

25 October 2022

Mayor Jyoti Gondek and All Members of Calgary City Council

Delivered electronically: [www.calgary.ca/publicsubmissions](http://www.calgary.ca/publicsubmissions)

Dear Mayor Gondek and Members of Calgary City Council:

**RE: Public Hearing - November 1, 2022  
Item 16 - Transition to Online Advertising for Planning Matters  
(IP2022-0934 Pursuant to section 606.1(2) of the MGA; Bylaw 30M2022)**

I am writing in opposition to proposed Bylaw 30M2022 but, to be clear, I support the move to electronic means of notification for advertising proposed bylaws, resolutions, meetings, public hearings and other things referred to in section 606 of the *Municipal Government Act* (MGA).

The newspaper advertising requirement of the MGA reflects an earlier time, when printed newspapers were the primary means of printed mass communication. It is now a flawed implicit assumption in the MGA that a newspaper in fact reaches substantially all the residents in the affected area. Subscriber counts for the Herald have been declining for years, and in my opinion newspaper advertising has long ceased to be an effective method of reaching the broad population.

I support the shift away from advertising in newspapers toward “electronic means”, and the MGA in 2015 was amended (adding section 606.1) to permit such an alternative. The new statutory requirement is also a significant step up from newspaper advertising, and sets a high threshold:

“... council must be satisfied that the method the bylaw would provide for is likely to bring proposed bylaws, resolutions, meetings, public hearings and other things advertised by that method to the attention of substantially all residents in the area to which the bylaw, resolution or other thing relates or in which the meeting or hearing is to be held.”

This is a threshold that advertising through newspapers likely never achieved.

The bylaw proposed by City Administration requires only a website posting at least 10 days before the hearing date in question. This is a passive approach to notification, and requires citizens to actively search the City’s website in order to identify matters of interest.

City Administration has provided no evidence that passive website postings do or are likely to bring matters to the attention of substantially all affected residents. The supporting materials from City Administration state merely that “Administration is confident that the proposed method of advertising Planning Matters on Calgary.ca, supplemented by a rigorous communications campaign, will increase awareness and accessibility of Planning Matters brought to Public Hearings of Council.” With respect, “increasing awareness” is not the statutory test, and it would be wrong for Council to rely on this unsupported (but “confident”) assertion from City Administration as the basis for Council being satisfied that this method would be likely to bring matters requiring advertising to the attention of substantially all affected residents.

City Administration’s submission materials speak of a “rigorous communications campaign”, and mentions notice signs at the subject property and mailings to neighbours, but those additional aspects are not embedded in the proposed bylaw. The supporting materials also speak of Facebook and Twitter (which I suspect do not

25 October 2022

Page 2

reach “substantially all” residents), and mentions community association newspapers which presupposes that the community associations are monitoring the City’s website and then reporting to their association members on a timely basis on matters of interest. And, to emphasize, none of these additional manners of communication are embedded in the proposed bylaw.

At the least, City Administration should provide evidence of the actual reach of the proposed method(s) of electronic communications, and demonstrate how those communications are in fact likely to reach substantially all affected residents. “Substantially all” is a very high threshold to meet, and requires communications systems that are demonstrably geographically targeted. Passive website views do not provide any of this geographic targeting evidence.

A potential improvement would be the addition of a “push” notification aspect. For example, I am subscribed to the City’s email service which reminds me of the dates when my garbage/recycling/compost bins need to be placed for emptying. The City could create a similar email notification service for these public notice matters, permitting residents to subscribe for various notices based on geography (my neighbourhood, adjacent neighbourhoods, City-wide, topic-specific, etc.). This subscription service could in turn be advertised in flyers enclosed with Enmax bills and property tax notices encouraging residents to sign up for the notification service. And, why not a requirement that the City send an email to each community association of each item in an area affected?

These various “push” notifications do not in themselves ensure that matters requiring advertising will likely come to the attention of substantially all affected residents, but at the least it will provide data which Council can then consider when deciding if it is satisfied that such methods meet the statutory test.

There are so many ways the electronic means method can be made to be much more effective, and thus more likely to in fact meet the test set out in s. 606.1(2) of the MGA.

Without compelling evidence that a passive website posting IN FACT reaches substantially all affected residents, such an online method should not be the only required method of notification. I urge Council to refer this proposal back to City Administration with a direction to (1) propose more robust and varied electronic means of communication and (2) provide evidence that the proposed methods are in fact likely to come to the attention of substantially affected residents.

Respectfully submitted

Peter Collins

36 Maryland Place SW

CALGARY, AB T2V 2E4

C: (403) 978-7983

E: plcollins36@outlook.com

**CHRISTOPHER S. DAVIS**  
**5204 - 20th Street S.W.**  
**Calgary, Alberta T3E 7Z7**

October 24, 2022

Mayor Jyoti Gondek and All Members of Calgary City Council

Delivered electronically: [www.calgary.ca/publicsubmissions](http://www.calgary.ca/publicsubmissions)

Dear Mayor Gondek and Members of Calgary City Council:

**RE: Public Hearing - November 1, 2022 (Item 16 - "Transition to Online Advertising for Planning Matters" IP2022-0934**  
**Pursuant to section 606.1(2) of the MGA; Bylaw 30M2022**

Regarding the above item 16 "Transition to Online Advertising for Planning Matters" IP2022-0934, I have reviewed the report prepared by Administration and attachments.

Prior to Council adopting an alternative means of public advertising, Council must be "satisfied" (i.e. convinced with a high degree of confidence) that the requirements of section 606.1(2) of the MGA have been met:

**606.1 (2)** Before making a bylaw under subsection (1), council must be satisfied that the method the bylaw would provide for is likely to bring proposed bylaws, resolutions, meetings, public hearings and other things advertised by that method to the attention of substantially all residents in the area to which the bylaw, resolution or other thing relates or in which the meeting or hearing is to be held.  
[emphasis added]

Administration's report to Committee concludes that:

Presently, advertising of Planning Matters is required in a newspaper as per Section 606(2) of the Municipal Government Act (MGA). However, Section 606.1(1) of the MGA authorizes Council to, by bylaw, provide for electronic means of advertising Planning Matters where Council is satisfied that the method provided in the proposed bylaw is likely to bring things required to be advertised under Part 17 of the MGA to the attention of affected residents. Administration is confident that the proposed method of advertising Planning Matters on Calgary.ca, supplemented by a rigorous communications campaign, will increase awareness and accessibility of Planning Matters brought to Public Hearings of Council.  
[emphasis added]

With respect, the statement presented at Committee by Administration that Administration is "confident" does not provide sufficient evidence for Council to be "satisfied that the proposed method of electronic advertising will bring the proposed Planning Matters to the attention of substantially all (affected) residents."

Although there is a proposed phased and graduated implementation plan, redirection notifications within the Calgary Herald are to be discontinued after May, 2023. Following that date, there will be a continued transition to digital promotions of public hearings and bi-annual awareness campaigns. The two page "Communications Strategy" (Report, Attachment 2) states that the shift to electronic-only public notification will "(provide) coordinated, easy to understand information regarding potential changes in a community due to a proposed development will create better awareness and increase opportunities for citizens to participate in the planning process." [emphasis added]

Again, with respect, it is difficult to understand how the elimination of broad circulation newspaper advertising will, without more, "create better awareness and increase opportunities ... to participate in the planning process".

The only reported case that I found considering section 606.1(2) of the MGA doesn't provide any direction as in this case the City communicated the relevant planning matters via both traditional newspaper advertising and electronic advertising. Howse v Calgary (City), 2022 ABQB 551 (CanLII), <<https://canlii.ca/t/jrg4m>>

While general circulation numbers for the Calgary Herald peaked in 2011 and are in decline, it was reported in 2015 that "readership of the Herald remains stable at an average of 224,000 a day, Monday to Friday, and reaches 432,000 print readers weekly" (Calgary Herald, Jul 26, 2016 ).

Such numbers are still substantial and, coupled with the concurrent electronic publication of the Herald, readership and community market penetration remain significant. Even if one accepts that traditional news media is no longer sufficient, for Council to be "satisfied" that the proposed alternatives are likely to be brought to the attention of substantially all Calgarians or those affected by the proposal there must be a more compelling and robust case made by Administration that the suggested alternatives meet the test in section 606.1(2).

Despite the proposed "Communications Strategy", the proposed electronic-only notification simply augments the current passive approach, requiring citizens to initiate and search the City's website in order to identify matters of interest. Respectfully, it is not, in itself and without a more robust plan, sufficient to abandon the current public advertising practice.

The supporting materials also speak about notification signs at the subject property and mailings to neighbours; use of "organic social media, email and newsletter(s)" (presupposing that community associations are both monitoring the City's website and then reporting to their association members on a timely basis). Notably, despite being well-intentioned, none of these additional manners of communication are embedded in the proposed bylaw.

Finally, and most significantly, the bylaw has no "push" notification aspect. The City already makes notifications on planning matters available on its [calgary.ca](http://calgary.ca) website. Reliance on the website alone is not the "sufficient" alternative required by the MGA.

What is missing in the current advertising plan that might be done better? A colleague offered the example of the City's email "tickler" service reminding us of the dates when our recycling bins need to be readied for pickup. If the City can do this for recycling, then perhaps there could be a similar service through the planning department for their required notifications? Perhaps with check boxes to identify matters of city-wide interest, select Local Area Plans and various neighbourhoods, etc.? Could Enmax bills and property tax notices also not be deployed (electronic or hard copy) to include a flyer encouraging residents to sign up for the notification emails? There seems to be so much more needed to demonstrate that the alternative notification methodology will meet the statutory hurdle.

Without clear evidence that meets the threshold for "Council satisfaction" required by MGA section 606.1(2) MGA, I would encourage Council to defer the approval of proposed "Online Advertising for Planning Matters" Bylaw and either:

- 1) postpone the discontinuance of traditional "Planning Matters" newspaper ads as currently required by section 606 MGA until such time as Administration provides an evidence based "roll out" plan outlining a more robust campaign to create "substantial public awareness" sufficient to satisfy Council and the test pursuant to section 606.1(2);

or alternatively

- 2) discontinue the use of full page ads, but continue to publish modestly sized ads in traditional print media redirecting readership to the [Calgary.ca](http://Calgary.ca) website, at the dates defined by section 606(2)(a) MGA, until such time as Administration provides an evidence based "roll out" plan outlining a more robust campaign to create "substantial public awareness" sufficient to satisfy Council and the test pursuant to section 606.1(2).

Thanks for considering this request.

Sincerely,

*Chris Davis*

Chris Davis

Copied to:

City Solicitor Jill Floen  
Calgary Herald (Attention: L. Motley, Editor in Chief)  
Hon. Rebecca Schulz, Minister of Municipal Affairs