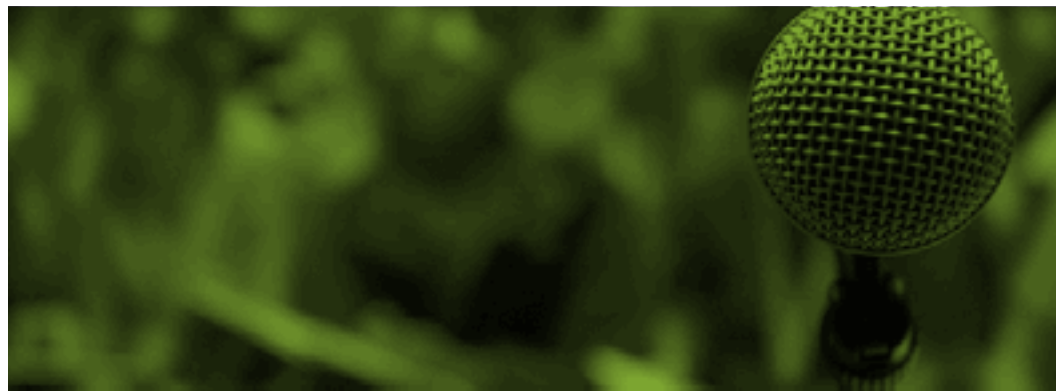


April 12 & 13, 2010, Toronto

Inaugural Two-Day Event!

ADVANCED CREATING AND ENFORCING MUNICIPAL BY LAWS

Best practices for creating, reviewing and enforcing bylaws



Workshop Included: Drafting Enforceable Bylaws Step-by-Step

who should attend

Provincial & Municipal In-house Counsel; Municipal Solicitors;
Municipal/City Clerks, Corporate Officers & Council Members;
Municipal Law Enforcement Officers; Lawyers

participating organizations

City of Mississauga	Monteith Brown Planning Consultants
City of Niagara Falls	Osler, Hoskin & Harcourt LLP
City of Thunder Bay	Regional Municipality of York
City of Stratford	Ted Davidson (Consultants) Inc.
City of Toronto	Town of Fort Erie
City of Vaughan	Town of Oakville
Meridian Planning Consultants Inc.	Town of Whitby
MHBC Planning	WeirFoulds LLP

course highlights

- Hear city solicitors from some of the country's most innovative and progressive municipalities
- Look at the remedy options available to municipalities for ensuring the effective enforcement of their by laws
- Examine determining limits and scope of jurisdictional authority granted to municipalities
- See how by laws can be used to address issues stemming from emerging social problems
- Examine advanced drafting techniques used for creating enforceable bylaws
- Examine the concept of sustainability and the drafting of municipal bylaws that stand the test of time



Course Leader
Mary Ellen
Bench,
City of
Mississauga



Course Leader
Michael H.D.
Bowman,
Osler, Hoskin &
Harcourt LLP



Janice Atwood-
Petkovski,
City of Vaughan



James Dymont,
Meridian
Planning
Consultants
Inc.



Rosalie A.
Evans,
City of Thunder
Bay



Luis Ferreira,
Town of
Oakville

as well as:

Kenneth L.
Beaman,
City of Niagara
Falls

N. Edward
(Ted) Davidson,
Ted Davidson
(Consultants)
Inc.



Bernard P.
Hermesen,
MHBC Planning



Christina
Hueniken,
City of Toronto



Jean Monteith,
Monteith
Brown Planning
Consultants



Kim Mullin,
WeirFoulds LLP



Hans J.
Saamen,
Regional
Municipality of
York



Heather A.
Salter,
Town of Fort
Erie

as well as:

Michelle
Smibert,
City of
Stratford

Debi A. Wilcox,
Town of Whitby

FACULTY

COURSE LEADERS

MARY ELLEN BENCH

Mary Ellen Bench joined the **City of Mississauga** in May, 2001 as City Solicitor. In 2003 the International Municipal Lawyers Association (“IMLA”) conferred upon her the designation of Local Government Fellows in recognition of demonstrated excellence in the field of local government law. In 2006 she achieved the designation of Certified Specialist (Municipal Law – Local Government/Land Use Planning and Development Law) from the Law Society of Upper Canada.

MICHAEL H.D. BOWMAN

Michael H.D. Bowman is a partner in the Litigation Department of **Osler, Hoskin & Harcourt LLP** in Toronto. His practice in administrative and civil litigation includes municipal law and regulation, land use planning and development, municipal taxation and finance, expropriation, environmental issues, and lease arbitration and litigation.

CO-LECTURERS

JANICE ATWOOD-PETKOVSKI

Janice Atwood-Petkovski is Commissioner of Legal and Administrative Services and City Solicitor for the **City of Vaughan**. She acts as senior legal advisor to City Council and the Corporation, and is responsible for the Legal Services, Real Estate, HR, Clerks and Enforcement Services Departments.

KENNETH L. BEAMAN

Kenneth L. Beaman is City Solicitor for the **City of Niagara Falls**.

N. EDWARD DAVIDSON

N. Edward Davidson is the principal of **Ted Davidson (Consultants) Inc.** As a practicing professional planner and development manager, he provides planning and development advice to major developers, individuals and municipalities in Ontario. His work includes Official Plan studies at both a site-specific and area-based level and drafting of numerous zoning bylaws.

JAMES DYMENT

James Dymont is a Partner of **Meridian Planning Consultants INC.** He has been involved in and responsible for the preparation of a wide variety of Official Plans and Official Plan Amendments throughout Ontario. He has prepared Official Plans for approximately 25 municipalities.

ROSALIE A. EVANS

Rosalie A. Evans is City Solicitor for the **City of Thunder Bay**. She also serves as General Manager of the Corporate Services Department, including Provincial Offences Court Administration, the Office of the City Clerk and Corporate Safety management. Her 20 year municipal career has given her a broad understanding of municipal law.

LUIS FERREIRA

Luis Ferreira has been a municipal employee since 2001 and is currently working for the Corporation of the **Town of Oakville** in the Clerk's Department. He is the Supervisor of Licensing and By-law Services. He has previously held similar positions with the City of Brampton in the areas of Parking Enforcement, Property Standards and Mobile Business Licensing.

BERNIE HERMSEN

Bernie Hermesen, a principal with **MHBC Planning**, has provided city, town and county planning services since 1975. He has extensive experience in the preparation of Official Plans, Secondary/ Community Plans, Comprehensive Zoning By-laws and special studies for a range of municipalities in Ontario.

CHRISTINA HUENIKEN

Christina Hueniken is a Solicitor in the Municipal Law Group, Legal Services Division, at the **City of Toronto**.

JEAN MONTEITH

Jean Monteith, B.E.S., M.C.I.P., R.P.P. is an award-winning planning consultant whose career began in 1971. She quickly excelled in the consulting industry before founding **Monteith Brown Planning Consultants** in 1977. She routinely leads planning initiatives offering exceptional skills in project management, public consultation and policy analysis.

KIM MULLEN

Kim Mullen is a partner with **WeirFoulds LLP** in Toronto. She acts for both public sector and private sector clients in complex municipal law and commercial litigation matters. Her municipal law practice includes jurisdictional and constitutional matters, judicial review applications, challenges to municipal government decision-making and land-use planning matters.

HANS J. SAAMEN

Hans J. Saamen, B.A., LL.B., is Senior Counsel-Prosecutions for **The Regional Municipality of York**. He is in charge of the prosecution unit, where he manages a supervising prosecutor, 13 prosecutors, 6 prosecution clerks and an administrative clerk/secretary in two provincial offences court locations.

HEATHER A. SALTER

Heather A. Salter has been Director of Legal and Legislative Services and Town Solicitor for the **Town of Fort Erie** since 2007. Prior to joining the Town, she was the Deputy City Solicitor for the City of Greater Sudbury (2001-2006) and the Deputy Regional Solicitor for the former Regional Municipality of Sudbury (1993-2000).

MICHELLE SMIBERT

Michelle Smibert is Deputy City Clerk for the **City of Stratford**. She is currently a Zone Two representative of the Association of Municipal Managers, Clerks and Treasurers of Ontario (AMCTO) Board of Directors and has been involved in various AMCTO project teams and in particular business licensing.

DEBI A. WILCOX

Debi A. Wilcox is currently the Town Clerk for the **Town of Whitby** and has over 27 years experience in municipal government. She is a member of the Board of Directors of the Association of Municipal Managers, Clerks & Treasurers and has been a keynote speaker and trainer on a number of topics.

COURSE PROGRAM

ADVANCED TECHNIQUES FOR DRAFTING ENFORCEABLE BYLAWS: AVOIDING THE RISK OF NON-ENFORCEABILITY

This session will examine advanced drafting techniques used for creating enforceable bylaws while overcoming the daunting challenges being faced by municipalities today.

- Drafting enforceable bylaws despite insufficient funding and inadequate resources
- Process for reviewing drafts to ensure they can withstand intense legal scrutiny
- Dealing with ambiguity and avoiding vagueness
- Best practices for avoiding the risk of non-enforceability
- Drafting bylaws that assist in the prosecution of bylaw offences
- Knowing potential legal challenges to bylaws

DRAFTING SUSTAINABLE BYLAWS: WHAT DO THE NUMBERS REALLY MEAN?

This session will examine the concept of sustainability and the drafting of municipal bylaws that stand the test of time.

- The use of bylaws to create sustainable and livable communities
- Promoting a "green infrastructure" through effective bylaw drafting
- Greening bylaws from urban growth boundaries to development permit areas for protection of the natural environment
- How the numbers or size really matter

MUNICIPAL BYLAW JURISDICTIONAL ISSUES

This session will look at determining limits and scope of jurisdictional authority granted to municipalities.

- Understanding the limits and scope of wider jurisdictional authority being granted to municipalities
- The trend toward enhancing municipal powers
- Determining exactly the extent of powers your municipality has in creating bylaws
- Overlapping jurisdictional issues and conflicts
- Limitations imposed on municipalities by provincial authorities

DRAFTING & ENFORCING BY LAWS: THE PROSECUTOR'S PERSPECTIVE

Unless a bylaw infraction can be successfully prosecuted, the bylaw itself is less than effective. Bylaw infraction prosecution can fail for a number of reasons. This session will examine strategies for overcoming challenges to the traditional enforcement of municipal bylaws from a prosecutor's point of view.

- Strategies for the successful enforcement of bylaws
- Impact of poorly drafted bylaws
- Tools for improving prosecution of bylaw infractions
- Revising poorly drafted bylaws to avoid prosecutorial difficulties

BYLAW ENFORCEMENT PRACTICES: A CITY OF NIAGARA FALLS CASE STUDY

This session will highlight some of the successful bylaw enforcement practices that have been followed in recent years at the City of Niagara Falls.

- Enforcement philosophy: give it purpose
- The cases that support what you do
- Developing and establishing the difference between regulatory and criminal law
- Shutting down the diversionary defence

LEGAL REMEDY OPTIONS FOR BYLAW INFRACTIONS: IMPLEMENTATION OF MUNICIPAL ADMINISTRATIVE PENALTIES

This session will look at the remedy options available to municipalities for ensuring the effective enforcement of their bylaws, focusing on the strides that the Town of Oakville and the City of Vaughan have been making in this area.

- The range of civil remedies available
- The creation and use of municipal administrative penalties
- Creating a fair and efficient system of administrative penalties
- Effective remedies to deal with the challenges inherent in the traditional enforcement of municipal bylaws

BEST PRACTICES FOR REVIEWING AND REVISING EXISTING BYLAWS

This session will look at best practices for creating a process for the regular review and revision of existing bylaws.

- Reasons for conducting a review of existing bylaws
- Essential steps to a review of an existing bylaw
- Ensuring that bylaws comply with provincial standards
- Harmonizing different systems of regulations

USING MUNICIPAL BYLAWS TO ADDRESS SOCIAL PROBLEMS: CURRENT CHALLENGES

This session will look at the effectiveness of the increasingly popular practice of using municipal bylaws to address issues stemming from emerging social problems.

- Tips for using bylaws to address social issues impacting municipalities
- The effectiveness of using bylaws to deal with social issues
- Pros and cons of using municipal bylaws to remedy social ills
- Social issues most conducive to being remedied by the enactment of municipal bylaws

COURT CHALLENGES TO MUNICIPAL BYLAWS: PRE-EMPTING CHALLENGES AT THE DRAFTING STAGE

This session will examine Charter issues in the municipal bylaw context and provide you with drafting techniques that will help protect against court challenges.

- Overview of recent challenges to municipal bylaws: lessons learned
- The growing occurrence of municipal bylaws being challenged in the courts
- Common challenges to municipal bylaws
- Strategies for defending against court challenges to bylaws
- Drafting practices that can guard against Charter challenges

COURSE PROGRAM

BALANCING INDIVIDUAL AND COMMUNITY RIGHTS IN THE BYLAW PROCESS

This session will examine methods for drafting fair bylaws and applying them in a manner that balances individual versus community rights.

- Areas where community rights come into conflict with the rights of individuals
- The process for implementing bylaws for addressing neighbourhood disputes
- Best practices for drafting property standards bylaws

THE PARTICIPATORY PROCESS IN BYLAW APPROVAL

This session will examine how to get community input in the bylaw process, in order to achieve greater acceptance of government actions.

- Getting community input in the creation of bylaws dealing with politically sensitive issues
- Determining the type of bylaws best suited for community participation
- Establishing an effective process for eliciting a community response
- Incorporating community feedback into the bylaw drafting process

WORKSHOP

DRAFTING ENFORCEABLE BYLAWS STEP-BY-STEP

This interactive workshop will teach attendees how to write a bylaw "from scratch." Topics covered include:

- The essential (and non-essential) elements of a bylaw: alternatives to bylaws
- How to "create" an offence: different enforcement mechanisms
- Checklists and tips for content and proofreading
- Tips about grammar and plain language

The workshop will also include three "hands-on" group work exercises on "understanding your instructions," drafting a short and simple "stand alone" bylaw, and drafting an amending bylaw.

Audio/Video segments clickable slide by slide
Papers and overheads also included
Print any of the material for your own use



PROCEEDINGS CD - ROM

Registration: To reserve your place, call Federated Press toll-free at 1-800-363-0722. In Toronto, call (416) 665-6868 or fax to (416) 665-7733. Then mail your payment along with the registration form. Places are limited. Your reservation will be confirmed before the course.

Location: Metropolitan Hotel, 108 Chestnut Street, Toronto, Ontario, M5G 1R3

Cost: The attendance fee for the course is \$1925 per person and covers attendance for one person and the lecturers' presentation material. The fee further includes lunch on both days, morning coffee on both days and refreshments during all breaks. You may purchase a Proceedings CD-ROM containing edited actual proceedings and materials from the course.

Time: This course is a two-day event. Registration begins at 8:00 a.m. The morning sessions start promptly at 9:00. The second day ends at 4:00 p.m.

Cancellation: Please note that non-attendance at the course does not entitle the registrant to a refund. In the event that a registrant becomes unable to attend following the deadline for cancellation, a substitute attendee may be delegated. Please notify Federated Press of any changes as soon as possible. Federated Press assumes no liability for changes in program content or speakers. A full refund of the attendance fee will be provided upon cancellation in writing received prior to March 31, 2010. No refunds will be issued after this date. Please note that a 15% service charge will be held in case of a cancellation.

Discounts: Federated Press has **special team discounts**. Groups of 3 or more from the same organization receive a **10%** discount. Groups of 7 or more from the same organization receive a **15%** discount.

Payment must be received prior to April 5, 2010

Phone: 1-800-363-0722

Toronto: (416) 665-6868

Fax: (416) 665-7733

TO REGISTER FOR ADVANCED CREATING AND ENFORCING MUNICIPAL BY-LAWS

Name _____
 Title _____ Department _____
 Approving Manager Name _____
 Approving Manager Title _____
 Organization _____
 Address _____
 City _____ Province _____ Postal Code _____
 Telephone _____ Fax _____ e-mail _____
 Please bill my credit card: AMEX VISA Mastercard
 # _____ Expiration date: ____ / ____
 Signature : _____
 Payment enclosed: Please invoice. PO Number: _____

WHEN CALLING, PLEASE MENTION PRIORITY CODE: MAIL COMPLETED FORM WITH PAYMENT TO:
 Federated Press P.O. Box 4005, Station "A"
 Toronto, Ontario M5W 2Z8

MBL1004/E

REGISTRATION COSTS

NUMBER OF PARTICIPANTS:
 COURSE: \$1925
 COURSE + PROCEEDINGS CD-ROM:
 \$1925 + \$125 = \$2050
 PROCEEDINGS CD-ROM: \$499
 NOTE: Please add 5% GST to all prices.
 Proceedings CD-ROM will be available 60
 days after the course takes place
 Enclose your cheque payable to
 Federated Press in the amount of:

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For additional delegates please duplicate this
 form and follow the normal registration process