# Advocacy Update:
# Joint and Several Liability Reform

***CORRECTION:*** *An earlier version of this e-mail contained an outdated link. The correct link to AMO's Jan. 6 Call to Action is included below. We apologize for any inconvenience or confusion this may have caused.*

For years AMCTO and other municipal associations and stakeholders have advocated for Joint and Several Liability reform with successive provincial governments. AMCTO has brought forward the concerns of our members during ministry delegations, in pre-budget submissions, and with an Issue at a Glance.

In 2018, the Ford Government announced a consultation and review of Joint and Several and the sector has been eagerly awaiting a response from the Ministry of the Attorney General.

As outlined in our local government priorities document, the need for reform is particularly necessary now given the impact Joint and Several Liability has had on increasing municipal insurance premiums – costs ultimately carried by the taxpayer. On behalf of our members, we continue to advocate for change. In response to AMO's call to action on Joint and Several Liability, we have written to Attorney General Doug Downey endorsing their recommendations.

With a few months left in this government's mandate, there is a short window of opportunity to encourage movement on this issue. AMO is calling on municipalities to write to the Attorney General with council resolutions supporting the following recommendations:

1. The provincial government adopt a model of full proportionate liability to replace joint and several liability.

2. Implement enhancements to the existing limitations period including the continued applicability of the existing 10-day rule on slip and fall cases given recent judicial interpretations, and whether a 1-year limitation period may be beneficial.

3. Implement a cap for economic loss awards.

4. Increase the catastrophic impairment default benefit limit to $2 million and increase the third-party liability coverage to $2 million in government regulated automobile insurance plans.

5. Assess and implement additional measures which would support lower premiums or alternatives to the provision of insurance services by other entities such as non-profit insurance reciprocals.

6. Compel the insurance industry to supply all necessary financial evidence including premiums, claims, and deductible limit changes which support its, and municipal arguments as to the fiscal impact of joint and several liability.

7. Establish a provincial and municipal working group to consider the above and put forward recommendations to the Attorney General.

We look forward to continuing to work with our municipal association colleagues on this and other important policy issues.

Stay tuned for more resources and toolkits around our local government priorities for the 2022 provincial election to come.

**For more information or questions about how you can get involved in our advocacy efforts, please contact:**

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# APPENDIX D: CONSULTATIONS TABLE

## ASSESSMENT MANAGEMENT OFFICER

No objection to the site specific policy direction and site specific zoning provision to allow residential use above commercial use and change the zoning district from CD3.3 to CD3.1 to permit a combined use building with residential use above commercial use.
(7 commercial units on the main floor and 8 residential units on the second floor)

## WINDSOR MAPPING – ENBRIDGE

After reviewing the provided drawing at 3165 Walker Rd. and consulting our mapping system, please note that Enbridge Gas has active infrastructure in the proposed area. A PDF drawing has been attached for reference.

**Please Note:**

1. The shown piping locations are approximate and for information purposes only
2. The drawings are not to scale
3. This drawing does not replace field locates. Please contact Ontario One Call for onsite locates prior to excavating, digging, etc

Enbridge Gas requires a minimum separation of 0.6m horizontal and 0.3m vertical from all of our plant less than NPS 16 and a minimum separation 1.0m horizontal and 0.6m vertical between any CER-regulated and vital pipelines. For all pipelines (including vital pipelines), when drilling parallel to the pipeline, a minimum horizontal clearance measured from the edge of the pipeline to the edge of the final bore hole of 1 m (3.3 ft) is required. Please ensure that this minimum separation requirement is maintained, and that the contractor obtains locates prior to performing any work and utilizes safe excavation practices while performing any work in the vicinity.

Also, please note the following should you find any abandoned infrastructure in the area:

- Any pipe that is excavated, please assume that it is live
- If during the course of any job, any pipe is found that is not on the locate sheet and is in conflict with your work, please call our emergency number (1-877-969-0999), and one of our Union Gas representatives will respond to determine if that plant is in fact live or dead
- Please note that our Enbridge Gas representative will respond to the live or dead call within 1-4 hours, so please plan your work accordingly

## ESSEX REGION CONSERVATION AUTHORITY (ERCA)

The following is provided as a result of our review of the Notice of Public Meeting to consider Application for Official Plan Amendment OPA 151 and Zoning By-law Amendment Z-027/21. The applicant is proposing to demolish the current building and construct a 7 unit commercial building with 8 dwelling units on a second storey. They are requesting to change the zoning from CD3.3 to CD31.-xx to allow for a combined use development (residential & commercial). The site specific zoning is requested to allow for a reduction in the required parking from 3y7 spaces to 34 spaces (24.20.5.1), a reduced parking separation from the street (25.5.20(s)) from required 3m to 0m, a reduced parking separation from the interior lot (25.5.20 (3)) from the required 0.9m to 0m and a reduced parking separation from habitable room window from the required 4.5m to 2m. The applicant is requesting an OPA change to allow for residential units above the commercial space and to bring the OP designation line with the ZBA for a combined use commercial development for commercial/residential use.

***Delegated Responsibility to Represent the Provincial Interest in Natural Hazards and Regulatory Responsibilities Associated with the Conservation Authorities Act***

The following comments reflect our role as representing the provincial interest in natural hazards as outlined by Section 3.1 of the Provincial Policy Statement of the *Planning Act* as well as our regulatory role as defined by Section 28 of the *Conservation Authorities Act*.

We have reviewed our floodline mapping for this area and it has been determined this site is not located within a regulated area that is under the jurisdiction of the ERCA (section 28 of the *Conservation Authorities Act*). As a result, a permit is not required from ERCA for issues related to Section 28 of the *Conservation Authorities Act*, Development, Interference with Wetlands and Alteration to Shorelines and Watercourses Regulation under the *Conservations Authorities Act*, (Ontario Regulation No. 158/06).

***Watershed Based Resource Management Agency***

The following comments are provided in an advisory capacity as a pubic commenting body on matters related to watershed management.

***Section 1.6.6.7 Stormwater Management (PPS, 2020)***

ERCA has concerns with the potential impact of the quality and quantity of runoff in the downstream watercourse due to the proposed development on this site. ERCA recommends that stormwater quality and stormwater quantity will need to be addressed up to and including the 1:100 year storm event and be in accordance with the guidance provided by the Stormwater Management Planning and Guidance Manual, prepared by the Ministry of the Environment (MOE, March 2003) and the “Windsor-Essex Region Stormwater Management Standards Manual”.

We further recommend that the stormwater management analysis be completed to the satisfaction of the Municipality. We do not require further consultation on this file with respect to stormwater management.

***Planning Advisory Service to Planning Authorities – Natural Heritage Policies of the PPS, 2020***

The following comments are provided from our perspective as an advisory service provider to the Planning Authority on matters related to natural heritage and natural heritage systems as outline in Section 2.1 of the Provincial Policy Statement of the *Planning Act*. The comments in this section do not necessarily represent the provincial position and are advisory for the consideration of the Planning Authority.

The subject property is not within or adjacent to any natural heritage feature that may meet the criteria for significance as defined by the PPS. Based on our review, we have no objection to the application with respect to the natural heritage policies of the PPS.

***Final Recommendation***

With the review of background information and aerial photograph, ERCA advises that a stormwater management plan be completed to the satisfaction of the City of Windsor.

**PARKS DEVELOPMENT**

No comments from Park D&D subject to further review by Stefan (Planning Dept. landscape architect).

**ENWIN**

**HYDRO ENGINEERING**:

Objection based on the following:
Please note that ENWIN Utilities has an existing overhead 120/240 volt and 347/600V secondary pole line in the alley rear of the property along the entire west limit of the site.

It appears that the proposed 2 story building may be close to the existing overhead conductors. Adequate clearance must be maintained both during and after construction.

We recommend referring to Occupational Health and Safety (Ministry of Labour) and Building Code to ensure that safe limits of approach and minimum clearance requirements are achieved. In addition, ENWIN has a 27,600 volt overhead power line at the east limit of the site. Adequate clearance must be miniated during construction.

**WATER ENGINEERING**: Water Engineering Has No Objections

**TRANSIT WINDSOR**

Transit Windsor has no objections to this development. The closest existing transit route to this property is with the Walkerville 8. The closest existing bus stop to this property is located on Walker at Sydney SW Corner. This bus stop is approximately 170 metres from this property falling within our 400 metre walking distance guideline to a bus stop. This will be maintained with our Council approved Transit Master Plan.

**LANDSCAPE ARCHITECT**

Pursuant to the application for a zoning amendment (Z 027/21) to change current Zoning to CD3.1 and to permit a site specific policy direction to allow residential use above commercial use on lands designated Commercial Corridor on the subject, please note no objections.

***Urban Design & Climate Change Resilience related to Zoning Provisions for Parking Setback:***

Please also note as Walker Road is identified as Civic Way in the Official Plan, the following conditions to be provided by the owner in order for support for the additional site specific provisions requested by the applicant:

b) Reduction in the required minimum parking area separation from a street, from 3m to 0m
c) Reduction in the required minimum parking area separation from an interior lot, from 0.9m to 0m
d) Reduction in the required minimum parking area separation from a habitable room window facing the parking area, from 4.5m to 2m

Please include a site-specific zoning provision in conjunction with the above reductions in setbacks to include that the owner will provide:

e) Ornamental fencing in the form of a combination of masonry wall and ornamental metal fencing to a 1.2m (4ft) height above the grade of the pavement in lieu of a landscaped parking area separation from a street.
f) Provision of a minimum of three (3) 70mm caliper deciduous shade trees to the satisfaction of the Planning Department's, Landscape Architect.

***Parkland Dedication*:**

All requirements will be determined at the time a Site Plan application is received.

**CANADA POST**

This development, as described, falls within our centralized mail policy.

I will specify the condition which I request to be added for Canada Post Corporation's purposes

a) Canada Post's multi-unit policy, which requires that the owner/developer provide the centralized mail facility (front loading lockbox assembly or rear-loading mailroom [mandatory for 100 units or more]) at their own expense, will be in effect for buildings and complexes with a common lobby, common indoor or sheltered space.

Should the description of the project change, I would appreciate an update in order to assess the impact of the change on mail service.

If you have any questions or concerns regarding these conditions, please contact me. I appreciate the opportunity to comment on this project.

***Lock-Box Assembly Requirements***

The complete Canda Post Standards Manual for Builders & Developers can be downloaded at: https://www.canadapost.ca/cpo/mc/assets/pdf/business/standardsmanual_en.pdf

***Compartments Size***

- Horizontal lock-box models used in mailrooms must have the following minimums:
- Residential compartments must be at least 12.5 x 13.5 cm
- Comercial compartments at least 13.5 x 30.5 cm
- Paracel compartments at least 30.5 x 30.5 cm
- Vertical lock-box models must have min comp size of 25 x 12.5 cm (most models are 40 x 12.7 cm)

***Heights***

- All lock box assemblies must be installed in a manner that will not require the delivery employee to reach higher than 170 cm or lower than 45 cm when delivering to the equipment. With respect to horizontal lock-boxes, the limits above will likely mean that the maximum number of compartments that can be included in each column of residential compartments would be eight.

***Rear-loading Lock-boxes***

- Projects with more than 100 units are required to be serviced via a rear-loading lock-box assembly
- There must be a width of at least 100 cm of working space from the back of the boxes to the wall
- A ledge under the bottom row of boxes is also recommended in rear-loading designs. This ledge is to be directly under the bottom row of boxes (no space between ledge and bottom of boxes) and must stick out at least 20 cm from the back of the boxes.
- Mailroom door is required to provide a minimum 81 cm opening
- Lighting should be at least 100 lux (measured 75 cm from floor)

***Access***

- All buildings where the lock-boxes are required to be serviced from inside the building are required to install a Canada Post Crown lock in the building intercom. The intercom is pre-fabricated with an internal housing for the lock. The lock can be obtained from the local deliver supervisor.
- If the building has more than 100 units, a rear-loading lock-box assembly will be installed. The door to the Canada Post delivery area must be fitted with a specific model of deadbolt.

This is because Canada Post will supply a key cylinder made specifically for the Canada Post key that will fit inside the deadbolt purchased by the developer.

***Numbering***

- Compartments should be numbered vertically and left to right on the delivery side of the boxes

| | | |
|---|---|---|
| 101 | 109 | 207 |
| 102 | 110 | 208 |
| 103 | 201 | 209 |
| 104 | 202 | 210 |
| 105 | 203 | 301 |
| 106 | 204 | 302 |
| 107 | 205 | 303 |
| 108 | 206 | 304 |

***Grade-Level Components***

If the development includes grade level retail or residential units, please take note that door-to-door delivery will not be provided to these units. Canada Post is happy to install a Community Mailbox to provide service to these units. Please coordinate a location with the Canada Post Delivery Planner for the area. If there is no room on the property for the Community Mailbox, service can be provided via another Community Mailbox in the area. Options to service the units from the tower (lobby) lock-boxes or via a front-loading lock box erected on the outside of the building can also be discussed with the Delivery Planner.

**ENGINEERING**

The subject lands are located at 3165 Walker Road, currently designated Commercial Corridor on Schedule D: Land Use, Official Plan Volume 1, and zoned Commercial District 3.3 (CD3.3) by Zoning By-Law-8600.

The applicant proposes to change the land use designation of the subject land by adding a site specific policy direction to allow residential use above commercial use on lands designated Commercial Corridor and change the zoning district from CD3.3 to CD3.1 to permit a combined use building with residential use above commercial use.

The applicant also requests site-specific zoning provisions to facilitate the construction of the proposed development on the subject land. Applicant proposes to demolish existing commercial building on the property and construct a 2-storey (7.9m in height) combined use building with 7 commercial units on the main floor and 8 residential units on the second floor. One loading space and 34 onsite parking spaces are proposed on the subject land.

Below are the site-specific zoning provisions requested by the applicant:

a) Reduction in the required minimum number of parking spaces, from 37 to 34 spaces
b) Reduction in the required minimum parking area separation from a street, from 3m to 0m
c) Reduction in the required minimum parking area separation from an interior lot, from 0.9m to 0m
d) Reduction in the required minimum parking area separation from a habitable room window facing the parking area, from 4.5m to 2m

***Sewers***

The Subject lands are serviced by a 250 mm diameter PVC sanitary sewer. There is a 850mm diameter RCP storm sewer available on Walker Rd. A stormwater management study is required to be completed for the subject lands; storm management facilities must be constructed on site

and will ultimately outlet to the municipal storm sewer. A sanitary sampling manhole will need to be installed on any new sanitary connection at the property line to the satisfaction of the City Engineer.

***Right-of-Way***
This site is within the limits of the Walker Road Corridor Environmental Assessment (EA). The Official Plan classifies Walker Road as a Class 2 Collector, requiring a right-of-way width of 32.0m. The current right-of-way width is 26.2m; however; a land conveyance will not be required as all right-of-way improvements have been carried out as per the EA in 2012.

Any driveway approaches shall be constructed of concrete as per AS-204, complete with straight flares and no raised curbs within the right-of-way.

In summary, we have no objections to the proposed amendment to Zoning By-law 8600, subject to the following:

***Site Plan Control Agreement*** – The applicant enter into an agreement with the City of Windsor for all requirements under the General Provisions of the Site Plan Control Agreement for the Engineering Department.

***Sanitary Sampling Manhole*** – The owner agrees for all non-residential uses, to install a sanitary sampling manhole accessible at the property line of the subject lands to the City Engineer at all times. The determination of the requirement or interpretation if a sampling manhole exists or exceptions to such, will be to the satisfaction of the City Engineer.

If you have any further questions or concerns, please contact Amy Kurek, of this department at akurek@citywindsor.ca

**POLICY ANALYST – TRANSPORTATION PLANNING SERVICES**

- Walker Road is classified as a Class II Arterial per the Official Plan with a require right-of-way width of 32 meters per Schedule X. The Walker Road Environmental Study Report does not outline a property requirement at this development and therefore no conveyance is required.
- All new accesses shall conform to the TAC Geometric Design Guide for Canadian Roads and the City of Windsor Standard Engineering Drawings.
- All required residential parking spaces per zoning by-law 8600 should be designated on site. It is recommended that additional bicycle parking be provided on site to mitigate any deficiencies with commercial parking.
- All exterior paths of travel must meet the requirements of the Accessibility for Ontarians with Disabilities Act (AODA).

**HERITAGE PLANNER**

No supporting information required.

There is no apparent built heritage concern with this property and it is located on an area of low archaeological potential.

Nevertheless, the Applicant should be notified of the following archaeological precaution.

1. Should archaeological resources be found during grading, construction or soil removal activities, all work in the area must stop immediately and the City's Planning & Building Department, the City's Manager of Culture and Events, and the Ontario Ministry of Heritage, Sport, Tourism and Culture Industries must be notified and confirm satisfaction of any archaeological requirements before work can recommence.
2. In the event that human remains are encountered during grading, construction or soil removal activities, all work in that area must be stopped immediately and the site secured. The local police or coroner must be contacted to determine whether or not the skeletal remains are human, and whether the remains constitute a part of a crime scene. The Local police or coroner will then notify the Ontario Ministry of Heritage, Sport, Tourism and Culture Industries and the Registrar at the Ministry of Government and Consumer Services if needed, and notification and satisfactory confirmation be given by the Ministry of Heritage, Sport, Tourism and Culture Industries.

**POLICY & REGULATORY SERVICES - BUILDING DEPARTMENT**

The Building Code Act, Section 8.(1) requires that a building permit be issued by the Chief Building Official for any construction or demolition of a building. It is strongly recommended that the owner and/or applicant contact the Building Division to determine building permit needs for the proposed project. The City of Windsor Building Division can be reached by phone at 519-255-6267 or through email at buildingdept@citywindsor.ca

In addition to the above, a Record of Site Condition registered on file with the Ministry (MECP) will be required for redevelopment of this property.

| ***AMENDMENTS TO TRAFFIC BY-LAW 9148*** | | | | | |
|---|---|---|---|---|---|
| **ITEM** | **REGULATION** | **STREET** | **BETWEEN** | **TIMES/DAY** | **REASON** |
| *1* | Schedule “Q” Community Safety Zones **ADD** | Cabana Road East | Howard Avenue to Holburn Street | At all times | Roseland Public School |