

- 3. PARKDALE MARKET BY-LAW AND BYWARD MARKET BY-LAW REPEAL AND REPLACEMENT  
ABROGATION ET REMPLACEMENT DU RÈGLEMENT SUR LE MARCHÉ PARKDALE ET LE RÈGLEMENT SUR LE PROGRAMME DU MARCHÉ BY**

### **COMMITTEE RECOMMENDATIONS**

That Council:

1. Approve the repeal of By-law 2008-448 (Parkdale Market);
2. Approve the repeal of By-law 2008-449 (ByWard Market);
3. Approve the new Ottawa Markets By-law;
4. Approve the Marchés d'Ottawa Markets Corporation Operating Procedures as provided in Schedule E of the new Ottawa Markets By-law; and
5. Delegate authority to the General Manager, Planning, Infrastructure and Economic Development to receive and approve amendments to the Marché d'Ottawa Markets Corporation Operating Procedures and place the amended by-law schedule for enactment on the agenda of Council, as further described in this report.

### **RECOMMANDATIONS DU COMITÉ**

Que le Conseil :

1. Approuve l'abrogation du Règlement n° 2008-448 (Règlement sur le marché Parkdale);
2. Approuve l'abrogation du Règlement n° 2008-449 (Règlement sur le programme du marché By Market);
3. Approuve le nouveau Règlement municipal sur les marchés d'Ottawa;

- 4. Approuve les procédures opérationnelles de la société Marchés d'Ottawa Markets, telles que définies dans l'annexe E du nouveau Règlement municipal sur les marchés d'Ottawa;**
- 5. Délègue au directeur général de la Planification, de l'Infrastructure et du Développement économique le pouvoir d'examiner et d'approuver les modifications apportées aux procédures opérationnelles de la société Marchés d'Ottawa Markets et d'inscrire l'annexe du règlement modifié à un futur ordre du jour du Conseil aux fins d'adoption, selon les modalités exposées plus précisément dans le présent rapport.**

#### DOCUMENTATION/DOCUMENTATION

1. Director's report, Economic Development and Long Range Planning, Planning, Infrastructure and Economic Development Department, dated October 22, 2021 (ACS2021-PIE-EDP-0040)

Rapport du Directeur, Développement économique et Planification à long terme, Direction générale de la planification, de l'infrastructure et du développement économique, daté le 22 octobre 2021, (ACS2021-PIE-EDP-0040)

2. Extract of draft Minutes, Finance and Economic Development Committee, 2 November 2021.

Extrait de l'ébauche du procès-verbal, Comité des finances et du développement économique, le 2 novembre 2021.

**Report to  
Rapport au:**

**Finance and Economic Development Committee  
Comité des finances et du développement économique  
2 November 2021 / 2 novembre 2021**

**and Council  
et au Conseil  
10 November 2021 / 10 novembre 2021**

**Submitted on October 22, 2021  
Soumis le 22 octobre 2021**

**Submitted by  
Soumis par:  
Don Herweyer**

**Director / Directeur Economic Development and Long Range Planning /  
Développement économique et Planification à long terme Planning, Infrastructure  
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**Ward: RIDEAU-VANIER (12)**

**File Number: ACS2021-PIE-EDP-0040**

**Ward: KITCHISSIPPI (15)**

**SUBJECT: Parkdale Market By-law and ByWard Market By-law Repeal and  
Replacement**

**OBJET: Abrogation et remplacement du Règlement sur le marché Parkdale et  
le Règlement sur le programme du marché By**

## **REPORT RECOMMENDATIONS**

**That the Finance and Economic Development Committee recommend that Council:**

- 6. Approve the repeal of By-law 2008-448 (Parkdale Market);**
- 7. Approve the repeal of By-law 2008-449 (ByWard Market);**
- 8. Approve the new Ottawa Markets By-law;**
- 9. Approve the Marchés d'Ottawa Markets Corporation Operating Procedures as provided in Schedule E of the new Ottawa Markets By-law; and**
- 10. Delegate authority to the General Manager, Planning, Infrastructure and Economic Development to receive and approve amendments to the Marché d'Ottawa Markets Corporation Operating Procedures and place the amended by-law schedule for enactment on the agenda of Council, as further described in this report.**

## **RECOMMANDATIONS DU RAPPORT**

**Que le Comité des finances et du développement économique recommande au Conseil ce qui suit :**

- 1. Approuver l'abrogation du Règlement n° 2008-448 (Règlement sur le marché Parkdale);**
- 6. Approuver l'abrogation du Règlement n° 2008-449 (Règlement sur le programme du marché By Market);**
- 7. Approuver le nouveau Règlement municipal sur les marchés d'Ottawa;**
- 8. Approuver les procédures opérationnelles de la société Marchés d'Ottawa Markets, telles que définies dans l'annexe E du nouveau Règlement municipal sur les marchés d'Ottawa;**
- 9. Déléguer au directeur général de la Planification, de l'Infrastructure et du Développement économique le pouvoir d'examiner et d'approuver les modifications apportées aux procédures opérationnelles de la société Marchés d'Ottawa Markets et d'inscrire l'annexe du règlement modifié à un futur ordre du jour du Conseil aux fins d'adoption, selon les modalités exposées plus précisément dans le présent rapport.**

## BACKGROUND

By-laws 2008-448 and 2008-449, more commonly known as the Parkdale and ByWard Market By-laws, have been in place for over twelve years. The By-laws outline rules, regulations and governance around the licensing, vending, performance activities, visitor services and programming spaces in the Parkdale and ByWard Markets. From enactment until 2018, the by-laws provided direction to City staff in their oversight of both outdoor farmers' markets, 55 ByWard Market Square and 70 Clarence Street.

After considerable review, the City determined that the interests and evolution of both the Parkdale and ByWard Markets would be better served through the creation of a Municipal Services Corporation (MSC) and appointment of an independent Board of Directors. Council created the new MSC - Marchés d'Ottawa Markets Corporation (Ottawa Markets) - [effective January 1, 2018](#) and formally transferred market management authority over the Parkdale Market and ByWard Market to the new entity. The mandate of Ottawa Markets includes the responsibility to:

- i) Secure a diverse and innovative mix of outdoor vending and indoor retail tenants;
- ii) Position the market(s) as a desirable destination that offers programming and shopping opportunities for both visitors and local residents;
- iii) Promote local food and goods by offering a variety of complementary products and services that reflect customer needs;
- iv) Celebrate and continue to build on the rich heritage of the market(s) within the local community; and
- v) Establish a growth-based model that is both financially viable and operationally sustainable, and which respects community needs.

The creation of Ottawa Markets rendered the pre-existing by-laws for these districts out-of-date as they significantly limit the MSC's ability to deliver on its mandate. It was understood that a repeal and replacement of the Parkdale Market and ByWard Market By-laws and the establishment of a set of Operating Procedures would be required to address this inconsistency.

As a temporary measure, Council approved the Ottawa Markets Temporary Delegated Authorities Report ([ACS2021-PIE-EDP-0012](#)) on April 14, 2021 permitting Ottawa Markets to pilot several elements of the draft Operating Procedures ahead of finalizing a

complete version for inclusion in the new Ottawa Markets By-law. The report recommended the delegation of the following temporary authorities to Ottawa Markets to support the further development of the farmers' market and outdoor vending in the Parkdale and ByWard Markets through December 31, 2021:

- i. To implement the Ottawa Markets Farmers First Policy;
- ii. To implement the 2021 Fee Schedule, including new permit classes;
- iii. To determine vendor application deadlines and requirements; and
- iv. To locate vendors to any of the designated vending stalls.

To ensure that Ottawa Markets has the appropriate tools and flexibility to continue delivering on their mandate, a repeal and replacement of By-laws 2008-448 and 2008-449, and introduction of new Operating Procedures, is required.

## **DISCUSSION**

Ottawa Markets' mission is to maximize the Parkdale and ByWard Markets' potential as unique year-round destinations, to promote the purchasing of local produce and goods as well as to provide other services and products that meet the needs of residents and visitors. Given By-laws 2008-448 and 2008-449 are very prescriptive with respect to market operations, Ottawa Markets currently lacks the flexibility to evolve and adapt to changing market conditions and customer preferences. As a result, there are untapped opportunities that are being missed to the detriment of the Parkdale and ByWard Markets and surrounding communities and the many vendors who wish to conduct business in these important districts.

Economic Development staff recommend Council repeal and replace the Parkdale Market By-law and the ByWard Market By-law with a new Ottawa Markets By-law and approve the new Ottawa Markets Operating Procedures (attached as Schedule E). The existing by-laws, enacted in 2008, pre-date the establishment of Ottawa Markets and provide an outdated markets management framework. The repeal of By-laws 2008-448 and 2008-449 and replacement with a new by-law that includes comprehensive Operating Procedures, was determined to be the appropriate approach following discussions between Economic Development Services, Legal Services and By-law and Regulatory Services and extensive consultation with Ottawa Markets.

The Operating Procedures developed by Ottawa Markets and reviewed by the City, align with the mandate and goals of the MSC as previously approved by Council.

Building on the 2021 temporary delegated authorities, the Operating Procedures will enable Ottawa Markets to assume more ownership of operational areas including: daily market procedures, on-site regulations, market stand allocations, annual fee schedules, vendor applications and eligibility, and permit issuance.

The Operating Procedures may be updated annually as needed with approval authority delegated to the General Manager, Planning, Infrastructure and Economic Development to receive and approve the updates and place the amending by-law with the updated schedule on the Agenda of Council for enactment. Updates to the Operating Procedures will also be presented at the MSC Annual General Meeting of Members (Council) for information.

The repeal and replacement of By-laws 2008-448 and 2008-449 and the introduction of Operating Procedures will ease the regulatory burden that has made it challenging for Ottawa Markets to further develop the outdoor market program in alignment with Council direction. These changes will support the objectives that Council established in creating the Municipal Services Corporation in 2018 as well as the vision and goals outlined in the Council-approved ByWard Market Public Realm Plan. Both the Parkdale and ByWard Market districts will benefit from a more flexible market management and regulatory framework which will result in an enhanced resident and visitor experience.

## **RURAL IMPLICATIONS**

There are no rural implications associated with this report.

## **CONSULTATION**

Economic Development Services, in collaboration with Ottawa Markets, held virtual meetings with key stakeholders to provide an overview of the new Ottawa Markets By-law and associated Operating Procedures and solicit feedback. Meetings were held with the following stakeholders between September 2 and 20, 2021: Councillor Leiper (Ward 15), Councillor Fleury (Ward 12), ByWard Market Standholders Association, ByWard Market Business Improvement Area, Wellington West Business Improvement Area, Lowertown Community Association, and Hintonburg Community Association (Economic Development Committee). Stakeholders were supportive of the repeal of the Parkdale and ByWard Market By-laws and the introduction of new Operating Procedures to provide Ottawa Markets with increased operational flexibility.

The Ottawa Markets Board of Directors received regular briefings on the by-law repeal and replacement process at scheduled Board meetings.

**FINANCE AND ECONOMIC  
DEVELOPMENT COMMITTEE  
REPORT 31  
10 NOVEMBER 2021**

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**COMITÉ DES FINANCES ET DU  
DÉVELOPPEMENT ÉCONOMIQUE  
RAPPORT 31  
LE 10 NOVEMBRE 2021**



## **COMMENTS BY THE WARD COUNCILLORS**

Councillor Fleury provided the following comments:

“Overall, I am supportive of this repeal as it is positive and prepares the Market to be ready for the Public Realm Plan.

Additionally, this repeal allows Ottawa Markets to prepare for emerging trends and try new things.

Ottawa Markets has shown its ability to work with partners, bring new life and set a clear vision for the ByWard Market spaces.

There are a few risks of repeal, which I wish to highlight:

- Opening of old decisions such as food trucks
- The process for adjudication in case of problematic rental/use
- The city has a role to ensure the area is consistently looking well - clean for locals and tourists alike. This includes proper lighting, trees, maintenance and snow clearing to name a few key concerns. For example - The George Street Plaza anomaly in the City of Ottawa agreement with Ottawa Markets needs to be resolved
- Creation of competition with existing commercial tenants (who pay a fixed cost for their storefront in the area)

It is important for Ottawa Market to continue to grow and support local vending, and expansion of events to reflect local aspirations for Ontario’s oldest market as well as the diverse role it plays to provide unique local products to everyone who visits the market.

Lastly, this repeal of the bylaw should allow the market to be free to prepare for the investments, plan unique events/festivals, welcome special programming and thrive as Ottawa’s most visited district. It is essential for Ottawa Markets to consider programming for the area year-round for local residents, Ottawa residents and tourists alike.”

Councillor Leiper provided the following comments:

“The publicly-owned Parkdale Market is a vital part of Kitchissippi ward contributing to food security and working as a business multiplier in the neighbourhood. Since Council created the Ottawa Markets Corporation, I have been pleased with its transparency, collaboration and creativity in re-vitalizing this institution. Competitors have been

successful across the City in recent years responding nimbly to market demands and fostering community. The repeal and replacement of the By-laws are a necessary step in positioning our publicly-owned markets to respond to that competition to everyone's benefit. It is critical that we create a 21st century framework that recognizes the important role of these critical public realms in our city. We have given the Ottawa Market Corporation an important mandate and our trust. I am confident that the repeal of these by-laws will create the conditions under which our Markets can continue to thrive.”

### **LEGAL IMPLICATIONS**

There are no legal impediments to approving the recommendations in this report. The attached ByWard and Parkdale Markets By-law is consistent with section 113 of the *Municipal Act* which provides that the City may establish its public market by way of by-law, with operating procedures. The By-law designates the vending areas, consistent with section 12.7 of the *City of Ottawa Act*, which provides that the City can pass by-laws designating all or any part of a highway under its jurisdiction, including the sidewalk portion as a “removal zone” for street vending purposes, and establish a permit system granting the exclusive use of any designated space to sell goods. Section 23.1 of the *Municipal Act* allows the City to continue to delegate its permitting powers to the Ottawa Markets municipal services corporation who will continue to oversee the ByWard and Parkdale Markets.

### **RISK MANAGEMENT IMPLICATIONS**

There are no risk management implications associated with this report.

### **ASSET MANAGEMENT IMPLICATIONS**

There are no asset management implications associated with the recommendations of this report.

### **FINANCIAL IMPLICATIONS**

There are no City financial implications associated with the proposed Ottawa Markets By-law and Operating Procedures, which includes establishing and changing fees. Per the Service and Asset Management Agreement, Ottawa Markets' annual operating budget deficits/surpluses are to be carried forward and recovered/retained to manage liquidity and for reinvestment.

## ACCESSIBILITY IMPACTS

There are no accessibility implications associated with this report.

## TERM OF COUNCIL PRIORITIES

This project addresses the following 2019-2022 Term of Council Priorities:

**Economic Growth and Diversification:** Encourage economic growth and diversification by supporting business investment and expansion, talent attraction and retention, showcasing the city's bilingual and multicultural character, and branding Ottawa as a place to be.

## SUPPORTING DOCUMENTATION

Document 1: Ottawa Markets By-law

## DISPOSITION

Upon approval of the report by Council, Planning, Infrastructure and Economic Development will:

- Notify Ottawa Markets of approval;
- Work with Legal Services and By-law and Regulatory Services to finalize and post the new by-law publicly;
- Update relevant public information pages on Ottawa.ca;
- Communicate implementation details to stakeholders; and
- Address any technical issues/amendments.