

RENEWED CORRECTION REQUEST: COMPLETE BACKGROUND AND CONTINUING NOTICE ERROR

By-law No. 2026-073 - Amendment No. 1 to the Niagara Falls Community Improvement Plan

Date:	September 5, 2026
From:	Joedy Burdett, resident and candidate for Niagara Falls City Council
To:	Signe Hansen, Director of Planning; Kailen Goerz; Samreen Sultan; Kira Dolch; Jason Burgess; Nidhi Punyarthi; William Matson, City Clerk; Mayor and Members of Council
Copied to:	Niagara Falls Review and the Ontario Ombudsman
Re:	Original and modified Notices of Passing, continuing fee misinformation, administrative quality-control concerns, and supplemental filing with the Ontario Ombudsman

Purpose of this renewed letter

This letter consolidates the relevant background, the corrective action previously requested, the City's subsequent response, and the error that remains. It is intended to stand on its own so that recipients do not have to locate or reopen my earlier correspondence to understand the complete issue.

On August 25, 2026, the City issued a Notice of Passing for By-law No. 2026-073, Community Improvement Plan Amendment No. 1. The notice told potential appellants that an appeal required an Ontario Land Tribunal filing fee of \$1,100, with a possible reduction to \$400 for a private citizen or eligible community group. Its legal-notice wording also referred to sections 17 and 34 of the Planning Act, although this is a Community Improvement Plan matter governed by section 28.

Why the original notice was materially wrong

The Ontario Land Tribunal's detailed Case Type Chart identifies the exact proceeding under Planning Act subsection 28(5), 'Decision - Amendment (Community Improvement Plan),' as having 'No Charges.' I independently checked the legislation, located that entry, and telephoned the Tribunal. An OLT representative confirmed that no Tribunal filing fee applies to this CIP appeal.

This was not a harmless typographical error. The notice described a substantial payment as part of the process for exercising a time-limited statutory appeal right. An ordinary resident could reasonably decide not to appeal because of an apparent \$1,100 or \$400 cost, delay while attempting to obtain funds or a reduction, or believe that an appeal filed without payment would be rejected. The misinformation therefore risked chilling participation and creating unequal access to the appeal process.

The combination of the sections 17 and 34 wording and the \$1,100/\$400 fee language suggested that material associated with another planning-appeal category may have been carried into a section 28 CIP notice without adequate verification. That remains an inference from the face of the notice, not an allegation concerning any individual's intention. I asked the City to disclose how the notice was drafted, reviewed, approved, and distributed so that the actual cause could be established.

What I originally requested

I wrote to City administration, copied the correspondence to Council and other interested recipients, and requested an immediate, public, and accountable correction. Among other things, I asked the City to:

1. state plainly that no OLT filing fee applies to an appeal of this CIP amendment under subsection 28(5);
2. notify everyone who received or was entitled to receive the original notice, rather than requiring recipients to discover the correction themselves;
3. explain whether the original September 14 deadline remained operative, whether a corrected notice and fresh appeal period were required, and how anyone discouraged by the false fee would be protected;
4. post the corrected notice and final adopted materials prominently and in an accessible, text-readable form;
5. preserve the original notice, distribution list, drafting history, templates, approvals, and related communications;
6. explain the quality-control failure and the measures that would prevent a recurrence; and
7. provide a substantive written response directly to me, rather than relying on a silent correction, general website update, or unexplained internal referral.

I allowed an appropriate opportunity for the City to respond. It did not do so. I then filed a formal complaint with the Ontario Ombudsman and notified the City that I had taken that step.

The City's response - and the continuing error

Only after the Ombudsman complaint was filed and the City was notified did the City respond on September 4, 2026 by issuing a modified Notice of Passing. The modified notice appropriately removed the stated dollar amounts, changed the statutory reference from section 34 to section 28, and extended the appeal deadline to September 24, 2026.

However, the modified notice did not fully correct the central fee misinformation. It still says that an appeal must be filed 'together with the Ontario Land Tribunal filing fee(s).' It also tells a private citizen or eligible community group that a reduced fee may be requested and directs readers to the Tribunal's Request for Lower Fee form.

Removing the amounts of \$1,100 and \$400 does not remove the underlying representation that payment is required. A reasonable reader could still conclude that a filing fee exists, that its amount must be found elsewhere, and that a private citizen must seek a reduction. The City therefore replaced a notice containing an incorrect fee amount with a modified notice that continues to imply a fee obligation where the Tribunal's own chart says there are 'No Charges.'

An accumulating failure of administrative process

“We are being buried beneath the avalanche of your inadequacies, Mr. Creedy!” — High Chancellor Adam Sutler, V for Vendetta

I previously used this line as a metaphor for the way repeated administrative failures can accumulate. It was not a comparison between a fictional government and the City of Niagara Falls. The concern was that one uncorrected error leads to another, while residents are repeatedly required to identify, investigate, prove, and pursue corrections to official information that affects legal rights and deadlines.

Unfortunately, the handling of this matter validates that concern. The original notice contained multiple significant errors. The City did not respond after those errors were documented and brought directly to its attention. Action followed only after external oversight was invoked, and even then the modified notice failed to eliminate the core implication that a fee must be paid.

This sequence creates a reasonable and troubling perception that City administration does not correct consequential errors on its own initiative, but acts only when external escalation makes inaction more difficult. Whether or not that was anyone's intention, it is the effect produced by the documented chronology. That pattern undermines confidence in the administration of the City of Niagara Falls.

This cannot continue as an acceptable way of administering statutory public notices. Something substantive must be done: the present notice must be corrected completely, the cause of the repeated failure must be identified, and a reliable review process must be established. Residents should not have to function as the City's unpaid legal-notice quality-control department, nor should invoking an oversight body appear to be a prerequisite to obtaining a response.

Further action now requested

8. Issue a further corrected notice stating plainly that no Ontario Land Tribunal filing fee is required for this appeal under subsection 28(5) of the Planning Act.
9. Remove the references to filing fee(s), a fee reduction, and the Request for Lower Fee form unless the City obtains and discloses contrary written confirmation from the OLT specifically applicable to this appeal.

10. Confirm in writing that an appeal filed by September 24, 2026 without payment and without a Request for Lower Fee form will be accepted by the City Clerk and forwarded to the OLT.
11. Distribute the clarification to everyone who received either notice and post it wherever the original or modified notice was published.
12. Answer the outstanding requests concerning the drafting and review history, preservation of records, accessible publication, legal position, and quality-control measures.
13. Explain why the September 4 modified notice was not checked against the Tribunal's exact case-type entry before it was distributed.

For clarity, I will continue to treat September 24, 2026 as the operative appeal deadline. Nothing in this correction request suggests that the appeal period is suspended, and I reserve all rights and positions arising from the original and modified notices.

Supplemental filing with the Ontario Ombudsman

This letter and the modified notice will be filed with the Ontario Ombudsman's Office as a supplemental submission in my existing complaint. The purpose is not merely to report another wording problem. It is to document that the City did not respond until the complaint was escalated externally and that the resulting modification still failed to state the correct fee position plainly.

I request a direct, substantive written response addressing each requested action. A further silent edit, unexplained referral, or general website change will not answer the administrative-process concerns set out in this letter.

Sincerely,

Joedy Burdett
Resident and Candidate for Niagara Falls City Council

Reference: Ontario Land Tribunal Case Type Chart - <https://olt.gov.on.ca/case-type-chart/>

VISUAL SUMMARY

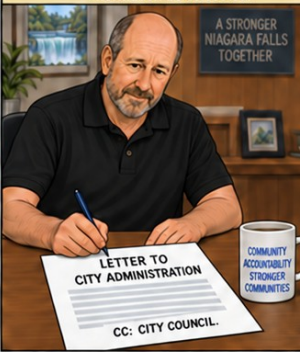
The illustration summarizes the chronology and the remaining notice error. The written letter and official source remain the complete record.

A CORRECTION THAT STILL MISLEADS

1 The original notice said an appeal required a \$1,100 fee.



2 I wrote to City administration, copied to Council, asking that the fee information be corrected.



3 I allowed an appropriate time for a response, but the City did not respond.



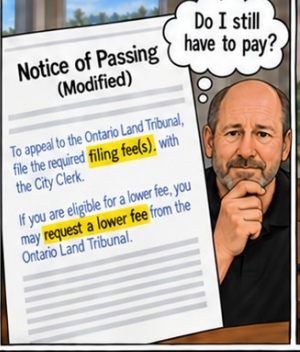
4 I then filed a formal complaint with the Ontario Ombudsman and notified the City.



5 Only after that did the City issue a modified notice and extend the deadline.



6 But it still says filing fee(s) and directs residents to request a lower fee.



7 The OLT chart says Planning Act s. 28(5): NO CHARGES.



8 Please correct it plainly: NO FILING FEE IS REQUIRED.



JOEDY BURDETT • CANDIDATE FOR CITY COUNCIL

Joedy Burdett | September 5, 2026