

Update on the City of Ottawa’s Local Boards (Agencies, Boards, Committees and Commissions)

City Council has broad authority with respect to certain “local boards” as defined in the *Municipal Act, 2001* (the Act) and the *Municipal Elections Act, 1996* (MEA), as described in the 2022-2026 Governance Review report. As such, it is necessary to determine which local entities are considered to be “local boards” for the purposes of legislative requirements under the Act and the MEA.

As noted in the 2022-2026 Governance Review report, this determination may rely upon statutory definitions and case law, including the following five-part test:

1. A direct link with the municipality must be found (either by way of legislation or authority from the municipality);
2. The entity must be carrying on the affairs of the municipality (as set out in the definition of the Act);
3. There must be a connection to or control by the municipality;
4. There must be an element of autonomy; and
5. Whether the municipality has the ability to dissolve the entity and assume its functions pursuant to Section 216 of the Act and *Ontario Regulation 582/06: Dissolution of and Assumption of Powers of Local Boards*.

Below, staff have considered various local entities against relevant legislative provisions, case law and the above-noted test to determine which are likely to be considered to be “local boards” for particular provisions of the Act and the MEA. The 2022-2026 Governance Review report provides a status report on the compliance of the entities identified as “local boards” with respect to their statutory requirements under the Act. In addition, this document identifies certain entities as “municipally-controlled corporations” pursuant to a definition set out in Section 223.1 of the Act. Such corporations may be subject to oversight by the City’s Auditor General, as described below.

Entities subject to further review, as described below, include as follows:

- Advisory Committees (Page 3)

Entities reviewed below that are generally considered to be “local boards” for the purposes of certain requirements under the *Municipal Act, 2001* and/or *Municipal Elections Act, 1996*, include as follows:

- Board of Health for the City of Ottawa Health Unit (Page 5)
- Business Improvement Areas (Page 9)
- City of Ottawa Superannuation Fund (Page 12)
- Committee of Adjustment (Page 14)
- Crime Prevention Ottawa (Page 17)
- Municipal Service Boards (Page 20)
- Ottawa Community Housing Corporation (Page 22)
- Ottawa Community Lands Development Corporation (Page 25)
- Ottawa Markets Municipal Services Corporation (Page 28)
- Ottawa Police Services Board (Page 32)
- Ottawa Public Library Board (Page 34)
- Sparks Street Mall Authority (Page 36)

Entities reviewed below that are generally considered not to be “local boards” for these purposes include as follows:

- Central Canada Exhibition Association (Page 39)
- Children’s Aid Society Board of Directors (Page 40)
- Conservation Authorities (Page 40)
- Hydro Ottawa Holding Inc. (Page 41)
- Invest Ottawa at Bayview Yards (Page 41)
- Mohr’s Landing/Quyon Port Authority (Page 43)
- Osgoode Care Centre (Page 43)

- Ottawa Tourism and Convention Authority, Inc. (Page 44)
- Property Standards and License Appeals Committee (Page 44)

1. Entities subject to further review

A. Advisory Committees

Mandate and responsibilities

During the 2018-2022 Term of Council, the City of Ottawa had five Advisory Committees with a mandate to provide advice to Council as follows:

- The Accessibility Advisory Committee, which has a mandate to fulfill the duties of a Municipal Accessibility Advisory Committee as outlined in the *Accessibility for Ontarians with Disabilities Act, 2005* and to provide advice to Council on programs, policies and services provided to persons with disabilities and seniors.
- The Arts, Culture and Recreation Advisory Committee, which has a mandate to advise Council on policy, programs and service delivery in the area of arts, recreation and culture.
- The Environmental Stewardship Advisory Committee, which has a mandate to advise Council on policy, programs and service delivery in the area of environmental stewardship.
- The French Language Services Advisory Committee, which has a mandate to advise Council on issues that impact the implementation of the Bilingualism Policy and its application to the City's services, programs, policies and initiatives.
- The Planning Advisory Committee, which has a mandate to advise Council on planning matters, specifically with respect to the annual work plan of the Planning, Infrastructure and Economic Development Department (now the Planning, Real Estate and Economic Development Department) and such other matters as Planning Committee, Agriculture and Rural Affairs Committee or Council may specify. Section 8 of the *Planning Act* requires single-tier municipalities, including the City of Ottawa, to appoint a planning advisory committee.

Size and composition

All Advisory Committees are composed of citizen volunteers, with the exception of the Planning Advisory Committee that includes three Members of Council. During the 2018-2022 Term of Council, the membership of the five Advisory Committees ranged from seven to 15 members.

Status as a “local board”

The 2022-2026 Governance Review report includes a recommendation for Council to direct the City Clerk to bring forward to the Finance and Economic Development Committee and Council in Q2 of 2023 a report and recommendations regarding matters relating to advisory bodies including Advisory Committees, further in part to a Divisional Court ruling that may affect the classification of any or all Advisory Committees as “local boards.”

By way of background, the definition of “local board” set out in Subsection 1(1) of the *Municipal Act, 2001* states that an entity must be “established or exercising any power under the Act with respect to the affairs or purposes of one or more municipality” in order to be considered a local board. The City’s Advisory Committees act as consultative groups whose primary role is to provide advice on specific issues. Advisory Committees do not possess decision-making authority. On this basis, staff have previously determined that the City’s Advisory Committees do not fall under the category of “local board” pursuant to the *Municipal Act, 2001*.

However, on December 15, 2021, a Divisional Court ruling found that the City of Hamilton’s LGBTQ Advisory Committee is a local board under the *Municipal Act, 2001*. Specifically, the Court found that, consistent with the definition of “local board” in the *Municipal Act, 2001*, the City of Hamilton had established the LGBTQ Advisory Committee utilizing Council’s powers under the *Municipal Act, 2001* for a purpose that relates to the City’s affairs and purposes.¹ The decision further notes that the LGBTQ Advisory Committee was not an “ad hoc informal committee.” Specifically, the Committee is established in accordance with Hamilton’s Council Procedure By-law which formalizes the criteria, function, operations and reporting for advisory committees, and requires advisory committee members to abide by a code of conduct. The Court

¹ [Kroetsch v. Integrity Commissioner for the City of Hamilton](#), 2021 ONSC 7982 (CanLII), at paragraph 45.

found that the LGBTQ Advisory Committee has “a measure of independence, but it is integral to the day-to-day business of the City.”²

The City of Ottawa’s Advisory Committees are part of Council’s formal governance structure. Each Advisory Committee is established by Council either to meet a statutory requirement or to advise Council on a specific subject matter, reporting through the relevant Standing Committee. Advisory Committees adhere to a procedure by-law and have been required to adhere to the Code of Conduct for Members of Advisory Committees. In effect, the City’s Advisory Committees appear to possess many of the same attributes as the City of Hamilton’s LGBTQ Advisory Committee.

As such, it appears some or all of the City of Ottawa’s current Advisory Committees may be “local boards” subject to various statutory requirements. The proposed Q2 2023 report from the City Clerk would include a further review of these matters.

2. Entities that generally qualify as “local boards”

The following entities qualify as “local boards” in general or for the purposes of one or more of the following:

- Requirements under the Act relating to procedure by-laws, open meeting requirements, mandatory policies, codes of conduct for members of local boards, the City of Ottawa Auditor General’s mandate and the City of Ottawa Integrity Commissioner’s mandate with respect to the application of sections 5, 5.1 and 5.2 of the *Municipal Conflict of Interest Act*³; and/or
- Requirements under the MEA to establish rules and procedures with respect to the use of board resources during the election campaign period.

A. Board of Health for the City of Ottawa Health Unit

Mandate and responsibilities

The Board of Health for the City of Ottawa Health Unit is established pursuant to Section 48 of the *Health Protection and Promotion Act* and Section 12 of the *City of*

² Ibid., at paragraph 49.

³ It should be noted that some entities may fall under the definition of “local board” within the *Municipal Conflict of Interest Act* and therefore provisions of that statute may apply to them. This document only reviews whether an entity may be subject to the Integrity Commissioner’s role under the *Municipal Act, 2001* with respect to the application of the named sections of the *Municipal Conflict of Interest Act*.

Ottawa Act, 1999. The Board of Health has various duties and responsibilities under both pieces of legislation.

On [October 22, 2008](#), Council approved in principle a new Board of Health governance model. Final approval of this governance model was referred to the Mid-term Governance Review for the 2006-2010 Term of Council. On [June 24, 2009](#), Council considered the Mid-term Governance Review and approved a recommendation to establish a separate Board of Health “and direct staff to take the necessary steps to effect change.”

Following provincial legislative changes required to proceed with the Board of Health, Council considered the report titled, “[Council Governance Review 2010-2014](#),” on [December 8, 2010](#), and approved next steps for the implementation of the Board of Health. Subsection 12(1) of the *City of Ottawa Act, 1999* states that, “A board of health for the city is hereby established and it is deemed to have been established under the *Health Protection and Promotion Act*.”

The Ottawa Board of Health, through Ottawa Public Health, seeks to improve the health and wellbeing of Ottawa residents and visitors through the effective delivery of public health programs and services. The core functions of the public health unit are surveillance, health promotion, disease prevention and health protection, as well as emergency preparedness and response.⁴

Size and composition

The Board of Health consists of 11 members, as follows:

- Six Members of Council; and
- Five members of the public.

Status as a “local board”

Under Subsection 1(1) of the *Municipal Act, 2001*, a board of health is a “local board.” However, boards of health are subsequently exempted from some specific statutory requirements in the *Municipal Act, 2001*. Based on a review of relevant provisions and factors, it appears the following applies to the Board of Health for the City of Ottawa Health Unit:

⁴ As set out in the [2022 Draft Operating Budget for the Ottawa Board of Health](#).

Table 1 – Board of Health for the City of Ottawa Health Unit (Board of Health) – Applicability of “local board” provisions

Statutory provisions/requirements	Section(s)	Applicable to Board of Health	Details
Procedure by-law	238(2), 238(2.1)	Yes	Under Subsection 1(1) of the <i>Municipal Act, 2001</i> , a board of health is a “local board.” There is no subsequent exemption under Subsection 238(1) for the purposes of the procedure by-law.
Open meetings (including oversight by City’s Meetings Investigator)	239 to 239.2	Yes	Under Subsection 1(1) of the <i>Municipal Act, 2001</i> , a board of health is a “local board.” There is no subsequent exemption under Subsection 238(1) for the purposes of open meeting provisions.
Mandatory policies (sale and other disposition of land, hiring of employees, procurement of goods and services)	270(2)	Yes	Under Subsection 1(1) of the <i>Municipal Act, 2001</i> , a board of health is a “local board.” There is no subsequent exemption under Subsection 269(1) for the purposes of mandatory policy provisions.
Code of conduct for members of local boards	223.2	No	Section 223.1 of the <i>Municipal Act, 2001</i> provides that a “local board” for the purposes of Section 223.2 does not include a board of health as defined in Subsection 1(1) of the <i>Health Protection and Promotion Act</i> (i.e. a board of health “established or continued” under the <i>Health Protection and Promotion Act</i>).
Oversight role of Integrity Commissioner (with respect to the	223.3	No	Section 223.1 of the <i>Municipal Act, 2001</i> provides that a “local board” for the purposes of Section 223.3, as

Statutory provisions/requirements	Section(s)	Applicable to Board of Health	Details
application of sections 5, 5.1 and 5.2 of the <i>Municipal Conflict of Interest Act</i>)			amended, does not include a board of health as defined in Subsection 1(1) of the <i>Health Protection and Promotion Act</i> .
Oversight role of municipal Auditor General	223.19	No. However, the board may request internal audits from the City's Auditor General.	<p>Section 223.1 of the <i>Municipal Act, 2001</i> provides that a "local board" for the purposes of the part of the <i>Municipal Act, 2001</i> relating to accountability and transparency, including the role of the municipal Auditor General, does not include a board of health as defined in Subsection 1(1) of the <i>Health Protection and Promotion Act</i>.</p> <p>That said, on April 28, 2011, the Board of Health considered the report titled, "Foundation Policies and By-Laws for Ottawa Board Of Health Governance," which noted that, "Internally, the Board may request the City's Auditor General to perform financial, compliance and performance audits of the Ottawa Board of Health."</p>
Election-related rules and procedures [provision under the <i>Municipal Elections Act, 1996</i> (MEA)]	88.18 (MEA)	Yes	<p>The definition of "local board" under Subsection 1(1) of the MEA is "a local board as defined in the <i>Municipal Affairs Act</i>, including a police village."</p> <p>The definition of "local board" in Section 1 of the <i>Municipal Affairs Act</i> includes a "board of health."</p>

B. Business Improvement Areas

Mandate and responsibilities

Under Subsection 204(1) of the *Municipal Act, 2001*, a municipality may designate an area as an improvement area and establish a board of management:

- a) to oversee the improvement, beautification and maintenance of municipally-owned land, buildings and structures in the area beyond that provided at the expense of the municipality generally; and
- b) to promote the area as a business or shopping area.

The following is a list of the 19 Business Improvement Areas (BIAs) currently existing in Ottawa:

- Bank Street
- Barrhaven
- Bells Corners
- ByWard Market
- Carp Road Corridor
- Carp Village
- Downtown Rideau
- Glebe
- Heart of Orléans
- Kanata Central
- Kanata North
- Manotick
- Preston Street
- Quartier Vanier
- Somerset Street Chinatown

- Somerset Village
- Sparks Street
- Wellington West
- Westboro Village

The City of Ottawa’s *BIA Governance By-law* (By-law No. 2021-255) provides standardized governance for boards of management for BIAs.

Size and composition

Under Subsection 204(2) of the *Municipal Act, 2001*, a board of management is a corporation consisting of the number of directors established by the municipality. Subsection 204(3) of the *Municipal Act, 2001* further states that a board of management shall be composed of,

- (a) one or more directors appointed directly by the municipality; and
- (b) the remaining directors selected by a vote of the membership of the improvement area and appointed by the municipality.

Section 4 of the *BIA Governance By-law* provides that each board shall consist of a minimum of five directors and a maximum of 15 directors, appointed by City Council, as follows:

- (a) One or more of the directors shall be a Member of Council; and
- (b) The remaining directors shall be individuals assessed for business assessment, or tenants of such property, in respect of land in the Area of nominees of such individuals or of corporations so assessed.

Section 5 of the by-law further provides that Ward Councillors appointed directly by Council to a board pursuant to Subsection 204(3)(a) of the *Municipal Act, 2001* shall be *ex officio*, non-voting directors of the board.

Status as a “local board”

BIAs are expressly characterized as local boards under the *Municipal Act, 2001*. Specifically, Subsection 204(2.1) of the *Municipal Act, 2001* states that “a board of management is a local board of the municipality for all purposes.” Therefore, it appears that the following applies to each BIA:

Table 2 – Business Improvement Areas (BIAs) – Applicability of “local board” provisions

Statutory provisions/requirements	Section(s)	Applicable to BIAs	Details
Procedure by-law	238(2), 238(2.1)	Yes	Subsection 204(2.1) of the <i>Municipal Act, 2001</i> states that “a board of management is a local board of the municipality for all purposes.”
Open meetings (including oversight by City’s Meetings Investigator)	239 to 239.2	Yes	Subsection 204(2.1) of the <i>Municipal Act, 2001</i> states that “a board of management is a local board of the municipality for all purposes.”
Mandatory policies (sale and other disposition of land, hiring of employees, procurement of goods and services)	270(2)	Yes	Subsection 204(2.1) of the <i>Municipal Act, 2001</i> states that “a board of management is a local board of the municipality for all purposes.”
Code of conduct for members of local boards	223.2	Yes	Subsection 204(2.1) of the <i>Municipal Act, 2001</i> states that “a board of management is a local board of the municipality for all purposes.”
Oversight role of Integrity Commissioner (with respect to the application of sections 5, 5.1 and 5.2 of the <i>Municipal Conflict of Interest Act</i>)	223.3	Yes	Subsection 204(2.1) of the <i>Municipal Act, 2001</i> states that “a board of management is a local board of the municipality for all purposes.”
Oversight role of municipal Auditor General	223.19	Yes	Subsection 204(2.1) of the <i>Municipal Act, 2001</i> states that “a board of management is a local board of the municipality for all purposes.”

Statutory provisions/requirements	Section(s)	Applicable to BIAs	Details
Election-related rules and procedures [provision under the <i>Municipal Elections Act, 1996</i> (MEA)]	88.18 (MEA)	Yes	Subsection 204(2.1) of the <i>Municipal Act, 2001</i> states that “a board of management is a local board of the municipality for all purposes.”

C. City of Ottawa Superannuation Fund

Mandate and responsibilities

The City of Ottawa Superannuation Fund (COSF) is the municipal pension plan that provides pensions to former employees of the City of Ottawa who began their careers with the former municipality before June 30, 1965. Municipal employees hired after that date are enrolled in the Ontario Municipal Employees Retirement System (OMERS).

The COSF has a long history with the City and was originally established on September 8, 1931, to provide pensions to all permanent civic employees except those employees who came under the superannuation plans of the Police and Fire Departments. The COSF was amalgamated with the Ottawa Police Benefits Fund and Ottawa Firemen’s Superannuation Fund in the early 1960’s. With the introduction of OMERS, the COSF became a closed pension plan in 1965.

The COSF is registered with the Financial Services Regulatory Authority of Ontario and with the Canada Revenue Agency. The Plan and the Fund are administered under City of Ottawa Superannuation Fund By-law 98, 99 and 2020-01.

Size and composition

As set out in the COSF Administrative Policy approved on September 16, 2022, the board of the COSF includes as follows:

- The Mayor
- Three Councillors appointed by City Council
- The City Treasurer
- One person for the Civic Institute of Professional Personnel

- One person for the Ottawa-Carleton Professional Public Employee Union Local 503
- One person for the Ottawa Professional Firefighters Association
- One person for the Ottawa-Carleton Police Association
- One representative of Ottawa-Carleton Pensioners' Association
- One representative from the City named by the City Manager

The members of the Board shall be appointed annually and shall hold office from the December 1 of such year to November 30 of the ensuing year, and until their successors are appointed.

Status as a “local board”

Based on a review of relevant provisions and factors, the COSF meets the test for being a local board under the *Municipal Act, 2001*. The COSF was established under provincial law rather than provincial legislation. The purpose of the COSF is to carry on the affairs of the municipality. The entity also has a degree of autonomy, as well as some decision-making capabilities.

The COSF is under municipal control, although it must still comply with federal and provincial laws regarding pension benefits and income tax. With respect to the process for selection of board members, the COSF adheres to the appointment policy whereby three board members are appointed by City Council and other board members are appointed by various other bodies.

Based on a review of relevant provisions and factors, it appears the following applies to the COSF:

Table 3 – City of Ottawa Superannuation Fund (COSF) – Applicability of “local board” provisions

Statutory provisions/requirements	Section(s)	Applicable to the COSF	Details
Procedure by-law	238(2), 238(2.1)	Yes	See factors outlined above.
Open meetings (including oversight by	239 to 239.2	Yes	See factors outlined above.

Statutory provisions/requirements	Section(s)	Applicable to the COSF	Details
City's Meetings Investigator)			
Mandatory policies (sale and other disposition of land, hiring of employees, procurement of goods and services)	270(2)	Yes	See factors outlined above.
Code of conduct for members of local boards	223.2	Yes	See factors outlined above.
Oversight role of Integrity Commissioner (with respect to the application of sections 5, 5.1 and 5.2 of the <i>Municipal Conflict of Interest Act</i>)	223.3	Yes	See factors outlined above.
Oversight role of municipal Auditor General	223.19	Yes	See factors outlined above.
Election-related rules and procedures [provision under the <i>Municipal Elections Act, 1996 (MEA)</i>]	88.18 (MEA)	Yes	See factors outlined above.

D. Committee of Adjustment

Mandate and responsibilities

Section 44 of the *Planning Act* provides that, “If a municipality has passed a by-law under section 34 [zoning by-laws] or a predecessor of such section, the council of the municipality may by by-law constitute and appoint a committee of adjustment for the municipality composed of such persons, not fewer than three, as the council considers advisable.”

Section 45 of the *Planning Act* sets out the powers of the committee as follows:

“The committee of adjustment, upon the application of the owner of any land, building or structure affected by any by-law that is passed under section 34 [zoning by-laws] or 38 [interim control by-law], or a predecessor of such sections, or any person authorized in writing by the owner, may, despite any other Act, authorize such minor variance from the provisions of the by-law, in respect of the land, building or structure or the use thereof, as in its opinion is desirable for the appropriate development or use of the land, building or structure, if in the opinion of the committee the general intent and purpose of the by-law and of the official plan, if any, are maintained.”

As described on its [webpage](#), the committee’s mandate is to:

- Consider and make decisions on applications for minor variances from the provisions of a Zoning By-law;
- Consider and make decisions on applications for consent to “sever” a property, or for any agreement, mortgage or lease that extends for more than 21 years;
- Consider and make decisions on applications for permission, which deal with the enlargement or extension of a building or structure that is legally non-conforming, or a change in non-conforming use; and
- Consider and make decisions on applications for Validation of Title and Power of Sale.

The Committee of Adjustment and its application processes are separate and distinct from other municipal development approval processes, and one or more of these processes may occur at the same time.

Size and composition

The Committee consists of 15 members who are divided into three panels of five members each. Each panel hears applications for a different geographic area of the city. There are two panels for urban areas of the city and one panel for rural areas.

Status as a “local board”

The Committee of Adjustment is appointed by Council and is independent and autonomous from the City administration. It is established and exercises powers under

the *Planning Act* with respect to the affairs or purposes of the City. Based on a review of relevant provisions and factors, it appears the following applies to the Committee:

Table 4 – Committee of Adjustment – Applicability of “local board” provisions

Statutory provisions/requirements	Section(s)	Applicable to Committee of Adjustment	Details
Procedure by-law	238(2), 238(2.1)	Yes	See factors outlined above.
Open meetings (including oversight by City’s Meetings Investigator)	239 to 239.2	Yes	See factors outlined above.
Mandatory policies (sale and other disposition of land, hiring of employees, procurement of goods and services)	270(2)	Yes	See factors outlined above.
Code of conduct for members of local boards	223.2	Yes	See factors outlined above.
Oversight role of Integrity Commissioner (with respect to the application of sections 5, 5.1 and 5.2 of the <i>Municipal Conflict of Interest Act</i>)	223.3	Yes	See factors outlined above.
Oversight role of municipal Auditor General	223.19	Yes	See factors outlined above.
Election-related rules and procedures [provision under the <i>Municipal Elections Act, 1996</i> (MEA)]	88.18 (MEA)	Yes	See factors outlined above.

E. Crime Prevention Ottawa

Mandate and responsibilities

Crime Prevention Ottawa (CPO) was established by City Council on [February 1, 2005](#), as a “permanent crime prevention responsibility centre,” based on recommendations from a September 2004 report titled, “[Community Crime Prevention: Investing for a Safer Ottawa.](#)”

On [May 9, 2007](#), Council considered the report titled, “[Crime Prevention Ottawa – Terms of Reference.](#)” Council approved CPO’s mandate, as set out in its Terms of Reference, and received CPO’s Strategic Plan. The Terms of Reference stated that CPO “has a mission to contribute to crime reduction and enhanced community safety in Ottawa through collaborative evidence-based crime prevention.” The Terms further reflected the concept that CPO is “a hybrid body half way between an independent NGO [Non-Government Organization] and a City body.”

CPO was incorporated on August 8, 2008, as a corporation without share capital.

Under its Terms of Reference as approved by City Council on [June 26, 2019](#), CPO’s goals include:

- To act as the consultative body for the preparation of the City of Ottawa’s Community Safety and Well-Being plan as required by statute, as well as for the review process for the plan as may be required.
- To develop a community-wide strategic plan to reduce crime and enhance community safety in Ottawa.
- To implement specific targeted crime prevention programs and to support programs through appropriate community agencies and associations.
- To assist and support community groups and the City in acquiring, developing or enhancing the tools needed to operate programs to increase safety.
- To seek the funds and create partnerships essential for sustaining long-term crime prevention programs.
- To promote policy solutions to issues of crime and disorder.

- To monitor and evaluate on an ongoing basis the progress and impacts of plans and implementation.

Size and composition

CPO's Terms of Reference provide for a Board of Directors "made up of no more [than] 20 members and no less than 16 members. It is a broad representation of the community and of institutions which contribute to safety in our community. The Board will be reflective of the community of Ottawa including consideration of balance with regards to ethno cultural diversity, the English and French communities, gender, rural-suburban-urban concerns and youth and seniors issues."

The Board of Directors includes two categories of membership: Those who are appointed by the key institutions and general representative members. The Board includes but is not limited to as follows:

Appointments by the founding institutions:

- One elected municipal official as appointed by Council
- The Mayor or his or her designate
- A General Manager of the City of Ottawa
- The Chief of the Ottawa Police Service
- A representative of the Ottawa Police Services Board
- One Director of Education (as appointed by the OCRI K-12 Educational Leadership Group)
- The President of the United Way
- The Executive Director of the Children's Aid Society of Ottawa
- The CEO of Ottawa Community Housing Corporation
- A person who represents an entity that provides community or social services in the municipality.
- A person who represents an entity that provides community or social services to children or youth in the municipality.

- A representative of the local health integration network or a major health care institution.

General Representatives:

- Up to seven representatives of the community as appointed by Council. These representatives will include a selection from: business, community associations, community service providers.
- At least one academic or researcher with expertise on matters related to community safety as appointed by Council.

Status as a “local board”

CPO likely falls within the definition of “local board” in Subsection 1(1) of the *Municipal Act, 2001*. CPO has a distinctly local character as it is an initiative that contributes to crime reduction and enhanced community safety in Ottawa through collaborative evidence-based crime prevention. It also provides funding to community organizations to address issues related to crime prevention. The purpose of the funding is to support community initiatives that address gaps in service, helping to prevent crime and victimization within the community and respond to identified crime priorities within the City.

CPO may exist as a local board while being incorporated, as long as it ensures that both its obligations under the *Municipal Act, 2001* and the *Corporations Act* are being met. Over time, CPO has moved more towards a greater interdependence with the City of Ottawa as a result of administrative efficiencies.

Table 5 – Crime Prevention Ottawa (CPO) – Applicability of “local board” provisions

Statutory provisions/requirements	Section(s)	Applicable to CPO	Details
Procedure by-law	238(2), 238(2.1)	Yes	See factors outlined above.
Open meetings (including oversight by City’s Meetings Investigator)	239 to 239.2	Yes	See factors outlined above.

Statutory provisions/requirements	Section(s)	Applicable to CPO	Details
Mandatory policies (sale and other disposition of land, hiring of employees, procurement of goods and services)	270(2)	Yes	See factors outlined above.
Code of conduct for members of local boards	223.2	Yes	See factors outlined above.
Oversight role of Integrity Commissioner (with respect to the application of sections 5, 5.1 and 5.2 of the <i>Municipal Conflict of Interest Act</i>)	223.3	Yes	See factors outlined above.
Oversight role of municipal Auditor General	223.19	Yes	See factors outlined above.
Election-related rules and procedures [provision under the <i>Municipal Elections Act, 1996 (MEA)</i>]	88.18 (MEA)	Yes	See factors outlined above.

F. Municipal Service Boards

Municipalities in Ontario are permitted under Section 196 of the *Municipal Act, 2001* to establish municipal service boards that may control and manage a broad range of municipal services such as public utilities, waste management, transportation systems, parking, culture, parks and recreation and heritage facilities. Pursuant to Subsection 197(3) of the *Municipal Act, 2001*, a municipal service board “is a local board of the municipality for all purposes.”

At the present time, the City of Ottawa has no municipal service boards. That said, on June 22, 2022, Council considered the report titled, “[2021 Investments, Endowment](#)”

[Fund, and other Treasury Activities](#),” and approved a recommendation to, “Establish an Investment Board whereby Council will delegate authority to the Board to manage and oversee the City’s investments of funds not immediately required by the City, as is required by Ontario Regulation 438/97 subsection 17.(1)...” Section 13 of [Ontario Regulation 438/97: Eligible Investments, Related Financial Agreements and Prudent Investment](#) provides that an “Investment Board” means a “municipal service board that is established under section 196 of the Act ...” The 2022-2026 Governance Review report includes further updates and recommendations with respect to the Ottawa Investment Board.

Based on a review of relevant provisions and factors, it appears the following applies to a municipal service board:

Table 6 – Municipal Service Boards – Applicability of “local board” provisions

Statutory provisions/requirements	Section(s)	Applicable to Municipal Service Boards	Details
Procedure by-law	238(2), 238(2.1)	Yes	Subsection 197(3) of the <i>Municipal Act, 2001</i> provides that a municipal service board “is a local board of the municipality for all purposes.”
Open meetings (including oversight by City’s Meetings Investigator)	239 to 239.2	Yes	Subsection 197(3) of the <i>Municipal Act, 2001</i> provides that a municipal service board “is a local board of the municipality for all purposes.”
Mandatory policies (sale and other disposition of land, hiring of employees, procurement of goods and services)	270(2)	Yes	Subsection 197(3) of the <i>Municipal Act, 2001</i> provides that a municipal service board “is a local board of the municipality for all purposes.”
Code of conduct for members of local boards	223.2	Yes	Subsection 197(3) of the <i>Municipal Act, 2001</i> provides that a municipal service board “is a

Statutory provisions/requirements	Section(s)	Applicable to Municipal Service Boards	Details
			local board of the municipality for all purposes.”
Oversight role of Integrity Commissioner (with respect to the application of sections 5, 5.1 and 5.2 of the <i>Municipal Conflict of Interest Act</i>)	223.3	Yes	Subsection 197(3) of the <i>Municipal Act, 2001</i> provides that a municipal service board “is a local board of the municipality for all purposes.”
Oversight role of municipal Auditor General	223.19	Yes	Subsection 197(3) of the <i>Municipal Act, 2001</i> provides that a municipal service board “is a local board of the municipality for all purposes.”
Election-related rules and procedures [provision under the <i>Municipal Elections Act, 1996</i> (MEA)]	88.18 (MEA)	Yes	Subsection 197(3) of the <i>Municipal Act, 2001</i> provides that a municipal service board “is a local board of the municipality for all purposes.”

G. Ottawa Community Housing Corporation

Mandate and responsibilities

On [July 24, 2002](#), City Council, as Sole Shareholder of the Ottawa Community Housing Corporation (OCHC), passed a Shareholder Direction to define the relationship between OCHC and the City and to give instructions to the board of directors regarding governance, accountability and the City’s expectations for OCHC in the form of stated objectives and principles to be followed in doing business. This Shareholder Direction was described in the report titled, “[Recommended Shareholder Direction for the Ottawa Community Housing Corporation](#).” Among some of the issues addressed in the

Direction were that OCHC should maintain an arm's length relationship with the City; however, it shall remain accountable to the City.

The Shareholder Direction further set out the "Shareholder Objectives" for the OCHC, which stated that the Corporation will:

- (a) utilize its assets for the purpose of providing quality, affordable, accessible, secure and appropriate housing primarily for households of low and modest income;
- (b) maintain its physical assets in good repair and maintain the usefulness of its assets over the long term;
- (c) act to mitigate financial and legal risks to the City as Shareholder while service standards and levels are maintained or enhanced; and
- (d) develop housing to meet the mandate of the Corporation through its existing resources and other sources of funding.

Size and composition

The OCHC Board of Directors shall consist of no fewer than three and no more than 14 Directors, as determined by the Shareholder, and in keeping with the following categories:

- one who shall be the Mayor of the City of Ottawa (an ex-officio Director);
- a maximum of two who shall be OCHC Tenants;
- a minimum of four shall be Councillors, other than the Mayor; and
- a minimum of five shall be Community members.

Status as a "local board"

Subsection 26(b) of the *Housing Services Act, 2011* states that a local housing corporation is deemed "not to be a local board of a service manager or of any municipality." However, despite the general provision under Subsection 26(b) of the *Housing Services Act, 2011*, Subsection 269(d) of the *Municipal Act, 2001* – which sets out which local boards are required to adopt and maintain certain policies – expressly includes, under the definition of "local board," a "local housing corporation as defined in the *Housing Services Act, 2011*, despite clause 26(b) of that Act." Therefore, OCHC is required to adopt and maintain policies with respect to its sale and disposition of land,

its hiring of employees and its procurement of goods and services, pursuant to the *Municipal Act, 2001*.

Therefore, further to the review of relevant provisions and factors, it appears the following applies to OCHC:

Table 7 – Ottawa Community Housing Corporation (OCHC) – Applicability of “local board” provisions

Statutory provisions/requirements	Section(s)	Applicable to OCHC	Details
Procedure by-law	238(2), 238(2.1)	No	Subsection 26(b) of the <i>Housing Services Act, 2011</i> states that a local housing corporation is deemed “not to be a local board of a service manager or of any municipality.”
Open meetings (including oversight by City’s Meetings Investigator)	239 to 239.2	No	Subsection 26(b) of the <i>Housing Services Act, 2011</i> states that a local housing corporation is deemed “not to be a local board of a service manager or of any municipality.”
Mandatory policies (sale and other disposition of land, hiring of employees, procurement of goods and services)	270(2)	Yes	Subsection 269(1)d of the <i>Municipal Act, 2001</i> expressly includes, under the definition of “local board” for the purposes of mandatory policies, a “local housing corporation as defined in the <i>Housing Services Act, 2011</i> , despite clause 26(b) of that Act.”
Code of conduct for members of local boards	223.2	No	Subsection 26(b) of the <i>Housing Services Act, 2011</i> states that a local housing corporation is deemed “not to be a local board of a service manager or of any municipality.”
Oversight role of Integrity Commissioner (with respect to the application of sections 5,	223.3	No	Subsection 26(b) of the <i>Housing Services Act, 2011</i> states that a local housing corporation is deemed

Statutory provisions/requirements	Section(s)	Applicable to OCHC	Details
5.1 and 5.2 of the <i>Municipal Conflict of Interest Act</i>)			“not to be a local board of a service manager or of any municipality.”
Oversight role of municipal Auditor General	223.19	Yes. Not as a “local board” under the statute, but as a “municipally-controlled corporation” as defined in Section 223.1 of the <i>Municipal Act, 2001</i> .	Subsection 6(3)(c) of the <i>Auditor General By-law</i> (No. 2021-5) provides that, “The Auditor General shall be responsible for carrying out financial (excluding attest), compliance, and performance audits of ... municipally-controlled corporations as defined in the <i>Municipal Act, 2001</i> , S.O. 2001, c.25, as amended, and as may be further prescribed in Schedule “A” to this by-law.” Schedule “A” to the by-law references OCHC.
Election-related rules and procedures [provision under the <i>Municipal Elections Act, 1996</i> (MEA)]	88.18 (MEA)	No	Subsection 26(b) of the <i>Housing Services Act, 2011</i> states that a local housing corporation is deemed “not to be a local board of a service manager or of any municipality.”

H. Ottawa Community Lands Development Corporation

Mandate and responsibilities

Under Subsection 203(1) of the *Municipal Act, 2001*, a municipality is permitted “to establish corporations.” Under Section 3 of [Ontario Regulation 599/06: Municipal Services Corporations](#), a municipality may use the power to establish a corporation “only if the municipality by itself, or together with one or more other public sector entities, establishes the corporation and,

- (a) the corporation’s purpose is to provide a system, service or thing that the municipality itself could provide; or

(b) the establishment of the corporation is expressly authorized by this Regulation.”

On [October 10, 2007](#), Council considered the report titled, “[Community Lands Development Project – Implementation Strategy](#),” and approved the establishment of a Community Lands Development Corporation (holding company) for the Longfields Subdivision and CentrepoinTE Town Centre projects. As a result of the Auditor General’s report titled, “[Audit of Carp River Watershed Study and Related Projects](#),” the creation of the corporation was delayed as Council first required City staff to investigate best practice studies regarding the disposal and development of municipal properties.

The Ottawa Community Lands Development Corporation (OCLDC) was incorporated as a not-for-profit corporation on August 6, 2009, and the City of Ottawa is the sole shareholder. Some of the objects of the Corporation are to “promote and undertake community improvement in the City by planning, subdividing and developing sites owned or held by the City for residential, industrial, commercial, institutional, public, recreational, religious, charitable and other uses.” Additional objects of the OCLDC are to “improve, beautify and maintain municipally-owned land, buildings and structures in the City as designated and approved by the City for the benefit of the community.”

Size and composition

As approved through Council’s consideration of the [2018-2022 Governance Review report](#), the board of directors of the OCLDC consists of as follows:

- Four Members of Council; and
- Two citizen members.

Status as a “local board”

Subsection 21(1) of *Ontario Regulation 599/06* states that such a corporation “is not a local board for the purposes of any Act.” However, Subsection 21(2) of the Regulation further states that despite Subsection 21(1), such a corporation is deemed to be local boards for the purposes of Subsection 270(2) of the Act, relating to mandatory policies for local boards, as well as other named pieces of legislation, including the *Municipal Conflict of Interest Act*. This means that the OCLDC is required to adopt and maintain policies with respect to the sale and disposition of land, the hiring of its employees and its procurement of goods and services.

Therefore, further to a review of relevant provisions and factors, it appears the following applies to the OCLDC:

**Table 8 – Ottawa Community Lands Development Corporation (OCLDC) –
Applicability of “local board” provisions**

Statutory provisions/requirements	Section(s)	Applicable to OCLDC	Details
Procedure by-law	238(2), 238(2.1)	No	Subsection 21(1) of <i>Ontario Regulation 599/06</i> states that such a corporation “is not a local board for the purposes of any Act.”
Open meetings (including oversight by City’s Meetings Investigator)	239 to 239.2	No	Subsection 21(1) of <i>Ontario Regulation 599/06</i> states that such a corporation “is not a local board for the purposes of any Act.”
Mandatory policies (sale and other disposition of land, hiring of employees, procurement of goods and services)	270(2)	Yes	Subsection 21(2) of <i>Ontario Regulation 599/06</i> states that despite Subsection 21(1), such a corporation is deemed to be local boards for the purposes of Subsection 270(2) of the Act.
Code of conduct for members of local boards	223.2	No	Subsection 21(1) of <i>Ontario Regulation 599/06</i> states that such a corporation “is not a local board for the purposes of any Act.”
Oversight role of Integrity Commissioner (with respect to the application of sections 5, 5.1 and 5.2 of the <i>Municipal Conflict of Interest Act</i>)	223.3	No	Subsection 21(2) of <i>Ontario Regulation 599/06</i> states that despite Subsection 21(1), such a corporation is deemed to be a local board for the purposes of the <i>Municipal Conflict of Interest Act</i> . However, Section 223.1 of the <i>Municipal Act, 2001</i> states that “local board” for the purposes of the part of the <i>Municipal Act, 2001</i> relating to accountability and transparency, including the role of the Integrity Commissioner with respect to <i>Municipal Conflict of Interest Act</i>

Statutory provisions/requirements	Section(s)	Applicable to OCLDC	Details
			matters, does not include a corporation established in accordance with Section 203 of the <i>Municipal Act, 2001</i> .
Oversight role of municipal Auditor General	223.19	Yes. Not as a “local board” under the statute, but as a “municipally-controlled corporation” as defined in Section 223.1 of the <i>Municipal Act, 2001</i> .	Section 223.1 of the <i>Municipal Act, 2001</i> provides that “municipally-controlled corporation” means “a corporation that has 50 per cent or more of its issued and outstanding shares vested in the municipality or that has the appointment of a majority of its board of directors made or approved by the municipality, but does not include a local board as defined in subsection 1 (1).” As the appointment of a majority of the OCLDC board of directors is made/approved by the municipality, the OCLDC meets the definition of a “municipally-controlled corporation.”
Election-related rules and procedures [provision under the <i>Municipal Elections Act, 1996</i> (MEA)]	88.18 (MEA)	No	Subsection 21(1) of <i>Ontario Regulation 599/06</i> states that such a corporation “is not a local board for the purposes of any Act.”

I. Ottawa Markets Municipal Services Corporation (Ottawa Markets)

Mandate and responsibilities

Under Subsection 203(1) of the *Municipal Act, 2001*, a municipality is permitted “to establish corporations.” Under Section 3 of [Ontario Regulation 599/06: Municipal Services Corporations](#), a municipality may use the power to establish a corporation “only if the municipality by itself, or together with one or more other public sector entities, establishes the corporation and,

(a) the corporation's purpose is to provide a system, service or thing that the municipality itself could provide; or

(b) the establishment of the corporation is expressly authorized by this Regulation.”

On April 12, 2017, Council considered the report titled, “[Revitalization of the ByWard and Parkdale Markets – New Management Model and Governance Structure](#),” and approved the establishment of a Municipal Services Corporation to assume management and operations of the ByWard and Parkdale Markets on January 1, 2018.

The Ottawa Markets Municipal Services Corporation (Ottawa Markets) has a number of objectives, mandates, and guiding principles that supplement the following mission statement as approved by Council in May 2016:

“The Municipal Service Corporation will maximize the ByWard and Parkdale Markets’ potential to be unique year-round gathering places and destinations to purchase local produce and goods as well as other services and products that meet the needs of local and city-wide residents and tourists alike.

The Corporation will build upon the rich heritage of the public markets communities and promote the importance of local food sustainability.

In an entrepreneurial manner, the Corporation will strive to build a creative and innovative retail and outdoor vending mix and work with partners to ensure that all public space is inviting and enhanced as opportunities are made available.”

Size and composition

The number of directors on the board is a minimum of three and a maximum of 11. The above-noted staff report stated that, “For the purposes of incorporation, the Mayor and the Councillors of the City of Ottawa would become the *ex-officio* members of the Municipal Services Corporation.”

Status as a “local board”

Subsection 21(1) of *Ontario Regulation 599/06* states that such a corporation “is not a local board for the purposes of any Act.” However, Subsection 21(2) of the Regulation further states that despite Subsection 21(1), such a corporation is deemed to be local boards for the purposes of Subsection 270(2) of the Act, relating to mandatory policies for local boards, as well as other named pieces of legislation, including the *Municipal Conflict of Interest Act*. This means that Ottawa Markets is required to adopt and

maintain policies with respect to the sale and disposition of land, the hiring of its employees and its procurement of goods and services.

Therefore, further to a review of relevant provisions and factors, it appears the following applies to Ottawa Markets:

Table 9 – Ottawa Markets Municipal Services Corporation (Ottawa Markets) – Applicability of “local board” provisions

Statutory provisions/requirements	Section(s)	Applicable to Ottawa Markets	Details
Procedure by-law	238(2), 238(2.1)	No	Subsection 21(1) of <i>Ontario Regulation 599/06</i> states that such a corporation “is not a local board for the purposes of any Act.”
Open meetings (including oversight by City’s Meetings Investigator)	239 to 239.2	No	Subsection 21(1) of <i>Ontario Regulation 599/06</i> states that such a corporation “is not a local board for the purposes of any Act.”
Mandatory policies (sale and other disposition of land, hiring of employees, procurement of goods and services)	270(2)	Yes	Subsection 21(2) of <i>Ontario Regulation 599/06</i> states that despite Subsection 21(1), such a corporation is deemed to be a local board for the purposes of Subsection 270(2) of the Act.
Code of conduct for members of local boards	223.2	No	Subsection 21(1) of <i>Ontario Regulation 599/06</i> states that such a corporation “is not a local board for the purposes of any Act.”
Oversight role of Integrity Commissioner (with respect to the application of sections 5, 5.1 and 5.2 of the <i>Municipal Conflict of Interest Act</i>)	223.3	No	Subsection 21(2) of <i>Ontario Regulation 599/06</i> states that despite Subsection 21(1), such a corporation is deemed to be a local board for the purposes of the <i>Municipal Conflict of Interest Act</i> . However, Section 223.1 of the <i>Municipal Act, 2001</i> states that

Statutory provisions/requirements	Section(s)	Applicable to Ottawa Markets	Details
			<p>“local board” for the purposes of the part of the <i>Municipal Act, 2001</i> relating to accountability and transparency, including the role of the Integrity Commissioner with respect to <i>Municipal Conflict of Interest Act</i> matters, does not include a corporation established in accordance with Section 203 of the <i>Municipal Act, 2001</i>.</p>
<p>Oversight role of municipal Auditor General</p>	<p>223.19</p>	<p>Yes. Not as a “local board” under the statute, but as a “municipally-controlled corporation” as defined in Section 223.1 of the <i>Municipal Act, 2001</i>.</p>	<p>Section 223.1 of the <i>Municipal Act, 2001</i> provides that “municipally-controlled corporation” means “a corporation that has 50 per cent or more of its issued and outstanding shares vested in the municipality or that has the appointment of a majority of its board of directors made or approved by the municipality, but does not include a local board as defined in subsection 1 (1).” As the appointment of a majority of the Ottawa Markets board of directors is made/approved by the municipality, Ottawa Markets meets the definition of a “municipally-controlled corporation.”</p>
<p>Election-related rules and procedures [provision under the <i>Municipal Elections Act, 1996</i> (MEA)]</p>	<p>88.18 (MEA)</p>	<p>No</p>	<p>Subsection 21(1) of <i>Ontario Regulation 599/06</i> states that such a corporation “is not a local board for the purposes of any Act.”</p>

J. Ottawa Police Services Board

Mandate and responsibilities

Under Section 27 of the *Police Services Act*, “There shall be a police services board or ... one or more police services boards, for every municipality that maintains a police force.” A police services board is responsible “for the provision of adequate and effective police services in the municipality,” and has a number of specific responsibilities and duties under the *Police Services Act*.

Size and composition

The [Ottawa Police Services Board](#) has seven members, as follows:

- Three members of City Council
- Three citizens appointed by the Province as community representatives
- One citizen appointed by City Council as a community representative

Status as a “local board”

The definition of “local board” in Subsection 1(1) of the *Municipal Act, 2001* includes police services boards. As such, the Ottawa Police Services Board qualifies as a “local board” of the City of Ottawa in general terms. However, police services boards are subsequently exempted from certain statutory requirements in the *Municipal Act, 2001*.

Based on a review of relevant provisions and factors, it appears the following applies to the Ottawa Police Services Board:

Table 10 – Ottawa Police Services Board (OPSB) – Applicability of “local board” provisions

Statutory provisions/requirements	Section(s)	Applicable to OPSB	Details
Procedure by-law	238(2), 238(2.1)	No	Subsection 238(1) of the <i>Municipal Act, 2001</i> provides that police services boards are not local boards for the purposes of the Section 238 procedure by-law requirements.
Open meetings (including oversight by	239 to 239.2	No	Subsection 238(1) of the <i>Municipal Act, 2001</i> provides that police services boards are not local boards for the

Statutory provisions/requirements	Section(s)	Applicable to OPSB	Details
City's Meetings Investigator)			purposes of the open meeting requirements under sections 239 to 239.2.
Mandatory policies (sale and other disposition of land, hiring of employees, procurement of goods and services)	270(2)	No	Subsection 269(1)(a) of the <i>Municipal Act, 2001</i> excludes police services boards from the definition of "local board" for the purposes of the Section 270 policy requirements.
Code of conduct for members of local boards	223.2	No	Section 223.1 of the <i>Municipal Act, 2001</i> provides that the definition of "local board" for the purposes of the part of the <i>Municipal Act, 2001</i> relating to accountability and transparency, including the code of conduct requirement, does not include a police services board established under the <i>Police Services Act</i> .
Oversight role of Integrity Commissioner (with respect to the application of sections 5, 5.1 and 5.2 of the <i>Municipal Conflict of Interest Act</i>)	223.3	No	Section 223.1 of the <i>Municipal Act, 2001</i> provides that the definition of "local board" for the purposes of the part of the <i>Municipal Act, 2001</i> relating to accountability and transparency, including the role of the Integrity Commissioner with respect to <i>Municipal Conflict of Interest Act</i> matters, does not include a police services board established under the <i>Police Services Act</i> .
Oversight role of municipal Auditor General	223.19	No. However, the OPSB may request audits or	Section 223.1 of the <i>Municipal Act, 2001</i> provides that the definition of "local board" for the purposes of the part of the <i>Municipal Act, 2001</i> relating to accountability and transparency, including the role of the municipal

Statutory provisions/requirements	Section(s)	Applicable to OPSB	Details
		assistance from the City Auditor General.	Auditor General, does not include a police services board established under the <i>Police Services Act</i> . That said, OPSB Policy CR-9: Audit Requirement states that, “At the discretion of the Chief or Board, external resources, including the Office of the City of Ottawa Auditor General, may be sought to audit or assist in audit processes of the police service.”
Election-related rules and procedures [provision under the <i>Municipal Elections Act, 1996</i> (MEA)]	88.18 (MEA)	Yes	The definition of “local board” under Subsection 1(1) of the MEA is “a local board as defined in the <i>Municipal Affairs Act</i> , including a police village.” The definition of “local board” under the <i>Municipal Affairs Act</i> includes a “police services board.”

K. Ottawa Public Library Board

Mandate and responsibilities

The *Public Libraries Act* provides for municipal councils to establish public libraries under the management and control of a board. Such boards have various powers and duties. Under Section 20 of the *Public Libraries Act*, a public library board “shall seek to provide, in co-operation with other boards, a comprehensive and efficient public library service that reflects the community’s unique needs,” and “shall seek to provide library services in the French language, where appropriate,” among other things.

Pursuant to the *City of Ottawa Act, 1999*, the public library boards of former municipalities were dissolved and all of their assets and liabilities accrued to the Ottawa Public Library Board when the amalgamated City of Ottawa was established on January 1, 2001.

Size and composition

The Ottawa Public Library Board consists of nine trustees, as follows:

- Four councillors; and
- Five members of the public.

Status as a “local board”

The definition of “local board” in Subsection 1(1) of the *Municipal Act, 2001* specifically refers to a public library board. As such, the Ottawa Public Library Board qualifies as a “local board” of the City of Ottawa in general terms. That said, public library boards are subsequently exempted from certain statutory requirements in the *Municipal Act, 2001*.

Based on a review of relevant provisions and factors, it appears the following applies to the Ottawa Public Library Board:

Table 11 – Ottawa Public Library Board (OPLB) – Applicability of “local board” provisions

Statutory provisions/requirements	Section(s)	Applicable to OPLB	Details
Procedure by-law	238(2), 238(2.1)	No	Subsection 238(1) of the <i>Municipal Act, 2001</i> provides that public library boards are not local boards for the purposes of the Section 238 procedure by-law requirement.
Open meetings (including oversight by City’s Meetings Investigator)	239 to 239.2	No	Subsection 238(1) of the <i>Municipal Act, 2001</i> provides that public library boards are not local boards for the purposes of the open meeting requirements under sections 239 to 239.2.
Mandatory policies (sale and other disposition of land, hiring of employees, procurement of goods and services)	270(2)	Yes	Under Subsection 1(1) of the <i>Municipal Act, 2001</i> , a public library board is a “local board.” There is no subsequent exemption under Subsection 269(1) for the purposes of the Section 270 mandatory policy provisions.

Statutory provisions/requirements	Section(s)	Applicable to OPLB	Details
Code of conduct for members of local boards	223.2	No	Section 223.1 of the <i>Municipal Act, 2001</i> provides that the definition of “local board” for the purposes of the part of the <i>Municipal Act, 2001</i> relating to accountability and transparency, including the code of conduct requirement, does not include a board as established in Section 1 of the <i>Public Libraries Act</i> .
Oversight role of Integrity Commissioner (with respect to the application of sections 5, 5.1 and 5.2 of the)	223.3	No	Section 223.1 of the <i>Municipal Act, 2001</i> provides that the definition of “local board” for the purposes of the part of the <i>Municipal Act, 2001</i> relating to accountability and transparency, including the role of the Integrity Commissioner with respect to <i>Municipal Conflict of Interest Act</i> matters, does not include a board as established in Section 1 of the <i>Public Libraries Act</i> .
Oversight role of municipal Auditor General	223.19	No. However, the board may request internal audits from the City’s Auditor General.	Section 223.1 of the <i>Municipal Act, 2001</i> provides that the definition of “local board” for the purposes of the part of the <i>Municipal Act, 2001</i> relating to accountability and transparency, including the role of the municipal Auditor General, does not include a board as established in Section 1 of the <i>Public Libraries Act</i> . That said, the board may request audits from the City’s Auditor General.
Election-related rules and procedures [provision under the	88.18 (MEA)	Yes	The definition of “local board” under Subsection 1(1) of the MEA is “a local board as defined in the <i>Municipal</i>

Statutory provisions/requirements	Section(s)	Applicable to OPLB	Details
<i>Municipal Elections Act, 1996 (MEA)</i>			<i>Affairs Act</i> , including a police village.” The definition of “local board” under the <i>Municipal Affairs Act</i> includes a “public library board.”

L. Sparks Street Mall Authority

Mandate and responsibilities

In 1965, a “pedestrian promenade authority” was established under By-law 207-65, pursuant to the *City of Ottawa Act, 1960*, as set out in the report titled, “[Sparks Street Business Improvement Area and Mall Authority Governance Review](#),” which was considered by Council on July 13, 2016.

The above-noted authority was later designated as the Sparks Street Mall Authority in 1986 pursuant to private legislation, the *City of Ottawa Act, 1984* as per By-law 201-86. The authority provided in this by-law was repealed by By-law 77-92 as amended by By-law 244-94, and specifies that the Mall Authority Board of Management is empowered “to control, operate and manage the Mall as established pursuant to By-law 200-86.”

Bylaw 200-86 establishes Sparks Street as the pedestrian promenade as amended by By-law 89-95 and describes the permits that may be issued by the Mall Authority. Pursuant to By-law 200-86, the Mall Authority has the ability to issue permits for parking, parades, exhibition and entertainment, refreshment vehicles and retail activities. In addition, Bylaw 200-86 authorizes the Mall Authority to place, or authorize the placing in or upon the mall of, trees, shrubs, flower beds, and pools. The Mall Authority also has the ability to place, or authorize the placing of, benches, chairs, tables, displays, exhibits, and other things for the convenience, comfort, education, refreshment or entertainment of pedestrians. Examples of operation and management activities undertaken by the Mall Authority include the maintenance, repair and replacement of specialized surfaces, street furniture, concrete planters, decorative pedestrian lights, and lampposts. In addition, the Mall Authority coordinates garbage pick-up for tenants on the north side of the street and regulates encroachments.

Size and composition

The Board of the Sparks Street Mall Authority includes six members appointed by City Council, as follows:

- A Member of Council;
- The General Manager, Planning, Real Estate and Economic Development (or designate appointed by the City Manager);
- A senior representative from the National Capital Commission;
- A senior representative from Public Services and Procurement Canada;
- A representative from the Sparks Street Business Improvement Area; and
- A representative from the Sparks Street Mall Authority Management Board area.

Status as a “local board”

As noted above, the Sparks Street Mall Authority was established by way of City by-law and designated pursuant to private legislation. Under By-law 77-92, the annual cost of maintenance and operation of the Sparks Street Mall as shown in the estimates of the Sparks Street Mall Management Board shall be levied against particular owners. This makes the board similar in function to a business improvement area board of management, which, as stated above, is a local board for all purposes pursuant to the *Municipal Act, 2001*.

Based on a review of relevant provisions and factors, it appears the following applies to the Sparks Street Mall Authority:

Table 12 – Sparks Street Mall Authority – Applicability of “local board” provisions

Statutory provisions/requirements	Section(s)	Applicable to Sparks Street Mall Authority	Details
Procedure by-law	238(2), 238(2.1)	Yes	See factors outlined above.
Open meetings (including oversight by City’s Meetings Investigator)	239 to 239.2	Yes	See factors outlined above.
Mandatory policies (sale and other disposition of land, hiring of employees,	270(2)	Yes	See factors outlined above.

Statutory provisions/requirements	Section(s)	Applicable to Sparks Street Mall Authority	Details
procurement of goods and services)			
Code of conduct for members of local boards	223.2	Yes	See factors outlined above.
Oversight role of Integrity Commissioner (with respect to the application of sections 5, 5.1 and 5.2 of the <i>Municipal Conflict of Interest Act</i>)	223.3	Yes	See factors outlined above.
Oversight role of municipal Auditor General	223.19	Yes	See factors outlined above.
Election-related rules and procedures [provision under the <i>Municipal Elections Act, 1996</i> (MEA)]	88.18 (MEA)	Yes	See factors outlined above.

3. Entities that generally do not qualify as “local boards”

Included below is information regarding some City-related entities that do not constitute “local boards,” in general or for the purposes of one or more provisions of the *Municipal Act, 2001* and/or *Municipal Elections Act, 1996* relating to the above-noted matters.

A. Central Canada Exhibition Association

The Central Canada Exhibition Association (CCEA) does not satisfy the criteria required in order to qualify as a “local board” under Subsection 1(1) of the *Municipal Act, 2001*. The CCEA does not “exercise any power under any Act with respect to the affairs of the municipality,” as stipulated in the definition of “local board” under the *Municipal Act*,

2001. The CCEA also lacks the connection to the City that is necessary to meet the “local board” common law test.

B. Children’s Aid Society Board of Directors

The Children’s Aid Society (CAS) board of directors is regulated by the Ontario Ministry of Community and Social Services (the Ministry). Across Ontario, approximately 60 societies were established and governed by the *Child, Youth and Family Services Act, 2017*. Under Subsection 25(c)(i) of the *Child, Youth and Family Services Act, 2017*, the Minister may “provide funding, pursuant to agreements, to persons, agencies, municipalities, organizations and other prescribed entities ... for the provision or coordination of services by them.” That said, while the Minister may make agreements with municipalities for the provision of services, the Ottawa CAS is funded and controlled by the Government of Ontario and not the City, and does not qualify as a “local board” under the *Municipal Act, 2001*.

Further, Subsection 34(4) of the *Child, Youth and Family Services Act, 2017* specifically provides that, “A society shall be deemed to be a local board of each municipality in which it has jurisdiction for the purposes of the *Ontario Municipal Employees Retirement System Act, 2006* and the *Municipal Conflict of Interest Act*.” Since only the two statutes are expressly named, it appears to be unlikely that the Legislature intended the CAS boards to be considered a “local board” for the purposes of the *Municipal Act, 2001*. This conclusion is further borne out by a more detailed examination of the respective definitions for a “local board” in the *Municipal Act, 2001*. For example, while the definition of local board in Subsection 1(1) of the *Municipal Act, 2001* does not mention the Children’s Aid Society, the definitions of local board in Subsection 10(6), Subsection 216(3), and Section 223.1 of the *Municipal Act, 2001* all expressly exclude a CAS.

C. Conservation Authorities

Conservation authorities are expressly excluded from the definition of “local board” set out in Subsection 1(1) of the *Municipal Act, 2001*. Therefore, the Mississippi Valley Conservation Authority, the Rideau Valley Conservation Authority and the South Nation Conservation Authority are not considered “local boards” for the purposes of the *Municipal Act, 2001*. This conclusion is further borne out by subsequent definitions of “local board” for specific provisions of the *Municipal Act, 2001*. For example, Subsection 269(1) of the *Municipal Act, 2001* also expressly excludes a conservation authority from the definition of local board.

D. Hydro Ottawa Holding Inc.

Hydro Ottawa Holding Inc. is not a “local board” under the *Municipal Act, 2001*. It is a privately held corporation incorporated under the Ontario *Business Corporations Act*, whose sole shareholder is the City of Ottawa.

Briefly, the *Electricity Act, 1998*, allowed municipalities to incorporate a corporation under the *Business Corporations Act* for the purpose of generating, transmitting, distributing or retailing electricity. However, Subsection 142(6) of the *Electricity Act, 1998* provides that such a corporation “... shall be deemed **not** to be a local board, public utilities commission or hydro-electric commission for the purposes of any Act” [emphasis added].

While Hydro Ottawa Holding Inc. is not a “local board,” under the *Municipal Act, 2001*, it should be noted that the entity, as a “municipally controlled corporation,” falls under the mandate of the City’s Auditor General further to Section 223.19 of the *Municipal Act, 2001*. Specifically, Subsection 6(3)(c) of the City of Ottawa’s *Auditor General By-law* (No. 2021-5) provides that, “The Auditor General shall be responsible for carrying out financial (excluding attest), compliance, and performance audits of ... municipally-controlled corporations as defined in the *Municipal Act, 2001*, S.O. 2001, c.25, as amended, and as may be further prescribed in Schedule ‘A’ to this by-law.” Schedule “A” to the by-law references Hydro Ottawa Holding Inc.

E. Invest Ottawa at Bayview Yards

Invest Ottawa at Bayview Yards resulted from the amalgamation of Invest Ottawa and the Innovation Centre at Bayview Yards (Bayview Yards), effective January 1, 2022. On December 14, 2021, the General Manager of the Planning, Infrastructure and Economic Development Department advised Council of the forthcoming amalgamation, noting as follows:

“Invest Ottawa is a stand-alone non-profit corporation created in 2012 through a City of Ottawa-led effort to transform the Ottawa Centre for Research and Innovation (OCRI) into a new organization focused on supporting innovation and entrepreneurship as well as increasing foreign direct investment, international trade, and business retention. Invest Ottawa is now known as the lead economic development agency for knowledge-based industries in Ottawa, providing venture development, global expansion and talent programs and services to innovators and entrepreneurs.

The Innovation Centre at Bayview Yards is a stand-alone non-profit corporation created in 2014 through funding provided by the Province of Ontario and matching resources from the City of Ottawa to create a custom-built innovation hub for innovators, start-ups and their partners. Bayview Yards has become a one-stop business acceleration shop, bringing together resources and expertise to help entrepreneurs and companies launch, grow, and succeed. As part of its mandate, Bayview Yards maintains and manages the physical facility and the needs of its tenants, including its anchor tenant Invest Ottawa, at 7 Bayview Station Road. Bayview Yards was initially established as a separate corporation to undertake the construction and initial operation of the Bayview Yards facility, located in a former City of Ottawa Public Works building dating back to the 1940's, which has now been restored and transformed into a LEED-certified facility.

Several years of operations have now aligned the mandates and membership of the two organizations. In September 2017, Invest Ottawa and Bayview Yards began integrating operations, while maintaining two separate non-profit corporations. They were deemed to be related corporations with the same core principles and have since operated with unified leadership, shared operational resources, and an integrated board of directors with similar by-laws.

To formalize this integrated relationship and achieve operational efficiencies, the two corporations have begun the necessary steps, including receiving board approval on November 25, 2021, to amalgamate the organizations under the name of Invest Ottawa.

The amalgamation will not change the corporate mandate, strategic direction, branding or operations of Invest Ottawa and Bayview Yards, but rather enable greater administrative efficiencies, with a reduction in administrative costs, insurance costs, streamlined fiscal structures and reporting, as well as a unified corporate culture easily understood by stakeholders.

The City of Ottawa has a lease and program funding agreements with Invest Ottawa and Bayview Yards to implement strategic initiatives and support Ottawa's overall economic growth. Invest Ottawa and Bayview Yards have worked together with the City over the past several months to ensure that the amalgamated corporation and strategic direction continue to align with the City's economic development priorities, goals, and that services are continued under

the agreements. The current lease and funding agreements will be maintained by the newly amalgamated corporation under the name Invest Ottawa.”

While Invest Ottawa at Bayview Yards receives support from the City of Ottawa, the organization operates independently from the City and is not considered a “local board” of the City.

F. Mohr’s Landing/Quyón Port Authority

It is suggested that the Mohr’s Landing/Quyón Port Authority (Port Authority) does not fall under the category of “local board” under the *Municipal Act, 2001*. The Port Authority is a federally incorporated entity comprised of board members elected by both the City of Ottawa and the Municipality of Pontiac, in Quebec. The ferry service itself operates over a navigable waterway, between two different provinces. The property and business of the Port Authority is managed by the board of directors, which has a high degree of autonomy and decision-making authority. As such, it is an inter-provincial entity, which lacks a distinctly local/municipal character.

Furthermore, the operator of the ferry service receives all the user charges, as none are given to the municipalities. In addition, as of September 16, 1999, the Port Authority began to receive funding from the Government of Canada for a period of 20 years. The federal funding was obtained as a result of the divestiture of various ferry landings by the federal government, including Mohr’s Landing and Quyón Port.

Finally, there is no mention of whether a municipal by-law is required to dissolve the Port Authority. However, in the event of dissolution, all of the Port Authority’s remaining assets shall be distributed to the two municipalities in equal portions, and the Mohr’s Landing port facilities shall become the property of the City of Ottawa, while the Quyón port facilities shall become the property of the Municipality of Pontiac. For all of the above reasons, it is determined that this entity does not qualify as a local board under the *Municipal Act, 2001*.

G. Osgoode Care Centre

The Osgoode Care Centre (OCC) is a non-profit, charitable long term care home, governed by a volunteer board of directors. The OCC addresses community concerns to meet the needs of the aging population in the City of Ottawa. The entity therefore meets the test of “having a local or municipal character” required to be considered a local board under the *Municipal Act, 2001*.

Article 3 of the OCC by-law states that the OCC board of directors shall be composed of “one director who shall be an elected member of City of Ottawa Council.” Members are appointed to the board at the OCC’s annual meetings.

Given the other criteria required in order to fall under the category of “local board” under the *Act*, it would appear that the OCC does not qualify. The dissolution process for instance does not meet the requirement as set out in the *Municipal Act, 2001*. The OCC is not an entity that requires a City by-law in order to dissolve. Furthermore, the OCC by-law stipulates that the OCC board of directors may exercise all powers and may make any rules necessary for the management and operation of the OCC as required by the *Corporations Act* and consistent with the OCC by-law. There is no link to, or control by, the City of Ottawa. Further, the OCC was not created under provincial legislation or by-law, and is completely independent of the municipality in terms of operations and control of the OCC. In light of the above, the OCC does not qualify as a “local board” under the *Municipal Act, 2001*.

H. Ottawa Tourism and Convention Authority, Inc.

The Ottawa Tourism and Convention Authority, Inc. (OTCA) is a non-profit agency that assists the City in the delivery of the Economic Development Program as it relates to local tourism development in Ottawa. Essentially, the OTCA undertakes various initiatives in building the tourism industry in Ottawa as it develops promotional programs and services to attract tourism business to the City. While the OTCA does have a local/municipal character, it remains an independent entity that is not under the control of the City. As such, the OTCA does not qualify as a “local board” under the *Municipal Act, 2001*.

I. Property Standards and License Appeals Committee

On [December 8, 2010](#), Council established a License and Property Standards Committee through its approval of recommendations set out in the [2010-2014 Governance Review report](#). The Committee is a quasi-judicial tribunal appointed by Council and is independent and autonomous from the City administration.

Under the previous model, the City of Ottawa had a License Committee that reviewed cases relating to license suspensions, revocations, refusals and renewals brought forward by the Chief License Inspector, and made final and binding decisions respecting license suspensions and revocations as well as the imposition of conditions as a requirement for obtaining, continuing to hold or renewing a license.

The City also had a Property Standards Committee that conducted similar hearings for the purposes of considering appeals by property owners or occupants served with an order under the *Building Code Act* and who were not satisfied with the terms and conditions of the order. Under Section 15.6 of the *Building Code Act, 1992*, “A by-law passed under section 15.1 [relating to property standards] shall provide for the establishment of a committee composed of such persons, not fewer than three, as the council considers advisable to hold office for such term and on such conditions as the by-law may establish.”

The 2010-2014 Governance Review report recommended that the mandates of the two Committees be merged, and that a License and Property Standards Committee of five citizen members be established to hear cases with respect to both licensing and property standards appeals. The report provided that the Committee would be modeled after the Committee of Adjustment as a committee of qualified citizen members with specific rules of procedure tailored to the specific operation of the Committee. The Property Standards and License Committee officially began its work in June 2012. On February 13, 2013, Council approved a recommendation in the [2010-2014 Mid-term Governance Review](#) to rename the Property Standards and License Committee as the Property Standards and License Appeals Committee, in recognition of its quasi-judicial nature.

The definition of “local board” within Subsection 1(1) of the *Municipal Act, 2001* includes any committee “established or exercising any power under any Act with respect to the affairs or purposes of one or more municipalities.” On this basis the City of Ottawa’s Property Standards and License Appeals Committee would appear to constitute a local board of the City.

However, on August 28, 2017, a Divisional Court ruling found that the City of Hamilton’s Property Standards Committee [and Election Compliance Audit Committee] were not local boards under the *Municipal Act, 2001*. Specifically, the Court found that the purpose of these entities, as defined in their respective enabling legislation and as established by Hamilton, is inconsistent with the City’s authority to dissolve a local board and assume its functions. In both instances with the Hamilton committees, the Court determined that the Council could not dissolve those committees and take over the responsibilities of those entities. Accordingly, as the property standards mandate of this committee could not be dissolved and taken over by the City of Ottawa, the Property Standards and License Appeals Committee is considered not to be a local board of the City.