CITY OF WELLAND / TOWN OF PELHAM COUNCIL NOTICE OF MOTION
MOVED BY: Councillor **[Name]**

SECONDED BY: Councillor **[Name]**

MEETING DATE: [DATE]

SUBJECT: Resident Redress, Municipal Utility Fee Relief, and Remediation Protocols for Prolonged Regional Capital Delays (Quaker Road Sanitary Trunk Sewer & Urbanization Corridor)

PREAMBLE:

WHEREAS the Quaker Road Sanitary Trunk Sewer and Urbanization project—a shared capital undertaking overseen predominantly by the Regional Municipality of Niagara with municipal cost-sharing—has exceeded its anticipated completion schedule by more than two years; and

WHEREAS unforeseen subsurface conditions and soil instability along the Quaker Road right-of-way have resulted in repeated re-excavation, backfilling, and multiple trench reconstruction phases, compounding neighbourhood disruption beyond acceptable statutory tolerances; and

WHEREAS directly fronting residents and affected businesses have been subjected to continuous, chronic deprivations of essential public services, including loss of vehicular driveway access (ingress and egress), disrupted curbside waste and recycling collection, cancellation of Niagara Region Transit stops without accessible alternatives, temporary overland bypass water supply lines, boil-water notices, and accidental utility strikes resulting in power and water interruptions; and

WHEREAS section 357(1)(d)(ii) of the *Municipal Act, 2001*, S.O. 2001, c. 25, empowers municipal councils to cancel, reduce, or refund property taxes where a property has been damaged or compromised so as to render it substantially unusable for the purposes for which it was used; and

WHEREAS municipal ratepayers have continued to pay fixed municipal water and wastewater base distribution charges while experiencing severe service interruptions and temporary bypass conditions;

THEREFORE BE IT RESOLVED:

1. Expedited Property Tax Relief Stream (Section 357)

THAT Council direct the City/Town Treasurer and Revenue Division to establish an expedited intake and administrative review stream under **Section 357 of the *Municipal Act, 2001*** for residential and commercial property owners fronting Quaker Road between Pelham Street and Rice Road / Clare Avenue; and

THAT staff be directed to bring forward an omnibus Section 357 report to Council no later than the first quarter of 2027, evaluating eligibility for property tax refunds, reductions, or cancellations based on documented periods of driveway severance and property inaccessibility incurred during the 2025 and 2026 taxation years.

2. Fixed Utility Base-Charge Rebates

THAT Council authorize the Finance Division to apply a **one-time municipal utility bill credit** against the fixed monthly municipal water and wastewater distribution/base capacity charges for all directly affected residential utility accounts along the construction corridor, calculated proportionally for every month the property was connected to temporary overland bypass lines or experienced recurring unscheduled service interruptions.

3. Curbside Collection & Accessible Transit Concierge

THAT Council direct the Director of Public Works to immediately enforce a mandatory **"White Glove" Curbside Waste Protocol**, requiring the project general contractor, with municipal public works oversight, to manually retrieve, empty, and return all waste, recycling, and organic containers directly to property boundaries on scheduled collection mornings whenever heavy collection vehicles cannot safely enter private frontages; and

THAT staff coordinate with Niagara Region Transit to immediately issue zero-cost, on-demand transit vouchers or specialized door-to-door transit access for seniors, residents with mobility challenges, and transit-dependent households fronting the active construction corridor until regular transit service is fully restored.

4. Contractor Claims & Neighbourhood Remediation Fund

THAT Council direct the Mayor and Municipal Clerk to formally petition the Regional Municipality of Niagara to enforce all applicable delay penalties and **liquidated damages provisions** stipulated within the regional construction contract for unapproved schedule overruns; and

THAT Niagara Region be formally requested to direct all liquidated damages revenues recovered from the contractor into a dedicated **Quaker Road Neighbourhood Remediation Fund**, administered to finance comprehensive private driveway apron repaving, boulevard re-sodding, culvert restoration, and tree canopy replacement along the affected residential frontages upon civil works completion; and

THAT the Region establishes a dedicated, expedited dispute resolution officer to adjudicate resident vehicle damage, vibration damage, and plumbing repair claims directly with the contractor’s commercial general liability insurance provider without administrative delay.

5. Independent Engineering and Geotechnical Due Diligence Audit

THAT Council formally request that Niagara Regional Council commission an independent third-party engineering audit into the project’s initial geotechnical planning, design assumptions, and procurement oversight to determine the root causes of the repeated excavations; and

THAT a copy of this resolution be circulated to the Regional Chair and Regional Council of Niagara, the Member of Provincial Parliament for Niagara Centre, and the Councils of the City of Welland and Town of Pelham for immediate consideration and endorsement.