owed in respect of 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 the notice. | As required by the Act |

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| Section 351 Seizure personal property - Public Auction | Subject to certain conditions, the treasurer may seize personal property to recover the taxes and costs of the seizure. The treasurer or the treasurer's agent shall give the public notice of the time and place of the public auction and of the name of the person whose personal property is to be sold. | Website posting 2 weeks prior to auction Notice in newspaper 2 weeks prior to auction Written notice by mail, posted 3 weeks prior to auction, to sheriff, bailiff, assignee, liquidator, trustee or licensed trustee in bankruptcy |
| Section 356 Division of Land into Parcels | Upon application by the treasurer of a municipality or to the treasurer by an owner of land, the municipality may divide land into two or more parcels; apportion unpaid taxes; and direct part payment of taxes to each of the parcels. On or before September 30 of the year following the year in which the application is made, council shall hold a meeting to consider the issue. Applicants and owners of any part of the land shall be notified of the meeting by mail sent at least 14 days before the meeting. Within 14 days of making its decision, council shall notify the applicants and owners of the decision and specify the last day for appealing the decision. | As required by the Act |
| Section 357 Cancellation, reduction, refund of taxes | Upon receipt of an application, and subject to certain conditions, the municipality may cancel, reduce or refund all or part of taxes levied. On or before September 30 of the year following the year in which the application is made, council shall hold a meeting at which all applicants may make representations to council. Applicants shall be notified of the meeting by mail sent at least 14 days before the meeting. Within 14 days of making its decision, council shall notify the applicants of the decision and specify the last day for appealing the decision. | As required by the Act |

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| Section 358 Overcharges caused by a gross or manifest error | Upon receipt of an application, and subject to certain conditions, the municipality may cancel, reduce or refund all or part of taxes which were overcharged due to a gross or manifest error in the preparation of the assessment roll. The treasurer shall send a copy of the application to the assessment corporation and the registrar of the Assessment Review Board. If the application is deemed to be invalid, the treasurer shall notify the applicant in writing of the reasons that it is not valid. On or before September 30 of the year following the year in which the application is made, council shall hold a meeting at which the applicant may make representations to council. The applicant shall be notified of the meeting by mail sent at least 14 days before the meeting. Within 14 days after making its decision, council shall notify the applicant of the decision. | As required by the Act |
| Section 359 Increase of Taxes as a result of any undercharge caused by a gross or manifest error | Upon receipt of an application by the treasurer, the municipality may increase the taxes levied when the taxes were undercharged due to a gross or manifest error. The council shall hold a meeting at which the treasurer and the person in respect of whom the application is made may make representations to council. The council shall notify the parties of the meeting by mail sent at least 14 days before the meeting. Within 14 days of making its decision, council shall notify the parties of the decision and specify the last day for appealing the decision. | As required by the Act |
| Section 365 Cancellation, reduction or refund of taxes | If a lower tier municipality passes a by-law to cancel, reduce or refund taxes levied, it shall give notice of that fact to the upper-tier municipality. | As required by the Act |
| Section 365.2 Tax reduction for heritage property | If a lower tier municipality passes a by-law to provide tax reductions or refunds to eligible heritage property, the Minister of Finance shall be notified within 30 days after the by-law is passed. A lower tier municipality that passes a by-law shall notify the upper-tier municipality of the amount of taxes to be reduced or refunded for lower-tier purposes under the by-law. | As required by the Act |

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| Section 374 Notice of Registration of tax arrears certificate | Within 60 days after the registration of a tax arrears certificate, the treasurer shall send a notice of the registration of the certificate to the assessed owner of the land, to the spouse of the assessed owner of the land, and to every person appearing to have an interest in the land at the time of closing of the land registry office on the day the tax arrears certificate was registered. | As required by the Act |
| Section 379 Public Sale (tax arrears certificate) | <p>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 the registration of the tax arrears certificate.</p> <p>If at the end of the one-year period the cancellation price has not been paid the land shall be offered by public auction or public tender. The treasurer shall make a statutory declaration stating the names of the persons to whom notice was sent previously and advertise the land for sale once in <i>The Ontario Gazette</i> and once a week for four weeks in a newspaper that, in the opinion of the treasurer, has such circulation within the municipality as to provide reasonable notice of the sale. After the sale is made, and within 60 days after making a subsequent statement and payment to the Superior Court of Justice, the treasurer shall send a copy of the statement to the Public Guardian and Trustee and to the persons to whom notice was previously sent.</p> <p>Any notice required to be sent may be given by personal delivery or be sent by certified or registered mail.</p> | As required by the Act |

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|--|--|---|
| Section 391 Fees and Charges | No public notice requirement. | Notice is given to the public through posting the meeting schedule and committee agendas on the City's website. |
| Section 400 Regulations – Local Improvement Charges – Priority Lien Status | Under Section 400, the Minister may make regulations regarding fees and charges with priority lien status, including a requirement that the municipality give notice of its intention to pass a by-law imposing fees and charges which will have priority lien status. | As required by regulation |
| Section 402 Notice of Debt | 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 required by the Board |
| | <p>Where subsection (1) requires that notice of a proposed exercise of a power of entry be given, the notice must satisfy the following requirements:</p> <ol style="list-style-type: none"> 1. The notice must be given to the occupier of the land in respect of which the power of entry will be exercised. The notice must be given within a reasonable time before the power of entry is exercised. 2. The notice must be given by personal service in the case of a proposed exercise of a power of entry under section 79, 80 or 446 in respect of a room or place actually used as a dwelling. 3. In the case of a proposed exercise of a power of entry other than one described in paragraph 3, the notice must be given by personal service or prepaid mail or by posting the notice on the land in a conspicuous place. | As required by the Act |
| Section 441 Collection of unpaid licensing fines | If any part of a fine for a contravention of a business licensing by-law remains unpaid after the fine becomes due and payable under section 66 of the Provincial Offences Act, the authorized officer may give 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, which shall be not less than 21 days after the date of the notice | As required by the Act |