

REGION OF OTTAWA CARLETON  
RÉGION D'OTTAWA CARLETON

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REPORT  
RAPPORT

Our File/N/Réf.            03 07-98-0095  
Your File/V/Réf.

DATE                        6 October 1998

TO/DEST.                  Transportation Committee

FROM/EXP.                Councillor Diane Holmes

SUBJECT/OBJET          **LEGAL AUTHORITY TO PERFORM CIVIC ADDRESSING**

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### **REPORT RECOMMENDATION**

**For discussion.**

### **BACKGROUND**

I am submitting the attached memorandum dated 4 September 1998 from the Legal Department for the consideration of the Committee.

*Approved by*  
*Diane Holmes*

/rn

cc:    G. Kemp, Chair, 9-1-1 Management Board  
      C. Powers, Chair, 9-1-1 Advisory Committee

Our File/N/Réf. N/A  
Your File/V/Réf.

DATE 4 September 1998

TO/DEST. Richard Cantin, Regional Councillor  
✓Diane Holmes, Regional Councillor

FROM/EXP. Solicitor, Policy & Legislative Services Division  
Legal Department

SUBJECT/OBJET **LEGAL AUTHORITY TO PERFORM CIVIC ADDRESSING -**

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Your inquiry to Kelly McGee on July 17, 1998 was forwarded to me for my attention and I am now able to advise you on the following.

#### **Background on Civic Addressing issues**

It is my understanding that concerns about inadequate civic addressing arose from discussions and recommendations at the 911 Advisory Committee and 911 Management Board. At a basic level, inadequate civic addressing may affect the response times of emergency providers endangering lives of Ottawa-Carleton citizens. It is my understanding that inadequate civic addressing is a concern for emergency providers in both urban and rural parts of Ottawa-Carleton. In urban areas, the issue is one of visibility of house numbers from the street, visible numbering in apartments and condominiums. In rural areas, the issue is whether or not special emergency numbers should be posted on road allowances.

#### Legal Issues

1. **What is the legal authority for municipalities to perform civic addressing?**
2. **If civic addressing is a local municipal power, could the Region take over this power and provide for a comprehensive municipal addressing system?**

#### Discussion

1. **What is the legal authority for municipalities to perform civic addressing?**

Local municipalities derive their authority to pass by-laws in relation to civic addressing from section 210 of the Municipal Act. Section 210 sets out the general power of local municipal Councils to pass by-laws in relation to certain topics which are set out in paragraph form. The

specific authority for civic addressing by-laws is found under the "Highways and Sidewalks" heading as paragraph 112:

Numbering of buildings, etc. - For numbering the buildings and lots along any highway, beach, park, reserve or any other property in the municipality that it is considered necessary to number by the council, and for affixing numbers to the buildings and for charging the owner or occupant with the expense incident to the numbering of the lot or property.

(a) Such expense may be collected in the same manner as taxes, and, if paid by the occupant, subject to any agreement between the occupant and the owner, may be deducted from the rent payable to the owner.

Thus, area municipalities in Ottawa-Carleton are empowered to pass by-laws for several addressing purposes:

1. to provide for a system of numbering both buildings and lots;
2. to allow municipal staff to enter onto private land to affix numbers to private buildings;
3. allow the municipality to charge owners or occupants for the expense or numbering the lot or the building;
4. to collect the expenses of the municipality in this regard "in the same manner as taxes."

Civic numbering is similar to the power in the *Municipal Act* which allows local municipalities to pass by-laws to name local highways. Thus, the power to provide for proper civic addressing has historically been a concern of local municipalities. Local municipalities issue municipal addresses at the same time new building permits are issued.

#### **Ability of the Region to perform civic addressing**

The power contained in section 210, paragraph 112 of the *Municipal Act* was expressly given to local municipalities. As such, the Regional Municipality of Ottawa-Carleton (hereinafter "the Region") can not pass by-laws in relation to the above-noted powers unless specific authority is given to the Region in the *Regional Municipalities Act* (RMA), the *Regional Municipality of Ottawa-Carleton Act* (RMOC Act) or another provincial Act.

The RMA and the RMOC Act gives the Region all of the powers and liabilities of a city council or municipal corporation respecting roads in the regional road system and the regulation of traffic on the regional road system. This allows the Region to name regional roads and the civic addressing of land and buildings adjacent to regional roads. However, since the regional roads do not comprise all roads in Ottawa-Carleton, this does not allow the Region to provide for a comprehensive civic addressing system for all properties adjacent to municipal roads. In practice, the Region has been involved with naming regional roads but has allowed local municipalities to number buildings adjacent to regional roads.

Section 147.1 of the RMA and section 50(1) of the RMOC Act allows the Region to pass by-laws and enter into agreements with other persons and municipalities to establish and operated a centralized communications systems. Although proper civic addressing is arguably a necessary adjunct to a successful and effective centralized communications system in Ottawa-Carleton, it is

doubtful that these legislative provisions could be used to justify the Region passing by-laws setting out region-wide standards for civic addressing and enforcement of those standards.

It is interesting to note that section 93 of the proposed new *Municipal Act* will bring the concerns about provision of communication systems for emergency services and civic addressing together. Municipalities (and hence municipal employees) are given a specific power of entry onto private property to affix numbers to buildings or erect signs setting out numbers on land. This power is provided to a municipality, regardless of status, who has passed a by-law for the establishment and operation of a centralized communication system for the provision of emergency response services. Thus, if enacted, since the Region has passed a by-law to provide 911 service in Ottawa-Carleton, regional employees may exercise a power of entry onto properties adjacent to regional roads. This will not, however, usurp the ability of local municipalities to enter onto land to perform similar duties for property adjacent to local highways.

**2. If civic addressing is a local municipal power, could the Region take over this power and provide for a comprehensive addressing system?**

As noted above, the ability of local municipalities to pass by-laws in regards to numbering is derived from the *Municipal Act*. Section 209.2 of the *Municipal Act* provides a method by which upper-tier municipalities may assume local municipal powers to provide a prescribed service or facility. This power is limited, however, to assumption of local services and facilities prescribed by Provincial regulation. To date, the Provincial government has not addressed civic addressing or ancillary highway matters as a local municipal power available for assumption by upper-tier municipalities. Even if the Region were allowed to assume a power in relation to civic addressing, the assumption by-law passed by the Region will not come into effect unless it receives the infamous "triple-majority" approval of

- (a) a majority of all votes on the council of the upper-tier municipality are cast in its favour;
- (b) a majority of the councils of all the local municipalities forming part of the upper-tier municipality for municipal purposes have passed resolutions giving their consent to the by-law; and
- (c) the total number of electors in the local municipalities which have passed resolutions under clause (b) form a majority of all the electors in the upper-tier municipality.

Needless to say, in the current political context, it would be difficult for the Region to attain triple majority approval for any transfers of local municipal powers for the provision of services.

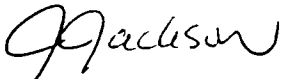
**Conclusions and Recommendations:**

In conclusion, it appears that the present ability to provide a standard civic addressing system in Ottawa-Carleton is dependent on the ability of the local municipalities and the Region to work cooperatively together on this problem. At present, the Region could only legally provide for a civic addressing system for properties lying adjacent to regional roads. The Region does not possess sufficient legislative authority to provide for a comprehensive civic addressing system nor could it assume local powers in relation to civic addressing.

Since the solution lies in the political context, it is also worthwhile examining this issue from a public policy perspective. It appears that a comprehensive civic addressing system would likely be possible in Ottawa-Carleton were the issue to be given proper leadership and will. The continued existence of the 911 Management Board and 911 Co-ordinating Committee is proof positive of the co-operation between the Region and the local municipalities on issues related to the delivery of emergency services. The Region could accelerate local municipal co-operation and communication on this issue by adopting one or a combination of the following recommendations:

1. Formation of a sub-committee of persons from local municipalities and the Region be struck to examine present civic addressing practices in Ottawa-Carleton. This subcommittee would make recommendations to the 911 Management Board, Corporate Services and Economic Development Committee, Regional Council and local municipal councils and committees. This sub-committee would include representatives from each emergency services providers (drawn from the present 911 Advisory Committee) and would also include the participation of by-law enforcement officers in Ottawa-Carleton who are presently responsible for the enforcement of civic addressing by-laws. Staff assistance of the sub-committee could where necessary be provided by the Legal, Public Affairs, Planning & Development Approvals, Health and Environment & Transportation departments. Recommendations in terms of civic addressing from the committee could address such issues relating to the establishment of a standard policy for Ottawa-Carleton, possibilities for inclusion in the Region's Official Plan (and effectiveness thereto), funding opportunities and the use of the development approvals process to force developers of new subdivisions to adopt standard civic addressing procedures.
2. The Region could examine the necessity of a civic addressing program for all properties lying adjacent to regional roads. If there is a need for a program in regards to properties adjacent to regional roads, the Region could address this need with the hope that this would become a model for all of the local municipalities. One of the aims of this program would be to persuade the local municipalities to revisit their civic addressing program, revise their own addressing by-laws and enforcement program (where necessary).

If you have any further questions or concerns about this matter, please do not hesitate to contact me directly at ext. 1438.



Jennifer Jackson

cc: Kelly McGee, Director, Policy & Legislative Services  
Geoff Cantello, Manager, Commercial Contract Law  
Luigi Aprile, Planning & Development Approvals