

City Council Meeting

**Date:** Monday, May 29, 2023

**Time:** 4:00 o'clock p.m.

**Location:** Council Chambers, 1<sup>st</sup> Floor, Windsor City Hall

All members will have the option of participating in person in Council Chambers or electronically and will be counted towards quorum in accordance with Procedure By-law 98-2011 as amended, which allows for electronic meetings. The minutes will reflect this accordingly. Any delegations have the option to participate in person or electronically.

**MEMBERS:**

Mayor Drew Dilkens

Ward 1 – Councillor Fred Francis

Ward 2 – Councillor Fabio Costante

Ward 3 – Councillor Renaldo Agostino

Ward 4 – Councillor Mark McKenzie

Ward 5 – Councillor Ed Sleiman

Ward 6 – Councillor Jo-Anne Gignac

Ward 7 – Councillor Angelo Marignani

Ward 8 – Councillor Gary Kaschak

Ward 9 – Councillor Kieran McKenzie

Ward 10 - Councillor Jim Morrison

## ORDER OF BUSINESS

Item #	Item Description
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1.	<b>ORDER OF BUSINESS</b>
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2.	<b>CALL TO ORDER</b> - Playing of the National Anthem
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### READING OF LAND ACKNOWLEDGEMENT

We [I] would like to begin by acknowledging that the land on which we gather is the traditional territory of the Three Fires Confederacy of First Nations, which includes the Ojibwa, the Odawa, and the Potawatomi. The City of Windsor honours all First Nations, Inuit and Métis peoples and their valuable past and present contributions to this land.

3.	<b>DISCLOSURE OF PECUNIARY INTEREST AND THE GENERAL NATURE THEREOF</b>
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4.	<b>ADOPTION OF THE MINUTES</b>
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5.	<b>NOTICE OF PROCLAMATIONS</b>
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#### **Proclamations**

“Canada’s Seniors Month” – June 2023

“Recreation & Parks Month” June 2023

“Dads Matter Month” – June 2023

“Bike Month” June 2023

“Fibromyalgia Awareness Day” – May 12, 2023

“World Migratory Bird Day” – May 13, 2023

“519 Day” – May 19, 2023

“VON Week” – May 21 – May 27, 2023

#### **Flag Raising Ceremony**

“Canada’s Seniors Day” – June 2, 2023 – June 8, 2023

#### **Illumination**

“Canada’s Seniors Day” – June 2, 2023 – June 8, 2023

“Bladder Cancer Awareness” – May 1, 2023 – May 3, 2023

“Coronation of His Majesty King Charles III” – May 6, 2023 – May 7, 2023

“Lupus Awareness Day” – May 10, 2023

“Fibromyalgia Awareness Day” – May 12, 2023

“World IBD Day” – May 19, 2023

“VON Week” – May 22, 2023 – May 28, 2023



6. **COMMITTEE OF THE WHOLE**

7. **COMMUNICATIONS INFORMATION PACKAGE** (This includes both Correspondence and Communication Reports)

7.2. Pay as You Go (PAYG) Transfer for Eligible 2022 Computer Equipment Related Expenses - Windsor Police Services (WPS) - City Wide **(CM 4/2023)**

7.3. Response to CQ 11-2023 - Staff at Mitchell Park **(C 40/2023)**

7.4. Response to CQ 7/2023 – WWE Summer Slam - City Wide **(C 78/2023)**

7.5. Communication Report Regarding the International Comparators Project from Oxford University's Blavatnik School of Government - City Wide **(CM 5/2023)**

7.6. Response to CR64/2021 - Options for 2650 Metcalfe Street regarding Transportation Terminal – Ward 5 **(C 216/2022)**

7.7. City of Windsor Lancaster Bomber FM 212 - City Wide **(C 80/2023)**

8. **CONSENT AGENDA**

8.1. Revised Recommendations re: Per Diem Rate Increase for Residential Services Homes Program - City Wide **(C 76/2023)**

8.2. Sandwich South Employment Lands - Study Updates - Ward 9 **(C 72/2023)**

8.3. EWSWA Agreement to Lease Waste Facilities on City Owned Land - City Wide **(C 83/2023)**

8.4. Four Month Extension of Agreement for Waste Collection Services (RFT 43-15) - City Wide **(C 64/2023)**

8.5. Award of Proposal No. 63-23 Truck Route Study - City-wide **(C 68/2023)**

8.6. Award of Tender 43-23 - Dominion Boulevard Rehabilitation - Northwood Street to Ojibway Street - Ward 10 **(C 79/2023)**

8.7. 2023 Business Improvement Area Budget & Levy Approval - Wards 2, 3, 4, 5 & 6 **(C 75/2023)**

8.8. Windsor-Canada Utilities Ltd. – Annual General Meeting – City Wide **(C 73/2023)**

8.9. Roseland Golf & Curling Club Limited – Annual General Meeting - City Wide **(C 74/2023)**

- 8.10. Award of Tender #58-23 - 2023 EC Row Variable Message Signs for Traffic Operations - City Wide **(C 65/2023)**
- 8.11. Housekeeping Amendments to By-law 14-2023 - Wards 1 and 2 **(C 81/2023)**
- 8.12. Request to extend timeframe for redevelopment of demolished residential dwellings located at 1279-1281 and 1283-1285 Langlois Avenue, which are subject to Demolition Control By-law 131-2017 (Ward 4) **(C 84/2023)**
- 8.13. Sandwich Street Sewer Rehabilitation Project - Noise By-Law Exemption - Ward 2 **(C 86/2023)**

#### CONSENT COMMITTEE REPORTS

- 8.14. Draft Plan of Condominium with Exemption under Section 9(3) of the Condominium Act –CDM 001-23 [CDM6972] 781 Erie Inc. (Randy Saccucci) 781 Erie St – Ward 4 **(SCM 137/2023) & (S 42/2023)**
- 8.15. Zoning Bylaw Amendment Z 004-23 [ZNG-6950] Supreme Homes Group (John Atwan) 1334-1336 Lincoln Ave- Ward 4 **(SCM 138/2023) & (S 49/2023)**
- 8.16. Zoning Bylaw Amendment Z 005-23 [ZNG-6951] Supreme Homes Group (John Atwan) 2609 Pillette Ave - Ward 5 **(SCM 139/2023) & (S 50/2023)**
- 8.17. City Initiated Zoning By-law Amendment - Remove Maximum Gross Floor Area - main Building Provisions for Townhome Dwellings in RD2.3 Zone **(SCM 140/2023) & (S 48/2023)**
- 8.18. Rezoning – SRC United Inc (Stan Mancebo) – 936 Wyandotte Street West – Z 030-22 [ZNG-6864], Ward 3 **(SCM 141/2023) & (S 47/2023)**
- 8.19. Official Plan Amendment and Zoning By-law Amendment –2836369 Ontario Limited (The VanGuard Team at Manor Reality)– 691 Ouellette Ave – Z044 [ZNG-6941] & OPA 165 [OPA-6942], Ward 3 **(SCM 142/2023) & (S 44/2023)**
- 8.20. 436 Askin Avenue - Heritage Permit Request (Ward 2) **(SCM 143/2023) & (S 25/2023) & (AI 7/2023)**
- 8.21. Closure of north/south alley between University Avenue East and 245 Parent Avenue and part of east/west alley between Marentette Avenue and 867 Chatham Street East, Ward 4, SAA-6623 **(SCM 144/2023) & (S 32/2023)**
- 8.22. Closure of south half of Pall Mall Street right-of-way, west of Alexandra Avenue; North/South alley between Northwood Street and Alexandra Avenue, Ward 10, SAS-6577 **(SCM 145/2023) & (S 97/2023)**
- 8.23. Sandwich Town CIP Application; 511 Brock Street; JD LOUIE CORP. (C/O: Jennifer Wong); REIGNS 740 INC; C/O: Sital Singh Garha - Ward 2 **(SCM 146/2023) & (S 43/2023)**

- 8.24. Brownfield Redevelopment Community Improvement Plan (CIP) application submitted by 1364722 Ontario Limited (King Holdings) for 930 Marion Avenue (Ward 4) (**SCM 147/2023**) & (**S 45/2023**)
9. **REQUEST FOR DEFERRALS, REFERRALS AND/OR WITHDRAWALS**
10. **PRESENTATIONS AND DELEGATIONS**
- 10.1. Report No. 1 of the City Hall Square Plaza Project Steering Committee (**SCM 132/2023**)
11. **REGULAR BUSINESS ITEMS (Non-Consent Items)**
- 11.1. Streamlining Right-of-Way Division Approvals to Enable Rapid Execution of Council's Vision and Incorporating Heritage Features into the Encroachment Policy - City Wide (**C 204/2023**) & (**AI 4/2023**)
- 11.2. Response to CQ 13-2022 – Process to allow Memorial Signs within the right-of-way and the feasibility of allowing the placement of mulch in the right-of-way without a permit - City Wide (**C 205/2023**) & (**AI 5/2023**)
- 11.3. Local Improvement (City Initiated) - Proposed Sanitary Sewer on Joy Road from the Eastern Limit to 8th Concession Road – Ward 9 (**C 47/2023**)
- 11.4. Local Improvement (City Initiated) - Proposed Sanitary Sewer on Ray Road from the Eastern Limit to 8th Concession Road - Ward 9 (**C 48/2023**)
- 11.5. 2022 Year-End Operating Budget Variance Report - City Wide (**C 61/2023**)
- 11.6. Award of RFP#9-23 Asset Management Plan Consultant Proposal – City Wide (**C 62/2023**)
- 11.7. Windsor as a Potential Host Community for First Nation Evacuees – City Wide (**C 82/2023**)
12. **CONSIDERATION OF COMMITTEE REPORTS**
- 12.1. (i) Report of the Special In-Camera meeting or other Committee as may be held prior to Council (if scheduled)
- 12.2. Minutes of the City Hall Square Plaza Project Steering Committee of its meeting held April 21, 2023 (**SCM 135/2023**)

13. **BY-LAWS** (First and Second Reading)
14. **MOVE BACK INTO FORMAL SESSION**
15. **NOTICES OF MOTION**
16. **THIRD AND FINAL READING OF THE BY-LAWS**
17. **PETITIONS**
18. **QUESTION PERIOD**
19. **STATEMENTS BY MEMBERS**
20. **UPCOMING MEETINGS**
  - Windsor Accessibility Advisory Committee  
Thursday, May 25, 2023  
10:00 a.m., via Zoom Video Conference
  - Windsor Licensing Commission  
Thursday, June 1, 2023  
9:30 a.m., via Zoom Video Conference
  - Development & Heritage Standing Committee  
Monday, June 5, 2023  
4:30 p.m., Council Chambers
  - Community Services Standing Committee  
Wednesday, June 7, 2023  
9:00 a.m., Council Chambers
21. **ADJOURNMENT**



**Subject: Pay as You Go (PAYG) Transfer for Eligible 2022 Computer Equipment Related Expenses - Windsor Police Services (WPS) - City Wide**

**Reference:**

Date to Council: May 29, 2023  
Author: Jocelyn De Luna  
Financial Analyst  
519-255-6100 ext 6334  
jdeluna@citywindsor.ca  
Financial Accounting  
Report Date: May 4, 2023  
Clerk's File #: SP2023

**To:** Mayor and Members of City Council

**Recommendation:**

That in compliance with CR 139/2015, City Council **RECEIVE** for information this report confirming that an amount of \$242,599.10 was transferred from the Pay As You Go (PAYG) Leasing Reserve Fund 170 to the Windsor Police Service operating account Dept. ID 0192616, Class Code 18084, for eligible 2022 computer, printer, phone system upgrades, server and network related expenses.

**Executive Summary:**

N/A

**Background:**

On July 20, 2015, City Council approved CR139/2015 as it relates to the annual Pay as You Go Reserve fund transfers for WPS:

“That Council **APPROVE** the Windsor Police Service to follow the same process as the City of Windsor Information Technology Department with respect to managing, tracking and reporting PAYG expenditures to City Council for the annual reserve fund transfer.”

**Discussion:**

In order to facilitate tracking throughout the year, Class code 18084 WPS-PAYG was created for eligible expenditures to be charged and tracked within the WPS operating fund for department 0192616 (WPS Computer & Tech Services). On an annual basis at

year end, these amounts are then funded via a transfer from PAYG Leasing Reserve Fund 170. This is in full compliance with the original plan.

As relates to the annual PAYG Leasing Reserve Fund 170 transfer, WPS is utilizing the same process as the City's Information Technology Department, more specifically it is compliant with:

- The Pay As You Go Plan adopted by City Council in 2002 (B42-2002 and B43-2002).
- The method of tracking and recording the expenses for networking equipment as adopted by City Council in 2006 (CR160/2006).
- The method of tracking and recording the expenses for servers as adopted by City Council in 2006 (CR175/2006),
- The method of reporting as adopted by City Council in 2007 (CR50/2007).

Please refer to the Appendix 2 – January 31, 2023 WPS report for more detailed information. This was approved via the attached March 23, 2023 WPS Board Resolution.

**Risk Analysis:**

Please see Financial Matters section below and also the attached WPS Board Resolution and related report.

**Climate Change Risks**

**Climate Change Mitigation:**

N/A.

**Climate Change Adaptation:**

N/A.

**Financial Matters:**

Eligible expenses of \$242,599.10 have been incurred in 2022.

Please refer to the Appendix 1 WPS Board Resolution and Appendix 2 WPS Report for further information.

**Consultations:**

Melissa Brindley, Windsor Police Service, Finance Director

**Conclusions:**

The expenses noted in this report and WPS's attached Board Resolution and related report are consistent with the PAYG plan, which was adopted by City Council in 2002.

**Approvals:**

<b>Name</b>	<b>Title</b>
Dan Seguin	Deputy Treasurer – Financial Accounting and Corporate Controls
Tony Ardovini	(Acting) Commissioner – Corporate Services, Chief Financial Officer/City Treasurer
Joe Mancina	Chief Administrative Officer

**Notifications:**

<b>Name</b>	<b>Address</b>	<b>Email</b>

**Appendices:**

Appendix 1 - Windsor Police Services Board Resolution (BR2023-028, March 23, 2023)

Appendix 2 - Windsor Police Service Report to Board (January 31, 2023)



THE CORPORATION OF THE CITY OF WINDSOR

# WINDSOR POLICE SERVICES BOARD

Mayor Drew Dilkens  
Chair

Councillor Jo-Anne Gignac  
Member

Mr. Robert de Verteuil  
Member

Ms. Sophia Chisholm  
Member

**BR2023-028**

March 23, 2023

Dear Chief Bellaire

**RE: Pay As You Go (PAYG) Transfer for Eligible 2022 Computer Equipment Related Expenses – Windsor Police Service (WPS)**

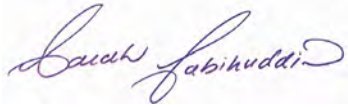
The Windsor Police Services Board approved the following resolution relating to the above-captioned matter on March 23, 2023:

Be it Resolved that	<p>The Windsor Police Services Board RECEIVE for information that \$242,599.10 was transferred from the City of Windsor Pay As You Go (PAYG) Leasing Reserve Fund 170 to the Windsor Police Service operating account Dept. Id 0192616, Class Code 18084, for eligible 2022 computer, printer, phone system upgrades, server and network related expenses in compliance with</p> <ul style="list-style-type: none"><li>• the Pay As You Go Plan adopted by City Council in 2002 (B42-2002 and B43-2002),</li><li>• the method of tracking and recording the expenses for networking equipment as adopted by City Council in 2006 (CR160/2006),</li><li>• the method of tracking and recording the expenses for servers as adopted by City Council in 2006 (CR175/2006), and</li><li>• the method of reporting as adopted by City Council in 2007 (CR50/2007)</li></ul>
Be It Further Resolved That	<p>the Windsor Police Services Board APPROVES this information be provided to City Administration for reporting to City Council in accordance with the above-noted plan and methods as approved by City Council Resolution CR139/2015 (Appendix)</p>

Sincerely,



Windsor Police Services Board



*Sarah Sabihuddin, Administrative Director*

CC:

Deputy Chief Providenti – Operational Support;  
Superintendent Dodd – Corporate Services;  
Director Caplin - Technology Services



## WINDSOR POLICE SERVICE OPERATIONAL SUPPORT DIVISION

**Author's Name:** Director of Finance, Melissa Brindley

**Author's Phone:** (519) 255-6700 ext. 4482

**Date of Report:** January 31, 2023

**Author's Email:** mbrindley@windsorpolice.ca

**Date to Board:** March 23, 2023

**TO:** Members of the Windsor Police Services Board (WPSB)

**SUBJECT:** Pay As You Go (PAYG) Transfer for Eligible 2022 Computer Equipment Related Expenses – Windsor Police Service (WPS)

### **1. RECOMMENDATIONS - RESOLUTIONS:**

THAT the Windsor Police Services Board **RECEIVE** for information that **\$242,599.10** was transferred from the City of Windsor Pay As You Go (PAYG) Leasing Reserve Fund 170 to the Windsor Police Service operating account Dept. Id 0192616, Class Code 18084, for eligible 2022 computer, printer, phone system upgrades, server and network related expenses in compliance with

- the Pay As You Go Plan adopted by City Council in 2002 (B42-2002 and B43-2002),
- the method of tracking and recording the expenses for networking equipment as adopted by City Council in 2006 (CR160/2006),
- the method of tracking and recording the expenses for servers as adopted by City Council in 2006 (CR175/2006), and
- the method of reporting as adopted by City Council in 2007 (CR50/2007), and

Further THAT the Windsor Police Services Board **APPROVES** this information be provided to City Administration for reporting to City Council in accordance with the above-noted plan and methods as approved by City Council Resolution CR139/2015 (Appendix).

### **2. EXECUTIVE SUMMARY:** N/A

### **3. BACKGROUND:**

In May 2002, City Council passed Resolution 841-2002, which restricted lease financing in favor of a Pay As You Go (PAYG) purchase replacement program for equipment such as computers, vehicles, radios etc. It also defined PAYG funding sources as those amounts from expired leases.

Resolutions B42-2002 and B43-2002, also passed in May 2002, provided some fundamental guidelines for the PAYG reserve program, including extending the life expectancy of computer equipment and other assets, which were previously leased. The

Resolutions also provided some start-up funding for the program and an annual operating budget savings resulting from Pay As You Go program.

Council Resolution CR160/2006 added networking equipment to the PAYG Plan and Council Resolution CR175/2006 added servers to the PAYG plan as the relevant leases expired. A portion of that lease funding was transferred to PAYG. Additionally, Windsor Police Service has annually contributed to the PAYG reserve fund since 2003 based on the number of personal computers (PC's), printers, servers, and phone systems being used. When Information Technology Services makes PAYG procurements for the Windsor Police Service, the purchases are undertaken in compliance with the City's Purchasing Bylaw and the Pay As You Go Plan.

Council Resolution CR 139/2015 (Appendix) approved the Windsor Police Service to follow the same process as the City of Windsor Information Technology Department with respect to managing, tracking and reporting PAYG expenditures to City Council for the annual reserve fund transfer. It further approved that all current and eligible Windsor Police Service PAYG expenditures continue to be funded from the PAYG Leasing Reserve Fund # 170, with the understanding that some flexibility may be required as business and technology evolve.

#### **4. DISCUSSION:**

In order to facilitate tracking throughout the year, a PAYG operating class code was created so that PAYG eligible expenses could be charged and accounted for in the Windsor Police Service operating fund. The eligible expenses are as follows:

- Replacement PC's (desktop PC's, laptop PC's, CAD workstations, monitors)
- Printers, phone system upgrades
- Parts and maintenance for out-of-warranty PC's
- Networking and Server lifecycle management (maintaining, replacing infrastructure using evolving technology to improve efficiency and total cost of ownership)
- Other technology equipment that may be required as business and technology evolve

Annually, at year-end, this PAYG operating class code is funded from the PAYG reserve in compliance with the original plan.

In 2022, the Windsor Police Service purchased laptops and related peripheral equipment, and remitted the second milestone payment for the e911 NG911 compliant telephone system.

#### **5. RISK ANALYSIS:** N/A

#### **6. FINANCIAL MATTERS:**

The amount of the transfer from the PAYG reserve fund to the WPS PAYG operating account for the eligible 2022 expenses is **\$242,599.10** (net HST included). Projections for technology purchases from the PAYG Leasing Reserve Fund are straight-line calculations over several years. These projections were initially calculated when technology items were added to the PAYG plan and have been regularly assessed by City Administration, WPS I/T and Finance. In most years since the above items were added to the PAYG plan, the actual expenditures for the Windsor Police Service were significantly less than

the projections. As a result, the fund maintains a healthy balance that will be able to accommodate future periods of higher technology requirements.

**7. CONSULTATIONS:**

Matt Caplin, Director of Technology Services, Windsor Police Service, was consulted with respect to the computer-related equipment and expenditures in 2022.

**8. CONCLUSION:**

The expenses noted in this report are consistent with the PAYG plan, which was adopted by City Council in 2002.

**9. APPENDICES:**

City Council Resolution CR139/2015, July 20, 2015

**10. APPROVALS:**

Name	Title
Jason Bellaire	Chief of Police

**Copies to:**

Deputy Chief Providenti – Operational Support;  
Superintendent Dodd – Corporate Services;  
Director Caplin - Technology Services

**11. NOTIFICATIONS: N/A**

**Subject: Response to CQ 11-2023 - Staff at Mitchell Park**

**Reference:**

Date to Council: May 29, 2023  
Author: Samantha Magalas  
Executive Initiatives Coordinator  
smagalas@citywindsor.ca  
(226) 347-0273

Parks

Report Date: 3/3/2023  
Clerk's File #: SR2023

To: Mayor and Members of City Council

**Recommendation:**

**THAT** the report titled Response to CQ 11-2023 –Staff at Mitchell Park **BE RECEIVED** for information.

**Executive Summary:**

N/A

**Background:**

On March 20, 2023 Councillor Agostino asked the following question:

*There has been ongoing trouble in some of our parks Downtown specifically Mitchell Park. I would like to ask James and his team to look into other parks specifically ones where I grew up at in Toronto about having a staff member who keeps regular hours at Mitchell Park. Is there the opportunity through the Canada Summer Jobs program to have a staff member working set hours in the park. I have seen it before and as I understand we already do it in some other areas of the city. Can we try something new at Mitchell Park?*

This report is in response to that question.

**Discussion:**

Administration within Parks and Recreation met to discuss options to address this question and the challenges at Mitchell Park brought forward by the Councillor. Following the question from the Councillor, a public information session was held by

Councillor Agostino and discussion about Mitchell Park occurred. That public feedback has been taken into consideration in this report back to Council.

Administration first looked at what is currently being done in terms of safety and monitoring of City parks. Presently, Windsor Police Service (WPS) is utilizing Auxiliary Officers to monitor parks throughout the spring and summer beginning in May and running until the fall. The City pays WPS for this service and spends approximately \$108,000 annually for this oversight. This service includes approximately 18-20 Auxiliary Officers who rotate to patrol City of Windsor parks 7 days a week. The exact number of officers per day varies based on a variety of factors including special events happening throughout the City. While patrolling, these officers tend to dedicate more time to parks considered high priority. High priority parks are identified by WPS and the City and include Jackson Park, Dieppe, Lanspeary, Forest Glade, the riverfront and Festival Plaza and Willistead Park. These are considered a priority based on factors such as volume of use, community driven calls/complaints, previous challenges at those parks and discussions with City Administration.

Following a discussion between WPS and Administration within the Parks and Recreation departments, WPS has indicated that they will allocate more time to be spent at Mitchell Park, throughout the spring and summer months. It is important to note that the number of Auxiliary Officers available for patrol is limited and sending Police to visit Mitchell Park (or any other park) for extended periods of time beyond regular patrol, would take away from the amount of time spent at other city Parks. Even if the City wished to increase the budget provided to WPS to run these patrols, there would simply be no more Auxiliary Officers available to utilize during the summer months.

Looking at the Canada Summer Jobs Program, the City of Windsor currently utilizes this funding to assist the Parks department with general parks operations and horticulture. A grant application for this funding is due in mid January each year and the City is required to outline the job duties for the proposed positions to ensure those duties meet the priorities of the Canada Summer Jobs grant. As a result, it would be unlikely that these staff would be able to be redirected to work other job duties for the 2023 season. The jobs being submitted in the application should line up with the education path the students are pursuing. As an example, Horticulture students at St. Clair College may work within the City's horticulture department as a part of this program. It is not likely that applying for this grant to have staff monitor the parks would be approved. In addition, the Parks staff are not trained as Program Instructors and their job duties currently do not include the provision of programming. If programming were to be offered at City Parks, Administration recommends utilizing Recreation staff who are trained and/or certified to facilitate programming at City facilities including City run camps. At this time, the Recreation department is still trying to hire more staff to return to pre-pandemic programming levels.

Recently, Administration met with the Downtown Windsor Community Collaborative (DWCC). The DWCC has a number of initiatives in the downtown area including offering free outdoor programming for youth at Bruce and Wigle Parks and offering outdoor potlucks to the downtown community on specific nights throughout the summer. The DWCC hires dedicated staff to oversee these initiatives. As such, the DWCC is considering rotating some of their outdoor programming from Bruce and Wigle to

Mitchell Park on various nights (Appendix A). Unfortunately, the DWCC does not have enough staffing to offer daily programming at Mitchell as they do with other parks.

If City Council wishes to direct Administration to offer free drop in programming at Mitchell Park, Administration recommends offering this as a 2-month pilot program during the months of July and August. To begin, Administration is suggesting that City programming could supplement the DWCC programming and be offered 4 nights a week. An additional 3 evenings would be run by the DWCC. As the pilot project progresses, Administration would adjust the days/timing to best suit the needs of the park based on user rates. The DWCC feels that underlying issue in the parks could be resolved by encouraging adult residents and parents of the children in the park to become involved in park activities with their children and other community members. The DWCC is hopeful that a joint effort pilot program with the City will encourage this. The programming would be free, however, to accommodate any safety and liability issues, users would need to have their parent/guardian(s) register them in advance and sign a waiver prior to participation. This could be done online or in-person and would ensure that in the event of an emergency, the City had correct emergency contact information for the family. Parents/guardians would only need to register once and that would allow participants to drop in to Mitchell Park programming as desired. Participants would need to check in upon arrival to let the staff member know they are there and to ensure that the City has their signed waiver.

Once onsite, programming staff would have a supply of equipment and would offer various types of sports and games of low organization for participants who attend. There would be minimal instruction offered and with the focus being oversight and safety supervision by the staff. In order to operate 4 hours per day, 2 staff would need to be hired and scheduled to cover the shifts. Shifts would be 5 hours long and include a 30 minute set up and tear down before and after programming. A portable washroom would need to be onsite for staff and park users but would be locked at the end of each day to deter vandalism. Access for staff to water via a portable cooler, as well as equipment, a first aid and a pop up shelter or tent to provide relief for staff from the elements would also be needed for the program. Administration is estimating that should Council wish to offer City run drop in programming, the cost to offer this would be \$16,244 for the 8-week pilot program.

In addition, if Council wishes to address the safety issues at the park in the evening hours (post-programming), private security might be an option. Currently, security is utilized at Windsor Water World until 6pm each day. Should Council wish to extend those hours until 9pm, Administration could direct security to patrol Mitchell Park from 6pm to 9pm on a daily basis. The cost would be approximately \$3,300 plus tax for the 8-week pilot program. This security officer would be available specifically to Mitchell Park (and surrounding parks if needed/requested). In addition to deterring unwanted activity at Mitchell Park, the security officer would be available to address any safety issues during the last hour of programming for both the DWCC and the City (if Council directs Administration to offer programming) at Mitchell Park.

## **Risk Analysis:**

There is a significant financial risk associated with having staff stationed at Mitchell Park as there is currently no budget allocated for this purpose. There would be a cost associated with offering free, outdoor programming as noted in the financial section of this report. If Council wishes to offer park-based programming, a funding source would need to be identified.

There is a moderate risk with shifting current Recreation staff to City parks. Doing so may allow for programming and minimize new/additional staffing costs however it would take away from current community centre and camp recreation programming. Ideally, two new Recreation staff would be hired to offer this programming.

There is a significant risk that should Council wish to move forward with programming in parks, there will not be staff available to run the programs. Currently, the Recreation department is offering job fairs in order to promote opportunities to work within the City's Recreation department. It has been difficult to secure enough staff to offer the current programming and adding additional programs may prove to be difficult. If the perception is that these positions are required to monitor City parks, it could make it more difficult to recruit for these positions.

Utilizing City of Windsor summer students or recreational programming staff to deter mischief creates a significant risk to those staff. Summer students and recreational camp and program staff are generally young, working for the first time, and putting them in the position to monitor parks for safety could lead to unsafe conditions for the young workers. Having staff on-site for safety would certainly allow them to call Police if issues in the park arose, however, they would not be in a position to intervene. In essence, they would offer the same oversight at the park as any other regular park user who sees mischief and calls Police to report it. As mentioned earlier in this report, an alternative could be to hire private security to increase oversight at City parks. The cost of that would be dependant on the hours and the number of security guards requested. Unfortunately, it is not possible to monitor every park 24 hours a day and mischief is still a possibility with or without Police, security and/or staff on site.

Working outside, alone and offering programming poses a significant risk to both staff and participants. If an issue arose, only 1 staff member would be present to deal with that issue, leaving the remaining participants without supervision. If the staff member needed a break or to use the washroom, participants would be unsupervised. These risks could be mitigated with 2 staff on-site should outdoor programming be offered. This number is reflected in the proposed budget. In addition, any staff working outside should have access to a tablet or cell phone with reliable internet service, shade and/or shelter from the elements, a first aid kit and water/washroom facilities. These amenities are not available at Mitchell Park and therefore they would need to be provided which would lead to additional costs.

When offering any type of programming, the City is liable for participants while they are in the care of the program and City staff. Offering true drop-in programming would be difficult as at a minimum the City would require the name/ contact information of the participant, any health restrictions, parental/guardian permission to participate via a



signed waiver and confirmation of who is picking them up or approval for self sign-out when they are ready to leave. This risk could be mitigated by having parents/guardians sign their child(ren) up at the beginning of the summer at a local community centre or online. A waiver could be signed that would allow them to attend that specific drop in program as desired throughout the year. The type of programming offered would need to be appropriate for the age of all participants.

**Climate Change Risks**

**Climate Change Mitigation:**

N/A

**Climate Change Adaptation:**

N/A

**Financial Matters:**

The City of Windsor currently hires Police Auxiliary costs for security services during the spring and summer months at parks specified in discussion portion of this report. The allocation to the operating budget in Parks Operations is \$108,148 and is charged by Police Services on an annual basis. This cost will continue in order to allow for continued oversight of Windsor parks. Increasing this budget may allow for an opportunity to extend the months in which Auxiliary Officers patrol the parks, however it would not allow for an increased number of officers.

If Council wishes to add programming to Mitchell Park only, staff would need to be stationed there. The cost per hour per student would be as follows:

Student cost per hour- Effective July 1, 2023	\$17.98/ per hour
Estimated number of hours per day	5 hours
Salary costs per day	\$89.90
Fringe Rate	12%
<b>Total Student Cost Per Day - Salary and Fringe</b>	<b>\$100.69</b>

To station 2 students at the park for 5 hours per day, the cost for staffing alone would be \$201.38/day or \$805.52 per week (4 days). Recreation student staff would be utilized for programming. In addition to the staffing costs, there would be costs associated with staff training, clothing, transportation, gas, portable toilets, radios/tablets/cell

phone/data, first aid kits, equipment & program supplies. A total estimated budget for 8 weeks of programming (July/August) is listed below:

Staff	\$6,444
Equipment supplies	\$4,000
Portable washroom	\$500
Additional staff clothing	\$300
Tablet with Wi-Fi, cell phone/radio (walkie-talkie)	\$1,000
City van rental	\$4,000
<b>TOTAL (8 weeks)</b>	<b>\$16,244</b>

There is no budget or funding available for this type of programming meaning if Council wishes to move forward with free, outdoor, drop-in programming, a funding source would need to be identified. Administration could explore the option of applying for students for the 2024 season through the Canada Summer Jobs program, but it is not guaranteed that the proposed positions would fit with the 2024 funding criteria of the grant.

If Council wishes to provide additional security at Mitchell Park, the following costs would be incurred.

Mobile Patrol (per officer)	\$19 per hour or \$38/hour for holidays
Estimated number of hours per day	3 hours
Salary costs per day	\$57/day or \$114/holiday
Total Security Cost per Week	\$399/week no holiday x 6 weeks \$456/week incl. holiday x 2 weeks
<b>Estimated Security Cost for 8-week pilot project (per officer)</b>	<b>\$3,306 + tax</b>

Should Council wish to move forward with the 8-week pilot program and offer the student programming and/or increased security, Administration recommends the use of

one-time BSR funding to fund one or both of these activities at a maximum cost of \$19,550 plus applicable tax.

Following the completion of the 8-week pilot program, Administration will report back to Council and provide an update on the results. If proven successful, Administration could request permanent operating funding as part of the regular operating budget process.

**Consultations:**

Mark Friel – FPA, Parks

Lynn Glasier – FPA, Recreation & Culture

Emilie Dunnigan – Manager of Development, Revenue and Financial Administration

Nada Tremblay – Manager, Community Programming & Development

James Chacko – Executive Director, Parks & Facilities

Kristina Savi-Mascaro – Deputy City Solicitor

Robert Barlozzari – Human Resource Business Partner, Canada Summer Jobs

Alex Song – Community Development Director of Operations, DWCC

Sgt. Haldiki - Windsor Police Service

City of Hamilton

City of Toronto

**Conclusion:**

Should City Council wish to implement a drop-in recreation program at Mitchell Park, Administration would need direction in terms of the scope of the project. Additional staff would need to be hired and trained and equipment/supplies would need to be purchased. There is a serious concern that Administration may not have enough staff available to run this program. There is currently no budgeted funding available for this program. If Council wishes to move forward with this, a funding source would need to be identified in the amount of \$16,244 for drop in programming. In addition, if Council wishes to add security in the evening hours at Mitchell Park, the cost would be an additional \$3,306 for the pilot program. Should Council wish to move forward with either of these initiatives on a pilot-project basis, it is recommended to use Budget Stabilization Reserve Funding (BSR).

**Planning Act Matters:**

N/A

**Approvals:**

<b>Name</b>	<b>Title</b>
Samantha Magalas	Executive Initiative Coordinator, Community Services
Lynn Glasier	FPA, Recreation & Culture
Jen Knights	Executive Director, Recreation & Culture
Ray Mensour	Commissioner, Community Services
Shelby Askin Hager	Commissioner, Legal & Legislative Services and City Solicitor
Tony Ardovini	Commissioner, Corporate Services Chief Financial Officer & City Treasurer (A)
Joe Mancina	Chief Administrative Officer

**Notifications:**

<b>Name</b>	<b>Address</b>	<b>Email</b>

**Appendices:**

- 1 Appendix A - Mitchell Park Summer 2023



Monday, May 15, 2023

Regarding Mitchell Park and Community Leadership Involvement

The Downtown Windsor Community Collaborative is committed to collaborating with the City of Windsor in the placement of summer staff in Mitchell Park.

DWCC will fund and provide two staff to be present in Mitchell Park on Monday, Wednesday, and Friday in the months of July and August 2023. The hours of staffing are to be present in the park from 5pm to 9pm.

Sincerely,

A handwritten signature in black ink, appearing to read "Robert Cameron", on a light blue rectangular background.

Robert Cameron (Co-Director, DWCC)

[bob@dwccc.ca](mailto:bob@dwccc.ca) 519 903 7629



**Subject: Response to CQ 7/2023 – WWE Summer Slam - City Wide**

**Reference:**

Date to Council: May 29, 2023

Author: Samantha Magalas

Executive Initiatives Coordinator

519-253-2300 x2730

smagalas@citywindsor.ca

Recreation and Culture

Report Date: May 12, 2023

Clerk's File #: SR2023

**To:** Mayor and Members of City Council

**Recommendation:**

THAT the report titled Response to CQ 7-2023 – WWE Summer Slam **BE RECEIVED** for information.

**Executive Summary:**

N/A

**Background:**

On March 20, 2023 Councillor Francis asked the following question:

That administration report back on possible tourism and event options in Windsor for city council to review related to WWE Summer Slam being at Ford Field in the City of Detroit on August 5, 2023

This report is in response to that question.

SummerSlam is a professional wrestling pay-per-view (PPV) event, produced every August by professional wrestling promotion World Wrestling Entertainment (WWE). The event was created in 1988, with its inaugural event taking place on August 29, 1988, at Madison Square Garden in New York, New York. The event has been dubbed as "The Biggest Sports Entertainment Event of the summer." Along with WrestleMania,

Royal Rumble and the Survivor Series, the event is considered as one of the "Big Four", the original four annual WWE pay-per-views.

### **Discussion:**

Administration from Community Services met with Tourism Windsor Essex Pelee Island (TWEPI) and Craig Stimmel, Senior Vice President and Head of Global Sales and Partnerships for WWE on Monday, May 1, 2023. Mr. Stimmel provided the update that the venue had set a record for this event during the first day of sales and that with 55,000 tickets sold they would most likely be bringing in additional seating for participants. In addition to the WWE event, Madonna is also performing that night at Little Caesars Arena and the Detroit Tigers will be hosting the Tampa Bay Rays earlier in the day, at 1 pm. As a result of the near sellout crowd for the SummerSlam and other events in the area, there isn't a great need to generate more ticket sale interest from the surrounding area including Windsor and up the 401 corridor.

However, as a result of the large number of tickets sold, it is a high probability that WWE will have talent in the area prior to the event to do community events, meet and greets, radio shows etc. Those details will not be confirmed until a later date near the event date. The City of Windsor was offered the opportunity of pre-booking talent to attend the Windsor area, however there would be a significant cost associated with that request. WWW is selling promotional packages that start in the \$100,000 range and upwards. Furthermore, the name of the wrestler(s) would not be known until just prior to the date of the event.

As this is a Pay-Per-View event, it is anticipated that a number of local bars and establishments will be paying to broadcast the event and as such will be looking to drive traffic to their businesses. Should Council wish to help promote the event, the fees to allow street closures could be partially subsidized which could help drive additional business to the local BIAs and their establishments. If Council wishes to explore this option, Administration is suggesting that up to 50% of the fees be subsidized with funds from the Tourism Infrastructure and Program Reserve Fund.

### **Risk Analysis:**

There is a moderate risk that if Council wishes to subsidize some of the fees it could set a precedent for requests to subsidize future events. The fact that this is the first time this major event is being held in Detroit may help to mitigate some of that risk. The subsidy would pertain to requests for extensions for August 5 and 6, 2023, only. There is a slight risk that by establishing an upset limit for this subsidy, and assuming it is utilized on a first come, first serve basis, some BIAs may benefit more than others to utilize this funding.

There are a number of safety issues involved with closing down city streets. All requests from local BIAs or establishments would be vetted through the Special Event Resource Team (SERT) to ensure safety and accessibility in case of emergency. All regular permitting conditions would apply.

## Climate Change Risks

### Climate Change Mitigation:

N/A

### Climate Change Adaptation:

N/A

### Financial Matters:

There could be a number of fees associated with closing roads to help promote this event. It is suggested that if Council wishes to move forward with this subsidy, only the following fees would be eligible up to a 50% subsidy to an upset limit of \$25,000. Those fees could include:

USER FEE	RATE
Road Closure Fee (MAJOR)	\$159.75
Noise By-Law Waiver	\$106.50
Fire Inspection	\$300.00
Barricades – required for each intersection	\$5.00 per day/barricade \$65.00/hour Delivery/Pick Up Fee
Street Sweeping/Litter Bin Service	\$65.00/ hour
Letter of Non-Objection to AGCO	\$80.00

**NOTE:** City Council waived Engineering - Right of Way & Parking fees associated with Sidewalk Cafes for this year during the 2023 Budget approval process.

It is recommended that if Council wishes to subsidize fees, the Tourism Development, Infrastructure and Program Reserve be utilized to fund the City's 50% portion. This reserve was established in 2018 to track the municipal share of revenues collected through the Municipal Accommodation Tax program. Use of the reserve is open to those projects, initiatives and programs that support tourism related activities. Given that many activities were halted throughout the pandemic, there are sufficient funds available to cover subsidizing the costs associated with this event.

### Consultations:

Lynn Glasier – FPA, Recreation & Culture

Monika Schneider – FPA, Fire



Teanna Lindsay – Supervisor, Special Events

Michelle Staadegaard – Manager, Culture & Events

Adam Pillon – Manager of Right-of-Way

Anne Marie Albidone – Manager, Environmental Services

Janice Guthrie – Deputy Treasurer, Taxation, Treasury & Financial Projects

Tourism Windsor Essex Pelee Island (TWEPI)

**Conclusion:**

Should City Council wish to help promote the WWE SummerSlam event happening on August 5, 2023, at Ford Field in Detroit, Administration is recommending that local business owners and/or BIAs be subsidized up to 50% for the permitting costs associated with street closures, to an upset limit of \$25,000 for the dates of August 5 and 6, 2023, only. Funding to help subsidize these costs would come from the Tourism Infrastructure and Program Reserve Fund and funding would be accessed on a first come, first serve basis.

**Approvals:**

<b>Name</b>	<b>Title</b>
Samantha Magalas	Executive Initiatives Coordinator
Lynn Glasier	FPA – Recreation & Culture
Jen Knights	Executive Director, Recreation & Culture
Ray Mensour	Commissioner, Community Services
Tony Ardovini	Commissioner, Corporate Services/CFO (A)
Joe Mancina	Chief Administrative Officer

**Notifications:**

<b>Name</b>	<b>Address</b>	<b>Email</b>

**Appendices:**



**Subject: Communication Report Regarding the International Comparators Project from Oxford University's Blavatnik School of Government - City Wide**

**Reference:**

Date to Council: May 29, 2023

Author: Sandra Bradt

Executive Initiatives Coordinator

sbradt@citywindsor.ca

Administration

Report Date: May 10, 2023

Clerk's File #: ME2023

To: Mayor and Members of City Council

**Recommendation:**

**THAT** the report from the Executive Initiatives Coordinator regarding the Oxford University Blavatnik School of Government's final report, Turnaround Cities: Anglo-Saxon Case Studies, **BE RECEIVED FOR INFORMATION.**

**Executive Summary:**

N/A

**Background:**

At their meeting of December 12, 2022, City Council received a report from the Senior Economic Development Officer outlining Administration's participation in a research project from the Oxford University Blavatnik School of Government. The school was researching cities that had engaged in successful strategies to regenerate their economies in the face of challenges. The initiative was titled the International Comparators Project.

Through CR506/2022 City Council directed:

*That the report of the Senior Economic Development Officer dated November 28, 2022 entitled "International Comparators Project – Oxford University Blavatnik School of Government Research – City Wide" **BE RECEIVED** for information; and further,*

*That Administration **BE DIRECTED** to report to Council with the results of the study after its completion, for information purposes.*

## Discussion:

The Blavatnik School of Government Research – Oxford University undertook research to identify lessons learned from cities and regions around the world which, after a period of socioeconomic decline, managed to rebound. Their aim was to establish practical steps that could empower growth in disadvantaged regions, with the immediate target of addressing the profound regional inequality in the UK.

In early 2022, researchers from the Blavatnik School contacted Administration to advise that they had chosen the City of Windsor as one of their case studies. They were particularly interested in understanding the use of Community Improvement Plans and municipal powers to stimulate investment. Communication Report CM13/2022 (Appendix A) was brought to City Council to advise of Administration's participation in the International Comparators Project and assure Council that the City would receive an advance copy of the paper and have the opportunity to correct any inaccuracies or withdraw from the research.

Administration is sharing *Turnaround Cities: Anglo-Saxon Case Studies*, the University's final report, (Appendix B) in accordance with Council direction.

*Turnaround Cities: Anglo-Saxon Case Studies* compared Windsor with Newcastle, New South Wales, Australia and Pittsburgh, Pennsylvania. While all three cities are located in different countries, with different models of government and regulation, they were similar in reinventing their economies after a decline in their manufacturing base. While the particulars were unique to each city's circumstances, they achieved success through similar tools, many of which mirrored the L.I.F.T. strategy of Windsor Works:

- Capitalizing on their location and natural attributes, specifically water and green space, to ensure a high degree of liveability and quality of life
- Strong collaboration and support from all levels of government
- Targetted investments/diversification in key business clusters to build the future economy
- Collaboration with post-secondary institutions and business to build future skills and talent, and retain existing talent in the community

The cities shared strong political will across all levels of government to engage with the private sector, post secondary institutions, and the community to develop a vision and plan for future success. They focussed on particular clusters of business, developed land use strategies and planning policies, took steps to improve their financial rating, and offered amenities to ensure liveability/a high quality of life for residents. The report specifically highlights the leadership of Mayor and Council, and use of Community Improvement Plans, towards achieving Windsor's economic development goals.

Collaboration across all levels of government was noted as a key success factor for many of the initiatives. In all three examples the authors also note that many initiatives received significant partnership funding contributions from upper levels of government.

Administration has shared this report with colleagues in key departments as reference to best practices in other jurisdiction. As always, should any further opportunities present, Administration will bring those forward to City Council for consideration.

**Risk Analysis:**

There is no risk to receiving the *Turnaround Cities: Anglo-Saxon Case Studies* report for information.

**Climate Change Risks**

**Climate Change Mitigation:**

N/A

**Climate Change Adaptation:**

N/A

**Financial Matters:**

There are no financial impacts associated with participating in the study, nor receiving the final report.

**Consultations:**

Neil Robertson – Deputy City Planner/Manager of Urban Design

**Conclusion:**

As noted previously to Council, Oxford University’s Blavatnik School of Government undertook an analysis of three Commonwealth communities that were revitalizing their economies after significant challenges. Each case study included a documentary analysis of openly available material, and interviews with representatives of each city. Their final report, *Turnaround Cities: Anglo-Saxon Case Studies*, is presented to City Council for their information.

**Planning Act Matters:**

I concur with the above comments and opinion of the Registered Professional Planner.

*Insert Name, Title*

I am not a registered Planner and have reviewed as a Corporate Team Leader

JP

**Approvals:**

Name	Title
Sandra Bradt	Executive Initiatives Coordinator
Milan Vujanovic	Senior Economic Development Officer
Jelena Payne	Commissioner of Economic Development and Innovation

Name	Title
Joe Mancina	Chief Administrative Officer

**Notifications:**

Name	Address	Email

**Appendices:**

- 1 Appendix A - CM13/2022 – International Comparators Project Communication Report
- 2 Appendix B - Oxford University Turnaround Cities: Anglo-Saxon Case Studies

**Subject: International Comparators Project - Oxford University  
Blavatnik School of Government Research - City Wide**

**Reference:**

Date to Council: December 12, 2022  
Author: Milan Vujanovic  
Senior Economic Development Officer  
519-255-6100 ext. 6608  
mvujanovic@citywindsor.ca  
Economic Development & Innovation  
Report Date: November 28, 2022  
Clerk's File #: ME2022

**To:** Mayor and Members of City Council

**Recommendation:**

That City Council **RECEIVE** this report for information.

**Executive Summary:**

N/A

**Background:**

Earlier this year, the United Kingdom's Oxford University Blavatnik School of Government reached out regarding research they were compiling of cities that have engaged in successful strategies to regenerate their economies in the face of challenges, titled "International Comparators Project".

These early discussions included representatives from Economic Development and Planning and were primarily focused on the Economic Revitalization Community Improvement Plan (CIP) and how it has been successfully applied to encourage economic development in Windsor and spur growth and diversification of the local economy.

Oxford University held meetings with a number of cities globally, including municipalities in Australia, Germany, and the United States. The preliminary scope of the interviews can be seen in Appendix A.

As the research phase of the project has now concluded, representatives from Oxford University have reached out to indicate that they are now entering the report writing

phase and will potentially include feedback from the interviews held with city staff earlier this year.

**Discussion:**

A representative from Oxford University reached out to the Economic Development department earlier this year to discuss the “*International Comparators Project*” they were working on.

The project summary is provided here below, along with additional details regarding how the information provided by administration would be used:

*The project aims to identify lessons-learnt from cities and regions around the world, which after a period of socioeconomic decline have managed to rebound.”*

*The research aims to establish practical steps through which disadvantaged regions can be empowered to grow, with the immediate target of addressing the profound regional inequality in the UK. Research reports and academic papers may be produced from this research and some material will be publicly available. More information on the overarching project and affiliated people can be found here (<https://www.bsg.ox.ac.uk/research/research-programmes/home-win-and-place-based-renewal>)*

*Windsor, Canada is one of our case studies and we are particularly interested in learning more about how Windsor used the relationship with the other government levels and instruments such as the CIP to build resilience.*

*Given your involvement in, and knowledge of, the city’s development strategy, we were wondering if you would be available to speak to us about your experience. We are particularly interested in understanding the use of CIP and municipal powers to stimulate investment.*

*We would like to include a list of interviewees in the final report, hence it would not be possible to guarantee your anonymity. However, we will circulate any section of the report where you are cited to you prior to publication for you to correct any factual inaccuracies or withdraw from the research in case you are no longer comfortable with it within 5 working days of us passing the information to you. You can also choose whether you allow direct quotations or not during the interview and afterward in review.*

*There will be no payment for taking part in this study. The data you contribute will be stored for at least 3 years after the date of the publication.*

As the final report may include quoted comments from Administration, it is important to highlight that Oxford University will share these in advance of publication, providing us an opportunity to modify the comments or withdraw from being cited completely.

Furthermore, the “*International Comparators Project*” has received Research Ethics Approval from the University of Oxford as shown in Appendix B.

### **Risk Analysis:**

There is always risk when participating in third-party work, as we do not know how administration’s comments will be represented in the final copy or covered by external parties. However, this risk is mitigated by being able to review our comments in advance of publication. Additionally, as the interviews were a fact-finding exercise for the researchers, any quoted comments from administration would be based on publically available information.

### **Climate Change Risks**

#### **Climate Change Mitigation:**

The recommendations related to this Council Report do not facilitate Climate Change Mitigation in a material way.

#### **Climate Change Adaptation:**

The recommendations related to this Council Report do not facilitate Climate Change Adaptation in a material way.

### **Financial Matters:**

There are no direct costs associated with participating in the project.

### **Consultations:**

Planning Department – Neil Robertson  
Planning Department – Greg Atkinson

### **Conclusion:**

The above information is being provided to Council for them to be aware of our participation in the International Comparators Project, and that certain members of administration may be quoted in the final report that is published.



**Planning Act Matters:**

N/A

**Approvals:**

<b>Name</b>	<b>Title</b>
Milan Vujanovic	Senior Economic Development Officer
Jelena Payne	Commissioner of Economic Development & Innovation
Onorio Colucci	Acting Chief Administrative Officer

**Notifications:**

<b>Name</b>	<b>Address</b>	<b>Email</b>

**Appendices:**

- Appendix A – Preliminary Interview Scope
- Appendix B – Research Ethics Approval

# Turnaround Cities: Anglo-Saxon Case Studies Insights from Pittsburgh (PA), Newcastle (NSW) and Windsor (Ont.)

January 2023

Ian Taylor  
Blavatnik School of Government  
University of Oxford

[ian.taylor2@bsg.ox.ac.uk](mailto:ian.taylor2@bsg.ox.ac.uk)

Supported by:



## Acknowledgements

This research project was carried out with financial support from the Oxford Martin School, University of Oxford, and from the Lincoln Institute for Land Policy, Boston, under the guidance of Dr Armando Carbonell.

The research was coordinated by:

Professor Sir Paul Collier, Professor of Economics and Public Policy, the Blavatnik School of Government, University of Oxford.

Professor Colin Mayer, Visiting Professor, the Blavatnik School of Government, and Peter Moores Professor of Management Studies, Saïd Business School, University of Oxford.

Professor Philip McCann, Chair of Urban and Regional Economics, Alliance Manchester Business School, University of Manchester.

Professor Vincent Goodstadt, Honorary Professorial Research Fellow, University of Manchester.

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## Introduction

The Levelling Up agenda in the UK was born out of a recognition of a serious problem for social equity and the productivity of the country as a whole. The UK is a profoundly spatially unequal country in comparison to its peer countries for prosperity, such as the United States, and this inequality is epitomised in the fact that two-thirds of its cities are less prosperous than the UK average.<sup>1</sup> It is cities that make the substantial contribution to the UK's prosperity and consequent living standards, making it worrying that even the second tier of 'Core Cities' display such low productivity.<sup>2</sup> This is despite the Core Cities attracting more Foreign Direct Investment than any other type of settlement in the UK.<sup>3</sup>

Vast swathes of the UK are poorer than the poor areas in peer countries, such as Mississippi or West Virginia in the United States.<sup>4</sup> Many cities in other wealthy countries have experienced similar problems to those in the UK, where post-industrial decline has set in. Some of the challenged cities have successfully turned themselves around in the face of challenges. These cities have leveraged aspects of their specific circumstances and innovative tools to achieve degrees of recovery. This provokes the question, what lessons can be learnt from international peers?

Of all the UK's international peers, arguably the most natural comparators are the Anglo-Saxon countries which have strong linguistic and cultural affinities. The United States, Australia and Canada all have prominent examples from which to draw insights. Respectively Pittsburgh in Pennsylvania, Windsor in Ontario and Newcastle in New South Wales all represent similar post-industrial experiences of decline to cities in the economically unproductive areas of the UK. The different actions and conditions present can inform how disadvantaged cities in the UK can be regenerated economically. In this study each city is examined to understand its journey of reinvention to offer instructive examples for policymakers working on regional development in the UK. The lessons will equally be of value to governments around the world which are looking to learn from successful cities that have weathered the storm of industrial cycles. This includes the national and regional governments of the countries examined in this study, for some of the practices employed in one place could be beneficially supplementary to those already employed.

---

<sup>1</sup> McCann, P., (2020), 'Perceptions of Regional Inequality and the Geography of Discontent: Insights from the UK', *Regional Studies*, 54.2, pp. 256-267 at p. 263.

<sup>2</sup> OECD (2020), 'Enhancing Productivity in UK Core Cities Connecting Local and Regional Growth', p. 3. Accessed at; <https://www.oecd.org/cfe/cities/UK-Core-Cities-PH-Final.pdf>

<sup>3</sup> EY Attractiveness Survey UK, May 2020, p. 8. Accessed at [https://assets.ey.com/content/dam/ey-sites/ey-com/en\\_uk/topics/attractiveness/ey\\_ukas\\_cft\\_regional\\_report\\_may2020.pdf](https://assets.ey.com/content/dam/ey-sites/ey-com/en_uk/topics/attractiveness/ey_ukas_cft_regional_report_may2020.pdf)

<sup>4</sup> McCann, P., (2021), Written Evidence to Parliament 24<sup>th</sup> March 2021. Accessed at <https://committees.parliament.uk/writtenevidence/25772/pdf/>

The three cases are similar in multiple dimensions, all formerly finding prosperity in the heavy, polluting, industrial activity of the 20th century. This includes the production of metals, the mining of coal or in the manufacturing of cars. These cities experienced depopulation and a haemorrhaging of business activity as these industries declined in that location. Today the same cities are looking to optimistic futures with activity in sectors such as electric vehicles manufacturing, robotics, defence engineering and smart city infrastructure.

Each city has particular gadgets that were used as part of the effort to turn around their respective fortunes. These include a gas tax, a sales tax, zoning strategies, asset recycling, capital gains exempt zones, tax increment financing, or municipal 'bonusing'. The important element that is common to all three of these cities is the way in which the gadgets are utilised in order to help cohere the stakeholders of a place around a collaborative effort. In each case, the effect of the instruments, that may leverage many millions of dollars, are only part of a whole that transcends the technical into the social. The strategies of the municipal community, the central government and the intermediate level of government are behind the initiatives in each of the three cities in a way that is clearly crucial for realising the collective vision of a more productive future. In examining how the cities harnessed that collective will, it is hoped that stakeholders in other places will obtain an insight into how the troubled cities they care about can be made more resilient.

The data gathered on each case study included documentary analysis of openly available material, which was triangulated with a series of interviews with senior officials and experts who have first-hand knowledge of their respective city. The list of interview participants is detailed at the end of the study. Each case study is analysed in a similar structure, with an initial overview of the case study findings, followed by a description of the background of the city and its period of decline. Assessment of the performance of each city is then detailed to describe the manner and extend of its success as a turnaround city. Insights of the way in which each city managed to change its fortunes is analysed in three section: the *who*, examining which actors were responsible for significant activities in each city, the *what*, discussing what policy actions, instruments or initiatives were carried out in each city, and finally the *how*, which discusses how the elements were brought together in a way that made the regeneration effective.

The country of each city examined in this study uses their own version of the dollar, Australian, Canadian or United States. In each case study the dollar amount referred to is in the currency of the respective country. The values have not been adjusted for inflation against a standard year, and this may be significant since the case studies examine multiple decades of initiatives or investments. In most instances the values are referred to in order to offer the reader a sense of the scale of investments and returns at play, meaning adjustment should not be necessary. The source for values described in the case studies are cited in the footnotes, as usually is the date of the event, and therefore interrogation to determine the adjusted figure is possible for each case if this is considered to be useful.

## Newcastle, New South Wales. Australia

### Overview

#### Introduction

Newcastle, New South Wales (NSW), has experienced reinvention following economic decline due to the loss of modern heavy industrial economic activity. From an early start in the 1980s Newcastle responded to changing industrial conditions with what has been called a 'morphological transformation of the centre of Newcastle' in a strategy to make the city more attractive to mobile capital and talented people.<sup>5</sup> The larger Newcastle-Hunter region experienced youth unemployment of over 50% in 1993/4.<sup>6</sup> Newcastle's subsequent success in regenerating the city's economy through developing the built environment using multiple planning and development programs<sup>7</sup> demonstrates the proactive approach of the authorities. Zoning was used deliberately to develop a city centre core with green recreation space in a strong planning strategy.

Well managed state level asset recycling was stimulated by the central government and harnessed to fund infrastructure investment. Government funding streams were complemented with a competent development agency that had strong political direction supported by a ministerial position. Government investment was used to create clusters around tourism and defence engineering. The city's major University played a key role in planning for the future economic shift, with skills analysis and in transforming the city centre to be friendly to professionals and high-tech industry.

Overall, the psychology of resilience and acceptance of change in the city, following an earthquake and unemployment, is credited with being an important factor. Newcastle's community were prominent, helping to moderate attempts to sacrifice the heritage amenity of the city, needed to attract and retain the high skilled/creative class vital in the fourth industrial revolution.<sup>8</sup>

#### Background

Newcastle is a coastal city within NSW, one of the six federated states of Australia. It is approximately 2-hour drive (168km) north from the state capital of Sydney. Sydney is the only Australian city to be ranked among the world's second order cities, which puts it alongside cities such as San Francisco, Toronto and Zurich, meaning it has the status of a 'global city'<sup>9</sup>.

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<sup>5</sup> McGuirk, P. M., Winchester, H. P. M. & Dunn, K. M. (1996), 'Entrepreneurial approaches to urban decline: the Honeysuckle redevelopment in inner Newcastle, New South Wales', *Environment and Planning A: Economy & Space*, volume 28, pp. 1815-1841, at p. 1815.

<sup>6</sup> McGuirk, P. M., Winchester, H. P. M. & Dunn, K. M. (1996), 'Entrepreneurial approaches to urban decline: the Honeysuckle redevelopment in inner Newcastle, New South Wales', *Environment and Planning A: Economy & Space*, volume 28, pp. 1815-1841, at p. 1821.

<sup>7</sup> Ruming, K.(2017), 'Post-political planning and community opposition: asserting and challenging consensus in planning urban regeneration in Newcastle, New South Wales', *Geographical Research May 2018* 56, pp. 181–195, at p. 181.

<sup>8</sup> Florida, R. (2003), 'Cities and the Creative Class', *City & Community*, 2003; 2(1), pp. 3-19.

<sup>9</sup> Nicole Gurrán, *Australian urban land use planning; Principles systems and practice*, Sydney University Press, 2001, p.23.

Newcastle is a growing city. The 2016 Australian census recorded the population as 152,943<sup>10</sup> and by 2022 the population had grown to 171,301 people, supporting 102,800 jobs.<sup>11</sup> Newcastle is the centre of a wider region, the Hunter, which is a 32,749km<sup>2</sup> region with a history of agriculture, mining, and heavy industry. Similarly, Newcastle had a strong traditional economy focused on coal mining and exporting, it was the site of the first coal mined in Australia in 1797, less than a decade after Europeans began to settle on the continent.<sup>12</sup> With the proximity of coal supply, a large steel manufacturing facility was opened in 1914 by BHP in Newcastle. BHP and other industrial firms dominated the city and the pollution from the sites of some of Australia's heaviest industry was notorious.<sup>13</sup> In December 1989 the city suffered a serious earthquake that damaged fifty thousand buildings, killed thirteen people and cost an estimated \$4bn.<sup>14</sup>

The period of deindustrialisation from the mid-1980s resulted in serious economic shock for Newcastle. From 1982-1997 the major BHP steel works in Newcastle reduced employment from over 12,000 workers to 3,200, before shutting the works completely in 1999.<sup>15</sup> Land contamination of the former steelworks site and subsidence issues in the city were part of the problems inherited from the legacy of heavy industry. The contamination of the soil and the groundwater at the 145-hectare steelworks site was the largest remediation project in Australian history and although the government secured a \$100m payment from BHP for this environmental clean-up, the actual cost was estimated to be higher.<sup>16</sup> The site has still not been completely remedied as it was "capped and contained" onsite.

The Port of Newcastle is the world's largest coal exporting port and Newcastle was one of Australia's economic linchpins as the world's biggest coal exporter up to the first decade of the 21<sup>st</sup> century.<sup>17</sup> In 2021 Australia was the second largest coal exporter and the port of Newcastle consistently exports over well over a billion dollars of coal each month.<sup>18</sup> It was reported that in every month from March-March 2021/2 Newcastle exported over \$3bn of coal.<sup>19</sup> Despite this, the downward trend in heavy industry manufacturing that had been dominant in Newcastle presented a major challenge for the city.

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<sup>10</sup> <https://www.abs.gov.au/census/find-census-data/quickstats/2016/CED131#:~:text=In%20the%202016%20Census%2C%20there,up%203.4%25%20of%20the%20population.&text=The%20median%20age%20of%20people%20in%20Newcastle%20was%2037%20years.>

<sup>11</sup> City of Newcastle, 'Community Strategic Plan: Newcastle 2040', 2022, pp.20-21. Accessed at; <https://www.newcastle.nsw.gov.au/Newcastle/media/Documents/Council/Our%20Responsibility/Our%20Responsibilities/N2040-Web-Spreads.pdf>

<sup>12</sup> The Economist, 'Coals from Newcastle', June 2009, Accessed at; <https://www.economist.com/asia/2009/06/04/coals-from-newcastle>

<sup>13</sup> The Newcastle Herald, 'BHP's Newcastle steelworks through the rear-view mirror, 20 years after closure', September 2019. Accessed at; <https://www.newcastleherald.com.au/story/6394123/ghost-of-bhp-still-haunts-the-hunter/>

<sup>14</sup> <https://newcastle.nsw.gov.au/library/newcastle-stories/online-collections/the-newcastle-1989-earthquake>

<sup>15</sup> Stockholm Environment Institute, 'Closure of steelworks in Newcastle' Australia', June 2021, p. 2.

<sup>16</sup> Stockholm Environment Institute, 'Closure of steelworks in Newcastle' Australia', June 2021, pp. 5-6.

<sup>17</sup> The Economist, 'Coals from Newcastle', June 2009. Accessed at; <https://www.economist.com/asia/2009/06/04/coals-from-newcastle>

<sup>18</sup> ABC News, 'Coal exports from Port of Newcastle strong despite China's ban on Australian coal', Jan 2021. Accessed at; <https://www.abc.net.au/news/2021-01-15/newcastle-coal-exports-continue-to-new-markets-amid-china-ban/13060130>

<sup>19</sup> SXCoal.com, 'Newcastle coal exports edge up 6.32% on yr in Mar', April 2022. Accessed at; <http://www.sxcoal.com/news/4649491/info/en>



## Performance

In a 2017 report examining 31 regional cities, the GVA of Newcastle was ranked as by far the highest, with Newcastle's GVA being then in excess of \$12bn.<sup>20</sup> As context to this level of success, the second highest city in terms of GVA was Gold Coast, which had a population as of 2016 of 569,997<sup>21</sup>, at around \$9bn. Another impressive measure of Newcastle's success is the GVA sector spread, the majority of which was in new the industries of finance, education, health and professional services, with less than half being in the old industries of agriculture, mining and manufacturing. GVA does not, however, offer a complete picture and should be examined in reference to employment.

A rebound in employment following the decline of the steel works was achieved quickly and long-term progress has been maintained.<sup>22</sup> Following the immediate action by the NSW government after the steel works closure, the unemployment rate declined in Newcastle and the workforce participation rate (the labour force expressed as a percentage of the civilian population in the same age group) increased at the turn of the century.<sup>23</sup> The employment participation rate has shown long-term improvement, increasing in the Newcastle & Lake Macquarie area by roughly 8% from 2001 to 2015 to around 62%.<sup>24</sup>

The increase in employment, though not without its challenges, has continued over the decades. In December 2019 Newcastle had an unemployment rate of 4.6%, which was an improvement on the 5.6% in December 2018 and even post-COVID the employment rate was only 1% higher than the 2018 figure.<sup>25</sup> For comparison the Gold Coast had a higher unemployment rate of 5.7% in 2019, which itself was a deterioration from the 4.3% of December 2018.<sup>26</sup>

By 2018-19 Newcastle had a good GDP per capita in relation to 17 other Australian regional cities. At \$15,281 its GDP was the third highest after Gold Coast and Sunshine Coast at \$35,272 and \$18,269 respectively.<sup>27</sup> However, Newcastle's growth rate over one year (0.9%) and the previous 5 years (1.9%) was more impressive than the two higher GDP earners, indicating that the period from 2013 onwards was a period of growth.

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<sup>20</sup> Regional Australia Institute, 'Lighting Up our Great Small Cities: Challenging Misconceptions', June 2017, p. 9. Accessed at; [http://www.regionalaustralia.org.au/home/wp-content/uploads/2017/06/Lighting-Up-our-Great-Small-Cities\\_Report.pdf](http://www.regionalaustralia.org.au/home/wp-content/uploads/2017/06/Lighting-Up-our-Great-Small-Cities_Report.pdf)

<sup>21</sup> [https://quickstats.censusdata.abs.gov.au/census\\_services/getproduct/census/2016/quickstat/309](https://quickstats.censusdata.abs.gov.au/census_services/getproduct/census/2016/quickstat/309)

<sup>22</sup> Interview, participant 2.

<sup>23</sup> Stockholm Environment Institute, 'Closure of steelworks in Newcastle' Australia', June 2021, p. 5.

<sup>24</sup> Daniel Montoya, 'Newcastle & Lake Macquarie labour force trends', NSW Parliament Research Services, September 2015, p. 2. Accessed at;

<https://www.parliament.nsw.gov.au/researchpapers/Documents/newcastle--lake-macquarie-labour-force-trends/Newcastle%20and%20Lake%20Macquarie%20labour%20force%20trends.pdf>

<sup>25</sup>

<https://app.remplan.com.au/newcastle/economy/trends/unemployment?state=lb5dUD!XnZlHoYz5HR181yIGgGrNfgcofwMEFgfXfdfolafP3w>

<sup>26</sup> <https://www.ggso.qld.gov.au/statistics/theme/economy/labour-employment/regional>

<sup>27</sup> SGS Economics, 'Economic performance of Australia's cities and regions 2018-19', December 2019, p.64. Accessed at; [https://www.sgsep.com.au/assets/main/Publications/SGS-Economics-and-Planning\\_Economic-Performance-of-Australian-Cities-and-Regions.pdf](https://www.sgsep.com.au/assets/main/Publications/SGS-Economics-and-Planning_Economic-Performance-of-Australian-Cities-and-Regions.pdf)

## The who?

The action in the transformation of Newcastle from a declining industrial city to one that is embracing future industries came from multiple sources. Urban policy formation became a policy priority in Australia during the 1990s.<sup>28</sup> Although the emphasis in planning and active land management was embodied in Commonwealth, State and local government, civil society activism, including from the University, was also important in shaping Newcastle's direction of travel. Alongside this an agency with authority and purpose was created by the state government to execute the transformation in the face of economic challenges.

### Commonwealth Government

Since the 1990s government at all levels can be seen to have placed active planning as a priority. At the Commonwealth level planning is held to be a prestigious role, which sets the tone for an active planning culture in Australia. It has been routine for the Deputy Prime Ministers of Australia to simultaneously hold the position of Minister for Transport, Infrastructure and Regional Development implicitly making it one of the great offices of state. Barnaby Joyce held both roles from June 2021 to May 2022, also holding both offices from December 2017 to February 2018. Joyce's terms bookended that of Michael McCormack, who held the two positions from February 2018 to June 2021. This dual office holding is a continuation of a pattern that goes back decades across the political spectrum, including holders such as centre right politicians John Anderson in 1998-2005 and Warren Truss in 2005-6, and Labour's Anthony Albanese in 2013.

The prominence of the role of Minister of Transport, Infrastructure and Regional Development in Australian politics may be due to the inclusion of the purview of regional development and infrastructure with that of transport since 1996. As a comparison, such responsibilities are not combined in the British system, though a combination of purviews may be nascent as the Secretary of State for Transport does have cabinet responsibility for the 'Northern Powerhouse' regional development initiative.<sup>29</sup> The prestige attributed to the role may explain why the Commonwealth has been active in encouraging planning and infrastructure investment by the State governments in the recent decade.

Despite the prestige of planning and its significance as a policy area the Commonwealth government in Australia is traditionally not responsible for urban development and its role is limited to creating a favourable environment with funding to support the State and local governments. It was, however, useful as a catalyst for strategic action at the city level at multiple times. The Secretary at the New South Wales department of Planning & Environment, who has a history of working in senior positions on development in Newcastle, stated of the early 1990s; 'there were all these underlying opportunities but people were struggling to pull them together and I think that's when the federal government said well let's kick-in some money and see if we can't start an urban regeneration as it was called back then'.<sup>30</sup> The effect of this intervention should be seen as the beginning of the turnaround for

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<sup>28</sup> McGuirk, P. M., Winchester, H. P. M. & Dunn, K. M. (1996), 'Entrepreneurial approaches to urban decline: the Honeysuckle redevelopment in inner Newcastle, New South Wales', *Environment and Planning A: Economy & Space*, volume 28, pp. 1815-1841, at p. 1817.

<sup>29</sup> <https://www.gov.uk/government/ministers/secretary-of-state-for-transport>

<sup>30</sup> Interview, Participant 3.

Newcastle, the full impact of which would be felt 20 years later. A different form of support was offered by the Commonwealth government in the 2010s when billions of dollars were offered across Australia as incentives for infrastructure spending through asset recycling. This latter policy helped to channel new funding into Newcastle's transformation.

### State Government

The high regard for a planning office is also seen at the state level of NSW. The Labour Premier of NSW from 1995-2005 was Bob Carr, who was a former Planning and Environment Minister in the NSW government under Neville Wran, Premier of NSW in the 1970s-1980s. When Carr resigned, one of the three acknowledged candidates to be his successor as Premier was Craig Knowles, who had been Planning and Housing Minister (1995-99) and was at the time Infrastructure, Planning and Natural Resources Minister (2003-2005). It is the State governments that lead on infrastructure development in Australia, with some additional funding coming from the Commonwealth government. The leadership of the NSW government saw managing the impact of the economic shocks as their responsibility. When the steel manufacturing company in Newcastle BHP announced the closure of the steel plant, Premier Carr chartered a helicopter and flew to Newcastle on the very same day to work with the management and workforce to plan investments and mitigate the economic impact.<sup>31</sup> In response to the plant closure, the \$10 million Hunter Advantage Fund was established, part funded by BHP, and went on to provide land for new manufacturing ventures.<sup>32</sup>

The State level government were able to create agencies with the authority to drive land use developments. Crucially the agency creation had the longevity to make an impact. When the industrial production and consumption patterns shifted in the 1980s, the NSW State government created Newcastle's Honeysuckle Development Corporation as a local development body with statutory powers.<sup>33</sup> In 2008 the Honeysuckle Development Corporation merged with the Regional Land Management Corporation to form the Hunter Development Corporation (HDC), a public sector agency with responsibility to undertake a wide range of tasks related to regeneration and infrastructure.

Today the agency is known as the Hunter & Central Coast Development Corporation, which has the stated aim of creating 'unrivalled lifestyle in rich natural and built environments'.<sup>34</sup> The corporation has contributed funding and state owned land to developments in Newcastle,<sup>35</sup> and it is credited with leading the renewal of the rail corridor in balancing the returns for property development with urban green space amenity.<sup>36</sup> The development agency is directed by government, with a board who reported to the Minister for Planning, and a General Manager and staff who are employees of the Department of Planning and

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<sup>31</sup> Gunasekara, C., (2008), 'Network Governance Amidst Local Economic Crisis', *Australian Journal of Political Science Volume 43, 2008 - Issue 2*, pp. 207-223, at p. 212.

<sup>32</sup> Stockholm Environment Institute, 'Closure of steelworks in Newcastle' Australia', June 2021, p. 5.

<sup>33</sup> McGuirk, P. M., Winchester, H. P. M. & Dunn, K. M. (1996), 'Entrepreneurial approaches to urban decline: the Honeysuckle redevelopment in inner Newcastle, New South Wales', *Environment and Planning A: Economy & Space, volume 28*, pp. 1815-1841, at p. 1822.

<sup>34</sup> <https://www.hccdc.nsw.gov.au/about>

<sup>35</sup> Rauscher, R. (2021), 'Regional Capital City Renewal and Value Capture Planning – Greater Newcastle Metropolitan Area (GNMA)', in *Renewing Cities with Value Capture Planning*, Springer, Cham, pp. 139-161, at p. 151.

<sup>36</sup> Interview, participant 2.

Environment. Former Mayor of the City of Newcastle in the second half of the 1990s, Greg Heys, had also been a respected town planner<sup>37</sup> and a director on the Honeysuckle Development Corporation directing the city to pursue ecologically sustainable development policies.<sup>38</sup>

The NSW State assisted the development of Newcastle's region of the Hunter through the creation of a temporary regional minister. Hunter had a Minister until 2015 when it was renamed as a Parliamentary Secretary, both roles having been held by politician Scott MacDonald from 2015-2017 and from 2017-2019 respectively.<sup>39</sup> Having political leadership in new development initiatives is likely to afford it authority and increase potential for success through political championing to both the public and government. In the case of Newcastle, having a minister was said to have given the city planners more clout at the cabinet table.<sup>40</sup> The temporary nature of the minister indicates the value of the role in the beginning of an initiative rather than ongoing.

### Local actors

Local actors were important in Newcastle's development, especially the local government of City Council and its leader the Lord Mayor. The Council and the Mayor serve a vital role in coordinating with the city's civil society, developing strategies and advising the state funded development agencies in the city. Civil society of Newcastle represented a homogenous community which filled the void of agency for the city left when the dominant steel industry began to leave the town. The crisis of the closure of the steelworks stimulated the engagement of the community and the university into action, two actors who had previously been unable to match the power of the big business.<sup>41</sup> Following the seemingly calamitous closure of the steel works the community leaders of Newcastle came together. A joint Common Purpose Group was formed that could articulate a common vision for economic development after the disappearance of the formerly dominant industry.<sup>42</sup> The 1999 economic development strategy consulted 900 business and community leaders in its formulation.<sup>43</sup> In this way the strategic development of Newcastle was driven by community agency.

The strength of community may have been influenced by the strong Labour identity of the city. It has been claimed that the anti-union stance of BHP resulted in 'long and historic bonds with the Labor Party'.<sup>44</sup> Consistency of political alignment is clear in the voting record of the

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<sup>37</sup> <https://newcastle.nsw.gov.au/about-us/news-and-updates/latest-news/lord-mayor-emeritus-of-newcastle-greg-heys-signifi>

<sup>38</sup> Rauscher, R. (2021), 'Regional Capital City Renewal and Value Capture Planning – Greater Newcastle Metropolitan Area (GNMA)', in *Renewing Cities with Value Capture Planning*, Springer, Cham, pp. 139-161, at p. 139.

<sup>39</sup> <https://www.parliament.nsw.gov.au/members/formermembers/Pages/former-member-details.aspx?pk=87>

<sup>40</sup> Interview, participant 3.

<sup>41</sup> Gunasekara, C., (2008), 'Network Governance Amidst Local Economic Crisis', *Australian Journal of Political Science Volume 43, 2008 - Issue 2*, pp. 207-223, at p. 214.

<sup>42</sup> Stockholm Environment Institute, 'Closure of steelworks in Newcastle' Australia', June 2021, p. 4.

<sup>43</sup> Gunasekara, C., (2008), 'Network Governance Amidst Local Economic Crisis', *Australian Journal of Political Science Volume 43, 2008 - Issue 2*, pp. 207-223, at p. 215.

<sup>44</sup> The Newcastle Herald, 'BHP's Newcastle steelworks through the rear-view mirror, 20 years after closure', September 2019. Accessed at: <https://www.newcastleherald.com.au/story/6394123/ghost-of-bhp-still-haunts-the-hunter/>

city. The strength of community agency was also a factor in shaping the built environment changes in Newcastle and retaining public amenity. An example of this is the City Council engaging the community to build a community vision. As a result of this work Newcastle has been working on making the city more liveable through greening and between 2011 and 2021 the city planted 100,000 trees across the city.<sup>45</sup>

## The what?

### Land Use Strategy

The NSW state government has been instrumental in shaping the transformative land use in Newcastle, providing both funding, strategic direction and land from the vast reserve of lands the state holds.<sup>46</sup> This was often done in collaboration with the federal government. An early example of this impact was the transformative Honeysuckle development, instigated in the late 1980s. The Honeysuckle project was incorporated into a Commonwealth programme, Building Better Cities, launched in 1992. The Commonwealth government proceeded to fund most of the site preparation activities and between the Commonwealth, State and local government \$180m was allocated to the Honeysuckle project in 1992.<sup>47</sup> Parcels of land were sold at market rates to developers and some of the revenue generated was then reinvested into other developments, though it took some time for the project to become cash positive.<sup>48</sup>

The development utilised over 45 hectares of state government owned land, which constituted the former goods storage yard and ran continuously along 3km of coast dominating the city's waterfront.<sup>49</sup> The Honeysuckle Precinct 'transformed the city's former railway yards into a new waterfront commercial and residential area' and acted as a nucleus for future development.<sup>50</sup> The land use was a radical change from the previous use, creating an open space foreshore promenade complete with amenities including a children's play area, restored heritage buildings, a European style plaza, a restaurant & bar complex and a 20m tall viewing tower for views of the city.<sup>51</sup> Significant to the success of the Honeysuckle development was the truncation of the heavy rail corridor that ran alongside the waterfront creating a physical barrier, complete with fences, that cut off the desirable waterfront and the peninsular CBD.<sup>52</sup> The State and Federal government utilised their joint funding of the Honeysuckle development by using a two-level game to circumvent local objections to the truncating of the light rail, whereby the federal made funding contingent upon rail conversion

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<sup>45</sup> <https://newcastle.nsw.gov.au/council/our-responsibilities/newcastle-2030>

<sup>46</sup> Some 42% of NSW area is state-held Crownland, at a value of over \$6bn, although the Honeysuckle development was from state land but not Crownland. See; <https://www.dpie.nsw.gov.au/housing-and-property/divisions/crown-lands#:~:text=Crown%20land%20covers%20around%2042,the%20Aboriginal%20people%20of%20NSW.>

<sup>47</sup> McGuirk, P. M., Winchester, H. P. M. & Dunn, K. M. (1996), 'Entrepreneurial approaches to urban decline: the Honeysuckle redevelopment in inner Newcastle, New South Wales', *Environment and Planning A: Economy & Space, volume 28*, pp. 1815-1841, at p. 1825.

<sup>48</sup> Interview, participant 1.

<sup>49</sup> McGuirk, P. M., Winchester, H. P. M. & Dunn, K. M. (1996), 'Entrepreneurial approaches to urban decline: the Honeysuckle redevelopment in inner Newcastle, New South Wales', *Environment and Planning A: Economy & Space, volume 28*, pp. 1815-1841, at p. 1823.

<sup>50</sup> NSW Department of Planning & Infrastructure, Newcastle Urban Renewal Strategy 2012, p. xvi.

<sup>51</sup> McGuirk, P. M., Winchester, H. P. M. & Dunn, K. M. (1996), 'Entrepreneurial approaches to urban decline: the Honeysuckle redevelopment in inner Newcastle, New South Wales', *Environment and Planning A: Economy & Space, volume 28*, pp. 1815-1841, at p. 1823.

<sup>52</sup> Interview, participant 3.



and the State claimed it had to meet this criteria.<sup>53</sup> Today the industrial legacy heavy rail has been replaced by a pedestrian friendly light rail. It has been said that the significance of the rail conversion should not be underestimated as it ‘activated’ the development and, as an activation strategy it has provided a satisfactorily return on investment many times over.<sup>54</sup> The long-term success of the Honeysuckle development over decades has enabled a level of socio-economic resilience that dampened the deindustrialisation shock occurred with the BHP closure in 1999.<sup>55</sup>

The strategic direction of the NSW government is evidenced in its strategic framework of land use. The 2012 planning strategy document was drawn up by the NSW government, it was prepared by the Director-General of the Department of Planning & Infrastructure under State Environmental Planning Policy. The ambition of the strategy was for the creation of new homes, new buildings for businesses, desirable open spaces, and transport connections to create 10,000 additional jobs and 6,000 additional dwellings both by 2036.<sup>56</sup> A long-term approach has been taken for Newcastle to attract the post-industrial economic drivers and the 2012 strategy has been maintained as the foundation of development planning through changes in political parties.<sup>57</sup> It is established that rezoning almost always increases the value of the land.<sup>58</sup>



Zoning proposal for the waterfront 2012 strategy<sup>59</sup>

The waterfront was a focus for the redevelopment of Newcastle. The strategy sought to regenerate the Hunter Street Mall commercial strip area adjacent to the Honeysuckle

<sup>53</sup> McGuirk, P. M., Winchester, H. P. M. & Dunn, K. M. (1996), ‘Entrepreneurial approaches to urban decline: the Honeysuckle redevelopment in inner Newcastle, New South Wales’, *Environment and Planning A: Economy & Space*, volume 28, pp. 1815-1841, at p. 1832-1835.

<sup>54</sup> Interview participant 2.

<sup>55</sup> Stockholm Environment Institute, ‘Closure of steelworks in Newcastle’ Australia’, June 2021, p. 3.

<sup>56</sup> NSW Department of Planning & Infrastructure, Newcastle Urban Renewal Strategy 2012, p. 31.

<sup>57</sup> Ruming, K. (2017), ‘Post-political planning and community opposition: asserting and challenging consensus in planning urban regeneration in Newcastle, New South Wales’, *Geographical Research* May 2018 56, pp. 181–195, at p.192.

<sup>58</sup> Rauscher, R. (2021), ‘Regional Capital City Renewal and Value Capture Planning – Greater Newcastle Metropolitan Area (GNMA)’, in *Renewing Cities with Value Capture Planning*, Springer, Cham, pp. 139-161, at p. 154.

<sup>59</sup> NSW Department of Planning & Infrastructure, Newcastle Urban Renewal Strategy 2012, p. xxv.

development. Hunter Street Mall had been ‘characterised by local media, council, and state policy as a site of urban blight; a run-down and low-quality urban space’.<sup>60</sup> This space has been a difficult one to develop, with the property passing back and forth between private to public ownership and was still undergoing development activity in 2021.<sup>61</sup> The 2012 strategy criticised its 2008 predecessor for lacking a focus area for development types by relying on very generous height and floor space ratio (FSR) controls in an attempt to promote growth in the city centre, whereas the 2012 strategy used zoning changes to concentrate activity around specified hubs, reducing the competition from non-hub areas.<sup>62</sup> Despite focus the strategy was a composite one. The 2012 strategy document stated;

*‘...there is no single answer to the renewal of Newcastle city. Rather, a multi-faceted strategy underpinned by a suite of initiatives will provide a clear framework for urban renewal to occur over time.’<sup>63</sup>*

The main issue for Newcastle was to convert the former industrial areas, which were large and centrally located, into a form of land use that would be attractive to investment and productivity from the new economic drivers. The ambition for this is summarised in the strategy as;

*‘Newcastle city centre will be a vibrant regional hub and attractive destination for businesses, residents and visitors, providing accessible and suitable employment opportunities, a choice of retail and other services, and local, national and international investment opportunities.’<sup>64</sup>*

The planners drawing up the strategy were conscious of the importance of making the city desirable to live in. The 2012 strategy proposed zoning for a large public recreation area on the waterfront, emphasised pedestrian friendly transport and recognised the role of the city’s heritage in attracting the human capital necessary for the new phase of industrial activity. The strategy advocated for ‘Newcastle’s heritage as an asset and core component of place-making, and encouraging innovation’, something that would become controversial in an attempted 2014 revision.<sup>65</sup>

### Community strength

The 2012 strategy was launched under a new Liberal government but much of the planning and consultation was conducted by the previous Labour government, leading it to be seen as a ‘planning relic of the previous government’.<sup>66</sup> An attempt was therefore made to replace the planning strategy in 2014, but these changes foundered in the face of community agency. There was community opposition to what is known as ‘post-political planning’, a process used

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<sup>60</sup> Ruming, K. (2017), ‘Post-political planning and community opposition: asserting and challenging consensus in planning urban regeneration in Newcastle, New South Wales’, *Geographical Research* May 2018 56, pp. 181–195, at p. 183

<sup>61</sup> <https://newcastleweekly.com.au/works-begin-on-hunter-street-mall-revitalisation/>

<sup>62</sup> NSW Department of Planning & Infrastructure, *Newcastle Urban Renewal Strategy 2012*, pp. xxiv-xxv.

<sup>63</sup> NSW Department of Planning & Infrastructure, *Newcastle Urban Renewal Strategy 2012*, p. xvii.

<sup>64</sup> NSW Department of Planning & Infrastructure, *Newcastle Urban Renewal Strategy 2012*, p. xviii.

<sup>65</sup> NSW Department of Planning & Infrastructure, *Newcastle Urban Renewal Strategy 2012*, p. xxi.

<sup>66</sup> Ruming, K. (2017), ‘Post-political planning and community opposition: asserting and challenging consensus in planning urban regeneration in Newcastle, New South Wales’, *Geographical Research* May 2018 56, pp. 181–195, at p.184.

by elites to secure the real estate developments against alternative political challenges. The community opposition maintained the heritage amenity that was valuable for increasing liveability and attracting high value talent, an example that is instructive for the positive role communities can play.

The context to the community agency was the 2011 election where the State Government changed to a Liberal coalition. As part of this election victory the Labour control of Newcastle, which had been consistent for its 84-year history, changed to Liberal control for the first time. The mayor of the Newcastle City Council also changed to Liberal. The new mayor, Jeff McCloy, was a former property developer who was elected on a platform to deliver development in the inner city, implying a mandate for developments being intensified. Changes to the 2012 plan permitted higher buildings, maximising the value of plots that compensated for the developer's investment in stabilising the subsidence-prone ground of the city. Such changes ran against the existing strategy.

The 2012 strategy specifically amended the allowable heights of buildings to reduce building heights in areas of the city where a transition in height is needed between the taller city buildings and surrounding lower-scaled areas, stating it would 'ensure the built form responds appropriately to the heritage character and topography of Newcastle'.<sup>67</sup> Changes proposed in 2014 were strongly opposed by the community on the grounds that the high buildings would reduce the liveability of the heritage area including the vistas to and of Newcastle's Christ Church Cathedral.<sup>68</sup> The opposition was a spur to officials working in the city to build a business case that would enable developers to get a good return without exceeding the height restrictions.<sup>69</sup> The victory of the community in opposing the height changes restored the 2012 planning strategy as the legitimate framework and maintained the heritage amenity of the city that is arguably vital for attracting tourists and human capital. It has also been stated that the act of officials and developers working hard to meet the community demands created good will for future development compromises and led to a more sophisticated planning approach.<sup>70</sup>

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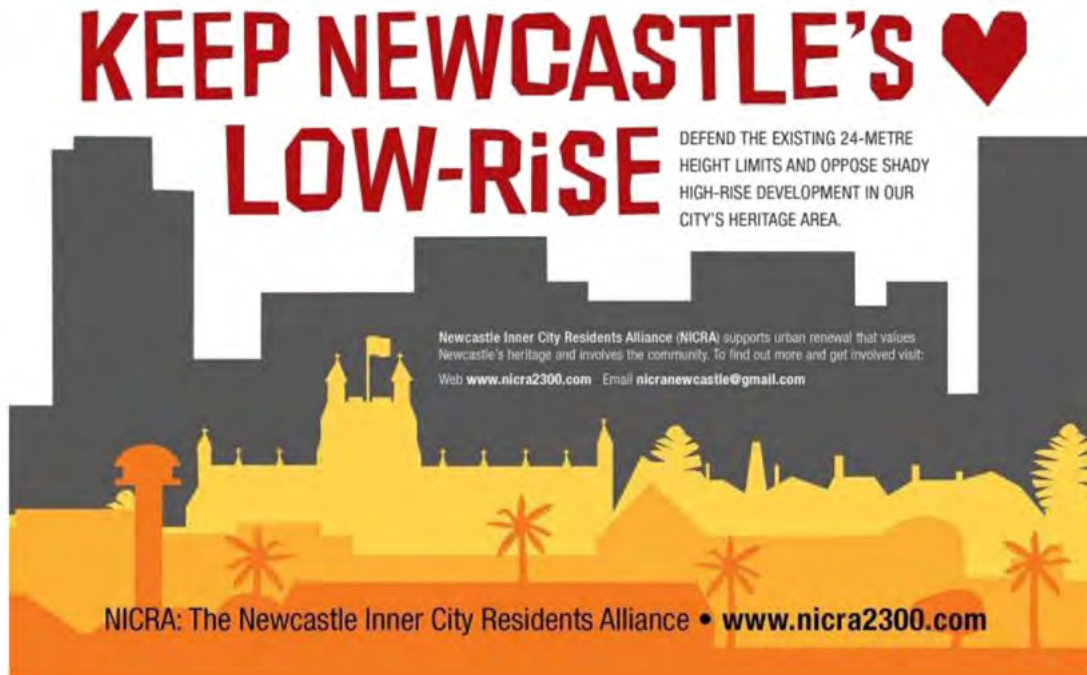
<sup>67</sup> NSW Department of Planning & Infrastructure, Newcastle Urban Renewal Strategy 2012, p. xxvii.

<sup>68</sup> Ruming, K. (2017), 'Post-political planning and community opposition: asserting and challenging consensus in planning urban regeneration in Newcastle, New South Wales', *Geographical Research* May 2018 56, pp. 181–195, at p.188.

<sup>69</sup> Interview, participant 3.

<sup>70</sup> Interview, participants 1 & 3.





Community Opposition Group Facebook Page<sup>71</sup>

### State Government Funding

Newcastle has seen increased infrastructure spending from the NSW State government over the last decade with two infrastructure funds having been created. Launched in 2011, the Restart NSW Fund was created to enable the funding and delivery of high-priority infrastructure projects that improve the state's economic growth and productivity. The fund has invested \$2.2bn on 750 local projects in NSW. Infrastructure New South Wales is the agency that was set up to assess and recommend Restart NSW projects, which are either local and community or government agency led.<sup>72</sup> Local and community projects are run by local government, non-government organisations or other entities which are selected via open competitive tender. Agency led projects are approved by the NSW Government in its annual budget and address projects such as transport infrastructure, schools or hospitals. Infrastructure NSW makes recommendations to the Treasurer for the use of Restart NSW funding, working alongside a range of agencies.<sup>73</sup>

The wider Hunter region, which has a population of circa 750,000, received an average of over \$100m per year in infrastructure spending in four years. The Hunter Infrastructure and Investment Fund (HIIF) was established by the NSW Government to enhance the Hunter region's infrastructure to support economic growth and liveability of the area by funding transport, education, water and health infrastructure projects.<sup>74</sup> The HIIF operated between 2011 and 2015 and involved government investment of \$450m into development projects. The HIIF fund closed when the board was disbanded and its advisory role in allocating the

<sup>71</sup> Rumung, K. (2017), 'Post-political planning and community opposition: asserting and challenging consensus in planning urban regeneration in Newcastle, New South Wales', *Geographical Research* May 2018 56, pp. 181–195, at p.188.

<sup>72</sup> <https://www.infrastructure.nsw.gov.au/restart-nsw/>

<sup>73</sup> Infrastructure New South Wales website. Accessed at; <https://www.infrastructure.nsw.gov.au/restart-nsw/>

<sup>74</sup> <https://www.hccdc.nsw.gov.au/hiif>

funding, \$50m of which remained, was given to the HDC.<sup>75</sup> Newcastle's 2014 development strategy stated that \$120m was allocated from the HIIF and the Restart NSW to the development of the CBD and the Wickham transport interchange.<sup>76</sup> \$60m were listed as being allocated for the Newcastle City Centre urban renewal and light rail project.<sup>77</sup>

### Asset Recycling

Infrastructure funding in Newcastle was facilitated by the engagement of 'asset recycling', the selling-off of existing government owned assets to fund new projects. When asked about the centrality of asset recycling to the redevelopment of Newcastle, the Secretary at the New South Wales department of Planning & Environment stated it 'is critical for any brownfield area, if you want to redevelop then you have to create that economy that says we want to buy what's there'.<sup>78</sup> Although it can be controversial, the well managed use of asset recycling can offer a way to stimulate development.

The Restart NSW Fund was primarily funded through asset recycling by the NSW state. Of the \$37.4 billion of inflows to Restart NSW as of 2021, \$25.1bn came from asset recycling (of which the lease of Newcastle Port constituted \$1.5bn).<sup>79</sup> Only an additional \$2.29bn of total inflows came from windfall taxes. The NSW state has been responsible with the proceeds from asset recycling, sinking a proportion of the money into financial assets with a higher earning potential than cash deposits in the vehicle known as the NSW Infrastructure Future Fund (NIFF). The Restart fund receives income from the NIFF, which was established in 2016, and as of 2020/21 it had contributed \$5.54bn to the Restart Fund. The increase in infrastructure spending in NSW as a result of asset recycling (see table for transport) has enabled the morphological transformation in Newcastle that has prepared it for the next industrial phase.

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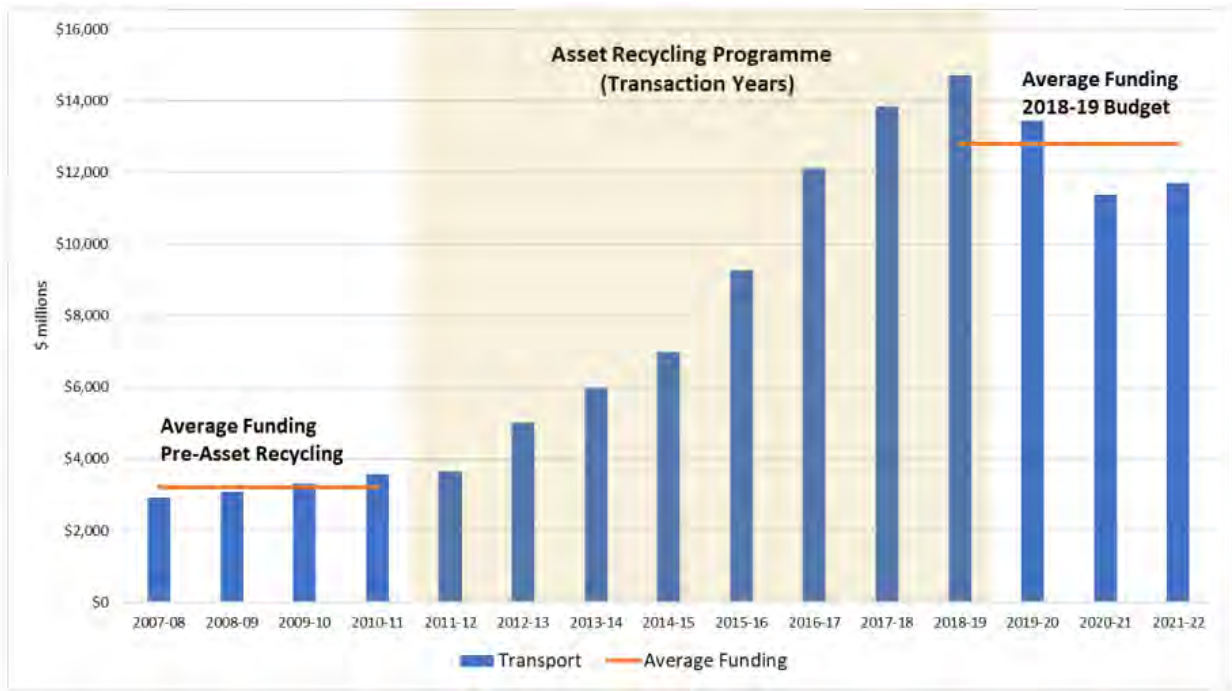
<sup>75</sup> <https://www.engineersaustralia.org.au/News/newcastles-hunter-innovation-project-receive-178-million-transform-area-digital-innovation>

<sup>76</sup> New South Wales Planning & Environment, Newcastle Urban Renewal Strategy: 2014 Update', 2014, p. 3.

<sup>77</sup> <https://www.hccdc.nsw.gov.au/hiif>

<sup>78</sup> Interview, participant 3. Interview participant 2 also stated asset recycling to be 'important' to Newcastle's development.

<sup>79</sup> 2021-22 Budget Paper No. 3 - Infrastructure Statement – Chapter 4, p.5.



NSW Transport Spending in the context of Asset Recycling<sup>80</sup>

In 2012 NSW passed the Fiscal Responsibility Act (FRA) as a way to ensure the state retained a triple-A credit rating. The FRA is the Australian alternative to the German Council for Sustainable Development.<sup>81</sup> Asset recycling is a way to ensure that infrastructure growth is not achieved with budgetary expansion driven by debt and as of 2018-19 NSW had successfully maintained the triple-A rating with both Standard & Poor’s and Moody’s.<sup>82</sup> Indeed, by 2021 NSW was the only state in Australia to maintain a triple-A credit rating from Moody’s after the additional public spending required by the COVID pandemic.<sup>83</sup> Prior to the pandemic Victoria and NSW had both maintained triple-A ratings and these two states had also chosen to privatise their major state assets. This is in contrast to Queensland and Western Australia, which had refused to engage in asset recycling and which have the inferior credit ratings of AA+.<sup>84</sup>

Asset recycling is a potentially problematic practice that must be managed well as it may represent a long-term loss of value for a community or state. It has been suggested that asset recycling is a politically sensitive issue in Australia, with a 2019 article stating that election

<sup>80</sup> Evidence Submission Letter, Infrastructure-Partnerships-Australia, January 2019, p. 7. Accessed at; <https://treasury.gov.au/sites/default/files/2019-03/360985-Infrastructure-Partnerships-Australia.pdf>

<sup>81</sup> <https://www.nachhaltigkeitsrat.de/en/>

<sup>82</sup> NSW Treasury, ‘Review of Fiscal Responsibility Act 2012’, November 2018, p. 3. Accessed at; <https://www.parliament.nsw.gov.au/tp/files/74958/Review%20of%20Fiscal%20Responsibility%20Act%202012.pdf>

<sup>83</sup> <https://www.nsw.gov.au/media-releases/two-up-%E2%80%93-triple-a-credit-ratings-for-nsw#:~:text=%E2%80%9CNSW%20is%20the%20only%20state,to%20combat%20COVID%2D19.%E2%80%9D>

<sup>84</sup> NSW Treasury, ‘Review of Fiscal Responsibility Act 2012’, November 2018, p. 3. Accessed at; <https://www.parliament.nsw.gov.au/tp/files/74958/Review%20of%20Fiscal%20Responsibility%20Act%202012.pdf>

campaigns had an anti-privatisation agenda.<sup>85</sup> One problem with asset recycling is that the value of the sold asset may not capture the true value of the asset. In 2014, the Port of Newcastle, a NSW government asset, was sold as an 98-year lease to a private consortium for the sum of \$1.5bn,<sup>86</sup> of which \$340 million was reported to be reinvested in development in Newcastle and was part of the funding listed in the 2014 strategy that were used for CBD development and transport provision. However, far more than this was actually invested in Newcastle redevelopment, with asset recycling paying for the rail redevelopment.

The Port of Newcastle sale represented effective value capture for the asset as the price paid was much higher than expected and represented 27 times earnings.<sup>87</sup> The sale price was more than double the estimate budgeted for the sale by the NSW government and the high earnings multiplier was in keeping with very high earnings multipliers achieved for other Australian assets sold in asset recycling. The sale of the NSW government owned 'Pole & Wire' electricity grid from 2015-2017 also generated \$2.9bn for infrastructure spending, exceeding government estimates for the sales by \$2bn.<sup>88</sup>

High earnings multipliers are essential for asset recycling because, as Richard Holden has pointed out, governments can generally borrow at a lower rate than companies and so must capture the value of future management efficiency of the asset in the sale.<sup>89</sup> Revenues from state assets are lost in sales so reinvestment into future assets is essential to replace the value. As an example, the assets lost in the electricity grid sale generated some \$1.7bn of dividends for the state in the financial year 2013-14.<sup>90</sup> Without reinvestment that replaces lost revenues the practice is akin to selling the family silver.

Another objection raised by Richard Holden to Australia's asset recycling is that restrictions are unlikely to be placed on the state assets being sold into private ownership as this may depress the price paid for the asset.<sup>91</sup> However, in the case of the sale of the Port of Newcastle it is clear that restrictions were placed on the port and a high sale value was still achieved, indicating that the government exercised prudent management of the state's assets.<sup>92</sup> The

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<sup>85</sup> <https://www.infrastructureinvestor.com/australias-asset-recycling-produces-compelling-results-also-poses-risks/>

<sup>86</sup> <https://www.abc.net.au/news/2014-04-30/nsw-government-sells-port-of-newcastle-for-1.75-billion/5421800>

<sup>87</sup> Reuters, 'China Merchants to pay \$1.6 bln for Australia's Port of Newcastle', April 2014. Accessed at; <https://www.reuters.com/article/australia-portnewcastle-hastings-idUSL3NONM1A020140430>

<sup>88</sup> The Sunday Morning Herald, 'NSW closes its poles and wires sale with \$3 billion deal', May 2017. Accessed at; <https://www.smh.com.au/national/nsw/nsw-closes-its-poles-and-wires-sale-with-3-billion-deal-20170511-gw2dqp.html>

<sup>89</sup> Holden, R., 'Vital Signs: No, Joe, America should not be copying Australia's 'asset recycling' misdirection', The Conversation, December 2018. Accessed at; <https://theconversation.com/vital-signs-no-joe-america-should-not-be-copying-australias-asset-recycling-misdirection-108663>

<sup>90</sup> The Guardian, 'NSW government approves electricity poles and wires sell-off to private sector', June 2014. Accessed at; <https://www.theguardian.com/world/2014/jun/10/nsw-government-approves-electricity-poles-and-wires-sell-off-to-private-sector>

<sup>91</sup> Holden, R., 'Vital Signs: No, Joe, America should not be copying Australia's 'asset recycling' misdirection', The Conversation, December 2018. Accessed at; <https://theconversation.com/vital-signs-no-joe-america-should-not-be-copying-australias-asset-recycling-misdirection-108663>

<sup>92</sup> ABC News, 'Federal Court rejects ACCC's bid to allow Port of Newcastle to develop container terminal', July 2021. Accessed at; <https://www.abc.net.au/news/2021-06-29/newcastle-port-case-dismissed-in-federal-court/100252592>

conditions even went so far as to guard against continued indirect control of the port beyond 99 years through the purchase of land around the port. If such parcels of land were incorporated into the operation of the port then those acquisitions would need to be surrendered at the end of the 99-year port lease.<sup>93</sup>

Price controls were similarly introduced into the electricity grid sell-off, though on going vigilance of utilities to protect consumers is a consideration.<sup>94</sup> There are also geographic distributional issues with the asset recycling, as assets located in a community feel they own the government asset and seek to capture the value of that asset. In the case of Newcastle, some the residents of the city felt they were short-changed as only a proportion of the port revenues were reinvested in Newcastle despite the port being built with NSW state funds. Such distributional issues cut both ways, as wealthier places with significant assets sometime may be asked to subsidise asset poor and disadvantaged areas.

The asset recycling by NSW was assessed to be very beneficial and generated a total of \$40bn in additional infrastructure funds.<sup>95</sup> In providing infrastructure funding from the proceeds and in being prudent in the sale of the assets, the NSW government managed their asset recycling in a manner consistent with an effective resilience strategy.

#### Cluster Development Tourism & Defence

The development strategy of Newcastle includes the development of its airport to encourage economic activity in two clusters, defence and tourism. A 1998 study by the Hunter Regional Development Organisation entitled 'Industry clusters: Competitive Advantage Through Innovation Industry' referred to 17 industry cluster that were identified as having potential for development in Newcastle, including tourism and defence.<sup>96</sup> Significant progress has been achieved in Newcastle in both of those latter areas through the development of the airport. The stage one investment in Newcastle airport expansion, \$11.1m of which came from the Hunter Infrastructure and Investment Fund that operated from 2011-2014, coincided with a turnaround in passenger numbers.

Between 2009 and 2015 Newcastle Airport experienced negligible growth before recording growth of around 50,000 passengers per year, up to 1.2 million in 2016<sup>97</sup>. The airport has since become a target for development to receive international flights, with the NSW government committing to investment to realise the tourism benefits of being a destination airport. Regional government planning has been followed by the Australian national government announcing in May of 2021 that it would invest \$66m to upgrade the runway at Newcastle Airport, which is projected to add \$12.7bn to the local economy over the next 20

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<sup>93</sup> Interview, participant 3.

<sup>94</sup> The Guardian, 'NSW government approves electricity poles and wires sell-off to private sector', June 2014. Accessed at; <https://www.theguardian.com/world/2014/jun/10/nsw-government-approves-electricity-poles-and-wires-sell-off-to-private-sector>

<sup>95</sup> Evidence Submission Letter, Infrastructure-Partnerships-Australia, January 2019, p. 6. Accessed at; <https://treasury.gov.au/sites/default/files/2019-03/360985-Infrastructure-Partnerships-Australia.pdf>

<sup>96</sup> Martinez, C. (1998), 'Industry clusters: Competitive Advantage Through Innovation Industry, Hunter Regional Development Organisation (HURDO), Industry Clusters Studies Number 1, p. 24.

<sup>97</sup> MacroPlanDemasi, 'Greater Newcastle Metropolitan Strategy - Economic Prospects to 2036', November 2017, p. 36. Accessed at; <https://www.planning.nsw.gov.au/-/media/Files/DPE/Reports/greater-newcastle-metropolitan-strategy-economic-prospects-to-2036-2017-11.pdf>



years through the creation of around 4,400 full-time jobs and the attraction of an additional 850,000 visitors.<sup>98</sup> Transport for tourism expansion is alongside the tourism cluster development in the city with the redesign of the built environment and the expansion of hotel provision.

The development of the airport is complemented by national military spending, a variable that has been identified as being vital for long-term development.<sup>99</sup> Such spending has come in the form of a \$1.5bn upgrade to accommodate the new F35 fighter fleet at the Williamstown RAAF base, situated at Newcastle Airport.<sup>100</sup> Although the development is not predicted to increase the manning of the base significantly, the growth and clustering of defence related firms such as BAE systems is something that has already been detected, building upon the traditional engineering strength of Newcastle.<sup>101</sup>

The cluster development at Newcastle Airport is partly being nurtured by a Special Activation Precinct (SAP), which is an instrument that rezones opportune land from its existing designation to development status and streamlines the planning regulations for future developments.<sup>102</sup> The support services for businesses developing in a SAP include a development concierge, to coordinate business growth synergies and opportunities.

### Building Future Skills

Skills are an important part of any development strategy, and this is certainly the case in Newcastle. The Economic Strategy & Government Relations Manager at the City of Newcastle, Simon Massey, stated that 'University is a really important catalyst for skills development in the city', and that this had heightened importance as 'one in five of the University of Newcastle graduates are first in family university graduates.'<sup>103</sup> With an effectively tight labour market in the city, attraction of talent is an important element in growth and the university plays a vital part in this.

The local university is ranked 197 in the world and conducts 95% of its research 'at' or 'above world standard'<sup>104</sup>, making it an asset for the city. The University of Newcastle, Australia, became active in contributing to planning for the city after the departure of the powerful steel industry in the late 1990s. It engaged in community groups and conducted studies, such as a skills analysis, for how the city could best position itself for the future economic development.<sup>105</sup> Developing University presence was an element in reinventing Newcastle's former industrial sites to attract new creative capital and talent, being a feature of both the

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<sup>98</sup> Infrastructure Magazines, '\$66 million for Newcastle Airport runway upgrade', May 2021. Accessed at; <https://infrastructuremagazine.com.au/2021/05/10/66-million-for-newcastle-airport-runway-upgrade/>

<sup>99</sup> Douglas G. Koritz, Capital Mobility Versus Unity of Purpose: Urban Redevelopment in Buffalo, N.Y. and Pittsburgh, Pa., 39 Buff. L. Rev. 409 (1991), pp.418-419.

<sup>100</sup> MacroPlanDemasi, 'Greater Newcastle Metropolitan Strategy - Economic Prospects to 2036', November 2017, p. 36.

<sup>101</sup> MacroPlanDemasi, 'Greater Newcastle Metropolitan Strategy - Economic Prospects to 2036', November 2017, p. 36.

<sup>102</sup> <https://www.planning.nsw.gov.au/Plans-for-your-area/Special-Activation-Precincts/Williamstown-Special-Activation-Precinct>

<sup>103</sup> Interview, Participant 2.

<sup>104</sup> <https://www.newcastle.edu.au/study/international>

<sup>105</sup> Stockholm Environment Institute, 'Closure of steelworks in Newcastle' Australia', June 2021, p. 4.

2012 and 2014 strategies. The 2012 strategy sought to build a university campus in the city centre in order to 'introduce a student resident and worker population' and to 'create synergies with established businesses and industry sectors where innovation can occur in a unique setting'.<sup>106</sup> \$25m was allocated to the University of Newcastle's NeW Space development, intended to 'establish business and law faculties in the city centre'.<sup>107</sup> This campus development was opened in June of 2018, realising the ambition of the planning strategies.<sup>108</sup> Further strengthening the educational presence is the opening in 2021 of the Newcastle campus of the Japanese Nihon University. After acquiring the site in 2016 Nihon invested \$41m<sup>109</sup> into developing the heritage listed 19<sup>th</sup> century Newcastle Courthouse to be a modern, environmentally friendly, campus building.<sup>110</sup>

A major part of the University of Newcastle presence in the city is the Hunter Innovation Project, which is a smart city initiative. The initiative, that was put together between the University and the city council, had received \$178m of funding up to September 2016. To manage the investment proposals a working group was established as a collaboration between the City Council and the University with rotating leadership, which reflected and built the strong partnership between the City and the University.<sup>111</sup> Part of the aim of the project is to allow different types of data, such as credit card, telecommunication and foot-traffic data, to be triangulated and made available to local businesses in an accessible way so these businesses can make better decisions.<sup>112</sup>

Fundamental to the project is the integration of digital technology into the infrastructure of the city. The project has three core elements. Firstly, a digitally connected innovation precinct in the Newcastle CBD. Secondly, provision of free high-speed broadband for approximately 250 properties in the centre, offering Newcastle a competitive advantage over its prominent neighbour Sydney that has often crowded out Newcastle from hosting professional and business services.<sup>113</sup> Thirdly, a smart cities infrastructure in Newcastle will be a source of openly available big data for tech firms to use.<sup>114</sup> Newcastle City Council and the University of Newcastle provided \$8 million of the funds for the Hunter Innovation Project, with the rest being invested from the Hunter Infrastructure and Investment Fund. Although the initiative has not yet realised results in terms of the business benefits, the fundamental infrastructure, including the data policy piece, is now in place.<sup>115</sup> The Hunter Innovation Project should therefore enhance the attractiveness of Newcastle to high tech and high skill business, making it a competitive destination for future investment.

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<sup>106</sup> NSW Department of Planning & Infrastructure, Newcastle Urban Renewal Strategy 2012, p. xvii & xxii.

<sup>107</sup> New South Wales Planning & Environment, Newcastle Urban Renewal Strategy: 2014 Update', 2014, p. 3.

<sup>108</sup> <https://www.newcastle.edu.au/newsroom/current-staff/new-space-officially-opens>

<sup>109</sup> <https://www.newcastleherald.com.au/story/6871393/nihon-newcastle-campus-taking-shape/>

<sup>110</sup> <https://dwp.com/dwp-education-sector-deliver-nihon-university-in-newcastle-nsw/>

<sup>111</sup> Interview, participant 2.

<sup>112</sup> Interview, participant 2.

<sup>113</sup> McGuirk, P. M., Winchester, H. P. M. & Dunn, K. M. (1996), 'Entrepreneurial approaches to urban decline: the Honeysuckle redevelopment in inner Newcastle, New South Wales', *Environment and Planning A: Economy & Space*, volume 28, pp. 1815-1841, at p. 1822.

<sup>114</sup> <https://www.engineersaustralia.org.au/News/newcastles-hunter-innovation-project-receive-178-million-transform-area-digital-innovation>

<sup>115</sup> Interview, participant 2.

## The how?

The resilience in Newcastle was one focused on leadership from government as opposed to partnership with the private sector. The collaboration of the city authorities with the Commonwealth and State governments is one in which a proactive approach to planning and development has led to a positive transformation. At all levels of government, the planning departments have high prestige, which may be reflected in the level of policy activity. Complementary to the collaborative approach of government, community actors in Newcastle, especially the University of Newcastle, stepped up to take a leading role after the departure of the powerful business interests that had dominated the city. The University's partnership with the city, in the Hunter Innovation Project and NeW campus, is a key part of attracting the human and financial capital that is necessary for growth. In seeking planning activity in the early 2010s and at the same time successfully expressing a preference for aesthetic amenity through alternative political processes, Newcastle's community prevented the move towards a more pro-market short-term position from sacrificing the long-term growth.

Instruments were used to facilitate the construction of assets with collaboration between the different government levels. The Australian Commonwealth Government encouraged the State to invest in new infrastructure with the proceeds from asset recycling. It introduced an Asset Recycling Initiative (ARI) in the 2014-15 budget, which offered \$5bn of incentives for states to sell off mature assets and develop new assets. From this funding pot, states received a bonus of up to 15% of the assessed sale value, on the condition that transaction proceeds were used to fund infrastructure. It is claimed that this unlocked tens of billions of infrastructure investment.<sup>116</sup>

The State government has been the primary actor in development, having used its levers of investment and strategy to drive change at the local level. This work is in collaboration with the city government. An example of this synergy is the Integrated Planning and Reporting (IP&R) process. Introduced into NSW legislation in 2013, it requires local councils to take the lead on the creation of a long-term plan for the strategic direction and ambition of their communities.<sup>117</sup> State and regional plans feed into the Community Strategic Plans, which the IP&R Framework determines should cover a period of at least 10 years and be focused on the communities' aspirations. Newcastle maintains the engagement with its community every four years and produces a Community Strategic Plan, responsibility for the delivery of which is shared between local and state government, businesses, industry groups, community organisations and individuals. Long-term planning based on the aspirations of the community leads results in programmes like Community Strategic Plan Newcastle 2040, passed in April 2022 and laying out a plan for 313 projects and infrastructure investment of \$132.6m.<sup>118</sup> The preparation of Newcastle 2040 utilised information from 5,500 community engagement

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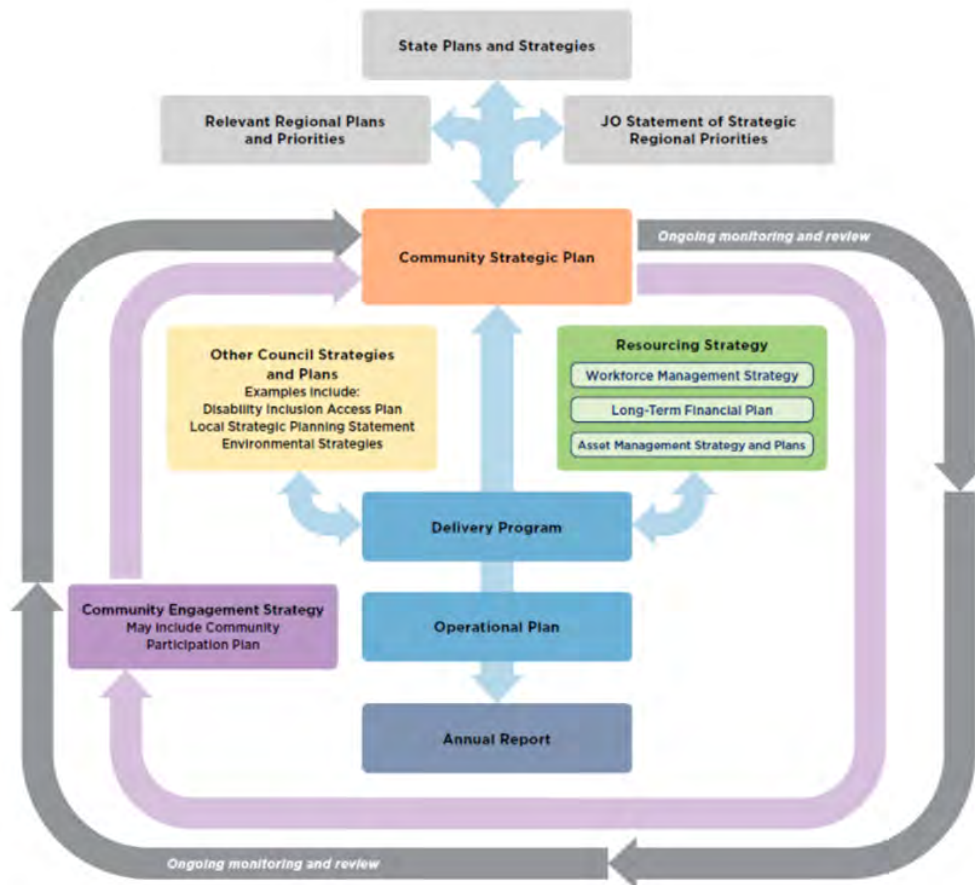
<sup>116</sup> Evidence Submission Letter, Infrastructure-Partnerships-Australia, January 2019, p. 2. Accessed at; <https://treasury.gov.au/sites/default/files/2019-03/360985-Infrastructure-Partnerships-Australia.pdf>

<sup>117</sup> <https://www.newcastle.nsw.gov.au/council/our-responsibilities/integrated-planning-and-reporting?viewmode=0>

<sup>118</sup> <https://www.newcastle.nsw.gov.au/about-us/our-responsibilities/newcastle-2040/budget-2022-2023>



actions, such as surveys or participation in a focus group, which is huge relative to standard engagement.<sup>119</sup>



Integrated Planning and Reporting Process<sup>120</sup>

Whether that was the Premier in the 1990s or the enduring planning strategy of 2012, the deliberate land use laid out by the State of NSW was effective as it had a vision for the transformation of the city. This vision required cooperation of the City Council and was drawn from a close engagement with local stakeholders. Long-term action was taken, and this has resulted in Newcastle turning successfully from a monocentric heavy industrial city to a diversified and forward-looking city with clusters in tourism and defence engineering.

## Conclusion

Newcastle is still on a journey, but it has demonstrated an ability to act in the face of challenges. Australia has a political culture that values planning, which is important for a system that looks heavily to government leadership. The proactive state and city government has been utilising the tools at its disposal to develop Newcastle into a city ready for a future beyond heavy industry. The strategic development of land to manage desirable growth has been successfully achieved by the state government. Asset recycling has been an initiative

<sup>119</sup> Interview, participant 2.

<sup>120</sup> <https://www.newcastle.nsw.gov.au/council/our-responsibilities/integrated-planning-and-reporting?viewmode=0>

that has provided funding and financial stability due to prudent management of a potentially problematic process. The prominent role played by the University and the community is one that should serve as a model for other cities facing challenges. The mobilisation of the local community actors has served Newcastle well, with these actors stepping in when the city's previously dominant big business had a sudden loosening of control.

## Windsor, Ontario. Canada

### Overview

#### Introduction

Windsor has been proactive in seeking to rejuvenate its economy in the face of substantial headwinds. A strong and stable municipal government engaged in long term planning and worked proactively with other levels of government and foreign private sector investors. Windsor was an early adopter of the Community Improvement Plans (CIP) instrument, which stimulated private sector investment into the city at a return of \$13 for every \$1 of public money spent. The Provincial Government empowered Windsor to continue its work developing public amenity in the city, building on the creation of a desirable waterfront park.

Economic performance shows that the city has been working hard to stay still but the announcement of monumental recent investments in electric car production in the city has shown the strategy to be a success. The investment was a culmination of Windsor's ambition to build on its traditional automotive manufacturing history to position itself as a leader in the future of the battery-electric car industry. State and provincial investment in traditional industry has waned and new investments were made in the high-tech future industry of battery-electric cars. The Invest WindsorEssex agency has been active in developing partnerships, coordinating provincial and federal investment and submitting bids to win private sector investment. The city's universities have been working together to further the aim of establishing an automobility innovation cluster in Windsor. While the high-tech ambition progresses, the cooperative and constructive approach to the Gordie Howe International bridge mega project demonstrates how significant an asset unity is on the Canadian side of the Detroit River.

#### Background

Windsor, within the province of Ontario, is a mid-sized city on the border with the USA with a population of approximately 228,533 (2018).<sup>121</sup> Windsor's economy was reliant on the automotive industry and has been called the 'automotive capital of Canada'<sup>122</sup> and, being only 3 miles from Detroit, Windsor's economic fortunes mirrored those of its US neighbour in feeling the effects of offshoring and the 2008 financial crisis.<sup>123</sup> Manufacturing employment peaked in Canada in 2002 and from this point on Windsor experienced economic decline.

Closures of automotive manufacturing caused serious problems, with companies such as Ford shedding thousands of Windsor employees from its plants in the first decade of the 21<sup>st</sup> century.<sup>124</sup> In 2009 Windsor's unemployment became the highest among metropolitan areas in Canada. The population of Windsor's downtown district shrank by 5.6% between 2006 and

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<sup>121</sup> Invest WindsorEssex, Five Year Strategic Plan, 2019, p. 8. Accessed at;

[https://www.investwindsoressex.com/en/site-selection-and-data/resources/5year-Strat-Plan\\_Accessible.pdf](https://www.investwindsoressex.com/en/site-selection-and-data/resources/5year-Strat-Plan_Accessible.pdf)

<sup>122</sup> <https://www.feddevontario.gc.ca/eic/site/723.nsf/eng/02542.html?OpenDocument>

<sup>123</sup> Public First, 'Windsor Works: An economic development strategy for the city's future growth', Feb 2021, p. 5.

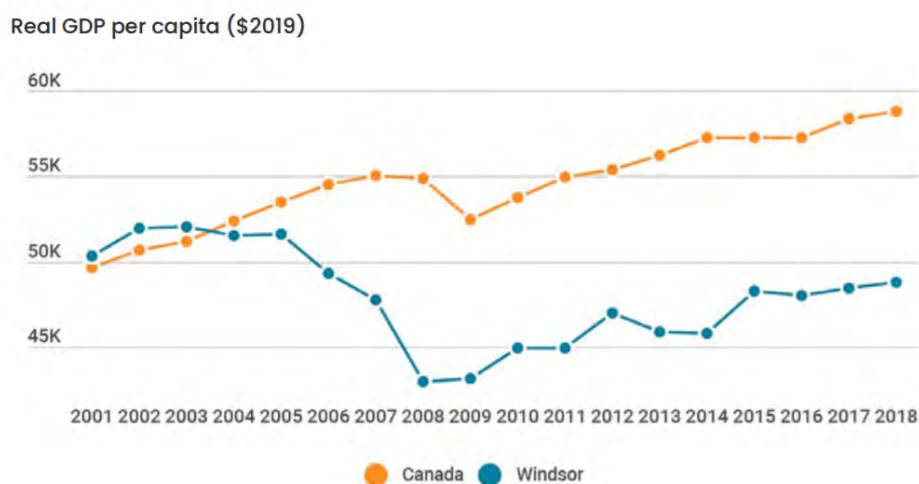
<sup>124</sup> Windsor Star, 'Engine plant closing', July 2007. Accessed at;

<https://web.archive.org/web/20160324044133/http://www.canada.com/windsorstar/news/business/story.html?id=ba2f98c5-9c70-4394-821c-375abcca5384>

2011. This represented a damaging exodus given the small population of the downtown area, only 9,852 people remained by 2011.<sup>125</sup> The bankruptcy of Detroit in 2013 was another contributing factor to the difficult circumstances in Windsor. Considering the context of such serious economic decline the city has had to work hard to stabilise the situation. The performance of the city in economic indicators has been modest, though impressive in preventing short term collapse. However, it is the future that shows the success of Windsor’s resilience, with a strong vision of a high-tech future.

## Performance

Statistics Canada measured Windsor to have been declining in prosperity from the mid-2000s to the mid-2010s. The city was recovering with a growth in population of 3% between 2011 and 2016, increasing from 210,891 to 217,188.<sup>126</sup> In 2009, just before the population growth, the unemployment rate in Windsor was one of the worst in Canada at 13.8%<sup>127</sup>, but it improved in following period, falling to 9.0% in 2015. By the month of December 2018, Windsor’s month unemployment figure was one of the best in the country, even though the 2018 average of 6.0% was still above both the Canadian and Ontario averages for the year 2018.<sup>128</sup> Recovery was unstable and in January 2022 unemployment was again worryingly high at 8.2% compared with a Canadian average of 6.2%.<sup>129</sup>



Per capita GDP 2001-2018<sup>130</sup>

Growth since the crisis period has been incremental. In terms of GDP over the period 2013-2017, Windsor performed steadily. The city experienced impressive growth between 2014

<sup>125</sup> The City of Windsor, Downtown Windsor Enhancement Strategy and Community Improvement Plan, 2017, p. 21.

<sup>126</sup> <https://www.citywindsor.ca/residents/planning/Plans-and-Community-Information/About-Windsor/Demographics/Pages/Demographics.aspx>

<sup>127</sup> The City of Windsor, ‘Economic Revitalization Community Improvement Plan’, February 2011, p. 2.

<sup>128</sup> Invest WindsorEssex, Five Year Strategic Plan, 2019, p. 9.

<sup>129</sup> <https://www150.statcan.gc.ca/n1/daily-quotidien/220204/dq220204a-eng.htm>

<sup>130</sup> Public First, ‘Windsor Works: An economic development strategy for the city’s future growth’, Feb 2021, p. 25.

and 2015 when it added more than \$1bn to its GDP.<sup>131</sup> In 2018 Windsor's GDP reportedly grew by 2.2%<sup>132</sup>, only slightly lower than Canadian GDP growth which was 2.4%.<sup>133</sup> The Former Deputy Minister of FedDev, the Federal Economic Development Agency for Southern Ontario, has assessed that 'Windsor has done about the best job it can in the tough market'.<sup>134</sup>

It is a focus on the long-term performance of Windsor that demonstrates real success. Investment announcements in 2022 were transformative for the city as it secured a future of high-tech industry. Windsor has been successful in creating an identity of being an automobility cluster, with the mayor, province and federal government working together to attract investment. This culminated in March 2022 with the announcement of a \$5bn investment into Windsor to build the largest battery plant in North America, run by Dutch automotive company Stellantis, that has been estimated to attract up to 17,500 jobs in total to the city.<sup>135</sup>

The March announcement was followed up in May 2022 by a multi-million-dollar investment in the production of cars at two sites and battery testing at the state-of-the-art Battery Pack Testing Facility for North America, located at the Automotive Research and Development Centre in Windsor. Federal and provincial incentives were involved in attracting the deal, with federal investment reported to be up to \$529m and the Province of Ontario supporting the project with up to \$513m.<sup>136</sup> The incremental improvement in economic performance and the winning these transformational investments was the result of strategic and deliberate action around and within Windsor.

## The Who?

Windsor is a city that has seen major private sector players, but the various levels of government have been the primary actors in the development of the city. By the nature of their constitutional responsibilities, the federal, provincial and municipal levels of government cooperate on regional development in Canada. Provincial government has a broad responsibility for local government and thus the federal government are required to work with the provincial level in a collaborative fashion to impact regional development. Despite accusations of creating challenges for municipal governments through downloading policy problems,<sup>137</sup> the government of the Province of Ontario has been active and cooperative with the municipalities in economic development and land use.

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<sup>131</sup> <https://www150.statcan.gc.ca/t1/tbl1/en/tv.action?pid=3610046801>

<sup>132</sup> Invest WindsorEssex, Five Year Strategic Plan, 2019, p. 7. Accessed at;

[https://www.investwindsoressex.com/en/site-selection-and-data/resources/5year-Strat-Plan\\_Accessible.pdf](https://www.investwindsoressex.com/en/site-selection-and-data/resources/5year-Strat-Plan_Accessible.pdf)

<sup>133</sup> World Bank, GDP growth (annual %) - Canada. Accessed at;

<https://data.worldbank.org/indicator/NY.GDP.MKTP.KD.ZG?end=2020&locations=CA&start=2018>

<sup>134</sup> Interview, participant 8.

<sup>135</sup> Windsor Star, '\$5B Windsor battery plant the largest private sector investment in Ontario history', March 2022. Accessed at; <https://windsorstar.com/news/local-news/windsor-battery-plant-the-largest-private-sector-investment-in-ontario-history>

<sup>136</sup> <https://pm.gc.ca/en/news/news-releases/2022/05/02/investing-canadas-auto-sector-its-workers-and-our-clean-future>

<sup>137</sup> Stoney, C. and Graham, K.A. (2009), 'Federal-municipal relations in Canada: The changing organizational landscape', *Canadian Public Administration*, 52, pp. 371-394, at p. 374.

## Federal

An attitude of collaborative working from federal government has been in existence over the decades, with calls for close cooperation in the 1980s to 2000s, such as in the 2002 Prime Minister's Caucus Task Force on Urban Issues.<sup>138</sup> The federal government has experienced provincial opposition to overstepping its competence on local government, this leading to the closure of the Ministry of State for Urban Affairs that operated from 1971-79.<sup>139</sup> As a result of the requirement to work with provincial government on municipal development, federal investment at the city level has been ad hoc and opportunistic, reacting to active municipal government.<sup>140</sup>

Nevertheless, in the case of Windsor, the Federal government has been a key partner in stimulating investment, especially with large projects that strategically develop land. An example of the positive role the federal government can play can be seen in a bridge project linking Windsor with its neighbour Detroit. The Gordie Howe International Bridge will be constructed, financed and operated through a public-private partnership. Situated in the city of Windsor itself, the bridge has a project value of \$5.7bn and has created 2,500 jobs.<sup>141</sup> Yet without the determination of the Canadian federal government it would not have been possible.

The political divisions in Michigan prevented funding from being provided by the Detroit side and so the Canadian federal government was required to fund the project, including the purchasing of property on the Detroit side of the river in order to make space for the bridge construction.<sup>142</sup> The Canadian government will be repaid for its investment through toll collection on the enormous volume of traffic that will pass over the bridge. Canada is responsible for delivering the project with a Crown corporation that began operation in 2014. The crown corporation reports to the Canadian Parliament through the Minister of Infrastructure and Communities and is located in Windsor.

## Mayoral Leadership

Continuity in mayoral leadership and community solidarity in Windsor are contributing factors to the success of the city's resilience in the face of economic challenges. The city has been described as a 'lunch bucket' town, meaning a community that is a relatively homogeneous and with relatively working-class values.<sup>143</sup> It may be a result of such a community identity that Windsor has had relatively stable mayoral leadership in recent decades. The incumbent mayor of Windsor, Drew Dilkens, has been serving for the past eight years and the two preceding mayors served for over ten years each. This is impressive as the

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<sup>138</sup> Stoney, C. and Graham, K.A. (2009), 'Federal-municipal relations in Canada: The changing organizational landscape', *Canadian Public Administration*, 52, pp. 371-394.

<sup>139</sup> Spicer, Z. D. (2011), 'The Rise and Fall of the Ministry of State for Urban Affairs: Exploring the Nature of Federal-Urban Engagement in Canada', *Canadian Political Science Review*; Vol 5., pp. 117-126.

<sup>140</sup> Stoney, C. and Graham, K.A. (2009), 'Federal-municipal relations in Canada: The changing organizational landscape', *Canadian Public Administration*, 52, pp. 371-394, at p. 373.

<sup>141</sup> <https://www.gordiehoweinternationalbridge.com/en/by-the-numbers>

<sup>142</sup> National Post, 'Kelly McParland: Canada builds Michigan a new bridge on the easy-payment plan', June 2012. Accessed at; <https://nationalpost.com/opinion/kelly-mcparland-canada-builds-michigan-a-new-bridge-on-the-easy-payment-plan>

<sup>143</sup> Interviews. See also <https://www.theglobeandmail.com/news/national/the-bright-new-era-of-windsor-ont-not-just-lunch-buckets-any-more/article564434/>

Ontario term limit for mayors is four years. In over 30 years from 1991-2022 Windsor had only three mayors. That stability is favourable compared to other cities in Ontario, such as London or St Catherine's, which in this period had seven and five mayors respectively. In the three elections between 2003-2010 Ontario mayors had a one in three chance of being replaced,<sup>144</sup> yet Windsor Mayor Eddie Francis was victorious in all three cycles. Despite being similar to Windsor in its automotive past and socio-economic challenges, the political bell-weather city of St Catherine's in the Niagara region stands as a negative counterfactual to Windsor. In St Catherine's there is a lack of strong local leadership that has been accompanied by inability to manage the post-industrial transition.

Solid mayoral leadership has resulted in the city's government pragmatically working with the other levels of government to secure development activity, using tools at their disposal and establishing major projects like the Caesars Windsor Casino and the \$78m downtown aquatic complex. Local political stability facilitated the continuity of working between mayors. During the transition mayor Eddie Francis to mayor Drew Dilkens, the former even accompanied his successor on a visit to Germany to speak to private sector investors.<sup>145</sup>

Mayoral leadership is important in Canada as a form of fiscal federalism has presented the mayors of municipalities with substantial resources, if with increasing responsibilities. Through the Gas Tax Fund (GTF) municipalities were given an additional \$5bn, making a total of \$9bn available to cities over five years in the latter half of the 2000s. The GTF provides municipalities with a share of \$2bn annually, indexed linked since 2013, yet this is only 2% of municipal revenues, 17% of which come from federal government transfers.<sup>146</sup> Such high levels of available funds are seen to be a significant place-based initiative as flexible and reliable funding.<sup>147</sup> Despite the additional resources, the municipal leadership in Canada still requires the assistance for the other levels of government to make an impact on development and obtaining this has been a strength of the city of Windsor. Following this trend, the current mayor, Drew Dilkens, has a reputation for proactively working with federal economic development officials.<sup>148</sup>

## The What?

Windsor has long been active in strategizing for its future. In 1994 the city laid out a strategy in 'The City Centre Revitalization and Design Study: A New Vision for the Heart of Windsor'. In recent years, the focus of the strategy for the city of Windsor's resilience has been the creation of a world-class automobility cluster. This focus is distinct from, but complementary to its past as a traditional automotive cluster, as automobility includes the forward-looking industry of electric vehicles. In progressing to this aspiration, the city of Windsor redeveloped

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<sup>144</sup> Coulter, K. (2011), 'A Study of Ontario CAOs: Career progression and the influence of political actors, Local Government', UWO, p. 37. Accessed at;

[https://localgovernment.uwo.ca/resources/docs/research\\_papers/2011/Coulter2011.pdf](https://localgovernment.uwo.ca/resources/docs/research_papers/2011/Coulter2011.pdf)

<sup>145</sup> The Windsor Star, 'Eddie Francis: The mayor and the 'Windsor Hustle'', November 2014. Accessed at;

<https://windsorstar.com/news/local-news/eddie-francis-and-the-windsor-hustle>

<sup>146</sup> Sunil Johal, 'The case for growing the Gas Tax Fund: A report on the state of municipal finance in Canada', Federation of Canadian Municipalities, September 2019, pp. 12-13.

<sup>147</sup> Stoney, C. and Graham, K.A. (2009), 'Federal-municipal relations in Canada: The changing organizational landscape', *Canadian Public Administration*, 52, pp. 371-394 at pp. 384-388.

<sup>148</sup> Interview, participant 8.



brownfield sites, encouraged investment and acted to improve the skill level of its resident workforce. One specific instrument was significant in the development of Windsor, the Community Improvement Plan (CIP).

### Community Improvement Plan

In Windsor the CIPs helped to build the important element for cohering collaboration, a common vision and focus.<sup>149</sup> The CIP instrument has been credited with offering Windsor the marginal advantage needed to secure the transformative automobility investment that has now been won.<sup>150</sup> CIPs are an Ontario development instrument that offers powers for a municipality to effectively sponsor economic activity within their authority area in order to shape a strategy for the future. A CIP allows a city to take a variety of measures that would ordinarily be prohibited by Ontario's Municipal Act, including the acquisition and preparation of land, construction, repair, rehabilitation or improvement of buildings, the sale, lease or disposal of land and buildings, and the provision of grants to owners or tenants of land.<sup>151</sup> One of the reasons this is usually prohibited is an aversion to governments sponsoring industry. The applicable current legislation is within section 106 of the Municipal Act 2001, which prohibits municipalities from directly or indirectly assisting business through the granting of bonuses, in what is known as the 'bonusing rule'. However, this rule is exempted under Section 28 of the Planning Act that allows municipalities to designate parcels of land as project areas for a CIP.<sup>152</sup>

The CIP competencies represent a devolution of a practice that was abolished long ago at a provincial level. In this way, CIPs are an instrument which has devolved powers previously held at the provincial level to the municipal. Bonusing was a practice where provincial governments in Ontario offered assistance, with taxpayer's money, to businesses. It was perceived as a bad practice from around the 1900s, being legislated against in 1924 and finally prohibited in 1962, as it was determined to be ineffective and 'encouraged unhealthy competition between municipalities'.<sup>153</sup> The bonusing prohibition also restricted municipal support for private redevelopment and it was not until lobbying by the Ontario city of Hamilton in 1999 that bonusing came back as a policy option. The province approved of CIPs using an obscure section of the Ontario Planning Act 2001 and Hamilton proposed the first CIP, claiming to have achieved substantial success with the instrument.<sup>154</sup>

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<sup>149</sup> Interview, participants 5, 6, 7 & 8.

<sup>150</sup> Interview, participants 5, 6 & 7.

<sup>151</sup> [https://www.citywindsor.ca/residents/planning/Plans-and-Community-Information/Know-Your-Community/Community-Improvement/Documents/Economic%20Revitalization%20CIP%20One-pager%20\(September%202015\).pdf](https://www.citywindsor.ca/residents/planning/Plans-and-Community-Information/Know-Your-Community/Community-Improvement/Documents/Economic%20Revitalization%20CIP%20One-pager%20(September%202015).pdf)

<sup>152</sup> RCI Consulting, 'City of London Industrial Lands Community Improvement Plan', 2014, p. 3. Accessed at; <https://pub-london.escribemeetings.com/filestream.ashx?DocumentId=14153>

<sup>153</sup> Steven J. O'Melia, Rick F. Coburn & Thomas S. Melville, 'Municipal Bonusing: What's Permitted and What's Not', June 2006, p. 4. Accessed at;

[https://www.millerthomson.com/assets/files/article\\_attachments/Municipal\\_Bonusing\\_Whats\\_Permitted\\_and\\_Whats\\_Not.PDF](https://www.millerthomson.com/assets/files/article_attachments/Municipal_Bonusing_Whats_Permitted_and_Whats_Not.PDF)

<sup>154</sup> De Sousa, C., 'Urban brownfields redevelopment in Canada: the role of local government', *The Canadian Geographer / Le Geographe canadien* 50, no 3 (2006), pp. 392-407, at p. 402-403.



Under section 28 of the Planning Act, the conditions for a CIP are detailed. Any municipality in Ontario can designate an area as a CIP but it must be officially justified and approved.<sup>155</sup> Windsor has a number of CIP programs and was an early adopter of the initiative. A CIP strategy was renewed in a major initiative prepared by the City of Windsor Planning Department and detailed in a comprehensive 2017 document.<sup>156</sup> The instrument is divided into main areas, targeted sector support and brownfield redevelopment.

### Economic Revitalization Community Improvement Plan

The City of Windsor's Economic Revitalization Community Improvement Plan, which came into effect on March 15, 2011, provides financial incentives to encourage new investment in targeted economic sectors for the purposes of diversifying the local economy and creating/retaining jobs. A strength of a CIP is that it can exclude low-growth sectors to focus on the needed sectors that can help to deliver high growth.<sup>157</sup>

Among the tools available in a CIP area are incentives that remove, for a period of time, the increased value of the municipal property tax, eligible when development is completed, that would result from an increase in the value of the property. Not having to pay the property tax for the defined period acts as a subsidy to the business behind the development. In Canada the right to apply taxation is shared between the federal government and the various provincial/municipal legislatures, where municipalities are given the authority to levy certain taxes. The municipal property tax is an annual tax levied as a percentage on the defined value of the property, which includes the value of land plus the buildings. Foregoing such taxes is quite a major step for municipalities in Canada as they are reliant on a single major source of revenue, the property tax.<sup>158</sup> On average in Canada municipalities receive approximately half of their revenues from property taxes.<sup>159</sup> Sacrificing revenue has been noted to be important since, 'unlike the federal and provincial governments, the municipalities cannot borrow for operating purposes, they can only do so for capital expenditures.'<sup>160</sup>

The financial incentives for the Economic Revitalization CIP consist of exemptions of the increased tax for a period of up to 10 years for developments within four types of programs, which include eligibility criteria for new or retained staff and types of industry sectors that have been selected. As an example of the scale of such an incentive program that has run for more than a decade, on one day in June 2021 the Windsor council reported that they had

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<sup>155</sup> See Ontario statute (<https://www.ontario.ca/laws/statute/90p13>)

<sup>156</sup> The City of Windsor, Downtown Windsor Enhancement Strategy and Community Improvement Plan, 2017.

<sup>157</sup> Interview, participants 5, 6 & 7.

<sup>158</sup> Steven J. O'Melia, Rick F. Coburn & Thomas S. Melville, 'Municipal Bonusing: What's Permitted and What's Not', June 2006, p. 4. Accessed at: [https://www.millerthomson.com/assets/files/article\\_attachments/Municipal\\_Bonusing\\_Whats\\_Permitted\\_and\\_Whats\\_Not.PDF](https://www.millerthomson.com/assets/files/article_attachments/Municipal_Bonusing_Whats_Permitted_and_Whats_Not.PDF), p. 9. See also; Young, B. 2003. "Provincial involvement in municipal-federal relations." Paper delivered at the Conference on Municipal-Federal-Provincial Relations, Queen's University, Kingston, 9–10 May, p.47.

<sup>159</sup> Sunil Johal, 'The case for growing the Gas Tax Fund: A report on the state of municipal finance in Canada', Federation of Canadian Municipalities, September 2019, p. 4.

<sup>160</sup> Young, B. 2003. "Provincial involvement in municipal-federal relations." Paper delivered at the Conference on Municipal-Federal-Provincial Relations, Queen's University, Kingston, 9–10 May, p.48.

received four applications for CIP developments with property tax incentives and facade grants totalling \$700,000.<sup>161</sup>

### Brownfield Redevelopment Community Improvement Plan

The most significant CIP in Windsor is the Brownfield Redevelopment Community Improvement Plan, adopted by the City Council on April 26, 2010. The Brownfield CIP was intended to increase economically useful land use and offered incentives for the development of the former industrial plots in Windsor.<sup>162</sup> The need for such a programme in Windsor was acute. In 2009 the city's Planning Department identified 137 brownfield sites, representing 559 acres, that were in need of redevelopment.<sup>163</sup>

As the brownfield land was only eligible if it was contaminated, in accordance with environmental standards, then the incentives encouraged clean-up of the land and reuse. In 2021 the Brownfield Redevelopment CIP was assessed to have stimulated \$13 of private investment for every \$1 of public expenditure through the incentives, which using a spin off metric<sup>164</sup> was estimated to have also resulted in a total of nearly \$700m of investment into the larger economy for \$13m of public incentive value.<sup>165</sup>

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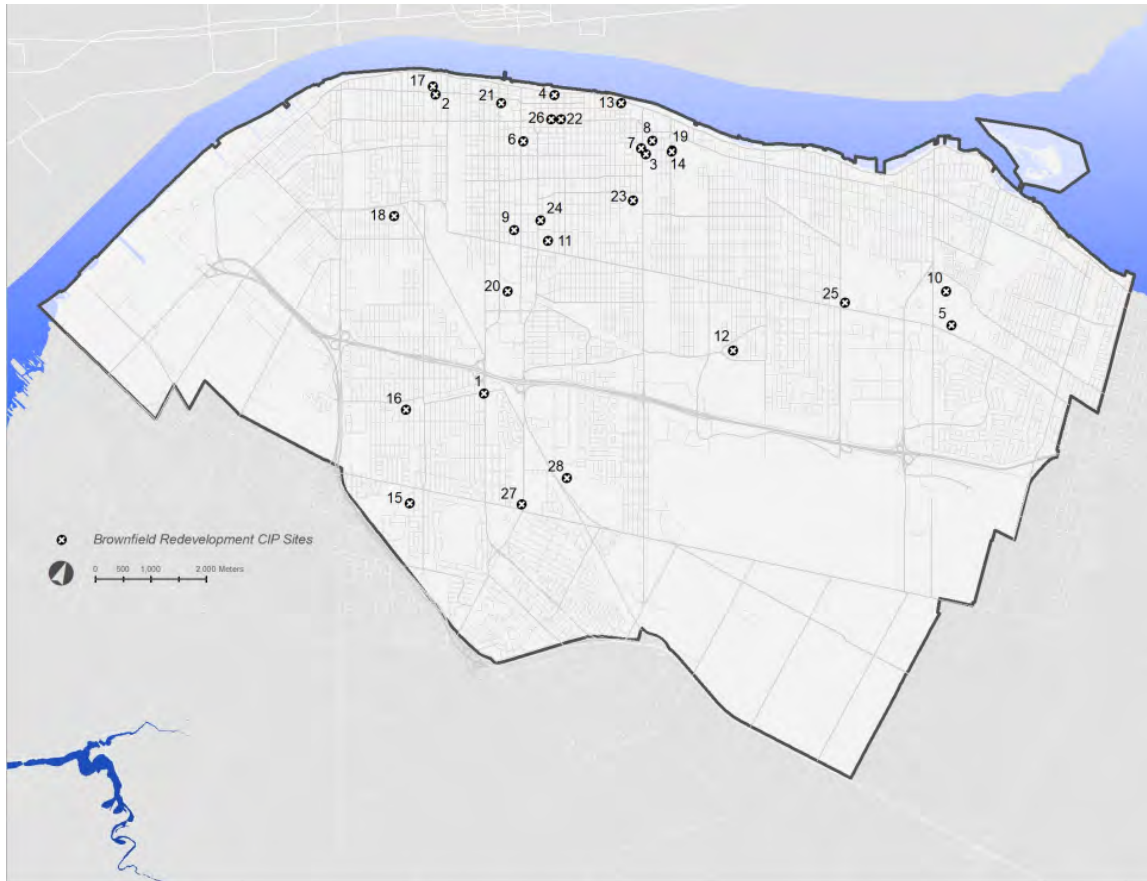
<sup>161</sup> CTV Windsor News, 'Downtown development boom aided by \$700K of city grants', June 2021. Accessed at; <https://windsor.ctvnews.ca/downtown-development-boom-aided-by-700k-of-city-grants-1.5488921>

<sup>162</sup> <https://www.citywindsor.ca/residents/planning/development-incentives/Pages/Brownfield-Redevelopment-Community-Improvement-Plan.aspx>

<sup>163</sup> Greg Atkinson, 'Council Report: S 71/2021', The City of Windsor, July 2021, p. 2.

<sup>164</sup> This metric was calculated from a based on National Round Table on the Environment and the Economy (2003) calculation that brownfield redevelopment results in a \$3.80 for \$1 ratio applied to \$182,714,686 raised in private investment related to the approved Brownfield projects. See; Greg Atkinson, 'Council Report: S 71/2021', The City of Windsor, July 2021, p. 2 & p. 5.

<sup>165</sup> Greg Atkinson, 'Council Report: S 71/2021', The City of Windsor, July 2021, pp. 5-6.



Brownfield Redevelopment CIP Sites in Windsor (2021)<sup>166</sup>

The program offered two types of incentives for development. Firstly, grant funding to a maximum of \$7,500 or \$15,000 has been made available for feasibility and site assessment respectively. Secondly, the Brownfields Property Tax Assistance Program offered a freeze of city property taxes on the property for up to 3 years during and after remediation and construction. To offset the increase in property taxes that can result from redevelopment of the property, the Brownfields Rehabilitation Grant Program offered an annual grant equal to 70% of the City property tax increase for up to 10 years, which rose to 100% if the building achieved certification under the Leadership in Energy and Environmental Design Program.<sup>167</sup>

### Public Amenity/Liveability

Liveability is essential for the retention of a high value workforce in a high-tech industry involved in an automobility cluster. An increase in liveability in Windsor has been achieved through the creation and maintenance of public amenity green spaces and heritage areas, such as the city of Windsor acquiring the riverside Black Oak Heritage Park in 1989 to protect it from industrial development.<sup>168</sup> Similarly in 2000 the Riverfront Park, which had been converted in the 1970s from the site of the former railway in Windsor into an attractive park, had the addition of a riverwalk trail developed.<sup>169</sup>

<sup>166</sup> Greg Atkinson, 'Council Report: S 71/2021', The City of Windsor, July 2021, p. 13.

<sup>167</sup> <https://www.citywindsor.ca/residents/planning/development-incentives/Pages/Brownfield-Redevelopment-Community-Improvement-Plan.aspx>

<sup>168</sup> <https://www.citywindsor.ca/residents/parksandforestry/city-parks/pages/black-oak-heritage-park.aspx>

<sup>169</sup> <https://www.cbc.ca/news/canada/windsor/ask-cbc-windsor-riverfront-weeks-1.5348459>

In the early 2010s the city of Windsor developed a CIP for Olde Sandwich Towne, an area that was identified in 2005 as having heritage with the potential to offer valuable amenity to the city.<sup>170</sup> The area also covered a substantial proportion of the city's waterfront. This CIP was mainly concerned with the actions of the city authorities rather than an incentive program, though various small scale grant and property tax retention incentives were included.<sup>171</sup> Major city actions determined in the CIP were to relocation industrial port activities in the area and to develop riverfront recreational and leisure facilities.<sup>172</sup> In Olde Sandwich Towne the CIP demonstrated how it could be more of an instrument for articulating a plan of action for a place than necessarily a financial instrument for development.

In Autumn 2015 the City of Windsor engaged in a community consultation with diverse downtown stakeholders and determined that the vision for the city should include enhancements to downtown life that would be valuable for retaining talented people. Among the priorities identified were<sup>173</sup>:

- Increased walkability, limited vehicle traffic, more pedestrian streets, and increased transit options
- More parks and green space
- Historic preservation
- Places for people to gather
- Better connection to riverfront

Alongside investment in educational assets, the City of Windsor has engaged in a series of strategic investments to make such liveability enhancements possible in order to attract prospective residents to the downtown.<sup>174</sup> An example includes the Riverfront Festival Plaza that hosts numerous concerts and events throughout the year, and which was allocated over \$5m for further development by the local council in 2018.<sup>175</sup>

### Automobility Cluster

The development of an automobility cluster has been a strategic focus for Windsor that has been extremely successful. The focus has been channelled through a development organisation, Invest WindsorEssex. The organisation is funded by the constituent municipalities of Windsor and Essex, that together form a coherent economic geography. The Ontario provincial and Canadian federal governments have been assisting with the stimulation of an automotive cluster in Windsor. In January 2020 FedDev Ontario, the Federal Economic Development Agency for Southern Ontario, provided \$5m of funding in support of Invest WindsorEssex's ambition to create an automobility innovation cluster in Windsor,

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<sup>170</sup> <https://www.citywindsor.ca/residents/planning/development-incentives/Pages/Sandwich-Town-Community-Improvement-Plan.aspx>

<sup>171</sup> The City of Windsor, Olde Sandwich Towne: Community Improvement Plan, October 2012, p. 57 & p.61.

<sup>172</sup> The City of Windsor, Olde Sandwich Towne: Community Improvement Plan, October 2012, p. 34 & pp. 72-74.

<sup>173</sup> The City of Windsor, Downtown Windsor Enhancement Strategy and Community Improvement Plan, 2017, pp. 41-42.

<sup>174</sup> The City of Windsor, Downtown Windsor Enhancement Strategy and Community Improvement Plan, 2017, p. 66.

<sup>175</sup> CBC, '\$5.6M plan for Riverfront Festival Plaza development passed by city council', July 2018. Accessed at: <https://www.cbc.ca/news/canada/windsor/riverfront-festival-plaza-1.4758891>

which it is hoped will attract \$9m in foreign direct investment and create and maintain 665 jobs.<sup>176</sup> Similarly, the provincial Ontario Centre of Innovation selected Invest WindsorEssex to manage a \$2.6m fund to advance connected and autonomous vehicle technologies through an Autonomous Vehicle Innovation Network (AVIN).

Invest WindsorEssex was the organisation that compiled a bid in February 2021 to secure an advanced electric vehicle battery production plant in Windsor, which has an estimated value of \$2bn and would employ 2,000 people.<sup>177</sup> When investment in a major battery plant came to Windsor in 2022 it was also through the cooperation and support of the federal and provincial governments. The support of the Ontario and Ottawa governments had been important in maintaining the automotive industry in Windsor. In March 2008 the Ontario government invested \$16.8m towards reopening the Ford Essex Engine Plant in Windsor, which was matched in 2010 by an \$80m investment from the Canadian federal government.<sup>178</sup> Support from higher levels of government was not guaranteed, however, and it is likely that the active work by the municipal level for the monumental 2022 investment was necessary. An example of when support can be withdrawn was the refusal to provide a requested \$700m in state subsidies to Ford for a \$2bn plant in Windsor in 2014.<sup>179</sup>

The value of strategically focusing on a future-proof industry was indicated in 2020 when the federal and provincial governments announced they would provide \$590m funding to the Ford Motor Company of Canada to convert its Oakville Assembly Plant, on the southern outskirts of Toronto, for the production of five battery-electric vehicles. It was reported that the \$5bn dollar investment in March 2022 by Stellantis to build an EV battery plant in Windsor came with hundreds of millions of dollars of incentives committed by both the provincial and federal governments, although the details of the amount of has not been released at the request of the companies involved.<sup>180</sup> The major 2022 investment built on the previous success, such as the securing of the production, since 2020, of the award winning electric car, the Chrysler Pacifica Hybrid, at the Windsor Assembly Plant.<sup>181</sup> In addition to the subsidies that were offered, Windsor made itself attractive through developing relevant skills for growing the automobility cluster.

## Skills

As with other aspects of Windsor's strategy, skills development is also characterised by cooperation of different government levels. Windsor has two degree issuing educational institutes, which together cover research and training. The University of Windsor was placed

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<sup>176</sup> <https://www.feddevontario.gc.ca/eic/site/723.nsf/eng/02542.html?OpenDocument>

<sup>177</sup> Driving, 'Windsor pursuing \$2-billion EV battery plant that would employ 2,000', February 2021. Accessed at; <https://driving.ca/auto-news/local-content/windsor-pursuing-2-billion-ev-battery-plant-that-would-employ-2000>

<sup>178</sup> CBC, 'Windsor pursuing \$2-billion EV battery plant that would employ 2,000', February 2010. Accessed at; <https://www.cbc.ca/news/canada/windsor/ont-invests-81m-in-windsor-ford-plant-1.918364>

<sup>179</sup> The Globe and Mail, 'Ford scraps potential \$2-billion investment in Windsor, Ont.', October 2014. Accessed at; <https://www.theglobeandmail.com/report-on-business/international-business/us-business/ford-scraps-proposed-2-billion-investment-in-windsor-ont-sources/article21285428/>

<sup>180</sup> Windsor Star, '\$5B Windsor battery plant the largest private sector investment in Ontario history', March 2022. Accessed at; <https://windsorstar.com/news/local-news/windsor-battery-plant-the-largest-private-sector-investment-in-ontario-history>

<sup>181</sup> <https://media.stellantisnorthamerica.com/newsrelease.do?id=22316&mid=779>



as 1049<sup>th</sup> in Best Global Universities by the US News rankings.<sup>182</sup> The St. Clair College of Applied Arts and Technology is a college in Windsor that offers bachelor's degrees and apprenticeship programs.<sup>183</sup> Invest WindsorEssex are partnering with the University of Windsor, in addition to other local organizations and businesses in the development of the automobility innovation cluster.<sup>184</sup>

In a multilevel plan to build automobility skills in Windsor the federal & municipal governments worked with a local benefactor and education institutions to develop traditional automotive skills into a next generation automobility cluster. A local benefactor, the Vice-Chair of Capital Markets at firm BMO, helped secure a donation of \$2.5m of the company's money towards building a world-class Centre for Engineering Innovation at the University of Windsor. The university of Windsor is also working with the training focused St. Clair College of Applied Arts and Technology in a research partnership to progress the ambition of establishing an automobility innovation cluster in Windsor. The 300,000 square foot facility housing the faculty of Engineering innovation in Windsor cost \$112m to build.<sup>185</sup> It received \$40m in funding from the Ontario provincial government, along with matching funds from the federal government.<sup>186</sup> The innovation hub is designed in an open style with green roof space in order to promote creativity and collaboration alongside cutting edge studio and lab facilities. The centre, opened to students in 2012, was named the Ed Lumley Centre for Engineering Innovation after the local benefactor, who was also chancellor of the University of Windsor.



Ed Lumley Centre for Engineering Innovation, University of Windsor

<sup>182</sup> <https://www.usnews.com/education/best-global-universities/university-of-windsor-499964>

<sup>183</sup> <https://www.stclaircollege.ca/>

<sup>184</sup> <https://www.feddevontario.gc.ca/eic/site/723.nsf/eng/02542.html?OpenDocument>

<sup>185</sup> <https://newsroom.bmo.com/2013-05-31-2-5-Million-Gift-from-BMO-Helps-University-of-Windsor-Build-Ed-Lumley-Centre-for-Engineering-Innovation>

<sup>186</sup> <https://www.uwindsor.ca/publicaffairs/2013-05-31/ed-lumley-centre-engineering-innovation-shines-official-grand-opening>

In general the Canadian federal development agency, FedDev, have invested over \$12m, coordinated by municipal development agency Invest WindsorEssex to nurture the development of the automobility cluster. \$7.5m of this went to establish Canada's first automobility accelerator, which will offer training to support the upskilling of 1,350 automobility entrepreneurs, with a focus on electric vehicles. In 2017 the government of Canada and the Ontario provincial government allocated funds to establish a not-for-profit skills institute for ai and machine learning, the Vector Institute for Artificial Intelligence. The institute is intended to promote the development of Ontario's high-tech economy and it offers scholarships for computer science at the University of Windsor.<sup>187</sup> The above initiatives will have offered reassurance to investors that local talent could be nurtured in the area to support the automobility cluster.

## How?

Key to the success of Windsor was clearly the collaboration of the different levels of government from municipality to federal level. The constitutional demarcation of roles creates an environment which encourages cooperation, yet strong local mayoral government is still necessary to proactively secure the investment and shape the strategy. The stable political leadership in Windsor is a variable that stands it apart from similar but less successful cities in Ontario. A pragmatic spirit of cooperation is evident in the province of Ontario's initiative of a competitive offer to assist with the development of a mega automotive assembly plant of at least 500 acres under the 2019 Job Site Challenge.<sup>188</sup> Due to the substantial size requirements, Mayor Dilkens looked to work with partner counties to identify a site large enough to be eligible.<sup>189</sup> As was evidence in the Geordie Howe Bridge project, the unity of Canadian government stands in contrast to the partisan challenges across the river in Detroit.

The tools of financial incentives and special powers for land use that are enabled by a CIP in Ontario are an asset, especially in the context of substantial brownfield sites in the city. However, cooperation is essential for the CIPs to be used effectively. The Ontario provincial government not only enabled local agency through permitting the development of CIP powers in 2001, it also further loosened restrictions in 2007 by removing the requirement for the municipality to obtain the approval of the Minister of Municipal Affairs and Housing to establish a CIP.<sup>190</sup> CIPs are not without pain and municipal governments have to sacrifice precious tax revenue to utilise them, implying a strong vision is needed to use them effectively. In a move of further cooperation the Ontario provincial government offered some control on the revenue loss by assisting with the school portion of the tax retention to assist with eligible costs of environmental remediation and rehabilitation in CIP programmes,

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<sup>187</sup> <https://vectorinstitute.ai/about/>

<sup>188</sup> Province of Ontario, 'Driving Prosperity: The Future of Ontario's Automotive Sector', 2019, p. 13. Accessed at; <https://files.ontario.ca/auto-strategy-en-final.pdf>

<sup>189</sup> <https://www.cbc.ca/news/canada/windsor/windsor-ontario-job-site-challenge-1.5383480>

<sup>190</sup> Ontario Ministry of Municipal Affairs and Housing, 'Municipal Financial Incentives for Brownfield Redevelopment Trends among Ontario Municipalities', 2011, p. 5. Accessed at; <http://www.mah.gov.on.ca>

though this necessitated the CIP tax retention be approved by the provincial Minister of Finance.<sup>191</sup>

The Tax Increment Financing under the CIPs in Ontario is handled differently by lenders than those in the USA, with the Canadian version being nicknamed 'TIFs Lite'. In the USA the foregone tax income is treated as collateral by the thousands of local community banks across the country. Canadian banks do not treat the rate retention allowance in the CIP as collateral. However, Windsor has an advantage in having a significant financial institution in the city, WFCU, that is similar to a local bank in the USA<sup>192</sup> which can provide finance. The WFCU Credit Union has been operating in Windsor for 80 years and with managed asset of \$6.83bn, £4.6bn US Dollars, it is the sixth largest credit union in Ontario and twentieth largest credit union in Canada.<sup>193</sup> The expropriation of land enabled by the CIP is a feature that is as useful for offering confidence than in execution as developers feel reassured in making an investment that expropriation can be used if necessary but it rarely is required. In many respects it seems that CIPs are a tool that remove friction from investment decisions. It is clear that in the case of Windsor, CIPs are only a part of the explanation for success. A clear identity and focus on creating an automobility cluster has drawn federal, provincial and ultimately international private investment.

The smaller investments in education, skills and facilities related to the automobility cluster aspirations of Windsor built momentum and suitability of a city that has now achieved amazing success. These investments came from the municipality, via Invest WindsorEssex, from the Ontario provincial government, such as in the form of innovation centre funding and investment in the vector institute, or through federal contributions, such as to the training of entrepreneurs through FedDev and match funding for the innovation centre.

## Conclusion

Windsor is a case of long-term resilience and a vision that has come good with an investment that makes it undeniably a global automobility hub. The largest battery plant in North America by 2025, with an annual production capacity of 45 gigawatts, is an astonishing achievement for Windsor. Putting this production into context, it is equal to almost half of the estimated demand for UK produced batteries by 2040.<sup>194</sup> The vision for Windsor's development came from the municipal level and cooperation from the higher levels of government supported the realisation of that vision. It has nonetheless been essential support, which has been ably harnessed by the strong and consistent local government.

The tools in Windsor's toolkit have included CIPs, which have offered limited additional powers but importantly offered an opportunity to forge a common plan through community consultation. Permitting 'bonusing' at the municipal level shows the willingness of Canadian provincial government to experiment with development autonomy. The federal

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<sup>191</sup> Ontario Ministry of Municipal Affairs and Housing, 'Municipal Financial Incentives for Brownfield Redevelopment Trends among Ontario Municipalities', 2011, pp. 7-8. Accessed at; <http://www.mah.gov.on.ca>

<sup>192</sup> For explanation of local banks see; Mayer, C., McCann, P. & Schumacher, J. (2021), 'The structure and relations of banking systems: the UK experience and the challenges of 'levelling-up'', *Oxford Review of Economic Policy*, Volume 37, Issue 1, pp. 152-171.

<sup>193</sup> <https://www.wfcu.ca/Personal/AboutUs/>

<sup>194</sup> Faraday Institution, 'The UK electric vehicle and battery production potential to 2040', June 2022.



government's ability to remain engaged and actively supportive, while respecting provincial constitutional competence, should serve as a model for other regions.

## Pittsburgh, Pennsylvania. United States

### Overview

#### Introduction

Pittsburgh is an example of a city successfully adapting to changing circumstances with a strong sense of community that leverages impressive assets. Historic top-down planning and environmental management set the tone for Pittsburgh with organisations from the 1940s, such as the Allegheny Conference on Community Development (ACCD) and the Urban Development Authority (URA). Top-down planning worked with strong non-profit organisations and progressed to build resilient bottom-up community organisations, which proliferated across the city, contributing to improvements that stimulate investment and economic activity. The result is a consensual relationship where elites have deference to views of the man on the street.

Both the central and the local government influenced Pittsburgh's proactive approach, with effects from restrictions on interstate capital mobility, growth stimulating initiatives at different levels, and through strong mayoral leadership. Pittsburgh has used its governmental tools to develop from relying on dirty heavy industry to thriving with the clean technology of the fourth industrial revolution. While this was being achieved there was a focus on making the city liveable and conducive to attracting creative talent. A green environment and connective transport infrastructure was built into developments. Alongside this, targeted sector incentives in the media and strategic building projects to partner with research universities enabled the city to maximise its retention of the skilled workforce it produced. Tax increment financing and city bonds enabled the construction of major projects to achieve these goals and attract the likes of Uber and Google to base in the city.

#### Background

Pittsburgh is a mid-sized US city with an impressive history of business and innovation, formerly hosting companies such as US Steel and Westinghouse. In 1980 Pittsburgh had the second largest presence of Fortune 500 companies in terms of capital control of any city in the US after New York, with the vast majority being concentrated inside the 300 acre downtown 'golden triangle'. Today the city hosts divisions of the new generation of corporate giants, Google and Facebook. Pittsburgh's history has forged a communal spirit that is an asset for development.

The number of corporate headquarters dwindled over the decades. During the closure of steel manufacturing in the 1980s, Pittsburgh lost 50,000 people annually.<sup>195</sup> Formerly one the ten most populous US cities, it shrank from a population of 676,806 in 1950 to 305,841 in 2013.<sup>196</sup> The industrial past leaves Pittsburgh with a fantastic legacy of the Carnegie Mellon University, along with 34 other universities in the metro area,<sup>197</sup> and large parks, including, Highland Park,

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<sup>195</sup> The Economist, Lessons for the G20, September 2009. Accessed at; <https://www.economist.com/united-states/2009/09/17/lessons-for-the-g20>

<sup>196</sup> Kevin Klwoden and Kristen Harris with Michael Cheng-Yi Lin (2015), Strategies for Growing Pittsburgh's Media Cluster, Milken Institute, p.3.

<sup>197</sup> The Economist, Lessons for the G20, September 2009. Accessed at; <https://www.economist.com/united-states/2009/09/17/lessons-for-the-g20>

Riverview Park, Schenley Park, Emerald View Park and Frick Park. The latter was bequeathed to the city by the industrialist Henry Clay Frick in 1919. Many of the historic buildings of Pittsburgh have been repurposed for uses such as apartments and residential lofts, for example the former Heinz Factory or the Armstrong Cork Factory.<sup>198</sup>

Strategic developments have come in different stages that the city has undertaken since the 1940s, with the result that Pittsburgh is consistently ranked as one of the most desirable cities in the United States.<sup>199</sup> Formerly polluted rivers in the city became a leisure asset and derelict industrial buildings were removed but the transformation was one that has taken over 50 years to realise. So early did the environmental clean-up begin that even in 1985, during its days as a steel city, Pittsburgh was named as the best US city in which to live by Rand McNally.<sup>200</sup> The focus on making the city liveable continues and Pittsburgh has received similar accolades over the following years.<sup>201</sup> Pittsburgh has arguably been lucky in the legacy it received from its industrial past, however, navigating the collapse of heavy industry there has required proactive and strategic management by a broad spectrum of actors. Other large ford-era success stories in the USA failed to capitalise on the affluent legacy after their hay-day.<sup>202</sup> Pittsburgh has a bright future, with a growing tech sector because, at every turn, the governmental and private sector leadership made decisions that were forward thinking.

## Performance

The seven-county Pittsburgh area was estimated, by the Bureau of Economic Analysis, in 2019 to have a GDP of \$145.5bn, representing a 2.1% growth and thus just under the US average of 2.2%. Despite having a below average productivity in 2019, Pittsburgh should be seen in the context of steady growth from 2001 to 2019, over which time it has more than doubled its GDP.<sup>203</sup>

Venture capital (VC) is an area of strength for Pittsburgh. Despite Pittsburgh being the 61<sup>st</sup> largest city in the US in terms of population as of 2012,<sup>204</sup> in that same year Pittsburgh still had the 19<sup>th</sup> highest VC investment of US metro areas, at \$167m.<sup>205</sup> In the five years up to 2019 there were circa 30 Pittsburgh-based VC firms & circa 140 non-Pittsburgh based VC firms that executed deals in the city.<sup>206</sup> Venture activity per annum in Pittsburgh more than doubled between 2013 and 2017 from approx. \$300m to \$685m. In 2022 Pittsburgh came as the 15<sup>th</sup>

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<sup>198</sup> Pittsburgh City Planning, PRESERVEPGH: Preserving the character of Pittsburgh and its neighbourhoods, July 2012, p. 27. Accessed at; <https://apps.pittsburghpa.gov/dcp/PRESERVEPGH - Adopted 07-24-2012 %28Library Version%29.pdf>

<sup>199</sup> Kevin Klowden and Kristen Harris with Michael Cheng-Yi Lin (2015), 'Strategies for Growing Pittsburgh's Media Cluster', *Milken Institute*, p.3.

<sup>200</sup> <https://apnews.com/article/1056d7f9469a789ac6969d68228edce2>

<sup>201</sup> <https://realestate.usnews.com/places/pennsylvania/pittsburgh>

<sup>202</sup> Forbes, 'Why Has Detroit Continued To Decline?', July 2018.

<https://www.forbes.com/sites/scottbeyer/2018/07/31/why-has-detroit-continued-to-decline/?sh=7ba751f3fbe1>

<sup>203</sup> <https://fred.stlouisfed.org/series/NGMP38300>

<sup>204</sup> [http://www.citymayors.com/gratis/uscities\\_100.html](http://www.citymayors.com/gratis/uscities_100.html)

<sup>205</sup> Florida, R. & Mellander, C. (2016), 'Rise of the Startup City: The Changing Geography of the Venture Capital Financed Innovation', *California Management Review*. 2016; 59(1):14-38.

<sup>206</sup> URA, 'Pittsburgh Opportunity Zones', January 2019. Accessed at;

<https://www.ura.org/media/W1siZiIsIjIwMTkvMDMvMTkvOXU2dDNxc205Y19QaXR0c2J1cmdoX09wcG9ydHVuaXR5X1pvbmVzLnBkZiJdXQ/Pittsburgh%20Opportunity%20Zones.pdf> p. 12.

best US city for overseas business in the inaugural Financial Times and Nikkei investing in America ranking.

Pittsburgh's primary reason to be positive is its strong position in relation to the next industrial phase, which future-proofs the city's resilience. Milken's Best-Performing Cities 2020 report ranked Pittsburgh as a high performer among 200 areas of the USA due to the high-technology basis of its economy, placing Pittsburgh in the top half for high-tech GDP and in the top quartile for high-tech concentration.<sup>207</sup> It is this reputation that sees international companies using Pittsburgh as a base for innovation, with the likes of Bosch, Zoom and Tata Consultancy services who all have research centres there.<sup>208</sup>

## The who?

Pittsburgh's resilience in the face of economic decline has been led by the private sector since the 1940s, yet over time this was augmented by strong community groups that drove development from the bottom up. The Pittsburgh's model', as it became known, was a collaborative model looked to by regions in a period of transition around the world as it combined business interests with not-for-profit community organisations and research institutions.<sup>209</sup> Evidence of the remarkable collaborative approach in Pittsburgh can be seen in the fact that over the 14-year career of a Pittsburgh planner not a single lawsuit was filed by developers in objection to a ruling on planning permission of the Pittsburgh Planning Commission, something that is quite unique for US cities.<sup>210</sup>

Strengthening the institutions of Pittsburgh to produce the collaborative model involved deliberate forging of cooperation from a number of actors, including Federal and State government, as well as powerful private sector players within and outside of the city. Mayors played an important part in leading the transformation with humility and a clear vision. Prominent examples are Tom Murphy and Bill Peduto who each had a vision for success and the long-term commitment to invest in the future.

## Private Sector

The resilience of Pittsburgh was instigated by powerful corporate elites who corralled both the business interests in the city and the varied political interests at municipal and state level. Businesses overcame their self-interest in order to meet the wider interest of the community, through environmental improvements like smoke restriction, sewage clean-up, flood controls and development of the Downtown Golden Triangle. In 1943 the local tycoon Richard King Mellon formed a non-profit community organisation called the ACCD. Composed of CEOs from Pittsburgh's major corporations, the ACCD enabled the consolidation of different actors behind a regenerative course of action. It has been theorised that this could only have

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<sup>207</sup> Michael C.Y. Lin, PhD, Joe Lee, and Perry Wong (2020), 'Best-Performing Cities 2020: Where America's Jobs Are Created and Sustained', *Milken Institute*, p. 27.

<sup>208</sup> Financial Times, 'Rustbelt renaissance: Pittsburgh becomes an FDI standout', October 6, 2022.

<sup>209</sup> Detrick, S. (1999), 'The post industrial revitalization of Pittsburgh: myths and evidence', *Community Development Journal*, Volume 34, Issue 1, pp 4–12.

<sup>210</sup> Interview, participant 11.

otherwise been possible through significant and persistent federal government investment.<sup>211</sup> Yet, there are indications that Federal government policy did play a role.

In a comparison with Buffalo in New York State, the government regulation restricting the movement of capital between states has been identified by Douglas G. Koritz to have influenced the decision of the powerful Mellon family to work on developing Pittsburgh since suitable alternatives within Pennsylvania were not available. Significantly, the situation in Pennsylvania was unlike that in New York State, where New York City offered a multitude of investment options within the same state. Koritz's analysis shows the impact that government regulations can have on disciplining capital to convert a competitive game, involving flight of capital, into a cooperative one to achieve an improvement of the situation.<sup>212</sup> Politically, the influential Mellon family mediated between the state's Republican government and the city's Democratic government, facilitating cooperation on development. Through the Richard King Mellon foundation, the family have been able to have a significant impact on the development of Pittsburgh to the present day.

Once formed the ACCD became an influential actor in the physical development of Pittsburgh throughout the second half of the 20<sup>th</sup> century.<sup>213</sup> In 2022 the Conference's leadership consisted of eleven C-Level corporate leaders who contribute their time to running the non-profit organisation.<sup>214</sup> It has a \$10.1m revenue, \$14.3m in assets and 48 employees.<sup>215</sup> The ACCD coordinated the funding of major infrastructure investments awarded by the Commonwealth of Pennsylvania to Pittsburgh's in the 1980s from the Pittsburgh Strategy 21 proposal.<sup>216</sup> The contribution of the business leaders in the ACCD has been identified as extremely important in lobbying the State for development funding.<sup>217</sup> Strategy 21 consisted of a number of strong multi-year capital programmes that the planning department had put together. The state funding of approximately \$400m that was secured for this strategy included \$36m for the Three Rivers Stadium development<sup>218</sup> and \$97m of state funds for the redevelopment of the Greater Pittsburgh International Airport.<sup>219</sup> Securing the funding for Strategy 21 involved coordinating with the city of Philadelphia for political support at the state level, which involved reciprocal support from Pittsburgh for the construction of a convention centre in Philadelphia.

### Community Development Corporations

In the 1980s the role of community organisations in development grew in Pittsburgh, which was enabled by support from the public and private sectors. The Community Development

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<sup>211</sup> Koritz, D. G. (1991), 'Capital Mobility Versus Unity of Purpose: Urban Redevelopment in Buffalo, N.Y. and Pittsburgh, Pa.', *39 Buff. L. Rev.* 409, pp. 409-427.

<sup>212</sup> Koritz, D. G. (1991), 'Capital Mobility Versus Unity of Purpose: Urban Redevelopment in Buffalo, N.Y. and Pittsburgh, Pa.', *39 Buff. L. Rev.* 409, pp. 409-427.

<sup>213</sup> Detrick, S. (1999), 'The post industrial revitalization of Pittsburgh: myths and evidence', *Community Development Journal*, Volume 34, Issue 1, pp 4-12.

<sup>214</sup> <https://www.alleghenyconference.org/about/our-leadership/>

<sup>215</sup> <https://www.causeiq.com/directory/economic-development-organizations-list/pittsburgh-pa-metro/>

<sup>216</sup> Detrick, S. (1999), 'The post industrial revitalization of Pittsburgh: myths and evidence', *Community Development Journal*, Volume 34, Issue 1, pp 4-12, at p. 7.

<sup>217</sup> Interview, participant 11.

<sup>218</sup> <http://www.briem.com/files/strategy21.pdf>, p.2A.

<sup>219</sup> <http://www.briem.com/files/strategy21.pdf>, p.1A.

Corporations (CDCs), not-for-profit organisations that produce and rehabilitate real estate for housing and economic development, were a prolific actor in the US, having spread in the 1970s and 1980s.<sup>220</sup> Public spending supported this growth. In the decade from the mid-1970s to the mid-1980s Pittsburgh City invested \$786m in neighbourhood facilities, infrastructure and revitalization programs, working mainly with five Community Development Corporations.<sup>221</sup> Yet in the 21<sup>st</sup> century the situation in the country had changed. From 2002-2012, the number of CDC's across the USA reduced by around half.<sup>222</sup> In Pittsburgh, however, CDCs continue to be a strong force in development and economic resilience today.<sup>223</sup> Such resilience of CDCs in Pittsburgh may be seen as a result of state funding and private sector support, since in many cities funding for CDCs has largely dried up.

In the early 1980s local city foundations, the Howard Heinz Endowment and the Mellon Bank Foundation, worked with the city planning department and the urban redevelopment authority to support the development of Pittsburgh's CDCs. At the national level, the Ford Foundation joined the effort to fund CDCs in Pittsburgh, as they were doing in other US cities.<sup>224</sup> The Federal government supported CDCs with the Federal Urban Development Action Grant (FUDAG), which ended in 1988. Federal legislation requiring financial institutions to make credit available to low-income areas was also used by an organisation initiated in 1988, the Pittsburgh Reinvestment Group. This group acts as a clearing house for Pittsburgh's CDCs, most of which are members, and offers a collective voice for CDCs. The manner of support that CDCs in Pittsburgh have received indicates this may be the reason that the organisations remained active to this day, despite the fall in CDCs in other US cities.

Beyond the development work CDCs do, they contribute to a strong sense of community in Pittsburgh that forms part of a consensual will for action. Evidence of the significance of community will for development was seen in the failure to introduce a revenue generating initiative in 1997. The initiative was an attempt to introduce a 0.5% sales tax to fund infrastructure and stadium construction, proposed by the business elite primarily in the ACCD. Yet the initiative was opposed by the community actors, who campaigned against its introduction. The proposal was ultimately defeated in a vote by a 58% majority.<sup>225</sup> Pittsburgh's URA recognises the importance of CDCs and have worked with them in multiple ways to maintain the community, bottom-up, development energy.<sup>226</sup> The geography of the city, with hills and rivers demarcating communities, has likely played a role in creating the strong community identity and ownership that was an asset in Pittsburgh. Isolation of communities has also been hypothesised to have improved cooperation as the spaces were

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<sup>220</sup> Bratt, R. G. & Rohe, W. M. (2007), 'Challenges and dilemmas facing community development corporations in the United States', *Community Development Journal*, Volume 42, Issue 1, pp. 63–78.

<sup>221</sup> Downing J. A. & Lurcott, R. H. (1986), 'A Public-Private Support System for Community-Based Organizations in Pittsburgh', *Journal of the American Planning Association* Volume 53, 1987 - Issue 4, pp. 459-468 at p.459.

<sup>222</sup> Alexander von Hoffman, 'The Past, Present, and Future of Community Development: The Changing Face of Achieving Equity in Health, Education, and Housing in the United States', *Shelterforce*, 2013. Accessed at; [https://shelterforce.org/2013/07/17/the\\_past\\_present\\_and\\_future\\_of\\_community\\_development/](https://shelterforce.org/2013/07/17/the_past_present_and_future_of_community_development/)

<sup>223</sup> Interview, participant 10.

<sup>224</sup> Ford Foundation, Annual report 1986, p. 24. Accessed at; <https://www.fordfoundation.org/media/2456/1986-annual-report.pdf>

<sup>225</sup> Detrick, S. (1999), 'The post industrial revitalization of Pittsburgh: myths and evidence', *Community Development Journal*, Volume 34, Issue 1, pp 4–12.

<sup>226</sup> Interview, participant 10.





This was achieved by instigating an action plan, which included support for capital projects at quantities of circa \$55m annually.<sup>230</sup>

The former CEO of the American Planning Association, who was a senior planning official in Pittsburgh, believes that strong mayoral leadership was ‘absolutely critical’ as a factor in the resilience of Pittsburgh.<sup>231</sup> Mayoral leadership was seen in actions such as when Mayor Tom Murphy led a huge bond issue to champion redevelopment investment in the city. The Pittsburgh mayors appoint the panel members of the City Planning Commission, who guide land use and land development in the City. Strong mayoral leadership is facilitated by increased competence at the municipal level.

The federal government structure of the US enables a significant amount of autonomy at the State level and, in turn, municipalities that are Chartered have an increased independence from State oversight. Due to the Pittsburgh Home Rule Charter, approved in 1974, the City of Pittsburgh does not need to seek permission from the Pennsylvania State Capitol for actions that are not reserved to the State.<sup>232</sup> Home Rule Charters are permitted in the Pennsylvania constitution by adoption through a referendum and this then gives the City government the ability to engage in actions like the raising of taxes.<sup>233</sup> A Home Rule Charter, which mandates a strong mayoral government empowered to take action and involve the citizenry, was also seen as important in the success of Cleveland Ohio.<sup>234</sup>

## The what?

### Land use

Connectivity and green space are seen to be desirable for attracting creative talent. To maintain desirability as a place for high-value human capital to reside Pittsburgh has needed to manage the environmental impact of heavy industry. That objective was sought in the second half of the 20<sup>th</sup> century through environmental clean-up, which kept corporate headquarters in the city.<sup>235</sup> Major redevelopment came mainly in two stages of renaissance in the mid-20<sup>th</sup> century. Demolition and reconstruction of industrial sites was the feature of what was called Renaissance I from the 1940s to 1970s, with the leadership of industrialists. The second phase, which took place after the Home Rule Charter was passed, was championed by the mayoral leadership of Richard Caliguiri. From the 1970s to 1980s, Renaissance II moved on to diversifying the economy into the sectors of high tech, medical and culture & tourism.

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<sup>230</sup> City of Pittsburgh, ‘Municipalities Financial Recovery Act Amended Recovery Plan’, 2009. Accessed at; [https://apps.pittsburghpa.gov/cbo/Final\\_Pittsburgh\\_Amended\\_Recovery\\_Plan.pdf](https://apps.pittsburghpa.gov/cbo/Final_Pittsburgh_Amended_Recovery_Plan.pdf)

<sup>231</sup> Interview, participant 11.

<sup>232</sup> City of Pittsburgh, ‘What is Home Rule?’, Accessed at; [https://apps.pittsburghpa.gov/redtail/images/16954\\_2021\\_home\\_rule\\_updated\\_7-30-21.pdf](https://apps.pittsburghpa.gov/redtail/images/16954_2021_home_rule_updated_7-30-21.pdf)

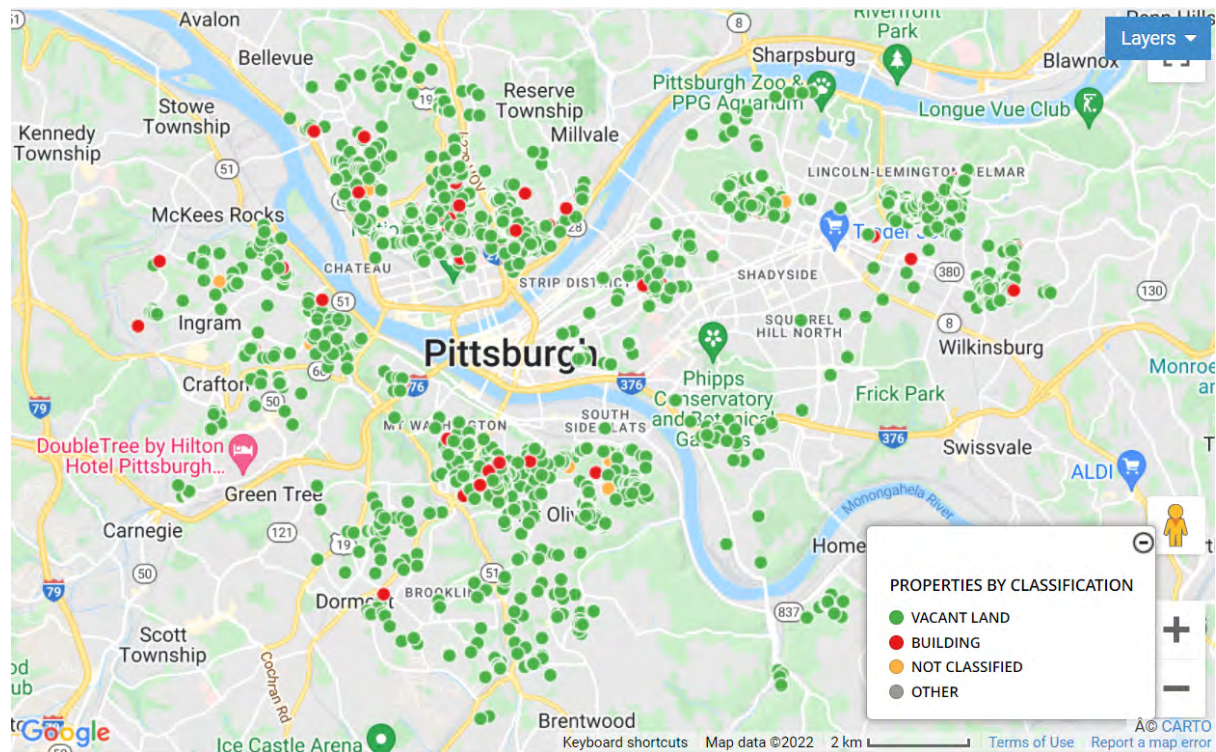
<sup>233</sup> <https://www.legis.state.pa.us/cfdocs/legis/LI/consCheck.cfm?txtType=HTM&ttl=00&div=0&chpt=9>

<sup>234</sup> CIPFA, ‘Investing in regional equality: lessons from four cities’, February 2022. Accessed at; <https://www.cipfa.org/cipfa-thinks/insight/addressing-regional-inequalities>

<sup>235</sup> Davidson, C. L. (1979), ‘Air Pollution In Pittsburgh: A Historical Perspective’, *Journal of the Air Pollution Control Association*, 29:10, pp. 1035-1041. See also; Bloomberg, ‘What Pittsburgh Looked Like When It Decided It Had a Pollution Problem’, June 2012. Accessed at; <https://www.bloomberg.com/news/articles/2012-06-05/what-pittsburgh-looked-like-when-it-decided-it-had-a-pollution-problem>



As heavy industry declined the issue of dealing with abandoned, decaying, and contaminated land became prominent for Pittsburgh, which, like other Rustbelt cities, has many problematic areas. An online database created by the City government lists thousands of vacant lots across the city. Some counts identify 30,000 vacant and distressed properties in the city as of 2022.<sup>236</sup>



City of Pittsburgh Properties Database, March 2022<sup>237</sup>

Repurposing of disused land has been carried out by the redevelopment agencies and community not-for-profit groups, yet novel solutions have also been attempted. The Adopt-a-lot initiative is an open process allowing citizens to access one of the vacant properties to develop gardens and beautify the city. Abandoned properties currently cost the City a total of \$20m in maintenance and thus adoption by citizens frees up resources from this burden.<sup>238</sup> In the first 2 years of the scheme, 114 vacant lots had been transformed from blight to green assets.<sup>239</sup> Clearly this rate of rehabilitation is insufficient to solve the problem, yet it contributes to mitigation and creates a greener, more liveable, environment.

In terms of connectivity much has been done to make Pittsburgh well connected without an increase in the number of cars, resulting in a very favourable ratio of new jobs added to

<sup>236</sup> WESA News, 'Pittsburgh Land Bank officials say a state law change is critical to success', November 2022. Accessed at: <https://www.wesa.fm/development-transportation/2022-11-07/pittsburgh-land-bank-officials-say-a-state-law-change-is-critical-to-success>

<sup>237</sup> <https://public-pgh.epropertyplus.com/landmgmtpub/app/base/propertySearch?searchInfo=%7B%22criteria%22%3A%7B%22%22%3A%5B%5D%7D%7D#>

<sup>238</sup> Ghosh, S., Byahut, S. & Masilela, C. (2019), 'Metropolitan Regional Scale Smart City Approaches in a Shrinking City in the American Rust Belt—Case of Pittsburgh, Pennsylvania', in eds. Vinod Kumar, T. *Smart Metropolitan Regional Development. Advances in 21st Century Human Settlements*, pp. 979-1021 at p. 1009.

<sup>239</sup> <https://pittsburghpa.gov/dcp/adopt-a-lot>

additional vehicle miles travelled in the city. To maintain a control of car traffic Pittsburgh had controls such as a parking tax and parking space maximums, with developments adding approximately 13m square feet of in a period of almost a decade and a half without adding a single additional parking space.<sup>240</sup> From the 1990s onwards Pittsburgh sought to develop retail and office space and to improve transport in the city.<sup>241</sup> Pittsburgh's efforts have created the kind of transport connectivity and urban greening described by Richard Florida as necessary to attract the high value, creative, workers of the fourth industrial revolution.<sup>242</sup> In 2019 Pittsburgh was ranked 5<sup>th</sup> in the USA for its share of pedestrian and bike commuters, and 80% of Pittsburgh residents were recorded as living within 10 minutes of a public transport link.<sup>243</sup>

### Urban Redevelopment Authority (URA)

An active agency has served as a backbone for the resilience of Pittsburgh for over six decades. Organised in 1946 by corporate and civic leaders, the Pittsburgh URA has been instrumental in the turnaround of the city through strategic land use, working closely with the mayor's office and the City's planning departments primarily. The first director of the URA, David Lawrence, was himself a mayor of Pittsburgh.<sup>244</sup> The agency plays an important role, primarily as an implementing authority, through the purchasing of both small and large parcels of land, reclaiming vast swaths of contaminated brownfield and riverfront sites and ensuring housing and other valuable developments are constructed or rehabilitated.<sup>245</sup> Where the URA proved to be critical was in the approximately 5% of development projects that were 'difficult', these being where private investors were not willing to execute the development themselves based on market conditions.<sup>246</sup> For a city with problematic brownfield sites, a proactive agency such as the URA is an asset.

During Renaissance I the URA undertook the Gateway Center project in the 1950s, the first privately financed downtown redevelopment project in the US.<sup>247</sup> Possibly the most substantial achievement of the URA is Summerset at Frick Park, the biggest redevelopment project in Pittsburgh, which involved transforming the contaminated industrial site of the former Duquesne Slag Company into over 700 residential houses. The URA purchased the site

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<sup>240</sup> Interview, participant 11.

<sup>241</sup> Ghosh, S., Byahut, S., & Masilela, C. (2019), 'Metropolitan Regional Scale Smart City Approaches in a Shrinking City in the American Rust Belt—Case of Pittsburgh, Pennsylvania', in eds. Vinod Kumar, T. *Smart Metropolitan Regional Development. Advances in 21st Century Human Settlements*, pp. 979-1021 at pp. 993-995.

<sup>242</sup> Florida R, Mellander C. (2016), 'Rise of the Startup City: The Changing Geography of the Venture Capital Financed Innovation', *California Management Review*. 2016; 59(1), pp. 14-38.

<sup>243</sup> URA, 'Pittsburgh Opportunity Zone Prospectus', 2019, P. 20. Accessed at; <https://www.ura.org/media/W1siZiIsIjIwMTkvMDMvMTkvOXU2dDNxc205Y19QaXR0c2J1cmdoX09wcG9ydHVuaXR5X1pvbmVzLnBkZiJdXQ/Pittsburgh%20Opportunity%20Zones.pdf>

<sup>244</sup> Ghosh, S., Byahut, S., Masilela, C. (2019), 'Metropolitan Regional Scale Smart City Approaches in a Shrinking City in the American Rust Belt—Case of Pittsburgh, Pennsylvania', in eds. Vinod Kumar, T. *Smart Metropolitan Regional Development. Advances in 21st Century Human Settlements*, pp. 979-1021 at p. 1002-1003, at p. 986.

<sup>245</sup> Lia, X., Yanga, H., Li, W. & Chena Z. (2018), 'Public-private partnership in residential brownfield redevelopment: case studies of Pittsburgh', *Procedia Engineering* 145, pp. 1534 – 1540, at p. 1537.

<sup>246</sup> Interview, participant 11.

<sup>247</sup> <https://www.ura.org/pages/who-we-are>

for \$3.8m in 1995 and the project ran until 2013 with a public cost of \$250m, funded from various sources including a city bond.<sup>248</sup>

Summerset at Frick was a combined effort of state federal and municipal governments. Mayor Tom Murphy championed the project early in his first term with a vision to revitalise Pittsburgh by bringing suburban residents back into the inner city.<sup>249</sup> The development received funding from the state and federal level for stream remediation but the two highest investment sources of the \$38m total public funding allocated by 2007 came from the city and the state in equal measure, with \$11.6m of city bonds and \$12.5m from the state Redevelopment Assistance Capital Program.<sup>250</sup> The success of the development has been clear. Homes adjacent to Summerset at Frick Park experienced an increase in value from 44% to 132% between 2000 and 2007, compared to a rise of only 18% for the city in general.<sup>251</sup>

Alongside land development, the URA also has a unit that offers business financing solutions. The Commercial & Business Lending unit offers gap financing products and expert services to businesses in the city, helping them do things like build facilities and acquire working capital for growth. The URA distributes small grant funding to community organisations, but its function in administering the development instrument of Tax Increment Financing (TIF) is a key role.

### Tax Increment Financing

A TIF involves estimating and utilising a portion of up to 20 years' worth of future property tax revenues to finance improvements necessary to facilitate new developments. TIFs are a long-established development practice that was occurring in the USA some 50 years ago. Pittsburgh has put TIFs to good use, with it estimated to have leveraged hundreds of millions of private funds and created or retained scores of thousands of jobs. Since the introduction of the TIF instrument to Pittsburgh in the 1990s, the URA had completed 31 projects involving the TIFs as of 2017, leveraging approximately \$3bn of private capital.<sup>252</sup> TIFs are not necessarily restricted to the URA but, as the organisation that has the capacity to administer TIFs, they are usually the domain of the URA. Historically another agency, the Redevelopment Authority of Allegheny County (RAAC) also administered some TIFs in the city, but this is no longer the case. Examining the ten RAAC administered TIF districts in Pittsburgh, a 2015 review found that TIF funded developments had created \$16.4 million of new incremental real property tax revenue since 1998.<sup>253</sup>

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<sup>248</sup> Lia, X., Yanga H., Li, W. & Chena, Z. (2018), 'Public-private partnership in residential brownfield redevelopment: case studies of Pittsburgh', *Procedia Engineering* 145, pp. 1534 – 1540, at p. 1538.

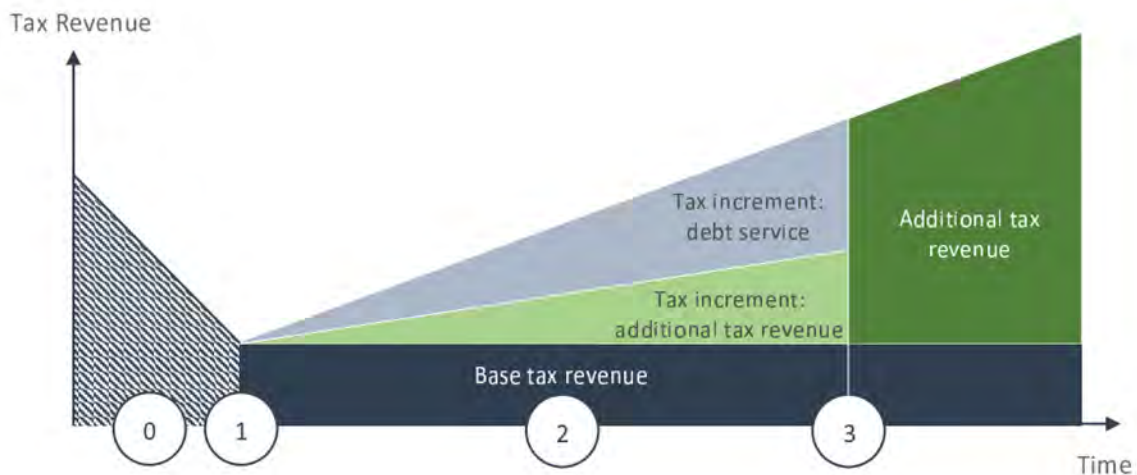
<sup>249</sup> <https://www.cmu.edu/steinbrenner/brownfields/Case%20Studies/pdf/Summerset%20-%20Nine%20Mile.pdf>

<sup>250</sup> <https://www.cmu.edu/steinbrenner/brownfields/Case%20Studies/pdf/Summerset%20-%20Nine%20Mile.pdf> See also; <https://www.budget.pa.gov/Programs/RACP/Pages/Main%20Page.aspx>

<sup>251</sup> Ghosh, S., Byahut, S. & Masilela, C. (2019), 'Metropolitan Regional Scale Smart City Approaches in a Shrinking City in the American Rust Belt—Case of Pittsburgh, Pennsylvania', in eds. Vinod Kumar, T. *Smart Metropolitan Regional Development. Advances in 21st Century Human Settlements*, pp. 979-1021 at p. 1007.

<sup>252</sup> [https://www.ura.org/pages/tax-diversion-programs#:~:text=large%2Dscale%20redevelopment-,Tax%20Increment%20Financing%20\(TIF\)%20and%20Transit%20Revitalization%20Investment%20District%20,otherwise%20not%20be%20financially%20feasible.](https://www.ura.org/pages/tax-diversion-programs#:~:text=large%2Dscale%20redevelopment-,Tax%20Increment%20Financing%20(TIF)%20and%20Transit%20Revitalization%20Investment%20District%20,otherwise%20not%20be%20financially%20feasible.)

<sup>253</sup> <file:///C:/Users/Ian/Downloads/TIF%20Program%20Evaluation%20-%202015.pdf> , p. 4.



Tax Increment Financing Timeline<sup>254</sup>

The notable Bakery Square development, the former site of the bakery and snack manufacture Nabisco, now occupied by Google, was provided with TIF funding. A URA developer who worked on the project claimed Bakery Square would be ‘one-tenth the size without a \$10 million tax increment financing plan’.<sup>255</sup> The TIF element of the investments for projects like the Bakery Square development are raised in the form of revenue bonds, and every year a proportion of the taxes applicable to the property are used to retire the bonds until they are repaid. In Pittsburgh the maximum duration of the bond repayment is 20 years, at which point the full elevated tax is paid to the city.

The URA Executive Director has stated the belief that TIFs have been very important to Pittsburgh’s development, though clarifying that the instrument does not reduce the importance of utilising the spending power of municipal bonds, which can make a difference.<sup>256</sup> As of 2022 enough previous TIF bonds had been repaid and retired that new TIF budget capacity had been freed-up. This is relevant since there is a limit imposed on Pittsburgh’s TIF capacity capped at 10% of the City’s aggregated assessed taxable property value, so projects need to drop off to free up new capacity.<sup>257</sup> It is important to be even handed when considering TIFs, they can be executed poorly and the environmental externalities can be problematic. Although TIF use in the city of Pittsburgh were well executed, those outside of the city have received some criticism.<sup>258</sup> Land development does not automatically mean economic development and sound business cases for developments need to be constructed. TIFs are appropriate for developments that increase the density of land use, such as replacing an apartment building with a large office building. High density is

<sup>254</sup> Urban Redevelopment Authority of Pittsburgh, ‘2015 Tax Increment Financing Report’, p. 3. Accessed at [https://www.ura.org/media/W1siZiZlsljwMTgvMDMvMDIvNGJnbzRpMG5pZF9GaW5hbmNpbmdfb3VyX0Z1dH VyZV9fXzlwMTVfVVJBX1RheF9JbmNyZW1lbnRfRmluYW5jaW5nX1JlcG9ydF9Mb2dvcy5wZGYiXV0/Financing\\_or\\_Future\\_-\\_2015\\_URA\\_Tax\\_Increment\\_Financing\\_Report\\_Logos.pdf](https://www.ura.org/media/W1siZiZlsljwMTgvMDMvMDIvNGJnbzRpMG5pZF9GaW5hbmNpbmdfb3VyX0Z1dH VyZV9fXzlwMTVfVVJBX1RheF9JbmNyZW1lbnRfRmluYW5jaW5nX1JlcG9ydF9Mb2dvcy5wZGYiXV0/Financing_or_Future_-_2015_URA_Tax_Increment_Financing_Report_Logos.pdf)

<sup>255</sup> The Pittsburgh Times, ‘Without TIF, Bakery Square would be smaller, URA, developer say’, October 2007. Accessed at: <https://www.bizjournals.com/pittsburgh/stories/2007/10/22/daily17.html>

<sup>256</sup> Interview, participant 10.

<sup>257</sup> Interview, participant 10.

<sup>258</sup> Interview, participant 11.



as opposed to those developments that keep land use density static or even decrease it, as increased taxes are unlikely to be yielded without a density increase.<sup>259</sup>

Another successful development conducted by the URA utilising TIFs is the former LTV Steel South Side Works on Pittsburgh's south bank, which was purchased by the URA in 1993.<sup>260</sup> In 1999 the area became eligible for TIF projects, freeing up \$25m for infrastructure investment at the site. Hundreds of residential homes were built along with units that have been occupied by multiple businesses. Recreational facilities were created in the form of, multiple plazas and a 6.3-acre public park along the Monongahela River. The development featured five miles of riverfront trails and a vehicular, bike and pedestrian bridge to the Downtown and Oakland neighbourhoods. Some \$128m of public investment leveraged a total investment of \$450m, and the area, that was once generating zero tax revenue, was generating over \$6m per year as of 2019<sup>261</sup> with a projected tax generation of \$9m per year at full build out.<sup>262</sup>

### Community Development

Not-for-profit organisations, especially Community Development Corporations (CDC), are noticeably strong in Pittsburgh and this could be seen to stem from the way they were supported. CDCs offer the city bottom-up energy and genuine community input in to planning, which is significant in a city with over 80 neighbourhoods and strong feelings of community ownership compared to other cities.<sup>263</sup> An illustrative success from a CDC is the development of Emerald View Park, one of Pittsburgh's five major parks, by the Mount Washington Community Development Corporation (MWDC). Mount Washington was a former site of soft coal mining, at one point being named Coal Hill and subsequently becoming a dumping ground for everything from old cars to parts of buildings. With the vision and assistance of MWDC the land was reclaimed as a reforested park with nineteen miles of trails, offering amenity to the residents. Typical of a CDC, MWDC focuses on only two neighbourhoods but, unlike many CDCs, it offers business development services as well as real estate development.

Pittsburgh's CDCs were cultivated in the 1980s in a manner that made them resilient. In addition to support from sources like the federal urban development action grant, CDC organisations in Manchester, Oakland, North Side, East Liberty and Homewood received \$2m in operating funds over 4 years in the mid-1980s. These funds came from the Pittsburgh Partnership for Neighborhood Development, which included private sector foundation funding from Heinze, Mellon and Ford.<sup>264</sup> The partnership funding in the 1980s institutionalised a community approach to development with CDCs being provided with three

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<sup>259</sup> Minnesota House Research Department, 'How TIF Works: Basic Mechanics', Accessed at; <https://www.house.leg.state.mn.us/hrd/issinfo/tif/mech.aspx>

<sup>260</sup> Ghosh, S., Byahut, S. & Masilela, C. (2019), 'Metropolitan Regional Scale Smart City Approaches in a Shrinking City in the American Rust Belt—Case of Pittsburgh, Pennsylvania', in eds. Vinod Kumar, T. *Smart Metropolitan Regional Development. Advances in 21st Century Human Settlements*, pp. 979-1021 at p. 1000.

<sup>261</sup> Ghosh, S., Byahut, S. & Masilela, C. (2019), 'Metropolitan Regional Scale Smart City Approaches in a Shrinking City in the American Rust Belt—Case of Pittsburgh, Pennsylvania', in eds. Vinod Kumar, T. *Smart Metropolitan Regional Development. Advances in 21st Century Human Settlements*, pp. 979-1021 at p. 1007.

<sup>262</sup> <https://www.ura.org/pages/southside-works>

<sup>263</sup> Interview, participant 11.

<sup>264</sup> Lurcott, R. H. & Downing, J. A. (1986), 'A Public-Private Support System for Community-Based Organizations in Pittsburgh', *Journal of the American Planning Association Volume 53, 1987 - Issue 4*, pp. 459-468 at p. 462.

aspects of support covering operating funds, technical assistance and financial assistance for real estate and economic development ventures. Access to funding was broadened out by 1987 to include 29 organisations. Of the five original CDCs, four are still running today. Trust was cultivated in the partnerships through the training of CDC personnel in subjects such as architecture and marketing, with a community technical assistance centre being founded in 1980. In addition to training provision, six city planners worked with the CDCs to support them and act as contract managers for developments.

A Commonwealth of Pennsylvania initiative, The Enterprise Development Area Programme (EDAP), helped to reinforce the comprehensive offering of CDCs to their communities. The EDAP programme was created by the State in the 1980s to foster business development and partnerships in distressed communities. The URA managed the EDAP in Pittsburgh and it in turn contracted two community development corporations to administer the programme, resulting in \$1.7m being distributed to strengthen commercial activity in their neighbourhoods. Action included the creation of an equity capital fund for small, high-risk, firms to develop commercial and industrial real estate projects, which was claimed to have incentivised \$48m of investment into the enterprise zones by 1987, creating 1,100 jobs.<sup>265</sup> The North Side Civil Development Council, now the Northside Leadership Conference, was one of the recipients of the Enterprise Development Funding and still offers business development services today.<sup>266</sup>

Community groups are currently funded in multiple ways, such as a \$12m pot of state grants that funds various groups in small awards.<sup>267</sup> Funds also come from gambling revenue, this resulted in \$9.5m distributed by the RAAC in 2021 between 60 organisations and municipalities.<sup>268</sup> Pennsylvania's Neighborhood Partnership Program (NPP) funds partnerships between community organisations, government and businesses working on asset-based community developments.<sup>269</sup> CDCs like the Mount Washington Community Development Corporation, which receives £100,000 per year for a five year period from the fund, benefit from these myriad funding streams.<sup>270</sup>

## Sales Tax

Development in Pittsburgh city is additionally funded by a proportion of the 1% sales tax across Allegheny County, which in 2021 was budgeted to generate \$100.4m. Pittsburgh's 2021 allocation of the sales tax revenue was \$22.6m.<sup>271</sup> The sales tax is channelled into Pittsburgh assets via the allocation of the tax revenue that goes to the City, and through an

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<sup>265</sup> Lurcott, R. H. & Downing, J. A. (1986), 'A Public-Private Support System for Community-Based Organizations in Pittsburgh', *Journal of the American Planning Association Volume 53, 1987 - Issue 4*, pp. 459-468 at p. 464.

<sup>266</sup> <http://www.pittsburghnorthside.com/About-Us/Biography>

<sup>267</sup> Pittsburgh Post-Gazette, 'Pittsburgh receives state funding grant city owned blighted Homewood properties vacant lots', May 2021. Accessed at; <https://www.post-gazette.com/local/city/2021/05/27/Pittsburgh-receives-state-funding-grant-city-owned-blighted-Homewood-properties-vacant-lots/stories/202105270161>

<sup>268</sup> Pittsburgh Post-Gazette, 'Allegheny County distributes \$9.5M through gaming funds', January 2022. Accessed at; <https://www.post-gazette.com/local/region/2022/01/26/Allegheny-County-distributes-funding-gaming-economic-development-tourism-projects/stories/202201260139>

<sup>269</sup> <https://dced.pa.gov/programs/neighborhood-assistance-program-nap/>

<sup>270</sup> Minutes of the MWDC Board of Directors Meeting, January 2020. Accessed at; <https://mwcdc.org/wp-content/uploads/2020/07/MWDC-Minutes-01-02-2020.pdf>

<sup>271</sup> <https://www.alleghenyinstitute.org/how-did-the-rad-tax-fare-in-2020/>

organisation called the Regional Asset District (RAD) that has a board of directors, receives 50% of the sales tax revenue and uses it to support assets in Pittsburgh such as the David L. Laurence Convention centre. The sales tax funds are invested in improving the quality of life for residents through public transit, cultural assets, parks, libraries and other recreational facilities.<sup>272</sup> The sales tax revenue has enabled a significant sum to be invested into improving liveability, with RAD alone having invested over \$2bn in regional assets since its introduction.<sup>273</sup> Organisations working on redevelopment are funded from the sales tax. The Pittsburgh Cultural Trust is an example of a cultural organisation working on redevelopment that annually received funding from RAD, \$1m in 2014.<sup>274</sup>

### The Pittsburgh Cultural Trust

Established in 1984 by tycoon founder H.J. “Jack” Heinz II, the Pittsburgh Cultural Trust is a non-profit that handles an annual revenue of approximately \$50m. Focused on arts, the organization has the mission of the cultural and economic revitalisation of a 14-block sized neighbourhood that has become known as the Cultural District, one of the largest of such areas to be targeted by a single non-profit arts organisation.<sup>275</sup>

In order to accomplish its mission the Cultural Trust partners with developers, building culturally desirable residences in its district. Developments of note include the 1999 partnership with TREK to build 900 Penn Avenue or the 2006 construction of Encore on Seventh in partnership with Lincoln Properties.<sup>276</sup> The trust purchases and turns around formerly undesirable venues such as the 1995 purchase of the Harris Theatre, converting it from a pornography theatre into one showing independent films. Similarly, the purchase of 805-807 Liberty Avenue to turn it into the venue for the Trust’s arts education centre. The Pittsburgh Cultural Trust claims it ‘is a unique model of how public-private partnerships can reinvent a city with authenticity, innovation and creativity’.<sup>277</sup> With a substantial budget supported by multiple sources, the Cultural Trust’s activity to transform an undesirable area into a cultural hub is symbolic of the collaborative cross-sector actors contributing to Pittsburgh’s redevelopment.

### Hazelwood Green

A visual example of the transformation from industrial decline to modern aspiration is the Hazelwood Green project. The development was made possible through the cooperation between the private sector and the public sector, resulting in the transformation of a brownfield site into a people-friendly place that has attracted high-tech talent. Mill-19 is a former steel mill located on the 178-acre Hazelwood Green site, which has been developed

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<sup>272</sup> One Pittsburgh, ‘Pittsburgh Resilience Strategy’, 2017, p. 23. Accessed at: [https://resilientcitiesnetwork.org/downloadable\\_resources/Network/Pittsburgh-Resilience-Strategy-English.pdf](https://resilientcitiesnetwork.org/downloadable_resources/Network/Pittsburgh-Resilience-Strategy-English.pdf)

<sup>273</sup> <https://www.radworkshere.org/>

<sup>274</sup> <https://archive.triblive.com/local/pittsburgh-allegheny/pittsburgh-cultural-trust-leads-applicants-seeking-increase-in-rad-money/>

<sup>275</sup> [https://trustarts.org/pct\\_home/about/history](https://trustarts.org/pct_home/about/history)

<sup>276</sup> Pittsburgh Cultural Trust, ‘2019 Pittsburgh Cultural Trust Report to the Community’, pp. 4-5. Accessed at: [https://trustarts.org/pct\\_home/about/organization/report](https://trustarts.org/pct_home/about/organization/report)

<sup>277</sup> [https://trustarts.org/pct\\_home/about/history](https://trustarts.org/pct_home/about/history)

to attract cutting-edge businesses, such as those in robotics.<sup>278</sup> Emerging from the Riverlife Taskforce of 1999, the site was purchased in 2002 by a group of four foundations that had a vision for the site to be an asset for the future of the city. The foundations consisting of the Benedum Foundation, Heinz Endowments, the Richard King Mellon Foundation and the McCune Foundation.<sup>279</sup> It took 17 years of effort before the site was opened to the public, demonstrating long-term thinking in Pittsburgh. The site was managed by the Regional Industrial Development Corporation (RIDC), which was established in the 1950s as a private non-profit to focus on developing large, obsolete, unused properties for the benefit of the community. The RIDC planted urban forestry and created lab facilities which brought in Carnegie Mellon University (CMU) to partner on the Mill-19 development. CMU utilise two thirds of the high-tech facility and their engagement attracted Uber as an early tenant. Now completed, Mill-19 has a plaza, designed by a Seattle architecture firm that took input from Hazelwood neighbourhood representatives. Transit connectivity was an important consideration for the design of the site, with bicycle and pedestrian provision and connectivity to and within the site.



**The Plaza at Hazelwood Green, the Mill-19 former steel works is in the background**

Beyond the foundation money, further investment in mill-19 was made possible through state, federal and local actions. The 2017 Tax Cuts and Jobs Act passed by Congress created

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<sup>278</sup> <https://ridc.org/impact/case-studies/cultivating-community-assets/mill-19-a-pittsburgh-industrial-hallmark/>

<sup>279</sup> Lia, X. Yanga, H., Li, W. & Chena, Z. (2018), 'Public-private partnership in residential brownfield redevelopment: case studies of Pittsburgh', *Procedia Engineering* 145, pp. 1534 – 1540, at p. 1539.



the development vehicle of Opportunity Zones, where investments in the eligible low-income areas can be entirely capital gains tax exempt if an investment is maintained for 10 years. Pittsburgh has 28 of these zones in 5 neighbourhoods covering a population of 58,876.<sup>280</sup> Opportunity zones are an example of federal tax revenues being forgone to stimulate development, with the state governor selecting the sites that are eligible and the Director of the Richard King Mellon Foundation and Pittsburgh Mayor at the time Bill Peduto working to get the Hazelwood site designated as an Opportunity Zone.<sup>281</sup> Pittsburgh's largest philanthropic foundation, the Richard King Mellon Foundation, invested \$20m, along with Boston based firm Arctaris Impact Investors, to create job initiatives and economic development in the zones in Allegheny.<sup>282</sup> The foundation has been closely involved in the development at Hazelwood Green throughout, as a part owner of the site. The success of Hazelwood Green demonstrates what can happen when local, national and intermediate level actors cooperate to stimulate regeneration.

## Skills

Pittsburgh was so specialised in the 1950s that the number of its residents employed in the production of primary metals was roughly equivalent to the number employed in the next nine highest sectors combined, and of the other nine sectors approximately a fifth were employed in producing fabricated metals.<sup>283</sup> After the departure of many workers associated with the steel industry, Pittsburgh, with its strong educational assets, maintained a high level of educational attainment. This is reflected in the Educational Opportunity Index score for Allegheny County being more than 10% above both the national and the Pennsylvanian average.<sup>284</sup> Pittsburgh has an extremely impressive high school graduation rate of 92.9%, and a college graduation rate higher than Chicago or New York, rivalling that of Boston.<sup>285</sup> However, when it comes to skills, retaining talent is as important as educational attainment.<sup>286</sup>

In Pittsburgh the problem is not producing top graduates, it is retaining them. With educational assets like CMU, the University of Pittsburgh and Point Park University, the problem of offering the talented workforce produced suitable employment has been addressed by incentives. Since 2004, the state government of the Commonwealth of Pennsylvania has operated a major incentive programme of tax credits for the media sector worth \$60m per annum. The programme is reported to help attract and retain graduates of

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<sup>280</sup> URA, 'Pittsburgh Opportunity Zones', January 2019. Accessed at; <https://www.ura.org/media/W1siZiIsIjIwMTkvMDMvMTkvOXU2dDNxc205Y19QaXR0c2J1cmdoX09wcG9ydHVuaXR5X1pvbmVzLnBkZiJdXQ/Pittsburgh%20Opportunity%20Zones.pdf> p. 22.

<sup>281</sup> <https://www.hazelwoodgreen.com/news-media/2021/7/6/foundation-partners-to-invest-20m-in-distressed-opportunity-zones-around-the-region>

<sup>282</sup> Pittsburgh Post-Gazette, 'Foundation partners to invest \$20M in distressed 'opportunity zones' around the region', March 2021. Accessed at; <https://www.post-gazette.com/business/pittsburgh-company-news/2021/03/10/Richard-King-Mellon-Foundation-Arctaris-fund-opportunity-zones/stories/202103100152>

<sup>283</sup> Chinitz, B., (1961), 'Contrasts in agglomeration: New York and Pittsburgh', *The American Economic Review: Papers and Proceedings*, 51(2), pp. 279-28, at p. 282.

<sup>284</sup> <https://opportunityindex.org/>

<sup>285</sup> [https://ballotpedia.org/Pittsburgh,\\_Pennsylvania](https://ballotpedia.org/Pittsburgh,_Pennsylvania)

<sup>286</sup> Matsu, J. & Pitt, J., 'Addressing regional inequalities in the UK: levelling to where?', *CIPFA*, June 2021, p. 9. Accessed at; <https://www.cipfa.org/policy-and-guidance/reports/addressing-regional-inequalities-in-the-uk-levelling-to-where>

media and the related essential fields such as motion capture, robotics, graphics, and programming. An assessment by the U.S. Bureau of Economic Analysis demonstrated that Pennsylvania film production incentives created new economic activity that rippled out into other industries. In this way associated sectors, which are desirable to creative talent in general, are supported whilst also maximising the economic benefit of the educational assets of a region.

As has been discussed above, land use and redevelopment has been used in a strategic way in Pittsburgh to retain the skilled workforce that is produced by its strong universities. The clearest example of this is arguably the Pittsburgh Innovation District (PID). The PID straddles the Oakland neighbourhood containing both the University of Pittsburgh and the Carnegie Mellon University. The district acts as a connector for the knowledge institutions and businesses, creating high-skilled jobs that retain the graduates and attract outside talent. The physical development was achieved through the construction of facilities, transportation infrastructure and lifestyle assets. The district seeks to be rich in cultural assets, such as museums & restaurants. As an integral part of the PID, the Pittsburgh Technology Center is built on the site of the former J&L Coke Works, covering an area of 175,000 square foot.<sup>287</sup> As discussed below, the J&L site development was a major success carried out over multiple phases. At the PID, as of 2019, a research partnership between the two universities generates approximately \$1m annual property tax revenues, maintains 1,000 high-tech jobs and has attracted over \$140m in private investment.<sup>288</sup>

## How

The primary factor at work in Pittsburgh was cooperation, both between the city's elites and the neighbourhood level, and across the municipal-state-federal government levels. Cooperation began in the 1940s with the powerful Mellon family overcoming the game theory problem inherent with a declining city, where self-interest drives a flight of capital and disincentivises investment in public goods, by using their resources to turn a competitive game into a cooperative game.<sup>289</sup> Cohesion was created in the sphere of politics as it was in business. It is instructive that it was partly government regulations restricting the free flow of capital that disciplined the powerful actors in Pittsburgh to commit to the location and trigger the long-term resilience of the city. That collaborative spirit lasts till today in multiple ways.

The legacy of the 1940s was the ACCD, which was an asset in the form of a group of influential business leaders working towards the development of Pittsburgh throughout decades. Over time community groups generated a different kind of bottom-up energy that was a driver of the city's development in later years. Embodied most clearly in the CDCs, the community contributed to the spread of planning expertise and supported the city's economic growth, as

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<sup>287</sup> <https://ridc.org/properties/browse-portfolio/pittsburgh-technology-center/>

<sup>288</sup> Ghosh, S., Byahut, S., Masilela, C. (2019), 'Metropolitan Regional Scale Smart City Approaches in a Shrinking City in the American Rust Belt—Case of Pittsburgh, Pennsylvania', in eds. Vinod Kumar, T. *Smart Metropolitan Regional Development. Advances in 21st Century Human Settlements*, pp. 979-1021 at p. 1002-1003.

<sup>289</sup> Douglas G. Koritz (1991), 'Capital Mobility Versus Unity of Purpose: Urban Redevelopment in Buffalo, N.Y. and Pittsburgh, Pa.', *39 Buff. L. Rev.* 409, pp. 409-427.

well as developing assets, such as turning industrial scrap heaps into assets like Emerald View Park.<sup>290</sup>

Pittsburgh nurtured the CDCs wisely, injecting substantial funding. Financial support combined with the URAs delegation of the Commonwealth of Pennsylvania enterprise programme to the CDCs, helping them diversify their function into business development in the neighbourhoods and contributing to their resilience in the face of the general decline of the organisational type in the USA. Pittsburgh benefits from cooperative support from multiple actors and the funding for the CDCs reflects this, with funds provided by city and state governments as well as local and national foundations. The strength of the charitable foundations in Pittsburgh is an important aspect of its resilience. The development of sites such as Hazelwood Green were driven by foundations, attracting high-tech research and forward-facing companies to a pleasant, people-friendly, green environment in the shadow of a reformed steel works.

There are multiple instruments that have been utilised in the development of Pittsburgh; TIFs, a sales tax, federal tax relief zones, state capital investment and city bonds. As can be seen from the failure of the elite dominated sales tax initiative in 1997, cooperation of the local actors in Pittsburgh was necessary to make them a success. TIFs are a standout instrument that have been used in Pittsburgh to reclaim brownfields either turning them into green residential estates, which ultimately expand the city's tax base, or into sites for high-tech industry engaged in the essential skills the city needs to grow. Starting work in 1983, the 1990s phase of redevelopment turning the J&L Coke works into the Pittsburgh Technology Centre utilised the first ever use of Tax Increment Financing in Pennsylvania, and the \$7.5m raised by this new instrument was repaid 12 years early due to the success of the project.<sup>291</sup>

## Conclusion

Pittsburgh is a strong example of resilience in the face of decline. Although there are undoubtedly challenges remaining, Pittsburgh has successfully reinvented itself from an undiversified, dirty, industrial hub to a green and connected centre for tech development. Although Pittsburgh was fortunate to have a range of assets, well-endowed foundations, many excellent educational institutions and a spirit of cooperation, it has been active in making the most of these assets. Lessons can be learned from Pittsburgh.

Strong and consistent mayoral leadership within the framework of a home rule charter gave the city the ability to make decisions that could shape growth in the long run. Federal and State government supported development, but it was often the mayor who worked on seizing opportunities and leading effective development institutions such as the URA. The mayor and the URA were able to use the authority to leverage the many millions of dollars' worth of investment to consolidate partnership at the local level and realise visions for the future. Beyond specific instruments themselves, such as TIFs, it was this local government capacity to act that is the lesson to take from Pittsburgh.

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<sup>290</sup> <https://pittsburghparks.org/explore-your-parks/regional-parks/emerald-view-park/>

<sup>291</sup> Ghosh, S., Byahut, S., Masilela, C. (2019), 'Metropolitan Regional Scale Smart City Approaches in a Shrinking City in the American Rust Belt—Case of Pittsburgh, Pennsylvania', in eds. Vinod Kumar, T., *Smart Metropolitan Regional Development. Advances in 21st Century Human Settlements*, pp. 979-1021 at p. 1002-1001.

## Interview Participants

<b>Number</b>	<b>Name</b>	<b>City</b>	<b>Title</b>
1	Monica Gibson	Newcastle	Executive Director: Department of Planning and Environment
2	Simon Massey	Newcastle	City of Newcastle: Innovations and Futures Manager
3	Mick Cassell	Newcastle	Secretary: Department of Planning and Environment
4	Nandita Das	Newcastle	Senior Policy Officer: Strategy & Innovation, Department of Planning and Environment
5	Milan Vujanovic	Windsor	City of Windsor Mayor's Office: Senior Economic Development Officer
6	Greg Atkinson	Windsor	City of Windsor Mayor's Office: Senior Planner
7	Neil Robertson	Windsor	City of Windsor Mayor's Office: Manager of Urban Design
8	James Meddings	Windsor	Former president (Deputy Minister) federal, Economic Development Agency for Southern Ontario
9	Rebecca Davidson-Wagner	Pittsburgh	Director: CDFI Investments
10	Greg Flisram	Pittsburgh	Executive Director: URA
11	Paul Farmer	Pittsburgh	Former CEO: American Planning Association & senior planner Pittsburgh



**Subject: Response to CR64/2021 - Options for 2650 Metcalfe Street regarding Transportation Terminal – Ward 5**

**Reference:**

Date to Council: May 29, 2023  
Author: Adam Szymczak, MCIP, RPP  
Senior Planner  
519-255-6543 x6250  
aszymczak@citywindsor.ca  
Planning & Building Services  
Report Date: December 8, 2022  
Clerk's File #: Z/13528

To: Mayor and Members of City Council

**Recommendation:**

**THAT** Report # C 216/2022 responding to CR64/2021 to provide a range of options to address concerns relating to the operation of a Transport Terminal at 2650 Metcalfe Street **BE RECEIVED FOR INFORMATION**.

**Executive Summary:**

N/A

**Background:**

**Subject Parcel**

The subject parcel located on the north side of Metcalfe Street and the west side of Drouillard Road, is currently vacant, is designated Industrial on Schedule D: Land Use in the City of Windsor Official Plan (OP), which permits a broad range of industrial uses, and is zoned Manufacturing District 2.1 (MD2.1) by Zoning By-law 8600, which permits a Transport Terminal as a main use. The majority of frontage is along Metcalfe Street with additional frontage, including an access area, along Drouillard Road.

Drouillard Road is classified as Class I Collector Road on Schedule F: Roads and Bikeways in the Official Plan and is designated as a Truck Route. Immediately along the north lot line is the Essex Terminal Railway (ETR) rail corridor, which provides rail services to industrial uses in the surrounding area. Ford Canada operates the Windsor Engine Plant nearby. To the west, Hearn Industrial Services provides warehousing and logistics services and Valiant TMS operates a metal fabrication facility.

## **Interim Control By-law 78-2019**

As part of ongoing updates to the Zoning By-laws, staff reviewed Industrial zoning districts. Gaps in the Transport Terminal provisions were identified. On November 19, 2018, Council approved Housekeeping Amendment 2017-3 (Z-030/17 ZNG/5364).

After that approval, issues with Transport Terminal in the Zoning By-laws were noted. Some zones permitted Transport Terminal, some only allowed it as an accessory to a permitted main use, and some prohibited the use. Some Transport Terminals were located in close proximity to residential, institutional, and commercial uses causing negative impacts on those uses. Complaints were received concerning dust, draining, lighting, ponding of water, and noise from trucks and tractor-trailers. Further, federal and provincial regulatory changes increased demand for Transport Terminals.

On June 3, 2019, Council approved Interim Control By-law 78-2019 and directed staff to study the issues surrounding Transport Terminals.

## **Transportation Land Use Study & Staff Recommendations**

The Transport Terminal Land Use Study – “Study” – (Report S 146/2020) along with recommended amendments – “Staff Report” – (Report S 170/2020) to the Official Plan and Zoning By-laws 8600 and 85-18 were considered at the December 14, 2020, meeting of the Development & Heritage Standing Committee (DHSC). The Study and Staff Report recommended additional locational criteria including:

*“access or adjacency to rail ... to maximize inter-modal opportunities, and proximity to freight-dependent uses to allow for efficient use of land and infrastructure such as roads”*

*“prohibited from locating near sensitive land uses such as residential areas unless appropriate mitigation measures such as berms, noise barriers, or other buffering are in place to mitigate noise, dust, or light pollution from the Transport Terminal”*

The Study did not recommend any changes to MD2.1, but did recommend a minimum setback of 11.3 m and a berm with a minimum height of 1.8 m be provided where a transport storage area is located within 50 m of a *“development reserve district, green district, residential district, institutional district, or a lot containing a dwelling or dwelling unit”*. The Transport Terminal additional use provisions require full cut-off lighting, grading & draining into a municipal sewer, and paving of the area used by vehicles.

## **Development & Heritage Standing Committee & Council Meetings**

On December 14, 2020, DHSC recommended approval of the Staff Report (DHSC 226). DHSC also recommended (DHSC 227) to prohibit a Transport Terminal on 2650 Metcalfe. On January 18, 2021, the Staff Report and two Additional Information Memos were considered by Council. A representative for the owner of 2650 Metcalfe spoke on the matter. There was much discussion including what options or authority Council had in the future concerning 2650 Metcalfe and the appropriateness of the proposed prohibition that DHSC had recommended. Council deferred the matter to allow Administration to provide written comments about options for the subject parcel.

Staff provided additional information that noted that the best path forward was to separate the matter of the DHSC recommendation to prohibit a Transport Terminal at 2650 Metcalfe from the Transport Terminal Land Study matter. Council would then decide on the full staff report and then ask the City Planner to report back with a range of planning options for 2650 Metcalfe.

It was noted that once the amendments to the Official Plan and the Zoning By-laws were in force, staff could enforce the revised provisions such as minimum lot width, minimum lot area, and setback and berm requirements where a transport terminal is near or adjacent to a residential use. Further, if the mitigation required by the revised Transport Terminal provisions could not be complied with, the owner could choose to not proceed with a Transport Terminal or they could seek a minor variance from the Committee of Adjustment (COA) or a rezoning amendment.

Council considered the additional information along with the Transportation Land Use Study and the revised recommendations at the March 2021 Council meeting and approved the revised staff recommendations. Regarding 2650 Metcalfe, the original motion to prohibit a transport terminal was withdrawn and a new motion was approved asking the City Planner to provide options available to address the concerns arising from this property operating as a Transport Terminal (CR64/2021).

### **Discussion:**

There are three options:

#### **Option 1 – Maintain Existing Zoning – “No Change”**

This option would maintain the existing zoning and make no changes to the Transport Terminal additional use provisions. This is the preferred option of the Planning Department. Most of the industrial lands in the surrounding area, including the subject parcel, are zoned MD2.1. The MD2.1 zoning allows an Industrial Use as a permitted use, which includes a Transport Terminal.

Should a Transport Terminal choose to locate on the subject parcel, it would be subject to site plan control and the MD2.1 provisions and the Transport Terminal additional use provisions such as minimum setback and a berm. If a proposed Transport Terminal could not comply with the zoning regulations, the owner could choose to not proceed with a Transport Terminal or they could seek a minor variance from the COA or a rezoning amendment, which requires public notification and approval by the COA or Council, respectively. Any minor variance or rezoning would need to be in conformity with the City of Windsor Official Plan including the revised Transport Terminal policies.

#### **Option 2 – Prohibit Transport Terminal as a Permitted Use on Subject Parcel**

This option would maintain the MD2.1 zoning but add a site specific exception that would prohibit Transport Terminal as a permitted use. A Planning Rationale Report is required to support the prohibition of a Transport Terminal on the subject parcel. Similar uses such as Warehouse or Towing Facility, or uses that rely on outdoor storage such as a Motor Vehicle Salvage Operation or Material Transfer Centre would continue to be permitted. The prohibition would not prevent an industrial use from having a transport storage area as an accessory use.

### **Option 3 – Change the Zoning from Heavy Industrial (MD2) to Light Industrial or Business Park (MD1)**

This option would change the zoning of the parcel from MD2.1 to a light industrial zoning such as MD1.1 or MD1.2 or a business park zoning such as MD1.4 or MD1.5. Transport Terminal and a range of heavy industrial uses are not permitted in the MD1 zones. A Planning Rationale Report is required to determine the appropriate zoning district for the subject parcel in consultation with the property owner, industrial operations, and residents in the surrounding area.

#### **Planners Opinion**

Like many cities in North America, Windsor has a long history as an industrial centre where sensitive land uses such as dwelling, parks or schools were built and continue to be built (such as the school on McDougall abutting south side of tracks across from Parks Department offices) adjacent to, or near, industrial uses and transportation corridors such as rail. Walkerville and Ford City are examples of areas where residential uses were, and continue to be, located adjacent to, or near, industrial uses.

Today, land use planning seeks to separate sensitive land uses from uses that create noise, odour, dust or light when appropriate mitigation is not possible. The Provincial Policy Statement 2020 (PPS) states that “*land use must be carefully managed*” to avoid “*sensitive resources and areas which may pose a risk to public health and safety*”.

This was considered during the Transport Terminal Land Use Study and the Staff Report, which recommended appropriate mitigation measures, such as a setback/separation and a berm, where a Transport Terminal is within 50 metres of a sensitive land use. Council approved that recommendation and it has been fully implemented in the Zoning By-laws. Provisions regarding full cut-off lighting, grading and draining, and paving travelled areas, mitigate the negative impacts of a transport terminal.

The Study recognized that the designation of MD1 and MD2 zones across the city is not consistent. Any review should consider up zoning (adding more uses, fewer regulations) or down zoning (less uses, more regulations) existing industrial areas especially where sensitive land uses are present. The Study identified this Action 3:

*“That the City Planner REVIEW the range of uses permitted and prohibited in the MD1, MD2, and M1 zones to ensure consistency with the Provincial Policy Statement and Official Plan, rationalize and reclassify the zones to be indicative of the nature of the zone and minimize duplication.”*

This Action item was identified as requiring further study, either through the Comprehensive Zoning By-law Review process or through a separate Housekeeping Amendment to the Zoning By-laws.

The implementation of either Option 2 or 3 requires an amendment to Zoning By-law 8600 and is subject to appeal to the Ontario Land Tribunal (OLT). While Council has the authority to amend the zoning of any parcel, that amendment must be based on consistency with the PPS, conformity to the Official Plan, and the principle of good planning presented in a Comprehensive Planning Rationale Report.



While area residents may have valid concerns regarding the operation of a Transport Terminal on the subject parcel, those concerns would also apply to any of the other parcels zoned MD2 in the surrounding area such as Hearn Logistics or Valiant. To change the zoning for a single parcel in this context is not appropriate and does not constitute good planning.

As noted above, the appropriate tools to review the MD1 and MD2 zoning districts in terms of range of uses and provisions, and where the zoning districts should apply are either the Comprehensive Zoning By-law Review process or a Housekeeping Amendment to the Zoning By-laws. Both tools will take a holistic approach to what is appropriate based on best practices, public input, and good planning principles.

Staff recommend no change to the zoning of 2650 Metcalfe.

**Risk Analysis:**

N/A

**Climate Change Risks**

**Climate Change Mitigation:**

N/A

**Climate Change Adaptation:**

N/A

**Financial Matters:**

N/A

**Consultations:**

Staff from the Planning Department have been consulted in the preparation of this report.

**Conclusion:**

This report responds to Council Resolution CR64/2021 by providing options to address concerns relating to zoning for a Transport Terminal at 2650 Metcalfe Street.

Staff recommend no changes to the zoning of 2650 Metcalfe. The Transport Terminal Land Use Study, Staff Report S 170/2020 and this report conclude that any changes to the MD2 zoning districts and any amendments to the zoning of parcels should be part of either a Comprehensive Zoning By-law Review or a future housekeeping amendment to allow for a fulsome and holistic review of the uses permitted and prohibited, and where specific zoning districts should apply.

The concerns of Council, area residents and other interested parties have been noted, and will be considered as part of a future work program.

This report is provided as information.

**Planning Act Matters:**

N/A

**Approvals:**

<b>Name</b>	<b>Title</b>
Neil Robertson	Manager of Urban Design / Deputy City Planner
Thom Hunt	City Planner / Executive Director, Planning & Development Services
Wira Vendrasco	Deputy City Solicitor
Jelena Payne	Commissioner, Economic Development & Innovation
Onorio Colucci	Chief Administrative Officer

**Notifications:**

<b>Name</b>	<b>Address</b>	<b>Email</b>
Doug Karamarkovic 4207785 CANADA INC.	3024 Lauzon Road Windsor ON N8T 2Z8	yu_express@hotmail.com
Councillor Sleiman		

**Appendices:**

Appendix A – Location Map – 2650 Metcalfe

# APPENDIX A – Location Map - 2650 Metcalfe



PART OF ZONING DISTRICT MAP 6 & 7

N.T.S.



Subject Parcel

**Subject: City of Windsor Lancaster Bomber FM 212 - City Wide**

**Reference:**

Date to Council: May 29, 2023  
Author: Michelle Staadegaard  
Manager Culture & Events  
(519) 253-2300 x 2726  
mstaadegaard@citywindsor.ca

Recreation and Culture  
Report Date: May 12, 2023  
Clerk's File #: APR/1699

**To:** Mayor and Members of City Council

**Recommendation:**

THAT the report titled City of Windsor Lancaster Bomber FM 212 **BE RECEIVED** for information.

**Executive Summary:**

N/A

**Background:**

At the October 30, 2006 meeting of City Council, the following resolution was passed:

**CR529/2006**

*To enter into a **stewardship agreement**, for a period of 10 years, with semi-annual reviews scheduled for February 1<sup>st</sup> and August 1<sup>st</sup> of each year, with the Canadian Aviation Museum (CAM) for the storage, preservation and enhancement of the City of Windsor **Lancaster Bomber FM212** and further, that the Chief Administrative Officer and the City Clerk **BE AUTHORIZED TO execute** the Agreement, satisfactory in form to the City Solicitor, in financial content to the City Treasurer and in technical content both to the Executive Director of Parks and Facility Operations and Manager of Cultural Affairs.*

At the April 4, 2011 meeting of City Council, **CR114/2011** states:

*That the report of the Community Development and Health Commissioner dated February 7, 2011 entitled "City of Windsor Lancaster Bomber FM212 Progress Report Administration" **BE RECEIVED**, and further that Administration **PROVIDE UPDATES** to Council during the first Quarter on an annual basis.*

On Tuesday, August 02, 2016 Decision Number: CR495/2016 SDHC 417 stated in part:

*That City Council **APPROVE** the funding level for the Canadian Aviation Museum to support the restoration as presented in Option Two of the administrative report — up to \$50,000/year (10 year agreement) subject to the development of a suitable Stewardship Agreement with the Canadian Aviation Museum for the restoration of the Lancaster Bomber FM 212, which outlines expectations for restoration and reporting, projected timelines, and measurable results including benchmarks moving forward for a term to be reviewed and determined by Council; etc.*

In April 2018, Decision Number: SDHC 561 stated in part:

*THAT the Report provided by the Manager of Cultural Affairs dated February 16, 2018 entitled "City of Windsor Lancaster Bomber FM 212 Progress Report for 2017" **BE RECEIVED** for information; and, THAT the request to provide \$5,000 in funding to the Canadian Aviation Museum (CAM) from the existing Cultural Affairs operating budget to pay for aluminum, rivets and other materials **BE APPROVED**; and, THAT Administration **BE AUTHORIZED** to approve expenditures from the Canadian Aviation Museum (CAM) related to repairs and maintenance up to the maximum limit of \$50,000.00 within the existing budget.*

## **Discussion:**

This first part of this report is to update Council as to the activities of the Lancaster Crew of the Canadian Aviation Museum (CAM), formerly the Canadian Historical Aircraft Association, in keeping with the review period as detailed in the original 2006 stewardship agreement. This report will provide a summary report for the year 2022.

Each month Don Christopher, President of CAM provides an overview of activities to the Manager, Culture & Events. All purchases of materials and supplies required were made by the CAM through their fundraising initiatives and/or through the operating funding, the City has provided. The information below is summarized from the reports received from CAM.

The Crew of CAM includes Don Christopher (Project Director), John Bell (Team Lead), as well as Roger Durocher, Fred Bultman, Dan Rankin, Len Hargreaves, Roger Prince, Henry Karch, Bernie Dekold, Kevin Davies, Will Ouellette, and Wayne Freeland.

The volunteer hours donated by this dedicated crew in 2022 were 4,977.

## 2022 Highlights

<b>In Shop Restorations Completed</b>	<ul style="list-style-type: none"><li>• Completed fabrication of armour plate for the rear turret.</li><li>• Fabrication of the rear turret gunner's seat and mounting blocks is complete.</li><li>• Fabrication of new skins around the wingtip area is complete.</li><li>• Turret firing control has been re-built.</li><li>• Starboard outer wing end plate and damaged rib and lifting point have been repaired.</li><li>• New wing skins have been fabricated.</li></ul>
<b>In Shop Restorations In Progress</b>	<ul style="list-style-type: none"><li>• Repair and restoration of the flare chute continues.</li><li>• Fabrication of the mounting brackets for the turret's lower torque tube assembly continues.</li><li>• New bomb carrier parts being matched for bomb bay.</li><li>• Design work has begun to manufacture missing transfer cases in the cockpit.</li><li>• Firing control assembly is being re-built.</li></ul>
<b>In the Hangar</b>	<ul style="list-style-type: none"><li>• Repairs on centre section of the aircraft are progressing; the crew has riveted four of the six new crossbeams in place as well as two complete rows of intercostals.</li><li>• All cabin heating ducts have been installed in the cockpit.</li><li>• Crew has finished final paint and begun installing equipment, including the hydraulic reservoir and recuperator pump.</li><li>• Flare chute has been primed and painted and triggers have been re-installed along with the main electrical connection.</li><li>• Preparation of mounting base in the aircraft is underway.</li><li>• Flare chute main body has been completed and installed.</li><li>• End plates and damaged ribs in the main wings have been repaired, re-primed and re-installed.</li><li>• New wing skins are being riveted in place.</li><li>• Ammunition booster for rear turret has been assembled and installed.</li></ul>

<p><b>Special Notes</b></p>	<ul style="list-style-type: none"> <li>• The Plane Hunters Recovery Team in Belgium has donated an original hydraulic motor for the turret.</li> <li>• Plexiglas for the cockpit and a brand new rear turret cupola have been received from Greenwood Military Aviation Museum.</li> </ul>
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Upon expiry of the Stewardship Agreement (Appendix A), the Lancaster will revert to the possession of the City, and the City shall take whatever steps it feels necessary to move or relocate the Lancaster. In addition, the terms of the agreement note that the parties agree to review options for long term housing of the Lancaster FM212 prior to the re-installation of the main wings, with final terms subject to a separate agreement. The current Stewardship Agreement expires on October 30, 2026.

In preparation for the complete restoration of the Lancaster, Administration will be issuing a public survey between June 7 and June 28, 2023 to get the community's feedback regarding the future home of the Bomber. A public information centre (PIC) will be hosted on June 14, 2023 to accommodate those that wish to express complete a survey in person and discuss their ideas. The results of the public consultation will be summarized in a future report to Council.

**Risk Analysis:**

The Lancaster Bomber is an asset of historical and cultural importance to the community. Proper stewardship is vital to protect this asset and provide access to the community. Community consultation is an important part of this process prior to moving forward. Failure to do so could result in serious risk to this asset as the City would be the owner of the historical piece requiring a location to display, store and/or care for it.

There are seventeen Lancaster Bombers left in the world. Only two remain in airworthy condition, one located at the Canadian Warplane Heritage Museum in Hamilton, Ontario and the PA474 located in England where it is operated by the Royal Air Force. A further five are considered substantial wrecks with the planes remaining in sites where they crashed. Windsor's Lancaster Bomber is therefore a very valuable resource that will assist in telling the military history of the region and its participation in World War II.

**Climate Change Risks**

**Climate Change Mitigation:**

N/A

**Climate Change Adaptation:**

N/A

## Financial Matters:

As approved by City Council an annual budget of \$50,000 has been allotted for facility expenses and minor material purchases related to the Lancaster Bomber.

The restoration work that has been completed is very costly. Specialized tools, equipment and materials are required to restore the Lancaster. The volunteers of the CAM have been sourcing funding opportunities such as donations, fundraising, grants and unique partnerships to provide the resources required to fund the additional materials required.

## Consultations:

Lynn Glasier - FPA

John Robinson - Vice President of Canadian Historical Airplane Association

Don Christopher - President of Canadian Historical Airplane Association

## Conclusion:

The partnership between the City of Windsor and the Canadian Aviation Museum meets the needs of the community and the Corporation to allow for restoration of a City-owned asset, Lancaster FM212, in a responsible, caring and business-like fashion.

Gathering input from the community is the next step in moving forward with future plans and a location for the restored Lancaster FM212.

## Approvals:

Name	Title
Michelle Staaedegaard	Manager, Culture & Events
Lynn Glasier	FPA, Recreation & Culture
Jen Knights	Executive Director, Recreation & Culture
Ray Mensour	Commissioner, Community Services
Shelby Askin Hager	Commissioner, Legal & Legislative Services
Tony Ardovini	Commissioner, Corporate Services CFO/City Treasurer (A)



Name	Title
Joe Mancina	Chief Administrative Officer

**Notifications:**

Name	Address	Email
Don Christopher; President of Canadian Historical Airplane Association		dchristopher@canadianaviationmuseum.ca

**Appendices:**

- 1 Appendix A - Stewardship Agreement

## STEWARDSHIP AGREEMENT

THIS AGREEMENT made as of the 1st day of November 2016

### BETWEEN:

**The Corporation of the City of Windsor** (“the City”)

-and-

**Canadian Historical Aircraft Association** (“CH2A”)

### RECITALS:

1. The City is the owner of an important community heritage aircraft asset, Windsor’s Avro Lancaster Mark 10 Bomber FM212 (“the Lancaster”).
2. The City recognizes the efforts and abilities of CH2A and its members who are active in preserving Windsor’s community heritage aircraft assets.
3. The City and the CH2A have developed an innovative community partnership to ensure the restoration and preservation of the Lancaster as a community heritage aircraft asset.
4. The City and CH2A wish to enter into a stewardship agreement to govern the relationship between them for the purposes of the storage, care and restoration of the Lancaster.

**NOW THEREFORE** in consideration of the mutual covenants and other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, the City and the CH2A agree as follows:

1. CH2A will:
  - a) At its sole expense will house the Lancaster in the existing Hangar facility, will insure and maintain the Hangar and will pay for all utilities consumed in it;
  - b) Work with the City to maintain a detailed fire plan acceptable to the City, showing the location of all fire extinguishers and hydrants located in and near

the Hangar and provide to the City a copy of the CH2A fire prevention policy, satisfactory in form and content to the City and its insurers:

- c) Provide the City staff ongoing access to the Lancaster and assist the City's Office of Cultural Affairs in undertaking a photographic inventory of the Lancaster during the restoration work;
  - d) Carry out the approved restoration plan as set out in the detailed plan attached as Schedule A;
  - e) Submit an annual report to the City on or before December 1<sup>st</sup> on each calendar year for work done to and materials used on the Lancaster, copies of all invoices, bills and statement of account rendered to CH2A and time sheets setting out the volunteer labour hours expended. The City will utilize the documents provided to endeavour to obtain for CH2A such grants and financial assistance for the Lancaster restoration as it is able;
  - f) Work with Administration to provide access to a third party to assess or audit the work completed as required following the benchmarks as outlined and agreed to in Schedule A;
  - g) Work with Administration to prepare, and sign off with City staff an annual report to be provided on or before December 1<sup>st</sup> on each calendar year, for presentation to the City Council of the City of Windsor which details the work performed on the Lancaster in accordance with the restoration plan in the previous year;
  - h) All persons, employees volunteers or agents of CH2A will be qualified to work on this project and the City does not by this agreement assume any risk or liability for personal injury or death caused while such persons are involved in any way on this restoration.
  - i) Ensure that "the City of Windsor" is credited in all materials including print, film, electronic media in which the Lancaster FM212 is featured.
2. The City will pay up to fifty thousand dollars (\$50,000) per year for the cost of the restoration. The purpose of the funds is to pay for housing and restoration of the Lancaster and which sum shall be reconciled with the annual report required as per section 1(e) above.

3. The parties agree that if the annual audit of the progress of the restoration of the Lancaster fails to record reasonable progress with the restoration plan, the City shall be at liberty to serve written notice upon CH2A that the progress is not satisfactory, the City may, at its option terminate this agreement and CH2A shall immediately assist Windsor in removing the Lancaster into the City's custody and control.
4. CH2A will take all reasonable efforts to insure the Lancaster, to the City's satisfaction, while in CH2A's possession. The City agrees to pay for the cost of any premiums associated therewith. Should the City be satisfied, in its sole discretion, that placing the requisite insurance is not feasible, the City may decide to waive said insurance requirement and will not be responsible for any premiums.
5. This agreement is personal to the parties and neither party shall assign, transfer, subcontract or declare a trust or deal in any other manner with any of the rights and obligations under this agreement.
6. Nothing in this agreement creates any partnership or joint venture between these parties.
7. The Lancaster, including all enhancements and improvements provided by and at the expense of CH2A will remain at all times the property of the City, free and clear of any encumbrances or liens.
8. CH2A agrees at least once annually to open the Hangar to the public to view the progress on the restoration of the Lancaster. The City agrees that the public viewing can be used as a fund-raiser for the CH2A.
9. This agreement shall be for a term of ten years, commencing at the expiration of the previous agreement of November 1, 2016 and expiring on October 30, 2026. Upon the expiry of this agreement, the Lancaster shall revert to the possession of the City, and the City shall take whatever steps it feels necessary to move or relocate the Lancaster and CH2A agrees to assist and facilitate that removal.
10. The parties to agree to review options for long term housing of the Lancaster FM212 prior to the re-installation of the Main Wings. Final terms to be subject to a separate agreement.

[signature page]

In the case of the Corporation, executed this 9 day of Nov., 2020

Authority  
CR495/2016  
Approved  
as to Form  
*[Signature]*  
Legal Counsel

Authority  
CR495/2016  
Approved  
as to Technical  
Content  
*[Signature]*  
Corporate  
Leader of  
Parks,  
Recreation &  
Culture and  
Facilities

Authority  
CR495/2016  
Approved as to  
Content  
*[Signature]*  
Executive Director  
Recreation & Culture

Authority  
CR495/2016  
Approved  
as to Financial  
Content  
*[Signature]*  
CFO/City  
Treasurer

**THE CORPORATION OF THE CITY OF WINDSOR**

*[Signature]*  
\_\_\_\_\_  
**Onorio Colucci**  
Chief Administrative Officer

*[Signature]*  
\_\_\_\_\_  
**Valerie Critchley**  
City Clerk

We have the authority to bind the Corporation

In the case of the CH2A, executed this 15<sup>th</sup> day of DEC, 2020

**CANADIAN HISTORICAL AIRCRAFT ASSOCIATION**

Per: *[Signature]*  
\_\_\_\_\_  
President

Name:  
(authorized signing officer)  
I have the authority to bind the Association

*[Signature]*  
\_\_\_\_\_  
Vice-President

Name:  
(authorized signing officer)  
I have the authority to bind the Association

# Proposed 10 Year Agreement

## DETAILED RESTORATION AGREEMENT

### SCHEDULE "A"

#### BETWEEN:

**The Corporation of the City of Windsor**

("the City")

-and-

**Canadian Historical Aircraft Association**

("CH2A")

#### 1.0 SCOPE:

This document is intended to serve as the basis for all restoration decisions and work on the restoration of the Avro Lancaster Mk 10 serial # FM212 at the Canadian Historical Aircraft Association (CH2A) facility at Windsor Airport. It shall provide a broad overview of the approach, philosophy and methods as well as providing background for their basis.

#### 2.0 RESTORATION APPROACH

##### 2.1 Objectives

The approach taken with the aircraft is to restore it in accordance with common aircraft industry procedures and practices to the level of a static display.

Emphasis shall be placed on the maximum retention of original materials, finishes and equipment. Deterioration of materials shall be arrested and treated as required, with a focus on longevity and stabilization of condition. Subsystems shall be inspected and treated as required. Where possible, missing systems and components shall be added to fit the aircraft out as completely and correctly as is feasible. Paint, surface finishes and markings shall be added and/or replaced as required.

Care will be taken to act such as to not limit future caretakers in their options as how to best preserve, care for and display the aircraft. This includes the possibility of making certain aircraft subsystems operational for demonstration purposes at some future time.

## 2.2 Aircraft Type Classification and Restoration Configuration

The aircraft's classification and condition categories play a major role in the planning of the restoration configuration and approach. Lancaster FM212 can be classified as a Category II aircraft. That is, it is an aircraft which is significant in its own right because it is the prototype photographic Lancaster of the Royal Canadian Air Force.

However, in the view of the City of Windsor purchasing the Lancaster as an Air Force Memorial, and recognizing that the Lancaster-type's most widely-known operational role is that of a bomber, FM212 will be restored to its original 1945 wartime bomber configuration which includes but is not limited to: colours, markings, materials, finishes, equipment, clothing and maps.

Since Lancaster FM212 was purchased by the City of Windsor for use as a local Air Force Memorial, and since the public has come to accept it as such, its present markings of "EQ W" will be retained. The aircraft shall also retain its original identification numbers as FM212.

On occasion, markings will be temporarily overlaid to honour individuals, specific aircraft or events. For example the recent passing of Frank Doolittle, a WW II veteran and Lancaster bomb aimer may lead to an opportunity to honour him through the placement of temporary markings on Lancaster FM212.

## 2.3 Restoration Plan Overview and Timing

In order to manage the program effectively, the restoration shall be divided into specific Phases. These divide the project into suitably sized tasks that may be more easily managed and monitored. This allows the rate of work to be ramped up or down depending on the funding that is available. This minimizes the risk of having large semi-complete dormant activities during the fundraising process.

Following are the projected phases, cost estimates and timelines. Phase I will be completed by the second quarter of 2017. The timeline for all of the following phases is projected dependent on funding and/or nothing unexpected being discovered during proceeding phases. These projections will be updated on an annual basis through the regular Council report. Due to the fact that the majority of work is being done by volunteers, it should be kept in mind that this is a fluid restoration plan. Based on the availability of volunteers, materials, aircraft parts and funding, work will be assigned accordingly by the Project Director to maximize results with the ultimate goal of finishing the project on schedule.

### 2.3.1 On-going Assessment

This phase will run congruently with all other phases to ensure that all documentation is received and that all areas are maintained for the safety of volunteers, contractors and Lancaster FM212 and all of its components.

**Facilities Preparation:** This continuous activity will include the preparation of the display area, including shelving/racking, fuselage and subassembly fixtures. The space will be re-organized dependent on the phase being addressed. The displays may change dependent on the restoration work being completed.

**Stabilization:** At each phase, the aircraft shall have all debris and contaminants removed in order to prevent further deterioration. Suitable anti-corrosive agents shall be applied to the airframe and engines and other parts as required.

**Inventory:** Complete inventory of components broken down by sub-assembly as each is undergoing restoration. The inventory shall include data on condition of components and subassemblies.

**Condition Report:** Each sub-assembly will require a condition report to be completed prior to restoration work commencing. One engine and other areas may be partially dismantled as required to assess the condition of internal areas.

**Research:** The CH2A will continue to update through a comprehensive research activity all relevant material associated with FM212, including history, photographs, service records and logs, technical manuals, etc. It is intended that this research shall result in the most comprehensive compilation of information possible on this aircraft.

Completed assemblies and sub-assemblies may be exhibited for display purposes while work continues in other areas.

### **2.3.2 Phase I *Nose, tail and mid-aft section completion***

*Nose section-* structural repairs and paint have been completed. Several WWII-era pieces of equipment need to be obtained or fabricated, such as bomb-sight and camera mounts, front turret, nose blister, and turret glazing.

Estimated completion date: 2nd quarter 2017

*Tail section-* structural repairs have been completed. Paint primer is 80% complete. Several original pieces of equipment need to be acquired, such as a flare chute, some ammo tracks, reproduction ammunition belts, parachutes and a rear turret. The elevators require structural repairs by a qualified shop to replace both torque tubes which are rusted through in several spots.

Estimated completion date (dependent on availability of turret, funding for contract work): 2nd quarter 2018



*Mid-aft section-* structural repairs are 80% completed. Old paint removal and priming is 40% complete. Several original parts need to be acquired such as mid-upper turret bubble, ammo cans, ammo belts and other small turret parts.

Estimated completion date: 3rd quarter 2018

### **2.3.3 Phase II Lowering of aircraft**

In order to permit volunteers, and contractors to safely work on the cockpit and center sections of the aircraft, the fuselage must be lowered. Work should commence on this phase once the mid-aft section work has been completed in the 3rd quarter 2018. To carry out this procedure, the engine cowlings, spinners, props and engines must be removed, followed by the bomb doors, undercarriage doors and valances. The aircraft must then be raised and supported while the wheels and undercarriage are removed. The fuselage will then be lowered to a safe working height in order to remove the undercarriage A-frames and engine mounts for inspection and repair/replacement.

Estimated completion date: 2nd quarter 2019.

### **2.3.4 Phase III Fuselage cockpit section**

Once the aircraft has been lowered work will commence on the cockpit restoration. All remaining wiring, controls and equipment will be removed. Many of the exterior skins were severely comprised by media blasting while in Jackson Park. The skins will be removed and replaced with new aircraft aluminum skins. The cockpit canopy will be removed, repaired and be re-glazed with new plexi-glass. Old paint will be removed, new primer and interior paint added. With the restoration of the instrument panel, engineer's panels and other equipment complete, all items will be re-installed in the aircraft.

Estimated completion date: end of 2020.

### **2.3.5 Phase IV Centre section repair**

Estimated date of work commencement: 1st quarter 2021.

This will be the most complicated and time-consuming part of the project. It will begin with the removal of all damaged formers, skins, old paint, wiring and plumbing. Fabrication of new cast aluminum cross beams will be sub-contracted. New intercostals, floor skins and bomb bay roof will be done in-house by CH2A volunteers. Repairs to the formers and spar webbing will be done in-house by CH2A volunteers. Once all new structural parts are completed, installation can begin, followed by new primer and paint. All existing equipment will be returned to the area and restoration will begin on the interior of the fuselage above the bomb bay with original equipment being

sourced whenever possible. Many items such as engine control boxes and cabling will have to be sourced or re-manufactured as pieces were discarded when the aircraft was mounted on the plinth.

Estimated completion date: 2nd quarter 2023

### 2.3.6 Phase V **Main wings, bomb doors**

*Main Wings:* estimated commencement date: 2nd quarter 2023.

The skins on the trailing edges of the wings were damaged by media (sand) blasting while the aircraft was on the plinth. Both trailing edges will be removed, a secure base will be designed and the wings will be held secure while all exterior skins are removed and replaced. All internal corrosion/paint/structural issues will be addressed at this time.

All paint will be removed from the leading edges of the wings and the skins inspected for damage. The skins will be replaced as needed. The lifting points near the ends of both main wings were damaged when the aircraft was removed from the pedestal. Internal corrosion was the likely cause rather than rough handling by the crew lowering FM212. All structural damage will be repaired. Damage done to the flaps will be repaired. The rear cowlings of the outboard engines will be restored.

Estimated completion date: 4th quarter 2024.

*Bomb doors:* estimated commencement date: 4th quarter 2024.

Four sets of extrusions must be sub-contracted and fabricated to replace the pieces discarded when the aircraft was mounted on the plinth. Additionally, all internal formers and intercostals must be replaced. The doors must be bolted to a fixture to ensure correct alignment.

Estimated completion date: 1st quarter 2026.

### 2.3.7 Phase VI **Final assembly**

Estimated commencement date: 2nd quarter 2026.

**Note: Final assembly of the aircraft cannot be completed until a facility for its display has been chosen or constructed. The CH2A hangar is not large enough to accommodate the Lancaster and its current aircraft collection. Also, our hangar doors are not wide enough to allow the re-assembled Lancaster to exit the building.**

Upon re-attachment of the nose and cockpit sections, the aircraft will be raised back to its normal height. The undercarriage, undercarriage doors, wheels and bomb doors will be re-installed. The finished horizontal and vertical stabilizers, rudders, elevators and tail wheel will be re-attached. The mid-upper turret will be installed. The main sections of the wings will be re-attached and the ailerons installed. The wing-tips will be attached. Lastly, the two outer engine bearers will be re-installed and all four engines, props, spinners and cowlings attached. Final paint and markings will be applied.

Estimated completion date: 4th quarter 2026.

### 3.0 STAFFING AND MANPOWER

#### 3.1 Labour Hours Tracking

Labour expenditure shall be tracked and recorded for evaluation of estimates and schedule projections. Total hours of volunteer time, student time and any paid staff time will be reported to Council on a yearly basis through the annual reporting mechanism.

#### 3.2 Alternative Approaches

##### 3.2.1 Sub-contracting

As funding permits, qualified Aviation companies may be solicited for assistance or complete undertaking of refurbishment of selected subassemblies: i.e. propellers, undercarriage assemblies, wheels and brakes. This shall be done under the direction and supervision of the Project Team.

##### 3.2.2 Co-operative Activities

Other parties possessing Lancaster aircraft shall be contacted for the purpose of investigating co-operative activities, including the exchange of suitable surplus components, or joint purchase of fabricated items such as glazing, plumbing or other items which may not otherwise be available.

### 4.0 PRESERVATION REQUIREMENTS

#### 4.1 Documentation

##### 4.1.1 General

Prior to the commencement of work in 2006, a detailed inventory of the aircraft was prepared.

A condition report was prepared that documents the condition of the aircraft's "as-received" condition.

Appropriate technical drawings, manuals, etc. that will be needed for all shall be procured as required.

Full records of all inventory, evaluation, and restoration activities and decisions shall be kept throughout the restoration process. Work performed on the aircraft shall be well documented.

Standardized forms that should be capable of directing the technician will record all necessary information.

The work records shall document all unique discoveries about the aircraft as well as the various materials used, where and how applied, the vendors from whom special hardware and parts were acquired and any other pertinent information.

Component logbooks, volunteer logs and/or electronic documentation shall be the accepted means of record keeping.

#### 4.1.2 Photography

As part of the condition report, baseline photographs are to be taken to document the overall condition of the aircraft and its parts.

Progress photos shall be taken on a scheduled basis. A photo library shall be developed for access by the technicians, but also to be accessed for historical reference that can be cross-referenced against completed work entries.

#### 4.1.3 Material Samples

Where possible, samples shall be retained of original paint. This may be a badly damaged piece of metal, wood or fabric that must be replaced yet retains a good sample of paint. Due to the aircraft being media blasted and re-painted on at least two occasions while in Jackson Park, there is virtually no original exterior paint left on the aircraft. As well, most original interior paint is in very poor condition and in many cases has peeled off.

Samples of unusual materials found on this aircraft such as composition materials, a fragment of unusable window and various fabrics in addition to skin covering should be retained as reference materials. Samples of hardware that cannot be used – types of nails, screws and bolts shall also be retained as documentation for future review.

### 4.2 Workmanship Guidelines and Approach

#### 4.2.1. Guidelines

There are several points that cannot be emphasized strongly enough when doing a restoration on an aircraft.

Any intrusion upon the structure is removing evidence of originality. Therefore, when this becomes necessary, it is essential that originality be duplicated in every way possible during the rebuilding phase of the restoration.

Anything short of a complete treatment becomes a cosmetic restoration. It is far better to leave such areas in their present state, still reflecting aspects of how they were originally, than to paint over for cosmetic purposes and destroy confirmation of markings, colours, or position where evidence of removed components existed.

It is essential that areas of deferred restoration are cleaned and stabilized against corrosion and further degradation, making sure that indicators of originality are not lost in the process.

Half-way restorations of this type become overly complicated and time-consuming. To merely work around the problems rather than resolving them in what should be this one-time work process is best avoided.

**In general it is better to:**

Preserve rather than restore.  
Restore rather than replace.  
Replace only when necessary.

The most important aspect is to take all of the appropriate measures that will preserve the artifact for the maximum lifetime possible.

Assessment must be made as to the degree of original finish that can be retained. Some interior components may be in satisfactory condition such that they need only be cleaned and coated with wax rather than to repaint. This concept shall be followed to the maximum extent possible.

Certain "graffiti" applied by mission crews and others may be retained and covered with clear coat.

#### 4.2.2 Approach

Several goals must be met as closely as possible:

1. The airframe must be made stable from further deterioration and corrosion;
2. The damage the aircraft has suffered must be reversed;

3. The aircraft must be chemically finished, treated and turned out in such a manner as to be a stable and preserved artifact capable of lasting far longer than originally intended.

The approach to be taken shall focus on retaining the maximum amount of original material and components. Retention of originality shall be favoured.

There is only one opportunity to "do it right". All work and decisions on procedures must be regarded as effectively permanent.

Repairs shall be made to that of a dynamic demonstration standard where possible, using certified materials, processes and traceability documentation.

If a component cannot be repaired, or the repair will unduly compromise the part, a less invasive, but museum grade repair shall be made, using materials and processes closely matching a period "service repair".

Where components are damaged or degraded to the point where repair is impossible or would be unrepresentative of its original form, it may be;

1. Replaced with original used or new old stock component of the same or suitably similar type. These changes shall be documented in the restoration logs for future reference. Identifications and date codes on replacement parts shall not be altered to "suit" the aircraft.
2. Replaced with a reproduction. These should be as close to the original as possible, using the same or superior materials, processes, finishes and markings as to the original.

Repairs and reproduced parts shall be documented with information stored within log books.

Where parts of the internal structure are not originally painted, a clear coating shall be applied throughout the structure as a protective coating.

Decisions regarding the extent of and type of repairs, replacement parts, and reproductions shall be at the recommendation of the crew chief and subject to approval by the Project Team.

#### 4.3 Colours and Markings

All original finishes shall be documented to the maximum extent possible. Paint and markings are present on the aircraft from several periods of its service life. All possible examples shall be documented.

Where possible, a sample of the original paint (from chips or retained samples of unusable parts) shall be retained for future reference.

Tracings and photographs shall be taken of all original markings and stencilling to document their exact locations.

Paint finishes shall be selected such as to match to original materials in appearance as closely as possible. Specific materials shall be chosen for maximum longevity. Modern, superior materials shall be used in order for the finished aircraft's condition to be maintained for the maximum period as possible.

The above is common practice, as the expected service life of the original materials is much less than that expected of a museum aircraft. Lacquer type finishes are generally considered easier to maintain and repair for museum aircraft.

Graffiti present inside the aircraft may represent an important record of the aircraft's history. As such, these markings may be targeted for preservation.

#### 4.4 Materials and Processes

Materials and processes shall conform to industry standards based on Transport Canada and other relevant references in addition to new research material as it becomes available.

#### 4.5 Subsystems Specific Guidelines - Engines and Propellers

As with other areas of the aircraft, the goal of their restoration shall be the stabilization of their condition and preservation.

Nothing shall be done that would permanently inert the engines or otherwise preclude them from being rebuilt to run for demonstration purposes at some future point.

If the engines are to be made operational in the future, they should be given a complete re-build at that time.

Many external surfaces suffer from various levels of corrosion. Likewise, due to the removal of spark plugs and accessories during the aircraft's display period, corrosion may have taken hold in the interiors of the engines, particularly the combustion chambers.

Complete engine disassembly is required. Even in the areas where the original lubricants and greases remain, these original materials will displace any protective coatings that may be applied. Once the original materials break down, surfaces are exposed and susceptible to damaging corrosion:

Because of the criticality of cleanliness, re-assembly shall be performed at a clean facility, either prepared on-site at the CH2A facilities, or at an outside facility under the supervision of the Project Team.

Missing components and subassemblies may be added if available. In the event that parts are replaced or substituted, extensive written record shall be made of the work done, and broken parts shall be retained for future study.

In the event that the components are not available, suitable block-off plates shall be fabricated to cover open cavities.

When reassembling components, new gaskets and seals shall be used.

All surfaces shall be painted and finished to match the original colours. These particular engines show traces of two coats of finish, with different glosses apparent. This appears to be evident of the original manufacturer's finish and possibly a rebuild and refinishing during service. The final finish of the engines shall be reflective of the era and configuration in which the finished aircraft is to be turned out.

Propellers shall be dealt with in the same manner as the engines, using the same guidelines, materials and processes.

Some of the manufacturer's (or last re-builder's) trademark decals are present to some degree. These shall be retained if condition and surrounding corrosion permit. Otherwise, these shall be used as a pattern for the production of replicas.





**Subject: Revised Recommendations re: Per Diem Rate Increase for Residential Services Homes Program - City Wide**

**Reference:**

Date to Council: May 29, 2023  
Author: Jennifer Tanner  
Manager, Homelessness and Housing Support  
519-255-5200 ext 5250  
jtanner@citywindsor.ca  
Housing and Children's Services  
Report Date: May 11, 2023  
Clerk's File #: SS/13026

**To:** Mayor and Members of City Council

**Recommendation:**

**THAT** Council Decision (B13/2023) **BE RESCINDED**; and further

**THAT** the report from the Manager of Homelessness and Housing Support regarding the per diem increase for the Residential Services Homes program **BE RECEIVED**; and further

**THAT** the Commissioner of Health and Human Services **BE AUTHORIZED** to increase the per diem rate to \$60.00 effective April 1, 2023 for the Residential Services Homes program in Windsor and Essex County. The cost of the per diem increase will be funded 100% through the provincial Homelessness Prevention Program (HPP) funding stream; and further

**THAT** the Chief Administrative Officer and City Clerk **BE AUTHORIZED** to execute, amend, and terminate agreements with the County of Essex related to the Residential Services Homes program and other homelessness programs funded through the provincial Homelessness Prevention Program (HPP) and the federal Reaching Home funding streams, provided such agreements are in a form satisfactory to the City Solicitor, satisfactory in financial content to the City Treasurer and satisfactory in technical content to the Commissioner of Health and Human Services and the Executive Director of Housing and Children's Services; and further

**THAT** the Manager of Homelessness and Housing Support **BE DIRECTED** to review the Residential Services Homes program per diem rate and/or funding model every three years and provide recommendations to City Council; and further

**THAT** Council Resolution CR235/2018 SDHC 565 which established the previous Residential Services Homes program per diem rate **BE RESCINDED**.

## **Executive Summary:**

N/A

## **Background:**

The Residential Services Home program, formerly known as the Housing with Supports Home program, offers supportive housing for eligible low income individuals and is currently funded at a \$60 per diem rate, as approved by City of Windsor Council at its budget meeting on April 3, 2023 (B 13/2023, See Appendix A). This was an increase to the former per diem rate of \$55 which had been in effect since April 1, 2019.

This program is funded primarily through the provincial Homelessness Prevention Program (HPP), as well as municipal funding from the City of Windsor and County of Essex.

## **Discussion:**

During budget deliberations on April 3, 2023, Council approved increasing the per diem rate to \$60 and intended that the increased costs would be funded through HPP. This decision of Council is documented in the 2023 Recommended Budget Amendments memo to Mayor and City Council from the Commissioner, Corporate Services CFO and City Treasurer (See Appendix B).

However, the original Per Diem Increase Council Report (CR 45/2023) presented on that day was written before Administration was aware that the City of Windsor had received an increase to its HPP allocation and the report contained recommendations that sought approval for additional municipal funding from both the City of Windsor and County of Essex, which is not necessary at this time. In order to provide further clarity that the per diem increase will be funded by HPP, Administration is requesting that Council rescind its previous decision on this matter and approve the revised recommendations contained in this report.

## **Risk Analysis:**

There are no additional risks related to the revised recommendations offered in this report.

## **Climate Change Risks**

### **Climate Change Mitigation:**

N/A

### **Climate Change Adaptation:**

N/A

## Financial Matters:

There are no financial risks to the City of Windsor in adopting the revised recommendations offered in this report.

## Consultations:

Linda Higgins, Manager Intergovernmental Funding and Human Services Integration  
Kate Tracey, Senior Legal Counsel

## Conclusion:

Windsor City Council had approved increasing the per diem rate for the Residential Services Homes program at its budget meeting in April 2023. The revised recommendations offered in this second per diem report will more accurately reflect Council's decision that the per diem increase will be funded completely by the provincial HPP program.

## Planning Act Matters:

N/A

## Approvals:

Name	Title
Jennifer Tanner	Manager, Homelessness & Housing Support
Kirk Whittal	Executive Director, Housing & Children's Services
Andrew Daher	Commissioner, Human & Health Services
Tony Ardovini	Chief Financial Officer (A)
Shelby Askin Hager	Commissioner, Legal & Legislative Services
Joe Mancina	Chief Administrative Officer

## Notifications:

Name	Address	Email
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Vino Patel, Bruce Villa	539 Bruce Ave Windsor, ON N9A 4X1	<a href="mailto:vpatel7474@gmail.com">vpatel7474@gmail.com</a>

<b>Name</b>	<b>Address</b>	<b>Email</b>
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Tigrena Domi, Devonshire Seniors Residence	901 Riverside Dr W, Windsor, ON N9A 7J6	<a href="mailto:tigrena.domi@responsivegroup.ca">tigrena.domi@responsivegroup.ca</a>
Anne Ryan, Iris Residential Inns	1280 Ouellette Ave, Windsor, ON N8X 1J5	<a href="mailto:iris@irisinns.ca">iris@irisinns.ca</a>
Douglas Rosete La Maison Royale	1016 Pelissier Windsor, ON N9A 4L7	<a href="mailto:lamaisonwindsor@gmail.com">lamaisonwindsor@gmail.com</a>
Thomas Ji, Manor House Lodge	1520 Ouellette Ave, Windsor, ON N8X 1K7	<a href="mailto:jhaizhang@icloud.com">jhaizhang@icloud.com</a>
Sami Jaber Marentette Rest Home	1758 Marentette Ave, Windsor, ON N8X 4E6	<a href="mailto:onesamijaber@yahoo.ca">onesamijaber@yahoo.ca</a>
Danny Pinksen, Salvation Army	355 Church St Windsor, ON N8X 3E6	<a href="mailto:Danny_Pinksen@can.salvationarmy.org">Danny_Pinksen@can.salvationarmy.org</a>
Pri Uthayakumar, Victoria Manor	759 Victoria Windsor, ON N9A 4N3	<a href="mailto:pri.loventures@gmail.com">pri.loventures@gmail.com</a>
Dusan Numasi, Victoria Manor	759 Victoria Windsor, ON N9A 4N3	<a href="mailto:dusan.loventures@gmail.com">dusan.loventures@gmail.com</a>
Lakya Scott, Willistead Inn	580 Devonshire Windsor, ON N8Y 2L7	<a href="mailto:Lakya.scott@yahoo.com">Lakya.scott@yahoo.com</a>

### **Appendices:**

- 1 Appendix A – Council Decision B13/2023
- 2 Appendix B – 2023 Recommended Budget Amendments Memo

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**Special Meeting of Council  
Decision  
Monday, April 03, 2023**

Moved by: Councillor Fred Francis

Seconded by: Councillor Angelo Marignani

Decision Number: B13/2023

That the report from the Manager of Homelessness and Housing Support dated March 9, 2023 regarding the per diem increase for the Residential Services Homes program **BE RECEIVED**; and,

That the Commissioner of Health and Human Services **BE AUTHORIZED** to increase the per diem rate to \$60.00 effective April 1, 2023 for the Residential Services Homes program in Windsor and Essex County, which will require an increase in the annual municipal funding up to \$600,000 from the City of Windsor and up to \$400,000 from the County of Essex that will be prorated in 2023 for nine months (\$450,000 City, \$300,000 County) as amended and outlined in Schedule 1; and further,

That the Commissioner of Health and Human Services **BE AUTHORIZED** to pursue an increase to the annual funding allocation from the County of Essex up to \$400,000 for the Residential Services Homes program; and further,

That the Chief Administrative Officer and City Clerk **BE AUTHORIZED** to execute, amend, and terminate agreements with the County of Essex related to the Residential Services Homes program and other homelessness programs funded through the provincial Homelessness Prevention Program (HPP) and the federal Reaching Home funding streams, provided such agreements are in a form satisfactory to the City Solicitor, satisfactory in financial content to the City Treasurer and satisfactory in technical content to the Commissioner of Health and Human Services and the Executive Director of Housing and Children's Services; and further,

That the Manager of Homelessness and Housing Support be **DIRECTED** to review the Residential Services Homes program per diem rate and/or funding model every three years and provide recommendations to City Council; and further,



## OFFICE OF THE CITY CLERK COUNCIL SERVICES

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That Council Resolution CR235/2018 SDHC 565 which established the previous Residential Services Homes program per diem rate **BE RESCINDED**.  
Carried.

Report Number: C 45/2023  
Clerk's File: SS/13026 11.8

*Anna Ciacelli*

Deputy City Clerk  
April 20, 2023



OFFICE OF THE CHIEF FINANCIAL OFFICER AND  
CITY TREASURER

Joseph Mancina, B. Comm, CPA CGA  
Commissioner, Corporate Services & CFO

## Memo

**To:** Mayor & City Council  
**From:** Commissioner Corporate Services CFO & City Treasurer  
**Date:** April 3, 2023  
**Subject:** 2023 Recommended Budget - Amendments

To Mayor & City Council,

The table below includes further budget reductions that have materialized since the 2023 Budget Documents were released on March 10, 2023, bringing the Tax Levy Impact from 5.02% to 4.59%.

	Municipal Levy	One-Time Funding
<b>2022 Approved Budget</b>	\$438,096,246	n/a
Recommended Increase by the Operating Budget Review Committee (OBRC)	\$20,089,341	\$5,870,283
<b>2023 Operating Budget Review Committee (OBRC)</b>		
2023 Recommended Budget	\$458,185,587	\$5,870,283
2023 Recommended % Impact on the Tax Levy	4.59%	
<b>Increases to the OBRC Recommended Budget</b>		
1 Land Ambulance Increased Cost beyond January 2023 OBRC Estimate	\$858,200	
2 Provincial Gas Tax Reduction for 2023/2024	\$209,322	
3 Cyber Insurance Increased Cost	\$96,480	
4 Item 11.5 - Organizational Structure Change (Engineering)	\$270,994	
5 Item 11.8 - Per Diem Rate Increases for Housing with Support Providers	\$450,000	
6 Facilities Operations - BSR Funding for 2023 Paul Marlin Building Maintenance	\$0	\$246,240
<b>Total Increases</b>	<b>\$1,884,996</b>	<b>\$246,240</b>
<b>2023 Adjusted Budget</b>	<b>\$460,070,583</b>	
<b>2023 Adjusted % Impact on the Tax Levy</b>	<b>5.02%</b>	
<b>Decreases to the OBRC Recommended Budget</b>		
7 Court Security & Prisoner Transportation Provincial Grant Increase	(\$257,048)	
8 Item 11.8 - Additional Provincial HPP Funding for Per Diem Rate Increases	(\$450,000)	
9 2022-0022 - Additional Provincial HPP Funding for Outreach Workers	(\$150,000)	
10 2023-0023 - Additional Provincial HPP Funding for Housing First Workers	(\$90,000)	
11 Reduced Annual Occupational Illness & Disease Transfer to Reserve	(\$500,000)	
12 Item 11.5 - Reduced Requirement for Organizational Structure Change (Engineering)	(\$245,070)	
13 2023-0267 - Additional Increase in Interest Income Revenue	(\$160,000)	
<b>Total Decreases</b>	<b>(\$1,852,118)</b>	<b>\$0</b>
<b>Net Impact</b>	<b>\$32,878</b>	<b>\$246,240</b>
<b>2023 Adjusted Budget</b>		
2023 Adjusted Budget	\$458,218,465	\$6,116,523
2023 Adjusted % Impact on the Tax Levy	4.59%	





**Subject: Sandwich South Employment Lands - Study Updates - Ward 9**

**Reference:**

Date to Council: May 29, 2023

Author: Stacey McGuire

Manager of Development

(519) 255-6100 Ext. 1726

[smcguire@citywindsor.ca](mailto:smcguire@citywindsor.ca)

Development - Engineering

Report Date: May 9, 2023

Clerk's File #: SW/13519

**To:** Mayor and Members of City Council

**Recommendation:**

- I. THAT Administration **BE DIRECTED** to issue the Notice of Study Completion for the Sandwich South Master Servicing Plan as per the Municipal Class Environmental Planning Process to commence the 30-day review period.

**Executive Summary:** N/A

**Background:**

In 2003, 2,300 hectares of land were annexed to the City of Windsor through the provisions of the Annexation Order and Boundary Adjustment Agreement (the Sandwich South Lands) in order to provide future employment and growth related lands. All of these lands drain to the upper section of the Little River. A number of studies and Environmental Assessments (EAs) have been commissioned by the City in coordination with the Essex Region Conservation Authority (ERCA) and the Town of Tecumseh to address stormwater and other servicing needs of the Sandwich South Lands.

*Upper Little River Master Plan Environmental Assessment (ULREA)*

At its meeting November 28, 2022, Council received an update on the status of the ULREA. Subsequently, the Notice of Completion was advertised in the Windsor Star January 21 and January 28, 2023 and posted on the City's website. Notices were sent on February 8, 2023 to the list of stakeholders established through the EA process with a deadline to comment of March 8, 2023. Comments from stakeholders were addressed

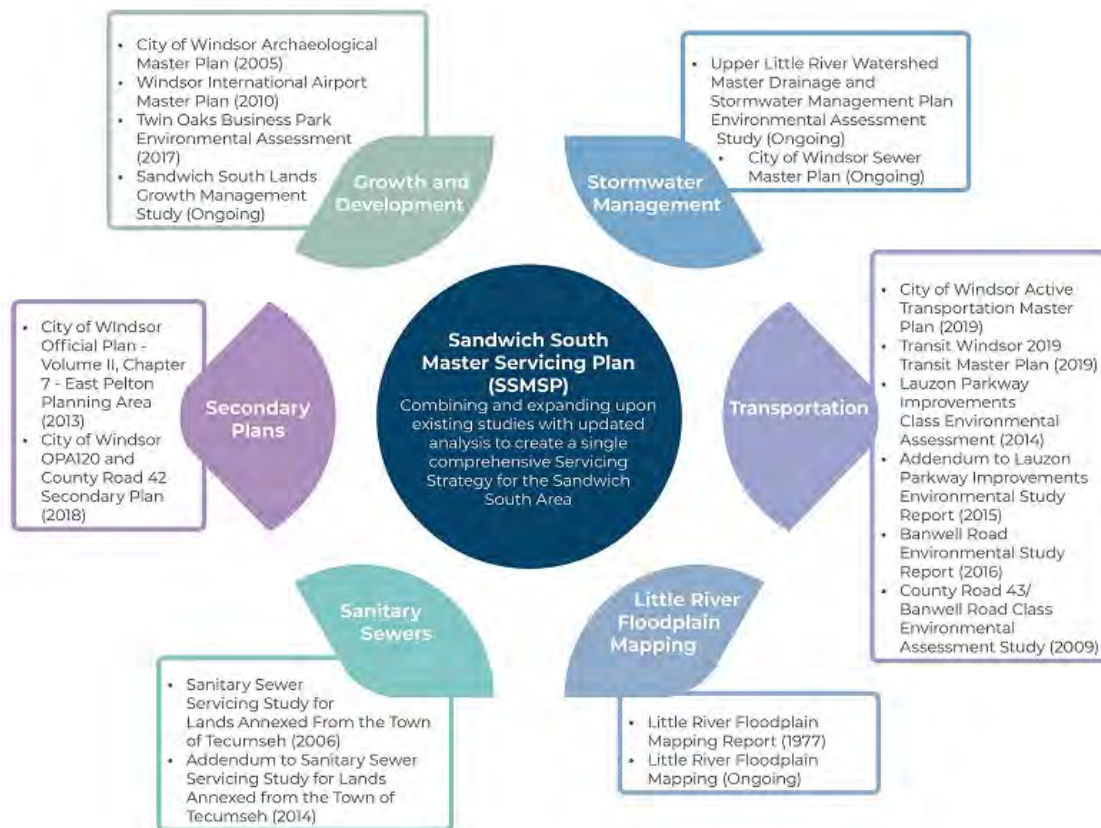


with minor changes to the report and a letter from Stantec Consulting, all of which can be found on the City's website. This project is now complete.

### *Sandwich South Master Servicing Plan (SSMSP)*

The City initiated the SSMSP in the summer of 2019 to develop a coordinated and sustainable approach to providing infrastructure in support of growth in the Sandwich South Lands. The plan considers the location and capacity of major infrastructure such as collector roads, trunk storm and sanitary sewers, watermains, stormwater management (SWM) facilities, municipal drains and the integration of naturalized areas.

The SSMSP was informed by a number of existing and ongoing studies as shown in the figure below:



The SSMSP was conducted in accordance with the requirements of Phase 1 and 2 of the Municipal Class EA process. This involves identification of the problem, development and evaluation of alternative solutions and identification of the recommended solutions.

An important part of developing the plan is to seek feedback from local residents and other stakeholders. The following outlines the stakeholder consultation that took place as part of the SSMSP project.

A notice of commencement was advertised in the Windsor Star on January 22 & 25, 2020, followed by a pop-up event to launch the project on January 30, 2020 as well as an online survey which closed March 25, 2020. Due to COVID Public Information Centre (PIC) #1 to develop and evaluate alternative solutions was held virtually using online panel slides and videos posted to the City's website from September 24, 2020 to October 31, 2020. Further to this, Stakeholder Advisory Committee meetings were held July 27, 2020 and June 9, 2021. PIC #2, which focused on identifying and developing the recommended solutions was held virtually on September 8, 2021 and consisted of a presentation followed by a question and answer period. A recording of the meeting as well as Frequently Asked Questions were posted to the project site on the City's website.

In June 2022, the scope of the study was expanded to include a detailed drainage assessment and functional design of stormwater management facilities proposed in the vicinity of the realignment of Lauzon Parkway at County Road 42. A video presentation and survey was posted to the City website with a comment period from June 6, 2022 to July 4, 2022 to address specifically the impacts of the scope change.

In addition to the above PICs and website updates, notices of which were delivered to the stakeholder group established and updated throughout the process, individual meetings and correspondence took place throughout the study period with stakeholder groups as necessary, including but not limited to the Windsor International Airport, Transport Canada, First Nations communities, ERCA, Windsor Regional Hospital, internal departments and individual property owners.

*Little River Watershed Flood Line Mapping Hydraulic Report ("Flood Plain Mapping Project")*

The Flood Plain Mapping Project is a component of, and was completed by Dillon Consulting in parallel to, the SSMSP. The study uses the hydrologic information from the ULREA as the baseline for flood mapping and stormwater analysis in the Sandwich South Lands. The Flood Plain Mapping Project was used to provide information on existing floodplain conditions and extents which helped to inform the planning and layout of proposed roadways and sewers in the SSMSP and to analyze future development scenarios to ensure no negative impacts to the existing lands as development occurs.

A virtual Public Information Centre was held November 17, 2021 to provide the public with preliminary results of the flood plain mapping and potential changes to the regulatory boundaries being proposed.

ERCA presented the final report to its Board of Directors on May 10, 2023.

The Flood Plain Mapping Project now provides the City with floodplain modeling to support decision making and growth strategies for the Sandwich South Lands. Furthermore, ERCA has updated regulatory mapping that will be used by ERCA staff to administer Section 28 of the Conservation Authorities Act and to regulate development of the Sandwich South Lands through the Planning Act process. This will be a critical tool in the responsible design and analysis of development within the Sandwich South Lands moving forward.



**Discussion:**

*Sandwich South Master Servicing Plan (SSMSP)*

Although the SSMSP covers the entire Sandwich South area at a high level, functional design and cost estimation has only been completed for the projected initial buildout of the Sandwich South lands specifically the East Pelton and County Road 42 Secondary Plan Areas (SPAs). The overall study area and limits of the secondary plans are shown in the figure below:



The East Pelton and County Rd 42 SPAs have been forecast as being the first areas to develop based on property ownership, proximity to existing services and development pressures at the time (e.g. the proposed regional hospital, Southwest Detention Centre and interest from the owner of the lands at the north side of the East Pelton SPA).

The Municipal Class EA process was recently amended. Section A.1.4.2 of the March 2023 Municipal Class EA document allows discretion for transition projects where the notice of commencement has been issued but a notice of completion has not been issued. The municipality may choose to continue with the Class EA process that was started for the project or transition the project to the new application process. There is no benefit to transitioning this project to the new process and as such it will be completed under the previous EA process.

The SSMSP satisfies the requirements for a Schedule B Class EA for the initial buildout area of the Sandwich South Lands only. Development of the lands outside the initial buildout area will require a similar master plan to be completed. Additionally, any existing roadway widening to increase service level or new collector/arterial roadways on City owned land may require a Schedule C EA. These EA projects will be identified and included in future budgets as necessary.

It should be noted that the SSMSP was initiated and well advanced in terms of scope development and community consultation prior to the announcement of the EV Battery Plant development. Some assumptions have been updated to consider the battery plant project, including the transportation modeling assumptions related to background growth, however, a complete overhaul of the SSMSP did not take place as it would delay development in the Sandwich South Lands. As a result, some of the assumptions of the SSMSP will have to be confirmed at the time of detailed design by the developer's consulting engineer and/or the City.

The SSMSP has now been finalized based on comments received through the stakeholder engagement process. The document provides locations and approximate size of major regional infrastructure such as collector and arterial roadways, regional SWM facilities, municipal drains and trunk sewer systems to service the initial phases of the Sandwich South Land development area. In addition, the SSMSP prescribes design, operation, maintenance and monitoring standards for such infrastructure which will guide the design criteria for individual land development applications.

In accordance with the Municipal Class EA process, the SSMSP must now be filed on the Public Record, through a Notice of Completion, for a period of thirty (30) days after the adoption of the recommendations by the City of Windsor Council.

The Notice of completion will be advertised in the Windsor Star and posted on the City website. It will also be provided by direct mail-out to the directly affected property owners and those whom have requested to be included on the project contact list for the EA. A copy of the Notice of Filing will be provided to the Mayor and Members of Council and included as a Communication item at the next regularly scheduled meeting of Council following publication. Finally, the SSMSP will be made available for viewing at City Hall in the Council Services office during the 30-day review period.

### *Next Steps - Infrastructure Implementation*

The studies identified above provide the City and other approving agencies with important information to support the review of development applications for the Sandwich South area which is largely underserved agricultural lands. Following the posting of the Notice of Completion and approval by the Ministry of the Environment, Conservation and Parks, projects considered through the Class EA process as Schedule A, A+ and B will be approved to proceed to detailed design and construction. However, there are a number of considerations that will have to proceed prior to or in parallel to development. Some of these considerations are noted below:

- Schedule C projects may require additional public notice and/or further study prior to implementation
- Property acquisition for regional or trunk infrastructure, collector and arterial road networks and a naturalized corridor containing SWM facilities may be required
- Establishment and implementation of an environmental monitoring program to assess issues such as water quality, flood control facilities, adverse site effects, impacts to natural environment, waterfowl mitigation etc.
- Transportation Impact Studies and implementation of offsite improvements
- Archeological assessments
- Species at risk clearances and mitigation plans related to construction activities
- Geomorphological assessments of receiving watercourses including erosion and sediment control
- Re-alignment and/or abandonment of municipal drains in accordance with the Drainage Act
- Design and construction of regional stormwater management facilities; and
- Individual neighbourhood servicing studies

Administration will begin to prioritize infrastructure capital and operating needs and funding sources. The SSMSP proposes a plan for implementation of the works in the phases described below, however the phasing will largely depend on development pressures and property ownership.

Infrastructure works were categorized and prioritized according to the following timelines:

- Projects proposed to be initiated in the next 5 years – these projects have been identified and considered for partial or full funding in the 2023 10-year capital budget;
- East Pelton SPA Phase 1 – infrastructure generally required to develop the northern portion of the East Pelton SPA;



- County Road 42 SPA Phase 1 – infrastructure generally required to develop the northern portion of the County Rd 42 SPA between County Rd 42 and Baseline Road;
- East Pelton SPA Phase 2 – infrastructure generally required to develop the southern portion of the East Pelton SPA;
- County Road 42 SPA Phase 2 – infrastructure generally required to develop the portions of the County Rd 42 SPA south of Baseline Road and east of the Lauzon Parkway extension; and,
- Projects outside the initial buildout – the projects located outside the East Pelton and County Road 42 SPAs will require a master servicing study conducted under the Class Municipal EA process prior to implementation

The final version of the SSMSP is now posted to the City's website and can be accessed at <https://www.citywindsor.ca/residents/Construction/Environmental-Assessments-Master-Plans/Pages/Sandwich-South-Master-Servicing-Plan.aspx>.

### *Monitoring and Maintenance*

New infrastructure will require regular maintenance and in some cases extended monitoring. Due to changing legislation and best practices, particularly in the area of SWM, as well as the requirement for pumping stations due to the topography of the Sandwich South lands, these operational activities are anticipated to be more onerous than in subdivisions constructed in the past, however are crucial to implement. Regular inspection of the SWM facilities and receiving watercourses will help to identify and mitigate any issues such as erosion, sedimentation and water quality concerns.

SWM facilities that retain water have the potential to attract waterfowl which may pose a safety concern at or near airports. As a result and through consultation with Transport Canada, SWM facilities within the airport's primary hazard zone have been identified as dry type ponds with supplemental water quality units as dry ponds alone cannot meet water quality objectives and standards. Regular maintenance of SWM quality units and SWM facilities will extend the life of the infrastructure and reduce future capital costs.

Furthermore, the SSMSP includes a detailed waterfowl mitigation strategy that uses engineering design best practices, vegetation and monitoring requirements to decrease the attractiveness of the wet facilities to geese and other waterfowl. Developers and designers will be required to demonstrate that their design, construction and maintenance activities prior to assumption of the infrastructure comply with this document. Ongoing monitoring will be required through the life of the SWM facilities to assess the effectiveness of these strategies, identify any concerns, and adopt new approaches if necessary. This will be especially important in the first years of the SWM facility life cycle when vegetation has not established sufficiently to provide the intended cover. Prior to the implementation of any SWM facilities, the City, in consultation with YQG, will develop a monitoring plan and incorporate the requirements of that plan into development agreements and operational strategies moving forward.

## **Risk Analysis:**

The completion of the SSMSP and Flood Plain Mapping projects is vital to continued sustainable growth within the Sandwich South Lands. With the development of the East Pelton and County Road 42 Secondary Plans, start of construction of the electric vehicle battery plant and planning for the new mega hospital, growth in the Sandwich South Lands is imminent. Finalizing the studies will allow for development to proceed in these secondary plan areas.

Changes to the EA process as a result of the COVID-19 Economic Recovery Act, 2020 mean that Part II Order requests are now limited to potential adverse impacts of projects on constitutionally protected Aboriginal or treaty rights. First Nations have been consulted throughout the SSMSP process and as such, the risk is low that a Part II Order request will be received.

## **Climate Change Risks**

### **Climate Change Mitigation:**

N/A

### **Climate Change Adaptation:**

Schedule B and C projects are still to be completed for the Sandwich South study area. These projects should consider the climate change objectives in place at the time of those projects proceeding to construction.

## **Financial Matters:**

There are no direct financial implications with this information report. Detailed design and construction related to major infrastructure within the Sandwich South Lands will be contingent upon approved permits, development agreements, cost sharing arrangements and/or capital budgets and will be in response to development pressures.

Operational funding needs relating to general infrastructure maintenance including stormwater management inspection, maintenance and monitoring will be identified and included in future budgets as new facilities are designed and brought into operation.

## **Consultations:**

Essex Region Conservation Authority – James Bryant

Town of Tecumseh, Phil Bartnik

Engineering – Robert Perissinotti, Ryan Langlois

Economic Development – Patrick Winters

Finance – Linda Mancina

**Conclusion:**

A Notice of Study Completion for the SSMSP will be filed for a 30-day review period. A copy of the Notice of Study Completion will be provided to the Mayor and Members of Council and included as a Communications item at the next regularly scheduled meeting of Council following publication.

**Planning Act Matters:**

N/A

**Approvals:**

Name	Title
Stacey McGuire	Manager of Development
France Isabelle-Tunks	Executive Director Engineering/Deputy City Engineer
Chris Nepszy	Commissioner, Infrastructure Services
Joe Mancina	Chief Administrative Officer

**Notifications:**

Name	Address	Email
James Bryant, Essex Region Conservation Authority		<a href="mailto:jbryant@erca.org">jbryant@erca.org</a>
Phil Bartnik, Town of Tecumseh		<a href="mailto:pbartnik@tecumseh.ca">pbartnik@tecumseh.ca</a>
Laura Herlehy, Dillon Consulting		lherlehy@dillon.ca
Stakeholder List	List forwarded to Clerks	

**Appendices:**





**Subject: EWSWA Agreement to Lease Waste Facilities on City Owned Land - City Wide**

**Reference:**

Date to Council: May 29, 2023  
Author: Anne-Marie Albidone  
Manager, Environmental Services  
519-974-2277 x 3123  
aalbidone@citywindsor.ca

Public Works - Operations  
Report Date: May 15, 2023  
Clerk's File #: APM/14483

**To:** Mayor and Members of City Council

**Recommendation:**

THAT the Chief Administrative Officer and City Clerk **BE AUTHORIZED** to sign an agreement with Essex Windsor Solid Waste Authority ("EWSWA") authorizing the lease of waste (garbage, recycling, yard waste) facilities managed by EWSWA located at 3560 and 3580 North Service Rd E., Windsor to the successful proponent of an RFP issued by EWSWA, satisfactory in form and content to the City Solicitor, in technical content to the City Engineer and in financial content to the Chief Financial Officer.

**Executive Summary:**

N/A

**Background:**

The Material Recovery Facilities are two facilities located at 3560 and 3580 North Service Rd E. (the "MRFs", and each an "MRF"). They are managed by EWSWA to process all recyclable materials from Windsor and Essex County. These facilities are located on City owned land. Historically EWSWA has funded, managed, insured, and reported as an asset, these two facilities on behalf of Windsor and Essex County as part of the recycling program. Effective August 2024, the recycling program will no longer be a municipal responsibility, and will transition to the Producers under the *Extended Producer Responsibility Framework of the Waste Free Ontario Act*. EWSWA had the option to continue operating the MRFs under contract with the producers; however, the agreement to provide that service contained risks that prohibited recommending doing so. Details surrounding this can be found in Appendix A. As a result, the MRFs, as well

as the equipment within them, will become stranded assets. To avoid this, the EWSWA Board directed:

*“THAT the Board receive the report as information and provide Administration with approval to proceed with issuing a Request for Proposals for the Material Recovery Facility which includes the lease of one or both facilities, the purchase of processing equipment and the provision of recyclable materials processing services for material collected from non-eligible sources.” 18-2023*

The Agreement, which formed EWSWA, was entered into by the City and the County of Essex in 1994 (the “Agreement”). The Agreement outlines the roles and responsibility of EWSWA. Section 5 of the Agreement sets out an exhaustive list of the powers and obligations of EWSWA. While such section authorizes EWSWA to enter into certain types of agreements, it is silent as whether EWSWA is permitted to enter into leases of facilities, including the MRFs.

Further, section 8 of the Agreement provides that ownership of all existing and future properties are to remain vested in the City or County, wherever such property is located. As the MRFs are located within the City of Windsor, this section suggests ownership of such properties remain in the City.

City Administration is currently working with the County and EWSWA to revise and update the Agreement to better reflect current operations and clarify various provisions in the Agreement.

### **Discussion:**

In accordance with the approval of its Board on March 7<sup>th</sup>, 2023, EWSWA issued an RFP for the lease of the MRFs, purchase of equipment, and service agreement for non-eligible sources. A lease agreement will then be entered into between EWSWA as landlord and the successful proponent of the RFP as tenant.

Although residential recycling will no longer be a municipal responsibility, it is in the best interest of both the City of Windsor and the County of Essex to ensure a material recovery facility remains within the County of Essex to assist in maintaining the current level of service. Leasing the MRFs will secure a processing facility within the City of Windsor.

However, the current terms of the Agreement do not allow for EWSWA to enter into leases of the MRFs. As the properties are located within the City of Windsor, approval by the City authorizing EWSWA to lease out facilities on lands located within the City of Windsor is required. Further, should the Agreement terminate or expire during the term of the lease, it is possible that the City would ultimately be bound by the terms of any such lease as the successor landlord. Administration proposes that an agreement with EWSWA is required to allow EWSWA to lease the MRFs in this instance, and to set out the requirements for any future lease of facilities within the City of Windsor.

Administration proposes that the new agreement with EWSWA is to include:

- The City's consent to EWSWA entering into the lease of the MRFs with the successful proponent of the RFP; and
- That any future proposed lease by EWSWA of a facility located within the City of Windsor will require the prior written approval of the City

### **Risk Analysis:**

Failure to execute this agreement will prohibit the EWSWA from leasing the MRFs in their current form. This may result in the loss of a processing facility within the City of Windsor limits. The consequence of this is that non-eligible sources such as municipal facilities and BIAs will have no local site in which to process their recyclables. These non-eligible sources will either incur a financial burden to deliver their materials to a processing facility up to an hour away, or simply send their recyclables to landfill.

### **Climate Change Risks**

#### **Climate Change Mitigation:**

N/A

#### **Climate Change Adaptation:**

N/A

### **Financial Matters:**

In September 2022, EWSWA engaged a waste industry consultant to evaluate various options for the two MRFs post transition. This process confirmed that there is a potential opportunity for revenue annually by leasing one or both MRFs. This was based on the condition of the processing equipment as well as the buildings. Leasing one or both MRFs will generate revenue while minimizing operating expenditures.

The alternative option would be to sell the processing equipment and repurpose one or both MRFs into other Authority services (such as organic transfer or public drop off expansion). This option would likely solicit less revenue and would increase expenditures.

The RFP Evaluation Committee is currently in the process of reviewing the responses and will be making a recommendation to the Authority Board.

Council is reminded that approximately 50% of the Authority budget is funded by the City of Windsor Operating Budget, with the other approximately 50% funded by the County of Essex. Further status reports will be brought to Council as the transition to producer details are finalized.

### **Consultations:**

Kate Tracey, Senior Legal Counsel

**Conclusion:**

The Agreement is silent as to whether EWSWA was permitted to enter into leases of facilities located on City owned property. As a result, a separate agreement is needed to facilitate this action until the City, County and EWSWA revise and update the 1994 Agreement to better reflect current operations and clarify various provisions in the Agreement.

**Planning Act Matters:**

N/A

**Approvals:**

Name	Title
Cindy Becker	Financial Planning Administrator, Public Works
Shawna Boakes	Executive Director of Operations
Chris Nepszy	Commissioner, Infrastructure Services
Shelby Askin-Hager	Commissioner, Legal & Legislative Services
Tony Ardovini	Acting Commissioner, Corporate Services/Chief Financial Officer & City Treasurer
Joe Mancina	Chief Administrative Officer

**Notifications:**

Name	Address	Email

**Appendices:**

**Subject: CR - Four Month Extension of Agreement for Waste Collection Services (RFT 43-15) - City Wide**

**Reference:**

Date to Council: May 29, 2023  
Author: Anne Marie Albidone  
Manager, Environmental Services  
519-974-2277 ext. 3123  
aalbidone@citywindsor.ca  
Public Works - Operations  
Report Date: 5/2/2023  
Clerk's File #: APM/14483

**To:** Mayor and Members of City Council

**Recommendation:**

**THAT** the Chief Administrative Officer and City Clerk **BE AUTHORIZED** to **EXECUTE** a four-month extension agreement of the existing agreement with GFL Environmental Inc. (RFT 143-15) from December 1, 2024 to March 29, 2025 for the provision of residential waste and yard waste collection services, which extension agreement shall be approved as to technical content by the City Engineer, financial content by the City Treasurer and Chief Financial Officer, and as to legal content by the City Solicitor.

**Executive Summary:**

**Background:**

The existing agreement between the Corporation of the City of Windsor and GFL Environmental Inc. for the provision of residential garbage and yard waste collection expires on November 30, 2024. However, the agreement allows for extension options of either one year or any amount less than one year upon the terms and conditions of the Agreement, and subject to mutual agreement of the tonnage rate for such extension.

The original tonnage rate for garbage and yard waste collection was discounted since GFL Environmental was awarded both the waste collection contract and the recycling contract. Each year thereafter, the rate was subject to an escalation factor based on CPI and Fuel indexes. The current rate for garbage and yard waste collection is \$85.67/tonne plus tax.

No extension is sought for the recycling collection agreement at this time.

## **Discussion:**

Residential waste collection services have been contracted to a private collector since 2010. Two separate contracts exist for collection. One contract addresses garbage and yard waste collection, while the other addresses recycling collection. A discount was sought should the same bidder be awarded both contracts. The discount was successfully obtained in all contracts issued to date.

The current garbage and yard waste contract expires on November 30, 2024 while the recycling contract expires on August 24, 2024. No extension is being sought for the recycling contract at this time, as the residential recycling program will be transitioning to producer responsibility at the expiration of the contract. Discussions with the Producer Responsible Organizations (PROs) are underway with the Essex Windsor Solid Waste Authority. Further information will be coming to Council at a later date on this subject.

Council will recall that the City of Windsor is provincially mandated to begin a food and organic waste program in 2025. Administration is working with the Essex Windsor Solid Waste Authority to develop a program that is targeted to begin collection in the spring of 2025.

A contract extension of four (4) months is sought in an effort to best align with the anticipated residential food and organic waste collection. This would allow for the greatest opportunity for economies of scale when tendering for all waste collection services in the City of Windsor

## **Risk Analysis:**

Failure to execute the extension will require a new RFT. Doing so carries several risks:

- Obtaining new collection vehicles are significantly delayed, therefore proponents will struggle with obtaining the fleet required to start the work by December 1, 2024. This may limit the number of proposals received.
- The new RFT would need to be released in the next few months in order to allow bidders sufficient time to establish resources to be in a position to start by December 1, 2024. While this is possible, it is not advisable since the regional organics collection method has not yet been finalized, and any synergies therein would not be included in the RFT.
- A new RFT is likely to solicit bids much higher than the rate being proposed for the extension.
- A new RFT for only 4 months will not likely garner any interest, and a new RFT for longer than 4 months would eliminate any economies of scale with other waste programs

## **Climate Change Risks**

### **Climate Change Mitigation:**

N/A

## **Climate Change Adaptation:**

N/A

## **Financial Matters:**

The estimated tonnage rate in 2024 to complete the term of the contract can be calculated by assuming a yearly escalation factor of 5.6%. Using that escalation factor, the tonnage rate for 2024 would be estimated at \$90.47/tonne plus tax, until November 30, 2024.

Effective December 2024, the tonnage rate proposed under the extension option of RFT 143-15 is \$117/tonne plus tax. This rate would remain constant until March 30, 2025, and would not be subject to any escalation factor. The proposed extension rate represents, approximately, a 30% increase over the estimated 2024 tonnage rate. It should be noted that provincially, waste collection contracts have increased significantly – anywhere from 50% to 80% over the previous contract. This increase is primarily due to rising costs associated with the cost of fuel, equipment and labour.

It is estimated that 16,000 tonnes would be collected during the extension period. Therefore, the estimated cost to extend the contract for four months until March 30, 2025 is \$1,872,000.

Contractual budget adjustments required annually for waste collection services are submitted for Council consideration during the normal budget deliberation process. Budget requests will be submitted for 2024 and 2025, as required, to make necessary budget adjustments for additional contracted services costs related to the new tonnage rate, CPI and fuel as stipulated in the contract

## **Consultations:**

Joshua Meloche, Senior Legal Counsel

## **Conclusion:**

The issuance of a Request for Tender for garbage and yard waste collection will undoubtedly see significant increases over the current rate. Extending the existing contract will allow the Corporation the necessary time to explore synergies with the food and organic waste collection services as well as regional collection services.

## **Planning Act Matters:**

N/A

**Approvals:**

<b>Name</b>	<b>Title</b>
Cindy Becker	Financial Planning Administrator, Public Works
Shawna Boakes	Executive Director, Operations
Chris Nepszy	Commissioner, Infrastructure Services
Alex Vucinic	Purchasing Manager
Shelby Askin-Hager	Commissioner, Legal & Legislative Services
Tony Ardovini	Acting Commissioner, Corporate Services/Chief Financial Officer & City Treasurer
Joe Mancina	Chief Administrative Officer

**Notifications:**

<b>Name</b>	<b>Address</b>	<b>Email</b>

**Appendices:**



**Subject: Award of Proposal No. 63-23 Truck Route Study - City-wide**

**Reference:**

Date to Council: May 29, 2023

Author: Jeff Hagan

Transportation Planning Senior Engineer

519-255-6100 ext 6003

jhagan@citywindsor.ca

Public Works - Operations

Report Date: 5/5/2023

Clerk's File #: SW/14288

**To:** Mayor and Members of City Council

**Recommendation:**

1. That the Chief Administrative Officer and the City Clerk **BE AUTHORIZED** to sign a contract with IBI Group Professional Services (Canada) Inc., satisfactory in form to the City Solicitor, in technical content to the City Engineer, and in financial content to the City Treasurer and Chief Financial Officer, to undertake a city-wide truck route study, to an upset limit of \$300,000 excluding HST, and;
2. That Council **APPROVE** the total projected cost of up to \$300,000 excluding HST to be funded from the Transportation Planning Environmental Study Reports Capital Project.

**Executive Summary:**

N/A

**Background:**

On March 28, 2023, RFP 63-23 was advertised for a consultant assignment to develop an updated City-wide truck route. The RFP also identified a provisional item of bridge structural assessment. One (1) submission was received from the following company:

- Arcadis IBI Group

A summary of the project scope (as identified in the RFP) is as follows:

- **Objectives:**
  - Develop criteria for heavy trucks and potential updates in the gross vehicle weight ratings.
  - Recommend updates to City of Windsor By-Laws; Traffic By-Law and Parking By-Laws based on proposed truck routes.
  - Review on-street heavy truck parking and whether it is to be considered separately from the road's truck route status.
  - Identify potential industrial locations where Long Combination Vehicle routes could be approved.
  - Identify truck route changes that are warranted by new development (e.g. Sandwich South, NextStar plant, feeder plants).
- **Consultation and Meetings:**
  - General public:
    - 2 rounds of Public Information Centres (with PICs at 2 locations in each round)
  - Business community and goods movement stakeholders:
    - Moderated/Facilitated Panel Discussion/Focus Groups: 2 meetings
    - Goods movement community (bridges, ports, airport, and trucking association): 2 meetings
    - Business Community (BIAs): 4 meetings
  - Other governments:
    - Adjacent municipalities and provincial agencies: 1 meeting
  - Council and Committees:
    - Environmental Transportation and Public Safety Standing Committee: 1 meeting
    - City Council: 1 meeting
- **Key Deliverables:**
  - Presentation materials for public and stakeholder meetings
  - Consultation summary
  - Draft and final reports, including a recommended city-wide truck route network

Additionally, the scope included a provisional item: bridge/overpass structural load assessments at identified locations to determine suitability of the bridge/overpass for heavy truck traffic.

### **Discussion:**

The sole proposal submitted for RFP 63-23 is satisfactory to Administration. Administration recommends accepting the proposal submitted by Arcadis IBI Group.

**Risk Analysis:**

There are no risks associated with the retaining of the consultant. Any risks regarding the choice of consultant were mitigated by following the process set out in Purchasing By-law 93-2012.

**Climate Change Risks****Climate Change Mitigation:**

N/A

**Climate Change Adaptation:**

N/A

**Financial Matters:**

The all-inclusive, fixed lump-sum price for the consultant assignment is \$196,670 excluding HST. The price for the provisional item, bridge/overpass structural load assessments, is \$19,463 excluding HST per location.

The number of bridge or overpass assessments required is not currently known; this will be identified over the course of the study. Administration recommends that Council approve an upset limit of \$300,000 excluding HST, \$305,280 including non-refundable HST costs, which would provide sufficient funds for the core consultant assignment and up to 5 bridge or overpass assessments.

There are sufficient funds in the Transportation Planning Environmental Study Reports capital project (7086010) to carry out this work.

**Consultations:**

N/A

**Conclusion:**

Administration recommends that RFP 63-23 be awarded to Arcadis IBI Group to carry out a city-wide truck route study.

**Planning Act Matters:**

N/A

**Approvals:**

<b>Name</b>	<b>Title</b>
Cindy Becker	Financial Planning Administrator
Shawna Boakes	Executive Director of Operations and Deputy City Engineer
Chris Nepszy	Commissioner of Infrastructure Services and City Engineer
Tony Ardovini	Acting Commissioner of Corporate Services and Chief Financial Officer
Joe Mancina	Chief Administrative Officer

**Notifications:**

<b>Name</b>	<b>Address</b>	<b>Email</b>
Bruce Mori, Director & Senior Practice Lead, Transportation Planning Arcadis IBI		bmori@ibigroup.com

**Appendices:**

N/A

**Subject: Award of Tender 43-23 - Dominion Boulevard Rehabilitation - Northwood Street to Ojibway Street - Ward 10**

**Reference:**

Date to Council: May 29, 2023

Author: Aojeen Issac

Engineer II

519-255-6257 ext. 6368

aissac@citywindsor.ca

Engineering

Report Date: 2023-05-12

Clerk's File #: SW/14288

To: Mayor and Members of City Council

**Recommendation:**

- I. THAT the following low tender **BE ACCEPTED**

TENDERER:	Sterling Ridge Infrastructure Inc.
TENDER NO:	43-23 Dominion Boulevard Rehabilitation
TOTAL TENDER PRICE:	\$ 5,545,346.33 (excluding HST)
ACCOUNT CHARGED:	007-5410-9998-02942-7171084

and

THAT the CAO and City Clerk **EXECUTE** an agreement with the low bidder, Sterling Ridge Infrastructure Inc. in the amount of \$ 5,545,346.33 plus tax, with said contract being satisfactory in form to the Commissioner of Legal and Legislative Services, satisfactory in technical content to the commissioner of Infrastructure Services and satisfactory in financial content to the Commissioner of Corporate Services/Chief Financial Officer; and

- II. THAT City Council **APPROVE** additional funding of \$ 1,600,000.00 through the transfer of the following funds:
- \$ 550,000.00 from Tecumseh Road Improvement (7092017) – ISF
  - \$ 300,000.00 from Walker Road Reconstruction (7092016) – ISF
  - \$ 750,000.00 from Dougall Road CN Underpass (7161061)

to Dominion Boulevard Rehabilitation – Northwood Street to Ojibway Street (Project ID 7171084), as detailed in the financial matters section.

**Executive Summary:**

N/A

**Background:**

City Council approved Dominion Boulevard Rehabilitation from Northwood Street to Ojibway Street project in CR 69/2022 on February 14, 2022, in order to proceed with engineering and construction work. The first phase of Dominion Boulevard and Northwood Street intersection was completed in 2020.

The scope of work for Dominion Boulevard Rehabilitation project consists of filling in road side ditches; installation of storm sewers; installation of water main; as well as widening the road surface with new curb and gutter. The road widening will include new bike lanes on both sides of the road and a two-way left turn lane.

Request for tender (RFT) # 43-23 Dominion Boulevard Rehabilitation from Northwood Street to Ojibway Street closed on May 5, 2023.

**Discussion:**

The tendering process for Dominion Boulevard Rehabilitation was carried out per the Purchasing By-Law 93-2012. The following is the summary of bids received:

#	Bidder	Total (plus taxes)
1	J & J Lepera Infrastructures Inc.	\$6,384,191.00
2	SheaRock Construction Group Inc.	\$5,794,220.00
3	Sterling Ridge Infrastructure Inc.	\$5,545,284.69

The tenders were reviewed by Administration. Minor arithmetic errors were found and corrected. Sterling Ridge Infrastructure Inc. is the lowest bidder with a total bid price of \$ 5,545,346.33 plus taxes.

**Risk Analysis:**

Associated risks to the Corporation resulting from the undertaking of this project include risks typical of construction projects, such as bodily injury, property damage and matters arising from violations of the Occupational Health and Safety Act. These risks are to be transferred to the successful proponents through the contract that the City and Sterling Ridge Infrastructure Inc. enter into for Dominion Boulevard Rehabilitation. As part of this contract with Sterling Ridge Infrastructure Inc. there are sufficient insurances in

place to cover the Corporation for the potential damage and claims that might arise from their work during or after construction in the maintenance period.

Additionally, there is a high risk that the construction schedule will be impacted due to supply chain issues. Administration has an expedited purchase order process that will be issued following approval of project funding, at which point we can confirm delivery date.

If these funds are not transferred as per Recommendation II, the construction of the Dominion Boulevard Rehabilitation project (ID 7171084) will be postponed until funding can be allocated to this project.

### **Climate Change Risks**

#### **Climate Change Mitigation:**

This project includes the installation of bike lanes on both sides of Dominion Boulevard which will improve access for active transportation, a low carbon mode of transportation. In addition, Ojibway Street and Dominion Boulevard intersection was designed to become a signalized intersection to improve traffic flow patterns through the area, which may result in a reduction of ghg emissions.

Emissions resulting from construction will be accounted for in the Community Greenhouse Gas Inventory.

#### **Climate Change Adaptation:**

A storm sewer is being added along Dominion Boulevard to provide drainage in place of the road side ditches. The storm sewer has been oversized to allow for storage during storm events, to minimize impacts to the existing downstream sewers.

#### **Financial Matters:**

Currently there is \$ 4,330,000.00 in Dominion Boulevard Rehabilitation project (7171084) which includes previously approved funding of \$ 4,000,000.00 by City Council through CR 69/2022 and \$ 330,000.00 from previous phase of Dominion and Northwood intersection.

Based on the low tender for Dominion Boulevard Rehabilitation, the estimated project budget and funds estimated to be required are as follows:

<b>EXPENSES</b>	
Low Tender – Sterling Ridge Infrastructure Inc. (excluding watermain)	\$ 4,907,938.00
Watermain Construction Cost (including taxes) – Sterling Ridge Infrastructure Inc. (covered by Windsor Utilities Commission)	\$ 648,629.00

Non-Recoverable HST	\$ 86,390.00
Engineering – pre and post tendering (including survey, inspection, CCTV, design, geomatics and Geotechnical/Environmental Investigation)	\$ 464,000.00
External Services (Geotechnical/Environmental Investigation)	\$ 100,000.00
Surface Asphalt 2024	\$ 200,000.00
Miscellaneous (Advertising, Legal Searches, Financing Charges etc.)	\$ 171,672.00
<b>GROSS ESTIMATED PROJECT COSTS</b>	<b>\$ 6,578,629.00</b>
<b>REVENUE</b>	
Current Funding in Project ID 7171084	\$ 4,330,000.00
Recoveries from Windsor Utilities Commission (including tax)	\$ 648,629.00
<b>TOTAL REVENUE</b>	<b>\$ 4,978,629.00</b>
<b>Additional Funding Required (Per Recommendation II)</b>	<b>\$ 1,600,000.00</b>

A total of \$ 1,600,000.00 in additional funding is required to complete this project.

The cost of construction for this project is significantly higher than what was estimated in 2021/2022 due to multiple factors. The supply chain issues and increased cost of materials remain an issue, including concrete, plastic pipe, wiring and fuel. The costs associated with meeting the excess soil management regulations were extensive for this project. In addition, due to the lack of drainage outlet, the storm sewer had to be oversized and extended through Ojibway Street, which expanded the scope of the project.

In order to identify an appropriate funding source for the additional funding requirements, Administration reviewed various capital projects at/or nearing completion and identified surplus funds within the following projects.

Tecumseh Road Improvement (7092017), is completed and is ready to be closed. The project has a surplus of \$ 550,000.00. Administration is recommending this project be closed with \$ 550,000.00 in surplus funds transferred to Dominion Boulevard



Rehabilitation project – Northwood Street to Ojibway Street (Project ID 7171084) to mitigate the current shortfall of funding. Any remaining surplus would be returned to the original funding source, the Pay As You Go Fund 169.

Walker Road Reconstruction (7092016), is completed and is ready to be closed. The project has a surplus of \$ 300,000.00. Administration is recommending this project be closed with \$ 300,000.00 in surplus funds transferred to Dominion Boulevard Rehabilitation project – Northwood Street to Ojibway Street (Project ID 7171084) to mitigate the current shortfall of funding. Any remaining surplus would be returned to the original funding source, The Pay As You Go Fund 169.

Dougall Road CN Underpass (7161061) is completed and is ready to be closed. The project has a surplus of \$ 750,000.00. Administration is recommending this project be closed with \$ 750,000.00 in surplus funds transferred to Dominion Boulevard Rehabilitation project – Northwood Street to Ojibway Street (Project ID 7171084) to mitigate the current shortfall of funding. Any remaining surplus would be returned to the original funding source, the Pay As You Go Fund 169.

The transfer of the funds as noted in this report is necessary at this time in order to allow for the timely execution of Tender 43-23, so as to manage the noted risk as identified within this report.

Based on the above recommendations, there will be sufficient funds in Project ID 7171084 to carry out the project.

**Consultations:**

- Wira Vendrasco, Deputy City Solicitor
- Linda Mancina, Financial Planning Administrator
- Michael Dennis, Financial Manager of Asset Planning
- Alex Vucinic, Purchasing Manager

**Conclusion:**

Administration recommends the transfer of noted surplus funds to Dominion Boulevard Rehabilitation project – Northwood Street to Ojibway Street (Project ID 7171084) and the award of Tender 43-23 to the low bidder, Sterling Ridge Infrastructure Inc.

**Planning Act Matters:**

N/A

**Approvals:**

Name	Title
Fahd Mikhael	Manager of Design

<b>Name</b>	<b>Title</b>
France Isabelle-Tunks	Executive Director of Engineering/Deputy City Engineer
Chris Nepszy	Commissioner of Infrastructure Services
Dan Seguin	On behalf of Commissioner of Corporate Services/Chief Financial Officer
Joe Mancina	Chief Administrative Officer

**Notifications:**

<b>Name</b>	<b>Address</b>	<b>Email</b>
Sterling Ridge Infrastructure Inc.	6260 Westar Drive, LASALLE, Ontario, N9J 0B5	kdamore@sterlingridgegroup.com

**Appendices:**

N/A

**Subject: 2023 Business Improvement Area Budget & Levy Approval -  
Wards 2, 3, 4, 5 & 6**

**Reference:**

Date to Council: May 29, 2023

Author: Cristina Stanis

Senior Tax Analyst

519 255-6100 Ext. 6929

cstanis@citywindsor.ca

Taxation & Financial Projects

Report Date: 2023-05-10

Clerk's File #: MI/14538

**To:** Mayor and Members of City Council

**Recommendation:**

THAT City Council **APPROVE** the 2023 Budget submissions from each of the eight (8) Business Improvement Area Boards being Ford City, Via Italia (Erie Street), Olde Riverside Town Centre, Olde Sandwich Towne, Walkerville District, Ottawa Street, Pillette Village and Wyandotte Town Centre as presented in Appendices A through H and as summarized the table below Column A; and,

THAT City Council **APPROVE** the 2023 Levy requests for each of the nine (9) Business Improvement Areas being Downtown Windsor, Ford City, Via Italia (Erie Street), Olde Riverside Town Centre, Olde Sandwich Towne, Walkerville District, Ottawa Street, Pillette Village and Wyandotte Town Centre as summarized in the table below Column B; and

THAT City Council **APPROVE** the 2023 Business Improvement Area Rates for each of the nine (9) Business Improvement Areas being Downtown Windsor, Ford City, Via Italia (Erie Street), Olde Riverside Town Centre, Olde Sandwich Towne, Walkerville District, Ottawa Street, Pillette Village and Wyandotte Town Centre as summarized in the table below Column C; and,

<b>Business Improvement Area</b>	<b>2023 Recommended Budget Column A</b>	<b>2023 Recommended Levy Column B</b>	<b>2023 Rate Column C</b>
Downtown Windsor Business Improvement Area	N/A	\$667,550	0.00318474
Via Italia – Erie Street BIA	\$125,000	\$125,000	0.00576406
Olde Riverside Town Centre BIA	\$75,000	\$75,000	0.00766613
Olde Sandwich Towne BIA	\$316,240	\$67,100	0.00816560
Walkerville District BIA	\$61,000	\$55,000	0.00250519
Ottawa Street BIA	\$71,965	\$71,965	0.00340285
Pillette Village BIA	\$40,000	\$40,000	0.00358744
Wyandotte Town Centre BIA	\$94,000	\$94,000	0.00417846
Ford City BIA	\$40,000	\$30,000	\$400 flat fee

THAT the City Solicitor **BE AUTHORIZED** to prepare the necessary by-law.

**Executive Summary:**

N/A

**Background:**

Presently, there are nine BIA's within the municipality as follows:

1. Downtown Windsor (DWBIA)
2. Ford City
3. Via Italia – Erie Street
4. Olde Riverside Town Centre
5. Olde Sandwich Towne

6. Walkerville District
7. Ottawa Street
8. Pillette Village
9. Wyandotte Town Centre

Sections 204 – 215 of the Ontario *Municipal Act, 2001* (the Act) provide the regulatory framework for the establishment and operation of Business Improvement Areas (BIA's). In particular, Section 204(1) provides that local municipalities may designate an area as an improvement area and may establish a Board of Management:

- a) To oversee the improvement, beautification and maintenance of municipally owned land, buildings and structures in the area beyond that provided at the expense of the municipality generally; and
- b) To promote the area as a business or shopping area

Annually, each BIA is required to prepare a budget for City Council's consideration. Council may approve the submissions **in whole or in part** but may not add expenditures to them. The budget submissions identify the funding sources from which the expenditures will be paid. Sources of funding primarily include the annual levy, which is collected from each of the BIA members, however other sources of revenues such as grants and sponsorships are encouraged. BIA Boards cannot:

- a) Spend money unless it is included in the approved budget or in a reserve,
- b) Incur any indebtedness extending beyond the current year without prior approval, or
- c) Borrow money.

Therefore, once the budget is approved, the BIA must expend funds in accordance with such approval. Any funds which are not spent must be placed into a reserve which can be used in future for BIA related activities at the discretion of the Board.

Council must also approve the method by which any amounts raised from the members, the annual levy, and the criteria upon which the funds collected are provided to each BIA for use.

## **Discussion:**

### **2023 Budget Submissions**

The 2023 BIA budgets, which are provided in full in the attached Appendices A through H, include identified expenses which are considered to be consistent with the mandate of BIA's such as advertising and promotion, newsletters, beautification items, flower baskets, administrative costs, etc. With the exception of the Downtown Windsor BIA, the budgets were submitted to Administration in the requested format and by the

determined deadline. Administration has performed a review of each budget to ensure consistency with the prior year and has clarified any items considered to be new or materially different that presented in the past. Administration has also ensured that any previously committed amounts as repayments to the City for capital projects were included in the annual budgets.

The Act requires that each BIA budget be discussed and approved at a general meeting in which all members of the BIA are invited to attend. Administration has confirmed that these meetings have taken place and has also reviewed the minutes of the meeting for any discussion or concern with regards to the budget plan. Nothing has come to our attention that would suggest that the budgets presented were not supported. Where budgets were distributed through alternative methods, such as e-mail, Administration requested positive confirmation from the Board that there were no concerns received from members with regards to the budget.

Council will note that included in this year's budget documents are projections with regards to the revenues and expenditures from the prior year. Additional notes and comments with regards to the current budget submissions can be found in the supporting schedules.

At time of writing, the newly formed DWBIA Board was still reviewing the detailed expenditures for the 2023 budget. Administration has been advised that the levy is not expected to be changed, remaining the same as the prior year. The DWBIA has committed to providing the details once approved at the Board level at which time Administration will bring forward to City Council as additional information. Administration has used the prior year levy of \$667,550 for purposes of calculating the 2023 BIA rate. As such, this amount cannot be changed.

The following discussion provides a summary of the overall budget and resulting levy as submitted by each of the remaining eight (8) BIA Boards.

### **Ford City BIA– Appendix A**

The requested levy due from the BIA members is \$30,000, which remains the same as in 2022. The BIA is also estimating an additional \$6,000 in revenue from sponsorships and \$4,000 from promotions & events.

Administrative expenses are estimated to rise due to an anticipated increase in wages. The BIA is also planning to allocate more funds for the Dropped on Drouillard Event, allocating \$17,000. Capital expenses are expected to decrease with less being spent on planters and hanging baskets.

As at the end of 2021, the BIA had an accumulated surplus (reserve balance) of \$55,908 (2020 - \$50,061).

## **Via Italia – Erie Street BIA– Appendix B**

The requested budget and related levy due from BIA members is \$125,000, which is consistent with the 2022 figures.

The 2023 budget proposes an increase in administrative expenses mainly due to an expected increase to wages and rent expenses.

Capital expenses are expected to decrease with less funds being allocated to the Street Safety Project. More funding however has been added to seasonal decorations.

The BIA is planning to hold two main events, the Carrousel of the Nations (budget of \$30,000) and the Tour di Via Italia Bike Races (budget of \$10,000). A smaller winter event is planned at a cost of \$4,000. All these events are funded from the BIA levy.

As at the end of 2021, the Via Italia BIA had an accumulated surplus (reserve balance) of \$75,664 (2020 - \$122,986).

## **Olde Riverside Town Centre BIA – Appendix C**

The requested budget and related levy due from BIA members is \$75,000, which is an increase of \$10,000 from 2022.

The budget submission proposes an increase in administrative and marketing expenses with more funds being allocated for wages, insurance, storage and special events. Capital expenses related to planters and street cleaning have been reduced.

The BIA is planning one special event for the current year, Riverside Rocks, at an estimated cost of \$20,000. The event is to be funded from the BIA levy.

Administration confirms that the annual capital repayment of \$7,500 to the City, as per City Council's direction in M276-2013 for the beautification project, has been included in the 2023 budget submission. This is the final year of this expenditure related to the project.

As at the end of 2021, the BIA had an accumulated surplus (reserve balance) of \$26,265 (2020 - \$33,041).

## **Olde Sandwich Towne BIA – Appendix D**

The requested levy due from BIA members will remain the same for 2023 at \$67,100. For the 2023 budget, the BIA has included a \$200,000 Community Benefits grant. The BIA is also planning to use \$47,140 from the accumulated reserve fund to bring the total 2023 Budget to \$316,240.

Administrative expenses are estimated to increase mainly due to a Beautification Planning project estimated at \$30,000. The BIA is planning to develop a five-year beautification plan to improve the BIA District landscape post. Capital expenses are

estimated to increase for this year with an additional \$60,000 allocated for seasonal decorations to replace and update the existing stock. Marketing expenses include the use of \$62,100 to develop a strategic marketing plan to support the livelihood of the businesses.

The BIA is planning to host several events: Open Streets with a budget of \$15,600, Miracle on Sandwich with an allocated budget of \$33,800 and Sandwich Outdoor Market for an estimated cost of \$32,100.

As at the end of 2021, the BIA had an accumulated surplus (reserve balance) of \$107,270 (2020 - \$134,387) which is sufficient to support the planned transfer.

### **Walkerville District BIA– Appendix E**

The requested levy due from BIA members will increase from \$45,000 to \$55,000. The BIA is also estimating an additional \$6,000 in revenue from sponsorships and Promotions revenue.

The BIA is planning to use the additional \$10,000 from the levy increase for video security.

The BIA has planned for two main events, Art Walk with a budget of \$14,710 and Holiday Walk with an estimated budget of \$10,000. Both events will be funded from the BIA levy.

As at the end of 2021, the BIA had an accumulated surplus (reserve balance) of \$69,823 (2020 - \$59,041).

### **Ottawa Street BIA– Appendix F**

The requested budget and related levy due from BIA members is \$71,965, which remains the same as in 2022.

The 2023 budget proposes a decrease in capital expenses and an increase in marketing expenses. More funds have been allocated to special events more specifically: Win Your Purchase, Sidewalk Sale and the Ottawa Street Tent Sale event that will be a collaboration with Pridefest. The Ottawa Street Tent Sale event will have a budget of \$12,500. All the events will be funded from the BIA levy.

As at the end of 2021, the BIA had an accumulated surplus (reserve balance) of \$47,894 (2020 – \$57,209).



## **Pillette Village BIA – Appendix G**

The requested budget and related levy due from BIA members is \$40,000, which remains the same as in 2022.

The Administrative expenses are estimated to increase slightly due mainly to a \$2,000 increase in wages while the capital expenses are expected to decrease.

The BIA is planning one special event, Giant Garage Sale at a cost of \$5,000. This event will be funded from the BIA levy.

In 2020 the BIA has requested that City Administration consider a partnership proposal for improved street furnishings and image rebranding. The proposal was evaluated and approved by City Council (CR87/2022). The expected total cost of the project is estimated at \$320,000 with the costs to be shared equally between the City and the BIA. In anticipation of the project, and to mitigate the annual impacts on its membership, in 2020, 2021 and 2022 the Board included an amount of \$10,600 as part of its budget to be set aside in a reserve. Administration confirms that for the 2023 budget, the annual capital repayment of \$10,600 to the City, has been included in the 2023 budget submission. The balance will be repaid in equal instalments of \$10,600 from 2023 to 2032.

As at the end of 2021, the BIA had an accumulated surplus (reserve balance) of \$53,982 (2020 - \$47,761).

## **Wyandotte Town Centre BIA – Appendix H**

The requested budget and related levy due from BIA members is \$94,000, which remains the same as in 2022.

The budget submission is consistent with the approved 2022 budget on a category by category basis.

As at the end of 2021, the BIA had an accumulated surplus (reserve balance) of \$218,605 (2020 - \$197,119).

### **Risk Analysis:**

There is little risk to the municipality in generally approving the budgets of the BIA's. All budgets are required to be distributed to each BIA member and allow for an opportunity to provide input prior to being submitted to Administration.

The related levies are recovered through the charge to the BIA memberships which is added to final property tax bill. Property taxes are secured in that they are attached to the property and not the member. Therefore, should a property owner fail to make a payment of the annual charge, it can be recovered through subsequent property owner or tax collection action.

While approval for the DWBIA levy and related rates is being requested, Administration will not proceed with the actual billing of the levy to the members without having obtained approval of the 2023 budget. There is a risk that should there be a delay, that a special charge bill will be required causing additional administration work. This risk is mitigated by the fact that the payment to the DWBIA of the remaining levy will be delayed.

**Financial Matters:**

The BIAs were provided with an interim payment equal to not more than 50% of their 2022 approved budget. Until funds are provided to the BIAs, most are not in a cash flow position to proceed with planned expenditures. The authorization of an interim payment allows BIA’s to fund operations which are required to be paid until the 2023 rates and levies are finalized. BIA’s are not allowed to expend funds in the current year on items that have not received Council approval. Following approval of the budgets and respective rates, Administration will prepare to release a 2<sup>nd</sup> payment to each of the BIAs. This 2<sup>nd</sup> payment represents the balance of the budget, less any amounts due for capital projects and other repayments as well as a minimal holdback for any unidentified items that may arise during the year. The release of the 2<sup>nd</sup> payment is subject to the receipt of a clean audit opinion with regards to the 2022 annual financial statements.

Administration has provided City Council with information as to the balance in each of the BIA reserves as of the end of 2021. While the 2022 financial statement have not yet been finalized this information has been provided to identify those BIA’s which will likely now require a plan for the use of the reserves. Administration will work with each of the BIA’s in the presentation of those plans to City Council in subsequent reports.

Table 1 below summarizes the recommended 2023 budgets, related levy and rates that has been requested by each BIA. The levies will be billed and collected from property owners in each BIA boundary based upon the noted rates.

**Table 1**

**Business Improvement Area**

**2023 Recommended Budget, Levy and Rates**

<b>Business Improvement Area</b>	<b>2023 Recommended Budget</b>	<b>2023 Recommended Levy</b>	<b>2023 Rate</b>
Downtown Windsor Business Improvement Area	N/A	\$667,550	0.00318474

Via Italia – Erie Street BIA	\$125,000	\$125,000	0.00576406
Olde Riverside Town Centre BIA	\$75,000	\$75,000	0.00766613
Olde Sandwich Towne BIA	\$316,240	\$67,100	0.00816560
Walkerville District BIA	\$61,000	\$55,000	0.00250519
Ottawa Street BIA	\$71,965	\$71,965	0.00340285
Pillette Village BIA	\$40,000	\$40,000	0.00358744
Wyandotte Town Centre BIA	\$94,000	\$94,000	0.00417846
Ford City BIA	\$40,000	\$30,000	\$400 flat fee

**Consultations:**

DWBIA

Ford City BIA

Via Italia BIA

Olde Riverside Town Centre BIA

Olde Sandwich Towne BIA

Walkerville District BIA

Ottawa Street BIA

Pillette Village BIA

Wyandotte Towne Centre BIA

**Conclusion:**

The approval of the BIA 2023 budgets and levies will provide each respective BIA with the necessary working capital to support the annual operating budget expenditures.

**Planning Act Matters:**

N/A

**Approvals:**

<b>Name</b>	<b>Title</b>
<b>Janice Guthrie</b>	<b>Deputy Treasurer Taxation, Treasury &amp; Financial Projects</b>
<b>Tony Ardovini</b>	<b>Acting Commissioner Corporate Services, Chief Financial Officer &amp; City Treasurer</b>
<b>Joe Mancina</b>	<b>CAO</b>

**Notifications:**

<b>Name</b>	<b>Address</b>	<b>Email</b>
DWBIA	484 Pelissier St., Windsor, Ontario, N9A 4K9	<a href="mailto:debi@downtownwindsor.ca">debi@downtownwindsor.ca</a>
Via Italia BIA	836 Erie St., Windsor, Ontario, N9A 3Y4	<a href="mailto:dolcevita@cogeco.net">dolcevita@cogeco.net</a> <a href="mailto:filip@mezzo.ca">filip@mezzo.ca</a>
Ford City BIA	1076 Drouillard Rd., Windsor, Ontario, N8Y 2P8	<a href="mailto:kaitlyn@fordcity.ca">kaitlyn@fordcity.ca</a> <a href="mailto:shane@fordcity.ca">shane@fordcity.ca</a>
Olde Riverside Town Centre BIA	5760 Wyandotte Street E, Windsor, Ontario, N8S 1M6	<a href="mailto:chris.ryan62@gmail.com">chris.ryan62@gmail.com</a>
Olde Sandwich Towne BIA	3118 Sandwich St., Windsor, Ontario, N9C 1A6	<a href="mailto:macuderman@hotmail.com">macuderman@hotmail.com</a> <a href="mailto:rockcitylaundryco@gmail.com">rockcitylaundryco@gmail.com</a> <a href="mailto:ghanaka@aol.com">ghanaka@aol.com</a>
Ottawa Street BIA	1346 Ottawa St., Windsor, Ontario, N8X 2E8	<a href="mailto:ettore@bellnet.ca">ettore@bellnet.ca</a> <a href="mailto:ottawastreetwindsorbia@gmail.com">ottawastreetwindsorbia@gmail.com</a>

Name	Address	Email
Pillette Village BIA	2334 Cypress Ave., Windsor, Ontario, N8P 0A7	<a href="mailto:bscheuerman38@gmail.com">bscheuerman38@gmail.com</a> <a href="mailto:mid-way@live.ca">mid-way@live.ca</a>
Walkerville District BIA	1145 Beals Avenue, Windsor, Ontario N8Y 1E4	<a href="mailto:monarchmattress@rogers.com">monarchmattress@rogers.com</a> <a href="mailto:emilyborland.digital@gmail.com">emilyborland.digital@gmail.com</a> <a href="mailto:jakerondot@gmail.com">jakerondot@gmail.com</a>
Wyandotte Town Centre BIA	1380 Wyandotte St. E., Windsor, Ontario N9A 3K7	<a href="mailto:Horwitzwolf@aol.com">Horwitzwolf@aol.com</a>

**Appendices:**

- 1 Appendix A - Ford City BIA 2023 Budget
- 2 Appendix B - Via Italia BIA 2023 Budget
- 3 Appendix C - Olde Riverside Towne Centre BIA 2023 Budget
- 4 Appendix D - Olde Sandwich Towne BIA 2023 Budget
- 5 Appendix E - Walkerville District BIA 2023 Budget
- 6 Appendix F - Ottawa Street BIA 2023 Budget
- 7 Appendix G - Pillette Village BIA 2023 Budget
- 8 Appendix H - Wyandotte Town Centre BIA 2023 Budget

**APPENDIX A**  
**FORD CITY BIA**

	2022		2022		2023	
	Approved Budget		Projected Actual		Proposed Budget	
<b>REVENUE</b>						
BIA Levy	\$	30,000.00	\$	30,000.00	\$	30,000.00
<u>Government Grants</u>						
Federal or Provincial						
Municipal						
<u>Other Revenue</u>						
Donations						
Sponsorships				5,450.00		6,000.00
Promotions & Events Revenue				3,100.00		4,000.00
<b>TOTAL REVENUE</b>	<b>\$</b>	<b>30,000.00</b>	<b>\$</b>	<b>38,550.00</b>	<b>\$</b>	<b>40,000.00</b>
<b>EXPENDITURES</b> (Includes non-recoverable HST)						
Total Administrative	\$	11,700.00	\$	15,735.60	\$	16,870.00
Total Capital	\$	10,100.00	\$	25,765.21	\$	4,770.00
Total Marketing	\$	8,200.00	\$	12,730.81	\$	18,360.00
<b>TOTAL EXPENDITURES</b>	<b>\$</b>	<b>30,000.00</b>	<b>\$</b>	<b>54,221.62</b>	<b>\$</b>	<b>40,000.00</b>
<b>Surplus/(Deficit )</b>	<b>\$</b>		<b>\$</b>	<b>15,671.00</b>	<b>\$</b>	

**ACCUMULATED SURPLUS/(DEFICIT)**

Beginning Balance		\$	55,908.00	
Use of Reserve				\$ -
Addition to Reserve				
Ending Balance		\$	55,908.00	\$

**BUDGET DECLARATION TO BE SIGNED AFTER AGM**

Board of Management Approval	18/01/2023	General Membership Approval	18/01/2023
	Date Month Year		Date Month Year
			
Signature of Chair		Signature of Treasurer	
Date: FEB 2, 2023		Date: 02.02.23	
If budget is prepared by someone other than the Treasurer, please provide the name of the contact person below.:			
Name: Kaitlyn Karns Phone Number: 519-562-0450 Email Address: kaitlyn@fordcity.ca			



APPENDIX I

(CONT'D)

FORD CITY BIA Capital Expenses		2022	2022	2023
		Approved Budget	Projected Actual	Proposed Budget
<b>Capital</b>				
(Only include BIA portion of any cost-share initiatives)	City of Windsor Loan Repayment			
	Street Furniture			
	Benches			
	Alley Enhancements			
	Signage			
	Decorative Lighting			
	Decorations-Seasonal			
	Decorations-Other			
	Banners			
	Murals	1,100.00	24,172.97	0.00
	Planters	1,000.00	0.00	570.00
	Hanging Baskets	5,500.00	0.00	3,000.00
	Signage			
	Technical/Professional Services			
	<b>General Maintenance</b>			
	Flowers/Plants/Trees	800.00	641.77	500.00
	Snow Removal			
	Decorations			
	Hydro			
	Graffiti Removal	700.00	0.00	0.00
	Power Washing			
	Needle Collection			
	Street Cleaning			
	Broken Windows			
	Cleanup - Other (please specify)	500.00	757.97	500.00
	Miscellaneous Repairs	500.00	182.50	200.00
	Permit Fees			
	Security			
	<b>Total Capital Expenses</b>		\$ 10,100.00	\$ 25,755.21



APPENDIX I (CONT'D)

FORD CITY BIA		2022	2022	2023
Communications/Marketing/Promotions & Events		Approved Budget	Projected Actual	Proposed Budget
<b>Communications</b>				
	Memberships			
	Subscriptions			
	Professional Development			
	Travel			
	General Meeting Expense			
	Board/Committee Meeting Expense			
	Budget Meeting Expense			
	Conference Expense			
	Internet/Website			
	Member Services (Parking Tokens)			
	Public Relations/Liaison			
<b>Advertising and Marketing</b>				
	Advertising	2,000.00	4,574.81	1,000.00
	Printing – (Flyers, Brochures, etc...)			
	Marketing Design			
	Branding			
	Retail Recruitment			
	Social Media			
	Signage			
	Sponsorships			
	Newsletter			
	Website Development/Maintenance	200.00	918.00	360.00
	Wi-Fi			
<b>Promotions &amp; Events</b>				
	Canada Day			
	Christmas			
	Easter			
	Spring Event (Please specify)			
	Summer Event (Please specify)			
	Fall Event (Please specify)			
	Winter Event (Please specify)			
	Sidewalk Sale			
	Signature Event 1 (complete tab)	6,000.00	7,238.00	17,000.00
	Signature Event 2 (complete tab)			0.00
	Please specify			
<b>Total</b>		\$ 8,200.00	\$ 12,730.81	\$ 18,360.00

APPENDIX I (CONT'D)

FORD CITY BIA		2022	2022	2023
Signature Event 1 - Supporting Information		Approved Budget	Projected Actual	Proposed Budget
Event Name: Dropped on Drouillard				
Event Dates:				
<b>Revenues</b>				
Must be shown on Cover Page	BIA Contribution	6,000.00	7,238.00	7,000.00
	Federal/Provincial Grant			
	Municipal Grant			
	Donations			
	Sponsorships		5,450.00	6,000.00
	Festival Revenue		3,100.00	4,000.00
<b>Total Revenues</b>		<b>6,000.00</b>	<b>15,798.00</b>	<b>17,000.00</b>
<b>Expenditures</b>				
	Consultants	1,000.00	0.00	1,000.00
	Entertainers	2,000.00	4,700.00	5,000.00
	Fees - EMS	100.00	1,125.00	1,125.00
	Fees - Police		812.00	800.00
	Permits	150.00	1,126.00	1,126.00
	Signage		878.00	749.00
	Barricades		1,020.00	1,200.00
	Advertising/Promotion	1,500.00	1,000.00	1,000.00
	Waste Handling/Removal	100.00	0.00	1,000.00
	Porto-potties	250.00	2,534.50	3,000.00
	Staging	900.00	0.00	0.00
	Misc.			1,000.00
<b>Total Expenditures</b>		<b>6,000.00</b>	<b>19,195.50</b>	<b>17,000.00</b>
Notes: Please provide description of the event				
<p>Dropped on Drouillard can be described as Windsor's only all-day urban street and culture festival in the heart of Ford City. This festival is packed with events and attractions such as mural painting, live music, a classic car show and plenty of local vendors for attendees to enjoy! The event will include a street closure that will take place along Drouillard Rd. between Trenton St. and Richmond St. including some of Whelpton St. which houses 20+ of Ford City's most iconic businesses. Dropped on Drouillard will be on August 20, 2022 from 11am until 11pm. Additional funding will allow us to enhance the event by including new vendors plus all of the previously participating vendors, properly pay musicians and artists for their creative entertainment (according to CARFAC and SOCAN fees). This event</p>				

**APPENDIX I (CONT'D)**  
**FORD CITY BIA**  
**Commentary - 2022 Actual Expenditures**

**Explanation of Significant Variances (2022 Projected Actual vs. 2022 Approved Budget):**

**SUMMARY**

*(Include 2022 accomplishments; also indicate what was not accomplished in 2022 and why)*

**1. 2022 Accomplishments**

In 2022 the Ford City BIA saw many accomplishments as we continue to grow and recover from the Pandemic. Between 2018 and 2022, the BIA welcomed 28 new businesses, 22 CIP applications, and 19 buildings were purchased. In addition, our signature event, Dropped on Drouillard was the largest and most successful it has ever been.

Mandatory

**REVENUES**

*Provide explanations for significant variances only, i.e. plus or minus 10% variance for each section below*

**2. Grants, Donations & Sponsorships**

Sponsorships were sought out to help with funding Dropped on Drouillard. With the event being the largest it has ever been, the additional support by external funders was absolutely needed. Sponsors included the University of Windsor's Alumni Association, Capitol Power and Desjardins Insurance.

Variance  
#DIV/0!

**3. Promotions, Events & Other Revenues**

Other revenues for Dropped on Drouillard were collected through vendor fees. This event supported over 50 local artists, small businesses and vendors.

Variance  
#DIV/0!

**EXPENDITURES**

*Provide explanations for significant variances only, i.e. plus or minus 10% variance for each category below*

**4. Administration**

The 2022 Budget was completed by the former Executive Director and it appears there was an error as the signed 2022 ED contract amount is reflective of what was actually spent on Administration in 2022.

Variance  
34%

**5. Capital & General Maintenance**

This variance is due to the Ford City Mural Project. \$10,000 was approved for this project in 2021, but was pushed back to 2022. This amount also includes the painted cross-walk that was completed in 2022. We are still working with the City's Cultural department on receiving additional funding to repair the crosswalk in 2023.

Variance  
155%

**7. Communications, Marketing, Promotions & Events**

This variance is from hiring a temporary Social Media manager to help with the promotion of Dropped on Drouillard.

Variance  
55%

**8. Harmonized Sales Tax (HST) Rebates**

2021 HST Rebate = \$1,045.82

Mandatory

**APPENDIX I (CONT'D)**  
**FORD CITY BIA**  
**Commentary - 2023 Proposed Budget**

**Explanation of Significant Variances (2023 Proposed Budget vs. 2022 Approved Budget):**

**SUMMARY**

*(Include any other pertinent information)*

**1. 2023 Goals and Objectives**

Some goals for 2023 include: Growing Dropped on Drouillard, including getting more sponsorships and including more vendors// Promoting the new businesses in the BIA and the available properties for rent and/or sale.// Continuing to grow the community and its' sustainability.

Mandatory

**REVENUES**

*Provide explanations for significant variances only, i.e. plus or minus 10% variance for each section below*

**2. Grants, Donations & Sponsorships**

The goal is to receive more sponsorships for Dropped on Drouillard 2023, to assist with the continuing growth of the event.

Variance  
#DIV/0!

**3. Promotions, Events & Other Revenues**

Same as Question 2.

Variance  
#DIV/0!

**EXPENDITURES**

*Provide explanations for significant variances only, i.e. plus or minus 10% variance for each category below*

**4. Administration**

\$2 an hour raise for the Executive Director position.

Variance  
44%

**5. Capital & General Maintenance**

No public art projects will be paid for by the BIA in 2023.

Variance  
-53%

**7. Communications, Marketing, Promotions & Events**

Variance  
124%

APPENDIX B

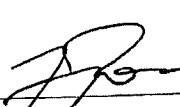
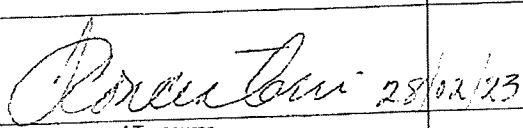
ERIE ST/VIA ITALIA BIA

	2022		2023	
	Approved Budget	Projected Actual	Proposed Budget	
<b>REVENUE</b>				
BIA Levy	\$ 125,000.00		\$	125,000.00
<u>Government Grants</u>				
Federal or Provincial				
Municipal				
<u>Other Revenue</u>				
Donations				
Sponsorships				
Promotions & Events Revenue				
<b>TOTAL REVENUE</b>	\$ 125,000.00	\$ -	\$	125,000.00
<b>EXPENDITURES</b> (Includes non-recoverable HST)				
Total Administrative	\$ 37,350.00	\$ -	\$	46,200.00
Total Capital	\$ 31,400.00	\$ -	\$	23,000.00
Total Marketing	\$ 56,250.00	\$ -	\$	55,800.00
<b>TOTAL EXPENDITURES</b>	\$ 125,000.00	\$ -	\$	125,000.00
<b>Surplus/Deficit</b>	\$	\$	\$	\$

**ACCUMULATED SURPLUS/(DEFICIT)**

Beginning Balance		\$	-
Use of Reserve		\$	-
Addition to Reserve		\$	-
Ending Balance	\$	-	\$

**BUDGET DECLARATION TO BE SIGNED AFTER AGM**

Board of Management Approval	10 01 23 Date Month Year	General Membership Approval	07 02 23 Date Month Year
	Date		Date
If budget is prepared by someone other than the Treasurer, please provide the name of the contact person below:			
Name:	Phone Number:	Email Address:	

APPENDIX B (CONT'D)

ERIE ST/VIA ITALIA BIA Administrative Expenses		2022	2022	2023
		Approved Budget	Projected Actual	Proposed Budget
<b>Staff</b>	Salaries/Wages/Benefits	20,000.00		28,000.00
<b>Other Admin.</b>	Accounting	2,500.00		1,500.00
	Audit	1,270.00		1,400.00
	AGM Expenses	200.00		150.00
	Meeting Expenses (non AGM)	200.00		500.00
	Bank Charges	200.00		250.00
	Conferences/Seminars			
	Consultants			
	Donations	700.00		700.00
	Strategic Plan			
	Memberships			
	Subscriptions			
	Insurance	4,300.00		4,364.00
	Legal			
	Telephone			
	Postage & Courier	200.00		
	Transportation & Travel			
	Office Supplies	200.00		500.00
	Office Equipment/Furniture/Maintenance	200.00		200.00
	Printing			
	Storage/Maintenance			
	Rent/Lease	6,780.00		8,136.00
	Utilities	600.00		500.00
	Other: (please specify)			
<b>Total Administrative Expenses</b>		<b>\$ 37,350.00</b>	<b>\$ -</b>	<b>\$ 46,200.00</b>

**APPENDIX B (CONT'D)**

ERIE ST/VIA ITALIA BIA Capital Expenses		2022	2022	2023
		Approved Budget	Projected Actual	Proposed Budget
<b>Capital</b>				
(Only include BIA portion of any cost-share initiatives)	City of Windsor Loan Repayment			
	Street Furniture			
	Benches			
	Alley Enhancements			
	Signage	500.00		500.00
	Decorative Lighting			
	Decorations-Seasonal	5,000.00		10,000.00
	Decorations-Other	1,000.00		
	Banners	500.00		5,000.00
	Murals			
	Planters	2,000.00		2,000.00
	Hanging Baskets			
	Signage			
	Technical/Professional Services			
	PLEASE SPECIFY			
Street Safety Project	20,000.00		4,000.00	
<b>General Maintenance</b>				
	Flowers/Plants/Trees	1,000.00		
	Snow Removal			
	Decorations			
	Hydro			
	Graffiti Removal			
	Power Washing			
	Needle Collection			
	Street Cleaning			
	Broken Windows			
	Cleanup - Other (please specify)			
	Miscellaneous Repairs			
	Permit Fees	1,400.00		1,500.00
	Security			
	<b>Total Capital Expenses</b>	<b>\$ 31,400.00</b>	<b>\$ -</b>	<b>\$ 23,000.00</b>

APPENDIX B (CONT'D)

ERIE ST/VIA ITALIA BIA		2022	2022	2023
Communications/Marketing/Promotions & Events		Approved Budget	Projected Actual	Proposed Budget
<b>Communications</b>				
	Memberships	150.00		150.00
	Subscriptions			
	Professional Development			
	Travel			
	General Meeting Expense			
	Board/Committee Meeting Expense			
	Budget Meeting Expense			
	Conference Expense			
	Internet/Website	1,100.00		1,150.00
	Member Services (Parking Tokens)			
	Public Relations/Liaison			
<b>Advertising and Marketing</b>				
	Advertising	10,000.00		10,000.00
	Printing – (Flyers, Brochures, etc...)	500.00		500.00
	Marketing Design			
	Branding			
	Retail Recruitment			
	Social Media			
	Signage			
	Sponsorships			
	Newsletter	500.00		
	Website Development/Maintenance			
	Wi-Fi			
<b>Promotions &amp; Events</b>				
	Canada Day			
	Christmas			
	Easter			
	Spring Event (Please specify)			
	Summer Event (Please specify)	30,000.00		30,000.00
	Street Closures/ Carrousel			
	Fall Event (Please specify)	10,000.00		10,000.00
	VIBRA Bike Races/ Street Closure			
	Winter Event (Please specify)	4,000.00		4,000.00
	New Event			
	Sidewalk Sale			
	Signature Event 1 (complete tab)			
	Signature Event 2 (complete tab)			
	Events PLEASE SPECIFY			
<b>Total</b>		\$ 56,250.00	\$	\$ 55,800.00



APPENDIX B (CONT'D)

ERIE ST/VIA ITALIA BIA		2022	2022	2023
Signature Event 1 - Supporting Information		Approved Budget	Projected Actual	Proposed Budget
Event Name: Carrousel of Nations/ Italian Village				
Event Dates:				
<b>Revenues</b>				
Must be shown on Cover Page	BIA Contribution	30,000.00		30,000.00
	Federal/Provincial Grant			
	Municipal Grant			
	Donations			
	Sponsorships			
	Festival Revenue			
<b>Total Revenues</b>		<b>30,000.00</b>	<b>0.00</b>	<b>30,000.00</b>
<b>Expenditures</b>				
	Consultants			
	Entertainers	10,000.00		10,000.00
	Fees - EMS			
	Fees - Police	2,000.00		2,000.00
	Permits	2,000.00		2,000.00
	Signage	500.00		500.00
	Barricades	600.00		400.00
	Advertising/Promotion	1,500.00		1,500.00
	Waste Handling/Removal	600.00		700.00
	Porto-potties			
	Staging	4,000.00		4,400.00
	Security	4,000.00		4,000.00
	Staff to Guard all barricades	4,000.00		3,500.00
	Equipment Rentals ( generators etc.)	800.00		1,000.00
<b>Total Expenditures</b>		<b>30,000.00</b>	<b>0.00</b>	<b>30,000.00</b>
Notes: Please provide description of the event				

APPENDIX B (CONT'D)

ERIE ST/VIA ITALIA BIA		2022	2022	2023
Signature Event 2 - Supporting Information		Approved Budget	Projected Actual	Proposed Budget
Event Name: Tour di Via Italia Bike Race				
Event Dates:				
<b>Revenues</b>				
Must be shown on Cover Page	BIA Contribution	10,000.00		10,000.00
	Federal/Provincial Grant			
	Municipal Grant			
	Donations			
	Sponsorships			
	Festival Revenue			
<b>Total Revenues</b>		<b>10,000.00</b>	<b>0.00</b>	<b>10,000.00</b>
<b>Expenditures</b>				
	Consultants			
	Entertainers			
	Fees - EMS			1,500.00
	Fees - Police	5,000.00		3,500.00
	Permits	3,000.00		2,000.00
	Signage			
	Barricades			1,500.00
	Advertising/Promotion	2,000.00		1,500.00
	Waste Handling/Removal			
	Porto-potties			
	Staging			
	Security			
	Staff to Guard all barricades			
	Equipment Rentals ( generators etc.)			
<b>Total Expenditures</b>		<b>10,000.00</b>	<b>0.00</b>	<b>10,000.00</b>
Notes: Please provide description of the event				

APPENDIX C

OLDE RIVERSIDE TOWN CENTRE BIA

	2022		2022		2023	
	Approved Budget		Projected Actual		Proposed Budget	
<b>REVENUE</b>						
BIA Levy	\$	65,000.00	\$	65,000.00	\$	75,000.00
<u>Government Grants</u>						
Federal or Provincial						
Municipal						
<u>Other Revenue</u>						
Donations						
Sponsorships						
Promotions & Events Revenue				7,980.00		
<b>TOTAL REVENUE</b>	<b>\$</b>	<b>65,000.00</b>	<b>\$</b>	<b>72,980.00</b>	<b>\$</b>	<b>75,000.00</b>
<b>EXPENDITURES</b> (includes non-recoverable HST)						
Total Administrative	\$	17,175.00	\$	26,579.09	\$	20,950.00
Total Capital	\$	30,525.00	\$	28,585.75	\$	25,400.00
Total Marketing	\$	17,300.00	\$	43,486.81	\$	28,650.00
<b>TOTAL EXPENDITURES</b>	<b>\$</b>	<b>65,000.00</b>	<b>\$</b>	<b>98,651.65</b>	<b>\$</b>	<b>75,000.00</b>
<b>Surplus/Deficit</b>	<b>\$</b>	<b>-</b>	<b>\$</b>	<b>-325,071.65</b>	<b>\$</b>	<b>-</b>

**ACCUMULATED SURPLUS/(DEFICIT)**

Beginning Balance		\$	26,265.00	\$	51,936.65
Use of Reserve			\$25,671.65	\$	-
Addition to reserve					
Ending Balance		\$	51,936.65	\$	51,936.65

**BUDGET DECLARATION TO BE SIGNED AFTER AGM**

Board of Management Approval			02-Nov-22			General Membership Approval			18, January 2023														
Date			Month			Date			Month			Year											
Rick Martinello																							
Signature of Chair						Date						Signature of Treasurer						Date					
If budget is prepared by someone other than the Treasurer, please provide the name of the contact person below.:																							
Bridget M. Scheuerman				519 962-1852				bscheuerman39@gmail.com															
Name:				Phone Number:				Email Address:															

**APPENDIX C (CONT'D)**

OLDE RIVERSIDE TOWN CENTRE BIA Administrative Expenses		2022	2022	2023
		Approved Budget	Projected Actual	Proposed Budget
<b>Staff</b>	Salaries/Wages/Benefits	9,000.00	15,100.00	11,000.00
<b>Other Admin.</b>	Accounting	400.00	452.00	500.00
	Audit	1,200.00	1,130.00	1,130.00
	AGM Expenses	100.00	666.79	370.00
	Meeting Expenses (non AGM)	50.00	-	-
	Bank Charges			
	Conferences/Seminars			
	Consultants			
	Donations	2,000.00	5,103.00	2,000.00
	Strategic Plan			
	Memberships			
	Subscriptions			
	Insurance	1,800.00	2,026.08	3,000.00
	Legal			
	Telephone	950.00	858.80	700.00
	Postage & Courier	25.00	84.07	50.00
	Transportation & Travel			
	Office Supplies	150.00	241.29	200.00
	Office Equipment/Furniture/Maintenance			
	Printing	1,200.00	331.90	500.00
	Storage/Maintenance		585.16	1,500.00
	Rent/Lease			
	Utilities			
	Other: (please specify)			
	Gifts	300.00	-	-
<b>Total Administrative Expenses</b>		<b>\$ 17,175.00</b>	<b>\$ 26,579.09</b>	<b>\$ 20,950.00</b>

**APPENDIX C (CONT'D)**

OLDE RIVERSIDE TOWN CENTRE BIA Capital Expenses		2022	2022	2023
		Approved Budget	Projected Actual	Proposed Budget
<b>Capital</b>				
(Only include BIA portion of any cost-share initiatives)	City of Windsor Loan Repayment	7,500.00	7,500.00	7,500.00
	Street Furniture			
	Benches			
	Alley Enhancements			
	Signage			
	Decorative Lighting			
	Decorations-Seasonal			
	Decorations-Other			
	Banners			
	Murals	1,000.00	0.00	500.00
	Planters	17,000.00	15,873.25	15,000.00
	Hanging Baskets			
	Signage			
	Technical/Professional Services			
	<b>General Maintenance</b>			
	Flowers/Plants/Trees	1,500.00	0.00	0.00
	Snow Removal			
	Decorations			
	Hydro			
	Graffiti Removal			
	Power Washing	0.00	1,650.00	0.00
	Needle Collection			
	Street Cleaning	3,000.00	3,562.50	2,350.00
	Broken Windows			
	Cleanup - Other (please specify)			
	Miscellaneous Repairs	500.00	0.00	0.00
	Permit Fees			
	Security			
	Please Specify			
	Garden Supplies	25.00	0.00	50
<b>Total Capital Expenses</b>		<b>\$ 30,525.00</b>	<b>\$ 28,585.75</b>	<b>\$ 25,400.00</b>

APPENDIX C (CONT'D)

OLDE RIVERSIDE TOWN CENTRE BIA		2022	2022	2023
Communications/Marketing/Promotions & Events		Approved Budget	Projected Actual	Proposed Budget
<b>Communications</b>				
	Memberships			
	Subscriptions			
	Professional Development			
	Travel			
	General Meeting Expense			
	Board/Committee Meeting Expense			
	Budget Meeting Expense			
	Conference Expense			
	Internet/Website	800.00	360.00	300.00
	Member Services (Parking Tokens)			
	Public Relations/Liaison			
<b>Advertising and Marketing</b>				
	Advertising	10,000.00	2,505.78	2,500.00
	Printing – (Flyers, Brochures, etc...)			
	Marketing Design		1,443.92	2,850.00
	Branding			
	Retail Recruitment			
	Social Media			
	Signage		1,072.28	1,000.00
	Sponsorships		2,103.00	0.00
	Newsletter			
	Website Development/Maintenance		2,000.00	1,000.00
	Wi-Fi			
	Please specify			
<b>Promotions &amp; Events</b>				
	Canada Day			
	Christmas	2,500.00	0.00	1,000.00
	Easter			
	Spring Event (Please specify)			
	Summer Event (Please specify)		34,001.83	20,000.00
	Fall Event (Please specify)			
	Winter Event (Please specify)			
	Sidewalk Sale			
	Signature Event 1 (complete tab)	4,000.00		0.00
	Signature Event 2 (complete tab)			0.00
	Please specify			
<b>Total</b>		<b>\$ 17,300.00</b>	<b>\$ 43,486.81</b>	<b>\$ 28,650.00</b>

APPENDIX C (CONT'D)

OLDE RIVERSIDE TOWN CENTRE BIA		2022	2022	2023
Signature Event 1 - Supporting Information		Approved Budget	Projected Actual	Proposed Budget
Event Name: Riverside Rocks				
Event Dates:				
<b>Revenues</b>				
Must be shown on Cover Page	BIA Contribution			20,000.00
	Federal/Provincial Grant			
	Municipal Grant			
	Donations			
	Sponsorships			
	Festival Revenue			
<b>Total Revenues</b>		0.00	0.00	20,000.00
<b>Expenditures</b>				
	Insurance			250.00
	Entertainers			
	Fees - EMS			
	Security			1,750.00
	Permits			400.00
	Tent			12,500.00
	Barricades			
	Advertising/Promotion			3,950.00
	Waste Handling/Removal			
	Chairs/Tables/Porta Potties			
	Supplies			
	Awards			
	Decorations			
	DJ			
	Other			1,150.00
<b>Total Expenditures</b>		0.00	0.00	20,000.00

Notes: Please provide description of the event

**APPENDIX C (CONT'D)**  
**OLDE RIVERSIDE TOWN CENTRE BIA**  
**Commentary - 2022 Actual Expenditures**

**Explanation of Significant Variances (2022 Projected Actual vs. 2022 Approved Budget):**

**SUMMARY**

*(Include 2022 accomplishments; also indicate what was not accomplished in 2022 and why)*

**1. 2022 Accomplishments**

We celebrated the 100th Anniversary of the town of Riverside by holding Riverside Rocks 100. This brought the business and residential community together after a long absence due to Covid. We kept the business association bright and beautiful and we, with the financial assistance of Councillor Gignac added 14 colourful bike racks.

Mandatory

**REVENUES**

*Provide explanations for significant variances only, i.e. plus or minus 10% variance for each section below*

**2. Grants, Donations & Sponsorships**

Sponsored, along with Enwin Utilities and the Royal Canadian Legion the Veterans Banner project.

Variance  
#DIV/0!

**3. Promotions, Events & Other Revenues**

Riverside Rocks 100

Variance  
#DIV/0!

**EXPENDITURES**

*Provide explanations for significant variances only, i.e. plus or minus 10% variance for each category below*

**4. Administration**

Due to the small size of the Board, the Executive Director takes on considerably more responsibility, particularly with the Riverside Rocks 100 event, which took up a great deal of time as it was a first time event. The regular duties were continued.

Variance  
55%

**5. Capital & General Maintenance**

Variance  
-6%

**7. Communications, Marketing, Promotions & Events**

Riverside generally hosts a car show each year, but could not do so in 2020 and 2021. Unsure of how 2022 was going to evolve, only \$4,000 was allotted for events. When restrictions were lifted, the money in reserves from 2020 and 2021 events was used to host Riverside Rocks 100, which attracted a large number of people from all over Essex County. It

Variance  
151%

**8. Harmonized Sales Tax (HST) Rebates**

\$6,545.87

Mandatory



**APPENDIX ((CONT'D))  
 OLDE RIVERSIDE TOWN CENTRE BIA  
 Commentary - 2023 Proposed Budget**

**Explanation of Significant Variances (2023 Proposed Budget vs. 2022 Approved Budget):**

**SUMMARY**

*(Include any other pertinent information)*

**1. 2023 Goals and Objectives**

With the addition of six new Board members, we are looking forward to planning events and beautification of the area.

Mandatory

**REVENUES**

*Provide explanations for significant variances only, i.e. plus or minus 10% variance for each section below*

**2. Grants, Donations & Sponsorships**

Variance  
#DIV/0!

**3. Promotions, Events & Other Revenues**

Variance  
#DIV/0!

**EXPENDITURES**

*Provide explanations for significant variances only, i.e. plus or minus 10% variance for each category below*

**4. Administration**

An increase in the cost for the Executive Director from \$25 to \$30 per hour after 25 years staying at the same rate.

Variance  
22%

**5. Capital & General Maintenance**

Little of maintenance was required. We are looking at the replacement of benches and banners through a capital works project.

Variance  
-17%

**7. Communications, Marketing, Promotions & Events**

We have added a Marketing company to assist, as well as plans to develop more intricate ways of getting the word out to promote the area.

Variance  
66%

APPENDIX D

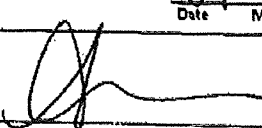

OLDE SANDWICH TOWNE BIA

	2022		2023	
	Approved Budget	Projected Actual	Proposed Budget	
<b>REVENUE</b>				
BIA Levy	\$ 67,100.00	\$ 67,100.00	\$ 67,100.00	
Transfer from Reserves	\$ 65,000.00	\$ 65,000.00		
<u>Government Grants</u>				
Federal or Provincial		44,072.83		
WDBA Grant			200,000.00	
<u>Other Revenue</u>				
Donations				
Sponsorships	2,500.00	-		
Promotions & Events Revenue	2,500.00	1,900.00		2,000.00
<b>TOTAL REVENUE</b>	<b>\$ 137,100.00</b>	<b>\$ 178,072.83</b>	<b>\$ 269,100.00</b>	
<b>EXPENDITURES</b> (includes non-recoverable HST)				
Total Administrative	\$ 35,450.00	\$ 30,301.47	\$ 64,390.00	
Total Capital	\$ 35,400.00	\$ 23,131.51	\$ 95,500.00	
Total Marketing	\$ 66,250.00	\$ 57,139.71	\$ 156,350.00	
<b>TOTAL EXPENDITURES</b>	<b>\$ 137,100.00</b>	<b>\$ 110,572.69</b>	<b>\$ 316,240.00</b>	
<b>Surplus/Deficit</b>	<b>\$ -</b>	<b>\$ 67,500.14</b>	<b>-\$ 47,140.00</b>	

ACCUMULATED SURPLUS/(DEFICIT)

Beginning Balance				
Use of Reserve			-\$	47,140.00
Addition to Reserve				
Ending Balance		\$ -	\$	47,140.00

**BUDGET DECLARATION TO BE SIGNED AFTER AGM**

Board of Management Approval	04 05 23	General Membership Approval	04 05 23
Date	Month Year	Date	Month Year
			
Signature of Chair	Date	Signature of Treasurer	Date

*If budget is prepared by someone other than the Treasurer, please provide the name of the contact person below:*

APPENDIX D (CONT'D)

OLDE SANDWICH TOWNE BIA Administrative Expenses		2022	2022	2023
		Approved Budget	Projected Actual	Proposed Budget
<b>Staff</b>	Salaries/Wages/Benefits	30,000.00	25,314.53	27,840.00
<b>Other Admin.</b>	Accounting	300.00	650.00	800.00
	Audit	1,200.00	1,200.00	1,500.00
	AGM Expenses			
	Meeting Expenses (non AGM)			
	Bank Charges			
	Conferences/Seminars			
	Beautification Planning 2023-2028			30,000.00
	Donations	500.00	200.00	500.00
	Strategic Plan			
	Memberships		270.10	
	Subscriptions			
	Insurance	1,600.00	1,831.68	1,900.00
	Legal			
	Telephone			
	Postage & Courier			
	Transportation & Travel			
	Office Supplies	500.00	-	500.00
	Office Equipment/Furniture/Maintenance			
	Printing			
	Storage/Maintenance	1,000.00	600.00	1,000.00
	Rent/Lease			
	Utilities	50.00	45.32	50.00
	Other: (please specify)			
	Welcome and/or Condolence Planters	300.00	189.84	300.00
<b>Total Administrative Expenses</b>		<b>\$ 35,450.00</b>	<b>\$ 30,301.47</b>	<b>\$ 64,390.00</b>

APPENDIX D (CONT'D)

OLDE SANDWICH TOWNE BIA Capital Expenses		2022	2022	2023
		Approved Budget	Projected Actual	Proposed Budget
<b>Capital</b>				
(Only include BIA portion of any cost-share initiatives)	City of Windsor Loan Repayment			
	Street Furniture			
	Benches			
	Alley Enhancements			
	Signage			
	Decorative Lighting			
	Decorations-Seasonal	26,000.00	22,600.00	86,000.00
	Decorations-Other			
	Banners			
	Murals	8,000.00	0.00	8,000.00
	Planters	1,000.00	200.00	1,000.00
	Hanging Baskets			
	Signage			
	Technical/Professional Services			
	<b>General Maintenance</b>			
	Flowers/Plants/Trees			
	Snow Removal			
	Decorations			
	Hydro			
	Graffiti Removal			
	Power Washing			
	Needle Collection			
	Street Cleaning	400.00	331.51	500.00
	Broken Windows			
	Cleanup - Other (please specify)			
	Miscellaneous Repairs			
	Permit Fees			
	Security			
	Please specify			
	<b>Total Capital Expenses</b>		<b>\$ 35,400.00</b>	<b>\$ 23,131.51</b>

APPENDIX D (CONT'D)

OLDE SANDWICH TOWNE BIA		2022	2022	2023
Communications/Marketing/Promotions & Events		Approved Budget	Projected Actual	Proposed Budget
<b>Communications</b>				
	Memberships			
	Subscriptions			
	Professional Development			
	Travel			
	General Meeting Expense			
	Board/Committee Meeting Expense			
	Budget Meeting Expense			
	Conference Expense			
	Internet/Website			
	Member Services (Parking Tokens)			
	Public Relations/Liaison			
<b>Advertising and Marketing</b>				
	Advertising	1,000.00	750.00	1,000.00
	Printing – (Flyers, Brochures, etc...)	750.00	750.00	750.00
	Marketing Design		0.00	62,100.00
	Branding			
	Retail Recruitment			
	Social Media	6,000.00	6,250.00	7,000.00
	Signage			
	Sponsorships			
	Newsletter	1,000.00	277.97	1,500.00
	Website Development/Maintenance	500.00	456.45	500.00
	Wi-Fi			
	Promotional Videos		2,100.00	2,000.00
<b>Promotions &amp; Events</b>				
	Canada Day			
	Christmas			
	Easter			
	Spring Event (Please specify)			
	Summer Event (Please specify)			
	Fall Event (Please specify)			
	Winter Event (Please specify)			
	Sidewalk Sale			
	Signature Event 1 (complete tab)	12,000.00	11,624.31	15,600.00
	Signature Event 2 (complete tab)	15,000.00	15,730.18	33,800.00
	Signature Event 3 Outdoor market	30,000.00	19,200.80	32,100.00
	Please specify			
<b>Total</b>		<b>\$ 66,250.00</b>	<b>\$ 57,139.71</b>	<b>\$ 156,350.00</b>

APPENDIX D (CONT'D)

OLDE SANDWICH TOWNE BIA		2022	2022	2023
Signature Event 1 - Supporting Information		Approved Budget	Projected Actual	Proposed Budget
Event Name: Open Streets				
Event Dates:				
<b>Revenues</b>				
Must be shown on Cover Page	BIA Contribution	12,000.00	12,000.00	13,600.00
	Federal/Provincial Grant			
	Municipal Grant			
	Donations			
	Sponsorships			
	Festival Revenue			2,000.00
	WDBA Grant			
<b>Total Revenues</b>		<b>12,000.00</b>	<b>12,000.00</b>	<b>15,600.00</b>
<b>Expenditures</b>				
	Consultants	2,500.00	2,605.73	4,000.00
	Entertainers	3,000.00	6,131.53	7,000.00
	Fees - EMS	500.00		
	Fees - Police			
	Permits	1,000.00	0.00	
	Signage	1,000.00	887.05	1,000.00
	Barricades	500.00	0.00	500.00
	Advertising/Promotion	2,000.00	2,000.00	2,000.00
	Waste Handling/Removal			
	Porto-potties	600.00	0.00	600.00
	Staging	900.00	0.00	500.00
<b>Total Expenditures</b>		<b>12,000.00</b>	<b>11,624.31</b>	<b>15,600.00</b>
Notes: Open Streets in Sandwich Towne is apart of the broader City of Windsor's Open Streets festivities.				

APPENDIX D (CONT'D)

OLDE SANDWICH TOWNE BIA		2022	2022	2023
Signature Event 2 - Supporting Information		Approved Budget	Projected Actual	Proposed Budget
Event Name: Miracle in Sandwich				
Event Dates:				
<b>Revenues</b>				
Must be shown on Cover Page	BIA Contribution	15,000.00	15,000.00	12,800.00
	Federal/Provincial Grant		50,000.00	
	Municipal Grant			
	Donations			
	Sponsorships			
	Festival Revenue			
	WDBA Grant			21,000.00
<b>Total Revenues</b>		<b>15,000.00</b>	<b>65,000.00</b>	<b>33,800.00</b>
<b>Expenditures</b>				
	Consultants	3,000.00	3,955.00	4,000.00
	Entertainers	1,500.00	1,500.00	2,000.00
	Fees - EMS			
	Fees - Police			
	Permits	1,000.00	0.00	1,000.00
	Signage	1,000.00	1,080.00	1,200.00
	Barricades	500.00	0.00	500.00
	Advertising/Promotion	3,000.00	5,440.56	19,000.00
	Waste Handling/Removal	500.00	0.00	500.00
	Porto-potties	600.00	0.00	600.00
	Staging	1,000.00	500.00	1,000.00
	Others	2,000.00	2,441.00	3,000.00
	Donations to Participating Organizations			
	Supplies	900.00	813.62	1,000.00
	Rental of Space			
	Tree Decorating Day-Consultant			
<b>Total Expenditures</b>		<b>15,000.00</b>	<b>15,730.18</b>	<b>33,800.00</b>

Notes: The Miracle on Sandwich Event is a one of a kind Christmas spectacular that takes place usually on the first week

APPENDIX D (CONT'D)

OLDE SANDWICH TOWNE BIA		2022	2022	2023
Signature Event 2 - Supporting Information		Approved Budget	Projected Actual	Proposed Budget
Event Name: Sandwich Outdoor market				
Event Dates:				
<b>Revenues</b>				
Must be shown on Cover Page	BIA Contribution	25,000.00	25,000.00	3,100.00
	Federal/Provincial Grant		44,072.83	
	Municipal Grant			
	Donations			
	Sponsorships	2,500.00	0.00	
	Festival Revenue	2,500.00	1,900.00	
	WDBA Grant			29,000.00
<b>Total Revenues</b>		<b>30,000.00</b>	<b>70,972.83</b>	<b>32,100.00</b>
<b>Expenditures</b>				
	Consultants	12,000.00	3,247.00	15,000.00
	Entertainers	2,500.00	5,365.97	6,000.00
	Fees - EMS			
	Fees - Police			
	Permits			
	Signage	1,000.00	1,017.00	1,100.00
	Barricades	300.00	0.00	
	Advertising/Promotion	7,200.00	8,168.51	10,000.00
	Waste Handling/Removal			
	Porto-potties	3,500.00	0.00	
	Staging	3,500.00	1,402.32	
	Others			
	Donations to Participating Organizations			
	Supplies			
	Rental of Space			
	Tree Decorating Day-Consultant			
<b>Total Expenditures</b>		<b>30,000.00</b>	<b>19,200.80</b>	<b>32,100.00</b>

Notes: The Sandwich Towne Outdoor Markets is the perfect good weather event. Local artisans, and businesses gather



APPENDIX D (CONT'D)  
 OLDE SANDWICH TOWNE BIA  
 Commentary - 2022 Actual Expenditures

Explanation of Significant Variances (2022 Projected Actual vs. 2022 Approved Budget):

**SUMMARY**

*(Include 2022 accomplishments; also indicate what was not accomplished in 2022 and why)*

**1. 2022 Accomplishments**

The BIA came out of two very different years with COVID restrictions and focused on re-engaging with our business community, trying to engage with our business owners in hopes of finding new potential Directors, and had a successful Open Streets, and Miracle on Sandwich Events. The Outdoor Markets were a great learning curve, as we are now into our first full year of doing them and we made tremendous stride with that event.

Mandatory

**REVENUES**

*Provide explanations for significant variances only, i.e. plus or minus 10% variance for each section below*

**2. Grants, Donations & Sponsorships**

Our Coordinator received grant funding from the My Main Street Community Activator Fund of just over \$44,000 on behalf of Fed Dev Ontario. Those funds were used to boost the miracle on sandwich event.

Variance  
62%

**3. Promotions, Events & Other Revenues**

We simply made less in revenue directly from our vendor markets.

Variance  
-24%

**EXPENDITURES**

*Provide explanations for significant variances only, i.e. plus or minus 10% variance for each category below*

**4. Administration**

We simply paid less than anticipated in administration.

Variance  
-15%

**5. Capital & General Maintenance**

The reason for this decrease is that our mural project did not move forward and our quotes for christmas lighting came back lower than anticipated.

Variance  
-35%

**7. Communications, Marketing, Promotions & Events**

Being successful in receiving grant funding for the Miracle on Sandwich allowed us the availability to expand upon our plans. We also put out less newsletters than we anticipated.

Variance  
-14%

**8. Harmonized Sales Tax (HST) Rebates**

As a BIA we do not have any ability to claim HST Rebates

Mandatory

APPENDIX D (CONT'D)  
 OLDE SANDWICH TOWNE BIA  
 Commentary - 2023 Proposed Budget

**Explanation of Significant Variances (2023 Proposed Budget vs. 2022 Approved Budget):**

**SUMMARY**

*(Include any other pertinent information)*

**1. 2023 Goals and Objectives**

The 2023 Goals and Objectives of the BIA are to continue on with the Sandwich Towne Outdoor Markets, but to do less markets but make each of them bigger. We are continuing on with Miracle on Sandwich, and have received additional grant funding for four major projects that we will begin to work on in 2023 all while preparing our members for Sandwich Street Construction

Mandatory

**REVENUES**

*Provide explanations for significant variances only, i.e. plus or minus 10% variance for each section below*

**2. Grants, Donations & Sponsorships**

We received two years worth of Funding for four major projects

Variance  
7900%

**3. Promotions, Events & Other Revenues**

We are proposing to earn less in vendor revenues which explains why the variance is 20%.

Variance  
-20%

**EXPENDITURES**

*Provide explanations for significant variances only, i.e. plus or minus 10% variance for each category below*

**4. Administration**

Like the increase in revenue, we received grant funding for four major projects. This funding will impact the variance percentages in administration, capital and general maintenance and communications, marketing, promotions and events.

Variance  
82%

**5. Capital & General Maintenance**

The grant funding we received explains this variance

Variance  
170%

**7. Communications, Marketing, Promotions & Events**

See above. Grant funding is responsible for this proposed increases.

Variance  
136%

APPENDIX E

WALKERVILLE DISTRICT BIA

	2022		2023	
	Approved Budget	Projected Actual	Proposed Budget	
<b>REVENUE</b>				
BIA Levy	\$ 45,000.00	\$ 50,938.00	\$ 55,000.00	
Transfer from Reserves				
<u>Government Grants</u>				
Federal or Provincial				
Municipal				
<u>Other Revenue</u>				
Donations				
Sponsorships	2,000.00	12,730.00	1,500.00	
Promotions & Events Revenue	3,000.00		4,500.00	
GIC Interest				
<b>TOTAL REVENUE</b>	<b>\$ 50,000.00</b>	<b>\$ 63,668.00</b>	<b>\$ 61,000.00</b>	
<b>EXPENDITURES</b>				
<i>(Includes non-recoverable HST)</i>				
Total Administrative	\$ 15,600.00	\$ 13,453.00	\$ 15,600.00	
Total Capital	\$ 29,345.00	\$ 10,452.00	\$ 18,390.00	
Total Marketing	\$ 26,275.00	\$ 45,578.44	\$ 27,110.00	
<b>TOTAL EXPENDITURES</b>	<b>\$ 71,220.00</b>	<b>\$ 69,483.44</b>	<b>\$ 61,000.00</b>	
<b>Surplus/Deficit</b>	<b>-\$ 21,220.00</b>	<b>-\$ 5,815.44</b>	<b>\$ -</b>	

**ACCUMULATED SURPLUS/(DEFICIT)**

Beginning Balance		\$ 69,823.00	\$ 49,625.00
Use of Reserve	\$ 21,220.00	-\$ 14,383.00	\$ -
Reduction to Reserve		-\$ 5,815.00	
Ending Balance		\$ 49,625.00	\$ 49,625.00

**BUDGET DECLARATION TO BE SIGNED AFTER AGM**

Board of Management Approval	23/ January/ 2023	General Membership Approval	01/ February / 2023
	Date Month Year		Date Month Year
Signature of Chair		Signature of Treasurer	
	Date		Date 5/25/23
If budget is prepared by someone other than the Treasurer, please provide the name of the contact person below.:			
Name:	Phone Number:	Email Address:	



APPENDIX E (CONT'D)

WALKERVILLE DISTRICT BIA Capital Expenses		2022	2022	2023
		Approved Budget	Projected Actual	Proposed Budget
<b>Capital</b>				
(Only include BIA portion of any cost-share initiatives)	City of Windsor Loan Repayment			
	Pedestrian Walkways -Bump outs	8,770.00	1,955.00	1,750.00
	Street Furniture			
	Benches			
	Alley Enhancements			
	Signage			
	Decorative Lighting			
	Decorations-Seasonal	3,800.00	4,350.00	2,725.00
	Decorations-Other			
	Banners	15,000.00		
	Murals			
	Planters			
	Hanging Baskets			
	Signage			
	Technical/Professional Services			
<b>General Maintenance</b>				
	Flowers/Plants/Trees	775.00	820.00	775.00
	Snow Removal			
	Decorations			
	Hydro			
	Graffiti Removal			
	Power Washing			
	Needle Collection			
	Street Cleaning	1,000.00	2,467.00	2,500.00
	Broken Windows			
	Cleanup - Other (please specify)			
	Miscellaneous Repairs			
	Permit Fees		860.00	640.00
	Security			10,000.00
	<b>Total Capital Expenses</b>	<b>\$ 29,345.00</b>	<b>\$ 10,452.00</b>	<b>\$ 18,390.00</b>

APPENDIX E (CONT'D)

WALKERVILLE DISTRICT BIA		2022	2022	2023
Communications/Marketing/Promotions & Events		Approved Budget	Projected Actual	Proposed Budget
<b>Communications</b>				
	Memberships	500.00	280.00	500.00
	Subscriptions			
	Professional Development			
	Travel			
	General Meeting Expense			
	Board/Committee Meeting Expense			
	Budget Meeting Expense			
	Conference Expense			
	Internet/Website	1,375.00	1,816.00	1,500.00
	Member Services (Parking Tokens)			
	Public Relations/Liaison			
<b>Advertising and Marketing</b>				
	Advertising			
	Printing – (Flyers, Brochures, etc...)			400.00
	Marketing Design			
	Branding	1,000.00	1,000.00	
	Retail Recruitment			
	Social Media		4,500.00	
	Signage			
	Sponsorships			
	Newsletter			
	Website Development/Maintenance			
	Wi-Fi			
	Please specify			
<b>Promotions</b>				
	Canada Day			
	Christmas	400.00		
	Easter		1,410.00	
	Spring Event (Please specify)			
	Summer Event (Please specify)	14,000.00	12,933.44	
	Art Walk			
	Fall Event (Please specify)			
	Holiday Walk	9,000.00	23,639.00	
	Winter Event (Please specify)			
	Sidewalk Sale			
	Signature Event 1 (complete tab)			14,710.00
	Signature Event 2 (complete tab)			10,000.00
	Please specify			
<b>Total</b>		<b>\$ 26,275.00</b>	<b>\$ 45,578.44</b>	<b>\$ 27,110.00</b>

APPENDIX E (CONT'D)

WALKERVILLE DISTRICT BIA		2022	2022	2023
Signature Event 1 - Supporting Information		Approved Budget	Projected Actual	Proposed Budget
Event Name: Art Walk				
Event Dates: July 21-22, 2023				
<b>Revenues</b>				
Must be shown on Cover Page	BIA Contribution	9,915.00	11,088.00	13,710.00
	Federal/Provincial Grant			
	Municipal Grant			
	Donations			
	Sponsorships	3,250.00	1,845.00	1,000.00
	Festival Revenue	1,850.00		
<b>Total Revenues</b>		<b>15,015.00</b>	<b>12,933.00</b>	<b>14,710.00</b>
<b>Expenditures</b>				
	Consultants			
	Entertainers	4,275.00	5,657.00	6,327.00
	Fees - EMS			
	Fees - Police			
	Permits	300.00	213.00	213.00
	Signage			
	Barricades	800.00		
	Advertising/Promotion	7,630.00	827.00	2,000.00
	Waste Handling/Removal	60.00	746.00	195.00
	Porto-potties	450.00		175.00
	Staging	750.00		1,000.00
	Security	750.00	1,890.00	1,200.00
	Co-ordinator		1,454.00	2,800.00
	street cleaning			800.00
	Murel		2,400.00	
<b>Total Expenditures</b>		<b>15,015.00</b>	<b>13,187.00</b>	<b>14,710.00</b>
Notes: Please provide description of the event Public invited to walk thru the Walkerville BIA to shop in our shops and dine in our restaurants and enjoy the music and entertainment				

APPENDIX E (CONT'D)

WALKERVILLE DISTRICT BIA		2022	2022	2023
Signature Event 2 - Supporting Information		Approved Budget	Projected Actual	Proposed Budget
Event Name: Holiday Walk				
Event Dates: November 18-26, 2023				
<b>Revenues</b>				
Must be shown on Cover Page	BIA Contribution	11,850.00	14,216.00	9,300.00
	Federal/Provincial Grant			
	Municipal Grant			
	Donations			
	Sponsorships	1,850.00	9,423.00	700.00
	Festival Revenue			
<b>Total Revenues</b>		<b>13,700.00</b>	<b>23,639.00</b>	<b>10,000.00</b>
<b>Expenditures</b>				
	Consultants			
	Entertainers	3,000.00	3,451.00	3,500.00
	Fees - EMS			
	Fees - Police			
	Permits			
	Signage	3,000.00		
	Barricades			
	Advertising/Promotion	7,000.00	4,927.00	3,500.00
	Waste Handling/Removal	100.00		500.00
	Porto-potties			
	Staging	600.00	9,288.00	
	Co-ordinator		2,543.00	2,500.00
	Security		3,431.00	
<b>Total Expenditures</b>		<b>13,700.00</b>	<b>23,640.00</b>	<b>10,000.00</b>
Notes: Please provide description of the event				
Stroll the stores in Walkerville prior to Xmas and enjoy our many restaurants and drinking establishments				



APPENDIX E (CONT'D)  
 WALKERVILLE DISTRICT BIA  
 Commentary - 2022 Actual Expenditures

Explanation of Significant Variances (2022 Projected Actual vs. 2022 Approved Budget):

**SUMMARY**

*(Include 2022 accomplishments; also indicate what was not accomplished in 2022 and why)*

**1. 2022 Accomplishments**

Easter Event + 4 pop up events + 2 major events (Art Walk & Holiday Walk)

Mandatory

**REVENUES**

*Provide explanations for significant variances only, i.e. plus or minus 10% variance for each section below*

**2. Grants, Donations & Sponsorships**

We look for sponsorship to most events because of our small budget/Prior years no programs because of covid

Variance  
537%

**3. Promotions, Events & Other Revenues**

Variance  
-100%

**EXPENDITURES**

*Provide explanations for significant variances only, i.e. plus or minus 10% variance for each category below*

**4. Administration**

Co-ordinator's duties in 2022 included administration, event planning acommunication

Variance  
-14%

**5. Capital & General Maintenance**

Minimal capital improvemnts with concentration on keeping the area clean

Variance  
-64%

**7. Communications,Marketing, Promotions & Events**

More events result in more promoting

Variance  
73%

**8. Harmonized Sales Tax (HST) Rebates**

\$8,357.70

Mandatory

**APPENDIX E (CONT'D)**  
**WALKERVILLE DISTRICT BIA**  
**Commentary - 2023 Proposed Budget**

**Explanation of Significant Variances (2023 Proposed Budget vs. 2022 Approved Budget):**

**SUMMARY**

*(Include any other pertinent information)*

**1. 2023 Goals and Objectives**

Budget increased by \$10,000.00 to be spent for video security .

Mandatory

**REVENUES**

*Provide explanations for significant variances only, i.e. plus or minus 10% variance for each section below*

**2. Grants, Donations & Sponsorships**

We encourage sponsorship from major members to help make all our events successful

Variance  
200%

**3. Promotions, Events & Other Revenues**

Not as many events expected in 2023

Variance  
-100%

**EXPENDITURES**

*Provide explanations for significant variances only, i.e. plus or minus 10% variance for each category below*

**4. Administration**

Co-ordinators job includes Administration, Event planning and Communication

Variance  
-1%

**5. Capital & General Maintenance**

Capital improvemetns will include wall art + general maintenance to keep the area clean

Variance  
-71%

**7. Communications, Marketing, Promotions & Events**

Events require as much advertising as our budget will allow as the event space is getting more competitive

Variance  
41%

APPENDIX F

OTTAWA STREET BIA

	2022		2022		2023	
	Approved Budget		Projected Actual		Proposed Budget	
<b>REVENUE</b>						
BIA Levy	\$	71,965.00	\$	71,965.00	\$	71,965.00
<u>Government Grants</u>						
Federal or Provincial						
Municipal						
<u>Other Revenue</u>						
Donations						
Sponsorships						
Promotions & Events Revenue						
<b>TOTAL REVENUE</b>	\$	71,965.00	\$	71,965.00	\$	71,965.00
<b>EXPENDITURES</b>						
<b>(Includes non-recoverable HST)</b>						
Total Administrative	\$	17,965.00	\$	14,503.00	\$	17,445.00
Total Capital	\$	21,500.00	\$	16,500.00	\$	16,500.00
Total Marketing	\$	32,500.00	\$	28,395.00	\$	38,020.00
<b>TOTAL EXPENDITURES</b>	\$	71,965.00	\$	59,398.00	\$	71,965.00
<b>Surplus/Deficit</b>	\$	-	\$	12,567.00	\$	-

**ACCUMULATED SURPLUS/(DEFICIT)**

Beginning Balance		\$	47,894.00	\$	47,894.00
Use of Reserve				\$	-
Addition to Reserve					
Ending Balance		\$	47,894.00	\$	47,894.00

**BUDGET DECLARATION TO BE SIGNED AFTER AGM**

Board of Management Approval	02-11-2022			General Membership Approval	02-11-2022		
	Date	Month	Year		Date	Month	Year
Ettore Bonato				Ettore Bonato			
	Signature of Chair	Date		Signature of Treasurer	Date		
<i>If budget is prepared by someone other than the Treasurer, please provide the name of the contact person below.:</i>							
Ettore Bonato	519-254-8447		<a href="mailto:ettore@bellnet.ca">ettore@bellnet.ca</a>				
Name:	Phone Number:		Email Address:				

**APPENDIX F (CONT'D)**

<b>OTTAWA STREET BIA Administrative Expenses</b>		<b>2022</b>	<b>2022</b>	<b>2023</b>
		<b>Approved Budget</b>	<b>Projected Actual</b>	<b>Proposed Budget</b>
<b>Staff</b>	Salaries/Wages/Benefits	6,000.00	6,000.00	6,000.00
<b>Other Admin.</b>	Accounting	652.00	200.00	375.00
	Audit	1,350.00	1,100.00	1,250.00
	AGM Expenses		300.00	
	Meeting Expenses (non AGM)	226.00		
	Bank Charges	300.00	125.00	200.00
	Conferences/Seminars			300.00
	Consultants			
	Donations			
	Strategic Plan			
	Memberships			
	Subscriptions	750.00	750.00	750.00
	Insurance	3,500.00	3,700.00	3,500.00
	Legal			
	Telephone			
	Postage & Courier	100.00	92.00	100.00
	Transportation & Travel			
	Office Supplies	750.00	250.00	600.00
	Office Equipment/Furniture/Maintenance	237.00	384.00	270.00
	Printing	3,000.00	580.00	3,000.00
	Storage/Maintenance			
	Rent/Lease			
	Utilities	1,100.00	1,022.00	1,100.00
	Other: (please specify)			
<b>Total Administrative Expenses</b>		<b>\$ 17,965.00</b>	<b>\$ 14,503.00</b>	<b>\$ 17,445.00</b>

**APPENDIX F (CONT'D)**

OTTAWA STREET BIA Capital Expenses		2022	2022	2023
		Approved Budget	Projected Actual	Proposed Budget
<b>Capital</b>				
(Only include BIA portion of any cost-share initiatives)	City of Windsor Loan Repayment			
	Street Furniture			
	Benches		150.00	
	Alley Enhancements			
	Signage			
	Decorative Lighting	6,000.00		
	Decorations-Seasonal	1,500.00	2,600.00	2,000.00
	Decorations-Other			
	Banners	1,500.00	1,250.00	5,000.00
	Murals	6,000.00	4,000.00	2,000.00
	Planters			
	Hanging Baskets			
	Signage			
	Technical/Professional Services			
	Other: Please specify			
<b>General Maintenance</b>				
	Flowers/Plants/Trees			
	Snow Removal			
	Decorations			
	Hydro			
	Graffiti Removal			
	Power Washing			
	Needle Collection			
	Street Cleaning	4,000.00	4,000.00	5,000.00
	Broken Windows			
	Cleanup - Other (please specify)			
	Miscellaneous Repairs		1,500.00	
	Permit Fees	2,500.00	3,000.00	2,500.00
	Security			
	Please specify			
	<b>Total Capital Expenses</b>		\$ 21,500.00	\$ 16,500.00

APPENDIX F (CONT'D)

OTTAWA STREET BIA		2022	2022	2023
Communications/Marketing/Promotions & Events		Approved Budget	Projected Actual	Proposed Budget
<b>Communications</b>				
	Memberships			
	Subscriptions		750.00	750.00
	Professional Development	1,000.00		
	Travel			
	General Meeting Expense		300.00	
	Board/Committee Meeting Expense			
	Budget Meeting Expense			
	Conference Expense			
	Internet/Website	600.00	420.00	600.00
	Member Services (Parking Tokens)			
	Public Relations/Liaison			
<b>Advertising and Marketing</b>				
	Advertising	500.00	800.00	770.00
	Printing – (Flyers, Brochures, etc...)	3,000.00	1,700.00	3,000.00
	Marketing Design			
	Branding			
	Retail Recruitment			
	Social Media	17,000.00	15,500.00	15,000.00
	Signage			
	Sponsorships			
	Newsletter			
	Website Development/Maintenance	400.00		400.00
	Wi-Fi			
<b>Promotions &amp; Events</b>				
	Canada Day			
	Christmas			
	Easter			
	Spring Event - Sidewalk Sale	2,500.00	2,200.00	
	Win Your Purchase Restaurant Aid			
	Summer E vent-collaboration with Pride	2,500.00	2,700.00	12,500.00
	Smaller Open Streets			
	Fall Event (Please specify)			
	Winter Event (Please specify)			
	Win Your Purchase	2,500.00	1,925.00	2,500.00
	Sidewalk Sale	2,500.00	2,100.00	2,500.00
	Signature Event 1 (complete tab)			0.00
	Signature Event 2 (complete tab)			0.00
	Please specify			
<b>Total</b>		<b>\$ 32,500.00</b>	<b>\$ 28,395.00</b>	<b>\$ 38,020.00</b>

APPENDIX F (CONT'D)

OTTAWA STREET BIA		2022	2022	2023
Signature Event 1 - Supporting Information		Approved Budget	Projected Actual	Proposed Budget
Event Name: Ottawa Street Tent Sale				
Event Dates: Aug.11/street closure Aug.12, 2023				
<b>Revenues</b>				
Must be shown on Cover Page	BIA Contribution			12,500.00
	Federal/Provincial Grant			
	Municipal Grant			
	Donations			
	Sponsorships			
	Festival Revenue			
<b>Total Revenues</b>		0.00	0.00	12,500.00
<b>Expenditures</b>				
	Consultants			
	Entertainers			2,500.00
	Fees - EMS			
	Fees - Police			1,000.00
	Permits			1,350.00
	Signage			150.00
	Barricades			250.00
	Advertising/Promotion			500.00
	Waste Handling/Removal			500.00
	Porto-potties			
	Staging			1,850.00
	Insurance			1,150.00
	Security			2,200.00
	Special event insurance			1,000.00
	Equipment rental			50.00
<b>Total Expenditures</b>		0.00	0.00	12,500.00

Notes: Please provide description of the event

Hello,

So far, this is what we have for costs; there is more such as insurance, security, cleanup(which we don't have a price yet), and if anything happens not thought of fund.

The event is a street closure of 4 blocks, if the City allows, and is the annual Ottawa Street Tent Sale. It coincides with Pridefest and we are collaborating on making it a great event weekend. The BIA is responsible for Ottawa St. with the restaurants opening and extending patios, vendors, the merchants selling products outside, entertainment, and having some drag queens walk around to promote Pridefest.

August 11 will be the sidewalk sale/tent sale and August 12 will be the sidewalk sale/tent sale street closure.

**APPENDIX F (CONT'D)**

OTTAWA STREET BIA		2022	2022	2023
Signature Event 2 - Supporting Information		Approved Budget	Projected Actual	Proposed Budget
Event Name:				
Event Dates:				
<b>Revenues</b>				
<b>Must be shown on Cover Page</b>	BIA Contribution			
	Federal/Provincial Grant			
	Municipal Grant			
	Donations			
	Sponsorships			
	Festival Revenue			
<b>Total Revenues</b>		0.00	0.00	0.00
<b>Expenditures</b>				
	Consultants			
	Entertainers			
	Fees - EMS			
	Fees - Police			
	Permits			
	Signage			
	Barricades			
	Advertising/Promotion			
	Waste Handling/Removal			
	Porto-potties			
	Staging			
<b>Total Expenditures</b>		0.00	0.00	0.00
Notes: Please provide description of the event				



**APPENDIX F (CONT'D)**  
**OTTAWA STREET BIA**  
**Commentary - 2022 Actual Expenditures**

**Explanation of Significant Variances (2022 Projected Actual vs. 2022 Approved Budget):**

**SUMMARY**

*(Include 2022 accomplishments; also indicate what was not accomplished in 2022 and why)*

**1. 2022 Accomplishments**

Worked on getting a grant for the alley lighting project; it is moving forward.

Mandatory

**REVENUES**

*Provide explanations for significant variances only, i.e. plus or minus 10% variance for each section below*

**2. Grants, Donations & Sponsorships**

None

Variance  
#DIV/0!

**3. Promotions, Events & Other Revenues**

None

Variance  
#DIV/0!

**EXPENDITURES**

*Provide explanations for significant variances only, i.e. plus or minus 10% variance for each category below*

**4. Administration**

Paid for co-ordinator to organize the year's events.

Variance  
-19%

**5. Capital & General Maintenance**

Paid for street and alley cleaning from April to November, and the price went up; fixed damaged benches; fixed the big clock.

Variance  
-23%

**7. Communications, Marketing, Promotions & Events**

Social media worked better this year; spot on in pricing.

Variance  
-13%

**8. Harmonized Sales Tax (HST) Rebates**

Haven't filled paperwork out yet.

Mandatory

**APPENDIX I (CONT'D)**  
**OTTAWA STREET BIA**  
**Commentary - 2023 Proposed Budget**

**Explanation of Significant Variances (2023 Proposed Budget vs. 2022 Approved Budget):**

**SUMMARY**

*(Include any other pertinent information)*

**1. 2023 Goals and Objectives**

Will be fixing the clock again, still not working properly; decided to have a spring sidewalk sale, one great big summer event and our regular holiday event; hoping to use reserves to get more lights on our trees; would like to expand the BIA to Walker Road.

Mandatory

**REVENUES**

*Provide explanations for significant variances only, i.e. plus or minus 10% variance for each section below*

**2. Grants, Donations & Sponsorships**

We did receive the grant but won't get any money until the alley lighting project is finished; this is a time sensitive situation.

Variance  
#DIV/0!

**3. Promotions, Events & Other Revenues**

We are not expecting any money from any of our events.

Variance  
#DIV/0!

**EXPENDITURES**

*Provide explanations for significant variances only, i.e. plus or minus 10% variance for each category below*

**4. Administration**

Should stay the same.

Variance  
-3%

**5. Capital & General Maintenance**

Giving the street and alley cleaner a raise; deserves it.

Variance  
-23%

**7. Communications, Marketing, Promotions & Events**

Social media prices will definitely go up this year.

Variance  
17%

APPENDIX G  
 PILLETTE VILLAGE BIA

	2022		2022		2023	
	Approved Budget		Projected Actual		Proposed Budget	
<b>REVENUE</b>						
BIA Levy	\$	40,000.00	\$	40,000.00	\$	40,000.00
<u>Government Grants</u>						
Federal or Provincial						
Municipal						
<u>Other Revenue</u>						
Donations						
Sponsorships						
Promotions & Events Revenue						
<b>TOTAL REVENUE</b>	<b>\$</b>	<b>40,000.00</b>	<b>\$</b>	<b>40,000.00</b>	<b>\$</b>	<b>40,000.00</b>
<b>EXPENDITURES</b> (includes non-recoverable HST)						
Total Administrative	\$	11,655.00	\$	15,928.25	\$	14,375.00
Total Capital	\$	18,120.00	\$	16,503.43	\$	15,225.00
Total Marketing	\$	10,225.00	\$	8,048.23	\$	10,400.00
<b>TOTAL EXPENDITURES</b>	<b>\$</b>	<b>40,000.00</b>	<b>\$</b>	<b>40,479.91</b>	<b>\$</b>	<b>40,000.00</b>
<b>Surplus/Deficit</b>	<b>\$</b>	<b>-</b>	<b>\$</b>	<b>479.91</b>	<b>\$</b>	<b>-</b>

**ACCUMULATED SURPLUS/(DEFICIT)**

Beginning Balance		\$	53,982.00	\$	53,982.00
Use of Reserve				\$	-
Addition to Reserve					
Ending Balance		\$	53,982.00	\$	53,982.00

**BUDGET DECLARATION TO BE SIGNED AFTER AGM**

Board of Management Approval	03-Nov-22	General Membership Approval	08-Dec-22
	Date Month Year		Date Month Year
 Terry Yaldo			
Signature of Chair	Date	Signature of Treasurer	Date
If budget is prepared by someone other than the Treasurer, please provide the name of the contact person below.:			
Name:	Phone Number:	Email Address:	

**APPENDIX G (CONT'D)**

<b>PILLETTE VILLAGE BIA Administrative Expenses</b>		<b>2022</b>	<b>2022</b>	<b>2023</b>
		<b>Approved Budget</b>	<b>Projected Actual</b>	<b>Proposed Budget</b>
<b>Staff</b>	Salaries/Wages/Benefits	6,000.00	\$8,600.00	\$8,000.00
<b>Other Admin.</b>	Accounting	400.00	\$452.00	\$500.00
	Audit	1,130.00	\$1,130.00	\$1,200.00
	AGM Expenses	100.00		\$200.00
	Meeting Expenses (non AGM)	100.00	-	-
	Bank Charges			
	Conferences/Seminars			
	Consultants			
	Donations		\$300.00	\$200.00
	Strategic Plan			
	Memberships			
	Subscriptions			
	Insurance	1,900.00	\$1,892.00	\$1,900.00
	Legal			
	Telephone			
	Postage & Courier	25.00	\$15.82	\$25.00
	Transportation & Travel			
	Office Supplies	100.00	-	\$100.00
	Office Equipment/Furniture/Maintenance			
	Printing	150.00	\$1,548.89	\$150.00
	Storage/Maintenance	1,500.00	\$1,698.00	\$1,700.00
	Rent/Lease			
	Utilities			
	Gifts	250.00	\$307.36	\$400.00
	Other: (please specify)			
<b>Total Administrative Expenses</b>		<b>\$ 11,655.00</b>	<b>\$ 15,928.25</b>	<b>\$ 14,375.00</b>

**APPENDIX G (CONT'D)**

PILLETTE VILLAGE BIA Capital Expenses		2022	2022	2023
		Approved Budget	Projected Actual	Proposed Budget
<b>Capital</b>				
(Only include BIA portion of any cost-share initiatives)	City of Windsor Loan Repayment	10,600.00	10,600.00	10,600.00
	Street Furniture			
	Benches			
	Alley Enhancements			
	Signage			
	Decorative Lighting			
	Decorations-Seasonal		4,463.43	1,500.00
	Decorations-Other			
	Banners			
	Murals			
	Planters			
	Hanging Baskets			
	Signage			
	Technical/Professional Services			
<b>General Maintenance</b>				
	Flowers/Plants/Trees	5,000.00		1,000.00
	Snow Removal			
	Decorations			
	Hydro			
	Graffiti Removal			
	Power Washing			
	Needle Collection			
	Street Cleaning	1,150.00	907.50	1,000.00
	Broken Windows			
	Cleanup - Other (please specify)			
	Plant Watering	1,250.00	532.50	1,000.00
	Garden Supplies	50.00	0.00	25.00
	Miscellaneous Repairs	70.00	0.00	100.00
	Permit Fees			
	Security			
PLEASE SPECIFY				
<b>Total Capital Expenses</b>		<b>\$ 18,120.00</b>	<b>\$ 16,503.43</b>	<b>\$ 15,225.00</b>

APPENDIX C (CONT'D)

PILLETTE VILLAGE BIA		2022	2022	2023
Communications/Marketing/Promotions & Events		Approved Budget	Projected Actual	Proposed Budget
<b>Communications</b>				
	Memberships			
	Subscriptions			
	Professional Development			
	Travel			
	General Meeting Expense			
	Board/Committee Meeting Expense			
	Budget Meeting Expense			
	Conference Expense			
	Internet/Website	225.00	360.00	400.00
	Member Services (Parking Tokens)			
	Public Relations/Liaison			
<b>Advertising and Marketing</b>				
	Advertising	5,000.00	0.00	5,000.00
	Printing – (Flyers, Brochures, etc...)			
	Marketing Design			
	Branding			
	Retail Recruitment			
	Social Media			
	Signage			
	Sponsorships			
	Newsletter			
	Website Development/Maintenance		2,700.23	0.00
	Wi-Fi			
<b>Promotions &amp; Events</b>				
	Canada Day			
	Christmas			
	Easter			
	Spring Event (Please specify)			
	Summer Event (Please specify)			
	Fall Event (Please specify)			
	Winter Event (Please specify)			
	Sidewalk Sale			
	Signature Event 1 (complete tab)	5,000.00	4,988.00	5,000.00
	Signature Event 2 (complete tab)			0.00
	Please Specify			
<b>Total</b>		<b>\$ 10,225.00</b>	<b>\$ 8,048.23</b>	<b>\$ 10,400.00</b>

APPENDIX G (CONT'D)

PILLETTE VILLAGE BIA		2022	2022	2023
Signature Event 1 - Supporting Information		Approved Budget	Projected Actual	Proposed Budget
Event Name: Giant Garage Sale				
Event Dates:				
<b>Revenues</b>				
Must be shown on Cover Page	BIA Contribution	5,000.00	4,988.00	5,000.00
	Federal/Provincial Grant			
	Municipal Grant			
	Donations			
	Sponsorships			
	Festival Revenue			
<b>Total Revenues</b>		<b>5,000.00</b>	<b>4,988.00</b>	<b>5,000.00</b>
<b>Expenditures</b>				
	Consultants			
	Entertainers	350.00	300.00	300.00
	Fees - EMS			
	Fees - Police			
	Permits	210.00	210.00	210.00
	Signage	200.00		500.00
	Barricades			
	Advertising/Promotion	3,000.00	2,785.72	2,500.00
	Waste Handling/Removal			
	Porto-potties			
	Staging	800.00	1,013.80	1,000.00
	Printing	440.00	678.48	490.00
<b>Total Expenditures</b>		<b>5,000.00</b>	<b>4,988.00</b>	<b>5,000.00</b>
Notes: Please provide description of the event				

**APPENDIX (CONT'D)**  
**PILLETTE VILLAGE BIA**  
**Commentary - 2022 Actual Expenditures**

**Explanation of Significant Variances (2022 Projected Actual vs. 2022 Approved Budget):**

**SUMMARY**

*(Include 2022 accomplishments; also indicate what was not accomplished in 2022 and why)*

**Th**

We were successful in reworking our website to make it more user friendly and informational. The Street Sale attracted 45 vendors and drew a good crowd to the area. Businesses were pleased with the turnout. Capital Works project still not started due to Covid. Hoping to get that completed this year, but this is out of our hands.

Mandatory

**REVENUES**

*Provide explanations for significant variances only, i.e. plus or minus 10% variance for each section below*

**2. Grants, Donations & Sponsorships**

applied for a Main Street Grant, but was denied. We want to offset some of the cost of the Capital Works Project, but was not successful.

Variance  
#DIV/0!

**3. Promotions, Events & Other Revenues**

Variance  
#DIV/0!

**EXPENDITURES**

*Provide explanations for significant variances only, i.e. plus or minus 10% variance for each category below*

**4. Administration**

Executive Director has to assume more responsibilities due to the small size of the Board of Directors. The Street Sale took more administrative time as it was expanded this year.

Variance  
37%

**5. Capital & General Maintenance**

Variance  
-9%

**7. Communications, Marketing, Promotions & Events**

Attention was given more to the redesign of the website, and not as much to the advertising of the area. Keeping figures low due to payback for the Capital Works Project.

Variance  
-21%

**8. Harmonized Sales Tax (HST) Rebates**

\$1,801.76

Mandatory



**APPENDIX ((CONT'D))  
 PILLETTE VILLAGE BIA  
 Commentary - 2023 Proposed Budget**

**Explanation of Significant Variances (2023 Proposed Budget vs. 2022 Approved Budget):**

**SUMMARY**

*(Include any other pertinent information)*

**1. 2023 Goals and Objectives**

Working on high vacancy rate in the area. Looking at getting street parking. Will do the Street Sale again in August.

Mandatory

**REVENUES**

*Provide explanations for significant variances only, i.e. plus or minus 10% variance for each section below*

**2. Grants, Donations & Sponsorships**

Variance  
#DIV/0!

**3. Promotions, Events & Other Revenues**

Variance  
#DIV/0!

**EXPENDITURES**

*Provide explanations for significant variances only, i.e. plus or minus 10% variance for each category below*

**4. Administration**

Executive Director has to assume all the responsibilities due to the low number on Board and their unavailability to assist.

Variance  
23%

**5. Capital & General Maintenance**

The capital works project will see new planters, which will not need as much maintenance and watering.

Variance  
-16%

**7. Communications, Marketing, Promotions & Events**

Variance  
2%

APPENDIX H

WYANDOTTE TOWNE CENTRE BIA

	2022		2023	
	Approved Budget	Projected Actual	Proposed Budget	
<b>REVENUE</b>				
BIA Levy	\$ 94,000.00	\$ -	\$ 94,000.00	
<u>Government Grants</u>				
Federal or Provincial				
Municipal				
<u>Other Revenue</u>				
Donations				
OTHER: PLEASE SPECIFY				
Rent				
Sponsorships				
Promotions & Events Revenue				
<b>TOTAL REVENUE</b>	<b>\$ 94,000.00</b>	<b>\$ -</b>	<b>\$ 94,000.00</b>	
<b>EXPENDITURES (includes non-recoverable HST)</b>				
Total Administrative	\$ 31,500.00		\$ 31,500.00	
Total Capital	\$ 43,750.00		\$ 43,750.00	
Total Marketing	\$ 18,750.00		\$ 18,750.00	
<b>TOTAL EXPENDITURES</b>	<b>\$ 94,000.00</b>		<b>\$ 94,000.00</b>	
<b>Surplus/Deficit</b>	<b>\$ -</b>	<b>\$ -</b>		

<b>ACCUMULATED SURPLUS/(DEFICIT)</b>			
Beginning Balance		\$ 218,605.00	\$ 218,605.00
Use of Reserve			
Ending Balance			

**BUDGET DECLARATION TO BE SIGNED AFTER AQM**

Board of Management Approval			General Membership Approval		
Signature	Date		Signature	Date	
	5/11/2023			May 12, 2023	
Signature of Chair	Date		Signature of Treasurer	Date	
If budget is prepared by someone other than the Treasurer, please provide the name of the contact person below:					
Name:	Phone Number:	Email:			

APPENDIX H (CONT'D)

WYANDOTTE TOWNE CENTRE BIA Administrative Expenses		2022	2022	2023
		Approved	Projected Actual	Proposed
<b>Staff</b>	Salaries/Wages/Benefits	12,000.00		12,000.00
<b>Other Admin.</b>	Accounting	3,500.00		3,500.00
	Audit	1,400.00		1,400.00
	AGM Expenses	500.00		500.00
	Meeting Expenses (non AGM)	1,200.00		1,200.00
	Bank Charges	1,200.00		1,200.00
	Conferences/Seminars			
	Consultants	1,800.00		1,800.00
	Donations			
	Strategic Plan	1,200.00		1,200.00
	Memberships			
	Subscriptions			
	Insurance	1,400.00		1,400.00
	Legal	1,100.00		1,100.00
	Telephone	-		-
	Postage & Courier	-		-
	Transportation & Travel			
	Office Supplies	1,000.00		1,000.00
	Office Equipment/Furniture/Maintenance	500.00		500.00
	Printing	1,200.00		1,200.00
	Storage/Maintenance			
	Rent/Lease	3,500.00		3,500.00
	Utilities			
	Other: (please specify)			
	HST Paid			
<b>Total Administrative Expenses</b>		<b>\$ 31,500.00</b>	<b>\$ -</b>	<b>\$ 31,500.00</b>

**APPENDIX H (CONT'D)**

WYANDOTTE TOWNE CENTRE BIA Capital Expenses		2022	2022	2023
		Approved	Projected Actual	Proposed
<b>Capital</b>				
(Only include BIA portion of any cost-share initiatives)	City of Windsor Loan			
	Street Furniture			
	Benches			
	Alley Enhancements	0.00		0.00
	Signage	1,500.00		1,500.00
	Decorative Lighting	5,000.00		5,000.00
	Decorations-Seasonal	5,000.00		5,000.00
	Decorations-Other			
	Banners	2,500.00		2,500.00
	Murals			
	Planters			
	Hanging Baskets			
	Signage			
	Technical/Professional Services	1,000.00		1,000.00
	Other: Please specify			
<b>General Maintenance</b>				
	Flowers/Plants/Trees	3,000.00		3,000.00
	Snow Removal			
	Decorations	2,500.00		2,500.00
	Hydro	1,250.00		1,250.00
	Graffiti Removal			
	Power Washing	1,000.00		1,000.00
	Needle Collection			
	Street Cleaning	18,000.00		18,000.00
	Broken Windows	3,000.00		3,000.00
	Cleanup - Other (please specify)			
	Miscellaneous Repairs	0.00		0.00
	Permit Fees			
	Security			
<b>Total Capital Expenses</b>		<b>\$ 43,750.00</b>	<b>\$ -</b>	<b>\$ 43,750.00</b>

APPENDIX (CONT'D)

WYANDOTTE TOWNE CENTRE BIA		2022	2022	2023
Communications/Marketing/Promotions & Events		Approved Budget	Projected Actual	Proposed Budget
<b>Communications</b>				
	Memberships			
	Subscriptions			
	Professional Development			
	Travel			
	General Meeting Expense	250.00		250.00
	Board/Committee Meeting Expense	250.00		250.00
	Budget Meeting Expense	250.00		250.00
	Conference Expense			
	Internet/Website	500.00		500.00
	Member Services (Parking Tokens)			
	Public Relations/Liaison			
<b>Advertising and Marketing</b>				
	Advertising	2,000.00		2,000.00
	Printing – (Flyers, Brochures, etc...)	500.00		500.00
	Marketing Design			
	Branding			
	Retail Recruitment			
	Social Media	2,500.00		2,500.00
	Signage			
	Sponsorships			
	Newsletter			
	Website Development/Maintenance	2,500.00		2,500.00
	Wi-Fi			
	Please specify			
<b>Promotions &amp; Events</b>				
	parades	10,000.00		10,000.00
	Easter			
	Spring Event (Please specify)			
	Summer Event (Please specify)			
	Fall Event (Please specify)			
	Winter Event (Please specify)			
	Sidewalk Sale			
	Signature Event 1 (complete tab)	0.00		0.00
	Signature Event 2 (complete tab)	0.00		0.00
<b>Total</b>		<b>\$ 18,750.00</b>	<b>\$ -</b>	<b>\$ 18,750.00</b>

**APPENDIX I (CONT'D)**  
**WYANDOTTE TOWNE CENTRE BIA**  
**Commentary - 2022 Actual Expenditures**

**Explanation of Significant Variances (2022 Projected Actual vs. 2022 Approved Budget):**

**SUMMARY**

*(Include 2022 accomplishments; also indicate what was not accomplished in 2022 and why)*

**1. 2022 Accomplishments**

--

Mandatory
-----------

**REVENUES**

*Provide explanations for significant variances only, i.e. plus or minus 10% variance for each section below*

**2. Grants, Donations & Sponsorships**

--

Variance #DIV/0!
---------------------

**3. Promotions, Events & Other Revenues**

--

Variance #DIV/0!
---------------------

**EXPENDITURES**

*Provide explanations for significant variances only, i.e. plus or minus 10% variance for each category below*

**4. Administration**

--

Variance -100%
-------------------

**5. Capital & General Maintenance**

--

Variance -100%
-------------------

**7. Communications, Marketing, Promotions & Events**

--

Variance -100%
-------------------

**8. Harmonized Sales Tax (HST) Rebates**

--

Mandatory
-----------

**APPENDIX I (CONT'D)**  
**WYANDOTTE TOWNE CENTRE BIA**  
**Commentary - 2023 Proposed Budget**

**Explanation of Significant Variances (2023 Proposed Budget vs. 2022 Approved Budget):**

**SUMMARY**

*(Include any other pertinent information)*

**1. 2023 Goals and Objectives**

--

Mandatory
-----------

**REVENUES**

*Provide explanations for significant variances only, i.e. plus or minus 10% variance for each section below*

**2. Grants, Donations & Sponsorships**

--

Variance #DIV/0!
---------------------

**3. Promotions, Events & Other Revenues**

--

Variance #DIV/0!
---------------------

**EXPENDITURES**

*Provide explanations for significant variances only, i.e. plus or minus 10% variance for each category below*

**4. Administration**

--

Variance 0%
----------------

**5. Capital & General Maintenance**

--

Variance 0%
----------------

**7. Communications, Marketing, Promotions & Events**

--

Variance 0%
----------------

**Subject: Windsor-Canada Utilities Ltd. – Annual General Meeting – City Wide**

**Reference:**

Date to Council: May 29, 2023  
Author: Shelby Askin Hager  
City Solicitor and Commissioner, Legal and Legislative Services  
519-255-6100 ext 6424  
shager@citywindsor.ca  
Legal Services, Real Estate & Risk Management  
Report Date: May 9, 2023  
Clerk's File #: MU2023

**To:** Mayor and Members of City Council

**Recommendation:**

- I. That Council, acting as the shareholder for Windsor Canada Utilities Ltd. ("WCUL") **APPROVE** the resolutions presented by WCUL; and,
- II. That the Mayor **BE AUTHORIZED** to execute the shareholder's resolutions on behalf of The Corporation of the City of Windsor, in accordance with Council direction, with respect to all matters presented herein by WCUL for the year 2022.

**Executive Summary:**

N/A

**Background:**

WCUL is the sole shareholder of the EnWin group of companies (EnWin Utilities Ltd., EnWin Energy Ltd.). The City, in turn, is the sole shareholder of WCUL. As a corporation subject to the Ontario *Business Corporations Act* ("OBCA"), WCUL is required to obtain certain shareholder resolutions from the City on an annual basis. This can be done by way of meeting, or in writing.

As the shareholder, the City (represented by City Council) must appoint someone to execute the resolutions in accordance with its direction. Therefore, this report seeks that Council approve the resolutions presented by WCUL, and further that it appoints the Mayor to execute the resolutions on behalf of the City.



## **Discussion:**

The resolutions to be presented on an annual basis are prescribed by the legislation and are limited to:

- (a) Approval of minutes of prior AGMs (if any);
- (b) Receipt of financial statements;
- (c) Appointment of directors;
- (d) Appointment of auditors.

These resolutions are essentially annual housekeeping, save and except that WCUL requests that the shareholder appoint Drew Dilkens, Jo-Anne Gignac, Ed Sleiman and Jim Morrison to its Board of Directors based on the recommendation of the Board's Nomination Committee.

It is Administration's opinion that it is appropriate to approve the resolutions presented.

In addition to the resolutions specifically noted above, WCUL has presented an additional housekeeping resolution intended to ensure that the WCUL minute book is properly up to date. In the interests of thoroughness, counsel for WCUL has proposed a resolution that would ensure all prior necessary resolutions are properly ratified. These resolutions would include:

- passing of financial statements;
- appointment of auditors; and,
- appointment of directors.

Administration is comfortable recommending acceptance of this resolution because:

- all prior WCUL financial statements have been placed before Council;
- WCUL has always been required to utilize the same auditors as the City and has done so; and,
- all directors have been appointed through the City's processes.

A draft Board resolution of a similar nature is also enclosed.

## **Risk Analysis:**

As the sole shareholder of WCUL, the City must fulfill its obligations under the OBCA and address the resolutions presented by WCUL.

Approval of the resolutions pose little to no risk to the City as the City remains involved and aware with respect to the operations of WCUL.

Approval of the housekeeping resolution will ensure that all prior necessary actions have been properly approved and ratified, thereby bringing the corporate minute books up to date.

## Climate Change Risks

### Climate Change Mitigation:

n/a

### Climate Change Adaptation:

n/a

### Financial Matters:

There are no financial ramifications to accepting the resolutions presented by WCUL.

### Consultations:

n/a

### Conclusion:

The resolutions presented by WCUL are essentially corporate housekeeping and it is appropriate to approve them. It is necessary to appoint a signatory to represent the City for that purpose.

### Approvals:

Name	Title
Shelby Askin Hager	Commissioner, Legal and Legislative Services
Tony Ardovini	Commissioner, Corporate Services CFO/ City Treasurer (A)
Joe Mancina	Chief Administrative Officer

### Notifications:

Name	Address	Email
EnWin Utilities Ltd. Attn: Gary Rossi		<a href="mailto:grossi@enwin.com">grossi@enwin.com</a>
EnWin Utilities Ltd. Attn: Claire Bebbington		<a href="mailto:cbebbington@enwin.com">cbebbington@enwin.com</a>

### Appendices:

1 Letter to Steve Vlachodimos dated May 5, 2023 attaching draft resolutions and financial statements

- 2 Draft Resolutions for Shareholder Approval
- 3 Windsor Canada Utilities 2022 Report
- 4 Windsor Utilities Commission 2022 Report

**WINDSOR CANADA UTILITIES LTD**  
4545 Rhodes Drive, P.O. Box 1625, Stn. "A", Windsor, ON N8W 5T1

May 5, 2023

Steve Vlachodimos, City Clerk  
The Corporation of the City of Windsor  
350 City Hall Square West  
Windsor, ON N9A 6S1

Dear Mr. Vlachodimos,

**RE: Windsor Canada Utilities Ltd. - Annual General Meeting**

The Board of Directors of Windsor Canada Utilities Ltd. ("**WCU**") wishes to conduct its 2022 Annual General Meeting ("**AGM**") in accordance with the Ontario *Business Corporation Act* ("**OBCA**").

Management and available representatives of the WCU Board of Directors, together with available representatives of its subsidiary companies and the Windsor Utilities Commission, are willing to attend the City Council meeting of May 29, 2023 to provide the 2022 Annual Reports and respond to questions.

As done in previous years, I am recommending utilizing written and signed resolutions in lieu of a meeting in conducting the AGM, pursuant to s. 104(1) of the *OBCA*. Thus, a representative would need to be appointed to vote on behalf of the shareholder, and such appointee would cast the shareholder's vote by signing the written resolutions.

To this end, I formally request that City Council, by way of a City Council resolution, designate a representative to vote on behalf of the shareholder. In previous years, Mayor Dilkens was designated by City Council to act as the shareholder's representative.

I have attached the general form of the resolutions that the shareholder or its representative will be asked to approve. In this regard, I ask that City Council authorise their designate to approve and sign these resolutions. We propose that such designation and authorization occur at or before the City Council meeting of May 29, 2023.

To further support this request, attached is the WCU 2022 Annual Report and 2022 Audited Consolidated Financial Statements, which include the financial results of ENWIN Utilities Ltd. and ENWIN Energy Ltd. Also attached, for the information of City Council, is the 2022 Annual Report and 2022 Audited Financial Statements of the Windsor Utilities Commission.

**WINDSOR CANADA UTILITIES LTD**

4545 Rhodes Drive, P.O. Box 1625, Stn. "A", Windsor, ON N8W 5T1

Please contact me if you have any questions about this submission, and I look forward to receiving your confirmation of the date this proposed agenda item will be heard by City Council.

Sincerely,



---

Matt Carlini  
Vice President, Corporate Services & CFO; Corporate Secretary  
ENWIN Utilities Ltd.

Cc: Mr. Garry Rossi, President & CEO, ENWIN Utilities Ltd.  
Mayor Drew Dilkens, Chair, Windsor Canada Utilities Ltd., ENWIN Utilities Ltd., and ENWIN Energy Ltd.  
Councillor Kieran McKenzie, Chair, Windsor Utilities Commission  
Ms. Shelby Askin Hager, City Solicitor, The Corporation of the City of Windsor

Attachments (3):

Appendix A: Draft resolutions for shareholder approval

Appendix B: 2022 Annual Report and 2022 Audited Consolidated Financial Statements, Windsor Canada Utilities Ltd.

Appendix C: 2022 Annual Report and 2022 Audited Financial Statements, Windsor Utilities Commission

## APPENDIX A

### RESOLUTION OF THE SOLE SHAREHOLDER OF WINDSOR CANADA UTILITIES LTD.

The undersigned, being the sole shareholder of Windsor Canada Utilities Ltd. (the “**Corporation**”), acting pursuant to s. 104 of the *Business Corporations Act*, R.S.O. 1990, c.B.16, as amended (the “**Act**”) by its signature hereby passes the following resolutions:

#### NOW THEREFORE BE IT RESOLVED THAT:

##### **1. Windsor Canada Utilities Ltd. 2022 Audited Consolidated Financial Statements**

THAT the Windsor Canada Utilities Ltd. Audited Consolidated Financial Statements and report of the Auditor, KPMG LLP, for the period ending December 31, 2022, BE RECEIVED AND ACCEPTED.

##### **2. Appointment of Auditors for 2023**

THAT the audit firm selected and named by City Council as auditors of the Corporation of the City of Windsor, KPMG LLP, BE APPOINTED as the auditors of Windsor Canada Utilities Ltd. for the 2023 fiscal year end at such remuneration as may be fixed by the Windsor Canada Utilities Ltd. Board of Directors;

AND THAT the Windsor Canada Utilities Ltd. Board of Directors BE AUTHORIZED to fix the remuneration payable to the audit firm selected as auditors of Windsor Canada Utilities Ltd. for the 2023 fiscal year end.

##### **3. Election of Board of Directors**

THAT, as recommended by Board of Directors of Windsor Canada Utilities Ltd., the following Directors of the Board of Directors of Windsor Canada Utilities Ltd. BE ELECTED as follows:

- Mayor Drew Dilkens (3-year term)
- Councillor Jo-Anne Gignac (3-year term)
- Councillor Ed Sleiman (3-year term)
- Councillor Jim Morrison (3-year term)

##### **4. Confirmation of Proceedings**

THAT all the by-laws, resolutions, contracts, proceedings, elections and appointments, enacted, passed, made or taken by the shareholders, directors or officers of the Corporation, at any time during the fiscal year beginning January 1, 2022 and ending December 31, 2022 (hereinafter collectively called "the corporate proceedings") as the same are set forth or referred to in the minutes of the shareholders and the directors for the Corporation and in the other records of the

corporate proceedings, and all acts and proceedings taken by the directors, officers, agents or employees of the Corporation under the authority of or pursuant to any of the corporate proceedings BE RATIFIED AND CONFIRMED with the effect stated in such corporate proceedings;

AND THAT, insofar as any such corporate proceeding shall not have been validly enacted, passed, sanctioned, confirmed, authorized or made, such corporate proceedings shall BE RATIFIED AND CONFIRMED with retroactive effect, and in all other respects with the effect stated in the minutes and records of the Corporation.

The undersigned, being the sole shareholder of the Corporation, hereby approves and consents to the above resolutions as evidenced by the signature of the shareholder's authorized representative set out below.

SIGNED AND DATED at Windsor, Ontario as of the \_\_\_\_\_ day of \_\_\_\_\_, 2023.

**THE CORPORATION OF THE CITY OF WINDSOR**

---

By:

Its:

I have the authority to bind the corporation.

# WINDSOR CANADA UTILITIES LTD. 2022 ANNUAL REPORT







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# SUCCESS BY THE NUMBERS

Windsor Canada Utilities Ltd. (WCU) is an energy and utilities management services company. Founded in 1999, WCU is 100 per cent owned by The Corporation of the City of Windsor. WCU conducts its business through two wholly owned subsidiaries, ENWIN Utilities Ltd. (ENWIN) and ENWIN Energy Ltd. (EWE).

ENWIN is the licensed electricity distributor responsible for the provincially regulated distribution of electricity and the servicing and maintenance of Windsor's power-line infrastructure, with EWE being an unregulated affiliate of WCU.

## 2022 Fast Facts

**8430**

Distribution  
Transformers

**91%**

Satisfaction  
Rate

**\$414 M**

Total Assets

**90,819**

Hydro  
Customers

**\$19.3 M**

Infrastructure  
Investment

**680**

New Load  
Customers

**682 km**

Primary -  
Overhead  
Conductor length

**480 km**

Primary -  
Underground  
Conductor length

# CUSTOMER EXPERIENCE BY THE NUMBERS

---

The below results are based on online and telephone interviews of 408 respondents who pay or look after the electricity bills for ENWIN. A sample size of 408 provides a confidence level of 95% (+/- 4.9%). Customers surveyed were based on a random sample approach.

Despite rising inflation and a potential recession in 2023, and the worry and anxiety this has for many customers, they continue to be satisfied with the operation and the image of ENWIN although they are showing signs of concern about their general financial situation.

---

## 2022 Fast Facts

**89%**

Believe ENWIN quickly handles outages and restores power.

**90%**

Believe ENWIN provides consistent reliable energy.

**87%**

Believe ENWIN delivers on its service commitments.

**88%**

Believe ENWIN's standard of reliability meets expectations.

**90%**

Believe ENWIN makes electricity safety a top priority.

# SUCCESS = STRUCTURE

## Windsor Canada Utilities Ltd.

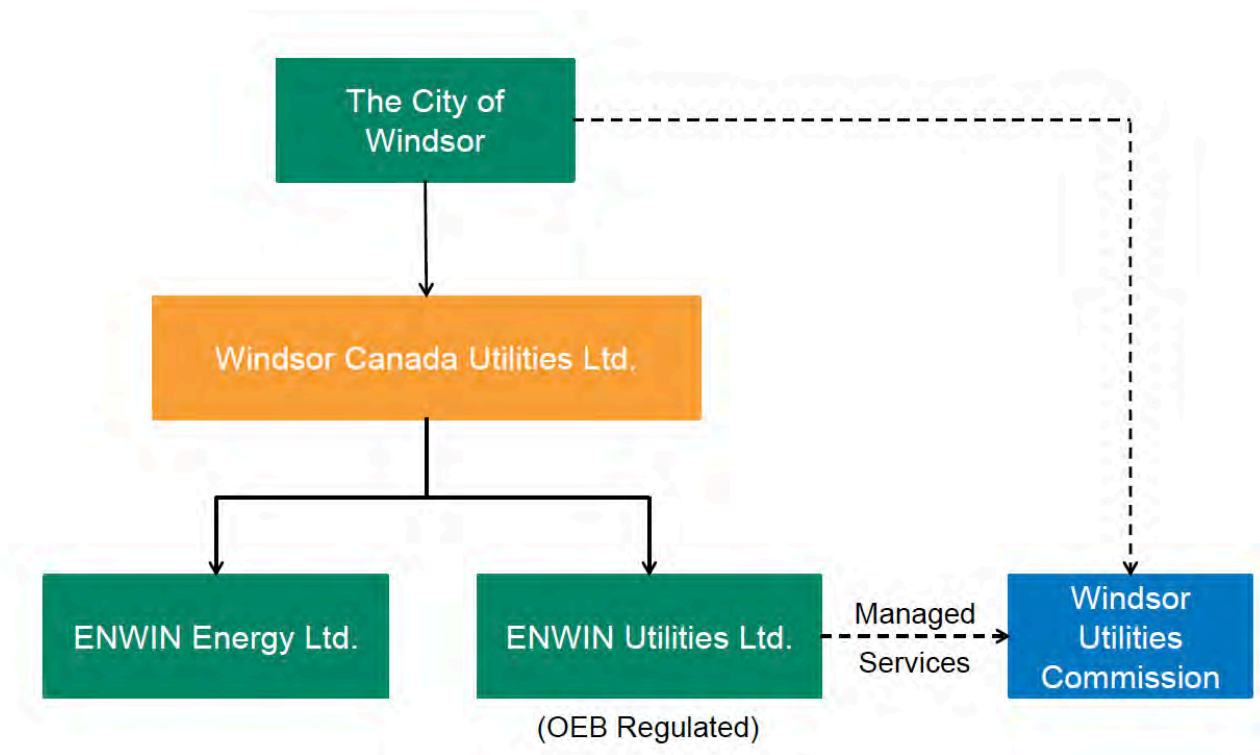
Windsor Canada Utilities Ltd. (WCU) is 100 percent owned by The Corporation of the City of Windsor. It is a private company, registered under the Ontario Business Corporations Act, and overseen by a Board of Directors consisting of six (6) members appointed by City Council; four (4) of these are elected members of City Council. The core businesses of the Corporation, through its regulated and unregulated affiliates, are electricity and water distribution and other utility services. The Company owns and operates two subsidiary companies.

## ENWIN Utilities Ltd.

ENWIN Utilities Ltd. (ENWIN or EWU), the first of these two subsidiaries, is a regulated electricity Local Distribution Company (LDC) operating in the City of Windsor. ENWIN maintains an electricity distribution system that serves almost 91,000 residential and commercial customers. ENWIN is overseen by a Board of Directors consisting of seven (7) members appointed by its shareholder; two (2) of these are elected members of City Council. ENWIN also maintains a contract of service with the Windsor Utilities Commission (WUC) to manage WUC's administrative and operational functions and to supply water to customers in Windsor and two neighbouring towns.

## ENWIN Energy Ltd.

ENWIN Energy Ltd. ("EWE"), the second of these subsidiaries, aims to find opportunities in the unregulated Ontario energy market for the benefit of its customers, community and shareholder. This includes streetlighting and sentinel lighting services, suite metering opportunities, corrosion protection services through its affiliate ONtech Rapid Coatings Inc., as well as other exciting new offerings that continue to emerge as the energy sector in Ontario rapidly evolves.



# SUCCESS = STRATEGY

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The strategic focus of WCU places the customer at the top of everything we do. We believe that a sharp focus on the value that WCU's subsidiaries provide to customers will generate positive results in all areas of performance.

Our priority is people — our customers, our community, our stakeholders and our employees.

ENWIN Utilities Ltd.	<ul style="list-style-type: none"> <li>• Enhance the Customer Experience</li> <li>• Invest in People (safety, resourcing, succession planning, training, engagement, and diversity)</li> </ul>
Windsor Canada Utilities Ltd.	<ul style="list-style-type: none"> <li>• Long term fiscal sustainability through capital and debt management</li> <li>• Increase shareholder dividends through operational efficiency and diversified revenue streams within subsidiaries</li> <li>• Continuous improvement, cost management, and innovation in recognition of distribution system disruptions</li> </ul>
ENWIN Energy Ltd.	<ul style="list-style-type: none"> <li>• Find Business Opportunities for EWE</li> <li>• Diversify and grow unregulated revenue from non-ratepayers</li> <li>• Maintain and sustain existing lines of business</li> </ul>
Windsor Utilities Commission	<ul style="list-style-type: none"> <li>• Regionalization / Security of Water Supply</li> <li>• Investment in Infrastructure/ in support of community growth</li> </ul>

# SUCCESS = VALUES

Our mission is to provide safe, reliable energy and water services in a cost effective, sustainable manner. A core premise of our strategic direction is that the electricity service model is in the midst of significant transformation — taking on a more decentralized, customer-centric, technologically advanced and environmentally sustainable form.

Sustainability means different things to different organizations.

To the ENWIN Group, it means ensuring that we have the human, fiscal and capital asset resources to continue to provide existing and modernized service levels to the community, while also ensuring that we assess our environmental footprint to balance our use of resources.

Our vision is to be a trusted leader in providing exceptional value and services to our customers and stakeholders.

As the energy and water needs and options of our customers and our community evolve — and as signature projects and developments proceed — WCU, through its affiliates, will play a leading role in helping our city to transition to a smart energy future.

While we embrace our role in the service of electricity distribution, we also acknowledge our expertise in the provision of potable water as a future demand, not just for our existing customers, but for our future customers.

## OUR MISSION

To provide safe and reliable energy and water services in a cost effective, sustainable manner.

## OUR VISION

To be a trusted leader in providing exceptional value and services to our customers and stakeholders.

## OUR CORE VALUES

Leadership • Accountability • Integrity



The ENWIN expo featured informative booths from sixteen different departments at ENWIN, offering food and other activities to employees.

# SUCCESS = FIVE AREAS OF FOCUS

Our strategic themes fall into five areas of focus. Together they form a platform for our strategic plan. A compass, based on our key focus areas guides our steps and provides the framework by which we measure our progress towards the plan.

## Our Strategic Compass





**FOCUS:  
PEOPLE &  
CULTURE**

We will provide a safe workplace with diverse, highly skilled and engaged employees by:

- Striving consistently for the highest health and safety standards and performance, for our employees and the public;
- Retaining, recruiting and developing the right people in the right roles and ensuring they deliver their best;
- Providing opportunities for staff to develop and grow into the leaders of tomorrow; and
- Fostering a culture of high performance, initiative and accountability.
- Planning for succession and developing and transferring knowledge;

**FOCUS:  
COMMUNITY &  
PARTNERSHIP**

We will support the success of our community by:

- Contributing to our customers' and other stakeholders' economic development opportunities;
- Collaborating and partnering strategically with other organizations to drive operational excellence, productivity and innovation; and
- Delivering on our obligations mandated by the government, including educating the community to promote conservation and protecting resources.

**FOCUS:  
QUALITY &  
INNOVATION**

We will achieve operational excellence by:

- Championing continuous improvement, including technical innovation, productivity and cost performance throughout the organization;
- Planning and investing prudently to meet the future needs of our customers;
- Measuring and acting on best-practice metrics for reliability and quality; and
- Recognizing and rewarding innovation, responsiveness and leadership.

**FOCUS:  
CUSTOMER  
SERVICE**

We will deliver exceptional value to our customers, by:

- Committing to the safe and reliable delivery of cost effective power and water services;
- Engaging and informing our customers about our business and its impact on them; and
- Understanding customer expectations, then defining, measuring and improving our service excellence, responsiveness and customer satisfaction.

**FOCUS:  
ORGANIZATIONAL  
SUSTAINABILITY**

We will create sustainable performance, as well as owner and stakeholder value by:

- Developing, implementing and monitoring plans to achieve long term operational efficiencies and system reliability;
- Continually enhancing processes to maintain a financially viable organization;
- Ensuring effective governance and leadership;
- Defining, measuring and achieving targets; and
- Safeguarding private data and system security from unauthorized access.

# BOARD OF DIRECTORS

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## Windsor Canada Utilities Ltd.



**Drew Dilkens**  
(Chair)  
Mayor, City of Windsor  
LL.B, MBA, DBA, CHRL



**Jo-Anne Gignac**  
(Vice-Chair)  
Councillor, City of Windsor,  
Ward 6



**Fred Francis**  
Councillor, City of Windsor,  
Ward 1  
BA, MA, B.Ed



**Kevin Laforet**  
Regional President (Canada),  
Caesars Entertainment  
B.Comm, CPA, CA



**Jerry Udell**  
Senior Counsel,  
Miller Canfield  
BA, LL.B, C.S.



**Jim Morrison**  
Councillor, City of Windsor,  
Ward 10  
PFP

# BOARD OF DIRECTORS

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## ENWIN Utilities Ltd.



**Drew Dilkens**  
(Chair)  
Mayor, City of Windsor  
LL.B, MBA, DBA, CHRL



**Abe Taqtaq**  
(Vice-Chair)  
President, CD Ventures &  
Consulting Inc.  
BA



**Jo-Anne Gignac**  
Councillor, City of Windsor,  
Ward 6



**Garnet Fenn**  
Accountant & Financial  
Consultant  
MBA, FCPA, FCA, ICD.D, FCG



**Gregory Ioanidis**  
Former Vice President,  
ITC Holdings Corp.  
BMath, MBA



**Leo Muzzatti**  
Director of Human Resources &  
Strategy Management, Assisted  
Living Southwestern Ontario  
(Windsor)  
LL.B, B.Ed



**Andrea Orr**  
Licensed Insolvency Trustee  
LL.M, CGA, CPA, CIRP, LIT

# BOARD OF DIRECTORS

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## ENWIN Energy Ltd.



**Drew Dilkens**  
(Chair)  
Mayor, City of Windsor  
LL.B, MBA, DBA, CHRL



**Jo-Anne Gignac**  
(Vice-Chair)  
Councillor, City of Windsor,  
Ward 6



**Fred Francis**  
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Senior Counsel,  
Miller Canfield  
BA, LL.B, C.S.



**Jim Morrison**  
Councillor, City of Windsor,  
Ward 10  
PFP

# BOARD ATTENDANCE

Windsor Canada Utilities Ltd.				ENWIN Utilities Ltd.				ENWIN Energy Ltd.			
Director	Attend	Held	%	Director	Attend	Held	%	Director	Attend	Held	%
Drew Dilkens	2	5	40	Drew Dilkens	4	5	80	Drew Dilkens	2	5	40
Jo-Anne Gignac	5	5	100	Abe Taqtaq	5	5	100	Jo-Anne Gignac	5	5	100
Fred Francis	3	5	60	Jo-Anne Gignac	5	5	100	Fred Francis	3	5	60
Kevin Laforet	5	5	100	Garnet Fenn	4	5	80	Kevin Laforet	5	5	100
Jim Morrison	5	5	100	Gregory Ioanidis	5	5	100	Jim Morrison	5	5	100
Jerry Udell	3	5	60	Leo Muzzatti	4	5	80	Jerry Udell	3	5	60
				Andrea Orr	5	5	100				

# EXECUTIVE TEAM

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**Helga Reidel**  
(Retired Dec, 2022)  
President & CEO  
FCPA, FCA, ICD.D



**Garry Rossi**  
(President & CEO, appointed  
Jan, 2023)  
Vice President Water Operations  
P.Eng



**Paul Gleason**  
Vice President Customer  
Care & Corporate  
Operations  
BA, LLM, CSCMP



**Jim Brown**  
Vice President Hydro  
Operations  
P.Eng



**Matt Carlini**  
Vice President Corporate  
Services & CFO  
CPA, CA, MBA



**Kris Taylor**  
Vice President Business  
Development  
MBA, CEM

# MESSAGE FROM THE CHAIR OF THE BOARD, AND PRESIDENT AND CHIEF EXECUTIVE OFFICER

On behalf of ENWIN Utilities Ltd., we are pleased to present our 2022 annual report.

The beginning of 2022 brought a sense of optimism as trends indicated that the effects of the pandemic were beginning to lessen in our community. Though the year began with most staff working from home, our slow and steady processes paved the way for ENWIN employees to return to the office by the summer months. Despite the challenges that came with these transitions, we are proud to say that 2022 was a very active year with many notable accomplishments.

ENWIN met 12 out of its 14 goals on its corporate metrics. ENWIN scored exceptionally well in its annual customer satisfaction survey, ranking higher than the national and provincial average in many categories including customer satisfaction, customer advocacy, customer experience performance, customer-centric engagement Index, and credibility and trust. In addition, on behalf of the Windsor Utilities Commission, ENWIN achieved a 100% regulatory inspection rating for the eleventh consecutive year.

This was also the year of innovation as ENWIN embarked on a joint venture with Automobility Enterprises and St. Clair College to convert one of ENWIN's fleet pickup trucks, from an internal combustion engine to an electric vehicle (EV). As this project nears completion, the data gathered from this endeavour will be extremely valuable as electric fleet vehicles become more commonplace across Canada, and as new EV technicians enter the workforce. The

communications component of this program was an educational campaign that garnered media attention, including from CBC's The National. With the development of the NextStar Energy battery manufacturing facility in Windsor and the further electrification of our vehicles, programs like the EV conversion project will assist in solidifying our community's position at the forefront of EV integration.

Innovation opportunities continued with the announcement that ENWIN would receive \$800,000 in funding from Natural Resources Canada's Smart Renewables and Electrification Pathways program, for the Self-Healing Grid Automated Feeder Ring project. Scheduled for completion in 2025, once in place, this system will help mitigate the negative impacts of power outages by automatically isolating faulted sections which will significantly reduce the time our customers are without power.

A proud moment this past year was the introduction of the ENWIN Diversity and Inclusion Scholarship which focuses on supporting underrepresented communities in their development of STEM-based programs and careers. ENWIN also contributed additional scholarships to deserving recipients from the University of Windsor, St. Clair College and from the Windsor Regiment.

We were pleased to see the re-introduction of community events that had previously been cancelled due to the pandemic. One such event, Meet a Machine, was held by the City of Windsor's Children's Services, with ENWIN frontline staff volunteering in providing bucket rides to families, many of whom waited for over an hour for a turn.

The popular community event posted record attendance nearing 14,000.

Throughout the year ENWIN played a prominent role by volunteering and funding through our Community Support Program. Some of the valuable organizations that were assisted included the Essex Region Conservation Authority, The Safety Village, In Honour of the Ones We Love, Maryvale, and Meals on Wheels. For the first time, ENWIN also supported the Can-Am Indian Friendship Centre in funding the development of cultural programs geared towards local Indigenous youth. As many of these community programs suffered during the pandemic, our teams will continue to assist where needed into 2023 and beyond.

2022 also marked the end of an era as we announced that ENWIN President and CEO Helga Reidel would be retiring at the end of the year. Helga's leadership has been a major factor in our organization's success and her hard work and dedication have poised ENWIN for future opportunities and challenges, and growth and evolution.

As we look forward to 2023 ENWIN is set to continue innovating and establishing itself as a leader within Windsor Essex-County. Our customers remain our top priority, and they can trust that ENWIN will deliver safe, reliable, and sustainable services now and far into the future. This is due to the amazing staff at ENWIN who work tirelessly to ensure that your family's lights are on, water is safe, and homes are warm.



Mayor Drew Dilkens  
Board Chair



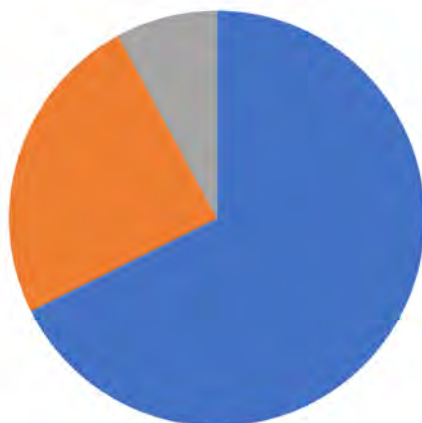
Garry Rossi  
President & CEO



# FINANCIAL HIGHLIGHTS

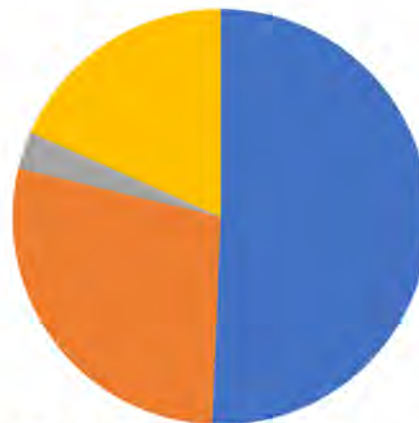
(in thousands of dollars)	2022	2021	2020	2019	2018
<b>Operations</b>					
Total Revenue	308,318	306,402	352,859	332,946	328,283
Distribution Revenue	51,726	49,778	49,019	51,400	51,866
EBITDA	14,574	19,014	23,566	29,645	26,930
Net Income	612	4,969	7,316	12,155	8,459
Dividends	4,000	4,000	4,000	4,000	4,000
<b>Balance Sheet</b>					
Cash and Investments	46,561	63,457	59,075	50,272	49,688
Property, Plant and Equipment & Intangible Assets	254,214	247,269	245,302	242,344	234,494
Total Assets	414,097	422,990	428,024	415,609	401,187
Long-term debt	103,000	103,000	103,000	103,000	103,000
Equity	200,874	186,931	182,593	183,536	171,682
<b>Cash flows</b>					
Operating	4,954	19,983	24,443	20,621	30,487
Investment in Infrastructure	19,274	14,889	16,749	21,630	19,592

Revenue by Type<sup>1</sup>



- Distribution revenue
- Services to WUC
- Other services

Expenses by Type<sup>1</sup>



- Operating expenses
- Cost of services provided to WUC
- Net finance expense
- Depreciation

<sup>1</sup> Excludes the sale of electricity and cost of electricity



# OPERATIONAL RESULTS

WCU's capability to achieve the objectives set out in its strategic direction is a function of its assets and expertise, both tangible and intangible, and its systems and capital resources.

## Assets

WCU's total assets are \$414.1 million as of December 31, 2022. Its largest subsidiary, EWU, had significant ongoing investment in distribution infrastructure in 2022.

## Electricity Distribution Assets

ENWIN continues to be affected by the pressures from aging infrastructure, which is a factor for many utilities. EWU manages this through increased infrastructure investments and a detailed plan to target distribution system spending where it will have the most benefit.

ENWIN delivers value to its customers through its electrical distribution grid. That grid consists of assets such as poles, wires, cables, transformers, and meters (among other assets) which are used to deliver electrical power to customers. ENWIN applies its resources of knowledge, skill, capital (both human and monetary), tools, processes, and procedures to the activities of building, operating and maintaining grid assets. Delivery of value to customers is continually managed, reviewed, and improved. Customers value the distribution grid in terms of its ability

to provide sufficient power, safely and reliably, and to move power from points of generation to points of load.

In 2022, \$19.3 million was invested in infrastructure to maintain and expand the distribution system and related infrastructure to meet customer needs. In 2022 ENWIN's distribution grid moved 465 MW of peak power which represents 71% of the all-time peak the system established in 2006. While peak loads depend on economic and weather conditions, the ENWIN distribution grid has a reasonable reserve capacity to serve additional loads which may materialize in the future. In addition to this, ENWIN's distribution grid supported the connection of 826 private generators.

Windsor is the lightning and storm capital of Canada and while a distribution grid will always suffer some outages, customers value a quick restoration of their electrical service. The average outage duration in 2022 was 37 minutes (adjusted for major events and loss of supply from the provincial transmitter), which was a top decile performance for utilities serving more than 50,000 customers. On average, an ENWIN customer suffered just over 1 outage during the year (excluding outages caused by major events or loss of supply from the provincial transmitter).

In addition, ENWIN operated a safe distribution system in 2022. However, there was a reportable electrical contact

which was the fault of a careless individual and not the distribution system.

## Unregulated Business Lines

Historically, ENWIN Energy Ltd. (EWE) has been responsible for overseeing and managing Sentinel Lighting and Streetlighting related work for its various customers and shareholder.

In 2018, ONtech Rapid Coatings was formed through EWE's partnership with Tessonics Inc. Since its inception ONtech has focused on deploying its state-of-the-art corrosion control and coating solution in the utility sector.

Although the pandemic has slowed its progress, ONtech continues to grow, promoting its services to a variety of Ontario's utilities.

In 2022 EWE focused its efforts on a series of innovative initiatives. Early 2022, EWE began its aggressive pursuit and evaluation of potential opportunities within unregulated energy and water sectors. This has resulted in a business case for a suite metering program that has received licensing from the Ontario Energy Board. This program is designed to accommodate the predicted rise in multi-residential builds and will assist owners and residents to monitor, manage and reduce energy costs.

# 2022 PROJECTS AT A GLANCE



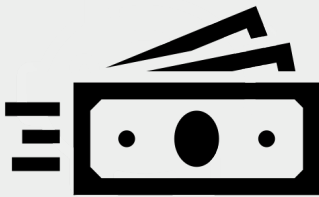
ENWIN Utilities Ltd. partnered with Automobility Enterprises and St. Clair College for an innovative project to convert one of our existing internal combustion engine fleet vehicles to full electric.

ENWIN developed a series of wraps for five of our transformers alongside Riverside Drive. Artwork on the wraps shows the history of lighting, water and hydro operations, and electrification within the City of Windsor accompanied by a blurb providing historical context to the photographs.



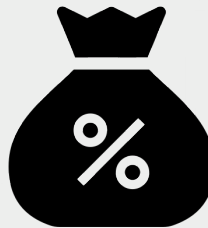
# FINANCIAL RESULTS

## 2022 Fast Facts



**\$0.6M & \$12.2M**

Net Income &  
Modified Net Income  
(regulatory)



**0.3% & 10.78%**

Return on Equity &  
Regulated Return on  
Equity



**\$254.2 M**

Property, Plant and  
Equipment and  
Intangible assets



**\$51.7 M**

Distribution  
Revenue



**\$49.2 M**

Operating Expenses  
(Excluding  
Depreciation)



**\$414.1 M**

Total Consolidated  
Assets

# COMMUNITY SUPPORT PROGRAM

ENWIN and its employees recognize that contributing to our local community is an integral part of our corporate social responsibility. ENWIN's Community Support program accepts applications from local charitable and non-profit organizations for funding every year, and has a committee composed of members representing the different units of our organization (Human Resources, the CEO office, Corporate Communications, Hydro Distribution Services, Water Distribution Services, and Customer Service). The committee meets regularly to review applications and discuss funding allocation. Through this program we have developed long term partnerships with key local organizations such as the Multicultural Council of Windsor-Essex, Maryvale Adolescent and Family Services, John McGivney Children's Centre, Victorian Order of Nurses (VON) Windsor-Essex, and the Essex Region Conservation Authority (ERCA).

In tandem to the Community Support program, ENWIN took part in various initiatives in the community. In 2022, ENWIN provided 700 hot meals to the Windsor community, supported the Can-Am Indian Friendship Centre by providing \$10,000 in support of their cultural and education programs, and contributed to the planting of over 2000 trees with ERCA. This tree planting initiative was the result of a successful e-billing campaign to promote paperless billing, and lead to ENWIN receiving ERCA's 2022 Conservation Award.

To further benefit our local community beyond the sponsorship program, ENWIN actively encourages employee

engagement and fundraising for local charities and non-profit organizations through our Grassroots Initiatives program. In the past our employees have benefitted from the Grassroots Initiatives and received matching contributions to the money they raised for organizations such as Hiatus House, Habitat for Humanity Windsor-Essex, Enactus Windsor, and Ronald McDonald House Windsor.

Our departments also take on philanthropic opportunities and offer volunteer opportunities to our employees when available. Our employees have volunteered for many events to help bolster our local community. In 2022, ENWIN line workers volunteered their weekends and offered bucket truck rides at the City of Windsor Children's Services annual community event Meet-A-Machine, and ENWIN employees also volunteered in collaboration with Windsor Fire and Rescue Services to help educate our local vulnerable populations on how they can best prepare themselves and their homes for climate related emergencies during Emergency Management Windsor's event Ready, Set, Prepare. An ENWIN crew also assisted the Royal Canadian Legion Branch 255 by hanging Veteran Memorial banners alongside Wyandotte Avenue in Windsor's Riverside Neighbourhood.

For the Christmas season, members of our Customer Service team created the ENWIN Elf Committee, hosting select employee fundraising events such as Jean Days and Bake Sales, to help raise money for the Windsor-Essex Children's Aid Society to support families during

the holiday season, also matched by our Grassroots Initiatives program. This year, the ENWIN Elf Committee sponsored a family of three, with ENWIN employees having the opportunity to purchase items listed on the family's wishlist.

ENWIN's community support initiatives represent our core values and principles: leadership, accountability and integrity. We aim to be involved and to build lasting relationships that benefit our company, our customers, and our community. The community partners we've made through our Community Support program, and our employee-driven volunteerism through the Grassroots Initiatives and other events demonstrate a significant and unique contribution to our community.

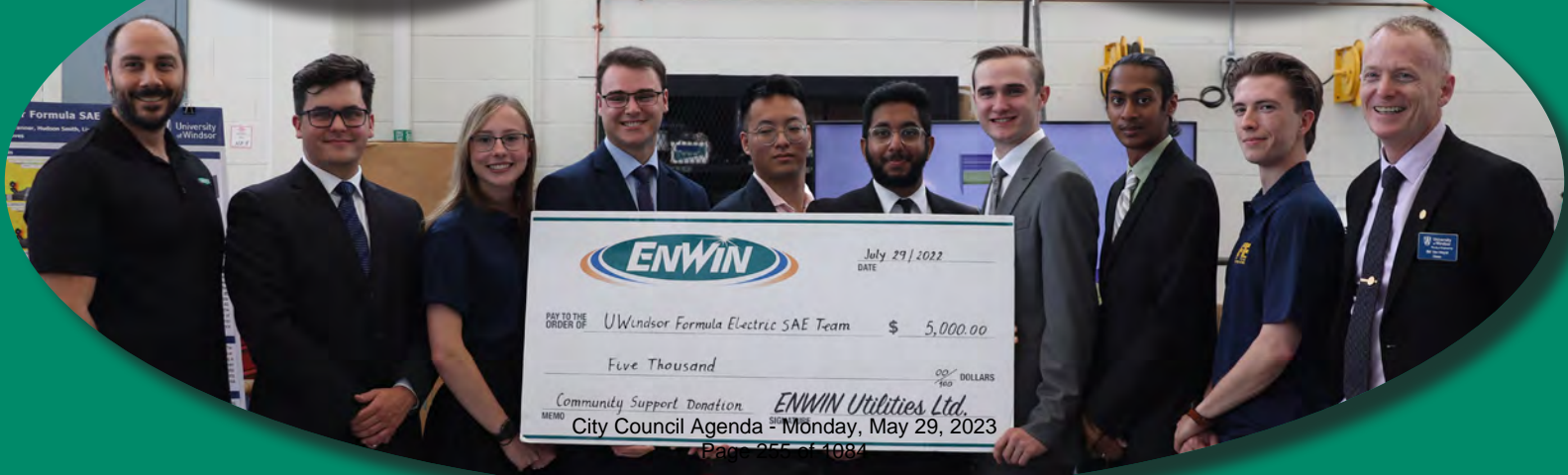


ENWIN's donation to the Can-Am Indian Friendship Centre supported their Berry Fast Teachings and Onkwehonwe Games.





# BRIGHTENING OUR COMMUNITY FOR A BETTER TOMORROW





# REPORT OF THE AUDIT AND FINANCE COMMITTEE

The accompanying Consolidated Financial Statements have been prepared by management of Windsor Canada Utilities Ltd. (the "Corporation"), who are responsible for the integrity, consistency and reliability of the information presented. The Consolidated Financial Statements have been prepared in accordance with International Financial Reporting Standards.

The preparation of the Consolidated Financial Statements necessarily involves the use of estimates and assumptions based on management's judgements, particularly when transactions affecting the current accounting period cannot be finalized with certainty until future periods. Estimates and assumptions are based on historical experience, current conditions and various other assumptions believed to be reasonable in the circumstances, with critical analysis of the significant accounting policies followed by the Corporation as described in Note 3 to the Consolidated Financial Statements. The preparation of the Consolidated Financial Statements includes information regarding the estimated impact of future events and transactions. Actual results in the future may differ materially from the present assessment of this information because future events and circumstances may not occur as expected. The Consolidated Financial Statements have been prepared within reasonable limits of materiality in light of information available up to April 26, 2023.

In meeting its responsibility for the reliability of financial information, management maintains and relies on a comprehensive system of internal controls and internal audit, which is designed to provide reasonable assurance that the financial information is relevant, reliable and accurate, and that the Corporation's assets are safeguarded and transactions are properly authorized and executed. The system includes formal policies and procedures and appropriate delegation of authority and segregation of responsibilities within the organization. An internal audit function evaluates the effectiveness of these internal controls and reports its findings to management and the Audit Committee of the Corporation, as required.

The Board of Directors, through its Audit Committee, is responsible for overseeing management in the performance of its financial reporting and internal controls. The Audit Committee meets periodically with management, the internal auditors and the external auditors to discuss internal controls over the financial reporting process, auditing matters and financial reporting issues, to satisfy itself that each group has properly discharged its respective responsibility and to review the Consolidated Financial Statements before recommending approval by the Board of Directors. The Audit Committee also considers, for review by the Board of Directors and approval by the shareholder, the appointment of the

external auditors. The external auditors have direct and full access to the Audit Committee, with and without the presence of management, to discuss their audit and their findings as to the integrity of the financial reporting and the effectiveness of the system of internal controls. The Consolidated Financial Statements were reviewed by the Audit Committee, and on their recommendation, were approved by the Board of Directors. The Consolidated Financial Statements have been examined by KPMG LLP, independent external auditors appointed by the Corporation's shareholder. The external auditors' responsibility is to express their opinion on whether the Consolidated Financial Statements are fairly presented in accordance with International Financial Reporting Standards. The attached Independent Auditors' Report outlines the scope of their examination and their opinion. On behalf of Windsor Canada Utilities Ltd.'s Audit & Finance Committee and management:



Kevin Laforet  
Chair of Audit and Finance Committee  
Regional President (Canada),  
Caesars Entertainment  
B.Comm, CPA, CA



Matt Carlini  
Vice President Corporate  
Services & CFO  
CPA, CA, MBA

Pictures (top left to bottom right): ENWIN team at Meet-A-Machine event, Communications and Public Relations Manager Costin Beliciu with Windsor Regiment Scholarship Recipients, ENWIN Customer Service Elf Committee, Director of Customer Service & Privacy Officer, Robert Spagnuolo with the University of Windsor Formula Electric SAE Team.

Consolidated Financial Statements of

# **WINDSOR CANADA UTILITIES LTD.**

And Independent Auditors' Report thereon

Year Ended December 31, 2022



KPMG LLP  
618 Greenwood Centre  
3200 Deziel Drive  
Windsor ON N8W 5K8  
Canada  
Tel 519-251-3500  
Fax 519-251-3530

## INDEPENDENT AUDITORS' REPORT

To the Shareholder of Windsor Canada Utilities Ltd.

### **Opinion**

We have audited the consolidated financial statements of Windsor Canada Utilities Ltd. (the Entity), which comprise:

- the consolidated balance sheet as at December 31, 2022
- the consolidated statement of income for the year then ended
- the consolidated statement of comprehensive income for the year then ended
- the consolidated statement of changes in equity for the year then ended
- the consolidated statement of cash flows for the year then ended
- and notes to the consolidated financial statements, including a summary of significant accounting policies

(Hereinafter referred to as the "financial statements").

In our opinion, the accompanying financial statements present fairly, in all material respects, the financial position of the Entity as at December 31, 2022, and its financial performance and its cash flows for the year then ended in accordance with International Financial Reporting Standards (IFRS).

### **Basis for Opinion**

We conducted our audit in accordance with Canadian generally accepted auditing standards. Our responsibilities under those standards are further described in the "**Auditors' Responsibilities for the Audit of the Financial Statements**" section of our auditors' report.

We are independent of the Entity in accordance with the ethical requirements that are relevant to our audit of the financial statements in Canada and we have fulfilled our other ethical responsibilities in accordance with these requirements.

We believe that the audit evidence we have obtained is sufficient and appropriate to provide a basis for our opinion.

### **Responsibilities of Management and Those Charged with Governance for the Financial Statements**

Management is responsible for the preparation and fair presentation of the financial statements in accordance with International Financial Reporting Standards (IFRS), and for such internal control as management determines is necessary to enable the preparation of financial statements that are free from material misstatement, whether due to fraud or error.





Page 2

In preparing the financial statements, management is responsible for assessing the Entity's ability to continue as a going concern, disclosing, as applicable, matters related to going concern and using the going concern basis of accounting unless management either intends to liquidate the Entity or to cease operations, or has no realistic alternative but to do so.

Those charged with governance are responsible for overseeing the Entity's financial reporting process.

### ***Auditors' Responsibilities for the Audit of the Financial Statements***

Our objectives are to obtain reasonable assurance about whether the financial statements as a whole are free from material misstatement, whether due to fraud or error, and to issue an auditors' report that includes our opinion.

Reasonable assurance is a high level of assurance, but is not a guarantee that an audit conducted in accordance with Canadian generally accepted auditing standards will always detect a material misstatement when it exists.

Misstatements can arise from fraud or error and are considered material if, individually or in the aggregate, they could reasonably be expected to influence the economic decisions of users taken on the basis of the financial statements.

As part of an audit in accordance with Canadian generally accepted auditing standards, we exercise professional judgment and maintain professional skepticism throughout the audit.

We also:

- Identify and assess the risks of material misstatement of the financial statements, whether due to fraud or error, design and perform audit procedures responsive to those risks, and obtain audit evidence that is sufficient and appropriate to provide a basis for our opinion.

The risk of not detecting a material misstatement resulting from fraud is higher than for one resulting from error, as fraud may involve collusion, forgery, intentional omissions, misrepresentations, or the override of internal control.

- Obtain an understanding of internal control relevant to the audit in order to design audit procedures that are appropriate in the circumstances, but not for the purpose of expressing an opinion on the effectiveness of the Entity's internal control.
- Evaluate the appropriateness of accounting policies used and the reasonableness of accounting estimates and related disclosures made by management.
- Conclude on the appropriateness of management's use of the going concern basis of accounting and, based on the audit evidence obtained, whether a material uncertainty exists related to events or conditions that may cast significant doubt on the Entity's ability to continue as a going concern. If we conclude that a material uncertainty exists, we are required to draw attention in our auditors' report to the related disclosures in the financial statements or, if such disclosures are inadequate, to modify our opinion. Our conclusions are based on the audit evidence obtained up to the date of our auditors' report. However, future events or conditions may cause the Entity to cease to continue as a going concern.



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- Evaluate the overall presentation, structure and content of the financial statements, including the disclosures, and whether the financial statements represent the underlying transactions and events in a manner that achieves fair presentation.
- Communicate with those charged with governance regarding, among other matters, the planned scope and timing of the audit and significant audit findings, including any significant deficiencies in internal control that we identify during our audit.
- Obtain sufficient appropriate audit evidence regarding the financial information of the entities or business activities within the group Entity to express an opinion on the financial statements. We are responsible for the direction, supervision and performance of the group audit. We remain solely responsible for our audit opinion.

*KPMG LLP*

Chartered Professional Accountants, Licensed Public Accountants

Windsor, Canada

April 26, 2023

# WINDSOR CANADA UTILITIES LTD.

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Year ended December 31, 2022

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# WINDSOR CANADA UTILITIES LTD.


Consolidated Balance Sheet  
(In thousands of Canadian dollars)

December 31, 2022, with comparative information for 2021

	Notes	2022	2021
<b>Assets</b>			
<b>Current assets:</b>			
Cash and cash equivalents	4	\$ 18,398	\$ 34,986
Investments	9	14,483	15,503
Accounts receivable	5	45,983	43,194
Due from related parties	23	3,650	2,270
Inventory	6	6,438	4,854
Other assets		2,252	1,488
		<b>91,204</b>	<b>102,295</b>
<b>Non-current assets:</b>			
Property, plant and equipment	7	252,912	246,016
Intangible assets	8	1,302	1,253
Investment, sinking fund	9	13,680	12,968
Investment in joint venture	24	157	184
Due from related parties - debenture	23	52,000	52,000
Deferred income taxes	16	2,842	8,274
		<b>322,893</b>	<b>320,695</b>
<b>Total assets</b>		<b>\$ 414,097</b>	<b>\$ 422,990</b>
<b>Liabilities</b>			
<b>Current liabilities:</b>			
Accounts payable and accruals	10	\$ 27,963	\$ 29,339
Payments in lieu of income taxes payable	16	1,214	1,183
Due to related parties	23	7,851	7,145
Current portion of customer deposits	11	1,053	1,008
Deferred revenue		4,089	5,203
		<b>42,170</b>	<b>43,878</b>
<b>Non-current liabilities:</b>			
Customer deposits	11	5,497	4,417
Deferred revenue - customer contributions	12	19,301	19,126
Long-term debt	13	102,526	102,511
Employee future benefits	14	43,729	66,127
		<b>171,053</b>	<b>192,181</b>
<b>Total liabilities</b>		<b>213,223</b>	<b>236,059</b>
<b>Equity</b>			
Common shares	17	81,842	81,842
Contributed surplus		516	516
Retained earnings		101,059	104,447
Accumulated other comprehensive income		17,457	126
		<b>200,874</b>	<b>186,931</b>
Commitments and contingencies	26		
<b>Total liabilities and equity</b>		<b>\$ 414,097</b>	<b>\$ 422,990</b>

The accompanying notes are an integral part of these consolidated financial statements.

On behalf of the Board:

  
Director

  
Director

# WINDSOR CANADA UTILITIES LTD.

Consolidated Statement of Income  
(In thousands of Canadian dollars)

Year ended December 31, 2022, with comparative information for 2021

	Notes	2022	2021
<b>Revenue from sale of electricity:</b>			
Sale of electricity		\$ 231,833	\$ 231,733
Distribution revenue	18	51,726	49,778
		283,559	281,511
Cost of electricity purchased		244,530	239,336
<b>Gross profit</b>		<b>39,029</b>	<b>42,175</b>
<b>Other revenue:</b>			
Services provided to Windsor Utilities Commission	23	18,719	18,569
Other income	19	6,040	6,322
		<b>24,759</b>	<b>24,891</b>
<b>Operating expenses:</b>			
Operating and distribution expenses	20	34,021	33,501
Billing, collecting and administrative expenses	20	15,193	14,551
Depreciation and amortization	7, 8	11,461	11,760
		<b>60,675</b>	<b>59,812</b>
<b>Income from operating activities</b>		<b>3,113</b>	<b>7,254</b>
<b>Finance expense (income):</b>			
Finance income	21	(3,045)	(2,560)
Finance expense	21	4,847	3,578
		<b>1,802</b>	<b>1,018</b>
<b>Income before tax</b>		<b>1,311</b>	<b>6,236</b>
<b>Income taxes:</b>			
Provision for payments in lieu of corporate taxes	16	1,515	1,638
Deferred income taxes	16	(816)	(371)
		<b>699</b>	<b>1,267</b>
<b>Income for the year</b>		<b>\$ 612</b>	<b>\$ 4,969</b>

The accompanying notes are an integral part of these consolidated financial statements.

# WINDSOR CANADA UTILITIES LTD.

Consolidated Statement of Comprehensive Income  
(In thousands of Canadian dollars)

Year ended December 31, 2022, with comparative information for 2021

	Notes	2022	2021
<b>Income for the year</b>		<b>\$ 612</b>	<b>\$ 4,969</b>
<b>Other comprehensive income:</b>			
Items that will not be reclassified to the statement of income:			
Remeasurement of employee future benefits income	14	23,579	4,584
Related tax	16	(6,248)	(1,215)
<b>Other comprehensive income</b>		<b>17,331</b>	<b>3,369</b>
<b>Total comprehensive income for the year</b>		<b>\$ 17,943</b>	<b>\$ 8,338</b>

The accompanying notes are an integral part of these consolidated financial statements.

## WINDSOR CANADA UTILITIES LTD.

Consolidated Statement of Changes in Equity  
(In thousands of Canadian dollars)

Year ended December 31, 2022, with comparative information for 2021

	Share capital	Contributed surplus	Retained earnings	Accumulated other comprehensive income (loss)	Total
Balance at January 1, 2021	\$ 81,842	\$ 516	\$ 103,478	\$ (3,243)	\$ 182,593
Income for the year	-	-	4,969	-	4,969
Dividends declared	-	-	(4,000)	-	(4,000)
Other comprehensive income	-	-	-	3,369	3,369
Balance at December 31, 2021	\$ 81,842	\$ 516	\$ 104,447	\$ 126	\$ 186,931
Income for the year	-	-	612	-	612
Dividends declared	-	-	(4,000)	-	(4,000)
Other comprehensive income	-	-	-	17,331	17,331
Balance at December 31, 2022	\$ 81,842	\$ 516	\$ 101,059	\$ 17,457	\$ 200,874

The accompanying notes are an integral part of these consolidated financial statements.

# WINDSOR CANADA UTILITIES LTD.

Consolidated Statement of Cash Flows  
(In thousands of Canadian dollars)

Year ended December 31, 2022, with comparative information for 2021

	Notes	2022	2021
<b>Operating activities:</b>			
Total comprehensive income for the year		\$ 17,943	\$ 8,338
Adjustments for:			
Depreciation and amortization	7,8	11,461	11,760
Amortization of deferred revenue customer contributions		(526)	(514)
Remeasurement of employee future benefits	14	(23,579)	(4,584)
Loss (gain) on investments	9	408	(784)
Loss on sale of property, plant and equipment	19	148	369
Amortization of debt issuance costs		15	14
Share in joint venture's net loss		27	51
Income tax expense	16	1,515	1,638
Changes in non-cash operating working capital	22	1,168	6,497
Interest paid		(4,832)	(3,564)
Interest received		3,045	2,560
Income taxes paid		(1,839)	(1,798)
		<b>4,954</b>	<b>19,983</b>
<b>Investing activities:</b>			
Acquisition of property, plant, equipment and intangible assets	7, 8	(19,274)	(14,889)
Acquisition of investments	9	(1,300)	(11,627)
Deferred revenue - customer contributions		701	1,017
Proceeds from investment		1,200	3,177
Proceeds on sale of property, plant & equipment		720	665
		<b>(17,953)</b>	<b>(21,657)</b>
<b>Financing activities:</b>			
Decrease in due from related parties	23	411	822
Dividends paid		(4,000)	(4,000)
		<b>(3,589)</b>	<b>(3,178)</b>
<b>Net decrease in cash and cash equivalents</b>		<b>(16,588)</b>	<b>(4,852)</b>
Cash and cash equivalents at January 1		34,986	39,838
<b>Cash and cash equivalents at December 31</b>		<b>\$ 18,398</b>	<b>\$ 34,986</b>

The accompanying notes are an integral part of these consolidated financial statements.



# WINDSOR CANADA UTILITIES LTD.

The Table of Contents to Notes to the Consolidated Financial Statements  
(in thousands of Canadian dollars)

Year ended December 31, 2022

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# WINDSOR CANADA UTILITIES LTD.

Notes to the Consolidated Financial Statements (continued)  
(in thousands of Canadian dollars)

Year ended December 31, 2022

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## 1. Reporting entity:

Windsor Canada Utilities Ltd. (“WCUL” or the “Corporation”) is a holding company owned by its sole shareholder, the Corporation of the City of Windsor (the “City”). WCUL was incorporated in December of 1999 under the Business Corporations Act (Ontario). The principal business of WCUL is to provide strategic direction and financing to the operations of ENWIN Utilities Ltd. (“EWU”), a rate-regulated distribution company and ENWIN Energy Ltd. (“EWE”), a non-regulated service company. The address of WCUL’s registered office is 4545 Rhodes Drive, Windsor, Ontario, Canada.

The principal activity of WCUL, through its wholly-owned subsidiary, EWU, is the ownership and operation of the electricity distribution grid in the City. WCUL, through its wholly-owned subsidiary, EWE, is also responsible for the provision of sentinel lighting to the businesses of the City and street lighting maintenance services to the City.

These financial statements are presented on a consolidated basis and include the following subsidiaries: EWU and EWE. Hereafter, for purposes of these notes, unless specifically referenced, any and all references to the “Corporation” refer to WCUL and its subsidiaries EWU and EWE.

On November 6, 2012, EWU and the Windsor Utilities Commission (the “Commission”) entered into a Water System Operating Agreement (“WSOA”), whereby EWU agreed to provide services to the Commission with respect to operating the water treatment and distribution system. The services include: management, administrative services, construction operations, and maintenance services. EWU is responsible for providing all personnel required to operate the water system. Pursuant to the terms of the WSOA and the associated Employee Arrangement Agreement, also dated November 6, 2012, the Commission transferred all non-unionized employees and all unionized employees of the Commission to EWU. The Commission is a local board of the City.

Through its wholly-owned subsidiary, EWE, the Corporation has a joint venture investment in ONtech Rapid Coatings Inc. (“ONtech”), which is accounted for using the equity method.

The Corporation’s arrangements with its subsidiaries, the Commission and the City are subject to the Ontario Energy Board’s (“OEB”) Affiliate Relationships Code, which is a code prescribed by and issued pursuant to the Ontario Energy Board Act, 1998.

# WINDSOR CANADA UTILITIES LTD.

Notes to the Consolidated Financial Statements (continued)  
(in thousands of Canadian dollars)

Year ended December 31, 2022

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## 2. Basis of preparation:

### (a) Statement of compliance:

The consolidated financial statements have been prepared in accordance with International Financial Reporting Standards (“IFRS”) as adopted by the International Accounting Standards Board (“IASB”) and interpretations as issued by the International Financial Reporting Interpretations Committee (“IFRIC”) of the IASB.

### (b) Approval of the consolidated financial statements:

The consolidated financial statements were approved by the Board of Directors on April 26, 2023.

### (c) Basis of measurement:

The consolidated financial statements have been prepared on the historical cost basis except for the following:

- (i) Where held, financial instruments at fair value through profit or loss, are measured at fair value.
- (ii) The accrued benefit related to the Corporation’s unfunded defined benefit plan is actuarially determined and is measured at the present value of the defined benefit obligation.

### (d) Functional and presentation currency:

These consolidated financial statements are presented in Canadian dollars, which is the Corporation's functional currency. All financial information presented in Canadian dollars has been rounded to the nearest thousand dollars.

### (e) Use of estimates and judgements:

The preparation of consolidated financial statements in conformity with IFRS requires management to make judgements, estimates and assumptions that affect the application of accounting policies and the reported amounts of assets, liabilities, income and expenses and disclosure of contingent assets and liabilities. Actual results may differ from those estimates.

# WINDSOR CANADA UTILITIES LTD.

Notes to the Consolidated Financial Statements (continued)  
(in thousands of Canadian dollars)

Year ended December 31, 2022

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## 2. Basis of preparation (continued):

### (e) Use of estimates and judgements (continued):

Estimates and underlying assumptions are reviewed on an ongoing basis. Revisions to accounting estimates are recognized in the year in which the estimates are revised and in any future periods affected.

In particular, significant areas where upon estimation was required that have the most significant effect on the amounts recognized in these consolidated financial statements, include:

- (i) Note 3(j) – Deferred revenue: determination of the performance obligation for contributions from customers and the related amortization period;
- (ii) Note 5 – Trade accounts receivables: allowance for impairment. Unbilled revenue: measurement of revenues not yet billed;
- (iii) Note 7 – Property, plant and equipment: useful lives and the identification of significant components of property, plant and equipment;
- (iv) Note 14 – Employee future benefits: measurement of the defined benefit obligation;
- (v) Note 25 – Financial instruments and risk management: valuation of financial instruments.

Information about critical judgements in applying accounting policies that have the most significant effect on the amounts recognized in the consolidated financial statements, include:

- (i) The Corporation's determination that they are acting as a principal for electricity distribution and therefore have presented the electricity revenues on a gross basis.

### (f) Rate regulation:

EWU is regulated by the OEB, under the authority granted by the Ontario Energy Board Act, 1998. Among other things, the OEB has the power and responsibility to approve or set rates for the transmission and distribution of electricity, providing continued rate protection for electricity customers in Ontario, and ensuring that transmission and distribution companies fulfill obligations to connect and service customers. The OEB may also prescribe license requirements and conditions of service to local distribution companies ("LDC"), such as EWU, which may include, among other things, record keeping, regulatory accounting principles, separation of accounts for distinct businesses, and filing and process requirements for rate setting purposes.

# WINDSOR CANADA UTILITIES LTD.

Notes to the Consolidated Financial Statements (continued)  
(in thousands of Canadian dollars)

Year ended December 31, 2022

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## 2. Basis of preparation (continued):

### (f) Rate regulation (continued):

In its capacity to approve or set rates, the OEB has the authority to specify regulatory accounting treatments that differ from IFRS. The OEB's regulatory accounting treatments require the recognition of regulatory assets and liabilities which do not meet the definition of an asset or liability under IFRS and, as a result, these regulatory assets and liabilities have not been recorded in these consolidated IFRS financial statements.

### (i) Rate setting:

The electricity distribution rates and other regulated charges of EWU are determined by the OEB. This regulated rate-setting provides LDCs with the opportunity to recover the revenue requirement associated with owning and operating the LDC. The revenue requirement represents the forecasted prudent costs, including the cost of capital, which will be reasonably necessary for the LDC to invest in the electricity grid, operate the electricity grid, and serve customers in its licenced service area.

### (ii) Rate applications:

When EWU files a "Cost of Service" ("COS") rate application, the OEB establishes the revenues required to recover the forecasted operating costs, including amortization and income taxes, of providing the regulated electricity distribution service and providing a fair return on EWU's rate base. EWU estimates electricity usage and the costs to service each customer class in order to determine the appropriate rates to be charged to each customer class. The COS application is reviewed by the OEB and any registered intervenors. Rates are approved based upon the review of evidence and information, including any revisions resulting from that review. On April 26, 2019, EWU submitted a COS application to the OEB to change distribution rates effective January 1, 2020. The application was approved by the OEB on December 5, 2019.

In the intervening years between a COS, an Incentive Regulation Mechanism ("IRM") is filed. An IRM application results in a formulaic adjustment to distribution rates that were set under the last COS application. The previous year's rates are adjusted for the annual change in the Gross Domestic Product Implicit Price Inflation for Final Domestic Demand net of a productivity factor set by the OEB and a stretch factor determined by the relative efficiency of an electricity distributor. On August 18, 2021, EWU submitted an IRM application to the OEB to change distribution rates effective January 1, 2022. The application was approved by the OEB on December 9, 2021.

# WINDSOR CANADA UTILITIES LTD.

Notes to the Consolidated Financial Statements (continued)  
(in thousands of Canadian dollars)

Year ended December 31, 2022

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### 3. Significant accounting policies:

The accounting policies set out below have been applied consistently to all years presented in these consolidated financial statements.

(a) Cash and cash equivalents:

Cash and cash equivalents consist of balances with banks and investments with a maturity of approximately three months or less at the date of purchase, unless they are held for investment rather than liquidity purposes, in which case they are classified as an investment.

(b) Financial instruments:

All consolidated financial assets and liabilities of the Corporation are classified into one of the following categories: amortized cost, fair value through other comprehensive income, or fair value through income or loss.

The Corporation has classified its financial instruments as follows:

Cash and cash equivalents	Amortized cost
Accounts receivable	Amortized cost
Due from related parties	Amortized cost
Investments	Fair value through income or loss
Accounts payable and accruals	Amortized cost
Due to related parties	Amortized cost
Long-term debt	Amortized cost

Financial instruments are recognized initially at amortized cost plus any directly attributable transaction costs.

Subsequent to initial recognition, financial instruments classified as fair value through income and loss are measured at fair value. The Corporation does not use derivative instruments.

The Corporation derecognizes a financial asset when the contractual rights to the cash flows from the asset expire or it transfers the rights to receive the contractual cash flows in a transaction in which substantially all of the risks and rewards of ownership of the financial asset are transferred.

The Corporation derecognizes a financial liability when its contractual obligations are discharged, cancelled or expire.

# WINDSOR CANADA UTILITIES LTD.

Notes to the Consolidated Financial Statements (continued)  
(in thousands of Canadian dollars)

Year ended December 31, 2022

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### 3. Significant accounting policies (continued):

(c) Fair value:

Fair values are categorized into different levels in a fair value hierarchy based on inputs used in the valuation techniques as follows:

Level 1: unadjusted quoted prices in active markets for identical assets or liabilities;

Level 2: inputs other than quoted prices included in Level 1 that are observable for the asset, either directly or indirectly; and

Level 3: inputs for assets and liabilities that are based on observable market data.

(d) Inventory:

Inventory is measured at the lower of cost and net realizable value. The cost of inventory is determined on a weighted average basis. Net realizable value is determined on a replacement cost basis.

(e) Property, plant and equipment:

(i) Recognition and measurement:

Items of property, plant and equipment are measured at cost less accumulated depreciation and accumulated impairment losses.

Cost includes expenditures that are directly attributable to the acquisition of the asset. The cost of self-constructed assets includes the cost of materials and direct labour, any other costs directly attributable to bringing the asset to a working condition for its intended use, the costs of dismantling and removing the items and restoring the site on which they are located and capitalized borrowing costs. Borrowing costs on qualifying assets are capitalized as part of the cost of the asset and are based on the Corporation's average cost of borrowing.

When parts of an item of property, plant and equipment have different useful lives, they are accounted for as separate items (major components).

(ii) Subsequent costs:

The cost of replacing part of an item of property, plant and equipment is recognized in the carrying amount of the item if it is probable that the future economic benefits embodied within the part will flow to the Corporation and its cost can be measured reliably. The carrying amount of the replaced part is derecognized. The costs of the day-to-day servicing of property, plant and equipment are recognized in the statement of income as incurred.

# WINDSOR CANADA UTILITIES LTD.

Notes to the Consolidated Financial Statements (continued)  
(in thousands of Canadian dollars)

Year ended December 31, 2022

### 3. Significant accounting policies (continued):

(e) Property, plant and equipment (continued):

(iii) Depreciation:

Depreciation is recognized in the consolidated statement of income on a straight-line basis over the estimated useful life of each part or component of an item of property, plant and equipment. Land is not depreciated. The estimated useful lives for the current and comparative years are as follows:

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Buildings	10 – 50 years
Distribution and metering equipment	8 – 80 years
Other assets	5 – 20 years

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Gains and losses on disposal of an item of property, plant and equipment are determined by comparing the proceeds from disposal with the carrying amount of property, plant and equipment and are recognized within other income in the consolidated statement of income.

Depreciation methods, useful lives and residual values are reviewed at each reporting date.

(f) Intangible assets:

(i) Computer software:

Computer software that is acquired or developed by the Corporation, including software that is not integral to the functionality of equipment purchased, which have finite useful lives, are measured at cost less accumulated amortization and accumulated impairment losses.

(ii) Amortization:

Amortization is recognized in the consolidated statement of income on a straight-line basis over the estimated useful lives of the intangible assets, from the date that they are available for use. The estimated useful lives for the current and comparative years are:

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Computer software	5 – 10 years
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Amortization methods and useful lives are reviewed at each reporting date.



# WINDSOR CANADA UTILITIES LTD.

Notes to the Consolidated Financial Statements (continued)  
(in thousands of Canadian dollars)

Year ended December 31, 2022

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### 3. Significant accounting policies (continued):

(g) Work in progress:

Work in progress is recorded at cost, with cost being determined based on material purchased services, internal labour and overhead, as applicable.

(h) Impairment:

(i) Financial assets:

A financial asset is assessed at each reporting date to determine whether there is any objective evidence that it is impaired. A financial asset is considered to be impaired if objective evidence indicates that one or more events have had a negative effect on the estimated future cash flows of that asset.

A loss allowance for expected credit losses on financial assets measured at amortized cost is recognized at the reporting date. The loss allowance is measured at an amount equal to the lifetime expected credit losses for the asset.

All impairment losses are recognized in the consolidated statement of income. An impairment loss is reversed if the reversal can be related objectively to an event occurring after the impairment loss was recognized. For financial assets measured at amortized cost, the reversal is recognized in the consolidated statement of income.

# WINDSOR CANADA UTILITIES LTD.

Notes to the Consolidated Financial Statements (continued)  
(in thousands of Canadian dollars)

Year ended December 31, 2022

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### 3. Significant accounting policies (continued):

(h) Impairment (continued):

(ii) Non-financial assets:

The carrying amounts of the Corporation's non-financial assets, other than inventory, work-in-progress and deferred tax assets, are reviewed at each reporting date to determine whether there is any indication of impairment. If any such indication exists, then the asset's recoverable amount is estimated.

Impairment losses recognized in prior periods are assessed at each reporting date for any indications that the loss has decreased or no longer exists. An impairment loss is reversed if there has been a change in the estimates used to determine the recoverable amount. An impairment loss is reversed only to the extent that the asset's carrying amount does not exceed the carrying amount that would have been determined, net of depreciation or amortization, if no impairment loss had been recognized.

For the purpose of impairment testing, assets are grouped together into the smallest group of assets that generates cash inflows from continuing use that are largely independent of the cash inflows of other assets or groups of assets (the "cash-generating unit"). The recoverable amount of an asset or cash-generating unit is the greater of its value in use and its fair value less costs to sell. In assessing value in use, the estimated future cash flows are discounted to their present value using a pre-tax discount rate that reflects current market assessments of the time value of money and the risks specific to the asset.

An impairment loss is recognized if the carrying amount of an asset or its cash-generating unit exceeds its estimated recoverable amount. Impairment losses are recognized in the consolidated statement of income and are allocated to reduce the carrying amount of the assets in the cash-generating unit on a pro-rata basis.

# WINDSOR CANADA UTILITIES LTD.

Notes to the Consolidated Financial Statements (continued)  
(in thousands of Canadian dollars)

Year ended December 31, 2022

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## 3. Significant accounting policies (continued):

### (i) Employee future benefits:

#### (i) Pension plan:

EWU provides a pension plan for all its full-time employees through Ontario Municipal Employees Retirement System ("OMERS"). OMERS is a multi-employer, contributory, defined benefit pension plan established in 1962 by the Province of Ontario for employees of municipalities, local boards and school boards in Ontario. Both participating employers and employees are required to make plan contributions based on participating employees' contributory earnings.

OMERS is a defined benefit plan. However, as OMERS does not segregate its pension assets and liabilities information by individual employer, there is not sufficient information to enable EWU to account for the plan as a defined benefit plan. The plan has been accounted for as a defined contribution plan. Obligations for contributions to defined contribution pension plans are recognized as an employee benefit expense in income when they are due. At December 31, 2022, the OMERS plan is in a deficit position.

#### (ii) Employee future benefits:

EWU pays certain health, dental and life insurance benefits, under unfunded defined benefit plans, on behalf of its retired employees. These benefits are provided through a group defined benefit plan. EWU is the legal sponsor of the Plan. There is a policy in place to allocate the net defined benefit cost to the entities participating in the group plan. The allocation is based on the obligation attributable to the plan participants. EWU has reflected its share of the defined benefit costs and related liabilities, as calculated by the actuary, in these consolidated financial statements.

EWU accrues the cost of these employee future benefits over the periods in which the employees earn the benefits. The accrued benefit obligations and the current service costs are actuarially determined by applying the projected unit credit method and reflect management's best estimate of certain underlying assumptions. The current service cost for a period is equal to the actuarial present value of benefits attributed to that period in which employees rendered their services.

# WINDSOR CANADA UTILITIES LTD.

Notes to the Consolidated Financial Statements (continued)  
(in thousands of Canadian dollars)

Year ended December 31, 2022

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### 3. Significant accounting policies (continued):

(i) Employee future benefits (continued):

(ii) Employee future benefits (continued):

Remeasurements of the net defined benefit liability, which comprise actuarial gains and losses, are recognized immediately in other comprehensive income. EWU determines the net interest expense on the net defined benefit liability for the period by applying the discount rate used to measure the defined benefit liability at the beginning of the annual period, taking into account any changes in the net benefit liability during the period as a result of benefit payments. Net interest expense and other expenses related to defined benefit plans are recognized in the consolidated statement of income.

Gains and losses on account of curtailment or settlement of these employee future benefits are recognized immediately in income.

In accordance with the WSOA and the Employee Arrangement Agreement between the Commission and EWU, the Plan was amended such that all active Commission management and union employees were included as part of the Plan, and have their coverage sponsored by EWU. A date of December 31, 2012 was assumed by the actuary to reflect this event in the Plan.

(j) Deferred revenue:

Certain customers are also required to contribute towards the capital cost of construction of distribution assets in order to provide ongoing service. These contributions fall within the scope of IFRS 15 *Revenue from Contracts with Customers*. These contributions are received to obtain a connection to the distribution system in order to receive ongoing access to electricity. The Corporation has concluded that the performance obligation is the supply of electricity over the life of the relationship with the customer which is satisfied over time as the customer receives and consumes the electricity. Revenue is recognized on a straight-line basis over the useful life of the related asset.

(k) Customer deposits:

Customer deposits include cash collections from customers, which are applied against any unpaid portion of individual customer accounts. Effective January 1, 2011, the OEB required that a customer's deposit be applied to the customer's account prior to the severance process commencing. OEB rules also specify that customer deposits in excess of unpaid account balances must be refunded to customers. Customer deposits are also refundable at EWU's discretion when a customer demonstrates an acceptable level of credit risk. EWU only retains commercial deposits. Customer deposits also include monies received from developers and distribution customers for services that are recorded as construction in progress and, once the assets are put into service, will be accounted for through a capital contribution.

# WINDSOR CANADA UTILITIES LTD.

Notes to the Consolidated Financial Statements (continued)  
(in thousands of Canadian dollars)

Year ended December 31, 2022

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### 3. Significant accounting policies (continued):

#### (l) Revenue recognition:

IFRS 15 *Revenue from Contracts with Customers* establishes a comprehensive framework for determining whether, how much and when revenue is recognized.

The performance obligations for the sale and distribution of electricity are recognized over time using an output method to measure the satisfaction of the performance obligation. The value of the electricity services transferred to the customer is determined on the basis of cyclical meter readings plus estimated customer usage since the last meter reading date to the end of the year and represents the amount that EWU has the right to bill. Revenue includes the cost of electricity supplied, distribution, and any other regulatory charges. The related cost of power is recorded on the basis of power used.

For customer billings related to electricity generated by third parties and the related costs of providing electricity service, such as transmission services and other services provided by third parties, the Corporation has determined that it is acting as a principal for these electricity charges and, therefore, has presented electricity revenue on a gross basis.

Revenue for EWU is recognized when EWU satisfies the performance obligations within the contract(s) for conditions of service, which is when the distribution and delivery of electricity is achieved or specific services are performed.

Revenue includes an estimate of unbilled revenue. Unbilled revenue represents an estimate of electricity consumed by customers since the date of each customer's last meter reading. Actual electricity usage could differ from those estimates.

Revenue is measured at the fair value of the consideration received or receivable, net of any taxes which may be applicable.

Street lighting maintenance revenue – EWE has a contract with the City to provide maintenance of the street lighting system. This contract includes replacing damaged or non-functioning street lighting. Revenue is recognized when the services have been performed. There is also a fixed component to the contract that is recognized evenly throughout the year.

Sentinel lighting revenue – EWE provides sentinel lighting equipment to customers. A monthly rental charge is earned by EWE for the use of the sentinel light equipment.

Other income for work orders is recorded on a net basis as the Corporation is acting as an agent for this revenue stream. All other amounts in other income are recorded on a gross basis and are recognized when services are rendered.

# WINDSOR CANADA UTILITIES LTD.

Notes to the Consolidated Financial Statements (continued)  
(in thousands of Canadian dollars)

Year ended December 31, 2022

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### 3. Significant accounting policies (continued):

(m) Finance costs:

Finance costs comprise interest expense on borrowings and unwinding of the discount rate on provisions.

(n) Income taxes:

The income tax expense comprises current and deferred tax. Income tax expense is recognized in the consolidated statement of income except to the extent that it relates to items recognized directly in equity, in which case, it is recognized in equity.

Under the Electricity Act 1998, the Corporation makes payments in lieu of corporate taxes to Ontario Electricity Financial Corporation. These payments are calculated in accordance with the rules for computing taxable income and taxable capital and other relevant amounts contained in the Income Tax Act (Canada) and the Corporation Tax Act (Ontario) as modified by the Electricity Act, 1998 and related regulations. Payments in lieu of taxes ("PILs") are referred to as income taxes.

Current tax is the expected PILs payable on the taxable income for the year, using tax rates enacted or substantively enacted at the reporting date, and any adjustment to tax payable in respect of previous years.

Deferred tax is recognized using the balance sheet method, providing for temporary differences between the carrying amounts of assets and liabilities for financial reporting purposes and the amounts used for taxation purposes. Deferred tax assets and liabilities are measured using enacted or substantively enacted tax rates expected to apply to taxable income in the years in which those temporary differences are expected to be recovered or settled. The effect on deferred tax assets and liabilities of a change in tax rates is recognized in the consolidated statement of income in the year that includes the date of enactment or substantive enactment.

(o) Set-off and reporting on a net basis:

Assets and liabilities and income and expenses are not offset and reported on a net basis unless required or permitted by IFRS. For financial assets and financial liabilities, offsetting is permitted when, and only when, the Corporation has a legally enforceable right to set-off and intends either to settle on a net basis, or to realize the asset and settle the liability simultaneously.

# WINDSOR CANADA UTILITIES LTD.

Notes to the Consolidated Financial Statements (continued)  
(in thousands of Canadian dollars)

Year ended December 31, 2022

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### 3. Significant accounting policies (continued):

(p) New standards and interpretations not yet adopted:

The following standards which are not yet effective for the year ended December 31, 2022, have not been applied in preparing these consolidated financial statements.

Classification of Liabilities as Current or Non-Current (Amendments to IAS 1)

On January 23, 2020, the IASB issued amendments to IAS 1 *Presentation of Financial Statements*, to clarify the classification of liabilities as current or non-current.

For the purposes of non-current classification, the amendments removed the requirement for a right to defer settlement or roll over of a liability for at least twelve months to be unconditional. Instead, such a right must have substance and exist at the end of the reporting period.

The amendments are effective for annual periods beginning on or after January 1, 2023.

Definition of Accounting Estimates (Amendments to IAS 8)

On February 12, 2021, the IASB issued *Definition of Accounting Estimates (Amendments to IAS 8)*.

The amendments introduce a new definition of accounting estimates, clarifying that they are monetary amounts in the financial statements that are subject to measurement uncertainty. The amendments also clarify the relationship between accounting policies and accounting estimates by specifying that a company develops an accounting estimate to achieve the objective set out by an accounting policy.

The amendments are effective for annual periods beginning on or after January 1, 2023.

Disclosure initiative – Accounting Policies (Amendments to IAS 1 and IFRS Practice Statement 2)

On February 12, 2021, the IASB issued *Disclosure Initiative – Accounting Policies (Amendments to IAS 1 and IFRS Practice Statements 2 Making Materiality Judgements)*.

The amendments help companies provide useful accounting policy disclosures. The key amendments include:

- requiring companies to disclose their material accounting policies rather than their significant accounting policies;
- clarifying that accounting policies related to immaterial transactions, other events or conditions are themselves immaterial and as such need not be disclosed; and
- clarifying that not all accounting policies that relate to material transactions, other events or conditions are themselves material to a company's financial statements.

# WINDSOR CANADA UTILITIES LTD.

Notes to the Consolidated Financial Statements (continued)  
(in thousands of Canadian dollars)

Year ended December 31, 2022

### 3. Significant accounting policies (continued):

(p) New standards and interpretations not yet adopted (continued):

The amendments are effective for annual periods beginning on or after January 1, 2023.

The Corporation has assessed the potential impacts on its consolidated financial statements and determined that the future pronouncements will not have a material impact on the Corporation.

### 4. Cash and cash equivalents:

	2022	2021
Cash and cash equivalents	\$ 18,398	\$ 34,986
Cash and cash equivalents	\$ 18,398	\$ 34,986

The Corporation and EWU have a loan agreement with a Canadian chartered bank providing up to \$75,000 (2021 - \$75,000) bearing interest at prime minus 0.25% or Canadian Dollar Offered Rate (CDOR) plus 1.125%, with interest accruing daily. All borrowings under this agreement are repayable by August 1, 2024. The agreement restricts the availability of the Corporation to lien assets. As of December 31, 2022, the outstanding balance in the line of credit was \$nil (2021 - \$nil).

### 5. Accounts receivable:

	2022	2021
Trade receivables	\$ 25,640	\$ 24,531
Unbilled revenue	22,254	20,123
Allowance for doubtful accounts	(1,911)	(1,460)
Accounts receivable	\$ 45,983	\$ 43,194

The Corporation's exposure to credit risk and impairment losses related to trade receivables is disclosed in Note 25.

### 6. Inventory:

Inventory consists of parts and supplies acquired for capital, internal construction, maintenance or recoverable work.

The amount of inventory consumed by the Corporation and recognized as an expense during 2022 was \$4,818 (2021 - \$3,201).



# WINDSOR CANADA UTILITIES LTD.

Notes to the Consolidated Financial Statements (continued)  
(in thousands of Canadian dollars)

Year ended December 31, 2022

## 7. Property, plant and equipment:

### (a) Cost:

	Land and buildings	Distribution and metering equipment	Other assets	Construction -in- progress	Total
Balance at January 1, 2021	\$ 23,907	\$ 273,709	\$ 29,610	\$ 3,514	\$ 330,740
Additions	867	10,645	2,407	795	14,714
Disposals/retirements	-	(1,783)	-	-	(1,783)
<b>Balance at December 31, 2021</b>	<b>\$ 24,774</b>	<b>\$ 282,571</b>	<b>\$ 32,017</b>	<b>\$ 4,309</b>	<b>\$ 343,671</b>
Balance at January 1, 2022	\$ 24,774	\$ 282,571	\$ 32,017	\$ 4,309	\$ 343,671
Additions	1,268	13,942	2,168	1,282	18,660
Disposals/retirements	(93)	(1,214)	(67)	-	(1,374)
<b>Balance at December 31, 2022</b>	<b>\$ 25,949</b>	<b>\$ 295,299</b>	<b>\$ 34,118</b>	<b>\$ 5,591</b>	<b>\$ 360,957</b>

### (b) Accumulated depreciation:

	Land and buildings	Distribution and metering equipment	Other assets	Construction -in- progress	Total
Balance at January 1, 2021	\$ 8,358	\$ 60,713	\$ 18,450	\$ -	\$ 87,521
Depreciation charge for the year	643	7,834	2,278	-	10,755
Disposals/retirements/transfers	-	(621)	-	-	(621)
<b>Balance at December 31, 2021</b>	<b>\$ 9,001</b>	<b>\$ 67,926</b>	<b>\$ 20,728</b>	<b>\$ -</b>	<b>\$ 97,655</b>
Balance at January 1, 2021	\$ 9,001	\$ 67,926	\$ 20,728	\$ -	\$ 97,655
Depreciation charge for the year	700	8,013	2,183	-	10,896
Disposals/retirements/transfers	(6)	(476)	(24)	-	(506)
<b>Balance at December 31, 2021</b>	<b>\$ 9,695</b>	<b>\$ 75,463</b>	<b>\$ 22,887</b>	<b>\$ -</b>	<b>\$ 108,045</b>

### (c) Carrying amounts:

	Land and buildings	Distribution and metering equipment	Other assets	Construction -in- progress	Total
December 31, 2021	\$ 15,773	\$ 214,645	\$ 11,289	\$ 4,309	\$ 246,016
December 31, 2022	\$ 16,254	\$ 219,836	\$ 11,231	\$ 5,591	\$ 252,912

# WINDSOR CANADA UTILITIES LTD.

Notes to the Consolidated Financial Statements (continued)  
(in thousands of Canadian dollars)

Year ended December 31, 2022

## 8. Intangible assets:

### (a) Cost or deemed cost:

		Computer software
Balance at January 1, 2021	\$	31,469
Additions		175
Balance at December 31, 2021	\$	31,644
Balance at January 1, 2022	\$	31,644
Additions		614
Balance at December 31, 2022	\$	32,258

### (b) Accumulated amortization:

		Computer software
Balance at January 1, 2021	\$	29,386
Amortization charge for the year		1,005
Balance at December 31, 2021	\$	30,391
Balance at January 1, 2022	\$	30,391
Amortization charge for the year		565
Balance at December 31, 2022	\$	30,956

### (c) Carrying amounts:

		Computer software
December 31, 2021	\$	1,253
December 31, 2022	\$	1,302

# WINDSOR CANADA UTILITIES LTD.

Notes to the Consolidated Financial Statements (continued)  
(in thousands of Canadian dollars)

Year ended December 31, 2022

## 9. Investments:

EWU and EWE have short-term fixed income investments. EWU has an amount of \$1,000 (2021 - \$2,200), invested in a one-year term deposit at a rate of 5.1% (2021 – 1.85%), compounded annually with a maturity date of December 28, 2023. EWU has another amount of \$10,100 (2021 - \$10,000) in a one-year term cashable GIC at a rate of 5.05% (2021 – 1.0%) compounded annually, with a maturity date of December 15, 2023. EWE has an amount of \$3,358 (2021 - \$3,290), invested in a one-year term deposit at a rate of 5.1% (2021 - 1.3%) compounded annually with a maturity date of December 28, 2023.

	2022	2021
Investments:		
Term deposit	\$ 14,483	\$ 15,503
<b>Total investments</b>	<b>\$ 14,483</b>	<b>\$ 15,503</b>

In 2014, a sinking fund was established with the intent to ensure sufficient funds are available to settle debentures issued November 6, 2012, with a maturity date of November 6, 2042, in the amount of \$103,000. There are no restrictions with this investment. Annual payments are expected to be completed to satisfy the obligation.

This investment is recorded at fair value as of December 31, 2022, and is invested in fixed income and equity markets as established by the Corporation's investment policy.

	2022	2021
Investment:		
Sinking fund	\$ 13,680	\$ 12,968
<b>Investment, sinking fund</b>	<b>\$ 13,680</b>	<b>\$ 12,968</b>

## 10. Accounts payable and accruals:

	2022	2021
Trade payables	\$ 20,474	\$ 19,041
Accrued expenses	7,489	10,298
	<b>\$ 27,963</b>	<b>\$ 29,339</b>

See accounting policies in Note 3(b). Information about the Corporation's exposure to currency and liquidity risk is included in Note 25.

# WINDSOR CANADA UTILITIES LTD.

Notes to the Consolidated Financial Statements (continued)  
(in thousands of Canadian dollars)

Year ended December 31, 2022

## 11. Customer deposits:

Customer deposits represent cash deposits from electricity distribution customers and retailers, as well as construction deposits.

Customer deposits comprise:

	2022	2021
Customer deposits	\$ 3,567	\$ 3,645
Construction deposits	2,983	1,780
	6,550	5,425
Less: current portion	(1,053)	(1,008)
	\$ 5,497	\$ 4,417

## 12. Deferred revenue – customer contributions:

Deferred revenue relates to the capital contributions received from customers and others. The amount of deferred revenue received from customers is \$19,301 (2021 - \$19,126). Deferred revenue is recognized as revenue on a straight-line basis over the life of the asset for which the contribution was received.

# WINDSOR CANADA UTILITIES LTD.

Notes to the Consolidated Financial Statements (continued)  
(in thousands of Canadian dollars)

Year ended December 31, 2022

## 13. Long-term borrowings:

Long-term borrowings comprise:

	2022	2021
Debentures payable	\$ 103,000	\$ 103,000
Less: debt issuance costs	(474)	(489)
	<u>\$ 102,526</u>	<u>\$ 102,511</u>

Senior unsecured debentures, which have a maturity date of November 6, 2042, and bearing interest at a rate of 4.134% per annum, were issued on November 6, 2012. Interest is payable in equal semi-annual instalments, in arrears, on May 6 and November 6 each year commencing May 6, 2013, until maturity. The debentures are represented by a single Global Debenture Certificate registered in the name of CDS & Co. In order to put the debentures in place, EWU incurred debt issuance costs in the amount of \$601. The debentures require semi-annual interest payments only to 2042 of \$2,129, with a final principal payment of \$103,000 due November 6, 2042.

The Corporation incurred interest expense in respect of the debentures of \$4,258 (2021 - \$4,258), which is recognized as part of finance expense on the consolidated statement of income.

The Commission is a guarantor of \$52,000 in relation to the debentures and is a borrower of that same amount from WCUL pursuant to a revolving credit agreement also entered into on November 6, 2012. The Commission is obligated to make due and punctual payments of the principal and applicable interest on each debenture on their due dates, on maturity, on redemption or on acceleration.

# WINDSOR CANADA UTILITIES LTD.

Notes to the Consolidated Financial Statements (continued)  
(in thousands of Canadian dollars)

Year ended December 31, 2022

## 14. Employee future benefits:

EWU pays certain health, dental and life insurance benefits on behalf of its retired employees. Significant assumptions underlying the actuarial valuation include management's best estimate of the interest (discount) rate, mortality decrement, the average retirement age of employees, employee turnover and expected health and dental care costs.

The Plan was amended such that all active Commission management and union employees covered under the Commission collective agreement from July 1, 2012, would be included as part of the Plan and have their coverage sponsored by EWU. The December 31, 2012 date was chosen to reflect this event in the Plan. Reference Note 1 for further information.

EWU measures its accrued benefit liability for accounting purposes as at December 31 each year. A valuation date of October 31, 2022, with extrapolation to December 31, 2022, has been used to calculate the current obligation. EWU's employee future benefit liability consists of the following:

	2022	2021
Defined benefit liability	\$ 43,729	\$ 66,127
<b>Employee future benefits, end of year</b>	<b>\$ 43,729</b>	<b>\$ 66,127</b>

Information about EWU's unfunded defined benefit plan is as follows:

Changes in the present value of the defined benefit liability:

	2022	2021
Defined benefit liability, beginning of year	\$ 66,127	\$ 69,388
Defined benefit expense	3,184	3,176
Actuarial gain on liability recognized in other comprehensive income	(23,579)	(4,584)
Benefits paid for the year	(2,003)	(1,853)
<b>Defined benefit liability, end of year</b>	<b>\$ 43,729</b>	<b>\$ 66,127</b>

# WINDSOR CANADA UTILITIES LTD.

Notes to the Consolidated Financial Statements (continued)  
(in thousands of Canadian dollars)

Year ended December 31, 2022

## 14. Employee future benefits (continued):

Components of defined benefit expense recognized are as follows:

		2022		2021
Current service cost	\$	1,228	\$	1,395
Interest cost		1,956		1,781
<b>Defined benefit expense</b>	<b>\$</b>	<b>3,184</b>	<b>\$</b>	<b>3,176</b>

The defined benefit expense for the year is recognized as administrative expense on the consolidated statement of income.

The main actuarial assumptions underlying the valuation are as follows:

(a) Health care cost trend rates:

The health care cost trend for prescription drugs is estimated to increase at 6.14% in 2023 grading down to 4.0% by 2041. Other health expenses are estimated to increase at 4.86% grading down to 4.0% by 2041. Dental expenses are estimated to increase at 4.0% per year.

(b) Financial instruments:

The liabilities at the period end and the present value of future liabilities were determined using a discount rate of 5.1% (2021 – 3.0%) representing an estimate of the yield on high quality corporate bonds as at the valuation date.

(c) Mortality decrement:

The rates applicable to public sector retirees in the 2014 Canadian Pensioners Mortality table produced by the Canadian Institute of Actuaries were used as the basis of these assumptions.

A 1% or one year change in actuarial assumptions, assuming all other factors remain constant, has the following impact on the defined benefit liability carrying amount:

	December 31, 2022		December 31, 2021	
	Increase	Decrease	Increase	Decrease
Health care trend rate (1% change)	\$ 5,850	\$ (4,813)	\$ 12,135	\$ (9,346)
Discount rate (1% change)	(5,563)	6,914	(9,731)	12,807
Mortality (1 year)	1,438	(1,406)	3,083	(2,659)

# WINDSOR CANADA UTILITIES LTD.

Notes to the Consolidated Financial Statements (continued)  
(in thousands of Canadian dollars)

Year ended December 31, 2022

## 15. Pension plan:

EWU participates in OMERS, a multi-employer plan, on behalf of its employees. The plan has been accounted for as a defined contribution plan. Contributions during the year were 9.0% (2021 - 9.0%) for employee earnings below the year's maximum pensionable earnings and 14.6% (2021 - 14.6%) thereafter. During 2022, EWU expensed contributions totalling \$2,833 (2021 - \$2,899) made to OMERS in respect of the employer's required contributions to the plan. Estimated contributions for 2023 are \$3,189.

## 16. Income taxes (provision for payment in lieu of corporate taxes):

	2022	2021
Current provision for payments in lieu of corporate tax expense:		
Current year	\$ 1,510	\$ 1,618
Adjustments for prior years	5	20
Deferred income tax expense:		
Origination and reversal of temporary differences	5,097	844
Adjustments for prior years	335	-
Tax related to remeasurement of employee future benefits	(6,248)	(1,215)
<b>Total income taxes expense</b>	<b>\$ 699</b>	<b>\$ 1,267</b>



# WINDSOR CANADA UTILITIES LTD.

Notes to the Consolidated Financial Statements (continued)  
(in thousands of Canadian dollars)

Year ended December 31, 2022

## 16. Income taxes (provision for payment in lieu of corporate taxes) (continued):

The provision for income taxes varies from amounts which would be computed by applying the Corporation's combined statutory income tax rate as follows:

	2022	2021
Basic rate applied to total comprehensive income before income tax	26.50%	26.50%
Change in income tax resulting from:		
Adjustments for prior years	25.55%	0.00%
Items not deductible for tax purposes and other	1.27%	(6.18%)
Effective rate applied to comprehensive income before income taxes	53.32%	20.32%

The components of the deferred income tax assets and liabilities are summarized as follows:

	2022	2021
Deferred tax assets:		
Employee benefits	\$ 5,815	\$ 11,750
Regulatory assets	2,490	319
Share of joint venture's net loss	38	31
Other	421	306
Deferred tax liabilities:		
Property, plant and equipment	(5,846)	(4,036)
Other	(76)	(96)
Net deferred income tax asset	\$ 2,842	\$ 8,274

At December 31, 2022, a deferred tax asset of \$2,842 (2021 - \$8,274) has been recorded. The utilization of this tax asset is dependent on future taxable income in excess of income arising from the reversal of existing taxable temporary differences. The Corporation believes that this asset should be recognized as it will be recovered through future rates.

# WINDSOR CANADA UTILITIES LTD.

Notes to the Consolidated Financial Statements (continued)  
(in thousands of Canadian dollars)

Year ended December 31, 2022

## 17. Share capital:

	2022	2021
Authorized:		
Unlimited common shares		
Issued:		
2,000 common shares	\$ 81,842	\$ 81,842

## 18. Distribution revenue:

EWU generates revenue primarily from the sale and distribution of electricity to its customers. Other revenue consists of services provided to related parties and other income. Additional information is provided in Note 19 with the components of other income.

In the following table, distribution revenue is disaggregated by type of customer:

	2022	2021
Residential	\$ 27,230	\$ 26,365
General service – small distribution	18,692	17,786
General service – large distribution	4,161	4,039
Street lighting distribution	1,643	1,588
<b>Total distribution revenue</b>	<b>\$ 51,726</b>	<b>\$ 49,778</b>

## 19. Other income:

Other income comprises:

	2022	2021
Change in occupancy	\$ 381	\$ 400
Late payment and collection charges	410	375
Other operating revenues	79	50
Loss on disposal of property, plant and equipment	(148)	(369)
Pole attachment revenue	1,297	1,624
Sale of scrap	106	147
Sewer surcharge billing and collecting	2,363	2,382
Street lighting maintenance and sentinel light rental	1,552	1,713
<b>Total other income</b>	<b>\$ 6,040</b>	<b>\$ 6,322</b>

# WINDSOR CANADA UTILITIES LTD.

Notes to the Consolidated Financial Statements (continued)  
(in thousands of Canadian dollars)

Year ended December 31, 2022

## 20. Employee benefits:

Employee benefit amounts are allocated between Operating and Distribution expenses and Billing, Collecting and Administration expenses.

	Note	2022	2021
Salaries and benefits		\$ 20,245	\$ 20,274
Contributions to multi-employer plan	15	2,833	2,899
Expenses related to defined benefit plans	14	3,184	3,176
		\$ 26,262	\$ 26,349

## 21. Finance expense (income):

	2022	2021
Finance income:		
Interest income on loans to affiliate	\$ (2,150)	\$ (2,150)
Interest income on bank balances	(673)	(339)
Income on investments	(222)	(71)
	(3,045)	(2,560)
Finance expense:		
Interest expense on long-term borrowings	4,258	4,258
Loss (income) on sinking fund investment	489	(713)
Discount on related party debt	15	14
Other	85	19
	4,847	3,578
Net finance expense	\$ 1,802	\$ 1,018

# WINDSOR CANADA UTILITIES LTD.

Notes to the Consolidated Financial Statements (continued)  
(in thousands of Canadian dollars)

Year ended December 31, 2022

## 22. Changes in non-cash operating working capital:

Changes in non-cash operating working capital comprises:

	2022	2021
Net finance expense	\$ 1,787	\$ 1,004
Accounts receivable	(2,789)	10,118
Due from related parties	(1,791)	(515)
Inventory	(1,584)	(680)
Other assets	(764)	843
Investment in joint venture	-	(100)
Deferred income taxes	5,432	844
Accounts payable and accruals	(1,376)	(5,246)
PIL of income taxes	355	915
Due to related parties	706	147
Deferred revenue	(1,114)	(2,639)
Customer deposits	1,125	483
Employee future benefits	1,181	1,323
<b>Total changes in non-cash operating working capital</b>	<b>\$ 1,168</b>	<b>\$ 6,497</b>

## 23. Related party transactions:

### (a) Parent and ultimate controlling party:

The parent of the Corporation is the City. The City produces consolidated financial statements that are available for public use.

### (b) Key management personnel:

The key management personnel of the Corporation has been defined as members of its board of directors and executive management team members.

Key management compensation:

	2022	2021
Salaries and other short-term benefits	\$ 1,225	\$ 1,182
Employee future benefits	14	14
	<b>\$ 1,239</b>	<b>\$ 1,196</b>

# WINDSOR CANADA UTILITIES LTD.

Notes to the Consolidated Financial Statements (continued)  
(in thousands of Canadian dollars)

Year ended December 31, 2022

## 23. Related party transactions (continued):

### (c) Transactions with parent:

EWU provides waste water billing and related services for the City, for which EWU charges a fee. The total amount charged to the City for the year ended December 31, 2022, was \$2,363 (2021 - \$2,382). The fee charged for the waste water billing and related services were recognized as other income from operations on the consolidated statement of income.

EWU collects and remits the waste water billing amounts on behalf of the City. The total amount owing to the City at December 31, 2022, relating to waste water billing was \$8,165 (2021 - \$7,145).

EWE provides street lighting maintenance services to the City. The total amount charged to the City for the year ended December 31, 2022, relating to street lighting maintenance services was \$1,463 (2021 - \$1,621) and is recorded as part of other income from operations in the consolidated statement of income.

### (d) Transactions with entities under common control:

On November 6, 2012, EWU and the Commission entered into a WSOA, whereby EWU agreed to provide services to the Commission with respect to the operation of the Commission's water system. The total amount charged to the Commission for the year ended December 31, 2022, was \$18,719 (2021 - \$18,569).

### (e) Amounts due from (to) related parties:

The amounts due from related parties consist of:

	2022	2021
Due from companies under common control:		
Due from Windsor Utilities Commission	\$ 3,317	\$ 1,834
Due from joint venture:		
Due from ONtech Rapid Coatings Inc.	9	7
Due from parent:		
Due from the Corporation of the City of Windsor	324	429
	\$ 3,650	\$ 2,270

The amounts due from the City and the Commission are due on demand and are non-interest bearing. These amounts have no specified repayment terms.

# WINDSOR CANADA UTILITIES LTD.

Notes to the Consolidated Financial Statements (continued)  
(in thousands of Canadian dollars)

Year ended December 31, 2022

## 23. Related party transactions (continued):

(e) Amounts due from (to) related parties (continued):

Long term receivable due from related parties consist of:

	2022	2021
Due from Windsor Utilities Commission, debenture	\$ 52,000	\$ 52,000
Due from Windsor Utilities Commission, post-retirement	-	411
	52,000	52,411
Less: Current portion post-retirement	-	(411)
<b>Due from related parties – debenture and post-retirement</b>	<b>\$ 52,000</b>	<b>\$ 52,000</b>

The amount due from the Commission, debenture is pursuant to the revolving credit agreement entered into by the Commission and the Corporation.

The amount due from the Commission, post-retirement, is a long-term receivable resulting from the Employee Arrangement Agreement with EWU and is amortized over the estimated average remaining service life at the time of the agreement, which was 9.5 years, payable each November. The amount was settled in full in 2022.

The amounts due to related parties consist of:

	2022	2021
Due to parent:		
Due to the Corporation of the City of Windsor	\$ 7,851	\$ 7,145
	\$ 7,851	\$ 7,145

The amount due to the City is non-interest bearing.

## 24. Joint venture:

ONtech Rapid Coatings Inc. (“ONtech”) is a Canadian controlled private corporation in which EWE has joint control and a 50% ownership interest. ONtech was founded by EWE and Tessonics Inc. and is principally engaged to offer low pressure cold spray solutions. The address of ONtech’s registered office is 787 Ouellette Avenue, Windsor, Ontario, Canada.

ONtech is structured as a separate legal entity and EWE has a residual interest in its net assets. Accordingly, the Corporation has classified its interest in ONtech as a joint venture, which is accounted for using the equity method.

# WINDSOR CANADA UTILITIES LTD.

Notes to the Consolidated Financial Statements (continued)  
(in thousands of Canadian dollars)

Year ended December 31, 2022

## 25. Financial instruments and risk management:

The carrying values of cash and cash equivalents, accounts receivable, amounts due from (to) related parties, investment, accounts payable and accruals approximate fair values because of the short maturity of these instruments.

The following table illustrates the classification of the corporation's financial instruments using the fair value hierarchy as at December 31:

Assets	December 31, 2022			December 31, 2021		
	Level 1	Level 2	Total	Level 1	Level 2	Total
Investments	\$ –	\$ 14,483	\$ 14,483	\$ –	\$ 15,503	\$ 15,503
Investment, sinking fund	4,949	8,731	13,680	3,341	9,627	12,968
	\$ 4,949	\$ 23,214	\$ 28,163	\$ 3,341	\$ 25,130	\$ 28,471

The fair value of the investments is \$28,163 (2021 - \$28,471). The fair value is calculated based on the quoted market price in the active markets.

The Corporation's activities provide for a variety of financial risks, particularly credit risk, market risk and liquidity risk.

### (i) Credit risk:

The aging of accounts receivables at the reporting date was:

	2022	2021
Not past due	\$ 41,996	\$ 35,661
Past due 0 – 30 days	2,146	5,676
Past due 31 – 60 days	878	1,086
Greater than 60 days	2,874	2,231
	\$ 47,894	\$ 44,654

Financial assets carry credit risk that a counter-party will fail to discharge an obligation which would result in a financial loss. Financial assets held by the Corporation, such as accounts receivable, expose it to credit risk. The Corporation earns its revenue from a broad base of customers located in the City of Windsor. No single customer accounts for greater than 5.0% (2021 – 5.4%) of revenues.

# WINDSOR CANADA UTILITIES LTD.

Notes to the Consolidated Financial Statements (continued)  
(in thousands of Canadian dollars)

Year ended December 31, 2022

## 25. Financial instruments and risk management (continued):

### (i) Credit risk (continued):

The carrying amount of accounts receivable is reduced through the use of an allowance for impairment and the amount of the related impairment loss is recognized in the consolidated statement of income. Subsequent recoveries of receivables previously provisioned are credited to the consolidated statement of income. The balance of the allowance for impairment at December 31, 2022 was \$1,911 (2021 - \$1,460).

A continuity of the allowance for doubtful accounts is as follows:

	2022	2021
Balance, beginning of year	\$ 1,460	\$ 1,110
Accounts receivable balances written off	(446)	(413)
Change in provisions for doubtful accounts	897	763
Balance, end of year	\$ 1,911	\$ 1,460

The Corporation's credit risk associated with accounts receivable is primarily related to payments from distribution customers. At December 31, 2022, approximately \$2,874 (2021 - \$2,231) is considered 60 days past due. Credit risk is managed through collection of security deposits from customers in accordance with OEB regulation. As of December 31, 2022, the Corporation holds security deposits in the amount of \$3,567 (2021 - \$3,645).

### (ii) Liquidity risk:

Liquidity risk is the risk that the Corporation will not be able to meet its obligations associated with financial liabilities. The Corporation monitors its liquidity risk to ensure access to sufficient funds to meet operational and investing requirements. The Corporation's objective is to ensure that sufficient liquidity is on hand to meet obligations as they fall due while minimizing interest expense. The Corporation has access to a line of credit and monitors cash balances to ensure that sufficient levels of liquidity are on hand to meet financial commitments as they come due.



# WINDSOR CANADA UTILITIES LTD.

Notes to the Consolidated Financial Statements (continued)  
(in thousands of Canadian dollars)

Year ended December 31, 2022

## 25. Financial instruments and risk management (continued):

### (ii) Liquidity risk (continued):

The following are the contractual maturities of financial liabilities:

December 31, 2022	6 Months or less	6-12 Months	1-2 years	More than 2 years	Other non cash adjustments	Carrying amount
Accounts payable and accruals	\$ 27,963	\$ -	\$ -	\$ -	\$ -	\$ 27,963
Due to related parties	7,851	-	-	-	-	7,851
Customer deposits	526	527	1,053	4,444	-	6,550
Long-term borrowings	-	-	-	103,000	(474)	102,526
	\$ 36,340	\$ 527	\$ 1,053	\$ 107,444	\$ (474)	\$ 144,890

December 31, 2021	6 Months or less	6-12 Months	1-2 years	More than 2 years	Other non cash adjustments	Carrying amount
Accounts payable and accruals	\$ 29,339	\$ -	\$ -	\$ -	\$ -	\$ 29,339
Due to related parties	7,145	-	-	-	-	7,145
Customer deposits	504	504	1,008	3,409	-	5,425
Long-term borrowings	-	-	-	103,000	(489)	102,511
	\$ 36,988	\$ 504	\$ 1,008	\$ 106,409	\$ (489)	\$ 144,420

### (iii) Market risk:

Market risk primarily refers to the risks of loss that result from changes in commodity prices, foreign exchange rates, and interest rates. The Corporation is exposed to market risks within the investment portfolio. A portion of the portfolio is invested in equities which are subject to market forces. For sensitivity purposes, a 1% change would result in a change of \$49 (2021 - \$33) on the consolidated balance sheet and consolidated statement of income.

### (iv) Capital disclosures:

The main objectives of the Corporation when managing capital are to ensure ongoing access to funding to maintain and improve the electricity distribution system, compliance with covenants related to its credit facilities, prudent management of its capital structure with regard for recoveries of financing charges permitted by the OEB on its regulated electricity distribution business, and to deliver the appropriate financial returns.

# WINDSOR CANADA UTILITIES LTD.

Notes to the Consolidated Financial Statements (continued)  
(in thousands of Canadian dollars)

Year ended December 31, 2022

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## 25. Financial instruments and risk management (continued):

### (iv) Capital disclosures (continued):

The Corporation's definition of capital includes shareholder's equity and long-term debt. As at December 31, 2021, shareholder's equity amounts to \$200,874 (2021 - \$186,931) and long-term debt amounts to \$102,526 (2021 - \$102,511).

Through rate-setting, the OEB determines the prudent costs of capital that are recoverable by EWU in relation to the distribution business. These costs of capital are the interest on debt and return on equity. The OEB permits recovery on the basis of a deemed capital structure of 60% debt and 40% equity. The actual capital structure for the Corporation may differ from the OEB deemed structure.

The Corporation has customary covenants typically associated with long-term debt. The Corporation is in compliance with all credit agreement covenants and limitations associated with its long-term debt.

### (v) Interest rate risk:

Interest rate risk is the risk that the fair value or future cash flows of a financial instrument will fluctuate because of changes in market interest rates. The Corporation is subject to variable interest rate cash flow risk with respect to its investments. The Corporation has addressed this risk by entering into fixed interest rates on invested funds and debts.

### (vi) Currency risk:

Currency risk is the risk that the fair value or future cash flow of a financial instrument will fluctuate due to changes in foreign exchange rates. The Corporation is exposed to currency risk through its foreign currency denominated bank and investment accounts. A weakening or strengthening of the Canadian dollar can affect the cash flows. This risk is monitored by investment managers and the exposure is limited to these accounts. For sensitivity purposes, a 1% change in the Canadian dollar would result in a change of \$32 (2021 - \$22) on the consolidated balance sheet and consolidated statement of income.

# WINDSOR CANADA UTILITIES LTD.

Notes to the Consolidated Financial Statements (continued)  
(in thousands of Canadian dollars)

Year ended December 31, 2022

## 26. Commitments and contingencies:

### Contingencies

#### *General*

From time to time, the Corporation is involved in various litigation matters arising in the ordinary course of its business. The Corporation has no reason to believe that the disposition of any such current matter could reasonably be expected to have a materially adverse impact on the Corporation's financial position, results of operations or its ability to carry on any of its business activities.

#### *General liability insurance*

The Corporation is a member of the Municipal Electrical Association Reciprocal Insurance Exchange ("MEARIE"), a self-insurance plan that pools the liability risks of all the Municipal Electric Utilities in Ontario. Members of MEARIE would be assessed on a pro-rata basis should losses be experienced by MEARIE for the years in which the Corporation was a member.

To December 31, 2022, the Corporation has not been made aware of any additional assessments that have not been accrued.

## 27. Regulatory assets and liabilities:

Under IFRS, there is no recognition of regulatory assets or liabilities, and therefore, the impacts of these transactions are reflected on the consolidated statement of income, as applicable. As a result of not recognizing rate-regulated assets and liabilities, the effect was to decrease comprehensive income as follows:

	2022	2021
Gross income:		
Retail settlement variance	\$ (5,797)	\$ (2,267)
Expenses:		
Property, plant and equipment	(4,402)	(4,373)
Future PILS	809	358
Regulatory adjustment for IFRS conversion	3,163	3,137
Disposition and recovery of regulatory balances	(5,504)	(4,206)
Interest expense (net of interest revenue)	44	79
Pole attachment revenue	(351)	-
Other	4	(1)
<b>Decrease in comprehensive income</b>	<b>\$ (12,034)</b>	<b>\$ (7,273)</b>

# WINDSOR CANADA UTILITIES LTD.

Notes to the Consolidated Financial Statements (continued)  
(in thousands of Canadian dollars)

Year ended December 31, 2022

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## **28. Comparative figures:**

Certain reclassifications have been made to the prior year's consolidated financial statements to enhance comparability with the current year's consolidated financial statements. There was no impact on current or prior year's net income. Comparative figures have been adjusted to conform to the current year's presentation.



# WINDSOR UTILITIES COMMISSION 2022 ANNUAL REPORT





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# SUCCESS BY THE NUMBERS

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WINDSOR'S WATER SYSTEM HAS BEEN A SOURCE OF SAFE AND RELIABLE POTABLE WATER FOR OVER 160 YEARS.

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## 2022 Fast Facts

**76,599**

Customers

**\$30.33M**

Total Assets  
Installed

**1,444**

New Water  
Meters Installed

**36,338 ML**

Water Delivered

**16.7 km**

New  
Watermains  
Installed

# WINDSOR UTILITIES COMMISSIONERS

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**Drew Dilkens**  
(Chair, retired Dec, 2022)  
Mayor, City of Windsor  
LL.B, MBA, DBA, CHRL



**Egidio Sovran**  
(Vice-Chair)  
Owner, E L Sovran  
Professional Corp.  
MBA, CPA, CA



**Jeewen Gill**  
(Retired Dec, 2022)  
Councillor, City of Windsor,  
Ward 7



**Julian (Jules) Hawkins**  
(Retired Jan, 2023)  
FCPA, FCA  
Partner, Hawkins & Co.  
Accounting Professional  
Corp.



**J. Douglas Lawson**  
Counsel, Willis Business Law  
O.Ont. QC, LL.D



**Kieran McKenzie**  
(Chair, appointed Jan, 2023)  
Councillor, City of Windsor,  
Ward 9  
BA



**Jim Morrison**  
Councillor, City of Windsor,  
Ward 10  
PFP



**Mario Sonogo**  
Retired City of Windsor  
Engineer  
President, Sonogo  
Management Inc.  
P.Eng.

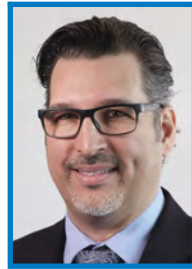
# ENWIN UTILITIES LTD.\*

# SENIOR MANAGEMENT

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**Helga Reidel**  
(Retired Dec, 2022)  
President & CEO  
FCPA, FCA, ICD.D



**Garry Rossi**  
(President & CEO, appointed  
Jan, 2023)  
Vice President Water Operations  
P.Eng



**Paul Gleason**  
Vice President Customer  
Care & Corporate  
Operations  
BA, LLM, CSCMP



**Kris Taylor**  
Vice President Business  
Development  
MBA, CEM



**Jim Brown**  
Vice President Hydro  
Operations  
P.Eng



**Matt Carlini**  
Vice President Corporate  
Services & CFO  
CPA, CA, MBA



**Christopher Manzon**  
Director Engineering Water  
M.A.Sc., P.Eng



**David Melnyk**  
Director Water Operations  
C.E.T. (Civil Eng.)

\*Windsor Utilities Commission maintains a contract of service with ENWIN Utilities Ltd. to operate and maintain the WUC owned water system that serves customers in Windsor, Tecumseh, and LaSalle.

# COMMISSIONER ATTENDANCE

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Windsor Utilities Commission			
Commissioners	Attend	Held	%
Drew Dilkens	4	6	67
Egidio Sovran	6	6	100
Jeewen Gill	6	6	100
Julian (Jules) Hawkins	6	6	100
J. Douglas Lawson	6	6	100
Kieran McKenzie	6	6	100
Jim Morrison	5	6	83
Mario Sonego	6	6	100

# MESSAGE FROM CHAIR OF WUC AND VP WATER OPERATIONS

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On behalf of the Windsor Utilities Commission (WUC), we are pleased to present our 2022 annual report.

The beginning of 2022 involved a fair amount of uncertainty following two years of obstacles and challenges brought about by the COVID-19 global pandemic.

Luckily, restrictions began to lift and a sense of optimism emerged. However, as the risk of COVID remained, our teams maintained a cautious and methodical approach to lessening our organization's pandemic protocols and reintegrating staff back into the office.

Despite those initial challenges and uncertainties from last year, the Windsor Utilities Commission remains steady in our commitment to our community in providing safe, clean, and reliable water. This was exemplified in our achievement of receiving a 100% inspection rating from the Ministry of the Environment, Conservation and Parks for the eleventh consecutive year. This achievement would not have occurred without the hard work and dedication of our team members.

One of the highlights of the year was the A. H. Weeks Water Treatment Plant West Building opening its doors once again, for public tours of the water treatment facility. This event, hosted by Doors Open Windsor, generated over 400 attendees over just two short days. ENWIN team

members volunteered their time for the entire weekend conducting tours, providing refreshments, and answering questions. This made for a memorable experience for our customers who touted it as one of the highlights of the Doors Open experience.

One of the larger announcements of 2022 was the plan for the development of a joint reservoir solution with Union Water. This much-needed connection will uphold the integrity of both major water services in Windsor-Essex should an emergency occur, thus, helping safeguard our residents by protecting their drinking water supply. As planning continues, we look forward to this monumental project proceeding.

As we progress into 2023, we are happy to announce that discussions have commenced regarding the reintroduction of educational tours of the water treatment facility with local schools. These tours were once a main point of outreach for WUC and helped students learn about the amazing process and people involved in providing their community with safe drinking water.

This upcoming year also marks a change in leadership, as we are happy to announce the appointment of Robert Spagnuolo as the new Vice President of Water Operations. In his previous role as the Director of Customer Care, Robert

has exemplified excellence, especially in customer service, and we are confident that his wealth of knowledge will be a great asset to the Windsor Utilities Commission.

We know that WUC's legacy of providing our community with safe, reliable drinking water and exceptional innovation and customer service will continue, especially with the help of its amazing team, who have worked tirelessly at ensuring the safety and security of the drinking water supply for Windsor, Tecumseh, and LaSalle.



Mayor Drew Dilkens  
Chair, Windsor Utilities Commission



Garry Rossi,  
Vice President Water Operations  
ENWIN Utilities Ltd.

# MISSION, VISION AND VALUES

---

ENWIN is the accredited water system operator for WUC. As part of the ENWIN Group of Companies, our mission is to provide safe and reliable energy and water services in a cost effective, sustainable manner.

A core premise of our Strategic Direction is that our service model is undergoing significant transformation — taking on a more decentralized, customer-centric, technologically advanced and environmentally sustainable form.

For WUC, this means ensuring that we have the human, fiscal and capital asset resources to continue to provide existing and modernized service levels to the community. We must also assess our environmental footprint to make certain that we are balanced in our use of resources.

As the energy and water needs and options of our customers and our community evolve — and as signature projects and developments proceed — WUC will play a leading role in helping our city to become a smart energy centre with a reliable, potable water system.

We embrace our role in water distribution and will continue our service to the community, as we work to develop redundancy in the system to ensure water system resiliency.

## Our Core Values

Leadership

Accountability

Integrity

## Mission

To provide safe and reliable energy and water services in a cost effective, sustainable manner.

---

## Vision

To be a trusted leader in providing exceptional value and services to our customers and stakeholders.

---

# INTRODUCTION TO WUC OPERATIONS

In 2022, WUC produced 36,338 million litres of potable water for use by the citizens of the City of Windsor, the Town of LaSalle and the Town of Tecumseh, as well as the industrial, commercial, and institutional customers of the region.

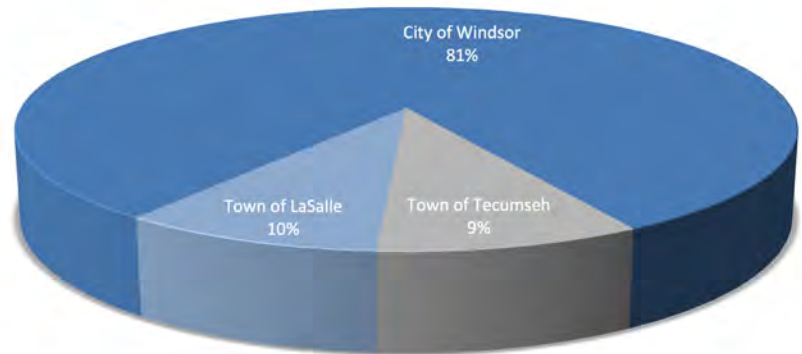
The summary contained in Appendix A, Table 1 (page 20), provides a detailed breakdown of the monthly production rates. The volume of water transferred to the Town of LaSalle and the Town of Tecumseh is also provided.

Under the Municipal Drinking Water License and Ontario Reg. 170/03 there are a number of Schedules that outline the requirements for compliance with the Safe Drinking Water Act (SDWA). This report highlights the requirements of the applicable section of the regulation, along with a statement of compliance or, if applicable, specific areas of non-compliance with the schedule requirements.

## 2022 Total Treated Water by Municipality

Volume in megalitres (ML)

Town of LaSalle	<b>3,436</b>	<b>9.46%</b>
Town of Tecumseh	<b>3,367</b>	<b>9.27%</b>
City of Windsor	<b>29,534</b>	<b>81.28%</b>



Percentage of water delivered to each served Municipality.

# TREATMENT EQUIPMENT

O.Reg 170/04, Schedule 1 dictates that the owner of a drinking water system shall ensure that approved water treatment equipment, as specified in the Drinking Water Works Permit, is provided and is in operation whenever water is being supplied for potable use.

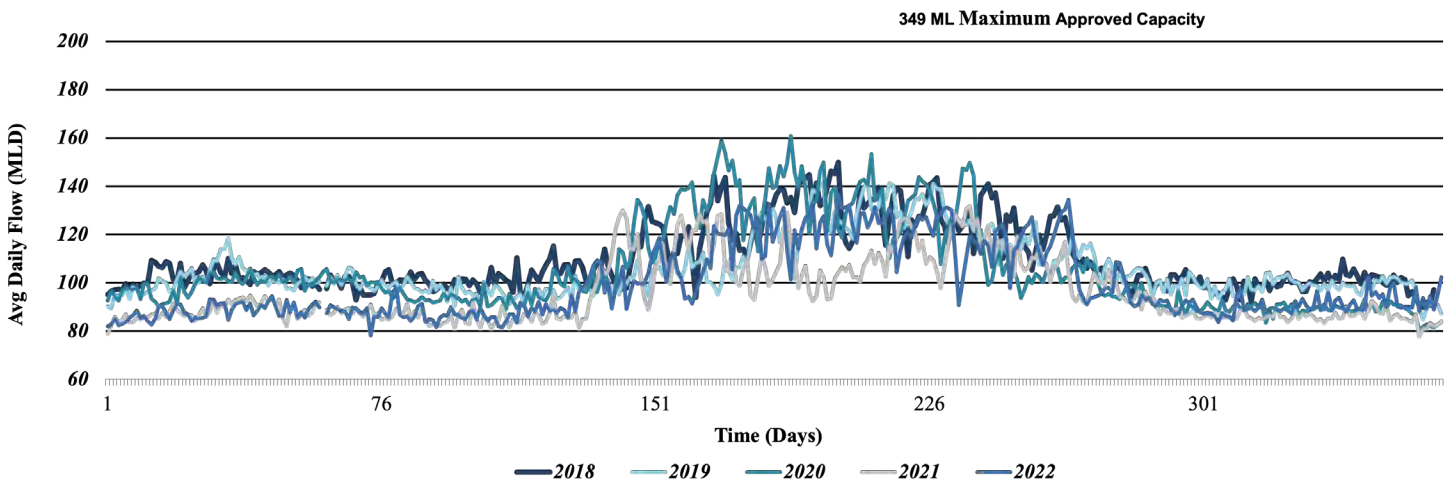
Further, the regulation requires that the equipment be operated in a manner that achieves its design capabilities and that only certified operators carry out operation of the system.

In the calendar year 2022, WUC complied fully with this section of the regulations.

Chart 3 (below) depicts WUC's average

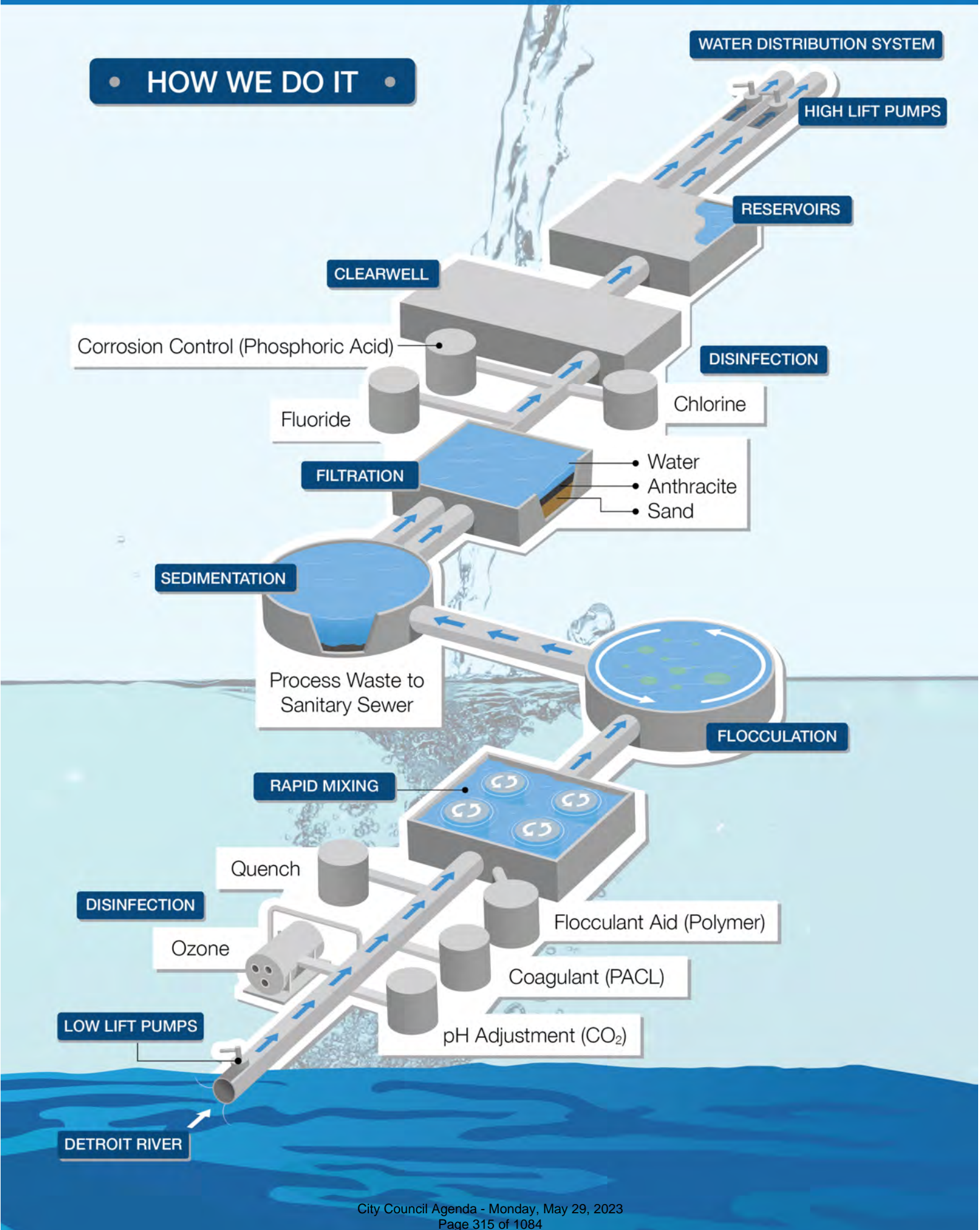
daily water flow for the 2016 - 2022 calendar years. Of particular note is the approved 349 ML daily maximum treatment capacity of WUC's treatment plants. As illustrated in the chart, WUC is operating well within the approved limits of its license and permit.

Chart 3: 2016-2022 Volume of Approved Capacity





# • HOW WE DO IT •



# OPERATIONAL CHECKS, SAMPLING AND TESTING

O.Reg 170/03, Schedule 6 outlines:

- The frequency of sampling and testing requirements;
- The requirement for chlorine residual testing to be carried out at the time microbiological samples are collected;
- The location at which samples are to be collected;
- The form of sampling to be undertaken and the requirements for continuous monitoring equipment; and
- Clarification of how samples are to be handled and recorded, and the need for an appropriately accredited laboratory to carry out the sample analysis.

In the calendar year 2022, WUC complied fully with this section of the regulations.

## Operational Checks

O.Reg 170/03, Schedule 7 specifies the requirements for continuous monitoring of equipment for free chlorine residual and turbidity, and the required location for this equipment. The regulation dictates the requirement for regular collection and analysis of samples by an appropriately certified individual. The chart below summarizes the results for the parameters mentioned above.

In the calendar year 2022, WUC complied fully with this section of the regulations.

## Microbiological Sampling and Testing

O.Reg 170/03, Schedule 10 provides the requirements for sampling and testing of microbiological parameters.

The schedule states that for large municipal systems serving a population of more than 100,000 people, the required monthly frequency of sampling is 100 distribution samples, plus one additional sample for every 10,000 people served, with at least three samples being taken in each week.

Each of these samples are to be tested for Escherichia Coli and Total Coliform, with a requirement that at least 25 per cent of the samples be tested for general bacteria population, expressed as colony counts on a heterotrophic plate count. Windsor’s required sampling frequency is 130 samples monthly.

In 2022, 1,963 samples were collected and analyzed: an average of 164 samples per month. Approximately 49 per cent of the distribution samples

Chart 4: 2022 Operation Trends



were also analyzed for heterotrophic plate count. In addition, each sample was tested for free chlorine residual at the time the sample was taken.

Schedule 10 states that a treated water sample must be taken at least once per week and tested for Escherichia Coli and Total Coliform. Windsor's treated water samples were generally collected and tested on average five days per week.

The schedule further states that a raw water sample must be taken at least once per week, before any treatment is applied to the water, and that the sample be tested for Escherichia Coli and Total Coliform. Samples were collected and tested on average five days per week. Chart 5 (below) indicates the number of samples taken on a monthly basis.

**Chemical Sampling and Testing**

O.Reg 170/04, Schedule 13 provides the requirements for sample collection and testing for a variety of chemical components in drinking water. Additionally, it lists the Maximum Acceptable Concentration (MAC) for each component. The requirements are outlined in the following sections, along with the status of Windsor's sampling program.

**Inorganics**

One sample must be collected and tested every 12 months, if the source is surface water, and tested for every parameter set out in Schedule 23 (see page 15 for Table 13.2 - Inorganics, Lead, Nitrates, and Sodium Sample Results).

In 2022, ENWIN, on behalf of WUC, collected and tested samples for every parameter set out in Schedule 23 on a quarterly basis.

**Organics**

One sample must be collected and tested every 12 months, if the source is surface water, and tested for every parameter set out in Schedule 24 (see page 17 for Table 13.3 - Organics, THM's and HAA's Sample Results).

In 2022, ENWIN, on behalf of WUC, collected samples and tested for every parameter set out in Schedule 24 on a quarterly basis.

**Trihalomethane (THM's) and Haloacetic Acids (HAAs)**

For any system that provides chlorination, one distribution sample must be collected and tested for

trihalomethanes every three months (see page 17 for Table 13.3 - Organics, THM's and HAA's Sample Results).

In 2022, ENWIN, on behalf of WUC, collected samples and tested for trihalomethanes on a quarterly basis.

**Bromates**

For the system that provide ozonation, as primary disinfection, one treated water sample must be collected monthly, from each Water Treatment Plant (see page 15 for Table 13.1 - Bromate Sample Results).

In 2022, ENWIN, on behalf of WUC collected samples and tested for Bromates on a monthly basis.

**Lead**

One sample must be collected and tested every 12 months for Lead (see page 15 for Table 13.2 - Inorganics, Lead, Nitrates, and Sodium Sample Results).

In 2022, ENWIN, on behalf of WUC, collected samples and tested for lead in a treated water sample and a distribution sample on a quarterly basis.

**Chart 5: Microbiological Sample Count**

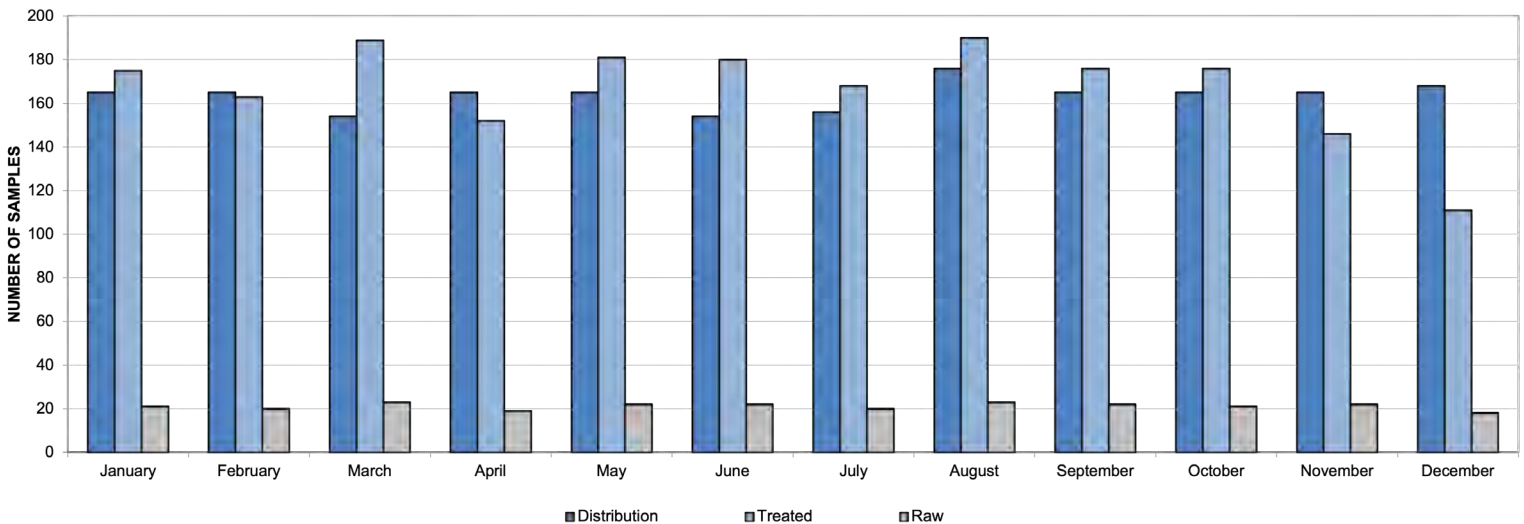


Table 13.1 - Bromate Sample Results

Date of legal instrument issued	Parameter	Date Sampled	Running Annual Average Result	Unit of Measure
MDWL 025-101	Bromate - Treated	1-Jan-22 to 31-Dec-22	<b>0.004</b>	mg/L
MDWL 025-101	Bromate - Distribution	1-Jan-22 to 31-Dec-22	<b>0.003</b>	mg/L

Table 13.2 - Inorganics, Lead, Nitrates and Sodium Results

Parameter	Sample Date	Result Value	Unit of Measure	Exceedence
Antimony	26-Oct-22	0.0001	mg/L	NO
Arsenic	26-Oct-22	0.0003	mg/L	NO
Barium	26-Oct-22	0.0161	mg/L	NO
Boron	26-Oct-22	0.015	mg/L	NO
Cadmium	26-Oct-22	0.00001	mg/L	NO
Chromium	26-Oct-22	0.0005 <MDL	mg/L	NO
*Lead	26-Oct-22	0.0005 <MDL	mg/L	NO
Mercury	26-Oct-22	0.00010 <MDL	mg/L	NO
Selenium	26-Oct-22	0.00009	mg/L	NO
Sodium	12-Jan-22	6.21	mg/L	NO
Uranium	26-Oct-22	0.00007	mg/L	NO
Fluoride	12-Jan-22	0.44	mg/L	NO
Nitrite	26-Oct-22	0.010 <MDL	mg/L	NO
Nitrate	26-Oct-22	0.24	mg/L	NO

**Nitrates and Nitrites**

The owner of a drinking water system (WUC) and the operating authority for the system (ENWIN) must ensure that at least one water sample is taken every three months and tested for nitrate and nitrite (see above for Table 13.2 - Inorganics, Lead, Nitrates, and Sodium Sample Results).

In 2022, ENWIN, on behalf of WUC, collected samples and tested for nitrates and nitrites on a quarterly basis.

**Sodium**

Schedule 13 stipulates that at least one water sample is taken every 60 months and tested for sodium (see above for Table 13.2 - Inorganics, Lead, Nitrates, and Sodium Sample Results).

In 2022, ENWIN, on behalf of WUC, last collected and sampled for sodium on January 12, 2022.

**Sampling & Testing: Lead**

The Municipal Drinking Water License requires 60 samples annually to monitor corrosion control effectiveness. Sample locations include private, non-private and distribution systems. Each of these samples are to be tested for lead.

A total of 181 lead sample locations were collected and tested in 2022: 112 private and non-private samples and 69 samples in distribution.

As the COVID-19 restrictions have been lifted, lead samples were collected from the kitchen tap as prescribed in O.Reg 170/03. The option to collect at

an outside tap remains optional in our Municipal Drinking Water Licence.

In the calendar year 2022, WUC complied fully with the requirements of the License.

**Reporting Test Results**

If a sample collected and tested indicates an adverse result, as outlined in the regulations, the owner of a drinking water system must report the result to the Medical Officer of Health (MOH) and the Spills Action Centre (SAC) of the Ministry of Environment, Conservation and Parks (MECP). If an observation other than an adverse test result indicates that a drinking water system is directing water that may not be adequately disinfected to users of the water system, the observation must be reported to the MOH and the SAC.



If a report is required under this section, a verbal report must be provided to the MOH by speaking directly to a person at the Windsor Essex County Health Unit (WECHU) or the designated on-call representative. In addition, a verbal report must be provided to the Ministry by contacting the SAC.

These verbal reports of adverse water conditions must be verified by written notice within 24 hours to the MOH and the SAC specifying the nature of the adverse result, actions being taken or observation and what corrective action is being taken.

Within seven days of resolution of a problem, a follow up written notice is to be provided outlining the resolution that gave rise to the adverse result report.

In 2022, there were seven adverse incidents requiring notification of the MOH and the SAC. Details are as follows:

- Lead result of 84.1 µg/L at a hydrant;
- Total Colifom result of 1 CFU/100mL and Eschericia Coli of 1 CFU/mL – Treated Water;
- Total Colifom result of 1 CFU/100mL at Sample Station near Ojibway Parkway;
- Fluoride result of 1.8 mg/L at the Sample Station located at the intersection Highway 3 and Howard Ave (Laboratory error);
- Total Colifom result of 1 CFU/100mL at George Ave Pumping Station;
- Total Colifom result of 1 CFU/100mL – Treated Water; and
- Lead result of 92.1 µg/L at a hydrant.

Notifications were made to the MOH and the SAC.

Chart 6 (right) presents the number of Adverse Water Quality Incidents from 2012-2022.

**Corrective Action**

This schedule outlines required corrective action to be followed with the determination of an adverse result requiring notification.

In all cases, the required corrective action was followed, as directed by the Medical Officer of Health.

**Summary Report for Municipalities**

Not later than March 31 of each year, a summary report must be prepared for the preceding calendar year and submitted to members of municipal council and members of a municipal services board, if one exists.

The submission of this report fulfills the requirement for this section of the regulations.

Summarizing tables are attached for review:

Table 1 – 2022 Treated Water Volume (page 20)

Table 2 – 2022 Volume as a Percentage of Approved Plant Capacity (pages 21-22)

Table 3 – 2022 Microbiological Sample Count (page 22)

Table 4 – 2022 Distribution Chlorine Residuals (page 23-24)

Table 5 – 2022 Operational Parameters (page 25)

A copy of Schedule 23 (Inorganic Test Parameters) and Schedule 24 (Organic Test Parameters) are attached for information, as previously submitted and as required by the regulation (pages 25-26).

**Chart 6: Adverse Water Quality Incidents**

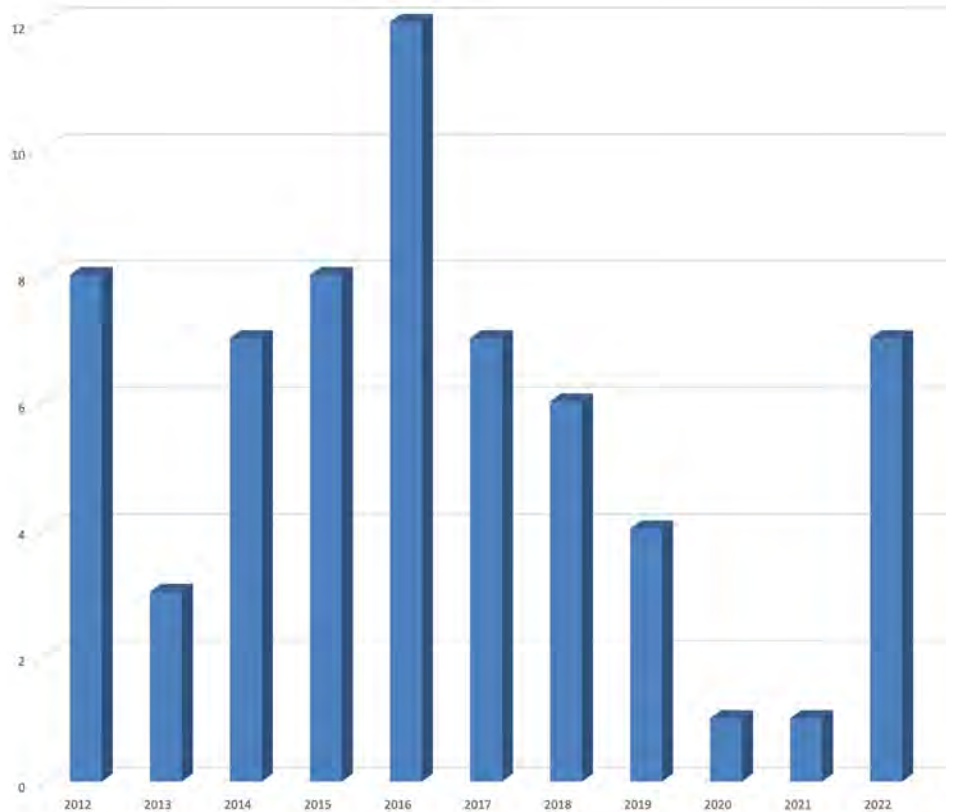


Table 13.3 - Organics, THM's and HAA's Sample Results

Parameter	Sample Date	Result Value	Unit of Measure	Exceedence
Alachlor	26-Oct-22	0.00050 <MDL	mg/L	NO
Atrazine + N-dealkylated metabolites	26-Oct-22	0.001 <MDL	mg/L	NO
Azinphos-methyl	26-Oct-22	0.0020 <MDL	mg/L	NO
Benzene	26-Oct-22	0.0001 <MDL	mg/L	NO
Benzo(a)pyrene	26-Oct-22	0.0000050 <MDL	mg/L	NO
Bromoxynil	26-Oct-22	0.00050 <MDL	mg/L	NO
Carbaryl	26-Oct-22	0.005 <MDL	mg/L	NO
Carbofuran	26-Oct-22	0.005 <MDL	mg/L	NO
Carbon Tetrachloride	26-Oct-22	0.00010 <MDL	mg/L	NO
Chlorpyrifos	26-Oct-22	0.001 <MDL	mg/L	NO
Diazinon	26-Oct-22	0.001 <MDL	mg/L	NO
Dicamba	26-Oct-22	0.001 <MDL	mg/L	NO
1,2-Dichlorobenzene	26-Oct-22	0.00020 <MDL	mg/L	NO
1,4Dichlorobenzene	26-Oct-22	0.00020 <MDL	mg/L	NO
1,2-Dichloroethane	26-Oct-22	0.00020 <MDL	mg/L	NO
1,1-Dichloroethylene (vinylidene chloride)	26-Oct-22	0.00010 <MDL	mg/L	NO
Dichloromethane	26-Oct-22	0.00050 <MDL	mg/L	NO
2,4-Dichlorophenol	26-Oct-22	0.00025 <MDL	mg/L	NO
2,4-Dichlorophenoxy acetic acid (2,4-D)	26-Oct-22	0.001 <MDL	mg/L	NO
Diclofop-methyl	26-Oct-22	0.00090 <MDL	mg/L	NO
Dimethoate	26-Oct-22	0.0025 <MDL	mg/L	NO
Diquat	26-Oct-22	0.007 <MDL	mg/L	NO
Diuron	26-Oct-22	0.010 <MDL	mg/L	NO
Glyphosate	26-Oct-22	0.010 <MDL	mg/L	NO
Haloacetic Acids (HAA5)		Avg.		
(Note: show latest running annual average)				
Q1 2022 = <0.0053 mg/L	Running Annual average	<0.0050	mg/L	NO
Q2 2022 = <0.0050 mg/L				
Q3 2022 = <0.0050 mg/L				
Q4 2022 = <0.0050 mg/L				
Malathion	26-Oct-22	0.0050 <MDL	mg/L	NO
MCPA	26-Oct-22	0.010 <MDL	mg/L	NO
Metolachlor	26-Oct-22	0.00050 <MDL	mg/L	NO
Metribuzin	26-Oct-22	0.0050 <MDL	mg/L	NO
Monochlorobenzene	26-Oct-22	0.00010 <MDL	mg/L	NO
Paraquat	26-Oct-22	0.001 <MDL	mg/L	NO
Pentachlorophenol	26-Oct-22	0.00050 <MDL	mg/L	NO
Phorate	26-Oct-22	0.00050 <MDL	mg/L	NO
Picloram	26-Oct-22	0.0050 <MDL	mg/L	NO
Polychlorinated Biphenyls (PCB)	26-Oct-22	0.00005 <MDL	mg/L	NO
Prometryne	26-Oct-22	0.00025 <MDL	mg/L	NO
Simazine	26-Oct-22	0.0010 <MDL	mg/L	NO
THM		Avg.		
(Note: show latest running annual average)				
Q1 2022 = 0.0038 mg/L	Running Annual average	0.0085	mg/L	NO
Q2 2022 = 0.00953 mg/L				
Q3 2022 = 0.0154 mg/L				
Q4 2022 = 0.00532 mg/L				
Terbofos	26-Oct-22	0.00050 <MDL	mg/L	NO
Tetrachlorethylene	26-Oct-22	0.00010 <MDL	mg/L	NO
2,3,4,6-Tetrachlorophenol	26-Oct-22	0.00050 <MDL	mg/L	NO
Triallate	26-Oct-22	0.0010 <MDL	mg/L	NO
Trichloroethylene	26-Oct-22	0.00010 <MDL	mg/L	NO
2,4,6-Trichlorophenol	26-Oct-22	0.00050 <MDL	mg/L	NO
Trifluralin	26-Oct-22	0.00007	mg/L	NO
Vinyl Chloride	26-Oct-22	0.00020 <MDL	mg/L	NO

# CAPITAL RENEWAL PROGRAM

## Water Meter Replacement Program

The goal of WUC's Water Meter Replacement Program is to replace all damaged, frozen, defective, aging and obsolete water meters, in residential and industrial, commercial and institutional (ICI) settings.

New meters provide benefits that include:

- Increased accuracy in billing for our customers;
- Improved efficiency in meter reading, as reads can be obtained via radio frequency (RF); and
- Enhanced ability to identify the sources and manage the causes of non-revenue water, thereby limiting revenue loss for both WUC and its ratepayers.

WUC installed 1,444 new meters in 2022. A very small number of non-RF meters remained in the field at year end. The remaining meters are either located in vacant properties or conditions at the customer site require additional attention prior to replacement. These replacements

will be coordinated with customers on a case-by-case basis going forward.

At year end, the average age of WUC's total meter population is four years. For ICIs only, the average age is 8.1 years.

All meter reading routes are now using the drive-by (RF) method to collect meter data.

Aside from the exceptions noted, the Water Meter Replacement Program is now considered complete.

## Watermain Replacement Program

The 2022 WUC capital renewal program involved the replacement of approximately 16.7 km of existing cast and ductile iron watermains, as well as water services, with new PVC pipelines and polyethylene/copper tubing, respectively.

Water services are typically replaced from the new main to the property line.

The projects included watermains that no longer provided adequate service, and which were deemed to have the highest risk to public health.

The MECP and Ontario Fire Codes (OFC) mandate minimum levels of performance required for hydrants throughout the water distribution system. In 2022, 124 water hydrants were installed.

WUC capital projects, such as renewal of cast iron watermain, are prioritized based on a scoring system algorithm. A point score is assigned to the seven criteria listed below to determine the priority of the project.

The higher the risk to public health and safety, the higher the score, hence, the higher the priority status assigned. The algorithm uses the following priority:

- Anticipated percentage or total number of lead services;
- Deficient hydrant spacing;
- Low fire flow;
- Pipe diameter;
- Breaks per 100m with an emphasis on recency;
- Disturbed water per 100m;
- Age (life cycle of pipe type).



New Surge Protection and Pressure Relief Valve at George Pump Station.

**Filter Bed Rehabilitation – Phase 4**

WUC continues rehabilitation of our eight (8) dual media filters at the A. H. Weeks Treatment Plant (WTP) including removal of the existing plastic underdrain system, waterproof coating of the filter beds and walls, installation of new stainless-steel underdrains and installation of new anthracite and sand filter media. The new underdrain system and media will increase the overall filter performance. As of January 2023, WUC has completed six out of eight filters rehabilitations. Approximate capital expenditure for phase 4 of the rehabilitations is \$4.2M.

**Fluoride Implementation**

As part of the overall fluoride implementation project, ENWIN continued the fluoride pipe loop study utilizing the existing pipe loop at the A. H. Weeks WTP with the goal of studying possible interference, if any, with the effectiveness of the existing corrosion control plan. The study continued after fluoride was introduced for approximately ten (10)

months for monitoring purposes. In early 2021, ENWIN contracted Jacobs Engineering for the detailed design of the permanent fluoride dosing system which is now completed. ENWIN also opted to construct a temporary dosing system to begin the dosing of fluoride into the distribution system ahead of completion of the permanent dosing system. The temporary dosing system was commissioned in January 2022. Construction of the permanent system was tendered and awarded in July 2022 and has been on-going through the second half of 2022. The system has been put in service in February 2023. Approximate cost to date for the overall project is \$1.2M.

**SCADA Network Upgrade**

ENWIN engaged the service of Rockwell for the design and implementation of an upgraded SCADA network at the A.H. Weeks WTP. The project will update and improve the current SCADA network infrastructure adding increased security measures in line with current industry best

practices. Installation and commissioning of the new network was completed in November 2022. Approximate capital expenditure \$820,000.

**Ozone Power Supply Unit (PSU) Upgrades**

ENWIN procured the services of Suez Water Technologies to begin the refurbishment of two of the Ozone Generator Power Supply Units (PSU). The current PSU components for Ozone Generators #1 and #2 are at end of life and in need of replacement. ENWIN tendered the work for the PSU upgrades in summer 2022 and began work on the PSU upgrades following receipt of the replacement equipment in October 2022. The project is expected to be completed in the first half of 2023. Approximate capital expenditure of \$588,000 in 2022.



New Fluoride Storage Tanks and Chemical Containment Wall.



# APPENDIX A: OPERATIONAL CHARTS

Table 1 - 2022 Treated Water Volume

MONTH	TOTAL PUMPED M.L. (Windsor / Las/Tec)	TOWN OF LASALLE M.L.	TOWN OF TECUMSEH M.L.	CITY OF WINDSOR M.L.
JANUARY	2,687	180	216	2,291
FEBRUARY	2,512	204	190	2,118
MARCH	2,716	227	209	2,280
APRIL	2,609	210	211	2,188
MAY	3,060	264	262	2,534
JUNE	3,399	399	287	2,713
JULY	3,836	429	416	2,991
AUGUST	3,697	407	382	2,908
SEPTEMBER	3,374	362	378	2,634
OCTOBER	2,869	280	313	2,276
NOVEMBER	2,701	232	260	2,209
DECEMBER	2,877	242	241	2,393
<b>TOTAL</b>	<b>36,338</b>	<b>3,436</b>	<b>3,367</b>	<b>29,534</b>
<b>AVERAGE</b>	<b>3,028</b>	<b>286</b>	<b>281</b>	<b>2,461</b>

Table 2 - 2022 Volume as Percentage of Approved Plant Capacity

Date	January		February		March		April		May		June	
	Average Daily Flow (MLD)	Plant Capacity %	Average Daily Flow (MLD)	Plant Capacity %	Average Daily Flow (MLD)	Plant Capacity %	Average Daily Flow (MLD)	Plant Capacity %	Average Daily Flow (MLD)	Plant Capacity %	Average Daily Flow (MLD)	Plant Capacity %
1	82.1	24%	91.5	26%	87.5	25%	85.6	25%	88.5	25%	108.9	31%
2	82.8	24%	91.6	26%	90.7	26%	86.7	25%	89.0	26%	100.7	29%
3	85.3	24%	84.7	24%	89.9	26%	86.2	25%	87.7	25%	110.1	32%
4	82.5	24%	88.7	25%	89.3	26%	89.9	26%	89.6	26%	112.4	32%
5	82.9	24%	91.3	26%	88.3	25%	86.9	25%	88.7	25%	105.1	30%
6	83.9	24%	91.9	26%	88.2	25%	87.0	25%	85.8	25%	102.2	29%
7	85.6	25%	92.5	26%	84.9	24%	85.4	24%	95.1	27%	93.4	27%
8	86.5	25%	88.7	25%	89.8	26%	85.2	24%	88.2	25%	94.2	27%
9	88.5	25%	91.7	26%	89.5	26%	87.9	25%	96.5	28%	91.4	26%
10	85.5	25%	86.6	25%	88.0	25%	88.9	25%	97.8	28%	96.9	28%
11	86.3	25%	88.4	25%	87.4	25%	85.0	24%	99.7	29%	100.4	29%
12	84.2	24%	91.0	26%	89.5	26%	89.6	26%	102.7	29%	104.7	30%
13	82.6	24%	89.4	26%	78.1	22%	86.6	25%	107.2	31%	109.8	31%
14	85.1	24%	92.4	26%	86.2	25%	84.3	24%	109.3	31%	106.1	30%
15	90.3	26%	94.6	27%	85.9	25%	85.8	25%	108.9	31%	123.6	35%
16	90.2	26%	90.1	26%	89.5	26%	85.8	25%	95.9	27%	120.4	35%
17	87.6	25%	86.2	25%	87.1	25%	82.0	23%	100.8	29%	120.1	34%
18	85.0	24%	86.5	25%	86.1	25%	81.5	23%	90.3	26%	119.8	34%
19	88.7	25%	92.9	27%	96.1	28%	84.0	24%	97.4	28%	122.4	35%
20	91.3	26%	87.9	25%	97.9	28%	87.0	25%	100.4	29%	105.4	30%
21	91.0	26%	91.9	26%	86.8	25%	86.9	25%	106.7	31%	127.9	37%
22	87.8	25%	85.9	25%	85.8	25%	83.6	24%	89.2	26%	132.0	38%
23	87.1	25%	87.9	25%	86.1	25%	91.9	26%	95.2	27%	130.9	38%
24	84.3	24%	85.6	25%	84.1	24%	91.2	26%	100.9	29%	129.5	37%
25	85.7	25%	89.2	26%	86.0	25%	86.0	25%	99.7	29%	128.0	37%
26	85.2	24%	91.0	26%	90.5	26%	89.6	26%	99.9	29%	122.2	35%
27	85.5	25%	92.4	26%	91.3	26%	88.3	25%	100.1	29%	127.1	36%
28	86.4	25%	89.8	26%	83.9	24%	92.1	26%	104.1	30%	110.1	32%
29	93.2	27%			85.0	24%	86.9	25%	111.5	32%	111.1	32%
30	93.1	27%			84.5	24%	91.1	26%	114.7	33%	132.7	38%
31	90.5	26%			81.7	23%			118.7	34%		
MAX	93.2	27%	94.6	27%	97.9	28%	92.1	26%	118.7	34%	132.7	38%

Table 2 - 2022 Volume as Percentage of Approved Plant Capacity

Date	July		August		September		October		November		December	
	Average Daily Flow (MLD)	Plant Capacity %	Average Daily Flow (MLD)	Plant Capacity %	Average Daily Flow (MLD)	Plant Capacity %	Average Daily Flow (MLD)	Plant Capacity %	Average Daily Flow (MLD)	Plant Capacity %	Average Daily Flow (MLD)	Plant Capacity %
1	117.0	34%	127.3	36%	122.9	35%	97.9	28%	87.4	25%	89.0	26%
2	121.7	35%	130.9	38%	124.2	36%	96.1	28%	86.6	25%	92.7	27%
3	127.3	36%	127.5	37%	118.1	34%	108.5	31%	86.1	25%	93.9	27%
4	131.0	38%	104.5	30%	97.8	28%	108.2	31%	84.4	24%	90.5	26%
5	114.0	33%	113.5	33%	113.7	33%	102.9	29%	94.6	27%	88.1	25%
6	101.4	29%	119.1	34%	114.8	33%	98.9	28%	98.0	28%	90.9	26%
7	121.8	35%	121.0	35%	119.4	34%	91.9	26%	88.8	25%	92.8	27%
8	114.0	33%	118.7	34%	123.0	35%	90.3	26%	89.1	26%	89.3	26%
9	122.3	35%	123.7	35%	124.3	36%	90.9	26%	89.7	26%	89.1	26%
10	127.0	36%	127.4	36%	127.3	36%	94.9	27%	88.2	25%	88.9	25%
11	128.3	37%	126.2	36%	117.2	34%	93.5	27%	89.9	26%	102.9	29%
12	133.3	38%	127.3	36%	112.8	32%	94.0	27%	93.1	27%	94.6	27%
13	114.2	33%	122.7	35%	107.4	31%	91.3	26%	87.8	25%	96.2	28%
14	125.1	36%	119.4	34%	112.5	32%	90.8	26%	89.4	26%	93.8	27%
15	127.7	37%	128.7	37%	115.3	33%	93.0	27%	89.6	26%	95.3	27%
16	115.8	33%	128.1	37%	119.4	34%	92.4	26%	89.2	26%	90.3	26%
17	111.3	32%	131.1	38%	124.6	36%	92.5	27%	88.2	25%	98.3	28%
18	124.7	36%	131.1	38%	129.3	37%	88.7	25%	89.3	26%	100.3	29%
19	136.9	39%	130.0	37%	130.5	37%	88.2	25%	88.5	25%	90.2	26%
20	130.9	37%	110.3	32%	134.5	39%	87.2	25%	87.3	25%	89.6	26%
21	131.3	38%	90.7	26%	121.2	35%	90.3	26%	92.5	27%	90.1	26%
22	132.1	38%	100.9	29%	106.8	31%	92.7	27%	90.2	26%	90.1	26%
23	123.0	35%	110.7	32%	97.2	28%	91.6	26%	93.4	27%	89.7	26%
24	116.7	33%	119.4	34%	93.7	27%	93.0	27%	90.6	26%	98.4	28%
25	128.4	37%	117.8	34%	91.1	26%	89.8	26%	89.0	25%	88.2	25%
26	128.9	37%	115.8	33%	93.7	27%	87.7	25%	89.9	26%	93.7	27%
27	122.9	35%	112.0	32%	94.0	27%	87.2	25%	96.7	28%	89.4	26%
28	126.4	36%	117.6	34%	94.7	27%	87.6	25%	88.7	25%	94.5	27%
29	131.6	38%	115.4	33%	95.4	27%	87.3	25%	89.0	26%	88.8	25%
30	124.8	36%	106.6	31%	98.0	28%	86.3	25%	96.2	28%	95.1	27%
31	125.1	36%	121.7	35%			83.7	24%			102.2	29%
MAX	136.9	39%	131.1	38%	134.5	39%	108.5	31%	98.0	28%	102.9	29%

Note: white section indicates peak consumption for the year.

Table 3 - 2022 Microbiological Sample Count

Table 3 - 2022 Microbiological Sample Count												
Month	January	February	March	April	May	June	July	August	September	October	November	December
DISTRIBUTION	165	165	154	165	165	154	156	176	165	165	165	168
TREATED	175	163	189	152	181	180	168	190	176	176	146	111
RAW	21	20	23	19	22	22	20	23	22	21	22	18
TOTAL	361	348	366	336	368	356	344	389	363	362	333	297

Table 4 - 2022 Distribution Chlorine Residuals

JANUARY TO MARCH 2022

	D1	D2	D3	D4	D5	D6	D7	D8	D9	D10	D11	D12	D13	D14	D15	D16	D17	D18	D20	D21	D22
<b>Jan</b>																					
LOW	1.41	1.07	0.96	1.16	1.03	1.19	0.99	1.24	1.08	1.48	1.07	0.94	1.00	1.06	1.08	1.16	1.15	1.34	1.03	0.97	0.94
HIGH	1.62	1.51	1.41	1.35	1.32	1.52	1.49	1.51	1.36	1.75	1.47	1.51	1.32	1.39	1.56	1.45	1.41	1.69	1.32	1.47	1.25
AVG	1.53	1.25	1.21	1.21	1.13	1.36	1.15	1.39	1.24	1.63	1.28	1.27	1.24	1.27	1.34	1.32	1.32	1.44	1.24	1.21	1.14
<b>Feb</b>																					
LOW	1.41	1.31	1.11	1.08	1.09	1.25	1.19	1.12	0.99	1.44	1.13	1.05	1.18	1.18	1.12	1.26	1.10	1.36	1.17	1.06	0.96
HIGH	1.62	1.48	1.40	1.49	1.26	1.54	1.39	1.52	1.39	1.79	1.43	1.52	1.43	1.48	1.47	1.56	1.45	1.67	1.50	1.36	1.24
AVG	1.52	1.40	1.27	1.29	1.15	1.44	1.29	1.38	1.21	1.62	1.34	1.32	1.32	1.34	1.31	1.42	1.31	1.55	1.31	1.21	1.13
<b>Mar</b>																					
LOW	1.49	1.28	1.21	1.27	1.11	1.26	1.09	1.29	1.19	1.44	1.06	1.07	1.01	0.99	0.94	1.01	1.01	1.04	0.98	1.07	0.73
HIGH	1.60	1.61	1.45	1.45	1.41	1.58	1.41	1.60	1.64	1.65	1.63	1.57	1.45	1.59	1.59	1.63	1.63	1.65	1.56	1.37	1.47
AVG	1.55	1.47	1.35	1.37	1.25	1.43	1.25	1.41	1.32	1.58	1.38	1.36	1.28	1.37	1.40	1.44	1.37	1.43	1.31	1.25	1.17
Quarterly Avg	1.53	1.38	1.28	1.29	1.17	1.41	1.23	1.39	1.26	1.61	1.33	1.31	1.28	1.33	1.35	1.39	1.33	1.47	1.29	1.22	1.15

Note: All values in mg/l unless otherwise stated

APRIL TO JUNE 2022

	D1	D2	D3	D4	D5	D6	D7	D8	D9	D10	D11	D12	D13	D14	D15	D16	D17	D18	D20	D21	D22
<b>Apr</b>																					
LOW	1.19	1.13	1.09	1.14	1.06	1.24	1.03	1.05	1.21	1.29	1.24	1.21	1.18	1.29	1.33	1.24	1.25	1.22	1.12	1.13	1.13
HIGH	1.74	1.61	1.63	1.65	1.42	1.63	1.18	1.58	1.68	1.72	1.60	1.49	1.61	1.72	1.62	1.55	1.54	1.58	1.40	1.41	1.34
AVG	1.52	1.38	1.35	1.38	1.25	1.39	1.11	1.35	1.36	1.54	1.41	1.38	1.39	1.44	1.48	1.47	1.39	1.46	1.31	1.25	1.24
<b>May</b>																					
LOW	1.21	1.20	1.13	1.14	1.03	1.29	1.03	1.20	1.23	1.38	1.27	1.30	1.27	1.15	1.27	1.28	1.17	1.12	1.17	1.27	1.27
HIGH	1.56	1.59	1.34	1.42	1.32	1.63	1.41	1.55	1.51	1.59	1.45	1.43	1.43	1.44	1.42	1.44	1.38	1.60	1.44	1.38	1.32
AVG	1.38	1.38	1.22	1.32	1.20	1.40	1.18	1.39	1.36	1.45	1.35	1.35	1.36	1.34	1.34	1.38	1.31	1.35	1.29	1.32	1.21
<b>Jun</b>																					
LOW	0.95	1.08	1.05	1.07	1.01	1.19	0.90	1.12	0.91	1.36	1.04	1.02	1.07	1.16	1.17	0.89	0.99	1.12	1.21	1.02	1.07
HIGH	1.39	1.37	1.44	1.39	1.30	1.53	1.35	1.39	1.41	1.63	1.40	1.46	1.49	1.36	1.59	1.57	1.41	1.45	1.39	1.25	1.22
AVG	1.26	1.24	1.20	1.24	1.13	1.30	1.12	1.27	1.18	1.46	1.25	1.27	1.24	1.27	1.30	1.32	1.27	1.26	1.28	1.19	1.14
Quarterly Avg	1.39	1.33	1.26	1.32	1.20	1.36	1.14	1.34	1.30	1.49	1.34	1.33	1.33	1.35	1.37	1.39	1.32	1.36	1.29	1.25	1.20

NOTE: All values in mg/l unless otherwise stated

Table 4 - 2022 Distribution Chlorine Residuals

JULY TO SEPTEMBER 2022

	D1	D2	D3	D4	D5	D6	D7	D8	D9	D10	D11	D12	D13	D14	D15	D16	D17	D18	D20	D21	D22
<b>Jul</b>																					
<b>LOW</b>	1.24	0.94	0.97	1.05	0.98	1.25	0.83	1.05	1.03	1.32	1.13	1.17	1.19	1.22	1.02	1.11	1.19	1.08	1.04	1.12	0.79
<b>HIGH</b>	1.44	1.39	1.27	1.32	1.19	1.45	1.55	1.32	1.29	1.66	1.36	1.32	1.47	1.53	1.53	1.38	1.33	1.37	1.32	1.42	1.28
<b>AVG</b>	1.36	1.27	1.14	1.21	1.09	1.36	1.16	1.21	1.16	1.47	1.27	1.27	1.26	1.30	1.24	1.28	1.27	1.31	1.21	1.24	1.07
<b>Aug</b>																					
<b>LOW</b>	1.19	1.43	1.30	1.02	0.93	1.14	0.97	0.98	1.02	1.13	1.08	1.03	1.06	1.08	0.99	1.14	1.07	1.11	1.03	1.04	1.01
<b>HIGH</b>	1.40	1.31	1.30	1.25	1.28	1.48	1.09	1.25	1.19	1.45	1.35	1.52	1.34	1.35	1.45	1.43	1.28	1.44	1.21	1.44	1.31
<b>AVG</b>	1.28	1.06	1.14	1.15	1.11	1.29	1.03	1.12	1.10	1.29	1.20	1.17	1.16	1.25	1.21	1.28	1.19	1.28	1.13	1.22	1.09
<b>Sept</b>																					
<b>LOW</b>	1.26	1.16	1.04	1.00	1.00	1.16	0.94	1.05	1.03	1.19	0.92	1.04	1.09	1.08	0.96	1.09	0.71	1.08	1.03	1.05	0.95
<b>HIGH</b>	1.58	1.38	1.20	1.46	1.16	1.62	1.09	1.27	1.33	1.56	1.29	1.31	1.38	1.39	1.28	1.35	1.36	1.50	1.35	1.31	1.10
<b>AVG</b>	1.42	1.23	1.11	1.21	1.07	1.34	1.02	1.17	1.17	1.35	1.16	1.20	1.20	1.24	1.14	1.24	1.17	1.33	1.17	1.14	1.03
<b>Quarterly Avg</b>	1.35	1.19	1.13	1.19	1.09	1.33	1.07	1.17	1.14	1.37	1.21	1.21	1.21	1.26	1.20	1.27	1.21	1.30	1.17	1.20	1.06

NOTE: All values in mg/l unless otherwise stated

OCTOBER TO DECEMBER 2022

	D1	D2	D3	D4	D5	D6	D7	D8	D9	D10	D11	D12	D13	D14	D15	D16	D17	D18	D20	D21	D22
<b>Oct</b>																					
<b>LOW</b>	0.83	0.88	0.97	1.00	0.83	0.92	0.95	1.05	0.78	1.25	1.12	1.11	1.19	1.20	1.15	1.29	1.16	1.28	1.10	0.94	1.00
<b>HIGH</b>	1.47	1.37	1.36	1.42	1.29	1.42	1.38	1.35	1.34	1.53	1.37	1.39	1.46	1.46	1.40	1.39	1.31	1.57	1.30	1.28	1.19
<b>AVG</b>	1.32	1.25	1.19	1.26	1.10	1.25	1.15	1.21	1.12	1.43	1.26	1.25	1.26	1.31	1.29	1.36	1.24	1.38	1.21	1.16	1.06
<b>Nov</b>																					
<b>LOW</b>	1.19	1.00	1.11	0.92	0.89	1.06	1.02	1.04	1.02	1.43	0.72	0.83	1.00	1.00	1.04	1.12	1.02	1.10	0.94	0.62	0.71
<b>HIGH</b>	1.48	1.40	1.35	1.40	1.12	1.46	1.24	1.45	1.30	1.73	1.42	1.40	1.40	1.41	1.44	1.50	1.39	1.50	1.31	1.33	1.28
<b>AVG</b>	1.39	1.30	1.24	1.27	1.06	1.31	1.17	1.35	1.21	1.52	1.22	1.20	1.28	1.26	1.30	1.35	1.23	1.36	1.16	1.17	1.03
<b>Dec</b>																					
<b>LOW</b>	1.34	1.29	1.13	1.25	1.03	1.29	1.16	1.28	1.19	1.40	1.30	1.28	1.19	1.18	1.06	1.22	1.18	1.41	1.00	1.20	0.93
<b>HIGH</b>	1.51	1.43	1.34	1.40	1.20	1.43	1.27	1.43	1.39	1.31	0.99	1.10	1.48	1.44	1.44	1.53	1.56	1.18	1.30	1.41	1.21
<b>AVG</b>	1.41	1.35	1.22	1.33	1.12	1.36	1.21	1.36	1.27	1.54	1.44	1.45	1.33	1.30	1.30	1.38	1.30	1.51	1.19	1.26	1.11
<b>Quarterly Avg</b>	1.37	1.30	1.22	1.28	1.09	1.31	1.18	1.31	1.20	1.50	1.31	1.30	1.29	1.29	1.29	1.36	1.26	1.42	1.19	1.20	1.07

NOTE: All values in mg/l unless otherwise stated

(0.05 mg/L - minimum standard per Ministry of Environment)

(0.20 mg/L - minimum WUC standard)

Table 5 - Operational Parameters

		JANUARY			FEBRUARY			MARCH			PLANT PARAMETERS HIGH LOW VALUES		MECP MAC	
		HIGH	LOW	AVG.	HIGH	LOW	AVG.	HIGH	LOW	AVG.	HIGH	LOW	HIGH <sup>(*)</sup>	LOW
ALUMINUM <sup>(*)</sup>	µg/l	57	31	43	20	12	14	32	15	20	100.0	0.0	100.00	
pH <sup>(*)</sup>		7.14	7.07	7.09	7.09	7.01	7.00	7.26	6.95	7.07	7.30	6.50		
TURBIDITY <sup>(*)</sup>	NTU	0.10	0.04	0.05	0.03	0.02	0.02	0.03	0.03	0.03	1.00	0.00	1.00	0.00
HARDNESS <sup>(*)</sup>	mg/L	124	110	108	118	120	126	126	92	107	100	80	n/a	
TEMPERATURE	°C	2.0	2.0	2.3	2.0	3.3	2.4	18.1	2.0	5.3			n/a	
ALKALINITY <sup>(*)</sup>	mg/L	90	89	90	80	92	88	100	80	90	500	30	n/a	
CHLORINE RESIDUAL <sup>(*)</sup>	mg/L	1.73	1.53	1.51	1.46	1.51	1.55	1.84	1.43	1.60	1.50	0.80	4.00	0.05

		APRIL			MAY			JUNE			PLANT PARAMETERS HIGH LOW VALUES		MECP MAC	
		HIGH	LOW	AVG.	HIGH	LOW	AVG.	HIGH	LOW	AVG.	HIGH	LOW	HIGH <sup>(*)</sup>	LOW
ALUMINUM <sup>(*)</sup>	µg/l	46	16	29	116	25	52	133	59	83	100.0	0.0	100.00	
pH <sup>(*)</sup>		7.14	7.09	7.08	7.18	7.01	7.10	7.13	7.01	7.07	7.30	6.50		
TURBIDITY <sup>(*)</sup>	NTU	0.10	0.03	0.05	0.13	0.04	0.07	0.13	0.05	0.09	1.00	0.00	1.00	0.00
HARDNESS <sup>(*)</sup>	mg/L	94	100	94	130	86	100	95	106	100	100	80	n/a	
TEMPERATURE	°C	14.5	14.0	14.9	16.3	3.9	12.9	23.3	16.1	23.6			n/a	
ALKALINITY <sup>(*)</sup>	mg/L	90	84	80	116	70	87	80	72	82	500	30	n/a	
CHLORINE RESIDUAL <sup>(*)</sup>	mg/L	1.58	1.42	1.52	1.08	1.08	1.49	1.55	1.37	1.52	1.50	0.80	4.00	0.05

		JULY			AUGUST			SEPTEMBER			PLANT PARAMETERS HIGH LOW VALUES		MECP MAC	
		HIGH	LOW	AVG.	HIGH	LOW	AVG.	HIGH	LOW	AVG.	HIGH	LOW	HIGH <sup>(*)</sup>	LOW
ALUMINUM <sup>(*)</sup>	µg/l	154	84	114	154	84	114	157	60	97	100.0	0.0	100.00	
pH <sup>(*)</sup>		7.18	7.01	7.10	6.99	7.02	6.92	7.16	7.01	7.10	7.30	6.50		
TURBIDITY <sup>(*)</sup>	NTU	0.11	0.06	0.08	0.12	0.06	0.09	0.24	0.05	0.08	1.00	0.00	1.00	0.00
HARDNESS <sup>(*)</sup>	mg/L	130	86	100				106	88	92	100	80	n/a	
TEMPERATURE	°C	16.3	3.9	12.9	22.2	22.4	22.6	22.3	17.4	19.6			n/a	
ALKALINITY <sup>(*)</sup>	mg/L	116	70	87	86	80	76	92	72	82	500	30	n/a	
CHLORINE RESIDUAL <sup>(*)</sup>	mg/L	1.64	1.08	1.49	1.49	1.52	1.61	1.63	1.37	1.50	1.50	0.80	4.00	0.05

		OCTOBER			NOVEMBER			DECEMBER			PLANT PARAMETERS HIGH LOW VALUES		MECP MAC	
		HIGH	LOW	AVG.	HIGH	LOW	AVG.	HIGH	LOW	AVG.	HIGH	LOW	HIGH <sup>(*)</sup>	LOW
ALUMINUM <sup>(*)</sup>	µg/l	57	31	43	48	13	26	20	11	13	100.0	0.0	100.00	
pH <sup>(*)</sup>		7.11	7.02	7.14	7.21	6.97	7.05	7.21	6.97	7.05	7.30	6.50		
TURBIDITY <sup>(*)</sup>	NTU	0.10	0.04	0.05	0.43	0.04	0.06	0.37	0.04	0.11	1.00	0.00	1.00	0.00
HARDNESS <sup>(*)</sup>	mg/L	112	104	110	102	86	95	102	86	95	100	80	n/a	
TEMPERATURE	°C	13.1	14.0	13.1	26.1	23.7	24.5	26.1	23.7	24.5			n/a	
ALKALINITY <sup>(*)</sup>	mg/L	82	80	86	86	71	78	86	71	78	500	30	n/a	
CHLORINE RESIDUAL <sup>(*)</sup>	mg/L	1.58	1.66	1.51	1.61	1.40	1.50	1.61	1.40	1.50	1.50	0.80	4.00	0.05

\*1) MAC - Maximum Allowable Concentration  
 \*2) Health Canada Operational Guideline (O.G.)  
 \*3) Recommended in coagulant treated drinking water

Schedule 23 - Inorganic Parameters

Item	Parameter
1	Antimony
2	Arsenic
3	Barium
4	Boron
5	Cadmium
6	Chromium
7	Mercury
8	Selenium
9	Uranium

## Schedule 24 - Organic Parameters

Item	Parameter
1	Alachlor
2	Atrazine + N-dealkylated metabolites
3	Azinphos-methyl
4	Benzene
5	Benzo(a)pyrene
6	Bromoxynil
7	Carbaryl
8	Carbofuran
9	Carbon Tetrachloride
10	Chlorpyrifos
11	Diazinon
12	Dicamba
13	1,2-Dichlorobenzene
14	1,4-Dichlorobenzene
15	1,2-dichloroethane
16	1,1-Dichloroethylene (vinylidene chloride)
17	Dichloromethane
18	2,4-Dichlorophenol
19	2,4-Dichlorophenoxy acetic acid (2,4-D)
20	Diclofop-methyl
21	Dimethoate
22	Diquat
23	Diuron
24	Glyphosate
25	Malathion
26	2-Methyl-4-chlorophenoxyacetic acid
27	Metolachlor
28	Metribuzin
29	Monochlorobenzene
30	Paraquat
31	Pentachlorophenol
32	Phorate
33	Picloram
34	Polychlorinated Biphenyls (PCB)
35	Prometryne
36	Simazine
37	Terbufos
38	Tetrachloroethylene (perchloroethylene)
39	2,3,4,6-Tetrachlorophenol
40	Triallate
41	Trichloroethylene
42	2,4,6-Trichlorophenol
43	Trifluralin
44	Vinyl Chloride

Financial Statements of

**WINDSOR UTILITIES  
COMMISSION**

And Independent Auditors' Report thereon

Year ended December 31, 2022





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## INDEPENDENT AUDITORS' REPORT

To the Members of Windsor Utilities Commission

### **Opinion**

We have audited the financial statements of Windsor Utilities Commission (the Entity), which comprise:

- the balance sheet as at December 31, 2022
- the statement of income for the year then ended
- the statement of comprehensive income for the year then ended
- the statement of changes in equity for the year then ended
- the statement of cash flows for the year then ended
- and notes to the financial statements, including a summary of significant accounting policies

(Hereinafter referred to as the "financial statements").

In our opinion, the accompanying financial statements present fairly, in all material respects, the financial position of the Entity as at December 31, 2022, and its financial performance and its cash flows for the year then ended in accordance with International Financial Reporting Standards (IFRS).

### **Basis for Opinion**

We conducted our audit in accordance with Canadian generally accepted auditing standards. Our responsibilities under those standards are further described in the "**Auditors' Responsibilities for the Audit of the Financial Statements**" section of our auditors' report.

We are independent of the Entity in accordance with the ethical requirements that are relevant to our audit of the financial statements in Canada and we have fulfilled our other ethical responsibilities in accordance with these requirements.

We believe that the audit evidence we have obtained is sufficient and appropriate to provide a basis for our opinion.

### **Responsibilities of Management and Those Charged with Governance for the Financial Statements**

Management is responsible for the preparation and fair presentation of the financial statements in accordance with International Financial Reporting Standards (IFRS), and for such internal control as management determines is necessary to enable the preparation of financial statements that are free from material misstatement, whether due to fraud or error.

KPMG LLP, an Ontario limited liability partnership and member firm of the KPMG global organization of independent member firms affiliated with KPMG International Limited, a private English company limited by guarantee. KPMG Canada provides services to KPMG LLP.



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In preparing the financial statements, management is responsible for assessing the Entity's ability to continue as a going concern, disclosing, as applicable, matters related to going concern and using the going concern basis of accounting unless management either intends to liquidate the Entity or to cease operations, or has no realistic alternative but to do so.

Those charged with governance are responsible for overseeing the Entity's financial reporting process.

### ***Auditors' Responsibilities for the Audit of the Financial Statements***

Our objectives are to obtain reasonable assurance about whether the financial statements as a whole are free from material misstatement, whether due to fraud or error, and to issue an auditors' report that includes our opinion.

Reasonable assurance is a high level of assurance, but is not a guarantee that an audit conducted in accordance with Canadian generally accepted auditing standards will always detect a material misstatement when it exists.

Misstatements can arise from fraud or error and are considered material if, individually or in the aggregate, they could reasonably be expected to influence the economic decisions of users taken on the basis of the financial statements.

As part of an audit in accordance with Canadian generally accepted auditing standards, we exercise professional judgment and maintain professional skepticism throughout the audit.

We also:

- Identify and assess the risks of material misstatement of the financial statements, whether due to fraud or error, design and perform audit procedures responsive to those risks, and obtain audit evidence that is sufficient and appropriate to provide a basis for our opinion.  
The risk of not detecting a material misstatement resulting from fraud is higher than for one resulting from error, as fraud may involve collusion, forgery, intentional omissions, misrepresentations, or the override of internal control.
- Obtain an understanding of internal control relevant to the audit in order to design audit procedures that are appropriate in the circumstances, but not for the purpose of expressing an opinion on the effectiveness of the Entity's internal control.
- Evaluate the appropriateness of accounting policies used and the reasonableness of accounting estimates and related disclosures made by management.
- Conclude on the appropriateness of management's use of the going concern basis of accounting and, based on the audit evidence obtained, whether a material uncertainty exists related to events or conditions that may cast significant doubt on the Entity's ability to continue as a going concern. If we conclude that a material uncertainty exists, we are required to draw attention in our auditors' report to the related disclosures in the financial statements or, if such disclosures are inadequate, to modify our opinion. Our conclusions are based on the audit evidence obtained up to the date of our auditors' report. However, future events or conditions may cause the Entity to cease to continue as a going concern.



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- Evaluate the overall presentation, structure and content of the financial statements, including the disclosures, and whether the financial statements represent the underlying transactions and events in a manner that achieves fair presentation.
- Communicate with those charged with governance regarding, among other matters, the planned scope and timing of the audit and significant audit findings, including any significant deficiencies in internal control that we identify during our audit.

*KPMG LLP*

Chartered Professional Accountants, Licensed Public Accountants  
Windsor, Canada  
April 26, 2023

# WINDSOR UTILITIES COMMISSION

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December 31, 2022

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# WINDSOR UTILITIES COMMISSION

Balance Sheet

(In thousands of Canadian dollars)

December 31, 2022, with comparative information for 2021

	Notes	2022	2021
<b>Assets</b>			
<b>Current assets:</b>			
Cash and cash equivalents	4	\$ 14,710	\$ 11,919
Investments	9	12,272	12,109
Accounts receivable	5	12,235	11,514
Inventory	7	826	799
Other assets		326	322
		<b>40,369</b>	<b>36,663</b>
<b>Non-current assets:</b>			
Property, plant and equipment	8	361,315	341,212
Investment, sinking fund	9	25,156	26,301
Notes receivable	6	5,756	6,329
		<b>392,227</b>	<b>373,842</b>
<b>Total assets</b>		<b>\$ 432,596</b>	<b>\$ 410,505</b>
<b>Liabilities</b>			
<b>Current liabilities:</b>			
Accounts payable and accruals	10	\$ 5,733	\$ 6,872
Due to related parties	19	7,142	3,780
Current portion of customer deposits	11	104	108
		<b>12,979</b>	<b>10,760</b>
<b>Non-current liabilities:</b>			
Customer deposits	11	225	260
Deferred revenue - customer contributions	12	15,107	15,132
Due to related party - revolving credit agreement	19	51,432	51,414
Employee future benefits	13	2,818	4,324
		<b>69,582</b>	<b>71,130</b>
<b>Total liabilities</b>		<b>82,561</b>	<b>81,890</b>
<b>Equity</b>			
Contributed surplus		61,854	61,854
Retained earnings		285,915	266,032
Accumulated other comprehensive income		2,266	729
		<b>350,035</b>	<b>328,615</b>
Commitments and contingencies	21		
<b>Total liabilities and equity</b>		<b>\$ 432,596</b>	<b>\$ 410,505</b>

The accompanying notes are an integral part of these financial statements.

On behalf of the Commission

  
Commissioners

  
Commissioners

# WINDSOR UTILITIES COMMISSION

## Statement of Income

(In thousands of Canadian dollars)

Year ended December 31, 2022, with comparative information for 2021

	Notes	2022	2021
<b>Revenues:</b>			
Revenue from distribution of water	14	\$ 59,792	\$ 56,277
Other income	15	1,035	838
		<b>60,827</b>	<b>57,115</b>
<b>Operating expenses:</b>			
Cost of water production		7,385	6,348
Distribution, transmission and operation expenses		13,060	11,972
Administration expenses		7,035	6,821
Depreciation and amortization	8	10,074	10,100
		<b>37,554</b>	<b>35,241</b>
<b>Income from operating activities</b>		<b>23,273</b>	<b>21,874</b>
<b>Finance expense (income):</b>			
Finance income	17	(671)	(1,017)
Finance expense	17	4,061	2,217
		<b>3,390</b>	<b>1,200</b>
Net income from continuing operations		19,883	20,674
Net income from discontinued operations	16	-	14,929
<b>Income for the year</b>		<b>\$ 19,883</b>	<b>\$ 35,603</b>

The accompanying notes are an integral part of these financial statements.

# WINDSOR UTILITIES COMMISSION

Statement of Comprehensive Income

(In thousands of Canadian dollars)

Year ended December 31, 2022, with comparative information for 2021

	Notes	2022	2021
<b>Income for the year</b>		\$ 19,883	\$ 35,603
<b>Other comprehensive gain:</b>			
Items that will not be reclassified to the statement of income:			
Remeasurement of defined benefit obligation gain	13	1,537	196
<b>Other comprehensive gain</b>		<b>1,537</b>	<b>196</b>
<b>Total comprehensive income for the year</b>		<b>\$ 21,420</b>	<b>\$ 35,799</b>

The accompanying notes are an integral part of these financial statements.

# WINDSOR UTILITIES COMMISSION

Statement of Changes in Equity  
(In thousands of Canadian dollars)

Year ended December 31, 2022, with comparative information for 2021

	Contributed surplus	Retained earnings	Accumulated other comprehensive income (loss)	Total
Balance at January 1, 2021	\$ 61,854	\$ 230,429	\$ 533	\$ 292,816
Income for the year	-	35,603	-	35,603
Other comprehensive gain				
Remeasurement of defined benefit obligation	-	-	196	196
Balance at December 31, 2021	\$ 61,854	\$ 266,032	\$ 729	\$ 328,615
Income for the year	-	19,883	-	19,883
Other comprehensive gain				
Remeasurement of defined benefit obligation	-	-	1,537	1,537
Balance at December 31, 2022	\$ 61,854	\$ 285,915	\$ 2,266	\$ 350,035

The accompanying notes are an integral part of these financial statements.



# WINDSOR UTILITIES COMMISSION

## Statement of Cash Flows

(In thousands of Canadian dollars)

Year ended December 31, 2022, with comparative information for 2021

	Notes	2022	2021
<b>Operating activities:</b>			
Comprehensive income from continuing operations		\$ 21,420	\$ 20,870
Adjustments for:			
Depreciation and amortization	8	10,074	10,100
Amortization of deferred revenue customer contribution		(227)	(206)
Amortization of debt issuance costs		18	17
Actuarial gain on employee future benefits		(1,537)	(196)
Loss (gain) on investments		1,682	(800)
Net finance costs	17	1,682	2,042
(Gain) loss on disposal of property, plant and equipment	15	(18)	15
Changes in non-cash operating working capital	18	1,874	694
Interest received		516	158
Interest paid		(2,198)	(2,200)
		<b>33,286</b>	<b>30,494</b>
<b>Investing activities:</b>			
Acquisition of investment		(700)	(24,313)
Proceeds from investments		-	8,756
Proceeds from note receivable	6	573	-
Proceeds on disposal of property, plant and equipment		376	133
Acquisition of property, plant and equipment	8	(30,333)	(26,431)
		<b>(30,084)</b>	<b>(41,855)</b>
<b>Financing activities:</b>			
Decrease in amount owing to corporations under common control	19	(411)	(822)
		<b>(411)</b>	<b>(822)</b>
Increase (decrease) in cash and cash equivalents from continuing operations			
		2,791	(12,183)
Increase in cash and cash equivalents from discontinued operations (net)			
	16	-	14,221
Cash and cash equivalents at January 1			
		11,919	9,881
<b>Cash and cash equivalents at December 31</b>		<b>\$ 14,710</b>	<b>\$ 11,919</b>

The accompanying notes are an integral part of these financial statements.

# WINDSOR UTILITIES COMMISSION

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Year ended December 31, 2022

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# WINDSOR UTILITIES COMMISSION

Notes to the Financial Statements (continued)  
(in thousands of Canadian dollars)

Year ended December 31, 2022

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## 1. Reporting entity:

The Windsor Utilities Commission (the "Commission") is the public utility that owns the water treatment and distribution system that serves the City of Windsor (the "City"). The Commission was established in 1935 under the City of Windsor Amalgamation Act. The Commission is a local board of the City pursuant to the Municipal Act. The address of the Commission's registered office is 4545 Rhodes Drive, Windsor, Ontario, Canada. The Commission has more than 75,000 residential and commercial customers in Windsor and two neighbouring municipal bulk water customers, the Town of LaSalle and the Town of Tecumseh.

On November 6, 2012, the Commission and ENWIN Utilities Ltd. ("ENWIN") entered into a Water System Operating Agreement ("WSOA"), whereby ENWIN agreed to provide services to the Commission with respect to operating the water treatment and distribution system. The services include: management, administrative services, construction operations, and maintenance services. ENWIN is responsible for providing all personnel required to operate the water system. Pursuant to the terms of the WSOA and the associated Employee Arrangement Agreement, also dated November 6, 2012, the Commission transferred all non-unionized employees and all unionized employees of the Commission to ENWIN. ENWIN is indirectly 100% owned by the City.

## 2. Basis of preparation:

### (a) Statement of compliance:

The Commission's financial statements have been prepared in accordance with International Financial Reporting Standards ("IFRS") as adopted by the International Accounting Standards Board ("IASB").

### (b) Approval of the financial statements:

The financial statements were approved by the Commission on April 26, 2023.

# WINDSOR UTILITIES COMMISSION

Notes to the Financial Statements (continued)  
(in thousands of Canadian dollars)

Year ended December 31, 2022

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## 2. Basis of preparation (continued):

### (c) Basis of measurement:

The financial statements have been prepared on the historical cost basis except for the following:

- (i) Where held, financial instruments at fair value through profit or loss, are measured at fair value.
- (ii) The accrued benefit related to the Commission's unfunded defined benefit plan is actuarially determined and is measured at the present value of the defined benefit obligation.

### (d) Functional and presentation currency:

These financial statements are presented in Canadian dollars, which is the Commission's functional currency. All financial information presented in Canadian dollars has been rounded to the nearest thousand dollars.

### (e) Use of estimates and judgements:

The preparation of financial statements in conformity with IFRS requires management to make judgements, estimates and assumptions that affect the application of accounting policies and the reported amounts of assets, liabilities, income and expenses and disclosure of contingent assets and liabilities. Actual results may differ from those estimates.

Estimates and underlying assumptions are reviewed on an ongoing basis. Revisions to accounting estimates are recognized in the year in which the estimates are revised and in any future periods affected.

In particular, information about significant areas of estimation uncertainty that have the most significant effect on the amounts recognized in these financial statements, include:

- (i) Note 3(h) – Determination of the performance obligation for deferred revenue – contributions from customers and the related amortization period
- (ii) Note 5 – Unbilled revenue: measurement of revenues not yet billed
- (iii) Note 8 – Property, plant and equipment: useful lives and the identification of significant components of property, plant and equipment
- (iv) Note 13 – Employee future benefits: measurement of the defined benefit obligation

# WINDSOR UTILITIES COMMISSION

Notes to the Financial Statements (continued)  
(in thousands of Canadian dollars)

Year ended December 31, 2022

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## 2. Basis of preparation (continued):

(e) Use of estimates and judgements (continued):

(v) Note 20 – Financial instruments and risk management: valuation of financial instruments

Information about critical judgements in applying policies that have the most significant effect on the amounts recognized in the financial statements, include:

(i) The Commission's determination that they are acting as a principal or agent to a transaction and their presentation of the transaction on a gross or net basis.

## 3. Significant accounting policies:

The accounting policies set out below have been applied consistently to all years presented in these financial statements.

(a) Cash and cash equivalents:

Cash and cash equivalents consist of balances with banks and investments with a maturity of approximately three months or less at the date of purchase, unless they are held for investment rather than liquidity purposes, in which case they are classified as an investment.

(b) Financial instruments:

All financial assets and liabilities of the Commission are classified into one of the following categories: amortized cost; fair value through other comprehensive income; or fair value through income or loss.

The Commission has classified its financial instruments as follows:

Cash and cash equivalents	Amortized cost
Investment	Fair value through income or loss
Accounts receivable	Amortized cost
Investment, sinking fund	Fair value through income or loss
Accounts payable and accruals	Amortized cost
Due to related party – revolving credit agreement	Amortized cost

# WINDSOR UTILITIES COMMISSION

Notes to the Financial Statements (continued)  
(in thousands of Canadian dollars)

Year ended December 31, 2022

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### 3. Significant accounting policies (continued):

#### (b) Financial instruments (continued):

Financial instruments are recognized initially at amortized cost plus any directly attributable transaction costs.

Subsequent to initial recognition, financial instruments classified as fair value through income and loss are measured at fair value.

The Commission does not use derivative instruments.

The Commission derecognizes a financial asset when the contractual rights to the cash flows from the asset expire, or it transfers the rights to receive the contractual cash flows in a transaction in which substantially all of the risks and rewards of ownership of the financial asset are transferred.

The Commission derecognizes a financial liability when its contractual obligations are discharged, cancelled or expire.

#### (c) Fair value:

Fair values are categorized into different levels in a fair value hierarchy based on inputs used in the valuation techniques as follows:

Level 1: unadjusted quoted prices in active markets for identical assets or liabilities;

Level 2: inputs other than quoted prices included in Level 1 that are observable for the asset, either directly or indirectly; and

Level 3: inputs for assets and liabilities that are based on observable market value.

#### (d) Inventory:

Inventory is measured at the lower of cost and net realizable value. The cost of inventory is determined on a weighted average basis and includes expenditures incurred in acquiring the material and supplies and other costs incurred in bringing them to their existing location and condition.

# WINDSOR UTILITIES COMMISSION

Notes to the Financial Statements (continued)  
(in thousands of Canadian dollars)

Year ended December 31, 2022

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### 3. Significant accounting policies (continued):

(e) Property, plant and equipment:

(i) Recognition and measurement:

Items of property, plant and equipment are measured at cost, less accumulated depreciation and accumulated impairment losses.

When parts of an item of property, plant and equipment have different useful lives, they are accounted for as separate items (major components) of property, plant and equipment.

(ii) Subsequent costs:

The cost of replacing part of an item of property, plant and equipment is recognized in the carrying amount of the item if it is probable that the future economic benefits embodied within the part will flow to the Commission and its cost can be measured reliably. The carrying amount of the replaced part is derecognized. The costs of the day-to-day servicing of property, plant and equipment are recognized in the statement of income as incurred.

(iii) Depreciation:

Depreciation is recognized in income or loss on a straight-line basis over the estimated useful life of each part or component of an item of property, plant and equipment. Land is not depreciated. The estimated useful lives for the current and comparative years are as follows:

---

Buildings	10 to 60 years
Distribution and metering equipment	7 to 75 years
Plant and water treatment equipment	15 to 60 years

---

Gains and losses on disposal of an item of property, plant and equipment are determined by comparing the proceeds from disposal with the carrying amount of property, plant and equipment and are recognized within other income in the statement of income.

Depreciation methods, useful lives and residual values are reviewed at each reporting date.

# WINDSOR UTILITIES COMMISSION

Notes to the Financial Statements (continued)  
(in thousands of Canadian dollars)

Year ended December 31, 2022

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## 3. Significant accounting policies (continued):

### (f) Impairment:

#### (i) Financial assets:

A financial asset is assessed at each reporting date to determine whether there is any objective evidence that it is impaired. A financial asset is considered to be impaired if objective evidence indicates that one or more events have had a negative effect on the estimated future cash flows of that asset.

An impairment loss in respect of a financial asset measured at amortized cost is calculated as the difference between its carrying amount and the present value of the estimated future cash flows discounted at the original effective interest rate.

All impairment losses are recognized in the statement of income. An impairment loss is reversed if the reversal can be related objectively to an event occurring after the impairment loss was recognized. For financial assets measured at amortized cost, the reversal is recognized in the statement of income.

#### (ii) Non-financial assets:

The carrying amounts of the Commission's non-financial assets, other than inventory and supplies, are reviewed at each reporting date to determine whether there is any indication of impairment. If any such indication exists, then the asset's recoverable amount is estimated.

Impairment losses recognized in prior periods are assessed at each reporting date for any indications that the loss has decreased or no longer exists. An impairment loss is reversed if there has been a change in estimates used to determine the recoverable amount. An impairment loss is reversed only to the extent that the asset's carrying amount does not exceed the carrying amount that would have been determined, net of depreciation or amortization, if no impairment loss was recognized.



# WINDSOR UTILITIES COMMISSION

Notes to the Financial Statements (continued)  
(in thousands of Canadian dollars)

Year ended December 31, 2022

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### 3. Significant accounting policies (continued):

(f) Impairment (continued):

(ii) Non-financial assets (continued):

For the purpose of impairment testing, assets are grouped together into the smallest group of assets that generates cash inflows from continuing use that are largely independent of the cash inflows of other assets or groups of assets (the "cash-generating unit"). The recoverable amount of an asset or cash-generating unit is the greater of its value in use and its fair value less costs to sell. In assessing value in use, the estimated future cash flows are discounted to their present value using a pre-tax discount rate that reflects current market assessments of the time value of money and the risks specific to the asset.

An impairment loss is recognized if the carrying amount of an asset or its cash-generating unit exceeds its estimated recoverable amount. Impairment losses are recognized in the statement of income and are allocated to reduce the carrying amount of the assets in the cash-generating unit on a pro-rata basis.

(g) Employee future benefits:

(i) Pension plan:

The Commission provides a pension plan for all its retirees through Ontario Municipal Employees Retirement System ("OMERS"). OMERS is a multi-employer, contributory, defined benefit pension plan established in 1962 by the Province of Ontario for employees of municipalities, local boards and school boards in Ontario. Both participating employers and employees are required to make plan contributions based on participating employees' contributory earnings.

OMERS is a defined benefit plan. However, as OMERS does not segregate its pension assets and liabilities information by individual employer, there is not sufficient information to enable the Commission to account for the plan as a defined benefit plan. Obligations for contributions to defined contribution pension plans are recognized as an employee benefit expense in income or loss when they are due. At December 31, 2022, the OMERS plan is in a deficit position.

# WINDSOR UTILITIES COMMISSION

Notes to the Financial Statements (continued)  
(in thousands of Canadian dollars)

Year ended December 31, 2022

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### 3. Significant accounting policies (continued):

(g) Employee future benefits (continued):

(ii) Employee future benefits, other than pension:

The Commission pays certain health, dental and life insurance benefits, under unfunded defined benefit plans, on behalf of its retired employees. These benefits are provided through a group defined benefit plan. The Commission is the legal sponsor of the plan. There is a policy in place to allocate the net defined benefit cost to the entities participating in the group plan. The allocation is based on the obligation attributable to the plan participants. The Commission has reflected its share of the defined benefit costs and related liabilities, as calculated by the actuary, in these financial statements.

The Commission accrues the cost of these retiree future benefits over the periods in which the employees earn the benefits. The accrued benefit obligations are actuarially determined by applying the projected unit credit method and reflect management's best estimate of certain underlying assumptions. Remeasurements of the net defined benefit liability, which comprise actuarial gains and losses are recognized immediately in other comprehensive income. The Commission determines the net interest expense on the net defined benefit liability for the period by applying the discount rate used to measure the defined benefit liability at the beginning of the annual period, taking into account any changes in the net benefit liability during the period as a result of benefit payments. Net interest expense and other expenses related to defined benefit plans are recognized in the statement of income.

# WINDSOR UTILITIES COMMISSION

Notes to the Financial Statements (continued)  
(in thousands of Canadian dollars)

Year ended December 31, 2022

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### 3. Significant accounting policies (continued):

#### (h) Deferred revenue:

Certain customers and developers are required to contribute towards the capital cost of construction in order to provide a new service. These contributions fall within the scope of IFRS 15 *Revenue from Contracts with Customers*. The contributions are received to obtain a connection to the distribution system in order to receive ongoing access to water. The Commission has concluded that the performance obligation is the supply of water over the life of the relationship with the customer which is satisfied over time as the customer receives and consumes water. Cash contributions are initially recorded as current liabilities. Once the distribution system asset is completed or modified as outlined in the terms of the contract, the contribution amount is transferred to a customers' capital contribution account.

When an asset is received as a capital contribution, the asset is initially recognized at its fair value, with the corresponding amount recognized in the customers' capital contribution account.

The customers' capital contribution account, which represents the Commission's obligation to provide the customers access to water, is reported as deferred revenue and is amortized to income on a straight-line basis over the economic useful life of the acquired or contributed asset.

#### (i) Revenue:

IFRS 15 *Revenue from Contracts with Customers* establishes a comprehensive framework for determining whether, how much and when revenue is recognized.

Revenue for the Commission is recognized when the Commission satisfies the performance obligations within the contract(s) for conditions of service, which is when the delivery of water is achieved or specific services are performed.

Revenue is measured at the fair value of the consideration received or receivable, net of any taxes which may be applicable.

# WINDSOR UTILITIES COMMISSION

Notes to the Financial Statements (continued)  
(in thousands of Canadian dollars)

Year ended December 31, 2022

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## 3. Significant accounting policies (continued):

### (i) Revenue (continued):

Revenue from distribution of water - revenue attributable to the delivery of water is based upon Commission approved distribution rates and includes the amounts billed to customers for connection and consumption. Revenue is recognized as water is delivered and consumed by customers. Revenue includes an estimate of unbilled revenue. Unbilled revenue represents an estimate of water consumed by customers since the date of each customer's last meter reading. Actual water usage could differ from those estimates.

Other income – work performed is recorded on a net basis as the Commission is acting as an agent for this revenue stream. All other amounts in other income are recorded on a gross basis and are recognized when services are rendered.

### (j) Finance income and finance costs:

Finance income is recognized as it accrues in the statement of income, using the effective interest method.

Finance costs comprise interest expense on borrowings and amortizing of the discount rate on provisions.

### (k) Set-off and reporting on a net basis:

Assets and liabilities and income and expenses are not offset and reported on a net basis unless required or permitted by IFRS. For financial assets and financial liabilities, offsetting is permitted when, and only when, the Commission has a legally enforceable right to set-off and intends either to settle on a net basis, or to realize the asset and settle the liability simultaneously.

### (l) Discontinued operation:

A discontinued operation is a component of the Commission's business, the operations and cash flows of which can be clearly distinguished from the rest of the Commission and which:

-represent a separate major line of business;

-is part of a single co-ordinated plan to dispose of a separate major line of business.

Classification as a discontinued operation occurs at the earlier of disposal or when the operation meets the criteria to be classified as held-for-sale.

When an operation is classified as a discontinued operation, the comparative statement of income is re-presented as if the operation had been discontinued from the start of the comparative year.

# WINDSOR UTILITIES COMMISSION

Notes to the Financial Statements (continued)  
(in thousands of Canadian dollars)

Year ended December 31, 2022

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### 3. Significant accounting policies (continued):

(m) New standards and interpretations not yet adopted:

The following standards which are not yet effective for the year ended December 31, 2022, have not been applied in preparing these financial statements.

Classification of Liabilities as Current or Non-Current (Amendments to IAS 1)

On January 23, 2020, the IASB issued amendments to IAS 1 *Presentation of Financial Statements*, to clarify the classification of liabilities as current or non-current. On July 15, 2020, the IASB issued an amendment to defer the effective date by one year.

For the purposes of non-current classification, the amendments removed the requirement for a right to defer settlement or roll over of a liability for at least twelve months to be unconditional. Instead, such a right must have substance and exist at the end of the reporting period.

The amendments are effective for annual periods beginning on or after January 1, 2023.

Definition of Accounting Estimates (Amendments to IAS 8)

On February 12, 2021, the IASB issued *Definition of Accounting Estimates (Amendments to IAS 8)*.

The amendments introduce a new definition of accounting estimates, clarifying that they are monetary amounts in the financial statements that are subject to measurement uncertainty. The amendments also clarify the relationship between accounting policies and accounting estimates by specifying that a company develops an accounting estimate to achieve the objective set out by an accounting policy.

The amendments are effective for annual periods beginning on or after January 1, 2023.

Disclosure initiative – Accounting Policies (Amendments to IAS 1 and IFRS Practice Statement 2)

On February 12, 2021, the IASB issued *Disclosure Initiative – Accounting Policies (Amendments to IAS 1 and IFRS Practice Statements 2 Making Materiality Judgements)*.

The amendments help companies provide useful accounting policy disclosures. The key amendments include:

- requiring companies to disclose their material accounting policies rather than their significant accounting policies;
- clarifying that accounting policies related to immaterial transactions, other events or conditions are themselves immaterial and as such need not be disclosed; and
- clarifying that not all accounting policies that relate to material transactions, other events or conditions are themselves material to a company's financial statements.

# WINDSOR UTILITIES COMMISSION

Notes to the Financial Statements (continued)  
(in thousands of Canadian dollars)

Year ended December 31, 2022

### 3. Significant accounting policies (continued):

(m) New standards and interpretations not yet adopted (continued):

The amendments are effective for annual periods beginning on or after January 1, 2023.

The Commission has assessed the potential impacts on its financial statements and determined that the future pronouncements will not have a material impact on the Commission.

### 4. Cash and cash equivalents:

	2022	2021
Cash and cash equivalents	\$ 14,710	\$ 11,919
Cash and cash equivalents	\$ 14,710	\$ 11,919

The Commission has an agreement with a Canadian chartered bank for an operating line of credit in the amount of \$6,000 (2021 - \$6,000) bearing interest at prime minus 0.25%. The line of credit is unsecured.

### 5. Accounts receivable:

	2022	2021
Trade receivables	\$ 6,832	\$ 6,333
Unbilled revenue	5,433	5,197
Allowance for doubtful accounts	(30)	(16)
Accounts receivable	\$ 12,235	\$ 11,514

The Commission's exposure to credit risk and impairment losses related to trade receivables is disclosed in Note 20.

### 6. Notes receivable:

On July 29, 2021 the Commission entered into an arrangement whereby the assets of District Energy were sold, proceeds and a note receivable were received for the assets. The Note receivable has structured payments to be received on the anniversary date for the next 12 years. The note receivable has been recorded at a discounted value using an interest rate of 2%. Interest revenue will be recognized over 12 years and recorded under Finance income. Additional details relating to the sale of District Energy assets are disclosed in Note 16.

# WINDSOR UTILITIES COMMISSION

Notes to the Financial Statements (continued)  
(in thousands of Canadian dollars)

Year ended December 31, 2022

## 7. Inventory:

Inventory consists of parts and supplies acquired for internal construction, consumption or recoverable work.

The amount of inventory consumed by the Commission and recognized as an expense during 2022 was \$1,597 (2021 - \$1,279)

## 8. Property, plant and equipment:

### (a) Cost:

	Land and buildings	Distribution and metering equipment	Plant and water treatment equipment	District energy system	Construction -in-progress	Total
Balance at January 1, 2021	\$ 3,788	\$ 309,027	\$ 79,085	\$ 8,873	\$ 3,985	\$ 404,758
Additions	128	19,011	2,962	917	5,092	28,110
Disposals/retirements	-	(314)	-	(9,790)	-	(10,104)
<b>Balance at December 31, 2021</b>	<b>\$ 3,916</b>	<b>\$ 327,724</b>	<b>\$ 82,047</b>	<b>\$ -</b>	<b>\$ 9,077</b>	<b>\$ 422,764</b>
Balance at January 1, 2022	\$ 3,916	\$ 327,724	\$ 82,047	\$ -	\$ 9,077	\$ 422,764
Additions	-	23,647	10,890	-	(4,002)	30,535
Disposals/retirements	(220)	(314)	-	-	-	(534)
<b>Balance at December 31, 2022</b>	<b>\$ 3,696</b>	<b>\$ 351,057</b>	<b>\$ 92,937</b>	<b>\$ -</b>	<b>\$ 5,075</b>	<b>\$ 452,765</b>

The Commission receives certain non-cash customer contributions for subdivision and infrastructure projects, the total amount received by the Commission for the year ending December 31, 2022 was \$202 (2021 - \$1,679) and is included in additions.

### (b) Accumulated depreciation:

	Land and buildings	Distribution and metering equipment	Plant and water treatment equipment	District energy system	Construction -in-progress	Total
Balance at January 1, 2021	\$ 524	\$ 48,289	\$ 22,799	\$ 3,440	\$ -	\$ 75,052
Depreciation charge for the year	95	6,561	3,444	291	-	10,391
Disposals/retirements	-	(160)	-	(3,731)	-	(3,891)
<b>Balance at December 31, 2021</b>	<b>\$ 619</b>	<b>\$ 54,690</b>	<b>\$ 26,243</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ 81,552</b>
Balance at January 1, 2022	\$ 619	\$ 54,690	\$ 26,243	\$ -	\$ -	\$ 81,552
Depreciation charge for the year	99	6,930	3,045	-	-	10,074
Disposals/retirements	-	(176)	-	-	-	(176)
<b>Balance at December 31, 2022</b>	<b>\$ 718</b>	<b>\$ 61,444</b>	<b>\$ 29,288</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ 91,450</b>

# WINDSOR UTILITIES COMMISSION

Notes to the Financial Statements (continued)  
(in thousands of Canadian dollars)

Year ended December 31, 2022

## 8. Property, plant and equipment (continued):

(c) Carrying amounts:

	Land and buildings	Distribution and metering equipment	Plant and water treatment equipment	District energy system	Construction -in-progress	Total
December 31, 2021	\$ 3,297	\$ 273,034	\$ 55,804	\$ -	\$ 9,077	\$ 341,212
December 31, 2022	\$ 2,978	\$ 289,613	\$ 63,649	\$ -	\$ 5,075	\$ 361,315

## 9. Investments:

In 2014, a sinking fund was established with the intent to ensure sufficient funds are available to settle the long-term borrowings of the Commission issued November 6th, 2012 with a maturity date of November 6th, 2042 in the amount of \$52,000. Annual payments are expected to be completed to satisfy the obligation.

Investments are recorded at fair value as of December 31, 2022, and are invested in fixed income and equity markets as established by the Commission's investment policy.

	2022			2021		
	Fixed Income	Equity	Total	Fixed Income	Equity	Total
Investments	\$ 12,272	\$ -	\$ 12,272	\$ 12,109	\$ -	\$ 12,109
Investment, sinking fund	14,097	11,059	25,156	15,350	10,951	26,301
	\$ 26,369	\$ 11,059	\$ 37,428	\$ 27,459	\$ 10,951	\$ 38,410

## 10. Accounts payable and accruals:

	2022	2021
Trade payables	\$ 4,138	\$ 5,342
Accrued expenses	1,595	1,530
	\$ 5,733	\$ 6,872

Information about the Commission's exposure to currency and liquidity risk is included in Note 20.



# WINDSOR UTILITIES COMMISSION

Notes to the Financial Statements (continued)  
(in thousands of Canadian dollars)

Year ended December 31, 2022

## 11. Customer deposits:

Customer deposits represent cash deposits from water distribution commercial customers.

Customer deposits comprise:

	2022	2021
Customer deposits	\$ 329	\$ 368
Less: current portion	(104)	(108)
	<u>\$ 225</u>	<u>\$ 260</u>

## 12. Deferred revenue – customer contributions:

Deferred revenue relates to the capital contributions received from customers and others. The amount of deferred revenue from customers is \$15,107 (2021 - \$15,132). Deferred revenue is recognized as revenue on a straight-line basis over the life of the asset for which the contribution was received.

## 13. Employee future benefits:

The Commission pays certain health, dental and life insurance benefits on behalf of its retired employees. Significant assumptions underlying the actuarial valuation include the Commission's best estimate of the interest (discount) rate, expected health and dental care costs, on the advice of the actuaries.

The Commission measures its accrued benefit liability for accounting purposes as at December 31 each year. A valuation date of October 31, 2022, with extrapolation to December 31, 2022, has been used to calculate the current liability.

The Commission's employee future benefit liability consists of the following:

	2022	2021
Defined benefit liability	\$ 2,609	\$ 4,254
Workers compensation liability	209	70
Employee future benefits, end of year	<u>\$ 2,818</u>	<u>\$ 4,324</u>

# WINDSOR UTILITIES COMMISSION

Notes to the Financial Statements (continued)  
(in thousands of Canadian dollars)

Year ended December 31, 2022

## 13. Employee future benefits (continued):

Information about the Commission's unfunded defined benefit plan is as follows:

Changes in the present value of the defined benefit liability:

	2022	2021
Defined benefit liability, beginning of year	\$ 4,254	\$ 4,579
Defined benefit expense	124	116
Actuarial gain on liability recognized in other comprehensive income	(1,537)	(196)
Benefits paid for the year	(232)	(245)
Defined benefit liability, end of year	\$ 2,609	\$ 4,254

Components of defined benefit expense recognized are as follows:

	2022	2021
Interest cost	\$ 124	\$ 116
Defined benefit expense	\$ 124	\$ 116

The main actuarial assumptions underlying the valuation are as follows:

(a) Health care cost trend rates:

The health care cost trend for prescription drugs is estimated to increase at 6.14% in 2023 grading down to 4.0% by 2041. Other health expenses are estimated to increase at 4.86% grading down to 4.0% by 2041. Dental expenses are estimated to increase at 4.0% per year.

(b) Discount rate:

The liability at the period end and the present value of future liabilities were determined using a discount rate of 5.1% (2021 - 3.0%) representing an estimate of the yield on high quality corporate bonds as at the valuation date.

(c) Mortality decrement:

The rates applicable to public sector retirees in the 2014 Canadian Pensioners Mortality table produced by the Canadian Institute of Actuaries were used as the basis of these assumptions.

# WINDSOR UTILITIES COMMISSION

Notes to the Financial Statements (continued)  
(in thousands of Canadian dollars)

Year ended December 31, 2022

## 13. Employee future benefits (continued):

A 1% or one-year change in actuarial assumptions, assuming all other factors remain constant, have the following impact on the defined benefit liability carrying amount:

	December 31, 2022		December 31, 2021	
	Increase	Decrease	Increase	Decrease
Health care trend rate (1% change)	\$ 221	\$ (192)	\$ 506	\$ (428)
Discount rate (1% change)	\$ (230)	\$ 270	\$ (433)	\$ 518
Mortality (1 year)	\$ 112	\$ (108)	\$ 249	\$ (239)

## 14. Revenue:

The Commission generates revenue primarily from the sale and distribution of water to its customers. Additional information is provided in Note 15 detailing the components of Other income.

In the following table, revenue from distribution of water is disaggregated by component:

	2022	2021
Fixed revenue	\$ 20,774	\$ 19,955
Consumption revenue	17,950	16,631
Suburban wholesale revenue	3,651	3,219
Water main levy	17,417	16,472
<b>Total revenue from distribution of water</b>	<b>\$ 59,792</b>	<b>\$ 56,277</b>

## 15. Other income:

Other income comprises:

	2022	2021
Water billing and customer care charges	\$ 117	\$ 125
Collection and late payment charges	131	119
Development and miscellaneous charges	769	609
Gain (loss) on disposal of property, plant and equipment	18	(15)
<b>Total other income</b>	<b>\$ 1,035</b>	<b>\$ 838</b>

# WINDSOR UTILITIES COMMISSION

Notes to the Financial Statements (continued)  
(in thousands of Canadian dollars)

Year ended December 31, 2022

## 16. Discontinued operations:

Previously the Commission adopted a formal plan to dispose of the assets of the District Energy System. On July 29, 2021, the Commission completed the sale and received proceeds in the amount of \$13,700 along with a promissory note for additional payments to be received over 12 years in the amount \$7,800. Additional details about the note receivable are disclosed in Note 6. The Commission recognized a gain on the sale of \$14,367 which was recorded in Net income from discontinued operations.

In accordance with IFRS 5, the results related to the District Energy have been included within discontinued operations in the Commission's Statement of Income and Statement of Cash Flows. During 2022, the Commission recorded net income of \$nil (2021 - \$14,929).

A summary of discontinued operations is shown below.

	2022	2021
Revenue	\$ -	\$ 5,490
Gain on sale	-	14,367
Deferred revenue depreciation	-	3
Cost of services	-	(4,640)
Depreciation	-	(291)
<b>Net income from discontinued operations</b>	<b>\$ -</b>	<b>\$ 14,929</b>

A summary of the cash flow impact that discontinued operations had on the Commission is presented below:

	2022	2021
Revenue	\$ -	\$ 5,490
Cost of services	-	(4,640)
Proceeds on disposal of property, plant and equipment	-	13,371
<b>Net cash from discontinued operations</b>	<b>\$ -</b>	<b>\$ 14,221</b>

# WINDSOR UTILITIES COMMISSION

Notes to the Financial Statements (continued)  
(in thousands of Canadian dollars)

Year ended December 31, 2022

## 17. Finance expense (income):

	2022	2021
Finance income:		
Income on sinking fund investment	\$ -	\$ (764)
Interest income on investment	(293)	(95)
Interest income on bank balances	(378)	(158)
	(671)	(1,017)
Finance expense:		
Loss on sinking fund investment	1,845	-
Interest expense on long-term borrowings	2,150	2,150
Discount on long-term borrowings	18	17
Interest paid to related parties	48	50
	4,061	2,217
<b>Net finance expense</b>	<b>\$ 3,390</b>	<b>\$ 1,200</b>

## 18. Changes in non-cash operating working capital:

Changes in non-cash operating working capital comprises:

	2022	2021
Accounts receivable	\$ (721)	\$ 1,604
Inventory	(27)	(176)
Other assets	(4)	(234)
Accounts payable and accruals	(1,139)	1,073
Accounts payable due to related parties	3,773	(1,422)
Customer deposits	(39)	(6)
Employee future benefits	31	(145)
<b>Total changes in non-cash operating working capital</b>	<b>\$ 1,874</b>	<b>\$ 694</b>

## 19. Related party transactions:

(a) Parent and ultimate controlling party:

The parent is the Corporation of the City of Windsor. The City produces financial statements that are available for public use.

(b) Key management personnel:

The key management personnel of the Commission has been defined as members of its Board of Commissioners. The executive management team members are employees of ENWIN and allocated to the Commission based on a shared services model. These allocated costs are disclosed in Note 19 (d).

# WINDSOR UTILITIES COMMISSION

Notes to the Financial Statements (continued)  
(in thousands of Canadian dollars)

Year ended December 31, 2022

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## 19. Related party transactions (continued):

(b) Key management personnel (continued):

Key management compensation:

	2022	2021
Salaries and other short-term benefits	\$ 71	\$ 70
	\$ 71	\$ 70

(c) Transactions with parent:

The City tenders and contracts for capital watermain projects and road repairs on behalf of the Commission. The total amount charged to the Commission for the year ending December 31, 2022 was \$8,907 (2021 - \$10,092).

(d) Transactions with entities under common control and parent company:

WSOA:

The Commission and ENWIN agreed under the WSOA, that ENWIN would provide all operational, management, administrative, maintenance and construction services for the Commission as required to operate the water distribution system. Under the WSOA, ENWIN prepares the Water System Financial Plans, operating expense plans and capital plans with respect to the Commission's business as required to operate, maintain, administer and invest in the Commission and its facilities. The Commission reviews the plans on the basis of whether ENWIN, upon executing the plan will be compliant with the terms and conditions of the Water System Financial Plan, the WSOA and applicable laws, permits and material contracts.

The Commission has agreed to reimburse ENWIN for all operational and capital expenses on a fully allocated cost basis. All employees required to operate the water distribution system as well as the key management employees are retained by ENWIN. The Commission incurs staffing costs associated with the allocation of these employees however it does not have any other employee obligations except the Commission's retirees.

Under the WSOA, the total amount allocated and charged to the Commission for the year ended December 31, 2022 was \$18,719 (2021 - \$18,569).

The key management personnel allocated by the shared services model under the WSOA, to the Commission are executive management team members of ENWIN.

# WINDSOR UTILITIES COMMISSION

Notes to the Financial Statements (continued)  
(in thousands of Canadian dollars)

Year ended December 31, 2022

## 19. Related party transactions (continued):

(d) Transactions with entities under common control and parent company (continued):

WSOA (continued):

Allocated key management compensation:

	2022	2021
Allocated salaries and other short-term benefits	\$ 617	\$ 605
Post-employment benefits	15	16
	\$ 632	\$ 621

(e) Amounts due to related parties:

Accounts payable due to related parties consist of:

	2022	2021
Due to company under common control:		
Due to ENWIN Utilities Ltd.	\$ 3,308	\$ 1,834
Due to Windsor Canada Utilities Ltd.	9	-
Due to parent:		
Due to the Corporation of the City of Windsor	3,825	1,946
	\$ 7,142	\$ 3,780

The amounts due to ENWIN, WCUL and the City are due on demand and are non-interest bearing.

# WINDSOR UTILITIES COMMISSION

Notes to the Financial Statements (continued)  
(in thousands of Canadian dollars)

Year ended December 31, 2022

## 19. Related party transactions (continued):

### (f) Long-term borrowings:

	2022	2021
Revolving loan payable requiring interest payments only of \$2,150 until maturity on November 6, 2042. The loan is unsecured and bears interest at an effective interest rate of 4.134%.	\$ 52,000	\$ 52,000
Less: Unamortized debt issuance costs	(568)	(586)
	\$ 51,432	\$ 51,414

The revolving loan is due to Windsor Canada Utilities Ltd. ("WCUL"), a 100% owned subsidiary of the Corporation of the City of Windsor. On November 6, 2012, WCUL issued a \$103,000 debenture from which proceeds of \$52,000 were advanced to the Commission under this loan agreement. As a condition of the debentures issued by WCUL and loan to the Commission, the Commission provided a limited recourse guarantee in favour of the debenture holders in the amount of \$52,000. The Commission incurred interest expense in respect of the loan of \$2,150 (2021 - \$2,150).



# WINDSOR UTILITIES COMMISSION

Notes to the Financial Statements (continued)  
(in thousands of Canadian dollars)

Year ended December 31, 2022

## 20. Financial instruments and risk management:

The carrying values of cash and cash equivalents, investments, accounts receivable, accounts payable and accruals approximate fair values because of the short maturity of these instruments. All fair values are categorized as Level 1 in the fair value hierarchy. No transfers have occurred during the year between levels of the fair value hierarchy.

The following table illustrates the classification of the Commission's financial instruments using the fair value hierarchy as at December 31:

Assets	2022			2021		
	Level 1	Level 2	Total	Level 1	Level 2	Total
Investments	\$ -	\$ 12,272	\$ 12,272	\$ -	\$ 12,109	\$ 12,109
Investment, sinking fund	11,059	14,097	25,156	10,951	15,350	26,301
	\$ 11,059	\$ 26,369	\$ 37,428	\$ 10,951	\$ 27,459	\$ 38,410

The Commission's activities provide for a variety of financial risks, particularly credit risk, market risk, liquidity risk, currency and interest rate risk.

### (i) Credit risk:

The aging of trade receivables at the reporting date was:

	2022	2021
Not past due	\$ 10,343	\$ 8,827
Past due 0 – 30 days	1,041	1,799
Past due 31 – 90 days	456	562
Greater than 90 days	425	342
	\$ 12,265	\$ 11,530

The carrying amount of the Commission's financial assets represent the maximum credit exposure.

Financial assets carry credit risk that a counter-party will fail to discharge an obligation which would result in a financial loss. Financial assets held by the Commission, such as accounts receivable, expose it to credit risk. The Commission earns its revenue from a broad base of customers located in the City of Windsor and two neighbouring municipalities. One customer accounted for 4% (2021 - 7%) of revenue. No other single customer in 2022 would account for revenue in excess of 3% of the respective reported balances.

# WINDSOR UTILITIES COMMISSION

Notes to the Financial Statements (continued)  
(in thousands of Canadian dollars)

Year ended December 31, 2022

## 20. Financial instruments and risk management (continued):

### (i) Credit risk (continued):

The carrying amount of accounts receivable is reduced through the use of an allowance for impairment and the amount of the related impairment loss is recognized in the statement of income and other comprehensive income. Subsequent recoveries of receivables previously provisioned are credited to the statement of income. The balance of the allowance for impairment at December 31, 2022, is \$30 (2021 - \$16). No customer accounted for greater than 10% of the accounts receivable at year end (2021 - nil customers accounted for greater than 10%).

A continuity of the allowance for impairment amount is as follows:

	2022	2021
Balance, beginning of year	\$ 16	\$ 55
Accounts receivable balance write-offs	45	25
Change in provision for doubtful accounts	(31)	(64)
Balance, end of year	\$ 30	\$ 16

The Commission's credit risk associated with accounts receivable is primarily related to payments from customers for recoverable work. At December 31, 2022, approximately \$10 (2021 - \$16) is considered 90 days past due.

Credit risk is managed through collection of security deposits from contractors. As at December 31, 2022, the Commission holds security deposits in the amount of \$316 (2021 - \$318) and is included in accounts payable on the balance sheet.

### (ii) Market risk:

Market risks primarily refer to the risk of loss that results from changes in commodity prices, foreign exchange rates, and interest rates. The Commission is exposed to market risks within the investment portfolio. A portion of the portfolio is invested in equities which are subject to market volatility. For sensitivity purposes, a 1% change would result in a change of \$111 (2021 - \$110) on the balance sheet and statement of income.

# WINDSOR UTILITIES COMMISSION

Notes to the Financial Statements (continued)  
(in thousands of Canadian dollars)

Year ended December 31, 2022

## 20. Financial instruments and risk management (continued):

### (iii) Liquidity risk:

Liquidity risk is the risk that the Commission will not be able to meet its obligations associated with financial liabilities. The Commission monitors its liquidity risk to ensure access to sufficient funds to meet operational and investing requirements. The Commission's objective is to ensure that sufficient liquidity is on hand to meet obligations as they fall due while minimizing interest expense. The Commission has access to a line of credit and monitors cash balances to ensure that sufficient levels of liquidity are on hand to meet financial commitments as they come due.

The following are the contractual maturities of financial liabilities including estimated interest payments:

December 31, 2022	6 Months or less	6-12 Months	1-2 years	More than 2 years	Other non cash adjustments	Carrying amount
Accounts payable and accruals	\$ 5,733	\$ -	\$ -	\$ -	\$ -	\$ 5,733
Accounts payable to related parties	7,142	-	-	-	-	7,142
Customer deposits	26	26	52	225	-	329
Long-term borrowings	-	-	-	52,000	(568)	51,432
	\$ 12,901	\$ 26	\$ 52	\$ 52,225	\$ (568)	\$ 64,636

December 31, 2021	6 Months or less	6-12 Months	1-2 years	More than 2 years	Other non cash adjustments	Carrying amount
Accounts payable and accruals	\$ 6,872	\$ -	\$ -	\$ -	\$ -	\$ 6,872
Accounts payable to related parties	3,369	411	-	-	-	3,780
Customer deposits	27	27	54	260	-	368
Long-term borrowings	-	-	-	52,000	(586)	51,414
	\$ 10,268	\$ 438	\$ 54	\$ 52,260	\$ (586)	\$ 62,434

# WINDSOR UTILITIES COMMISSION

Notes to the Financial Statements (continued)  
(in thousands of Canadian dollars)

Year ended December 31, 2022

## 20. Financial instruments and risk management (continued):

### (iv) Capital disclosures:

The main objectives of the Commission when managing capital are to ensure ongoing access to funding to maintain and improve the water distribution system and ensure adequate cost recovery.

The Commission's debt to equity ratio at the end of the reporting period was:

	2022	2021
Total liabilities	\$ 82,561	\$ 81,890
Total equity	350,035	328,615
Debt to equity ratio at December 31	0.24	0.25

The Commission has customary covenants typically associated with long-term debt. The Commission is in compliance with all credit agreement covenants and limitations associated with its long-term debt.

### (v) Interest rate risk:

Interest rate risk is the risk that the fair value or future cash flows of a financial instrument will fluctuate because of changes in market interest rates. The Commission is subject to variable interest rate cash flow risk with respect to its investments. The Commission has addressed this risk by entering into fixed interest rates on invested funds and debts.

### (vi) Currency risk:

Currency risk is the risk that the fair value or future cash flow of a financial instrument will fluctuate due to changes in foreign exchange rates. The Commission is exposed to currency risk through its foreign currency denominated bank and investment accounts. A weakening or strengthening of the Canadian dollar can affect the cash flows. This risk is monitored by investment managers and the exposure is limited to these accounts. For sensitivity purposes, a 1% change in the Canadian dollar would result in a change of \$40 (2021 - \$74) on the balance sheet and the statement of income.

# WINDSOR UTILITIES COMMISSION

Notes to the Financial Statements (continued)  
(in thousands of Canadian dollars)

Year ended December 31, 2022

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## 21. Commitments and contingencies:

### Commitments

#### *Contractual Obligations*

At year end, the Commission is committed to capital projects of approximately \$2,871 (2021 - \$2,547). These capital projects continue the investment in the Commission's watermain infrastructure throughout the City of Windsor. These project contracts were awarded in 2022 and will be completed during the next reporting period.

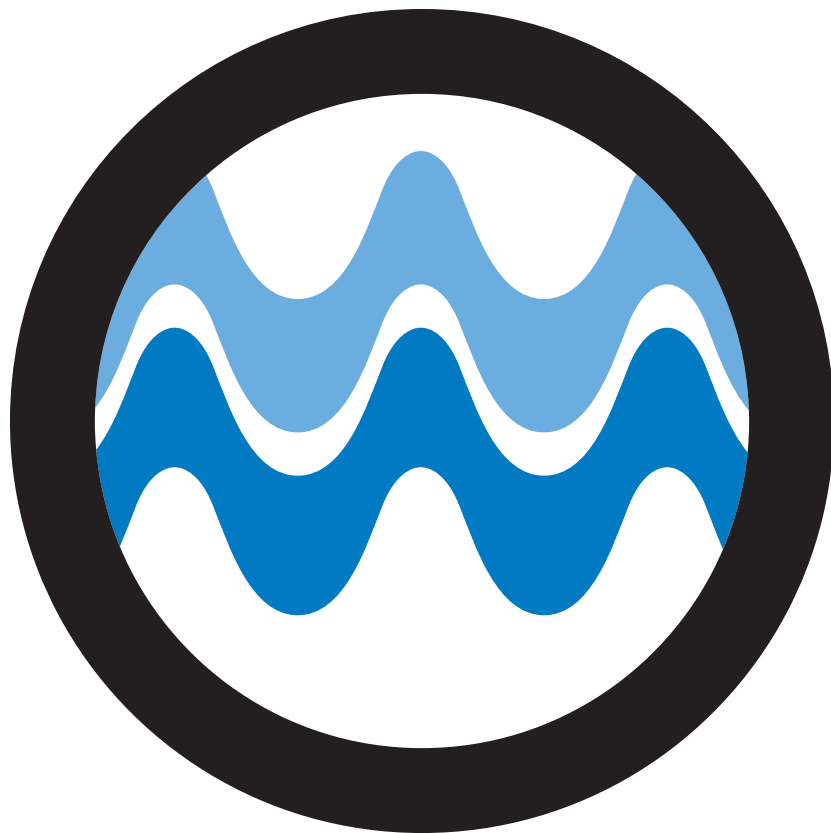
### Contingencies

#### *General*

From time to time, the Commission is involved in various litigation matters arising in the ordinary course of its business. The Commission has no reason to believe that the disposition of any such current matter could reasonably be expected to have a materially adverse impact on the Commission's financial position, results of operations or its ability to carry on any of its business activities.

## 22. Comparative figures:

Certain reclassifications have been made to the prior year's financial statements to enhance comparability with the current year's financial statements. As a result, certain line items have been amended in the Statement of Income and the Statement of Cash Flows and the related notes to the financial statements. There was no impact on current or prior year's net income. Comparative figures have been adjusted to conform to the current year's presentation.





**Subject: Roseland Golf & Curling Club Limited – Annual General Meeting - City Wide**

**Reference:**

Date to Council: May 29, 2023  
Author: Shelby Askin Hager  
City Solicitor and Commissioner, Legal and Legislative Services  
519-255-6100 ext. 6424  
shager@citywindsor.ca

Legal Services, Real Estate & Risk Management  
Report Date: May 9, 2023  
Clerk's File #: SR2023

To: Mayor and Members of City Council

**Recommendation:**

- I That Council, acting as the shareholder for Roseland Golf & Curling Club Limited ("Roseland") **APPROVE** the resolutions presented by Roseland in the attached Report of the Board; and,
- II. That the Mayor **BE APPOINTED** to sign the resolution on behalf of The Corporation of the City of Windsor, in accordance with Council direction, with respect to the annual general meeting of Roseland for the year 2023; and,
- III. That the Mayor **BE APPOINTED** to sign the rectifying resolution on behalf of The Corporation of the City of Windsor, in accordance with Council direction, with respect to ensuring the corporate minute book is accurate and up to date.

**Executive Summary:**

n/a

**Background:**

The Corporation of the City of Windsor (the "City") is the sole shareholder of Roseland Golf & Curling Club Limited ("Roseland"). As a corporation subject to the Ontario *Corporations Act* ("CA"), Roseland is required to obtain certain shareholder resolutions on an annual basis. This is generally accomplished at an annual general meeting ("AGM").

As the shareholder, the City (represented by City Council) must appoint someone to sign the resolutions in accordance with its direction. Therefore, this report seeks that Council approve the resolutions presented by Roseland, and further that it appoint the Mayor as the City's signing delegate.

**Discussion:**

The resolutions presented at an AGM are prescribed by the legislation and include:

- (a) Approval of minutes of prior AGMs (if any);
- (b) Receipt of financial statements;
- (c) Appointment of officers.

Any other business intended to be transacted at an AGM is considered "special business". Given the history of Roseland, the Board also included a rectifying resolution in order to ensure Roseland's corporate minute book is up to date and accurately reflects the business. This rectifying resolution should also be considered a corporate housekeeping matter similar to the other resolutions, although not required annually.

It is Administration's opinion that it is appropriate to approve the resolutions presented.

**Risk Analysis:**

As the sole shareholder of Roseland, the City must fulfill its obligations under the CA and address the resolutions presented by Roseland.

Approval of the resolutions pose little to no risk to the City as the City remains involved and aware with respect to the operations of Roseland.

**Climate Change Risks**

**Climate Change Mitigation:**

N/A

**Climate Change Adaptation:**

N/A

**Financial Matters:**

There are no financial ramifications to accepting the resolutions presented by Roseland.

**Consultations:**

Joshua Meloche – Legal Counsel to Roseland Golf & Curling Club Limited



**Conclusion:**

The resolutions presented by Roseland are essentially corporate housekeeping and it is appropriate to approve them. In order to for the resolutions to be signed, it is necessary to appoint a delegate to represent the City for that purpose.

**Approvals:**

<b>Name</b>	<b>Title</b>
Shelby Askin Hager	Commissioner, Legal and Legislative Services
Tony Ardovini	Commissioner, Corporate Services, CFO/ City Treasurer (A)
Joe Mancina	Chief Administrative Officer

**Notifications:**

<b>Name</b>	<b>Address</b>	<b>Email</b>
David Deluzio		ddeluzio@citywindsor.ca
Committee Coordinator		kkadour@citywindsor.ca
Dan Seguin		dseguin@citywindsor.ca
Joshua Meloche		jmeloche@citywindsor.ca

**Appendices:**

- 1 Report to Board for Shareholder Meeting
- 2 Unaudited Statement 2020
- 3 Year-end Unaudited Statement 2021
- 4 Unaudited Statement December 2022
- 5 Rectifying Resolution 2023
- 6 Roseland Shareholder Resolutions 2023



**TO: BOARD OF DIRECTORS**

Roseland Golf & Curling Club Limited

**Author:** Joshua Meloche, legal counsel to Roseland Golf & Curling Club Limited

**Contact:** (T) 519.255.6100 ext 6704 (E/M) [jmeloche@citywindsor.ca](mailto:jmeloche@citywindsor.ca)

**Board Meeting Date:** May 5, 2023

**Shareholder Meeting Date:** May 29, 2023

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**RECOMMENDATION:**

- A. THAT the report of legal counsel **BE RECEIVED** for information;
- B. AND THAT the following persons **BE APPOINTED** as Officers of Roseland Golf & Curling Club Limited in the respective positions ascribed opposite their names:
- |                  |   |                             |
|------------------|---|-----------------------------|
| a. Gary Kaschak  | - | President/Chair             |
| b. Dan Seguin    | - | Treasurer                   |
| c. David Deluzio | - | Secretary & General Manager |
- C. AND THAT the financial statements for the calendar year 2020, as presented by the Treasurer and received by the Board on March 25, 2021 **BE ADOPTED**;
- D. AND THAT the financial statements for the calendar year 2021, as presented by the Treasurer and received by the Board on March 10, 2022 **BE ADOPTED**;
- E. AND THAT the financial statements for the calendar year 2022, as presented by the Treasurer and received by the Board on March 22, 2023 **BE ADOPTED**;
- F. AND THAT the date for the Shareholder Annual Meeting **BE CALLED** for the regular meeting of Council on May 29, 2023; and that should the Shareholder Annual Meeting not be held on the aforementioned date or within 30 days thereof, that legal counsel be delegated the authority to call the Shareholder Annual Meeting on a revised date;
- G. AND THAT legal counsel **BE REQUESTED** to fulfill the notice requirements for such Shareholder Annual Meeting;
- H. AND THAT legal counsel **BE REQUESTED** to submit to the Shareholder a report on behalf of the Board, to be substantially in the form attached hereto as *Appendix "A"*, subject to any further matters that the Board wishes to be considered by the Shareholder, or any amendments deemed necessary by legal counsel in order to have the report presented to the Shareholder;
- I. AND THAT the financial statements, as presented by the Treasurer, received by the Board on March 25, 2021, for the calendar year ending December 31, 2020; as well as those

received by the Board on May 29, 2020 and adopted by the Board on March 10, 2022, for the calendar year ending December 31, 2021; as well as those received by the Board on March 22, 2023, for the calendar year ending December 31, 2022 **BE ATTACHED** to the Board's report for consideration by the Shareholder; and further that Board hereby **REQUEST** that the historical practice of Roseland financial records forming part of the City's external audit **BE APPROVED** by the Shareholder in lieu of further or additional financial statements.

## **BACKGROUND:**

As Board members may know, historically the Board members were the shareholders of Roseland Golf & Curling Club Limited (the "**Corporation**"), in trust for The Corporation of the City of Windsor (the "**City**"). However, in 2011, a transfer of all shares occurred, and they are now held directly by the City.

The Directors of a corporation are required to call a Shareholder Annual Meeting. Due to Covid-19 and a number of other external factors, the last Shareholder Annual Meeting was held on January 18, 2021.

## **DISCUSSION:**

### *Appointment of Officers*

Directors are granted the power to appoint the Officers – which must include a President and Secretary.

### *Date of Meeting*

The recommendation suggests May 29, 2023 as the date to be called for the Shareholder Annual Meeting. This date was selected to coincide with a regular Council meeting and to give Legal Counsel an opportunity to prepare and forward the appropriate notices.

### *Report to Shareholder*

Legal Counsel has drafted a preliminary report to the Shareholder for the purposes of the Shareholder Annual Meeting, which is attached as *Appendix "A"* for consideration by the Board. As the Shareholder Annual Meeting is intended to be, in part, a meeting whereby the Directors update and inform the Shareholder, it is imperative that the report reflect the wishes of the Board as to the information and requests being presented to the Shareholder.

### *Financial Statements*

Legislation requires that financial statements be made available to the Shareholder – which has historically occurred at the Shareholder Annual Meeting.

Historically, the Board and the Shareholder have only been presented with an income statement, since the financial records of Corporation have formed part of the City's external audit. Commencing in 2012, in order to move towards technical compliance with the *Act*, the financial statements had an unaudited balance sheet, information regarding the Corporation's retained earnings, and the income statement. The Corporation's records continue to form part of the City's external audit, and therefore the statement of financial changes in financial position form part of

that process as well as the overall “audit” of the statements generally. It is recommended that the Board continue to approve this process in order to avoid the costs of its own independent external audit, and this information will also be reported to the Shareholder for approval of that process.

Rectifying Resolution

Legal Counsel has drafted a rectifying resolution in order to ensure that the Minute Book of the Corporation is up to date and accurately reflects the business of the Corporation.

Other Aspects

The Board may wish to take the opportunity of the Shareholder Annual Meeting to present additional information or request the Shareholder’s consideration of a particular matter. Should that be the case, the Board should consider how it will raise same to the Shareholder.

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**Joshua Meloche**  
**Legal Counsel**

JM/

**APPENDICES:**  
**DRAFT Report to Shareholder**

**DEPARTMENTS/OTHERS CONSULTED:**  
**David Deluzio & Dan Seguin**



**SHAREHOLDER ANNUAL MEETING  
REPORT OF THE BOARD**

Roseland Golf & Curling Club Limited

**Author:** Joshua Meloche, legal counsel to Roseland Golf & Curling Club Limited

**Contact:** (T) 519.255.6100 ext 6704 (E/M) [jmeloche@citywindsor.ca](mailto:jmeloche@citywindsor.ca)

**Board Meeting Date:** May 5, 2023

**Shareholder Meeting Date:** May 29, 2023

---

**1. RECOMMENDATION:**

- A. THAT this report of Roseland’s legal counsel, authored on behalf of the Board **BE RECEIVED** for information;
- B. AND THAT the following persons, having been appointed as Officers of Roseland by the Directors, be ratified in the respective positions ascribed opposite their names:
  - a. Gary Kaschak - President/Chair
  - b. Dan Seguin - Treasurer
  - c. David Deluzio - Secretary & General Manager
- C. AND THAT the financial statements of Roseland for the calendar years 2020, 2021 and 2022 and their format **BE ADOPTED**, and that the financial records of Roseland continue to form part of the City’s overall external audit in lieu of Roseland’s own external audit and further or additional financial statements being provided.
- D. AND THAT it be acknowledged that the minutes of the Shareholder Annual Meeting (held January 18, 2021 at the regular Council meeting) were adopted by the Shareholder at the regular meeting of Council held on February 1, 2021.

**2. BOARD REPORT:**

The Shareholder will recall that historically the Corporation’s Board members were the shareholders of the Corporation, in trust for the City. However, in 2011, a transfer of all shares occurred, and they are now held directly by the City.

Pursuant to legislation, the Corporation is required to call an annual meeting of the shareholder. The last annual meeting was held on January 18, 2021.

*Appointment of Officers*

Directors have the power to appoint the Officers – which must include a President and Secretary. Therefore, the Board has appointed the Officers for the next year, as follows:

Gary Kaschak	-	President/Chair
Dan Seguin	-	Treasurer
David Deluzio	-	Secretary & General Manager

### Prior Shareholder Minutes

As noted above, the last Shareholder Annual Meeting was held on January 18, 2021, at the regular Council meeting. Through CR44/2021, the 2020 report of the Board was received, and its recommendations were adopted as presented. The Minutes of the last Shareholder Annual Meeting were adopted at the next regular Council meeting, held February 1, 2021.

### Financial Statements

The Corporation is required to present its financial statements to the Shareholder. Copies of the said statements for the calendar years 2020, 2021 and 2022, received by the Board on March 25, 2021, March 10, 2022 and March 22, 2023, respectively, are attached.

It has been the practice to include the Corporation in the City's external audit and Consolidated Financial Records, and the change in financial position is included in that process. The Board requests that the Shareholder continue to approve this format in order to keep costs to a minimum.

Should the Shareholder require full financial statements, the financial records of the Corporation would need to be separately audited – which would result in additional costs to be borne by the Corporation. It is estimated that a separate external audit of the Corporation would cost approximately \$9,000-\$12,000 per year.

Audited financial statements are normally required when an entity has outstanding loans or lines of credit with financial institutions and therefore covenants within such creditor agreements often require the submission of audited financial statements to the financial institution within defined timelines as a condition of the loans. The Corporation does not have any such agreements as all of its financing is handled directly by the City. Therefore, there is no specific need to have separately audited financial statements prepared. As indicated, the Corporation accounts are already audited within the City's overall consolidated audit.

### Rectifying Resolution

Legal Counsel has drafted a rectifying resolution in order to ensure that the Minute Book of the Corporation is up to date and accurately reflects the business of the Corporation.

---

Joshua Meloche, legal counsel to Roseland  
Golf & Curling Club Limited

Encl: 2020 Financial Statements  
2021 Financial Statements  
2022 Financial Statements

cc: David Deluzio–Secretary & GM  
Dan Seguin – Treasurer

**2020/2021/2022 UNAUDITED FINANCIAL STATEMENTS**

Please see attached.

**UNAUDITED FINANCIAL STATEMENTS**

**ROSELAND GOLF AND CURLING CLUB LIMITED**

**DECEMBER 31, 2020**



**ROSELAND GOLF AND CURLING CLUB LIMITED**

**Balance Sheet - Unaudited**

**Year ended December 31, 2020 (With comparative figures from 2019)**

**(\$000's)**

	2020	2019
	\$	\$
<hr/>		
<b>Assets</b>		
Cash	(585)	(643)
Prepaid expenses	89	37
Trade and other receivables	14	22
<hr/>		
<b>Total Assets</b>	(482)	(584)
<hr/>		
<b>Liabilities</b>		
Due to City of Windsor	371	513
Trade and other payables	83	122
<hr/>		
<b>Total Liabilities</b>	454	635
<hr/>		
<b>Accumulated Surplus (Deficit) [note 5]</b>	(936)	(1,219)
<hr/> <hr/>		

The accompanying notes are an integral part of these financial statements.

**ROSELAND GOLF AND CURLING CLUB LIMITED**  
**Income Statement and Accumulated Deficit - Unaudited**  
**Year ended December 31, 2020**  
**(\$000's)**

	2020	2019
	\$	\$
<b>Revenues</b>		
User Fees	1,168	1,290
Rental Income	265	230
Food and Beverage	285	697
Other	27	3
Covid Relief Funding	476	-
<b>Total Revenues</b>	<b>2,221</b>	<b>2,220</b>
<b>Expenses</b>		
Golf and Greenskeeping	1,210	1,255
Roseland Curling	70	147
Roseland Clubhouse	477	1,033
Admin Payment to City of Windsor	65	65
Contribution to City of Windsor	100	100
Reserves and Projects	16	12
<b>Total Expenses</b>	<b>1,938</b>	<b>2,612</b>
<b>Annual Profit/(Deficit)</b>	<b>283</b>	<b>(392)</b>
Accumulated deficit, beginning of year	(1,219)	(827)
<b>Accumulated deficit, at end of year</b>	<b>(936)</b>	<b>(1,219)</b>

# ROSELAND GOLF AND CURLING CLUB LIMITED

## Notes to Financial Statements - Unaudited

Year ended December 31, 2020

(\$000's)

### 1. Reporting entity

These financial statements reflect the assets, liabilities, accumulated deficit, revenues and expenses of Roseland Golf and Curling Club Limited, including current operations, reserve fund, and amounts due to the City of Windsor for various unfinanced capital projects.

### 2. Purpose

These financial statements are unaudited and intended solely for the internal use of the Board of Roseland Golf and Curling Club Limited.

### 3. Basis of accounting

These financial statements have been prepared based on a modified accrual method, which is consistent with the method used for budget purposes, and have not been prepared in accordance with Public Sector Accounting Board (PSAB) standards.

Roseland Golf and Curling Club Limited financial activity is included within the consolidated financial statements of the City of Windsor, which are fully compliant with PSAB requirements and annually audited by the City's external auditor.

### 4. Transfers

Transfers within the reporting entity have been eliminated, while transfers to other City of Windsor funds are recorded as expenses.

### 5. Accumulated deficit

Accumulated deficit consists of the following:

	2020	2019
Reserve fund	(565)	(706)
Maintenance building project	(371)	(513)
<b>Accumulated deficit</b>	<b>(936)</b>	<b>(1,219)</b>

### 6. Segmented Information

The Income Statement and Accumulated Deficit reflects the Revenues, Expenses and Annual Surplus (Deficit) for the following key areas of the operation.

	Little River 2020	Roseland 2020	Total 2020
Revenue	-	2,221	2,221
Less: Expenses ( including allocation of Admin)	161	1,761	1,922
Less: Expenses Reserve and Project			16
<b>Profit/(Deficit)</b>	<b>(161)</b>	<b>460</b>	<b>283</b>

**UNAUDITED FINANCIAL STATEMENTS**

**ROSELAND GOLF AND CURLING CLUB LIMITED**

**DECEMBER 31, 2021**

**ROSELAND GOLF AND CURLING CLUB LIMITED**

**Balance Sheet - Unaudited**

**Year ended December 31, 2021 (With comparative figures from 2020)**

**(\$000's)**

	2021	2020
	\$	\$
<hr/>		
<b>Assets</b>		
Cash	(398)	(585)
Prepaid expenses	82	89
Trade and other receivables	13	14
<hr/>		
<b>Total Assets</b>	(303)	(482)
<hr/>		
<b>Liabilities</b>		
Due to City of Windsor	159	371
Trade and other payables	57	83
<hr/>		
<b>Total Liabilities</b>	216	454
<hr/>		
<b>Accumulated Surplus (Deficit) [note 5]</b>	(519)	(936)
<hr/> <hr/>		

The accompanying notes are an integral part of these financial statements.

# ROSELAND GOLF AND CURLING CLUB LIMITED

## Income Statement and Accumulated Deficit - Unaudited

Year ended December 31, 2021

(\$000's)

	2021	2020
	\$	\$
<b>Revenues</b>		
User Fees	1,704	1,168
Rental Income	332	265
Food and Beverage	313	285
Other	100	27
Covid Relief Funding	-	476
<b>Total Revenues</b>	<b>2,449</b>	<b>2,221</b>
<b>Expenses</b>		
Golf and Greenskeeping	1,404	1,210
Roseland Curling	64	70
Roseland Clubhouse	384	477
Admin Payment to City of Windsor	65	65
Contribution to City of Windsor	100	100
Reserves and Projects	14	16
<b>Total Expenses</b>	<b>2,031</b>	<b>1,938</b>
<b>Annual Profit/(Deficit)</b>	<b>417</b>	<b>283</b>
Accumulated deficit, beginning of year	(936)	(1,219)
<b>Accumulated deficit, at end of year</b>	<b>(519)</b>	<b>(936)</b>

# ROSELAND GOLF AND CURLING CLUB LIMITED

## Notes to Financial Statements - Unaudited

Year ended December 31, 2021

(\$000's)

### 1. Reporting entity

These financial statements reflect the assets, liabilities, accumulated deficit, revenues and expenses of Roseland Golf and Curling Club Limited, including current operations, reserve fund, and amounts due to the City of Windsor for various unfinanced capital projects.

### 2. Purpose

These financial statements are unaudited and intended solely for the internal use of the Board of Roseland Golf and Curling Club Limited.

### 3. Basis of accounting

These financial statements have been prepared based on a modified accrual method, which is consistent with the method used for budget purposes, and have not been prepared in accordance with Public Sector Accounting Board (PSAB) standards.

Roseland Golf and Curling Club Limited financial activity is included within the consolidated financial statements of the City of Windsor, which are fully compliant with PSAB requirements and annually audited by the City's external auditor.

### 4. Transfers

Transfers within the reporting entity have been eliminated, while transfers to other City of Windsor funds are recorded as expenses.

### 5. Accumulated deficit

Accumulated deficit consists of the following:

	2021	2020
Reserve fund	(360)	(565)
Maintenance building project	(159)	(371)
<b>Accumulated deficit</b>	<b>(519)</b>	<b>(936)</b>

### 6. Segmented Information

The Income Statement and Accumulated Deficit reflects the Revenues, Expenses and Annual Surplus (Deficit) for the following key areas of the operation.

	Little River 2021	Roseland 2021	Total 2021
Revenue	304	2,145	2,449
Less: Expenses ( including allocation of Admin)	297	1,720	2,018
Less: Expenses Reserve and Project			14
<b>Profit/(Deficit )</b>	<b>7</b>	<b>424</b>	<b>417</b>

**UNAUDITED FINANCIAL STATEMENTS**

**ROSELAND GOLF AND CURLING CLUB LIMITED**

**DECEMBER 31, 2022**



**ROSELAND GOLF AND CURLING CLUB LIMITED**  
**Balance Sheet - Unaudited**  
**Year ended December 31, 2022 (With comparative figures from 2021)**  
**(\$000's)**

	2022	2021
	\$	\$
<b>Assets</b>		
Cash	(87)	(398)
Prepaid expenses	91	82
Trade and other receivables	11	13
<b>Total Assets</b>	<b>16</b>	<b>(303)</b>
<b>Liabilities</b>		
Due to City of Windsor	0	159
Trade and other payables	68	57
<b>Total Liabilities</b>	<b>68</b>	<b>216</b>
<b>Accumulated Surplus (Deficit) [note 5]</b>	<b>(52)</b>	<b>(519)</b>

The accompanying notes are an integral part of these financial statements.

**ROSELAND GOLF AND CURLING CLUB LIMITED**  
**Income Statement and Accumulated Deficit - Unaudited**  
**Year ended December 31, 2022**  
**(\$000's)**

	2022	2021
	\$	\$
<b>Revenues</b>		
User Fees	1,874	1,704
Rental Income	375	332
Food and Beverage	382	313
Other	114	100
<b>Total Revenues</b>	<b>2,745</b>	<b>2,449</b>
<b>Expenses</b>		
Golf and Greenskeeping	1,521	1,404
Roseland Curling	145	64
Roseland Clubhouse	436	384
Admin Payment to City of Windsor	65	65
Contribution to City of Windsor	100	100
Reserves and Projects	12	14
<b>Total Expenses</b>	<b>2,278</b>	<b>2,031</b>
<b>Annual Profit/(Deficit)</b>	<b>467</b>	<b>417</b>
Accumulated deficit, beginning of year	(519)	(936)
<b>Accumulated deficit, at end of year</b>	<b>(52)</b>	<b>(519)</b>

# ROSELAND GOLF AND CURLING CLUB LIMITED

## Notes to Financial Statements - Unaudited

Year ended December 31, 2022

(\$000's)

### 1. Reporting entity

These financial statements reflect the assets, liabilities, accumulated deficit, revenues and expenses of Roseland Golf and Curling Club Limited, including current operations, reserve fund, and amounts due to the City of Windsor for various unfinanced capital projects.

### 2. Purpose

These financial statements are unaudited and intended solely for the internal use of the Board of Roseland Golf and Curling Club Limited.

### 3. Basis of accounting

These financial statements have been prepared based on a modified accrual method, which is consistent with the method used for budget purposes, and have not been prepared in accordance with Public Sector Accounting Board (PSAB) standards.

Roseland Golf and Curling Club Limited financial activity is included within the consolidated financial statements of the City of Windsor, which are fully compliant with PSAB requirements and annually audited by the City's external auditor.

### 4. Transfers

Transfers within the reporting entity have been eliminated, while transfers to other City of Windsor funds are recorded as expenses.

### 5. Accumulated deficit

Accumulated deficit consists of the following:

	2022	2021
Reserve fund	(54)	(360)
Maintenance building project	-	(159)
<b>Accumulated deficit</b>	<b>(54)</b>	<b>(519)</b>

### 6. Segmented Information

The Income Statement and Accumulated Deficit reflects the Revenues, Expenses and Annual Surplus (Deficit) for the following key areas of the operation.

	Little River 2022	Roseland 2022	Total 2022
Revenue	308	2,437	2,745
Less: Expenses ( including allocation of Admin)	271	1,995	2,266
Less: Expenses Reserve and Project	-	-	12
<b>Profit/(Deficit )</b>	<b>37</b>	<b>442</b>	<b>467</b>

**RESOLUTION OF THE SOLE SHAREHOLDERS OF  
ROSELAND GOLF & CURLING CLUB LIMITED**

The undersigned, being the sole shareholder of Roseland Golf & Curling Club Limited (the “Corporation”), acting pursuant to the *Corporations Act*, R.S.O. 1990, c. C.38, as amended (the “Act”) by its signature hereby passes the following resolutions:

**Confirmation of Corporate Proceedings Taken and Current Directors**

**RECITALS:**

- A. A review of the minute books of the Corporation reveals that the records of the Corporation are incomplete and require updating;
- B. The shareholder of the Corporation desires, as of the date hereof to update information required for the Corporation’s minute book to confirm the current directors and certain corporate proceedings.

**NOW THEREFORE BE IT RESOLVED THAT:**

- 1. The Secretary of the Corporation is hereby authorized to update and make corrections to documents contained in the minute book as set out in the resolution, including filing a Notice with the Ministry of Government Services as to the current directors of the Corporation, namely:

Fred Francis, Gary Kaschak, Kieran McKenzie, Gerry Pocock and Bruce Wintemute

- 2. The Secretary of the Corporation is hereby authorized to update and make corrections to documents contained in the minute book as set out in the resolution, including filing a Notice with the Ministry of Government Services as to the current officers of the Corporation, namely:

Gary Kaschak	-	President/Chair
Dan Seguin	-	Treasurer
David Deluzio	-	Secretary & General Manager

- 3. All annual year end financial statements prepared on behalf of the Corporation by the Accountants of the Corporation since the date of incorporation, to and including the financial statements of the Corporation as at December 31, 2022 be and the same are hereby approved, ratified and confirmed.
- 4. Subject to the matters herein confirmed, notwithstanding any defects or irregularities in the minute book of the Corporation by reason of defective or improper election of director, failure to hold annual meetings, failure to sign resolutions, by-laws, special resolutions, or otherwise, all acts and proceedings taken or purported to have been taken in satisfaction of the requirement to hold an annual meeting of shareholders pursuant to the Act and to

conduct regular business therein, to the date hereof by the directors, officers or persons acting in good faith as such directors and officers and shareholders of the Corporation be and the same are hereby approved, ratified, confirmed and adopted for all purposes.

The undersigned, being the sole shareholder of the Corporation, hereby approves and consents to the above resolutions as evidenced by the signature of the shareholder's authorized representative set out below.

SIGNED & DATED at Windsor, Ontario as of the \_\_\_\_\_ day of \_\_\_\_\_, 2023.

**THE CORPORATION OF THE  
CITY OF WINDSOR**

\_\_\_\_\_  
Mayor Drew Dilkens

I have the authority to bind the corporation.

**RESOLUTIONS OF THE SOLE SHAREHOLDER  
ROSELAND GOLF & CURLING CLUB LIMITED  
(the “Corporation”)**

**BE IT RESOLVED THAT:**

**Appointment of Officers**

1. The following persons are hereby appointed as Officers of the Corporation to hold office until the close of the next annual meeting of the sole shareholder of the Corporation or until their successors have been duly appointed subject to the provisions of the Corporation’s by-laws and the *Corporations Act*, R.S.O. 1990, c. C. 38:

Gary Kaschak	-	President/Chair
Dan Seguin	-	Treasurer
David Deluzio	-	Secretary & General Manager

**Financial Information**

2. The undersigned’s receipt of the below items is hereby acknowledged:

Financial Statements for the following periods:

- January 1, 2020 to December 31, 2020
- January 1, 2021 to December 31, 2021
- January 1, 2022 to December 31, 2022

3. The financial records of the Corporation hereby form part of the undersigned’s overall external audit in lieu of the Corporation’s own external audit and further or additional financial statements being provided.

**Minutes of Prior Shareholder’s Meeting**

4. The undersigned hereby acknowledges that the minutes of the prior annual meeting of the sole shareholder of the Corporation, held on January 18, 2021, were adopted by the undersigned on February 1, 2021.

**THE FOREGOING RESOLUTIONS** are hereby consented to by the sole shareholder of the Corporation pursuant to the provisions of the *Corporations Act*, R.S.O. 1990, c. C. 38.

SIGNED & DATED at Windsor, Ontario as of the \_\_\_\_\_ day of \_\_\_\_\_, 2023.

**THE CORPORATION OF THE  
CITY OF WINDSOR**

\_\_\_\_\_  
Mayor Drew Dilkens

I have the authority to bind the corporation.

**Subject: Award of Tender #58-23 - 2023 EC Row Variable Message Signs for Traffic Operations - City Wide**

**Reference:**

Date to Council: May 29, 2023  
Author: Ian Day  
Acting Senior Manager Traffic Operations and Parking  
519-255-6247 ext 6053  
iday@citywindsor.ca  
Public Works - Operations  
Report Date: May 4, 2023  
Clerk's File #: ST/14580

**To:** Mayor and Members of City Council

**Recommendation:**

- I. THAT the following low tender **BE ACCEPTED:**

TENDERER:	Weinmann Limited
TENDER NO:	58-23
TOTAL TENDER PRICE:	\$295,000 excluding HST
ACCOUNT CHARGED:	007-5410-9998-02942-7221008

and,

THAT the CAO and City Clerk **EXECUTE** an agreement with the low bidder, Weinmann Limited, in the amount of \$295,000.00 excluding HST, with said contract being satisfactory in form to the Commissioner of Legal & Legislative Services, satisfactory in technical content to the Commissioner of Infrastructure Services, and in financial content to the Commissioner of Corporate Services CFO/City Treasurer; and,

THAT City Council **APPROVE** a transfer of \$225,467 in funding, from the Traffic Signals Upgrades and Replacements Project 7209000 to the Variable Message Sign Upgrades Project 7221008, as detailed in the financial matters section of this report.

**Executive Summary:**

N/A

## Background:

The City of Windsor has 2 Ver-Mac pole mounted Variable Message Signs (VMS) located on the EC Row Expressway, one in the east bound direction approaching Dougal Avenue and one in the westbound direction approaching Lauzon Parkway. Both units have surpassed their usable lifespan and are no longer functioning. Council has previously approved OPS-002-22 with an amount of \$75,000 for VMS upgrades.

## Discussion:

Repair of the existing signs was investigated and shown to be as costly as a complete replacement as the LED boards and control system would need to be removed, rehabilitated, and reinstalled. The most cost effective alternative was a complete removal and replacement with new high-resolution colour VMS systems. The new systems would have the ability to display 6 lines of text at 19 characters per line, have the same physical size as the previous VMS systems and also have the ability to communicate through the Traffic Operations Kits network. These signs can be used to communicate with the motoring public on E.C. Row to notify travellers of upcoming road conditions, construction, weather and special events.

As a result, tender 58-23 for the supply and installation of two (2) new VMS systems was called with the following results:

<b>VENDORS</b>	<b>TOTAL TENDERED PRICE (EXCLUDING HST)</b>
GIP Paving Inc.	\$314,400
Stinson ITS Inc.	\$298,494
Weinmann Limited	\$295,000

## Risk Analysis:

While there is no immediate risks to proceed or not proceed with this project, both VMS systems are in a non functioning state and therefore not currently useful.

There is a financial impact should the VMS units not be replaced. If not replaced, the units will be removed and disposed of at a cost of approximately \$55,000 for both units. The supporting structures would remain in place, and would require bi-annual inspections until they are removed.

Properly functioning VMS systems are used to advise motorists of road conditions, accidents/delays, weather, and special events and can increase road user safety.



## Climate Change Risks

### Climate Change Mitigation:

N/A

### Climate Change Adaptation:

N/A

### Financial Matters:

Based on the low tender for the 2023 EC Row Variable Message Signs for Traffic Operations, the funds estimated to be required are as follows:

Contracting Party Name:	Weinmann Limited
Contact Person:	Mitchell Galpin - Mitchell.Galpin@weuil.com
Amount of Contract*:	\$295,000 excluding HST

The total cost of the sign replacements is \$300,192 including non-refundable HST costs (\$295,000 plus non-refundable HST).

Traffic Operations has an uncommitted balance of \$74,725 in funding available in project 7221008, Variable Message Sign Upgrades, to partially fund this tender. Funding for the sign upgrades was approved under the 2022 capital budget approval for OPS-002-22, CR B28/2021. Administration recommends the remaining required funding of \$225,467 be transferred from the Traffic Signal Upgrades and Replacements Project 7209000 to the Variable Message Sign Upgrade Project 7221008, in which there are sufficient unencumbered funds remaining to fund the additional cost.

Costs are significantly higher than originally estimated due to the extensive traffic control that is required while on E.C. Row and inflationary cost increases for the required equipment and materials.

Should the replacement of the signs not be approved, the existing units will be removed and disposed of at a cost of approximately \$55,000 excluding HST for both units. The supporting structures would remain in place, and would require bi-annual inspections until they are removed. There are sufficient funds in the Variable Message Sign Upgrade Project to fund the removal of the existing signs.

### Consultations:

N/A

**Conclusion:**

The replacement of the two VMS systems is necessary work in order to protect the safety of EC Row travellers. Administration recommends the award of tender 58-23 to Weinmann Limited, as well as the transfer of \$225,467 in funding from the 7209000 Traffic Signal Upgrades and Replacements Program to the 7221008 Variable Message Signs Upgrades Project. The work under tender 58-23 is anticipated to be undertaken during the 2023 construction season.

**Planning Act Matters:**

N/A

**Approvals:**

<b>Name</b>	<b>Title</b>
Cindy Becker	Financial Planning Administrator – Public Works
Shawna Boakes	Executive Director of Operations
Chris Nepszy	Commissioner, Infrastructure Services
Alex Vucinic	Purchasing Manager
Shelby Askin Hager	Commissioner, Legal and Legislative Services
Tony Ardovini	Acting Commissioner, Corp. Services/CFO
Joe Mancina	Chief Administrative Officer

**Notifications:**

<b>Name</b>	<b>Address</b>	<b>Email</b>

**Appendices:**

**Subject: Housekeeping Amendments to By-law 14-2023 - Wards 1 and 2**

**Reference:**

Date to Council: May 29, 2023  
 Author: Shelby Askin Hager  
 City Solicitor and Commissioner, Legal and Legislative Services  
 519-255-6100 ext 6424  
 shager@citywindsor.ca  
 Legal Services, Real Estate & Risk Management  
 Report Date: May 12, 2023  
 Clerk's File #: SB/12952

**To:** Mayor and Members of City Council

**Recommendation:**

THAT Council **APPROVE** minor housekeeping amendments to the Residential Rental Licensing by-law as described in this report; and,

That By-law XXXX **BE CONSIDERED** and, if advisable, **BE PASSED**.

**Executive Summary:**

n/a

**Background:**

Residential Rental Licensing By-law 14-2023 came into effect on February 13, 2023.

As part of the Pilot Study approved by Council, Administration has been monitoring for opportunities to improve the by-law. This report provides a summary of recommended housekeeping amendments to By-law 14-2023.

**Discussion:**

While administering the residential rental licensing pilot study, some by-law provisions have been identified as appropriate for amendment because of irregularities in possible interpretation or duplicative provisions. Correcting these issues will ensure that these provisions are understood and applied consistently.

The table that follows presents the by-law sections to be amended and the reasoning for revision. These changes are minor and do not alter the licensing framework as presented to and approved by Council.

Section	Current wording	Revised wording	Reasoning
---------	-----------------	-----------------	-----------

Section	Current wording	Revised wording	Reasoning
2.1	"Local Contact" means an Individual Person...who is responsible for the care and control of the Rental Housing Unit and who resides within the City of Windsor;	"Local Contact" means an Individual Person...who is responsible for the Rental Housing Unit and who resides within the City of Windsor or the County of Essex;	Broader language needed to reflect local geography.
2.1	"Market", "Marketed", or "Marketing" means...directly or indirectly, the sale, promotion, canvassing, solicitation, advertising, or marketing of part or all of a Rental Housing Unit, and includes placing, posting or erecting advertisements physically or online;	"Market", "Marketed", or "Marketing" means...directly or indirectly, the promotion, canvassing, solicitation, or advertising of part or all of a Rental Housing Unit, and includes placing, posting or erecting advertisements physically or online;	No intent to regulate the sale of properties.
3.5(e)(iii)	The <i>Long-Term Care Homes Act, 2010</i> , S.O. 2010, c. 11, as amended;	The <i>Fixing Long-Term Care Act, 2021</i> , S.O. 2021, c. 39, Sched. 1, as amended.	Legislative change.
3.5 (e)(v)	The <i>Social Housing Reform Act, 2000</i> , S.O. 200, c. 27, as amended; and	The <i>Housing Services Act, 2011</i> , S.O. 2011, c. 6, Sched. 1, as amended; and	Legislative change.
4.2	No person shall do any of the following, other than at a location for which a Licence has been issued under this by-law:	Strike section	Duplicative of section 4.1.
Appx "A"	Unintentionally omitted from draft by-law	To be attached	Same image used during consultations and posted publicly on City's website since pilot study area was determined by CR97/2021.
S2.1(g)(iii)	Requires that the Licence Commissioner be notified of any intended cancellation by the insurer no fewer than fourteen (14) days prior to such cancellation;	Strike section	Unnecessary.

### Risk Analysis:

Approving these changes will reduce the risk of interpretation issues.

**Climate Change Risks**

**Climate Change Mitigation:**

n/a

**Climate Change Adaptation:**

n/a

**Financial Matters:**

n/a

**Consultations:**

Jude Malott, Executive Initiatives Coordinator

Sharon Strosberg, Senior Legal Counsel - Litigation

**Conclusion:**

As part of the ongoing monitoring of the Residential Rental Licensing Pilot Study, some housekeeping amendments were identified which will clarify and improve the by-law.

**Approvals:**

Name	Title
Craig Robertson	Licence Commissioner/Deputy City Clerk (A)
Steve Vlachodimos	City Clerk
Shelby Askin Hager	City Solicitor and Commissioner, Legal and Legislative Services
Joe Mancina	Chief Administrative Officer

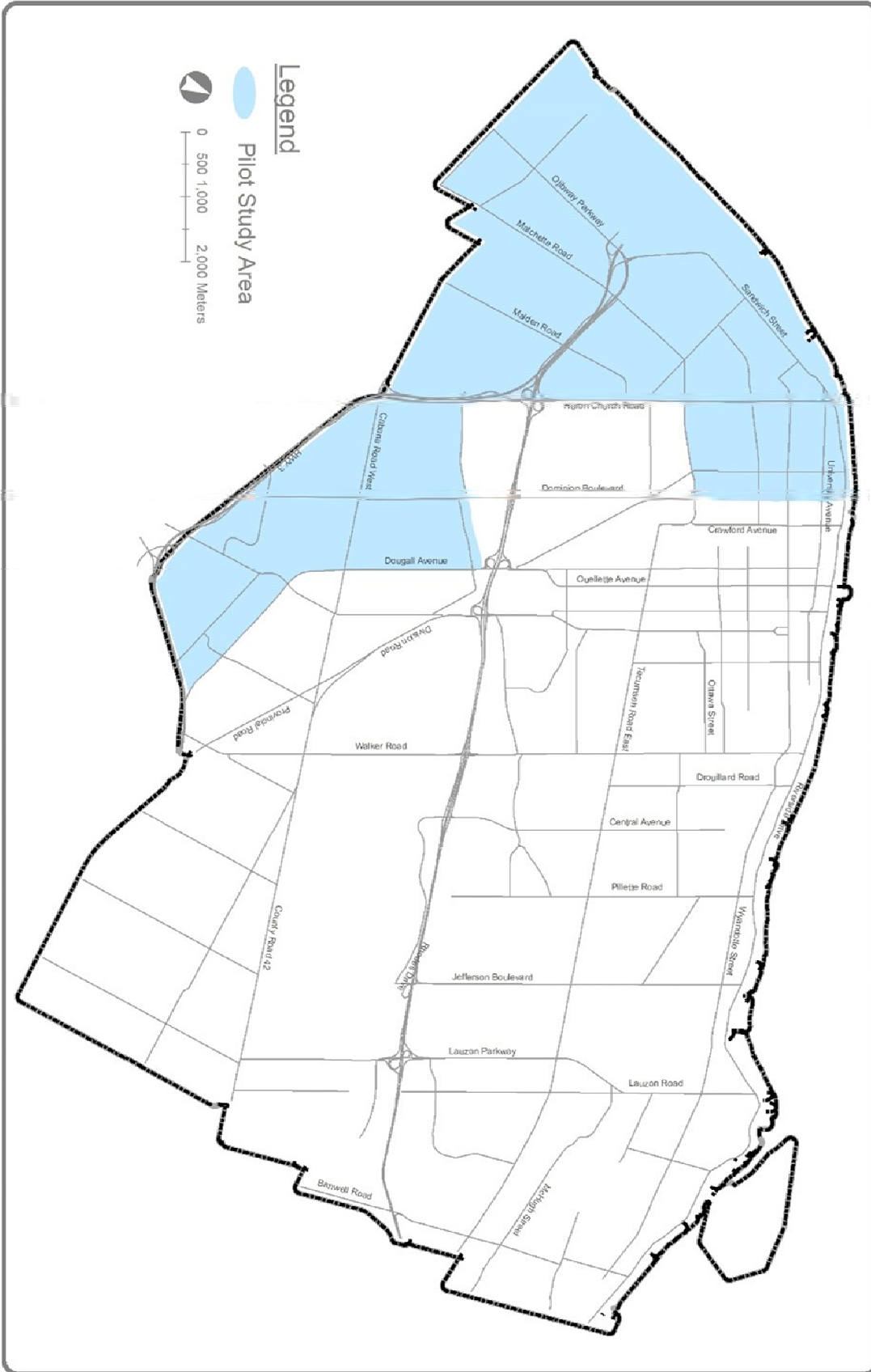
**Notifications:**

Name	Address	Email

**Appendices:**

- 1 Pilot Study Area

# Appendix "A" – Pilot Study Area





**Subject: Request to extend timeframe for redevelopment of demolished residential dwellings located at 1279-1281 and 1283-1285 Langlois Avenue, which are subject to Demolition Control By-law 131-2017 (Ward 4)**

**Reference:**

Date to Council: May 29, 2023  
Author: Greg Atkinson, Senior Planner  
519-255-6543 ext. 6582  
gatkinton@citywindsor.ca  
Planning & Building Services  
Report Date: May 15, 2023  
Clerk's File #: SB2023

**To:** Mayor and Members of City Council

**Recommendation:**

1. THAT the condition of demolition permits authorized via CR254/2019 requiring the construction of a new building to be substantially complete within two years of the commencement of demolition work at 1279-1281 and 1283-1285 Langlois Avenue, which was extended via CR242/2021 for an additional two years, **BE FURTHER EXTENDED** for one year (i.e. until June 6, 2024).

**Executive Summary:**

N/A

**Background:**

The subject properties are located at 1279-1281 and 1283-1285 Langlois Avenue (see Appendix 1) and are owned by the Polish Peoples' Home Association (the 'Owner'). The properties are designated for Mixed Use in the City's Official Plan and zoned Residential District (RD3.5), which permits a range of residential uses. The subject properties are also subject to a site specific zoning provision in Section 20(1)43 that permits a multiple dwelling with a maximum of eight dwelling units.

Demolition Control By-law 131-2017 applies to properties containing a residential dwelling unit located within 100 metres (328 feet) of traditional commercial streets, which includes properties north and south of the Ottawa Street Business Improvement Area. The By-law prohibits demolition of any residential property in the demolition control area unless a permit is issued by Council.

The By-law allows Council to attach a condition to a demolition permit requiring redevelopment to be substantially completed within a specified timeframe (i.e. must be at least two years from demolition permit issuance). If the condition is not met the City may impose a fee of up to \$20,000 for each dwelling unit that was demolished and may put the fee on the tax roll of the subject property.

Council passed the following resolution (CR254/2019) on May 27, 2019, which approved a request to demolish two duplex dwellings on the subject properties:

*THAT the Chief Building Official **BE AUTHORIZED** to issue a demolition permit for the residential dwellings located at 1279-1281 and 1283-1285 Langlois Avenue to facilitate redevelopment of the properties; and,*

*THAT the Chief Building Official **BE DIRECTED** to require, as a condition of the demolition permit, that:*

- 1. Redevelopment be substantially complete within two years of demolition permit issuance; and*
- 2. If redevelopment, including construction of a new building, is not substantially complete within two years of the commencement of demolition the maximum penalty (\$80,000) shall be entered on the collectors roll of the property; and*
- 3. THAT the City Solicitor be **BE DIRECTED** to register a notice of condition # 2 in the land registry office against the property.*

In May, 2021 the City received a request from the Owner to extend the deadline for redevelopment by two years. The Owner was unable to proceed at the time due to reduced revenue as a result of restrictions related to the Covid-19 pandemic. The request was granted via Council Resolution CR242/2021, which specified:

- 1. THAT the condition of demolition permits authorized via CR254/2019 requiring the construction of a new building to be substantially complete with two years of the commencement of demolition work at 1279-1281 and 1283-1285 Langlois Avenue **BE EXTENDED** for two years (i.e. until June 6, 2023); and*
- 2. THAT demolition permits #19-205365 and #19-205370 **BE COMPLETED AND CLOSED** by August 31, 2021; and*
- 3. THAT grass **BE INSTALLED** at 1279-1281 and 1283-1285 Langlois Avenue by August 31, 2021.*



Building inspection staff attended the subject properties on May 11, 2023 and confirmed that all requirements of demolition permits #19-205365 and #19-205370 have been completed and the permits have been closed.

### **Discussion:**

The Owner proposes to construct a multiple dwelling with 8 dwelling units on the subject properties. Site Plan Approval was issued on June 25, 2019.

The *Planning Act* and Demolition Control By-law 131-2017 allows any person who has obtained a demolition permit and considers that it is not possible to complete the new building or redevelopment within the time specified or is of the opinion that the construction of the new building or redevelopment has become not feasible on economic or other grounds, to apply to the Council for relief from the conditions. In the application to Council for relief the applicant shall demonstrate that it is not feasible to complete the proposed new building or redevelopment within the specified time.

The current request for extension for an additional six months (see Appendix 2) indicates the Owner is committed to completing the proposed construction in a timely manner, however they will not meet the June 6, 2023 deadline for substantial completion. Administration is satisfied with the reasons provided by the owner and recommend extending the condition of demolition approval requiring the construction of a new building to be substantially complete for an additional one year (i.e. until June 6, 2024).

### **Risk Analysis:**

There is some risk associated with approval of the requested extension. The requirement to replace the demolished dwelling is intended ensure housing stock is promptly replaced and to prevent vacant land from negatively affecting the City's neighbourhoods and Business Improvement Areas. Debris has been removed from the site and grass has been installed since the 2021 request to extend the deadline (see Appendix 3).

### **Climate Change Risks**

#### **Climate Change Mitigation:**

The proposed 8 unit multiple dwelling implements Environmental Master Plan Objective C1: Encourage in-fill and higher density in existing built areas.

**Climate Change Adaptation:**

The proposed new dwelling units may be affected by climate change, in particular with respect to extreme precipitation and an increase in days above 30 degrees. While not the subject of this report, any new construction would be required to meet the current provisions of the Building Code, which would be implemented through the building permit process. The site would also be required to incorporate storm water management best practices.

**Financial Matters:**

The City has collected securities in the amount of \$12,600 from the applicant (i.e. \$7500 landscaping, \$3000 lighting, \$2100 curbing).

**Consultations:**

Staff from the Planning, Building and Legal Department has been consulted in the preparation of this report.

**Conclusion:**

It is recommended that Council approve the request to extend the conditions of demolition approval until June 6, 2024.

**Planning Act Matters:**

N/A

**Approvals:**

Name	Title
Wira Vendrasco	Deputy City Solicitor, Legal Services & Real Estate
Thom Hunt	City Planner
John Revell	Chief Building Official
Jelena Payne	Commissioner of Economic Development & Innovation
Joe Mancina	CAO

**Notifications:**

Name	Title
Margaret Holec	info@polishclubwindsor.com

**Appendices:**

- 1 Location Map
- 2 Request for Extension
- 3 Site Photos: 2019, 2021, 2023



**1279-1281 LANGLOIS AVENUE**

**1283-1285 LANGLOIS AVENUE**

# LOCATION MAP - 1279-1281 & 1283-1285 LANGLOIS AVENUE



**SUBJECT PROPERTIES**



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**From:** Margaret Holec <[mholec5@gmail.com](mailto:mholec5@gmail.com)>  
**Sent:** Monday, May 8, 2023 12:23 PM  
**To:** Building <[buildingdept@citywindsor.ca](mailto:buildingdept@citywindsor.ca)>  
**Subject:** Request for Extension of Construction Permit for Polish Peoples Home Association at [1275 Langlois Ave.](#)

**CAUTION:** This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Dear Sir/Madam,

I am writing to request an extension for our construction permit for the Polish Peoples' Home Association located at [1275 Langlois Ave.](#) We currently hold a construction permit that expires on June 1st, 2023, but due to unforeseen circumstances, we have encountered delays in the construction process and require additional time to complete the work.

Our organization is committed to completing the construction in a timely and efficient manner, and we understand the importance of adhering to all building codes and regulations. We assure you that we will continue to comply with all the necessary requirements and ensure that the project is completed to the highest standards.

We kindly request an extension of our construction permit for an additional six months, until December 1st, 2023 or longer if possible. This additional time will enable us to complete the necessary work and ensure that the project is completed to the satisfaction of all involved parties.

Thank you for considering our request for an extension. We appreciate your time and attention to this matter. Please let us know if any further information is required

**Małgorzata Holec**



2019



2021





2023



**Subject: Sandwich Street Sewer Rehabilitation Project - Noise By-Law Exemption - Ward 2**

**Reference:**

Date to Council: May 29, 2023

Author: Joseph Dattilo

Project Administrator

519-255-6100 ext. 6825

[jdattilo@citywindsor.ca](mailto:jdattilo@citywindsor.ca)

Engineering

Report Date: 2023-05-18

Clerk's File #: SW2023

To: Mayor and Members of City Council

**Recommendation:**

- I. That the following exemption to the provisions of the Noise By-law 6716 (as amended) **BE GRANTED** to permit for the operation of construction equipment required to complete the Sandwich Street Sewer Rehabilitation project.

**a. Specific exemption request:**

Construction activities during the noise by-law prohibited period of time between 8:00 p. m. through to 6:00 a. m., to complete construction of the Sandwich Street Sewer Rehabilitation project for cured-in-place pipe (CIPP). The CIPP installations on the large diameter sections require extended curing and cool down timeframes to properly install the liners. Once the process starts from initial inversion of the liner to the eventual cutting of ends and reinstatement of laterals, it must be a continuous process.

**b. Scope of Exemption:**

CIPP installations at the following locations:

- At the intersection of Sandwich Street and Ojibway Parkway (Non-residential area): Existing Sanitary main 1000mm x 875mm with one 36 hour continuous install process. Approximately 85 to 100 decibels anticipated.
- Hill Avenue from Sandwich Street to Peter Street (some residential): Existing 900mm x 1200mm Combined sewer with one 24 hour continuous install process. Approximately 85 to 100 decibels anticipated.



- Within the intersection of Sandwich Street and Detroit Street and southeast along Detroit Street to Alexander Avenue: Existing 900mm Combined Sewers with one 24 hour continuous install process. Approximately 85 to 100 decibels anticipated.

**c. Duration of Exemption:**

The request is tentatively scheduled for the period from June 12 to 29, 2023 as per the above scope, with the option of renewal to be approved by the CAO through delegation of authority report.

**Executive Summary:**

N/A

**Background:**

The Gordie Howe International Bridge project includes a project element of a Community Benefits Plan which includes road improvements on Sandwich Street between Rosedale Avenue to Ojibway Parkway. This reconstruction of an approximately 3-kilometer stretch of Sandwich Street includes new curbs, sidewalks, trails, new pavement, bike lanes and streetscaping features, all of which are to be paid by the Windsor Detroit Bridge Authority (WDBA).

Council approved the Sandwich Street Sewer Rehabilitation project to upgrade the City's underground infrastructure before the planned surface works.

As the project is within an area of high archaeological potential, the method of rehabilitation was to utilize trenchless technologies (sewer relining).

FRP 68-22 Sandwich Street Sewer Rehabilitation project has been under construction since August 2022. Liqui-Force services (Ontario) Inc. is the Contractor as per CAOP 86/2022 approval for the award of RFP 68-22. Generally, the proposed work consists of the relining (cured-in-place pipe: CIPP) rehabilitation of existing mainline sewers and their associated Service Laterals/PDCs/CB Leads located along Sandwich Street between Rosedale Avenue to Ojibway Parkway within the City of Windsor.

Liqui-Force was able to complete the vast majority of sewer relining without exception to the noise by-law.

**Discussion:**

Noise By-Law 6716 includes the following prohibitions as per Table 3-1: *"The operation of any equipment in connection with construction with Prohibited Period of Time of 8:00 p. m. to 6:00 a.m."*

The Contractor has requested an exemption to the Noise By-Law 6716 be granted to permit the operation of construction equipment required to complete the Sandwich Street Sewer Rehabilitation project specific to the cured-in-place pipe (CIPP) process.

The CIPP installations on the large diameter sections require extended curing and cool down timeframes to properly install the liners. Once the process starts, from initial inversion of the liner to the eventual cutting of ends and reinstatement of laterals, it must be a continuous process that may be up to 36 hours.

The extended continuous work process of up to 36 hours would involve construction activities and various related equipment during the noise by-law prohibited period of time between 8:00 p. m. through to 6:00 a. m. and that could produce a continuous 85 to 100 decibels.

The limited affected areas area as follows:

- The intersection of Sandwich Street and Ojibway Parkway (non residential area): Existing Sanitary main 1000mm x 875mm with one 36 hour continuous install process. Approximately 85 to 100 decibels anticipated.
- Hill Avenue from Sandwich Street to Peter Street (some residential): Existing 900mm x 1200mm Combined Sewer with one 24 hour continuous install process. Approximately 85 to 100 decibels anticipated.
- Within the intersection of Sandwich Street and Detroit Street and southeast along Detroit Street to Alexander Avenue: Existing 900mm Combined Sewers with one 24 hour continuous install process. Approximately 85 to 100 decibels anticipated.

Traffic, transit and emergency service impacts will be mitigated and handled through approved TCP plans.

No additional impacts to properties are foreseen other than the potential noise impacts and longer setup durations.

Notifications will be delivered to all affected property owners and businesses prior to work commencing at each location.

### **Risk Analysis:**

Not approving the Noise By-Law exemption would result in removing the relining of these large diameter sewers from the project scope of work. The sewers scheduled for rehabilitation were chosen based upon age and condition and deemed to have a risk of failure within a ten to twenty-year timeframe.

In addition, raw material (liner felt and resin) has been pre-ordered to ensure we are able to hit our schedule. Without the Noise By-Law exemption, there will be some associated costs for the material that the City would incur.

Should the Noise By-Law exemption not be approved, there is a high risk that costs to pre-ordered raw material (liner felt and resin) would be spent with no improvements made.

## Climate Change Risks

### Climate Change Mitigation:

This by-law exemption does not pose a risk to the climate change.

### Climate Change Adaptation:

N/A

### Financial Matters:

The requirement of the up to 36-hour continuous work schedule will not alter or add more to the approved contract value.

### Consultations:

Traffic Operations

Field Operations

Transit Windsor

By-Law Enforcement

### Conclusion:

If approved, the Contractor will plan to work up to a continuous 36 hour install period on the large diameter sewers located in the identified locations for the Sandwich Street Sewer Rehabilitation project tentatively scheduled from June 12 to 29, 2023.

### Planning Act Matters:

N/A

### Approvals:

Name	Title
France Isabelle-Tunks	Executive Director of Engineering/Deputy City Engineer
Chris Nepszy	Commissioner of Infrastructure Services
Tony Ardovini	Commissioner of Corporate Services, CFO /City Treasurer (A)
Joe Mancina	Chief Administrative Officer

### Notifications:

Name	Address	Email
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<b>Name</b>	<b>Address</b>	<b>Email</b>
Liqui-Force (A Puris Company)	2015 Spinks Drive, KINGSVILLE, Ontario, N9Y 2E5	Stacy.wilkinson@puriscorp.com

**Appendices:**

N/A



**Committee Matters: SCM 137/2023**

**Subject: Draft Plan of Condominium with Exemption under Section 9(3) of the Condominium Act –CDM 001-23 [CDM6972] 781 Erie Inc. (Randy Saccucci) 781 Erie St – Ward 4**

Moved by: Councillor Fred Francis  
Seconded by: Councillor Angelo Marignani

Decision Number: **DHSC 499**

**THAT** the application of 781 Erie Inc. for an exemption under Section 9(3) of the Condominium Act for approval of a plan of condominium (Standard Condominium), comprised of a total of 12 dwelling units and 1 commercial unit, as shown on the attached Map No. CDM-001/23-1 and CDM-001/23-2 on a parcel legally described as; Lots 249 and 250, Registered Plan 360; City of Windsor; located at 781 Erie Street East **BE APPROVED** for a period of three (3) years.

Carried.

Report Number: S 42/2023  
Clerk's File: Z/14557

**Clerk's Note:**

1. The recommendation of the Development & Heritage Standing Committee and Administration are the same.
2. Please refer to Item 7.1 from the Development & Heritage Standing Committee held on May 1, 2023.
3. To view the stream of this Standing Committee meeting, please refer to:  
<https://csg001-harmony.sliq.net/00310/Harmony/en/PowerBrowser/PowerBrowserV2/20230501/-1/9408>



**Proposal:**

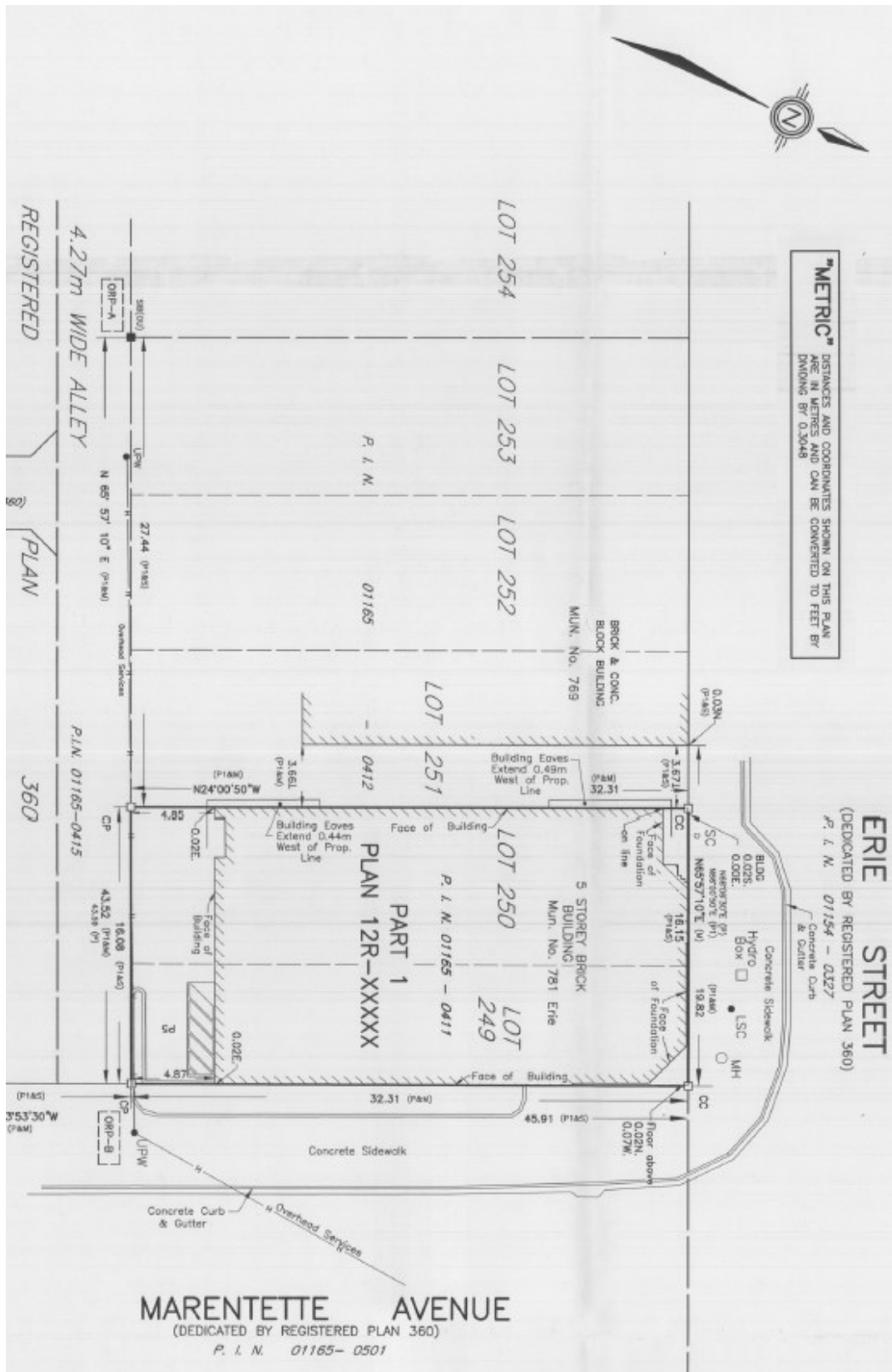
The applicant is applying for an exemption under Section 9(3) of the *Condominium Act* for approval of a plan of condominium for in an existing Building to create 12 dwelling units and 1 commercial unit in a mixed use building.

The subject site has received Site Plan Approval (File SPC-025/17) registered as instrument CE947378, on May 29, 2020 which permitted a total of 12 dwelling units and 1 commercial unit within a newly constructed mixed use building. The Site Plan agreement covers a range of municipal and agency requirements to be completed by the owner including items such as the provision of landscaping, parking, parkland conveyance, levies and lighting, all required prior to the issuance of a construction permit.



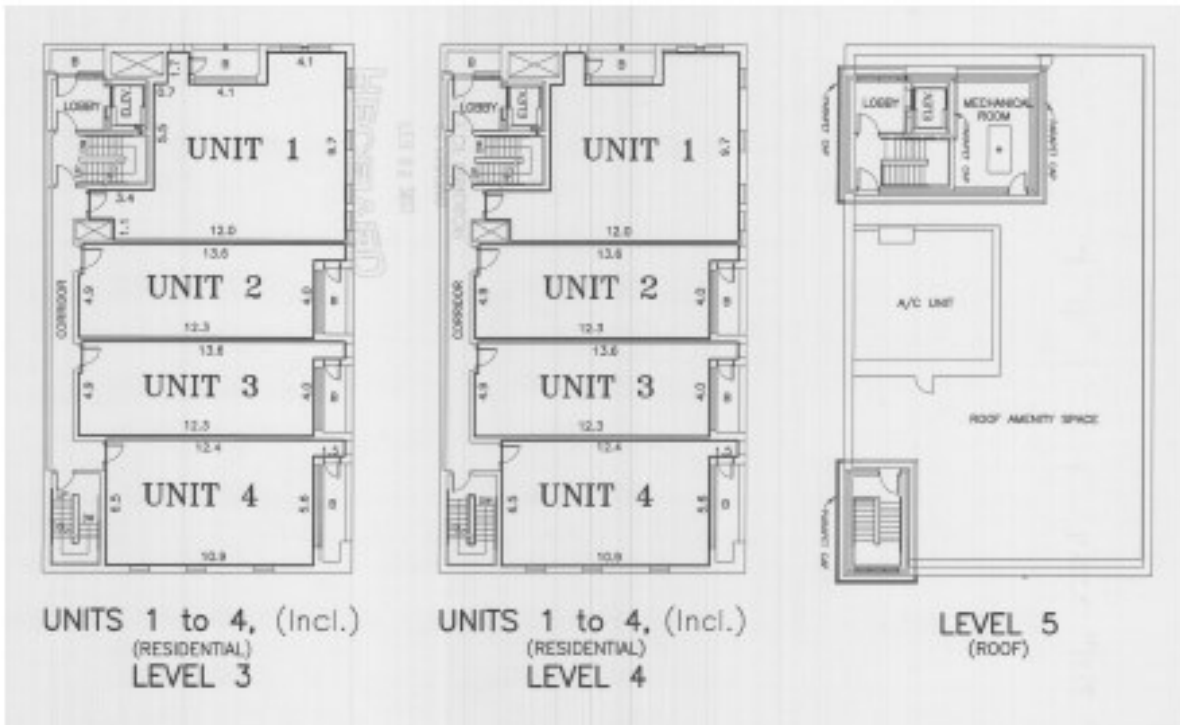
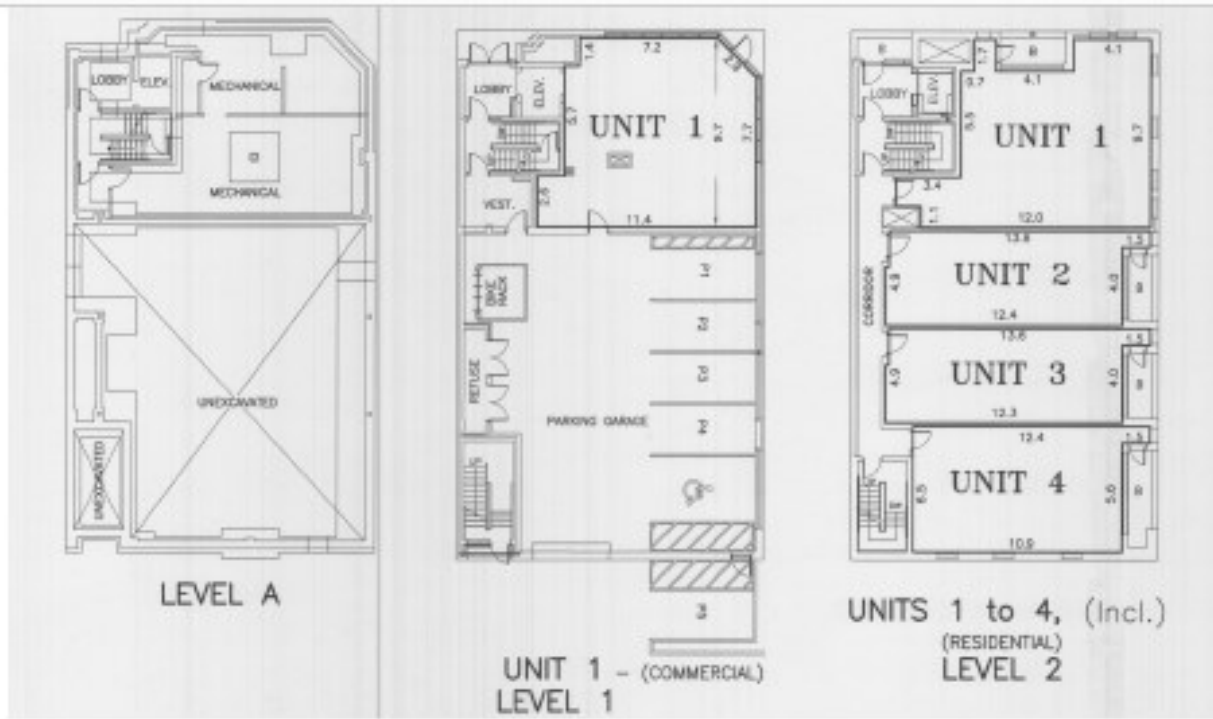
Figure 1: Location Map

**Plan of Condominium:**



CDM-006/21-1





CDM-001/22-2

**Site Information:**

<b>OFFICIAL PLAN</b>	<b>ZONING</b>	<b>CURRENT USE</b>	<b>PREVIOUS USE</b>
Mixed Use Corridor	Commercial District 2.2 (CD2.2) & S 20(1)419	Combined Use Building (Under Construction)	Vacant Parcel
<b>LOT WIDTH</b>	<b>LOT DEPTH</b>	<b>AREA</b>	<b>SHAPE</b>
16.51m	32.31m	520.7 m <sup>2</sup>	rectangular
All measurements are for the entire parcel and are approximate.			

**Neighbourhood Characteristics:**

North side of subject lands contains: Mixed Use, Residential, Institutional (church)

East side of the subject lands contains: Parking lot, Mixed Use, Residential

West side of the subject lands contains: Residential Area, Mixed Use

South side of the subject lands consists of: Residential Area, Mixed Use

The closest existing transit route is Central 3. The closest existing bus stop is located on Erie at Louis SE Corner. This bus stop is approximately 40 metres from this property, falling well within 400 metre walking distance guideline to a bus stop. The bus stop will be maintained by Council approved Transit Master Plan.

**Discussion:****Planning Analysis:****Statutory Regulations:**

Under Section 9 of the Condominium Act, an owner may request approval of a plan of condominium subject to Section 51 of the Planning Act (subdivisions). As such, the usual approval process for plans of subdivision is invoked, i.e. review by municipal and provincial agencies, draft plan approval, a condominium agreement and final registration.

The Condominium Act also provides that owners can be exempted from the above mentioned Planning Act provision if the approval authority (i.e. the City of Windsor) is of the opinion that "such exemption is appropriate in the circumstances". The reasons for exemptions are not specified, but usually applicants can be exempted if the following conditions are satisfied:

- (i) that all municipal requirements and conditions have been addressed (for example by an approved application for rezoning and/or site plan control); and

- (ii) that the building(s) is suitable for a condominium by virtue of design and amenities.

The proposed condominium complies with the above conditions.

**Official Plan:**

The subject property is designated “Mixed Use Corridor” on Schedule D of the City of Windsor Official Plan. The designation is intended to accommodate a mix of uses intended to support the creation of complete communities. The proposed development conforms with this policy.

The City of Windsor has policies in the Official Plan for approval of a plan of condominium with exemption under Section 9 of the Condominium Act. Applications for exemptions may be considered by Council if:

- (a) a residential building is constructed or a building permit for its construction has been issued;
- (b) the development has received site plan control approval; and
- (c) the development (new proposed units) do not contain any occupied residential rental units.

The proposed condominium complies with the above conditions.

**Zoning By-Law**

The property is zoned Commercial District (CD) 2.2.with a site specific provision to permit a hotel on the site The Combined Use Building is permitted under the CD2.2 zone category. Building permits have been issued and construction of the building is nearing completion.

**Risk Analysis:**

N/A

**Climate Change Risks**

**Climate Change Mitigation:**

N/A

**Climate Change Adaptation:**

N/A

**Financial Matters:**

N/A

**Consultations:**

Municipal and agency requirements have been addressed and implemented through the site plan control approval process, and the registration of a site plan agreement. (File SPC-025/17) registered as instrument CE947378, on May 29, 2020)

**Public Notice:**

No public notification is required where exemptions are requested and the development is properly zoned for the permitted use.

**Conclusion:**

The application has been processed and evaluated with regard to both the Planning Act and the Condominium Act, as well as the City of Windsor Official Plan. It conforms to the City of Windsor Official Plan and complies with the zoning regulations contained in Bylaw 8600. Municipal requirements regarding this development have been addressed in the site plan control agreement. The draft plan of condominium is consistent with the approved site plan (File SPC-025/17 registered as CE947378, on May 29, 2020)

It is recommended that this application for approval be exempted from Section 51 of the Planning Act (per Section 9(3) of the Condominium Act). This means that the owner can proceed directly to registration following submission of an approved final plan of condominium.

**Planning Act Matters:**

I concur with the above comments and opinion of the Registered Professional Planner.

*Michael Cooke MCIP RPP, Manager of Planning Policy/Deputy City Planner*

*Thom Hunt, City Planner*

I am not a registered Planner and have reviewed as a Corporate Team Leader

*JP OC*

**Approvals:**

Name	Title
Michael Cooke	Manager of Planning Policy/Deputy City Planner
Thom Hunt	City Planner / Executive Director, Planning & Development Services
Wira Vendrasco	Deputy City Solicitor, Legal Services & Real Estate
Jelena Payne	Commissioner of Economic Development and Innovation
Onorio Colucci	Chief Administrative Officer

**Notifications:**

<b>Name</b>	<b>Address</b>	<b>Email</b>
781 Erie Inc. (Randy Saccucci)	5831 Wyandotte Street E Windsor ON N8S 1M7	rsaccucci@4cprojectmanagement.com
Miller Canfield LLP (Giacomo Ramieri)	100 Ouellette Avenue, Suite 1300 Windsor ON N9A 6T3	ramieri@millercanfield.com

**Appendices:**

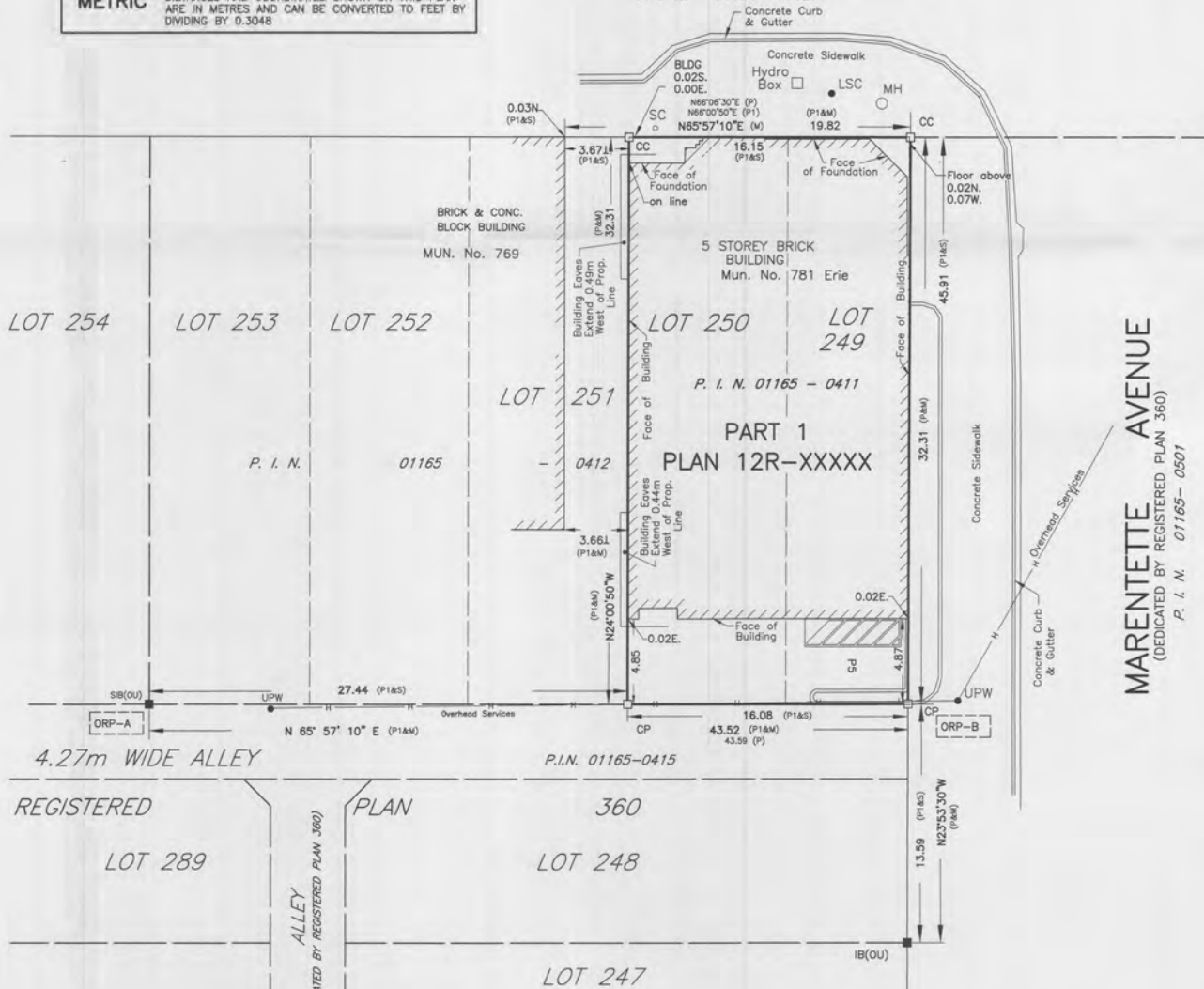
- 1 Proposed Draft Plan of Condominium





**"METRIC"** DISTANCES AND COORDINATES SHOWN ON THIS PLAN ARE IN METRES AND CAN BE CONVERTED TO FEET BY DIVIDING BY 0.3048

**ERIE STREET**  
(DEDICATED BY REGISTERED PLAN 360)  
P. I. N. 01154 - 0327



# PLAN OF CONDOMINIUM SITE PLAN

APPLICANT: 781 ERIE INC. (RANDY SACCUCCI)

ADDRESS: 781 ERIE STREET EAST

SCALE: N.T.S.

DATE: MAR. 2023

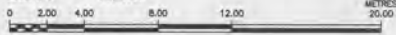
FILE NO: CDM-001/23-2



**DRAFT PLAN OF CONDOMINIUM**  
 OF  
**LOTS 249 and 250,**  
**REGISTERED PLAN 360**  
 IN THE  
**CITY OF WINDSOR**  
**COUNTY OF ESSEX, ONTARIO**

© VERHAEGEN LAND SURVEYORS, A DIVISION OF J.D. BARNES LIMITED

SCALE = 1:200



**LEGEND AND NOTES**

BEARINGS ARE UTM GRID DERIVED FROM OBSERVED REFERENCE POINTS 'A' AND 'B' BY REAL-TIME NETWORK OBSERVATIONS AND ARE REFERRED TO UTM ZONE 17 (81° WEST LONGITUDE) NAD83 (CSRS) (2010.0).

DISTANCES ON THIS PLAN ARE GROUND AND CAN BE CONVERTED TO GRID BY MULTIPLYING BY THE COMBINED SCALE FACTOR OF 0.999922.

- DENOTES SURVEY MONUMENT FOUND
- DENOTES SURVEY MONUMENT SET
- SB DENOTES STANDARD IRON BAR
- SSIB DENOTES SHORT STANDARD IRON BAR
- IB DENOTES IRON BAR
- CP DENOTES CONCRETE NAIL IN ASPHALT
- PB DENOTES PLASTIC BAR
- WIT DENOTES WITNESS MEASURED SET
- J.D.B. DENOTES J.D. BARNES LIMITED

ALL SET SSIB AND PB MONUMENTS WERE USED DUE TO LACK OF OVERBURDEN AND/OR PROXIMITY OF UNDERGROUND UTILITIES IN ACCORDANCE WITH SECTION 11 (4) OF O.REG. 525/91.

- (S/P) DENOTES SET PROPORTIONALLY
- (P) DENOTES REGISTERED PLAN 360
- (P1) DENOTES PLAN BY (1744) DATED MAY 18, 2016, (B-6464)
- (1744) DENOTES VERHAEGEN STUBBERFELD HARTLEY BREWER BEZAIRE INC., O.L.S.
- LS DENOTES LIGHT STANDARD CONCRETE
- MH DENOTES MANHOLE
- (U) DENOTES ORIGIN UNKNOWN
- (B-6464) DENOTES SEWER CLEANOUT
- (UP) DENOTES UTILITY POLE WOOD

- DENOTES BOUNDARIES OF THE CONDOMINIUM
- DENOTES UNIT BOUNDARIES
- DENOTES EXTERIOR FACE OF THE STRUCTURAL WALLS
- B DENOTES BALCONY
- Ⓟ DENOTES BARRIER-FREE PARKING SPACE

**INTEGRATION DATA**

COORDINATES ARE DERIVED FROM GRID OBSERVATIONS USING THE CAN-NET NETWORK SERVICE AND ARE REFERRED TO UTM ZONE 17 (81° WEST LONGITUDE) NAD83 (CSRS) (2010.0). COORDINATE VALUES ARE TO AN URBAN ACCURACY IN ACCORDANCE WITH SECTION 14(2) O.REG 216/10

POINT ID	NORTHING	EASTING
ORP-A	4686435.94	333270.89
ORP-B	4686453.69	333310.46

COORDINATES CANNOT, IN THEMSELVES, BE USED TO RE-ESTABLISH CORNERS OR BOUNDARIES SHOWN ON THIS PLAN.

THE RESULTANT TIE BETWEEN ORP-A AND ORP-B IS N85°57'10"E, 43.52m.  
 FOR BEARING COMPARISON, A ROTATION OF 02° 06' 30" CLOCKWISE WAS APPLIED TO (P) TO CONVERT TO GRID BEARINGS.

**OWNER'S AUTHORIZATION**

I HEREBY AUTHORIZE THE FILING OF THIS DRAFT PLAN FOR APPROVAL.

**781 ERIE INC.**

DATE \_\_\_\_\_

ED COPE  
 "I HAVE THE AUTHORITY TO BIND THE CORPORATION"

**SURVEYOR'S CERTIFICATE**

THE BOUNDARIES OF THE LANDS TO BE SUBDIVIDED AND THEIR RELATIONSHIP TO THE ADJACENT LANDS HAVE BEEN ACCURATELY AND CORRECTLY SHOWN.

DATE DECEMBER 15, 2022

*Andrew S. Mantha*

ANDREW S. MANTHA  
 ONTARIO LAND SURVEYOR

**SITE INFORMATION**

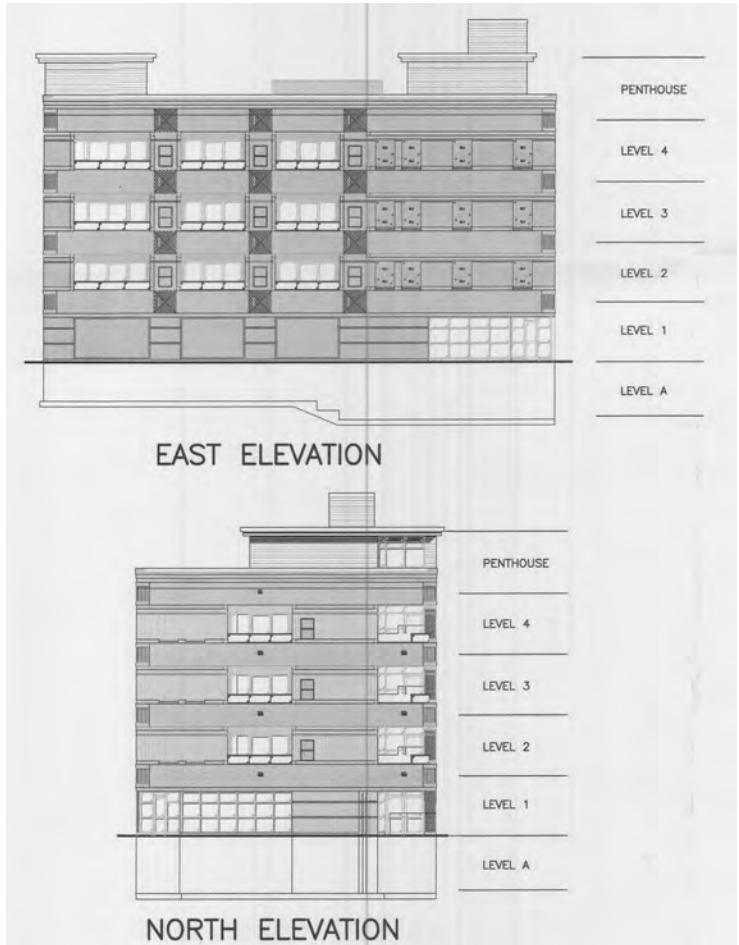
LEVEL	NUMBER OF COMMERCIAL UNITS PER LEVEL	NUMBER OF RESIDENTIAL UNITS PER LEVEL	NUMBER OF PARKING SPACES	NUMBER OF BARRIER FREE PARKING SPACES
LEVEL A				
LEVEL 1	1		5	1
LEVEL 2		4		
LEVEL 3		4		
LEVEL 4		4		
TOTAL	1	12	5	1

**SITE AREA**

0.0521 HECTARES / 0.128 ACRES  
 12 RESIDENTIAL UNITS  
 DENSITY  
 230.8 RESIDENTIAL UNITS PER HECTARE  
 93.8 RESIDENTIAL UNITS PER ACRE

**ADDITIONAL INFORMATION REQUIRED UNDER THE CONDOMINIUM ACT, 1998 AND SECTION 51 (17) OF THE PLANNING ACT, 1990.**

- A) ON DRAFT PLAN
- B) ON DRAFT PLAN
- C) ON DRAFT PLAN
- D) RESIDENTIAL CONDOMINIUM UNITS
- E) ON DRAFT PLAN
- F) ON DRAFT PLAN
- G) ON DRAFT PLAN
- H) MUNICIPAL WATER
- I) SANDY LOAM
- J) ON DRAFT PLAN
- K) ALL MUNICIPAL SERVICES AVAILABLE
- L) ON DRAFT PLAN



**PLAN OF CONDOMINIUM SITE DATA & ELEVATIONS**

APPLICANT: 781 ERIE INC. (RANDY SACCUCCI)

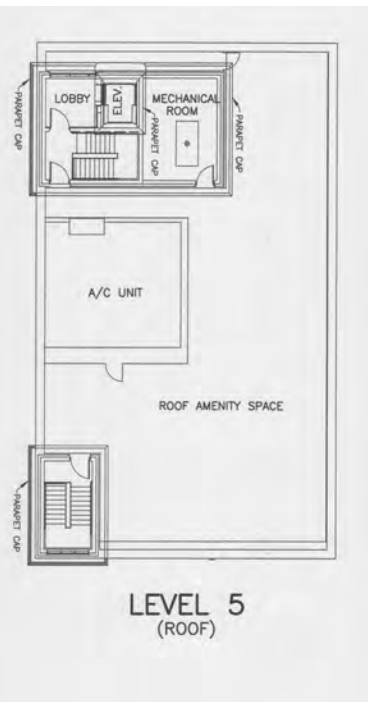
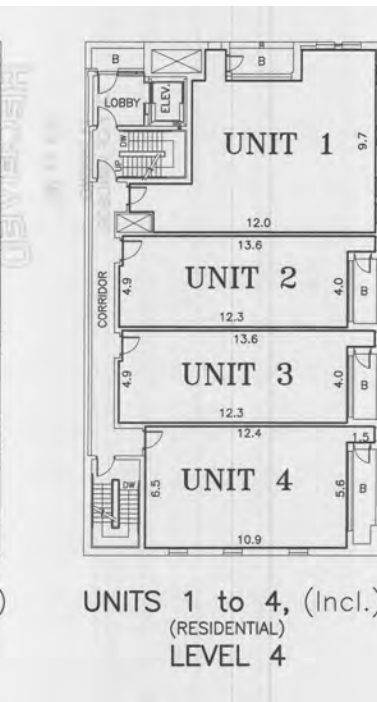
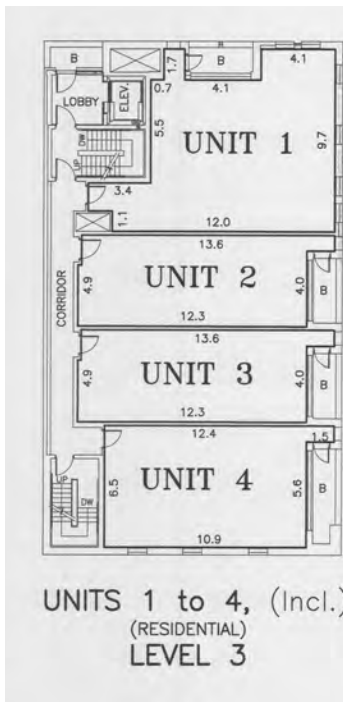
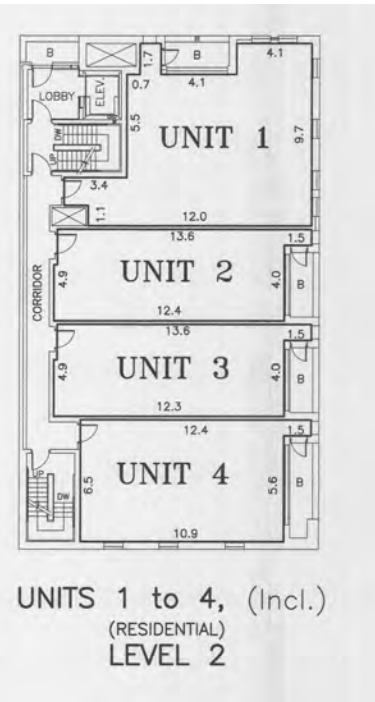
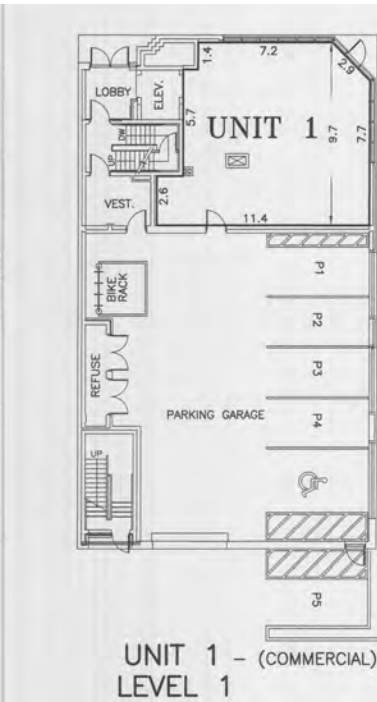
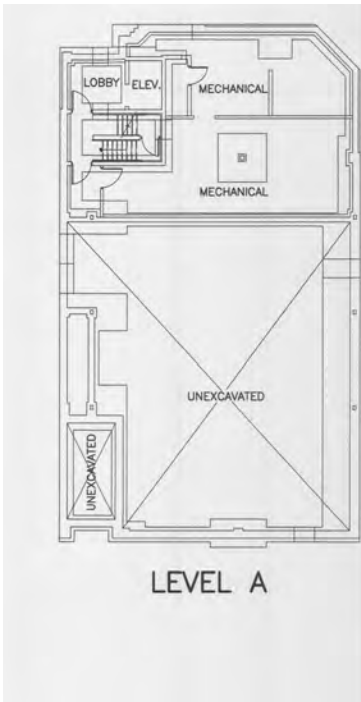
ADDRESS: 781 ERIE STREET EAST

SCALE: N.T.S.

DATE: MAR. 2023

FILE NO: CDM-001/23-3





# PLAN OF CONDOMINIUM FLOOR PLANS

APPLICANT: 781 ERIE INC. (RANDY SACCUCCI)

ADDRESS: 781 ERIE STREET EAST

SCALE: N.T.S.

DATE: MAR. 2023

FILE NO: CDM-001/23-4



Committee Matters: SCM 138/2023

**Subject: Zoning Bylaw Amendment Z 004-23 [ZNG-6950] Supreme Homes Group (John Atwan) 1334-1336 Lincoln Ave- Ward 4**

Moved by: Councillor Kieran McKenzie  
Seconded by: Member Daniel Grenier

Decision Number: **DHSC 500**

**THAT** subsection 1 of Section 20 of the City of Windsor Zoning By-law 8600 **BE AMENDED** for the lands described as Lot 11, Plan 628 by adding site specific regulations as follow:

468. **East Side of Lincoln Avenue, South of Ottawa Street**

For the lands comprising of Lot 11, Plan 628, One Multiple Dwelling containing a maximum of three dwelling units on the subject parcel shall be an additional permitted use, and the following site specific regulations shall apply:

Lot Width – as existing

Lot Area – as existing

(ZDM 7; ZNG/6832)

Carried.

Report Number: S 49/2023  
Clerk's File: Z/14540

**Clerk's Note:**

1. The recommendation of the Development & Heritage Standing Committee and Administration are the same.
2. Please refer to Item 7.2 from the Development & Heritage Standing Committee held on May 1, 2023.
3. To view the stream of this Standing Committee meeting, please refer to: <https://csg001-harmony.sliq.net/00310/Harmony/en/PowerBrowser/PowerBrowserV2/20230501/-1/9408>

**Subject: Zoning Bylaw Amendment Z 004-23 [ZNG-6950] Supreme Homes Group (John Atwan) 1334-1336 Lincoln Ave- Ward 4**

**Reference:**

Date to Council: May 1, 2023  
Author: Jim Abbs  
Senior Planner  
519-255-6543 x6317  
jabbs@citywindsor.ca

Planning & Building Services  
Report Date: April 13, 2023  
Clerk's File #: Z/14540

**To:** Mayor and Members of City Council

**Recommendation:**

**THAT** subsection 1 of Section 20 of the City of Windsor Zoning By-law 8600 **BE AMENDED** for the lands described as Lot 11, Plan 628 by adding site specific regulations as follow:

**468. East Side of Lincoln Avenue, South of Ottawa Street**

For the lands comprising of Lot 11, Plan 628, One Multiple Dwelling containing a maximum of three dwelling units on the subject parcel shall be an additional permitted use, and the following site specific regulations shall apply:

Lot Width – as existing

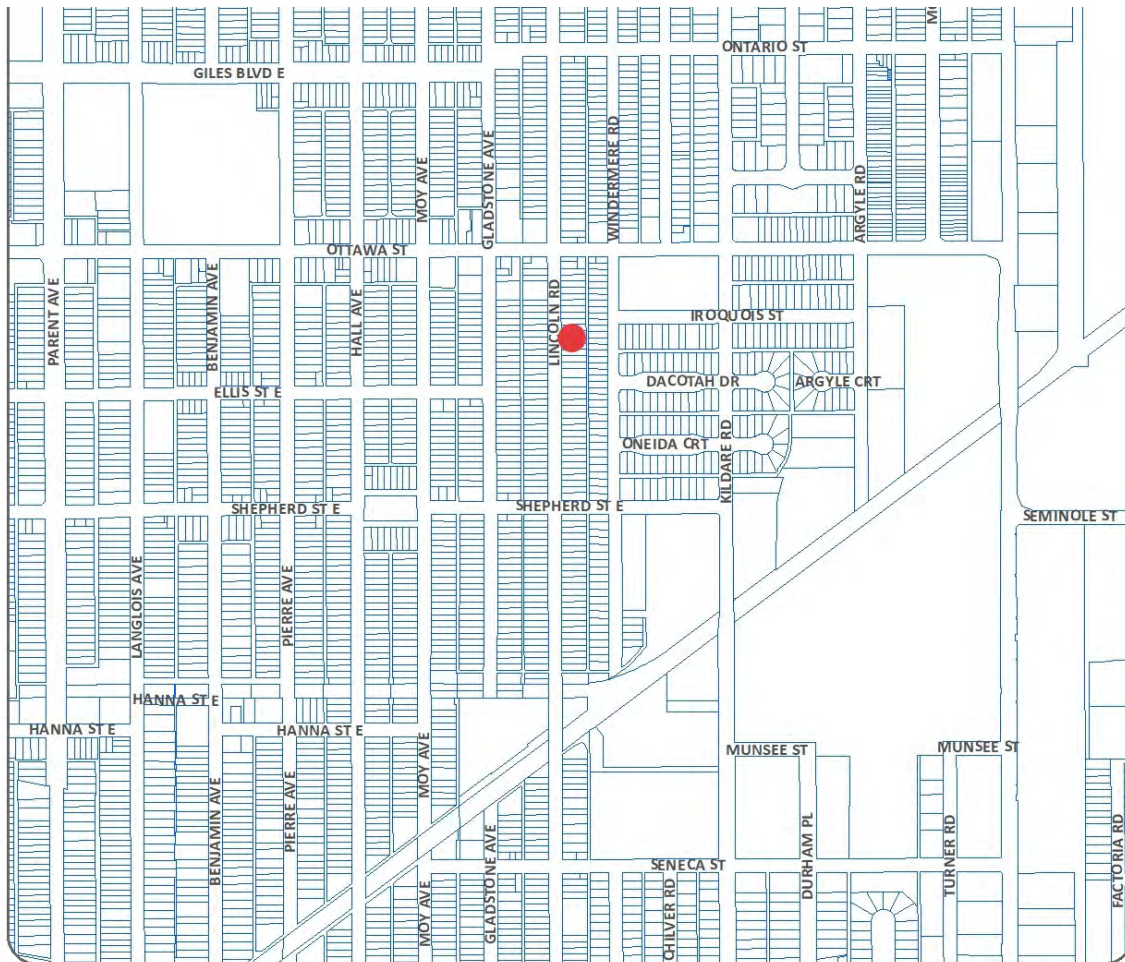
Lot Area – as existing

(ZDM 7; ZNG/6832)

**Executive Summary:**

N/A

## Background:



KEY MAP - Z-004/23, ZNG-6950



● SUBJECT LANDS

## Application Information

**Location:** Lot 11, Plan 628, municipally known as 1334 Lincoln Ave.

**Applicant:** Supreme Homes Group (John Atwan)

## Proposal:

The applicant is requesting an amendment to Zoning By-law 8600 to change the zoning from Residential District 2.1 (RD2.1) to Residential District 2.2 (RD2.2) to allow the construction of a One Multiple Dwelling containing a maximum of three dwelling units on the subject parcel. The former residential duplex was destroyed by fire and has since been demolished.

<b>OFFICIAL PLAN</b>	<b>ZONING</b>	<b>CURRENT USE</b>	<b>PREVIOUS USE</b>
Residential	RD2.1	Vacant parcel	Duplex Dwelling
<b>FRONTAGE</b>	<b>DEPTH</b>	<b>AREA</b>	<b>SHAPE</b>
9.14 m	36.58 m	334.45m <sup>2</sup>	Rectangle
Note: All measurements are approximate.			



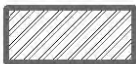


PART OF ZONING DISTRICT MAP 7

N.T.S.

# REQUESTED ZONING AMENDMENT

Applicant: Supreme Homes Group (John Atwan)



SUBJECT LANDS

PLANNING & BUILDING DEPARTMENT



DATE : JANUARY, 2023  
FILE NO. : Z-004/23, ZNG/6950

# Neighbourhood Characteristics



NEIGHBOURHOOD MAP - Z-004/23, ZNG/6950



SUBJECT LANDS

Generally the area is characterised as residential with both single detached and duplex dwellings. The Ottawa Street BIA is to the north of the site, providing a walkable commercial area. A school is in close proximity to the site (École Élémentaire L'envolée). A paved alley is available and used for access to 3 parking spaces provided at the rear of the site.

North: Residential & Commercial Area

East: Residential Area

West: Residential Area, Commercial Parking Lot

South: Residential Area

Transit Windsor Bus: The closest existing bus stops are located on Ottawa at Lincoln and Lincoln at Ottawa, approximately 90-100 metres away falling within Transit Windsor's 400 metre walking distance guidelines to a bus stop.

### **Discussion:**

#### **Provincial Policy Statement (PPS) 2020**

The recommended amendment to Zoning By-law 8600 is consistent with the PPS. The recommended amendment to allow the construction of a Multiple Dwelling containing 3 units is consistent with PPS policies described in this section.

PPS provides policy direction for appropriate development. This policy direction takes into consideration efficient use of land and resources, accommodating an appropriate mix of residential uses, supporting active transportation/transit while preparing for the impacts of climate change. The PPS recognizes that land use are to be managed to meet the full range of current and future needs, while protecting public safety and natural environment.

The proposed multiple dwelling use contributes to building of a strong healthy community as per policy 1.1.1. (a to g) of PPS. The proposed amendment is consistent with the PPS as follows:

- The subject parcel is connected to municipal services.
- The proposed additional dwelling represents an effective and appropriate re-use of the existing lot.
- The subject site complements the surrounding neighbourhood of residential uses.
- The proposed additional dwelling unit's accessibility will be established in compliance with Ontario Building Code (OBC).
- There are no impacts on the natural environment, public health and safety.



The subject lands are within the urban area of the settlement for the City of Windsor. The proposed amendment would permit a higher density of residential units, making a more efficient use of land within the existing built up area.

The PPS recommends accommodating affordable, market-based range, and a mix of residential types including multiple-unit housing, affordable housing such as the proposed multiple dwelling unit. The subject site is located near a transit route which provides an opportunity to promote transit ridership.

The applicable PPS sections promote the vitality of the existing settlements recognizing the importance of long-term prosperity of the community while making use of existing infrastructure.

In my opinion, the proposed development is an efficient use of an vacant parcel and promotes a healthy, liveable and safe community. The recommended amendment to Zoning By-Law 8600 represents a planning decision that is consistent with the PPS.

### **Official Plan**

The Official Plan, Schedule D: Land Use designates the subject land as “Residential”.

The permitted uses in the Residential land use include low, medium and high profile dwelling units. The proposed development is a low profile form complying with the Official Plan policies. The majority of houses fronting Lincoln near the subject property contains dwellings with 1 to 2 units. The proposed use integrates well with the surrounding residential and commercial areas.

Section 6.3.1.3 Intensification Infill & Redevelopment promote selective residential redevelopment, infill and intensification initiatives similar to the subject proposal.

Section 3.3.3 Neighbourhood policies (policy 3.3.3) denotes that the residential areas are the most basic component on Windsor’s urban structure, facilitating a range of “low-to-medium density residential” built forms.

The Residential policies (Sections 6.3.2.4 and 6.3.2.5) stipulate location and evaluation criteria for Residential development. The proposed development meets the locational criteria that includes access to a collector road, full services, adequate open spaces and community services, and public transportation service.

The land use policies associated with the Residential Land Use designation support a complementary range of housing forms and tenures in all neighbourhoods, promote compact neighbourhoods that encourage a balanced transportation system, promote selective residential redevelopment, infill and intensification initiatives. The proposed development is a compatible residential housing type that will contribute to the diversity of housing forms in the neighbourhood. The built form in terms of mass and height will not exceed current bylaw regulations.

The recommended Zoning By-law Amendment conforms to the Official Plan.

## Zoning

The Zoning Bylaw 8600 designates the zoning for the subject property as 'Residential District 2.1 (RD2.1).

The applicant is requesting a change to the RD 2.2 zone category that would provide for a wider range of uses on the site, while not dealing with the non complying conditions resulting from the small size of the lot relative to the regulations of the RD2.2 zone in the existing lot (minimum Lot Width and minimum Lot Area).

Rather than change the applicable zone category to the RD2.2 zone, the Planning Department recommends applying a site specific provision that would recognise the requested use, and the size of the existing lot and leave in place the regulations of the RD2.1 zone to ensure that the form of the building constructed on the site is similar to other structures permitted within the area zoned RD2.1.

The reductions in minimum lot width and minimum lot area are for the lot as existing; they will have no adverse impact on the proposed development or on surrounding uses.

Many of the lots in area are of similar size to the subject site and contain structures that are of similar form and are used in a similar manner to the proposed development. Other than the proposed use, the lot width and the lot area requirements, the applicant has endeavoured to prepare a development complies with all other regulations of the zoning bylaw so that the form of the building will have the same impact in the area as any other new structure.

The proposed 3 unit dwelling is compatible with the other residential uses that currently exist in the area.

Other than the existing lot width and area, no other changes to the regulations have been requested. The recommended Zoning By-law amendment provides for an appropriate more intense use of an existing lot.

### **Risk Analysis:**

N/A

### **Climate Change Risks**

#### **Climate Change Mitigation:**

Residential intensification minimizes the impact on the community greenhouse gas emissions. Development within existing communities and neighbourhoods while using currently available infrastructure such as sewers, sidewalks, and public transit helps to mitigate development impact.

#### **Climate Change Adaptation:**

The proposed construction of a new dwelling provides an opportunity to increase resiliency for the development and surrounding area.

## **Financial Matters:**

N/A

## **Consultations:**

Comments from the municipal departments and external agencies are attached as Appendix A: There are no objections from Municipal Departments to the proposed amendment.

## **Public Notice**

The official notice will be advertised in the Windsor Star newspaper as required by the Planning Act.

A courtesy notice has been mailed to all properties within 120 m (400 feet) of the subject site, prior to the Development Heritage & Economic Standing Committee (DHESC) meeting.

## **Conclusion:**

The recommended site-specific amendment to Zoning By-law 8600 is consistent with the Provincial Policy Statement 2020 as it provides a gently intensified use of an existing lot within an existing walkable neighbourhood. The proposed development in the Ottawa Street area provides and promotes a healthy, liveable and safe community. The recommended Zoning By-law Amendment maintains conformity with the Official Plan as the proposed 3 unit multiple dwelling is a compatible residential housing type and will contribute to the diversity of housing forms in the neighbourhood. The subject Zoning By-law Amendment constitutes good planning as it provides for an appropriate more intense use of an existing lot.

## **Planning Act Matters:**

I concur with the above comments and opinion of the Registered Professional Planner.

*Michael Cooke, MCIP RPP*

*Manager, Planning Policy*

*Thom Hunt, MCIP RPP*

*City Planner*

I am not a registered Planner and have reviewed as a Corporate Team Leader

*Jelena Payne, Commissioner of Economic Development & Innovation*

*Onorio Colucci, Chief Administrative Officer*

**Approvals:**

<b>Name</b>	<b>Title</b>
Michael Cooke, MCIP RPP	Manager of Planning Policy/Deputy City Planner
Thom Hunt, MCIP RPP	City Planner, Executive Director of Planning & Building
Wira Vendrasco	Deputy City Solicitor
Jelena Payne	Commissioner of Economic Development & Innovation
Onorio Colucci	Chief Administrative Officer

**Notifications:**

<b>Name</b>	<b>Address</b>	<b>Email</b>
Supreme Homes Group ATTN: John Atwan	8535 Riverside Dr. Windsor ON N8S 1G1	supremehomesgroup@gmail.com

**Appendices:**

- 1 Z 004-23 Liaison Comments

## APPENDIX D – Consultation

### Zoning Coordinator – Zaid Zwayyed

Below is the zoning review for the proposed development at 1334-1336 Lincoln Ave:

- Proposed Zoning Designation: RD2.2 (11.2)
- Existing Use [as per historical Building Permit(s) / Planning Act Application(s)]:  
Existing duplex to be demolished and construction of a new multiple dwelling with three dwelling units
- Proposed Use:  
Multiple Dwelling with Three Dwelling Units
- Zoning Provisions (11.2.5):
  - Minimum Lot Width (11.2.5.4.1):
    - 18.0 m (Required)
    - 9.14 m (Provided)
  - Minimum Lot Area (11.2.5.4.2):
    - 540.0 m<sup>2</sup> (Required)
    - 334.45 m<sup>2</sup> (Provided)
  - Maximum Lot Coverage (11.2.5.4.3):
    - 45.0 % (Required)
    - 42.85 % (Provided)
  - Maximum Main Building Height (11.2.5.4.4):
    - 9.0 m (Required)
    - 7.40 m (Provided)
  - Minimum Front Yard Depth (11.2.5.4.5):
    - 6.0 m (Required)
    - 7.21 m (Provided)
  - Minimum Rear Yard Depth (11.2.5.4.6):
    - 7.50 m (Required)
    - 8.00 m (Provided)
  - Minimum Side Yard Width (11.2.5.4.7):
    - 1.20 m (Required)
    - 1.20 m (Provided)
- Section 5 - General Provisions  
Complies
- Section 24 - Parking, Loading and Stacking Provisions
  - Multiple Dwelling (3 Units) – Required parking (24.20.5.1):
    - 3 spaces (Required):
    - 3 spaces (Provided)

### Transit Windsor – Jason Scott

Transit Windsor has no objections to this development. The closest existing transit routes to this property are with the Ottawa 4 & Walkerville 8. The closest existing bus stops to this property are located on Ottawa at Lincoln and Lincoln at Ottawa, approximately 90-100 metres away falling well within our 400 metre walking distance guidelines to a bus stop. This will be maintained with our Council approved Transit Master Plan.

Barsom Sherif – Landscape Architect

After reviewing the submitted documents and drawings, Parks D&D has no issue with this LIAISON: Z 004/23 [ZNG/6950] - SUPREME HOMES GROUP (JOHN ATWAN) - 1334-1336 LINCOLN AVENUE, except for request of protecting the existing trees on City ROW: LITTLELEAF LINDEN within the site construction processes.

Clare Amicarelli – Transportation Planning

- Lincoln Rd is classified as a Class II Collector Road with a required right-of-way width of 24 meters per Schedule X. The existing right-of-way along the frontage of the subject property is not sufficient, however, a land conveyance is not required at this time.
- All accesses shall conform to the TAC Geometric Design Guide for Canadian Roads and the City of Windsor Standard Engineering Drawings.
- All exterior paths of travel must meet the requirements of the Accessibility for Ontarians with Disabilities Act (AODA).

ENWIN

HYDRO ENGINEERING:

No Objection with respect to Re-zoning

Please note ENWIN has the following hydro distribution:

- Existing 16kV primary overhead hydro distribution along the west side of the N/S alley behind the above noted address.
- Existing 120/240V secondary overhead hydro distribution along the west side of the N/S alley behind the above noted address.

We recommend referring to the Occupational Health and Safety Act for minimum safe limits of approach during construction and also the Ontario Building Code for adequate clearance requirements.

WATER ENGINEERING:

Water Engineering has no objections. There is an existing 25mm water service to this property.

Barbara Rusan – Building Department

Comments from the City of Windsor, Building Department relating to the subject line matter are as follows:

The Building Code Act, Section 8.(1) requires that a building permit be issued by the Chief Building Official for construction or demolition of a building.

The building permit review process occurs after a development application receives approval and once a building permit application has been submitted to the Building Department and deemed a complete application.

Due to the limited Ontario Building Code related information received, review of the proposed project for compliance to the Ontario Building Code has not yet been conducted.

It is strongly recommended that the owner and/or applicant contact the Building Department to determine building permit needs for the proposed project prior to building permit submission.

The City of Windsor Building Department can be reach by phoning 519-255-6267 or, through email at [buildingdept@citywindsor.ca](mailto:buildingdept@citywindsor.ca)

Thomas Huynh – Engineering

We have reviewed the subject Rezoning application and have the following comments:

Sewers

The site may be serviced by a 300mm vitrified clay pipe combined sewer located within Lincoln Rd right-of-way and a 600mm Brick combined sewer located in the alley between Lincoln Rd and Windermere Rd. If possible existing connections should be utilized. Any redundant connections shall be abandoned in accordance with the City of Windsor Engineering Best Practice B.P 1.3.3. The applicant will be required to submit site servicing drawings. Drainage and lot grading should be considered, demonstrating that the new parking areas are drained to private property. The applicant will be required to submit site servicing drawings.

Right-of-Way Lincoln Rd is classified as Class 2 Collector Road requiring a 24m width according to the Official Plan. The current width is 20m and is not sufficient however, a conveyance is not required at this time. This proposal includes use of the alley located at the rear of the subject property. Alley contribution as per the 2022 User Fee Schedule is required for the purpose of maintenance in the amount of \$2,285.

In summary we have no objection to the proposed development, subject to the following requirements:

Alley Contribution – The owner agrees, prior to the issuance of a Building Permit, to contribute \$2,285.00 (\$250 per linear meter), payable to the City of Windsor and deposited in the General Fund intended for the upkeep of alleys within the City of Windsor.

If you have any further questions or concerns, please contact Thomas Huynh, of this department at [thuynh@citywindsor.ca](mailto:thuynh@citywindsor.ca)

**Development & Heritage Standing Committee**  
**May 1, 2023**  
**Item 7.2 – Written Submission**

**From:** Alex Hristoff  
**Sent:** April 28, 2023 11:31 AM  
**To:** clerks <[clerks@citywindsor.ca](mailto:clerks@citywindsor.ca)>  
**Subject:** Public Concern: zoning bylaw 8600

**CAUTION:** This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Hello,

My name is Alexandra Hristoff, and my partners name is Drake Triner. We live at 1332 Lincoln, next door to the possible triplex. We have some concerns regarding a triplex being built in our neighbourhood.

- parking: our street parking is already so limited due to the number of busy businesses on Ottawa street. A triplex could add far more cars to our street that we do not have space for.
- Privacy: we have a chain link fence between our properties. Unless the company chooses to build a privacy fence between our lots, I do not feel safe with a multiple dwelling condo type building next door. The house that burnt down (that stood there previously) had multiple units and it caused a lot of stress for me and my partner. There were issues with late night commotion and use of a drone at night near our home, to name some examples.
- Construction: we have had a lot of drama in the last year with this lot. The house burnt down and left our home with 10s of thousands of dollars of damage. During the demolition of that house, we sustained more damage. The companies were nearly impossible to reach and did not want to cover the damages they caused. In the demo, our roof was covered in hydraulic fluid and bent our fence past repair. We fear that by building something so large in this space it leads to the opportunity for more things to go wrong. We have had enough stress; we don't need a looming apartment building built next door to our 100 year old home.
- Neighbourhood integrity: if our neighbourhood has anything it has character. When you put a new apartment/triplex in a lot that was home to an old home, it does the neighbourhood a disservice. It will stick out like a sore thumb.

Thank you for hearing my concerns, if you would like any more information contact me us at

██████████.

Thanks,  
Alex Hristoff





**Committee Matters: SCM 139/2023**

**Subject: Zoning Bylaw Amendment Z 005-23 [ZNG-6951] Supreme Homes Group (John Atwan) 2609 Pillette Ave - Ward 5**

Moved by: Councillor Angelo Marignani  
Seconded by: Member Robert Polewski

Decision Number: **DHSC 501**

- I. **THAT** an amendment to City of Windsor Zoning By-law 8600 **BE APPROVED**, changing the zoning of Lot 14, Part of Lot 13, and Part of Closed Alley Plan 1160, more particularly described as PART 2, 12R-28714, from Residential District 1.2 (RD1.2) to Residential District (RD) 2.1;
- II. **THAT** subsection 1 of Section 20 of the City of Windsor Zoning By-law 8600 **BE AMENDED** for the lands described as Lot 11, Plan 628 by adding site specific regulations as follow:

468. **West Side of Pillette Avenue, South of Rose Street**

For the lands comprising of Lot 14, Part of Lot 13, and Part of Closed Alley Plan 1160, more particularly described as PART 2, 12R-28714, the following site specific regulations shall apply:

Maximum Gross Floor Area– 470 m<sup>2</sup>

(ZDM 11; ZNG/6951)

Carried.

Report Number: S 50/2023  
Clerk's File: Z/14542

**Clerk's Note:**

1. The recommendation of the Development & Heritage Standing Committee and Administration are the same.
2. Please refer to Item 7.3 from the Development & Heritage Standing Committee held on May 1, 2023.
3. To view the stream of this Standing Committee meeting, please refer to:  
<https://csg001-harmony.sliq.net/00310/Harmony/en/PowerBrowser/PowerBrowserV2/20230501/-1/9408>

**Subject: Zoning Bylaw Amendment Z 005-23 [ZNG-6951] Supreme Homes Group (John Atwan) 2609 Pillette Ave - Ward 5**

**Reference:**

Date to Council: May 1, 2023

Author: Jim Abbs

Senior Planner

519-255-6543 x6317

jabbs@citywindsor.ca

Planning & Building Services

Report Date: April 13, 2023

Clerk's File #: Z/14542

**To:** Mayor and Members of City Council

**Recommendation:**

- I. **THAT** an amendment to City of Windsor Zoning By-law 8600 **BE APPROVED**, changing the zoning of Lot 14, Part of Lot 13, and Part of Closed Alley Plan 1160, more particularly described as PART 2, 12R-28714, from Residential District 1.2 (RD1.2) to Residential District (RD) 2.1;
- II. **THAT** subsection 1 of Section 20 of the City of Windsor Zoning By-law 8600 **BE AMENDED** for the lands described as Lot 11, Plan 628 by adding site specific regulations as follow:

468. **West Side of Pillette Avenue, South of Rose Street**

For the lands comprising of Lot 14, Part of Lot 13, and Part of Closed Alley Plan 1160, more particularly described as PART 2, 12R-28714, the following site specific regulations shall apply:

Maximum Gross Floor Area– 470 m<sup>2</sup>

(ZDM 11; ZNG/6951)

**Executive Summary:**

N/A

**Background:**



KEY MAP - Z-005/23, ZNG-6951



● SUBJECT LANDS

**Application Information**

**Location:** Lot 14, Part of Lot 13, and Part of Closed Alley Plan 1160, more particularly described as PART 2, 12R-28714, municipally known as 2609 Pilette Road.

**Applicant:** Supreme Homes Group (John Atwan)

**Proposal:** The applicant is requesting an amendment to Zoning By-law 8600 to change the zoning from Residential District 1.2 (RD21.2) to Residential District 2.1 (RD2.1) to allow the construction of a Semi Detached Dwelling.

<b>OFFICIAL PLAN</b>	<b>ZONING</b>	<b>CURRENT USE</b>	<b>PREVIOUS USE</b>
Residential	RD1.2	Vacant	Vacant
<b>FRONTAGE</b>	<b>DEPTH</b>	<b>AREA</b>	<b>SHAPE</b>
16.57 m	32.58 m	539.85m <sup>2</sup>	Rectangle
Note: All measurements are approximate.			



PART OF ZONING DISTRICT MAP 11

N.T.S.

## REQUESTED ZONING AMENDMENT

Applicant: Supreme Homes Group (John Atwan)



SUBJECT LANDS



PLANNING & BUILDING DEPARTMENT

DATE : JANUARY, 2023  
FILE NO. : Z-005/23, ZNG/6951

### Neighbourhood Characteristics





NEIGHBOURHOOD MAP - Z-005/23, ZNG/6951



SUBJECT LANDS

The area is characterised by a mix of uses that include residential uses with single detached, 4 unit Multiple Dwelling and Multiple Dwelling (3 storey apartment

building), a Commercial use (Retail Store) and a Cemetery. The lands to the west are the site are currently vacant and are expected to eventually be developed for residential purposes.

Transit Windsor Bus: The closest existing bus stop to this property is located at Pillette Road at Grand Marais on the southwest corner. This bus stop is approximately 70 metres from the subject property and is well within the 400 metre walking distance guideline to a bus stop. This will be maintained with the Transit Master Plan.

## **Discussion:**

### **Provincial Policy Statement (PPS) 2020**

The recommended amendment to Zoning By-law 8600 is consistent with the PPS. The recommended amendment to allow the construction of a Semi-detached Dwelling containing 2 units is consistent with PPS policies described in this section.

PPS provides policy direction for appropriate development. This policy direction takes into consideration efficient use of land and resources, accommodating an appropriate mix of residential uses, supporting active transportation/transit while preparing for the impacts of climate change. The PPS recognizes that land use are to be managed to meet the full range of current and future needs, while protecting public safety and natural environment.

The proposed multiple dwelling use contributes to building of a strong healthy community as per policy 1.1.1. (a to g) of PPS. The proposed amendment is consistent with the PPS as follows:

- The subject building is connected to municipal services.
- The proposed additional dwelling represents an effective and appropriate re-use of the existing lot.
- The subject site complements the surrounding neighbourhood of residential uses.
- The proposed additional dwelling unit's accessibility will be established in compliance with Ontario Building Code (OBC).
- There are no impacts on the natural environment, public health and safety.

The subject lands are within the urban area of the settlement for the City of Windsor. The proposed amendment would permit a slight increase in density of residential units, making a more efficient use of land within the existing built up area.

The PPS recommends accommodating affordable, market-based range, and a mix of residential types including multiple-unit housing, affordable housing such as the

proposed semi detached dwelling. The subject site is located near a transit route which provides an opportunity to promote transit ridership.

The applicable PPS sections promote the vitality of the existing settlements recognizing the importance of long-term prosperity of the community while making use of existing infrastructure.

In my opinion, the proposed development is an efficient use of an existing parcel and promotes a healthy, liveable and safe community. The recommended amendment to Zoning By-Law 8600 represents a planning decision that is consistent with the PPS.

## **Official Plan**

The Official Plan, Schedule D: Land Use designates the subject land as “Residential”.

The permitted uses in the Residential land use include low, medium and high profile dwelling units. The proposed development is a low profile form complying with the Official Plan policies. The majority of houses fronting Pillette Road near the subject property contains dwellings with 1 to 4 units, as well a 44 unit Multiple Dwelling. The proposed use is compatible with the surrounding residential and commercial uses.

Section 6.3.1.3 Intensification Infill & Redevelopment promote selective residential redevelopment, infill and intensification initiatives similar to the subject proposal.

Section 3.3.3 Neighbourhood policies (policy 3.3.3) denotes that the residential areas are the most basic component on Windsor’s urban structure, facilitating a range of “low-to-medium density residential” built forms.

The Residential policies (Sections 6.3.2.4 and 6.3.2.5) stipulate location and evaluation criteria for Residential development. The proposed development meets the locational criteria that includes access to a collector road, full services, adequate open spaces and community services, and public transportation service.

The land use policies associated with the Residential Land Use designation support a complementary range of housing forms and tenures in all neighbourhoods, promote compact neighbourhoods that encourage a balanced transportation system, promote selective residential redevelopment, infill and intensification initiatives. The proposed development is a compatible residential housing type that will contribute to the diversity of housing forms in the neighbourhood. The built form in terms of mass and height will not exceed current bylaw regulations.

The recommended Zoning By-law Amendment conforms to the Official Plan.

## **Zoning**

The Zoning Bylaw 8600 identifies the zoning for the subject property as ‘Residential District 1.2 (RD1.2).

The applicant is requesting a change to the RD 2.1 zone category that would provide for a wider range of uses on the site that would include a Semi Detached Dwelling, and an



increase in the Maximum Gross floor area for a dwelling. The Maximum Gross floor area was introduced to the RD2.1 zone as a result of the Residential Interim Control Bylaw study. The regulation for Maximum Gross Floor Area was applied to all types of dwellings equally, and results in a Semi Detached dwelling that contains 2 units being limited to the size of one single detached dwelling. The requested increase in Maximum GFA would result in proposed Semi detached dwelling being larger than permitted by the bylaw, however each of the Semi detached units would be smaller than the Maximum GFA for a single detached dwelling.

The proposed semi detached dwelling is compatible with the other residential uses that currently exist in the area.

The recommended Zoning By-law amendment provides for an appropriate more intense use of an existing lot.

**Risk Analysis:**

N/A

**Climate Change Risks**

**Climate Change Mitigation:**

Residential intensification minimizes the impact on the community greenhouse gas emissions. Development within existing communities and neighbourhoods while using currently available infrastructure such as sewers, sidewalks, and public transit helps to mitigate development impact.

**Climate Change Adaptation:**

The proposed construction of a new dwelling provides an opportunity to increase resiliency for the development and surrounding area.

**Financial Matters:**

N/A

**Consultations:**

Comments from the municipal departments and external agencies are attached as Appendix A: There are no objections to the proposed amendment.

**Public Notice**

The official notice will be advertised in the Windsor Star newspaper as required by the Planning Act.

A courtesy notice has been mailed to all properties within 120 m (400 feet) of the subject site, prior to the Development Heritage & Economic Standing Committee (DHSC) meeting.

**Conclusion:**

The recommended site-specific amendment to Zoning By-law 8600 is consistent with the Provincial Policy Statement 2020 as it provides a gently intensified use of an existing lot within an existing walkable neighbourhood. The proposed development provides and promotes a healthy, liveable and safe community. The recommended Zoning By-law Amendment maintains conformity with the Official Plan as the semi detached dwelling is a compatible residential housing type and will contribute to the diversity of housing forms in the neighbourhood. The subject Zoning By-law Amendment constitutes good planning as it provides for an appropriate more intense use of an existing vacant parcel.

**Planning Act Matters:**

I concur with the above comments and opinion of the Registered Professional Planner.

*Michael Cooke, MCIP RPP, Manager, Planning Policy*

*Thom Hunt, MCIP RPP, City Planner*

I am not a registered Planner and have reviewed as a Corporate Team Leader

*Jelena Payne, Commissioner of Economic Development & Innovation*

*Onorio Colluci, Chief Administrative Officer*

**Approvals:**

<b>Name</b>	<b>Title</b>
Michael Cooke, MCIP RPP	Manager of Planning Policy/Deputy City Planner
Thom Hunt, MCIP RPP	City Planner, Executive Director of Planning & Building
Wira Vendrasco	Deputy City Solicitor
Jelena Payne	Commissioner of Economic Development & Innovation
Onorio Colucci	Chief Administrative Officer

**Notifications:**

<b>Name</b>	<b>Address</b>	<b>Email</b>
Supreme Homes Group ATTN: John Atwan	8535 Riverside Dr. Windsor ON N8S 1G1	supremehomesgroup@gmail.com

**Appendices:**

- 1 Z 005-23 Liaison Comments

## APPENDIX D – Consultation

### Zoning Coordinator – Zaid Zwayyed

As requested, below is the zoning review for the proposed development at 2609 Pillette Avenue:

- Proposed Zoning Designation: RD2.1 (11.1)
- Existing Use [as per historical Building Permit(s) / Planning Act Application(s)]:  
Vacant lot
- Proposed Use:  
Semi-detached Dwelling
- Zoning Provisions (11.1.5):
  - Minimum Lot Width (11.1.5.1):
    - 15.0 m (Required)
    - 16.57 m (Provided)
  - Minimum Lot Area (11.1.5.2):
    - 450.0 m<sup>2</sup> (Required)
    - 539.02 m<sup>2</sup> (Provided)
  - Maximum Lot Coverage (11.1.5.3):
    - 45.0 % (Required)
    - 44.90 % (Provided)
  - Maximum Main Building Height (11.1.5.4):
    - 9.0 m (Required)
    - 6.33 m (Provided)
  - Minimum Front Yard Depth (11.1.5.5):
    - 6.0 m (Required)
    - 6.0 m (Provided)
  - Minimum Rear Yard Depth (11.1.5.6):
    - 7.50 m (Required)
    - 8.80 m (Provided)
  - Minimum Side Yard Width (11.1.5.7):
    - 1.20 m (Required)
    - 1.20 m (Provided)
  - Maximum Gross Floor Area (11.1.5.8):
    - 400.0 m<sup>2</sup> (Required)
    - 469.74 m<sup>2</sup> (Provided)

- Section 5 - General Provisions

Complies

\* Notes on section 5 compliance:

- Consultation with ERCA is required per section 5.40 of ZBL/8600
- Section 24 - Parking, Loading and Stacking Provisions
  - Semi-detached Dwelling– Required parking (24.20.5.1):
    - 2 space (Required):
    - 2 spaces (Provided)
- \* Notes on section 24 compliance:
  - The applicant must show the proposed front yard paving to confirm the percentage of paved surfaces.

Transit Windsor - Jason Scott

Transit Windsor has no objections to this development. The closest existing transit route to this property is with the Central 3. The closest existing bus stop to this property is located on Pillette at Grand Marais Southwest Corner. This bus stop is approximately 70 metres from this property falling well within our 400 metre walking distance guideline to a bus stop. This will be maintained with our Council approved Transit Master Plan.

ERCA – Kathleen Schneckeburger

The City of Windsor has received an Application for Zoning By-Law Amendment for the subject property. The applicant proposes to construct a semi-detached dwelling which will contain 2 residential units. 2 parking spaces will be provided on the property, one in the garage and another on the driveway. The applicant requests a zoning by-law amendment to convert the existing zoning (RD1.2) to Residential District 2.1 (RD2.1) to permit the desired use. The following is provided as a result of our review of Zoning By-Law Amendment Z005-23.

DELEGATED RESPONSIBILITY TO REPRESENT THE PROVINCIAL INTEREST IN NATURAL HAZARDS (PPS) AND REGULATORY RESPONSIBILITIES OF 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.

The above noted lands are subject to our Development, Interference with Wetlands and Alteration to Shorelines and Watercourses Regulation under the Conservation Authorities Act (Ontario Regulation No. 158/06). The parcel falls within the regulated area of the Grand Marais Drain. The property owner will be required to obtain a Permit from the Essex Region Conservation Authority prior to any construction or site alteration or other activities affected by Section 28 of the Conservation Authorities Act.

FINAL RECOMMENDATION

The property owner will be required to obtain a Permit from the Essex Region Conservation Authority prior to any construction or site alteration.

Barsom Sherif – Landscape Architect

No concerns.

## Heritage Planning – Tracey Tang

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 Citizenship and Multiculturalism 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 Citizenship and Multiculturalism and the Registrar at the Ministry of Government and Consumer Services if needed, and notification and satisfactory confirmation be given by the Ministry of Citizenship and Multiculturalism.

### Contacts:

Windsor Planning & Building Department:

519-255-6543 x6179, [ktang@citywindsor.ca](mailto:ktang@citywindsor.ca), [planningdept@citywindsor.ca](mailto:planningdept@citywindsor.ca)

Windsor Manager of Culture and Events (A):

Michelle Staaedegaard, (O) 519-253-2300x2726, (C) 519-816-0711,  
[mstaaedegaard@citywindsor.ca](mailto:mstaaedegaard@citywindsor.ca)

Ontario Ministry of Citizenship and Multiculturalism

Archaeology Programs Unit, 1-416-212-8886, [Archaeology@ontario.ca](mailto:Archaeology@ontario.ca)

Windsor Police: 911

Ontario Ministry of Government & Consumer Services

A/Registrar of Burial Sites, War Graves, Abandoned Cemeteries and  
Cemetery Closures, 1-416-212-7499, [Crystal.Forrest@ontario.ca](mailto:Crystal.Forrest@ontario.ca)

## Building Department – Barbara Rusan

Comments from the City of Windsor, Building Department relating to the subject line matter are as follows:

The Building Code Act, Section 8.(1) requires that a building permit be issued by the Chief Building Official for construction or demolition of a building.

The building permit review process occurs after a development application receives approval and once a building permit application has been submitted to the Building Department and deemed a complete application.

Due to the limited Ontario Building Code related information received, review of the proposed project for compliance to the Ontario Building Code has not yet been conducted.

It is strongly recommended that the owner and/or applicant contact the Building Department to determine building permit needs for the proposed project prior to building permit submission.

The City of Windsor Building Department can be reached by phoning 519-255-6267 or, through email at [buildingdept@citywindsor.ca](mailto:buildingdept@citywindsor.ca)

#### Transportation Planning – Clare Amicarelli

- Pillette Ave is classified as a Class 1 Collector Road with a required right-of-way of 26 meters per the Official Plan. The current right-of-way is not sufficient, however, a conveyance is not required at this time.
- All parking must comply with zoning by-law 8600, otherwise a parking study may be required.
- All accesses shall conform to the TAC Geometric Design Guide for Canadian Roads and the City of Windsor Standard Engineering Drawings.
- All exterior paths of travel must meet the requirements of the Accessibility for Ontarians with Disabilities Act (AODA).

#### Engineering

We have reviewed the subject Rezoning application and have the following comments:

##### Sewers

The site may be serviced by a 250mm PVC sanitary sewer and a 375mm concrete storm sewer located within the Pillette Avenue right-of-way. If possible existing connections should be utilized. Any redundant connections shall be abandoned in accordance with the City of Windsor Engineering Best Practice B.P 1.3.3. The applicant will be required to submit site servicing drawings.

##### Right-of-Way

Pillette Avenue is classified as Class 1 Collector Road requiring a 26m width according to the Official Plan. The current width is 20.1m, however, a land conveyance is not being

requested at this time. Pillette Avenue is deficient in curb and gutter and the applicant will be required to pay to the corporation contribution to curb and gutter as per the current User Fee Schedule (\$60 per LM of frontage)

#### Additional notes to the applicant

The property has a lot width of 16.53 metres and a single car garage for each unit with doors adjacent to each other is being proposed. The maximum curb cut and driveway width will be 7.0 metres. Leadwalks from the driveway to the front steps will be limited in order to not exceed 50% hard surface in the required front yard. If the intent is to sever the property and individual connections to each unit are provided; each unit will be permitted a curb cut and driveway width of up to 4.0 metres assuming any proposed leadwalks do not result in hard surface exceeding 50% within the required front yard.

At the time of permit application, a site plan including the right of way to the road will be required showing the layout and dimensions of the driveway and any leadwalks. City of Windsor | 350 City Hall Square West | Windsor, ON | N9A 6S1  
[www.citywindsor.ca](http://www.citywindsor.ca)

In summary we have no objection to the proposed development, subject to the following requirements:

Curbs and Gutters – The Owner further agrees, at the discretion of the City Engineer, to:  
Pay to the Corporation, prior to the issuance of a construction permit, the sum of \$ 981.00 being the Owner's contribution towards the future construction of concrete curb and gutter on the frontage of the subject lands.

#### ENWIN

#### HYDRO ENGINEERING:

No Objection, provided adequate clearances are achieved and maintained.

Please note the following.

- 1- ENWIN has 120/240V overhead secondary conductors going across the front of property
- 2- ENWIN has 16kV overhead primary conductors going across the front of property
- 3- There are midspan secondary conductors going through the 2609 Pillette Rd property to a pole behind the property. ENWIN will be rerouting that span of secondary conductor.

Prior to working in these areas, we would suggest notifying your contractor and referring to the Occupational Health and Safety Act and Regulations for Construction Projects to confirm clearance requirements during construction.

Also, we suggest referring to the Ontario Building Code for permanent required clearances for New Building Construction.

WATER ENGINEERING:

Water Engineering has no objections. There is no water service to this property.





**Committee Matters: SCM 140/2023**

**Subject: City Initiated Zoning By-law Amendment - Remove Maximum Gross Floor Area - main Building Provisions for Townhome Dwellings in RD2.3 Zone**

Moved by: Councillor Kieran McKenzie

Seconded by: Councillor Angelo Marignani

Decision Number: **DHSC 502**

1. THAT Zoning By-law 8600 **BE AMENDED** by deleting the Gross Floor Area – main building maximum of 400 m<sup>2</sup> for Townhome Dwelling in section 11.3.5.8.

Carried.

Report Number: S 48/2023

Clerk's File: Z2023

**Clerk's Note:**

1. The recommendation of the Development & Heritage Standing Committee and Administration are the same.
2. Please refer to Item 7.4 from the Development & Heritage Standing Committee held on May 1, 2023.
3. To view the stream of this Standing Committee meeting, please refer to:  
<https://csg001-harmony.sliq.net/00310/Harmony/en/PowerBrowser/PowerBrowserV2/20230501/-1/9408>

**Subject: City Initiated Zoning By-law Amendment - Remove Maximum Gross Floor Area - Main Building Provisions for Townhome Dwellings in RD2.3 Zone**

**Reference:**

Date to Council: May 1, 2023  
Author: Laura Strahl MCIP, RPP  
Senior Planner  
519-225-6543 ext. 6396  
Planning & Building Services  
Report Date: April 13, 2023  
Clerk's File #: Z2023

**To:** Mayor and Members of City Council

**Recommendation:**

- I. THAT Zoning By-law 8600 **BE AMENDED** by deleting the Gross Floor Area – main building maximum of 400 m<sup>2</sup> for Townhome Dwelling in section 11.3.5.8.

**Executive Summary:**

N/A

**Background:**

The purpose of this report is to make refinements to zoning provisions by removing the maximum gross floor area provision for townhomes within the Residential District 2.3 (RD2.3) zone that was implemented by By-law 101-2022.

The Multi-Residential Interim Control By-law Study (MRICBL Study) was initiated when Council passed the Interim Control By-law on July 13, 2020, which temporarily prohibited the use of all lands, buildings and structures for a group home, shelter, lodging house and/or dwelling with five or more dwelling units, unless exempted in the Interim Control By-law, in order to allow the City to conduct a study. On June 7, 2021, Council passed By-law 99-2021 to extend By-law 103-2020 for an additional year.

This allowed administration to review and implement the findings of the study. The City retained consultants (Altus Group, Municipal Planning Consultants and The Planning Partnership) to conduct the study and make recommendations.

The main purpose of the Multi-Residential Interim Control By-law (MRICBL) Study was to determine the following:

- The appropriate locations within the city that can accommodate additional residential density;
- How to appropriately guide growth to those geographic areas;
- The extent to which a designated area can accommodate growth;
- How to ensure compatibility within the existing neighbourhood context; and
- The MRICBL Study also includes a review of Group Homes, Lodging Houses and Shelters to bring in compliance with the Human Rights Code.

One of the recommendations was to reduce the as of right permissions in the zoning by-law of maximum building height and introduce maximum gross floor area to ensure the compatibility of new residential development within existing residential neighbourhoods.

On July 11<sup>th</sup> 2022 Council approved By-law 101-2022 being a by-law to amend Zoning By-law 8600, as a result of the Multi-Residential Interim Control By-law Study (MRICBL Study). By-law 101-2022 including the change in maximum building height and introduction of maximum gross floor area.

After further evaluation it has been determined that the maximum gross floor area provisions should not apply in the RD2.3 Zone for townhomes. This would revert the provisions for a Townhome Dwelling back to the way the zoning by-law read before By-law 101-2022 was implemented.

### **Discussion:**

The maximum gross floor area for townhome dwelling is too restrictive in the Residential District RD2.3 Zone as the zoning by-law defines a townhome dwelling as follows:

***Townhome Dwelling** means one dwelling vertical divided into a row of three or more dwelling units attached by common interior walls, each wall having a minimum area above grade of 10.0 sq. m. and may include, where permitted by Section 5.99.80, additional dwelling units. A semi-detached dwelling is not a townhome dwelling.*

By this definition, the max gross floor area of 400 sq. m would apply to the entire building, not to each townhome dwelling unit, therefore restricting the size to an unreasonable size for a townhome dwelling containing three or more dwelling units. The RD2.3 zone was created for development within the East Riverside Planning District. The RD2.3 zone was developed specifically for this area, and therefore the provisions that applied before By-law 101-2022 were appropriate for ensuring compatibility of new residential development within the zone.

### **Provincial Policy Statement, 2020**

The Provincial Policy Statement (PPS) provides direction on matters related to provincial interest related to land use planning and development and sets policies for regulating the development and use of land in Ontario.

The vision of the PPS focus on growth and development within urban settings and that land use must be carefully managed to accommodate appropriate development to meet the full range of current and future needs, while achieving efficient land use patterns. Planning authorities are encouraged to permit and facilitate a range of options, including residential intensification, to respond to current and future needs. Land use patterns should promote a mix of housing, including opportunities for intensification that support a broad range of housing options.

Policies 1.1.1 of the PPS stipulates:

*“Healthy, livable and safe communities are sustained by:*

*a) promoting efficient development and land use patterns which sustain the financial well-being of the Province and municipalities over the long term;*

*b) accommodating an appropriate affordable and market-based range and mix of residential types (including single-detached, additional residential units, multi-unit, affordable housing and housing for older persons) employment (including industrial and commercial), institutional (including places of worship, cemeteries and long-term care homes), recreation, park and open space, and other uses to meet long-term needs;*

*e) promoting the integration of land use planning, growth management, transit supportive development, intensification and infrastructure planning to achieve cost effective development patterns, optimization of transit investments, and standards to minimize land consumption and servicing costs;”*

Policy 1.1.3.2 of the PPS stipulates:

*“Land use patterns within settlement areas shall be based on densities and a mix of land uses which:*

*a) efficiently use land and resources;*

*b) are appropriate for, and efficiently use, the infrastructure and public service facilities which are planned or available, and avoid the need for their unjustified and/or uneconomical expansion;*

*e) support active transportation;*

*f) are transit-supportive, where transit is planned, exists or may be developed.”*

The proposed amendment to the Zoning By-law is minor in nature as it is removing a provision to revert back to the way the zoning by-law read before By-law 101-2022. Townhomes are part of a mix of housing options within the City and will contribute to the missing middle style of housing.

The amendment is consistent with the PPS.

### **City of Windsor Official Plan**

The RD2.3 Zone is located mainly in East Riverside. The areas to which it applies are designated Residential on Schedule D – Land Use Plan. The proposed amendment is not making any change to the type of land use, but rather reverting back to the provisions that existed prior to By-law 101-2022.

The proposed amendment is consistent with the City of Windsor Official Plan.

### **Risk Analysis:**

N/A

### **Climate Change Risks**

#### **Climate Change Mitigation:**

N/A

#### **Climate Change Adaptation:**

N/A

### **Financial Matters:**

N/A

### **Consultations:**

Required notice of the statutory public meeting was advertised in the Windsor Star, on April 7th, 2023.

### **Conclusion:**

It is the Planner's opinion that the recommended amendment to Zoning By-law 8600 is consistent with the Provincial Policy Statement and represents good planning.

The recommendation above is to remove the Gross Floor Area – Main Building maximum provision for townhomes in the RD2.3 zone.

### **Planning Act Matters:**

I concur with the above comments and opinion of the Registered Professional Planner.

*Nail Robertson, Manager of Urban Design and Deputy City Planner*

*Thom Hunt, Executive Director of Planning, City Planner*

I am not a registered Planner and have reviewed as a Corporate Team Leader

JP

**Approvals:**

<b>Name</b>	<b>Title</b>
Neil Robertson	Manager of Urban Design
Thom Hunt	City Planner
Wira Vendrasco	Deputy City Solicitor
Jelena Payne	Commissioner of Economic Development and Innovation
Onorio Colucci	Chief Administrative Officer

**Notifications:**

<b>Name</b>	<b>Address</b>	<b>Email</b>

**Appendices:**

- 1 Appendix A - Notice of Passing - Zoning By-law Amendment 101-2022

**PLANNING ACT, R.S.O. 1990  
Section 34(18)**

**NOTICE OF PASSING OF A ZONING BY-LAW  
To Amend Zoning By-Law 8600  
By The Corporation of The City of Windsor**

**TAKE NOTICE** that the Council of The Corporation of the City of Windsor passed By-law Number **101-2022** on **July 11, 2022**.

**THE LAST DATE** for filing a notice of appeal is: **Tuesday, August 2, 2022**.

**ANY NOTICE OF APPEAL:**

- (a) Must be filed with the City Clerk of the City of Windsor;
- (b) Must set out the reasons for the appeal; and
- (c) Must be accompanied by the fee required by the Tribunal (**\$1,100.00 per person/per appeal**) prescribed under the Ontario Land Tribunal (OLT) The fee is made payable to the **'Minister of Finance' and must be a certified cheque or money order.**

If you wish to appeal to the Ontario Land Tribunal (OLT), a copy of the prescribed submission form is available from the OLT website at <https://olt.gov.on.ca/appeals-process/>

**ONLY INDIVIDUALS, CORPORATIONS AND PUBLIC BODIES** may appeal a by-law to the Ontario Land Tribunal. A notice of appeal may not be filed by an unincorporated association or group. However, a notice of appeal may be filed in the name of an individual who is a member of the association or the group on its behalf.

**NO PERSON OR PUBLIC BODY** shall be added as a party to the hearing of the appeal unless, before the by-law was passed, the person or public body made oral submissions at the public meeting or written submissions to the Council or, in the opinion of the Tribunal, there are reasonable grounds to add the person or public body as a party.

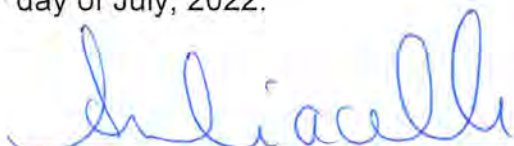
**PLEASE BE ADVISED THAT** Council considered written and oral submissions related to the Official Plan Amendment or Zoning By-law Amendment before adoption. No edits were made to the Official Plan Amendment or Zoning By-law Amendment as a result of the written and oral submissions.

**FURTHER BE ADVISED** that the lands to which the Zoning Amendment applies is also the subject of an application under The Planning Act, R.S.O. 1990 for the following:

- (a) Official Plan Amendment (OPA/6757 OPA 159)
- (b) Plan of Subdivision Application (Not applicable)
- (c) Minister's Zoning Order (Not applicable)
- (d) Application for a Consent (Not applicable)

**A COPY OF BY-LAW 101-2022** together with an explanation of the purpose and effect of the by-law describing the lands to which the by-law applies and a key map showing the location of the lands to which the by-law applies, are attached.

**DATED** at the City of Windsor this 15<sup>th</sup> day of July, 2022.



ANNA CIACELLI, DEPUTY CITY CLERK  
WINDSOR, ONTARIO



**SCHEDULE 1**

**This is a copy of By-law 101-2022**

**A BY-LAW TO FURTHER AMEND BY-LAW NUMBER 8600 CITED AS THE "CITY OF WINDSOR ZONING BY-LAW**

Passed the 11<sup>th</sup> day of July, 2022.

**WHEREAS** it is deemed expedient to further amend By-law Number 8600 of the Council of The Corporation of the City of Windsor, cited as the "City of Windsor Zoning By-law" passed the 31st day of March, 1986, as heretofore amended:

**THEREFORE** the Council of the Corporation of the City of Windsor enacts as follows:

1. That By-law 8600 be amended by adding to Section 3.10 the following:

**GROSS FLOOR AREA – MAIN BUILDING** means the total combined floor area in square metres of the *main building* on a *lot*, excluding the *cellar* of any *building*, measured from the outside face of the exterior walls of the *main building*.

2. That the said by-law be further amended by deleting Section 10.1.5.4 and substituting the following therefor:

.4	Main Building Height - maximum	9.0 m	9.0 m	9.0 m
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3.

That the said by-law be further amended by adding to Section 10.1.5.8 the following:

.8	Gross Floor Area – Main Building- maximum	400 m <sup>2</sup>	400 m <sup>2</sup>	400 m <sup>2</sup>
----	---	--------------------	--------------------	--------------------

4.

That the said by-law be further amended by deleting Section 10.2.5.4 and substituting the following therefor :

.4	Main Building Height – maximum	9.0 m	9.0 m	9.0 m
----	--------------------------------	-------	-------	-------

5.

That the said by-law be further amended by adding to Section 10.2.5.8 the followings:

.8	Gross Floor Area – Main Building - maximum	400 m <sup>2</sup>	400 m <sup>2</sup>	400	2
----	--	--------------------	--------------------	-----	---

6. That the said by-law be further amended by deleting Section 10.3.5.4 and substituting the following therefor :

.4	Main Building Height – maximum	9.0 m	9.0 m	9.0 m
----	--------------------------------	-------	-------	-------

7.

That the said by-law be further amended by adding to Section 10.3.5.8 the following :

.8	Gross Floor Area – Main Building- maximum	400 m <sup>2</sup>	400 m <sup>2</sup>	400 m <sup>2</sup>
----	---	--------------------	--------------------	--------------------

8.

That the said by-law be further amended by deleting Section 10.4.5.4 and substituting the following therefor:

.4	Main Building Height – maximum	9.0 m	9.0 m	9.0 m
----	--------------------------------	-------	-------	-------

9.

That the said by-law be further amended by adding to Section 10.4.5.8 the following:

.8	Gross Floor Area – Main Building- maximum	400 m <sup>2</sup>	400 m <sup>2</sup>	400 m <sup>2</sup>
----	---	--------------------	--------------------	--------------------



Building - maximum

10. Delete and substitute 10.5.5.4 as follows

.4 Main Building Height – maximum 9.0 m

K.

Add Section 10.5.5.8 as follows:

.8 Gross Floor Area – Main Building - maximum 400 m<sup>2</sup>

L.

Delete and substitute 11.1.5.4 as follows

.4 Main Building Height – maximum 9.0 m 9.0 m 9.0 m

M.

Add Section 11.1.5.8 as follows:

.8 Gross Floor Area – Main Building - maximum 400 m<sup>2</sup> 400 m<sup>2</sup> 400 m<sup>2</sup>

N

Delete Section 11.2.5 and substitute with a new Section 11.2.5 as follows:

**11.2.5 PROVISIONS**

.1 Duplex Dwelling

.1 Lot Width – minimum 12.0 m  
.2 Lot Area – minimum 360.0 m<sup>2</sup>  
.3 Lot Coverage – maximum 45.0%  
.4 Main Building Height – maximum 9.0 m  
.5 Front Yard Depth – minimum 6.0 m  
.6 Rear Yard Depth – minimum 7.50 m  
.7 Side Yard Width – minimum 1.20 m  
.10 Gross Floor Area – Main Building – maximum 400 m<sup>2</sup>

.2 Semi-Detached Dwelling

.1 Lot Width – minimum 15.0 m  
.2 Lot Area – minimum 450.0 m<sup>2</sup>  
.3 Lot Coverage – maximum 45.0%  
.4 Main Building Height – maximum 9.0 m  
.5 Front Yard Depth – minimum 6.0 m  
.6 Rear Yard Depth – minimum 7.50 m  
.7 Side Yard Width – minimum 1.20 m  
.10 Gross Floor Area – Main Building – maximum 400 m<sup>2</sup>

.3 Single Unit Dwelling

.1 Lot Width – minimum 9.0 m  
.2 Lot Area – minimum 270.0 m<sup>2</sup>  
.3 Lot Coverage – maximum 45.0%  
.4 Main Building Height – maximum 9.0 m  
.5 Front Yard Depth – minimum 6.0 m  
.6 Rear Yard Depth – minimum 7.50 m  
.7 Side Yard Width – minimum 1.20 m  
.10 Gross Floor Area – Main Building – maximum 400 m<sup>2</sup>

.4 Double Duplex Dwelling or Multiple Dwelling

.1 Lot Width – minimum 18.0 m  
.2 Lot Area – minimum 540.0 m<sup>2</sup>  
.3 Lot Coverage – maximum 45.0%  
.4 Main Building Height – maximum 9.0 m  
.5 Front Yard Depth – minimum 6.0 m  
.6 Rear Yard Depth – minimum 7.50 m  
.7 Side Yard Width – minimum 1.80 m

.5 Townhome Dwelling

.1 Lot Width – minimum 20.0 m  
.2 Lot Area – per *dwelling unit* – minimum 200.0 m<sup>2</sup>  
.3 Lot Coverage – maximum 45.0%  
.4 Main Building Height – maximum 9.0 m  
.5 Front Yard Depth – minimum 6.0 m  
.6 Rear Yard Depth – minimum 7.50 m  
.7 Side Yard Width – minimum 1.50 m

- O. Delete and substitute 11.3.5.4 as follows
- |    |                                |       |       |       |
|----|--------------------------------|-------|-------|-------|
| .4 | Main Building Height – maximum | 9.0 m | 9.0 m | 9.0 m |
|----|--------------------------------|-------|-------|-------|
- P. Add Section 11.3.5.8 as follows:
- |    |  |                    |                    |                    |
|----|--|--------------------|--------------------|--------------------|
| .8 | Gross Floor Area – Main Building - maximum | 400 m <sup>2</sup> | 400 m <sup>2</sup> | 400 m <sup>2</sup> |
|----|--|--------------------|--------------------|--------------------|
- Q. Delete and substitute 11.4.5.4 as follows
- |    |                                |       |       |  |
|----|--------------------------------|-------|-------|--|
| .4 | Main Building Height – maximum | 9.0 m | 9.0 m |  |
|----|--------------------------------|-------|-------|--|
- R. Add Section 11.4.5.8 as follows:
- |    |   |                    |                    |  |
|----|---|--------------------|--------------------|--|
| .8 | Gross Floor Area – Main Building- maximum | 400 m <sup>2</sup> | 400 m <sup>2</sup> |  |
|----|---|--------------------|--------------------|--|
- S. Delete Section 5.2.20.1

DREW DILKENS, MAYOR

CITY CLERK

First Reading - July 11, 2022  
 Second Reading- July 11, 2022  
 Third Reading - July 11, 2022

## SCHEDULE 2

1. By-law 101-2022 has the following purpose and effect:

The Official Plan Amendment and Zoning By-law Amendment implement the findings of the Multi-Residential Interim Control Bylaw Study. The land use policies and zoning provisions direct intensification to areas within the City where present and future residents will be in proximity to goods and services, public transportation and employment areas. It will build strong, more complete neighbourhoods within the City while balancing intensification and infill within existing neighbourhoods.

To achieve this, the amendments to the City of Windsor Official Plan identify the location of, and direct intensification to, mixed use centres, mixed use corridors, and mixed use nodes. They identify mature neighbourhoods where intensification should be encouraged in a manner that is compatible with the existing neighbourhood. Urban design guidelines are also proposed.

The amendments to Zoning By-law 8600 implement the direction in the official plan. The Zoning By-law Amendment reduces the maximum building height from 10 metres to 9 metres in the RD1.1, RD1.2, RD1.3, RD1.4, RD1.5, RD2.1, RD2.2, RD2.3, and RD2.4. It will also limit the total maximum gross floor area to 400m<sup>2</sup> (~4,305 ft<sup>2</sup>) for the main building and eliminate the minimum dwelling unit size from the Zoning By-law. These changes are intended to make sure that the scale and height of new development is more consistent with what is currently found within many neighbourhoods.



**Committee Matters: SCM 141/2023**

**Subject: Rezoning – SRC United Inc (Stan Mancebo) – 936 Wyandotte Street West – Z 030-22 [ZNG-6864], Ward 3**

Moved by: Councillor Angelo Marignani  
Seconded by: Member Daniel Grenier

Decision Number: **DHSC 503**

I. THAT Zoning By-law 8600 **BE AMENDED** by changing the zoning of land described as Part Lot 3, Plan 420 Windsor (known municipally as 936 Wyandotte Street West; Roll No. 040-150-02500) situated on the north side of Wyandotte Street West between Crawford Avenue and Oak Street by adding the following site specific exception to Section 20(1):

**“469. NORTH SIDE OF WYANDOTTE STREET WEST, BETWEEN CRAWFORD AVENUE AND OAK STREET**

For the lands comprising Part Lot 3, Registered Plan 420, a *dwelling* with a maximum of 3 *dwelling units* within an *existing building* shall be an additional permitted use and shall be subject to the following additional provisions:

- a) Section 15.2.5.9 shall not apply
- b) Section 15.2.5.15 shall not apply
- c) Section 24.20.5 shall not apply
- d) Subject to the satisfaction of the Chief Building Official, the following noise mitigation measures are a requirement of building permit issuance:

1) The following buildings components shall have a Minimum STC Rating as indicated:

Exterior Wall – 27

Window – 21 (operable thick double/triple paned)

Window – 24 (sealed thick double glazed)

2) Installation of Central Air Conditioning

[ZDM 3; ZNG/6864]

- ii. **THAT** Part Lot 3, Plan 420 Windsor (known municipally as 936 Wyandotte Street West; Roll No. 040-150-02500), **BE CLASSIFIED** as a Class 4 area pursuant to Publication NPC-300 (MOECP Environmental Noise Guideline – Stationary and Transportation Sources – Approval and Planning). The Class 4 area classification applies to new noise sensitive residential units created after the subject site has been rezoned.
- III. **THAT** the City Planner or their designate **BE DIRECTED** to provide a copy of the Council Resolution approving the Class 4 area classification for the subject lands that incorporates noise mitigation measures to BASF Canada Inc.
- IV. **THAT** the owner of the property **BE DIRECTED** to include the following Warning Clauses from NCP-300 in future offers to Purchase, and agreements of Purchase or Sale or Lease:
  - (a) Type D: This dwelling unit has been equipped with central air conditioning in order to allow windows and exterior doors to remain closed, thereby ensuring that the indoor sound levels are within the sound level limits of the Municipality and the Ministry of the Environment, Conservation and Parks. Air conditioning units are to be installed in a noise insensitive area.
  - (b) Type E: Purchasers/tenants are advised that due to the proximity of the adjacent industry (facility) (utility), noise from the industry (facility) (utility) may at times be audible.
    - (a) Essex Terminal Railway and Canadian Pacific Railway Company, or its assigns or successors in interest has or have a right-of-way within 300 meters from the land the subject hereof. There may be alterations to or expansions of the railway facilities on such rights-of-way in the future including the possibility that the railway or its assigns or successors as aforesaid may expand its operations, which expansion may affect the living environment of the residents in the vicinity, notwithstanding the inclusion of any noise and vibration attenuating measures in the design of the development and individual dwelling(s). ETR and CP will not be responsible for any complaints or claims arising from use of such facilities and/or operations on, over or under the aforesaid rights-of-way.

Carried.

Report Number: S 47/2023

Clerk's File: Z/14487

**Clerk's Note:**

1. The recommendation of the Development & Heritage Standing Committee and Administration are the same.
2. Please refer to Item 7.5 from the Development & Heritage Standing Committee held on May 1, 2023.
3. To view the stream of this Standing Committee meeting, please refer to: <https://csg001-harmony.sliq.net/00310/Harmony/en/PowerBrowser/PowerBrowserV2/20230501/-1/9408>

**Subject: Rezoning – SRC United Inc (Stan Mancebo) – 936 Wyandotte Street West – Z 030-22 [ZNG-6864], Ward 3**

**Reference:**

Date to Council: 2023-05-01  
Author: Laura Strahl MCIP, RPP  
Senior Planner  
519-225-6543 ext. 6396  
Planning & Building Services

Planning & Building Services  
Report Date: 2023-04-11  
Clerk's File #: Z/14487

**To:** Mayor and Members of City Council

**Recommendation:**

- I. THAT Zoning By-law 8600 **BE AMENDED** by changing the zoning of land described as Part Lot 3, Plan 420 Windsor (known municipally as 936 Wyandotte Street West; Roll No. 040-150-02500) situated on the north side of Wyandotte Street West between Crawford Avenue and Oak Street by adding the following site specific exception to Section 20(1):

**"469. NORTH SIDE OF WYANDOTTE STREET WEST, BETWEEN CRAWFORD AVENUE AND OAK STREET**

For the lands comprising Part Lot 3, Registered Plan 420, a *dwelling* with a maximum of 3 *dwelling units* within an *existing building* shall be an additional permitted use and shall be subject to the following additional provisions:

- a) Section 15.2.5.9 shall not apply
- b) Section 15.2.5.15 shall not apply
- c) Section 24.20.5 shall not apply
- d) Subject to the satisfaction of the Chief Building Official, the following noise mitigation measures are a requirement of building permit issuance:
  - 1) The following buildings components shall have a Minimum STC Rating as indicated:
    - Exterior Wall – 27
    - Window – 21 (operable thick double/triple paned)

Window – 24 (sealed thick double glazed)

2) Installation of Central Air Conditioning

[ZDM 3; ZNG/6864]

- II. **THAT** Part Lot 3, Plan 420 Windsor (known municipally as 936 Wyandotte Street West; Roll No. 040-150-02500), **BE CLASSIFIED** as a Class 4 area pursuant to Publication NPC-300 (MOECP Environmental Noise Guideline – Stationary and Transportation Sources – Approval and Planning). The Class 4 area classification applies to new noise sensitive residential units created after the subject site has been rezoned.
- III. **THAT** the City Planner or their designate **BE DIRECTED** to provide a copy of the Council Resolution approving the Class 4 area classification for the subject lands that incorporates noise mitigation measures to BASF Canada Inc.
- IV. **THAT** the owner of the property **BE DIRECTED** to include the following Warning Clauses from NCP-300 in future offers to Purchase, and agreements of Purchase or Sale or Lease:
  - (a) Type D: This dwelling unit has been equipped with central air conditioning in order to allow windows and exterior doors to remain closed, thereby ensuring that the indoor sound levels are within the sound level limits of the Municipality and the Ministry of the Environment, Conservation and Parks. Air conditioning units are to be installed in a noise insensitive area.
  - (b) Type E: Purchasers/tenants are advised that due to the proximity of the adjacent industry (facility) (utility), noise from the industry (facility) (utility) may at times be audible.
    - (a) Essex Terminal Railway and Canadian Pacific Railway Company, or its assigns or successors in interest has or have a right-of-way within 300 meters from the land the subject hereof. There may be alterations to or expansions of the railway facilities on such rights-of-way in the future including the possibility that the railway or its assigns or successors as aforesaid may expand its operations, which expansion may affect the living environment of the residents in the vicinity, notwithstanding the inclusion of any noise and vibration attenuating measures in the design of the development and individual dwelling(s). ETR and CP will not be responsible for any complaints or claims arising from use of such facilities and/or operations on, over or under the aforesaid rights-of-way.

**Executive Summary:**

N/A

**Background:**

**Application Information**

**Location:** North side of Wyandotte Street West between Crawford Avenue and Oak Street

936 Wyandotte Street West

Roll No. 040-150-02500

**Ward:** 3

**Planning District:** Riverwest Planning District

**Zoning District Map:** 3

**Applicant:** SRC United Inc. (Stan Mancebo)

**Agent:** Stuart Miller (MMA Architect Inc.)

**Proposal:** The subject property located at 936 Wyandotte Street West contains an existing two storey building. The applicant indicates that the property contains 1 vacant commercial unit and 1 residential unit on the main floor and 1 residential unit on the second storey. The applicant is proposing to convert the vacant ground floor commercial unit to a residential unit.

The property is currently zoned Commercial District 2.2 (CD2.2) which requires residential units to be located above a non-residential use. The applicant has applied for a site specific provision to allow for a multiple dwelling building (three dwelling units), no parking and no amenity space.

Upon consultation with the Building Department it has been determined the building contains 1 commercial unit and 1 residential unit (not two as the applicant has indicated). A Building Permit is required to create additional separate tenant space. The applicant is required to obtain a Building Permit to legalize additional tenant space. If the subject zoning by-law amendment application is approved, a Building Permit will also be required to convert the commercial unit to a residential unit.

### Site Information

Official Plan	Zoning	Current Use	Previous Use
Mixed Use Corridor	Commercial District 2.2	Combined Use Building, vacant ground floor commercial	Grocery store and residential
Lot Frontage	Depth	Area	Shape
9.75 m	15.24 m	148.59 sq m	Rectangular
<i>All measurements are approximate</i>			

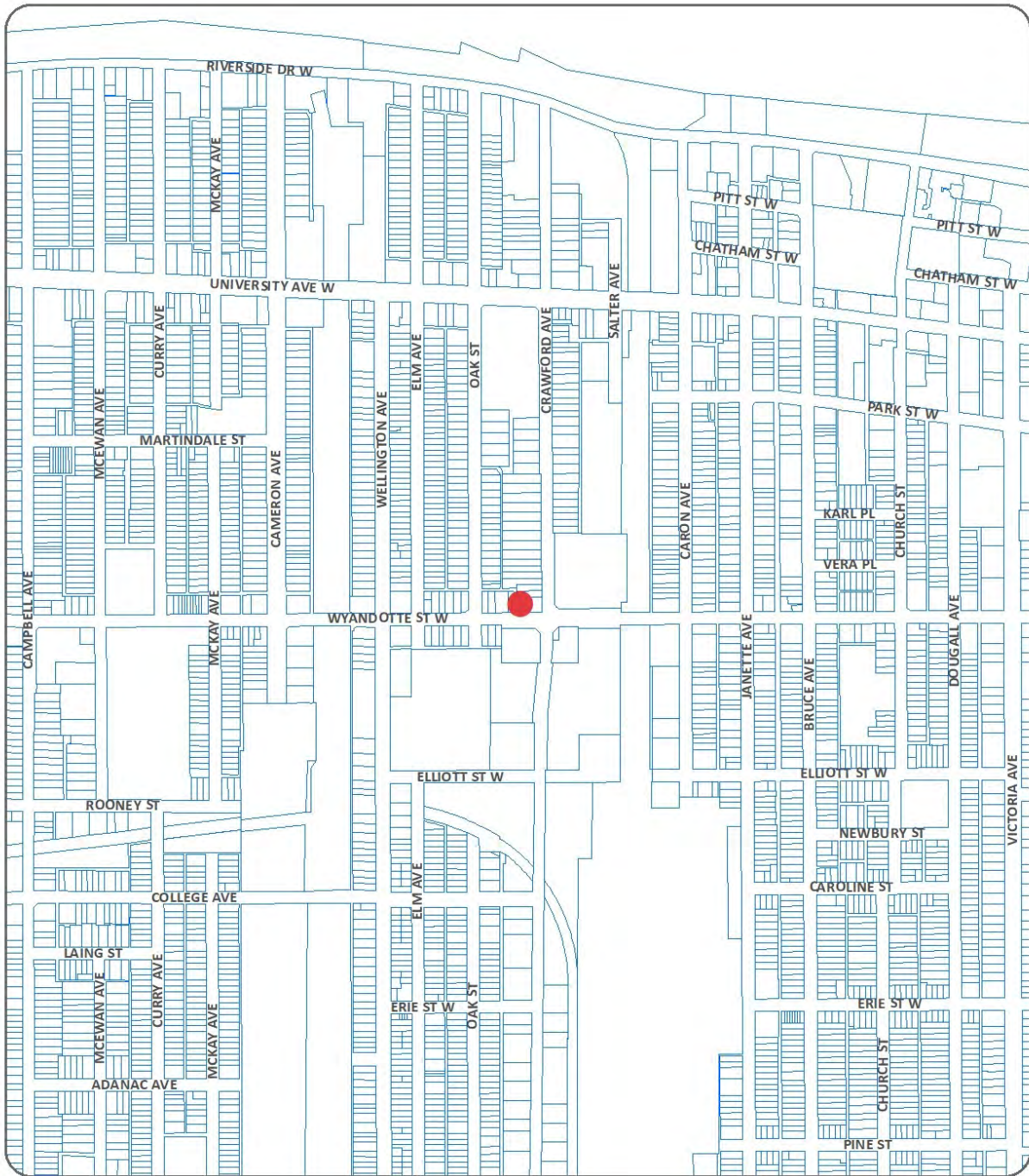
### Neighbourhood Characteristics



The subject property is located along Wyandotte Street West, which is west of Downtown Windsor. The property is located midblock and an alley runs north/south along the western property line. Commercial uses are located east (vacant commercial building), west (restaurant) and across the street (Tim Horton's). The land uses north of the subject property are low density residential. Travelling east and west along Wyandotte Street you will find a mix of low density residential, high density residential (new 154 unit residential building at the north east corner of Wyandotte Street West and Crawford Avenue) and a mix of commercial. Commercial vacancies and high turn over of commercial uses are present along this section of Wyandotte Street West.

Wyandotte Street West is identified as a Class II Arterial Road on Schedule F: Roads and Bikeways of the City of Windsor Official Plan, Volume I. Schedule G: Civic Image identifies Ouellette Avenue as a Mainstreet. The closest existing transit route to the subject property is the Crosstown 2 that runs along Wyandotte Street West.

Figure 1: Key Map



KEY MAP - Z-030/22, ZNG-6864



● SUBJECT LANDS

**Figure 2: Subject Parcel – Rezoning**



PART OF ZONING DISTRICT MAP 3

N.T.S.

## REZONING

Applicant: SRC United



SUBJECT LANDS

PLANNING & BUILDING DEPARTMENT



DATE : DECEMBER 2022  
FILE NO. : Z-030/22, ZNG/6864



Figure 3: Neighbourhood Map



NEIGHBOURHOOD MAP - Z-030/22, ZNG-6864



SUBJECT LANDS

## **Discussion:**

### **Provincial Policy Statement, 2020**

The Provincial Policy Statement, 2020 (PPS) provides direction on matters of provincial interest related to planning. The *Planning Act* requires that all land use decisions be consistent with the PPS. The following is an overview of the applicable PPS policies and how the recommendations in this report are consistent with the PPS.

Part IV: Vision for Ontario's Land Use Planning System of the PPS includes a new addition to the 2020 PPS, which stipulates that '*planning authorities are encouraged to permit and facilitate a range of housing options, including new development as well as residential intensification, to respond to current and future needs.*' The subject proposal proposes an additional residential unit within existing building which contributes to a range of housing options. In addition, recent changes to the PPS in Section 1.1.1 specifically mention multi-unit housing as a housing type to accommodate an appropriate range and mix of housing.

#### *1.1 Managing and Directing Land Use to Achieve Efficient and Resilient Development and Land Use Patterns*

##### *1.1.1 Healthy, liveable and safe communities are sustained by:*

- a) promoting efficient development and land use patterns which sustain the financial well-being of the Province and municipalities over the long term;*
- b) accommodating an appropriate affordable and market-based range and mix of residential types (including single-detached, additional residential units, multi-unit housing, affordable housing and housing for older persons), employment (including industrial and commercial), institutional (including places of worship, cemeteries and long-term care homes), recreation, park and open space, and other uses to meet long-term needs;*
- c) avoiding development and land use patterns which may cause environmental or public health and safety concerns;*
- d) avoiding development and land use patterns that would prevent the efficient expansion of settlement areas in those areas which are adjacent or close to settlement areas;*
- e) promoting the integration of land use planning, growth management, transit-supportive development, intensification and infrastructure planning to achieve cost-effective development patterns, optimization of transit investments, and standards to minimize land consumption and servicing costs;*
- f) improving accessibility for persons with disabilities and older persons by addressing land use barriers which restrict their full participation in society;*

- g) ensuring that necessary infrastructure and public service facilities are or will be available to meet current and projected needs;*
- h) promoting development and land use patterns that conserve biodiversity; and,*
- i) preparing for the regional and local impacts of a changing climate.*

The proposed amendment will permit three unit residential building, making more efficient use of the land within the existing built-up area and promote the reuse of a vacant building in the core. Additionally, the proposed development is along existing transit route which will increase the viability of those routes.

The proposed amendments are consistent with Section 1.1.1. of the PPS.

*1.1.3.1 Settlement areas shall be the focus of growth and development.*

The proposed amendments are within a settlement area therefore will contribute to the vitality and regeneration of existing the settlement areas.

*1.1.3.2 Land use patterns within settlement areas shall be based on densities and a mix of land uses which:*

- a) efficiently use land and resources;*
- b) are appropriate for, and efficiently use, the infrastructure and public service facilities which are planned or available, and avoid the need for their unjustified and/or uneconomical expansion;*
- c) minimize negative impacts to air quality and climate change, and promote energy efficiency;*
- d) prepare for the impacts of a changing climate;*
- e) support active transportation;*
- f) are transit-supportive, where transit is planned, exists or may be developed; and,*
- g) are freight-supportive.*

The proposed development will make more efficient use of the land and the existing resources as the commercial unit has been vacant for many years. Therefore, the proposed development will make more efficient use of existing municipal infrastructure. Increased residential units within the area will increase the demand for transit.

*1.1.3.2 Planning authorities shall identify appropriate locations and promote opportunities for transit-supportive development, accommodating a significant supply and range of housing options through intensification and redevelopment where this can be accommodated taking into account existing building stock or areas, including brownfield sites, and the availability of suitable existing or planned infrastructure and public service facilities required to accommodate projected needs.*

The City of Windsor Official Plan amended its Official Plan through Official Plan Amendment 159 which identified areas where residential intensification shall be directed. The Wyandotte Street corridor was identified as an area to direct mixed use development including stand alone residential in appropriate places. This proposal supports those policies by making use of an existing building for residential purposes along the corridor.

The conversion of the existing vacant commercial unit to a multiple dwelling building with increased density is consistent with the PPS.

### **City of Windsor Official Plan**

The subject property is located within the Riverwest Planning District as identified on Schedule A: Planning Districts & Policy Areas. The subject property is identified as “Mixed Use Corridor” land use designations Schedule D: Land Use to Volume I of the City of Windsor Official Plan.

The proposal is outlined in the Planning Justification Report submitted by the applicant, contained in Appendix C.

The application requires a zoning by-law amendment to recognize existing conditions and to permit residential uses on the ground floor, no parking and no amenity space. The proposal is consistent with the policies of the City of Windsor Official Plan, as described below:

**Mixed Use Corridor Land Use:** The subject property is located within the ‘Mixed Use Corridor’. Section 6.5.3 of the City of Windsor Official Plan, Volume I contains the land use policies for this land use designation, that permits residential uses as stand alone building.

The proposed conversion of a vacant commercial unit to a residential unit is consistent with these policies.

### **SECTION 11.6.3 OF OP VOL. 1 – ZONING BY-LAW AMENDMENT POLICIES**

**AMENDMENTS MUST CONFORM**      11.6.3.1      *All amendments to the Zoning By-law(s) shall conform with this Plan. The Municipality will, on each occasion of approval of a change to the zoning by-law(s), specify that conformity with the Official Plan is maintained or that the change will be in conformity upon the coming into effect of an amendment to the Official Plan.*

**EVALUATION CRITERIA**      11.6.3.3      *When considering applications for Zoning By-law amendments, Council shall consider the policies of this Plan and will, without limiting the generality of the foregoing, consider such matters as the following:*

*(a) The relevant evaluation criteria contained in the Land Use Chapter of this Plan, Volume II: Secondary Plans & Special Policy Areas and other*

*relevant standards and guidelines;*

*(b) Relevant support studies;*

*(c) The comments and recommendations from municipal staff and circularized agencies;*

*(d) Relevant provincial legislation, policies and appropriate guidelines; and*

*(e) The ramifications of the decision on the use of adjacent or similar lands.*

To support the application for a zoning by-law amendment the applicant was requested to undertake a Noise Study to evaluate the noise from the nearby roadways, rail yard, and stationary noise sources such as BASF Canada Inc. located southeast of the proposed development. The Noise Study is included as Appendix D to this report and recommends the following building component requirements and warning clauses:

**Table 7: Summary of Warning Clauses and Building Component Requirements**

POR	Noise Barrier Requirement (Y/N)	Warning Clause(s)	Building Component Requirement(s)	Ventilation Requirement(s)
All	N	Type D, E, ETR/CP Rail	Minimum STC Rating for the following Building Components: Exterior Wall – 27 Window – 21 (operable thick double/triple paned) Window – 24 (sealed thick double glazed)	Installation of Central Air Conditioning

The building component requirements have been included in the recommended site specific zoning exemptions and will be implemented at the time of Building Permit. Warning Clauses are typically implemented at time of Site Plan Control, however recent changes to the Planning Act exempt residential development under 10 residential units from Site Plan Control. A recommendation has been included to direct the owner to include the recommended warning clauses in Offers to Purchase, and agreements of Purchase or Sale or Lease.

**Environmental Noise Guideline – Stationary and Transportation Sources – Approval and Planning (NPC-300)**

NPC-300 was created for the purposes of both Environmental Approval of stationary noise sources by the MOECP and for land use approvals by a municipality. One of the goals of NPC-300 is the attempt to resolve conflicts between stationary noise sources, such as industrial or commercial activity, and noise sensitive land uses, such as residential.



One of the substantial changes is the introduction of a Class 4 area, which is a tool to allow a municipality to approve a noise sensitive land use with relaxed noise limit levels in an area of existing stationary noise sources to promote intensification.

NPC-300 defines a Class 4 area as an area or specific site which:

- Is an area intended for development with new noise sensitive land use that is not yet built;
- Is in proximity to existing, lawfully established stationary sources(s); and,
- Has formal confirmation from the land use planning authority with the Class 4 area classification which is determined during the land use process.

An area with existing noise sensitive land uses cannot be classified as a Class 4 area.

The Class 4 Area designation is a new acoustical environment area where relaxed (higher) daytime and night time sound level limits from that otherwise permitted in an urban area, for both indoor and outdoor areas, may be considered.

NPC-300 identifies a number of considerations to apply to a proposed Class 4 area and associated new noise sensitive land uses, including, but not limited to:

- Submission of a satisfactory noise impact assessment which includes noise measures;
- Appropriate notification to prospective purchasers that the dwelling is located in a Class 4 area, which may include, but is not limited to, agreements for noise mitigation registered on title, and appropriate warning clauses in future agreements of purchase and sale;
- Providing a copy of the approved noise impact assessment and Class 4 area designation confirmation to surrounding owners of the stationary noise sources;

Once a site is designated a Class 4 area, it remains as such, subject to the continuing presence of the stationary sources. Adjacent Class 1 or Class 2 areas are not reclassified until they are redeveloped and meet the requirements of a Class 4 area. Where a municipality designates a site a Class 4 area, the relaxed noise levels would apply to the Ministry's Environmental Compliance Approval of the stationary source.

To utilize the Class 4 area noise levels, a municipality must provide formal confirmation of the Class 4 area designation. The confirmation is issued at the discretion of the municipality. NPC-300 does not specify how a municipality confirms the Class 4 area designation, but it does note that generally this designation occurs by implementing policies in an Official Plan or provisions in a Zoning By-law Amendment. Other municipalities provide confirmation through Council approval of amendments to the Official Plan or Zoning By-law, by Council Resolution, or through delegation to Site Plan Approval staff.

#### **Class 4 Classification - Applicant's Land**

As mentioned above, existing noise sensitive land uses cannot be classified as Class 4 area. Staff recommend that new residential uses on the subject lands created after the approval of the subject zoning by-law amendment be classified a Class 4 area pursuant to NPC-300.

While the City of Windsor Official Plan does not provide formal or explicit direction regarding Class 4 area classification, it does provide general direction regarding the mitigation of potential negative impacts of sources of noise. Section 5.4.5 Noise and Vibration Policies, requires proponents of development in proximity to existing or proposed sources of noises to evaluate the potential negative impacts. Section 5.4.5.1 specifically states that the City “*shall have regard to provincial legislation, policies and appropriate guidelines*”.

Section 5.4.5.2 requires a noise study subject to the Procedures chapter of the Official Plan. Section 5.4.5.3 lists acceptable mitigation measures such as building construction, glazing, warning clauses, and any other appropriate measures. Section 5.4.5.4 requires that appropriate noise “*abatement measures be implemented by the proponent as a condition of development approval*”. Section 10.2.11 provides the purpose and components of a noise study.

Staff are having regard to NPC-300 in terms of a provincial policy and guideline. Specifically, Sections B9.2 and C4.4 in NPC-300 provide direction regarding Class 4 area classification. The direction in those sections align with Sections 5.4.5 and 10.2.11 of the Official Plan.

The Applicant submitted an Acoustical and Vibration Report (AVR) that concludes subject to the mitigation measures identified in the study, noise levels can be mitigated to levels identified in NPC-300.

The physical noise mitigation measures will be implemented when the commercial unit is converted to residential use through the building permit process. Although NPC 300 recommends that the mitigation measures include development agreements for noise mitigation be registered on title, no development agreements are required in this case. In addition, the Planning Act now excludes this type of development from the purview of site plan control approval (which would incorporate the noise notification provisions into the agreement), so no such agreement can be registered on title. This will be an obligation of the owner of the property to implement in future offers to Purchase, and agreements of Purchase or Sale or Lease.

The recommended Zoning By-law Amendment maintains conformity with the Official Plan, and meets the criteria set out above in s. 11.6.3.3 of the Official Plan.

### **Zoning By-law**

The subject property is currently zoned Commercial District (CD2.2), which permits the residential units above permitted commercial units. The applicant proposes to convert a long standing vacant commercial unit to a residential unit. The current site does not contain parking or amenity space. The streets around the subject land contain on street parking and the property is located on a well traveled bus route, therefore the proposal is not anticipated to create parking concerns. Additionally, the applicant indicates that bicycle parking is provided.

Amenity space is not provided within the existing building, however the property is in close proximity to Gateway Park (approximately 300 m), Central Riverfront Park (approximately 1 km), and Bruce Avenue Park (approximately 550 metres). Additionally,

restaurants (Punjabi Chaap Corner Windsor and MJ's Pizza and Wings located in the same block) and grocery stores (Multi-Foods Supermarket at 799 Crawford Ave).

The proposal will require a building permit to convert a commercial space to residential uses and the applicant will be required to meet the Ontario Building Code for any work on the building.

**Risk Analysis:**

N/A

**Climate Change Risks**

**Climate Change Mitigation:**

N/A

**Climate Change Adaptation:**

N/A

**Financial Matters:**

N/A

**Consultations:**

Appendix B contains comments received from departments and agencies. No objections to the application were received.

Required notice of the statutory public meeting was advertised in the Windsor Star, on April 8<sup>th</sup> 2023. A courtesy notice was mailed to property owners and tenants within 120 metres of the subject property.

**Conclusion:**

The Planning Act requires that a decision of Council in respect of the exercise of any authority that affects a planning matter, "*shall be consistent with*" Provincial Policy Statement 2020. The requested zoning amendment has been evaluated for consistency with the Provincial Policy Statement 2020 and conformity with the policies of the City of Windsor Official Plan.

The proposed zoning by-law amendment is consistent the PPS, with the policy direction of the City of Windsor Official Plan, is compatible with existing and permitted uses in the surrounding neighbourhood and constitutes good planning.

**Planning Act Matters:**

I concur with the above comments and opinion of the Registered Professional Planner.

*Neil Robertson, MCIP, RPP*  
*Manager of Urban Design*

*Thom Hunt, MCIP, RPP*  
*City Planner*

I am not a registered Planner and have reviewed as a Corporate Team Leader.

JP OC

**Approvals:**

<b>Name</b>	<b>Title</b>
Neil Robertson	Manager of Urban Design
Thom Hunt	City Planner
Wira Vendrasco	Senior Legal Counsel
Jelena Payne	Commissioner of Economic Development and Innovation
Onorio Colucci	Chief Administrative Officer

**Notifications:**

<b>Name</b>	<b>Address</b>	<b>Email</b>
Authorized Agent: <a href="#">Stuart Miller</a> (MMA Architect Inc.)	850 Ouellette Ave Windsor Ontario N9A 4M9	<a href="mailto:smiller@mma-architect.com">smiller@mma-architect.com</a>
Registered Owner: Stan Mancebo	397 McEwan Ave Windsor Ontario N9B 2E5	<a href="mailto:stanmancebo@gmail.com">stanmancebo@gmail.com</a>
Abutting property owners, tenants/ occupants within 120-meter (400 feet) radius of the subject land		

**Appendices:**

- 1 Appendix A - Elevations
- 2 Appendix B - Circulation Comments
- 3 Appendix C - Planning Justification Report
- 4 Appendix D - Noise Study



## APPENDIX B – COMMENTS

### Canada Post – Bruno Desando

No comment.

### Sherif Barsom – Parks Design & Development

No comment.

### Jose Mejalli – Assessment Management Officer

No objection.

### Anne-Marie Albidone – Environmental Services

No comment.

### Jason Scott – Transit

Transit Windsor has no objections to this development. The closest existing transit route to this property is with the Crosstown 2 providing direct transit access with bus stops located on Wyandotte at Crawford Southwest and Northeast Corners. This will be maintained with our Council approved Transit Master Plan.

### Jose Dellosa – Enbridge **\*\*Drawing in Email\*\***

After reviewing the provided drawing at 936 Wyandotte St W. 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

### Canadian Pacific Railway Company

Thank you for the recent notice respecting the captioned development proposal in the vicinity of Canadian Pacific Railway Company.

**CP's approach to development in the vicinity of rail operations is encapsulated by the recommended** guidelines developed through collaboration between the Railway Association of Canada and the Federation of Canadian Municipalities. Those guidelines are found at the following website address:

<http://www.proximityissues.ca/>

The safety and welfare of residents can be adversely affected by rail operations. CP is not in favour of residential uses that are not compatible with rail operations. Current operations at this yard include regular freight trains travelling through the yard, 24 hours a day, 7 days a week.

Additional operations include:

- switching and shunting of trains
- material storage
- material delivery

With these operations, engines are constantly idling. The operations are continuous, loud and cause a lot of vibration. There is also the possibility of increasing our operations, including adding or moving track or any other railway related use. **We would hope that that City of Toronto supports CP's position on this application and would appreciate being kept apprised of the City's handling.**

### Stefan Fediuk – Landscape & Urban Design

Pursuant to the application for a zoning amendment (Z 030/22) to permit a multiple dwelling building (three dwelling units), no parking and no amenity space on the subject, please also note the following comments:

#### Zoning Provisions for Parking Setback:

There are no zoning or parking setback requirements as the proposed development is within the existing structure of the subject site.

#### Climate Change & Tree Preservation:

N/A

Urban Design:

The proposed facade treatments are congruent with existing/former facade fenestration, which align with the datum lines established by the abutting built environment. Therefore, there are no additional requirements from an Urban design perspective.

Parkland Dedication:

There are no parkland implications beyond the usual requirement for cash-in-lieu of 5% of the subject lands, to the satisfaction of the Executive Director of Parks, as per By-law 12780 and the Planning Act.

Tracy Tang – Heritage Planning

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 Citizenship and Multiculturalism** 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 Citizenship and Multiculturalism and the Registrar at the Ministry of Government and Consumer Services if needed, and notification and satisfactory confirmation be given by the Ministry of Citizenship and Multiculturalism.

ENWIN Utilities Ltd.

HYDRO ENGINEERING:

No Objection to Re-zoning.

WATER ENGINEERING:

Water Engineering has no objections to the rezoning.

Building Department – Barbara Rusan

The Building Code Act, Section 8.(1) requires that a building permit be issued by the Chief Building Official for construction or demolition of a building.

The building permit review process occurs after a development application receives approval and once a building permit application has been submitted to the Building Department and deemed a complete application.



Due to the limited Ontario Building Code related information received, review of the proposed project for compliance to the Ontario Building Code has not yet been conducted.

It is strongly recommended that the owner and/or applicant contact the Building Department to determine building permit needs for the proposed project prior to building permit submission.

The City of Windsor Building Department can be reach by phoning 519-255-6267 or, through email at [buildingdept@citywindsor.ca](mailto:buildingdept@citywindsor.ca)

In addition to the above:

A Record of Site Condition would be required if this site formerly had operations related to any of the below highlighted uses.

Industrial use, as a garage, as a bulk liquid dispensing facility, including a gasoline outlet, or for the operation of dry cleaning equipment.

Engineering Department – Right-of-Way Division – Rob Perisinotti

We have reviewed the subject rezoning application and have the following comments:

**SEWERS** – Video inspections to be submitted and reviewed to verify existing conditions and their locations. Owner to apply for or register for any agreements necessary based on the results of the video inspections. Any redundant connections shall be abandoned in accordance with the City of Windsor Engineering Best Practice B.P1.3.3. The applicant will be required to submit lot grading and site servicing drawings to the satisfaction of the City Engineer.

**Right-of-Way** - The Official Plan classifies Wyandotte Street West Road as a Class II Arterial Road with a required right-of-way width of 26 meters per Schedule X. The current right-of-way width of this road is sufficient, therefore, no conveyance is required

In summary we have no objection to the proposed rezoning.

If you have any further questions or concerns, please contact Mark Schaffhauser, of this department at [mschaffhauser@citywindsor.ca](mailto:mschaffhauser@citywindsor.ca)



**REPORT:** **PLANNING RATIONALE REPORT (PRR)**  
**MUNICIPALITY:** **CITY OF WINDSOR**  
**MUNICIPAL ADDRESS:** 936 Wyandotte Street West  
**DEVELOPMENT:** OPA/ZBA  
**DATE:** August 29, 2022

1632 County Road 31  
St. Joachim, ON · NOR 1S0  
C 519-563-8814 · E [jackie@lassalineplan.ca](mailto:jackie@lassalineplan.ca)

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## 1.0 INTRODUCTION

Lassaline Planning Consultants (LPC) has been retained to undertake a planning rationale report regarding the feasibility of an Official Plan Amendment (OPA) and Zoning By-law Amendment (ZBA) to support the conversion of an existing low rise, 3 unit mixed use building with 1 commercial unit and 1 residential unit on the main floor with 1 residential unit above. The interior modifications will be to convert the 1 commercial unit to a residential unit to establish a completely residential building with 3 residential apartments.

The property is designated 'Mixed Use' in the Official Plan and zoned 'Commercial District CD2.2 (CD2.2)' in the Comprehensive Zoning By-law 8600 for the City of Windsor. An Official Plan Amendment (OPA) and Zoning Bylaw Amendment (ZBA) application is required to support the adaptive re-use of the existing structure conversion to the proposed 3 unit residential building.

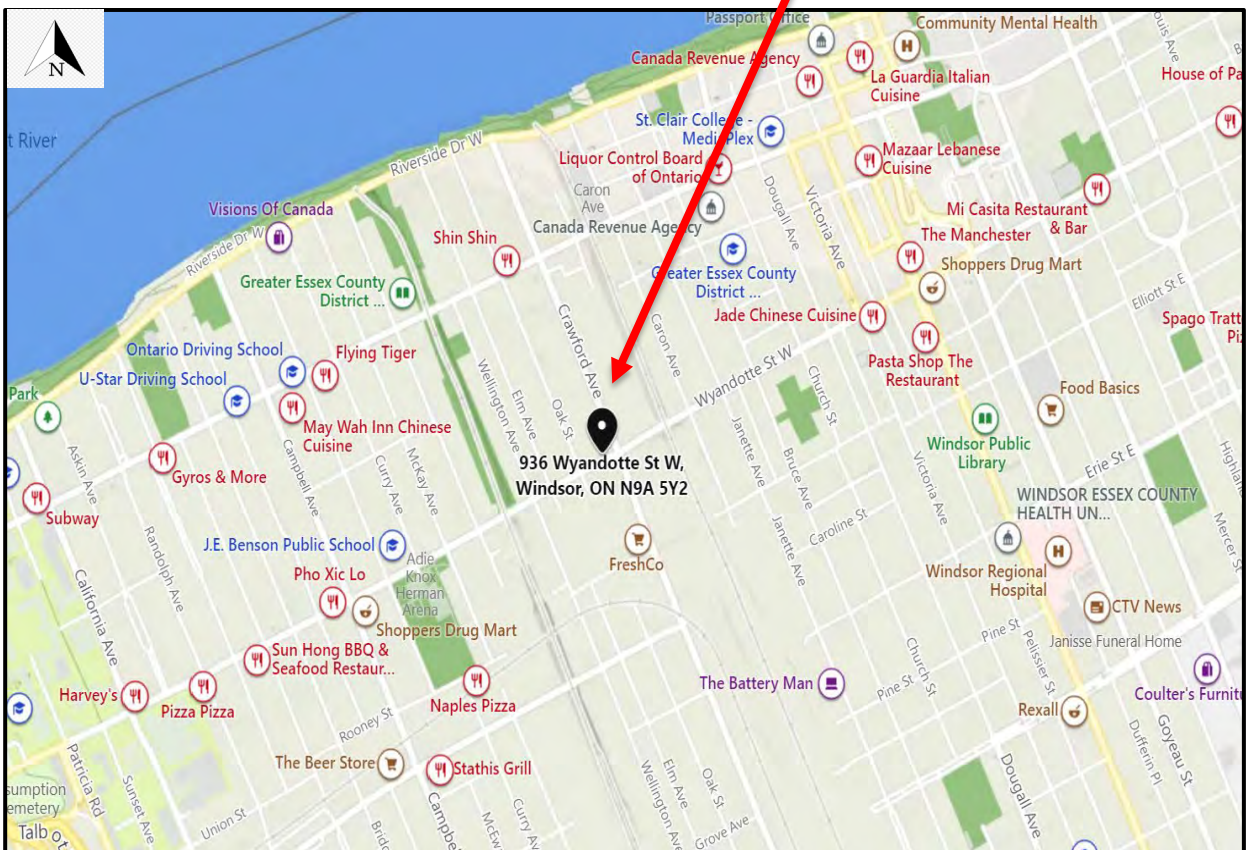
A pre-consultation was held with Stuart Miller, MMA Architects and resulted in a Pre-Submission letter – PS 130/21. Lassaline Planning Consultants has prepared this planning rationale report to support, explain and justify the requested Official Plan Amendment (OPA) and Zoning Bylaw Amendment (ZBA) application.

## 2.0 SITE AND SURROUNDING LAND USES

The subject property is presently designated 'Mixed Use' on Schedule D: Land Use of the Official Plan and zoned 'Commercial District 2.2 (CD2.2) in Comprehensive Zoning By-law 8600 for the City of Windsor.

The existing building on site has a main floor commercial unit, a main floor residential unit and a second floor residential use. Proposed is the conversion of the one commercial unit on the main floor to a residential unit on the main floor. The one existing residential unit on the main floor and the second residential unit on the second floor will be updated to result in a total of three residential units in the building.

**FIGURE 1: LOCATIONAL MAP - 936 WYANDOTTE ST WEST:**





## 2.1 LEGAL DESCRIPTION AND OWNERSHIP

The property is owned by SRC United c/o of Stanley Mancebo. The legal description: Part Lot 3, Plan 420 Windsor with a PIN Number 01202-0192 (LT)

## 2.2 TOPOGRAPHY AND PHYSICAL FEATURES OF THE SITE

The subject lands consist of a flat, grassy area. There are no ditches, berms, or swales on the property. There are no natural or human made hazards present on the site. There are no water courses, natural features, or cultural heritage features on the subject site.

## 2.3 SIZE AND SITE DIMENSION

The site is located with frontage on Wyandotte Ave. with a municipal lane to the west of the lot. The lot has an area of 149 m<sup>2</sup>. As shown below the building is located on three property lines with a 0 m front yard setback; a 0.3 m interior side yard; a 0.5 m interior adjacent to the laneway; and with an existing rear yard of 1.4 m.

**FIGURE 2: SITE AERIAL – 936 WYANDOTTE ST WEST**



## 2.4 MUNICIPAL SERVICES

The subject building is connected to municipal sewer and water. There is municipal storm water in the vicinity.

The proposed development site has excellent access to Transit Windsor bus services, as there are two bus stops within a 2 minute walking distance.

Wyandotte St. is an arterial road. The site has pedestrian sidewalks on both sides of the street along Wyandotte St. West and throughout the neighbourhood. There are bike trails locally. Wyandotte St is being upgraded and will be connected in the near future to other existing bike trails.

## 2.5 BUILDING DETAILS

The subject site and building have existed for a number of years. The building was originally constructed as a 2 storey residence. Approximately 80 + years ago in the history of the older building an addition was added to the front to include a neighbourhood commercial component. The neighbourhood commercial and residential uses ceased approximately 25-30 years ago and the building has been vacant since the cessation.

**FIGURE 3: SITE PHOTO A – FRONT ELEVATIONS**



**FIGURE 4: SITE PHOTO B – EAST SIDE BLDG**



**FIGURE 5: SITE PHOTO C – WEST SIDE BLDG**

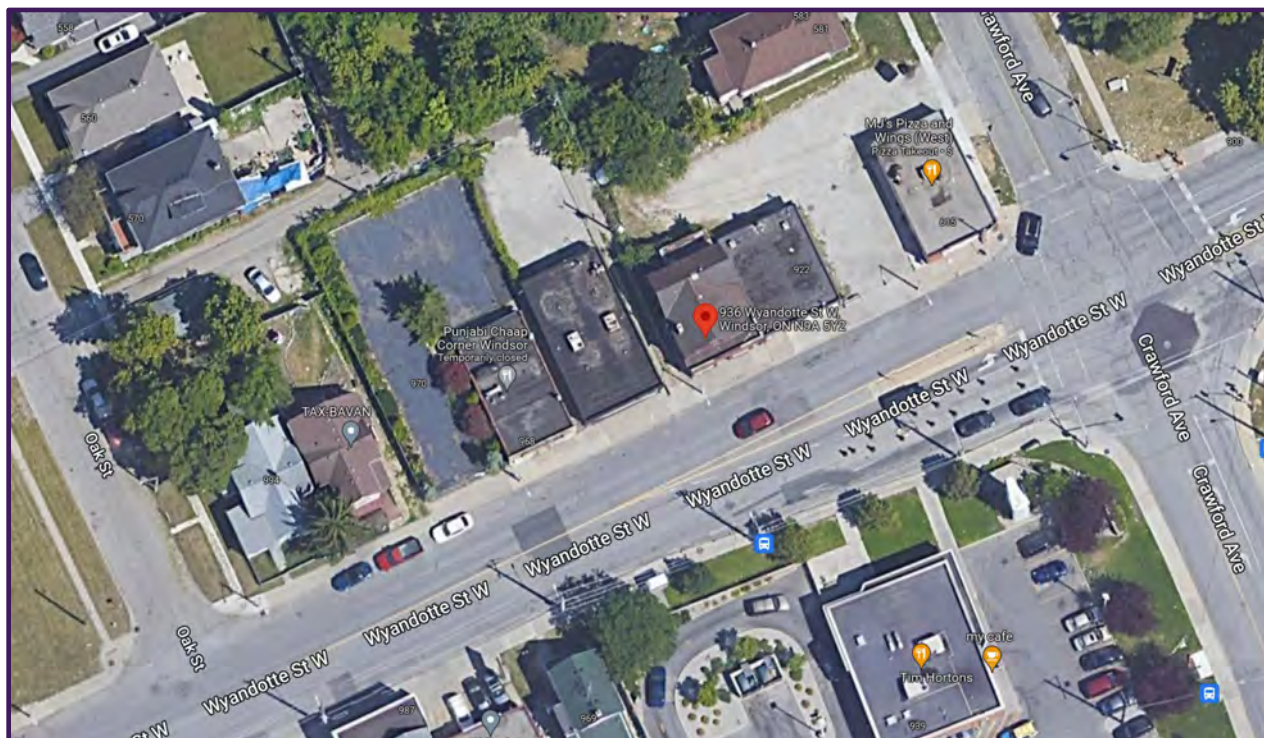


## 2.6 PARKING AND BIKING



There never has been on-site parking associated with the existing neighbourhood commercial and 2 residential apartment units with the building located on 3 of the 4 lot lines. In accordance with Section 24.20.3.1 Required Parking Spaces – Business Improvement Areas and other defined areas, the subject property does not require parking for the commercial on the main floor. Though the two residential units each required 1 parking space per unit, with the building constructed on the property lines, the property has no available parking for the residential units.

**FIGURE 6: ON STREET PARKING**



Parking for the commercial use was located at the front of the building on Wyandotte Ave. The proposed conversion of the main floor commercial to residential use will reduce the amount of parking required under the present bylaw.

The City of Windsor Council sees the merits in providing resources and has taken strides to expand additional bike and multi-purpose trails throughout the municipality in support of alternative modes of transportation to the car such as biking and walking. The subject property is located on Wyandotte Street that is experiencing a rejuvenation and will be connected to other existing bike trails. To support tenants who use alternative modes of transportation to the car and to promote the healthy community initiatives, 6 bike parking racks will be provided at the back entrance. In addition, the site is located on a major bus route with two bus stops within minutes of the building.

Through parking relief measures, municipalities have come to recognize the limitations and constraints associated with 'traditional' car parking requirements and the inordinate pressure these 'traditional' requirements place on the use of valuable lands and municipal resources. Other local municipalities, such as the Town of Essex, are now providing regulations for alternatives such as bike spaces as compensation measures to car parking with an effort to support alternative modes of transportation to the car. The land owner will be providing 6 bike parking spaces for the facility to accommodate the proposed tenants and visitors.

The availability of alternative transportation to service historically existing mixed use neighbourhoods and the type of housing to be provided allows for the elimination of the requirement for on site parking. As noted in the Ottawa study:

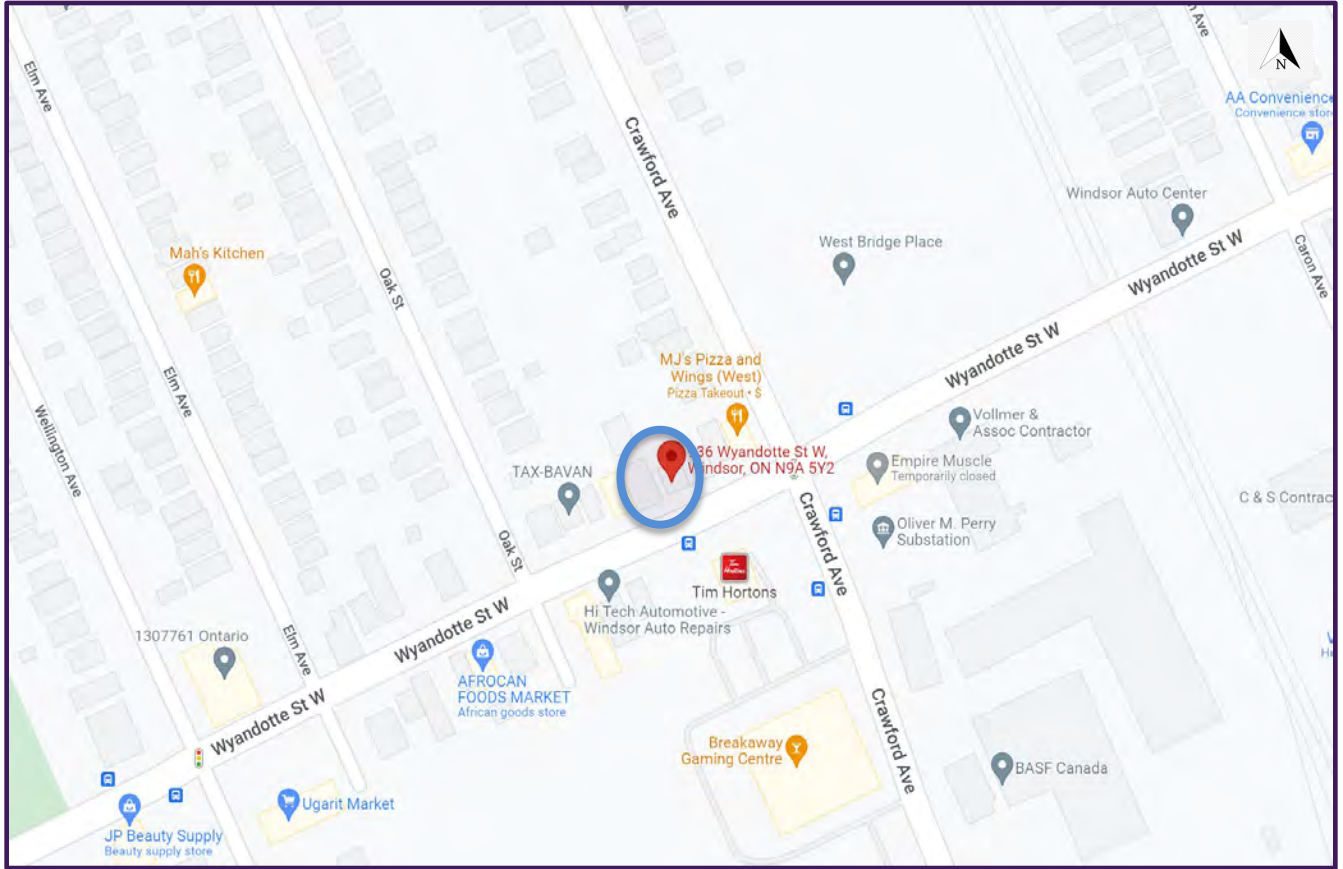
The owner will be re-adapting a building with rental residential units to provide for alternative housing within an established mixed use neighbourhood. The subject building is located in close proximity to commercial amenities, University of Windsor, St. Clair College, and other institutional uses. In my professional opinion and in consideration of the style of housing, it is contemplated that tenants will not own cars but will depend on the municipal bus system, bike trail system, walking, using taxis, or shared driving accommodations.

## **2.7 SURROUNDING LAND USES**

The neighbourhood fronting along Wyandotte Street is a mix of uses of commercial and residential. The neighbourhood behind the subject lot

- a) North-** residential uses;
- b) East-** commercial uses and residential uses including a 6 storey residential bldg. known as West Bridge Place;
- c) South-** commercial uses and residential
- d) West-** commercial uses and residential uses.

**FIGURE 7: NEIGHBOURHOOD LAND USE MAP**



### 3.0 DEVELOPMENT PROPOSAL

The subject property is presently designated 'Mixed Use' on Schedule D:Land Use of the Official Plan and zoned 'Commercial District 2.2 (CD2.2) in Comprehensive Zoning By-law 8600 for the City of Windsor.

Presently the main floor consists of 1 neighborhood commercial unit and 1 residential apartment unit while the second floor contains 1 residential apartment unit. The main floor commercial unit is proposed to be converted to a residential apartment that will see a total of 3 residential apartment units in the building.

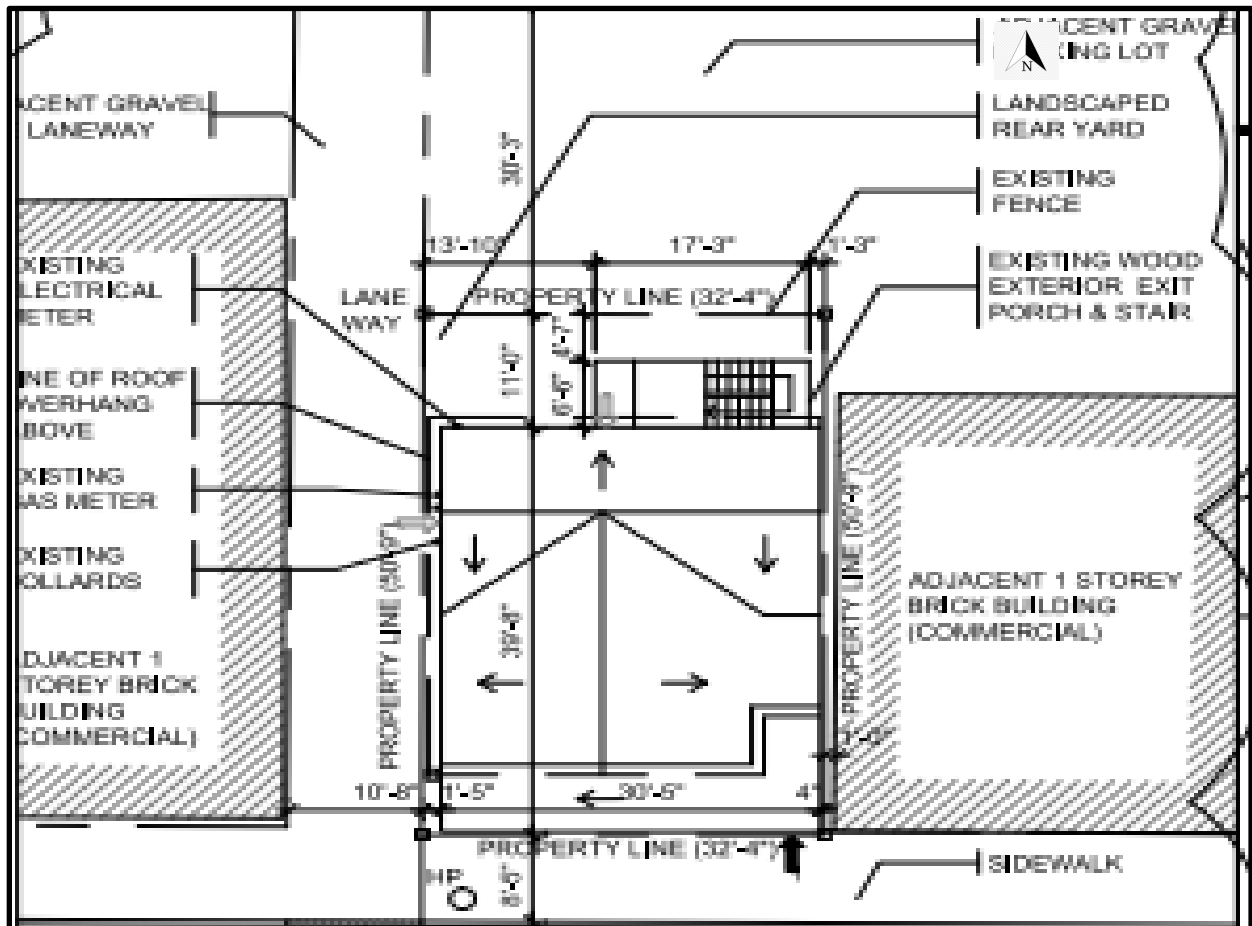
The 'Mixed Use' designation of the Official Plan permits a 'Large Scale, Low Profile' residential building containing 9 or more residential units in the building. The owner proposes to adapt the historically existing structure to maintain the unobtrusive, low profile, small scale building by converting the existing commercial main floor interior into a residential apartment for a total of 3 residential apartment units in the building. The proposed building is considered a 'Small Scale, Low Profile' multiple dwelling with 3 residential units within the building.

The 'Mixed Use' designation requires a mix of uses within the building. With the conversion of the only commercial unit to residential, the entire building will be used for residential purposes and is no longer considered a mix of uses. The applicant is requesting an OPA to allow for residential use as a permitted principal use of the existing building.

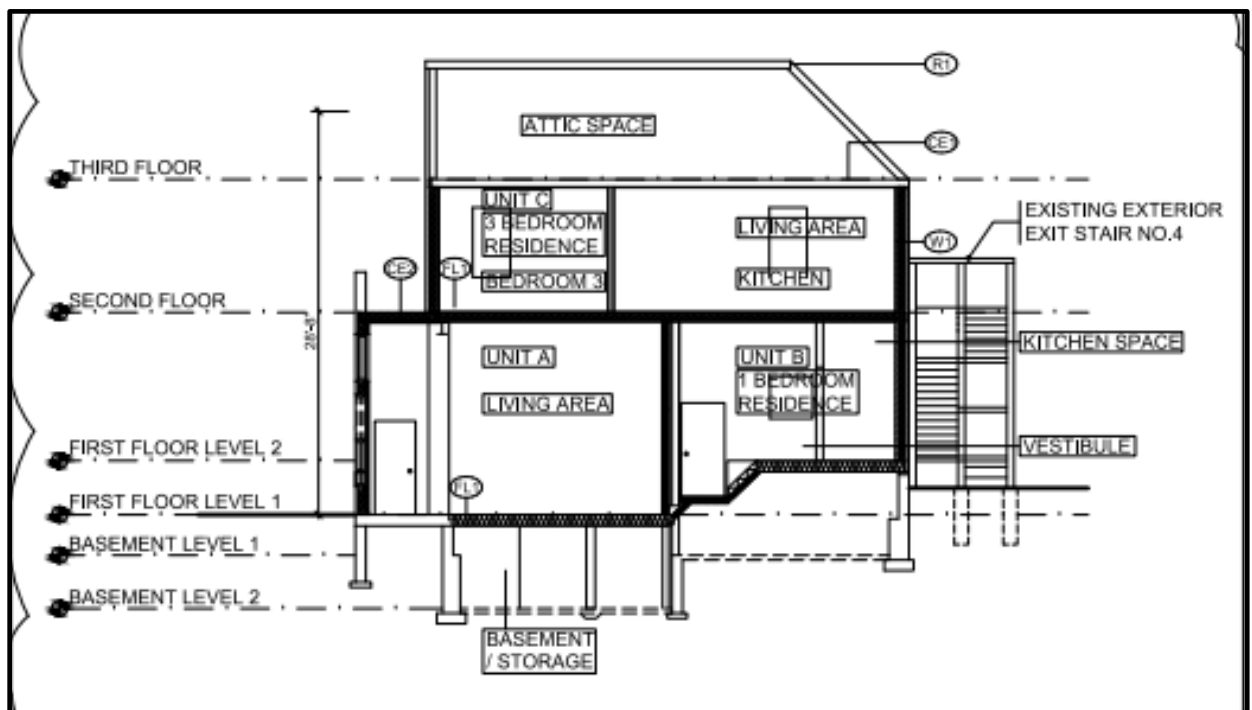
The site specific Zoning By-law Amendment purports to add a site specific regulatory framework to recognize the proposed 3 unit rental apartment building. Site-specific provisions are requested to recognize:

- 1) Permit Multiple Dwelling;
- 2) Parking Spaces: 0 spaces
- 3) Amenity Space: 0 m<sup>2</sup>

**FIGURE 8 – SITE CONCEPT PLAN**



**FIGURE 9 – CROSS SECTION**





**FIGURE 10 – ELEVATIONS**



**3.1 PROPOSED OPA/ZBA**

Official Plan policies for the ‘Mixed Use’ designation allows for ‘Large Scale, Low Profile’ residential structures containing 9 or more residential units. A minor Official Plan Amendment is therefore being requested to permit, on a site specific basis, a ‘Small Scale, Low Profile’ building with 3 residential apartment units in the building.

“(a) *Low Profile development is a building or structure generally no greater than fourteen (14) metres in height. **Low Profile Housing** development is further classified as follows; (i) **small scale forms: single detached, semi-detached, duplex, and row and multiplexes with up to 8 units;** and (ii) *large scale forms: buildings with more than 8 units;*”*

Official Plan policies for the mixed use area recognize and support alternative options to on-site parking when dealing with the re-establishment of historical building profiles and revitalization of buildings and streetscapes.

The minor Official Plan Amendment (OPA) will provide a site specific policy to the site to recognize the existing structure as a 2 storey residential building with three residential units as a Small Scale, Low Profile Residential multiple dwelling.

A Zoning By-law Amendment (ZBA) has been requested to establish site specific regulatory framework to recognize the residential building. The multiple unit residential land use will be additional permitted use under the present '(CD2.2)' regulations on a site specific basis. The Zoning By-law Amendment (ZBA) is required to provide site specific residential regulations to the property as a permitted use.

The site specific by-law will also recognize that there is no existing or proposed on-site parking and that there will be the provision of 6 bike parking provided on site. This will provide for 2 bike parking spaces per unit. Additional site-specific zoning provisions are requested to allow a 0m minimum front yard depth and a 0m minimum exterior side yard width.

It is recommended that the following be considered as site specific provisions:

- 1) Permit Multiple Dwelling;
- 2) Parking Spaces: 0 spaces
- 3) Amenity Space: 0 m<sup>2</sup>

This report provides the rationale and support for the minor Official Plan Amendment and Zoning Bylaw Amendment that will maintain the 'Mixed Use' designation and the 'Commercial District 2.2 (CD2.2)' zone with a site specific amendment to support the rejuvenation and revitalization of the low profile, small scale building without on-site car parking.

In my professional opinion, the Official Plan Amendment (OPA) will support the provision of residential apartment units through the adaptive re-use of the existing building's main floor commercial to residential with parking alternatives such as the support and use of public transit and bike parking provided on site.

### **3.2 SITE SERVICNG**

The subject site is serviced by existing municipal infrastructure and is located within close proximity to supportive commercial and institutional amenities. The site is well placed for active transportation by foot and bicycle and is in excellent proximity to Transit Windsor bus services, significantly reducing the need for transportation by private vehicle.



## 4.0 PROVINCIAL POLICY STATEMENT (PPS)

The *Planning Act, R.S.O. 1990, C.P. 13*, as amended, requires that the Council of a local Municipality shall make decisions on development applications which are consistent with the Provincial Policy Statement (PPS), 2020.

The PPS was issued by the Ministry of Municipal Affairs and Housing under the *Planning Act* and provides direction on matters of provincial interest primarily related to land use planning and development. The policies within the PPS apply province-wide and are an integral part of the Ontario's policy led planning system.

The PPS generally aims to encourage the wise use and management of land and other resources, promote the development of healthy and prosperous communities, protect public health and safety, and protect the natural environment. Specifically, the primary directives of the PPS include:

***“1.1.1 Healthy, liveable and safe communities are sustained by:***

*“a) promoting efficient development and land use patterns which sustain the financial well-being of the Province and municipalities over the long term;”*

**COMMENT:**

The building at 936 Wyandotte is existing with full municipal service connections. Both the main floor commercial unit and the residential units have been vacant for a number of years and require upgrading.

The adaptive change of the under utilized commercial space to a new residential unit and the upgrading of the existing residential spaces will result in an efficient and effective utilization of a building that has been experiencing vacancies for a number of years. In my professional opinion, the adaptive re-use makes sound planning.

The neighbourhood is a mix of residential and commercial uses along Wyandotte St. The rejuvenation of the building, improves the viewscape of the street, and will bring life back to the area.

Re-establishing a small scale, low profile residential building will support the provision of alternative housing, provide for sound development, and support adaptive re-use and rejuvenation of existing buildings within the City. In my professional opinion, the requested OPA and ZBA is consistent with the PPS policy.

*“b) accommodating an appropriate affordable and market-based range and mix of residential types (including single-detached, additional residential units, multi-unit housing, affordable housing and housing for older persons), employment (including industrial and commercial), institutional (including places of worship, cemeteries and long-term care homes), recreation, park and open space, and other uses to meet long-term needs;”*

**COMMENT:**

The OPA and ZBA will establish policy and regulatory framework for 3 residential apartment units. The requested OPA and ZBA will ensure residential policy is applied to the property. The policy and regulatory framework will allow for alternative residential rental apartment units.

The requested OPA and ZBA will include residential apartment unit to replace a vacant commercial unit while upgrading the residential units. The City of Windsor has a low vacancy rate for apartment units. The proposed OPA and ZBA will allow for the inclusion of new apartment unit while providing for the upgrading of the existing 2 residential units.

There is a need for alternative residential units as residential apartment units in the City. Rental apartment housing is a housing alternative to single, detached homes.

The existing building will provide alternative housing for some of the residents within the neighbourhood as an alternative housing for them to age in place in their neighbourhood.

The subject building is located within a mixed use neighbourhood that is within walking distance to commercial uses and amenities. These units will meet the needs for rental apartment units within the City. Being within a mixed use neighbourhood, the opportunity to live and work closely is a positive option available for the residents.

The units are located within blocks of the University of Windsor and St. Clair College and are appropriate housing for students being within a mixed use neighbourhood and on a direct bus route.

*“c) avoiding development and land use patterns which may cause environmental or public health and safety concerns;”*

**COMMENT:**

The subject building has existed for over 100 years at this location and was likely originally a farmhouse when the area was agriculture. There are no negative environmental, public health, or safety concerns with the site. A Record of Site Conditions has been completed showing there were no previous uses that resulted in site contamination.

- d) *avoiding development and land use patterns that would prevent the efficient expansion of settlement areas in those areas which are adjacent or close to settlement areas;"*

**COMMENT:**

The subject site is located within the settlement area of the City of Windsor. In my professional opinion, the use is an appropriate transitional use for the location and compatible with the existing neighbourhood.

- e) *promoting the integration of land use planning, growth management, transit-supportive development, intensification and infrastructure planning to achieve cost-effective development patterns, optimization of transit investments, and standards to minimize land consumption and servicing costs;*

**COMMENT:**

The conversion of a vacant commercial to a residential unit and the upgrading of the two existing residential units will support the adaptive re-use and preservation of this sound building. The building is existing in a mixed use neighbourhood and will be adapted to a proposed small scale residential building. The proposal is an efficient, gentle intensification and wise re-use of existing infrastructure and building inventory. The location of the building on an arterial road provides direct access to municipal bus services and will connect to existing bike trails.

In my professional opinion, the adaptive re-use of the existing structure is consistent and supports the cost-effective re-use of the building and minimizes land consumption.

- f) *improving accessibility for persons with disabilities and older persons by addressing land use barriers which restrict their full participation in society;*

**COMMENT:**

The proposed adaptive re-use will provide for the inclusion of a new residential apartment unit on the main floor of the existing building providing for a small scale, low profile residential building with 3 units. Accessibility will be established in compliance with the OBC for all the residential units.

- g) ensuring that necessary infrastructure and public service facilities are or will be available to meet current and projected needs;"*

**COMMENT:**

The proposed new residential building is considered an efficient and effective utilization of municipal infrastructure and provides for needed alternative residential housing. The replacement of one commercial unit with one new residential unit will not negatively impact existing capacity in the municipal service provision.

- h) promoting development and land use patterns that conserve biodiversity; and*

**COMMENT:**

It is my professional opinion that the proposed development assists with the conservation and preservation of biodiversity by providing for appropriate gentle density through redevelopment of existing infrastructure.

- i) preparing for the regional and local impacts of a changing climate.*

**COMMENT:**

The proposed OPA and ZBA will provide for the adaptive re-use of an existing building. The building is located within a mixed use neighbourhood providing services and commodities within walking distance to the apartment units.

The existing building is located on municipal transit bus route and will connect to bike trails. There is no space on site for car parking spaces. The land owner will be providing 6 bike parking spots, supporting the biking community within the City.

In my professional opinion the proposal considers the changing climate by reducing the dependence on the vehicle while supporting walking, biking and healthy community initiatives of the City and Province.

***“1.1.3.2 Land use patterns within settlement areas shall be based on:***

- a) *densities and a mix of land uses which:*
  - 1. *efficiently use land and resources;*
  - 2. *are appropriate for, and efficiently use, the infrastructure and public service facilities which are planned or available, and avoid the need for their unjustified and/or uneconomical expansion;*
  - 3. *minimize negative impacts to air quality and climate change, and promote energy efficiency;*
  - 4. *prepare for the impacts of a changing climate;*
  - 5. *support active transportation;*
  - 6. *are transit-supportive, where transit is planned, exists or may be developed; and*
  - 7. *are freight-supportive; and*
- b) *a range of uses and opportunities for intensification and redevelopment in accordance with the criteria in policy 1.1.3.3, where this can be accommodated.”*

**COMMENT:**

In my professional opinion, the adaptive re-use is an efficient use of the existing building and municipal infrastructure to provide for appropriate gentle density and needed residential apartment units.

Parking is not available on site. With the additional units proposed, there will be no provision of onsite parking for the 3 residential apartments. The adaptive re-use of the commercial unit to a residential unit and an upgrade of 2 residential units for 3 new residential apartments located on a major bus route and connected to local trails will support municipal transit and promotes energy efficiencies and will support positive impacts on air quality.

The development is located on a bus route, surrounded by sidewalks, fronts on an arterial road with bike lanes within the area. Bike racks will be provided on site to support the biking community. The development has commercial amenities within walking distance.

The proposed development is an efficient use of the existing municipal services and can be considered an appropriate use of the subject lands. There is no need to expand municipal services to accommodate the proposed development.

In my professional opinion, the location of the development and the design features of the building support the healthy, walkable, biking community and active transportation initiatives of the province and the municipality, in my opinion, is consistent with these policies of the PPS. Also, the proposed residential development will provide for alternative development that allows for moderate intensification of use that can be considered is an efficient, effective development for the site and supportive of the PPS policies ensuring compatible new development within the existing neighbourhood.

***“1.1.3.3 Settlement Areas***

*Planning authorities shall identify appropriate locations and promote opportunities for transit-supportive development, accommodating a significant supply and range of housing options through intensification and redevelopment where this can be accommodated taking into account existing building stock or areas, including brownfield sites, and the availability of suitable existing or planned infrastructure and public service facilities required to accommodate projected needs.”*

**COMMENT:**

The subject lands are within a mixed use neighbourhood and within walking distance to commercial businesses, and other supportive commodities. The university and college are within a short bus ride or bike ride. The property fronts on an arterial road with two municipal bus routes in less than 5 min walking distance. The OPA/ZBA will support the establishment of a 16 unit residential apartment providing for alternative tenure and style, utilization of vacant lands to provide needed residential accommodation within a mixed use neighbourhood. In my professional opinion, the proposal is consistent with the PPS policy supporting transit supportive development.

***“1.1.3.4 Settlement Areas***

*Appropriate development standards should be promoted which facilitate intensification, redevelopment and compact form, while avoiding or mitigating risks to public health and safety.”*

**COMMENT:**

The development of the subject lands supports, promotes and facilities an appropriate land use for the neighbourhood while allowing for gentle density of land use and providing needed residential alternative tenure and style of housing. There are no public health issues or risks associated with the proposed development.

***“1.4.3 Housing***

*Planning authorities shall provide for an appropriate range and mix of housing options and densities to meet projected market-based and affordable housing needs of current and future residents of the regional market area by:*

- a) establishing and implementing minimum targets for the provision of housing which is affordable to low and moderate income households and which aligns with applicable housing and homelessness plans. However, where planning is conducted by an upper-tier municipality, the upper-tier municipality in consultation with the lower-tier municipalities may identify a higher target(s) which shall represent the minimum target(s) for these lower-tier municipalities;*

b) *permitting and facilitating:*

1. *all housing options required to meet the social, health, economic and well-being requirements of current and future residents, including special needs requirements and needs arising from demographic changes and employment opportunities; and*

2. *all types of residential intensification, including additional residential units, and redevelopment in accordance with policy 1.1.3.3*

c) *directing the development of new housing towards locations where appropriate levels of infrastructure and public service facilities are or will be available to support current and projected needs;*

d) *promoting densities for new housing which efficiently use land, resources, infrastructure and public service facilities, and support the use of active transportation and transit in areas where it exists or is to be developed;*

e) *requiring transit-supportive development and prioritizing intensification, including potential air rights development, in proximity to transit, including corridors and stations; and*

f) *establishing development standards for residential intensification, redevelopment and new residential development which minimize the cost of housing and facilitate compact form, while maintaining appropriate levels of public health and safety.”*

**COMMENT:**

The adaptive re-use of the existing low profile, small scale building provides for a gentle density for alternative residential use in a mixed use neighbourhood. The proposed development supports the efficient and effective utilization of an existing vacant building utilizing municipal services.

**COMMENT:**

**In my professional opinion, the requested OPA and ZBA to allow for the conversion of a vacant commercial unit to a residential unit that effectively establishes a low profile, small scale form of residential that is consistent with the PPS 2020.**

**The OPA and ZBA, in my professional opinion, is consistent with the PPS by supporting the sound and efficient inclusion of alternative, residential apartments in an existing building.**



## 5.0 CITY OF WINDSOR OFFICIAL PLAN

The Official Plan for the City of Windsor is applicable to planning matters for the City. The subject property is presently designated “Commercial Corridor” in the City’s Official Plan. The following sections review City policies as they relate to the request for an OPA and ZBA to support the rezoning of the site from “Commercial District 2.2 (CD2.2)” to a site specific “Medium Density Residential (RD2.5)” designation for the development of a medium profile, 5 storey apartment building with 15 one- and two-bedroom units and 15 associated vehicle parking spaces:

### **“Section 2 Glossary;**

*DEVELOPMENT PROFILE refers to the height of a building or structure. There are four development profiles described in the Plan:*

- (a) *Low Profile development is a building or structure generally no greater than fourteen (14) metres in height. Low Profile Housing development is further classified as follows; (i) small scale forms: single detached, semi-detached, duplex, and row and multiplexes with up to 8 units; and (ii) large scale forms: buildings with more than 8 units;”*

### **COMMENT:**

The existing building profile consists of a two storey building with existing 2 residential units and 1 commercial unit on the main floor. The vacant commercial unit will be converted to a residential rental unit and 2 existing residential units upgraded, resulting in a 2 storey building (approximately 8 m height) with 3 residential units.

In my professional opinion, the 3 residential units in an 8 m high building conforms with the definition of a Low Profile, Small Scale residential building.

### **“Section 2 Glossary;**

### **MIXED USE LAND USE:**

*Mixed Use is a land use designation that is further classified as follows: (a) Mixed Use Corridor occupies linear street frontages with commercial, institutional and open space uses located immediately adjacent to the public right-of-way and residential uses located above-grade;”*

**COMMENT:**

The building is historically existing with commercial unit and a residential unit on the main floor with 1 residential unit on the second floor. The commercial unit is not a viable commercial space and are of the age that they require cost prohibitive upgrading and renovations for questionable rental as commercial units.

The building is existing and has been built on an established building line consistent with the other buildings located along Wyandotte St.

***“Section 3.2.1.2 Development Strategies***

*“Encouraging a range of housing types will ensure that people have an opportunity to live in their neighbourhoods as they pass through the various stages of their lives. Residents will have a voice in how this new housing fits within their neighbourhood. As the city grows, more housing opportunities will*

**COMMENT:**

The 2 existing residential apartments have existed for a number of years and require upgrading. The renovations to the residential units will assist in providing modern, upgraded, alternative housing. The adaptive re-use of the commercial unit to residential units, in my professional opinion, provides for a full tenancy and the proposed renovation will result in an efficient and effective adaptive re-use of existing infrastructure, as intended by the OP.

The rental apartment building will provide for alternative housing and tenure by supporting diversification of the housing market by providing rental accommodation and ownership. The development will support managed appropriate moderate intensification of alternative residential land use. The building is compatible with the neighbourhood.

In my professional opinion, the proposed development consisting of a 4 storey residential building conforms with the OP policy.

***“AGING IN PLACE***

*4.2.1.5 To encourage a mix of housing types and services to allow people to remain in their neighbourhoods as they age.”*

**COMMENT:**

The alternative tenure and style of the 3 unit residential rental building will provide the residents who live in the neighbourhood the opportunity to age in place in their neighbourhood. In my professional opinion, the proposed OPA/ZBA conforms with the Official Plan policy.

***“HOUSING MIX***

*4.2.3.4 To accommodate the appropriate range and mix of housing.”*

**COMMENT:**

The new building converts an existing vacant building within an established mix of use neighbourhood; provides for alternative housing, creates a low profile, small scale residential building that in my opinion, provide a housing tenure and style diversification that is compatible with the neighbourhood. The provision of the rental apartment units conforms with the policy of the Official Plan to support a mix of housing.

***“5.3.7 Atmospheric Air Quality Policies: REDUCE AIR POLLUTION***

*5.3.7.2 Council will contribute to the reduction of air pollution by using the following land use planning approaches:*

- (a) increasing opportunities for non-automotive transportation modes including walking, cycling and public transportation in accordance with the Infrastructure chapter of this Plan;*
- (b) regulating development which has the potential to increase atmospheric pollution in accordance with the Land Use chapter of this Plan;*
- (c) improving energy conservation in accordance with the Urban Design chapter of this Plan;*

- (d) *locating compatible residential, commercial and employment uses in a manner that reduces distance and vehicle trips as outlined in the Land Use chapter of this Plan.”*

**COMMENT:**

The site is located in a mixed use neighbourhood on municipal transit services, is within walking distance to amenities and will be providing bike racks to support non-automotive transportation. There are opportunities with offices and commercial activities in the neighbourhood for live work scenarios. It is my professional opinion that the proposed development conforms with the OP policy supporting the reduction of air pollution.

**“6.3 Residential**

**6.3.1 Objectives: RANGE OF FORMS & TENURES**

*6.3.1.1 To support a complementary range of housing forms and tenures in all neighbourhoods.*

**COMMENT:**

The proposal conforms with the policy direction to provide alternative housing to meet different housing needs.

**COMMENT:**

The subject site is located adjacent to a low density residential neighbourhood while being in a mixed use neighbourhood comprising commercial and residential uses. The adaptive re-use of the building will be a positive re-development for the mixed use neighbourhood. The apartment units will provide for an alternative housing tenure and style from the standard single detached residences.

**“6.3.1.3 INTENSIFICATION, INFILL & REDEVELOPMENT**

*To promote selective residential redevelopment, infill and intensification initiatives.”*

**COMMENT:**

The proposed development will provide for gentle or moderate intensification of residential use within the mixed use neighbourhood. The modification of the commercial unit to residential to create 3 rental residential units conforms with the Official plan policy in my professional opinion.

**“6.3.2.4 LOCATIONAL CRITERIA**

*Residential development shall be located where:*

- (a) there is access to a collector or arterial road;*
- (b) full municipal physical services can be provided;*
- (c) adequate community services and open spaces are available or are planned;*  
*and*
- (d) public transportation service can be provided.”*

**COMMENT:**

- a) The subject site fronts on an arterial road;
- b) The building is connected to all municipal services;
- c) There is significant parkland, greenspace, and community services within the neighbourhood;
- d) There are two bus stops in close proximity and municipal trail system along the frontage of the lot.

In my professional opinion, the location of the proposed residential building would conform with the intent of the Official Plan policies.

**“6.9 Mixed Use:**

*The lands designated as “Mixed Use” on Schedule D: Land Use provide the main locations for compact clusters of commercial, office, institutional, open space and residential uses. These areas are intended to serve as the focal point for the surrounding neighbourhoods, community, or region. As such, they will be designed with a pedestrian orientation and foster a distinctive and attractive area identity.*

**COMMENT:**

The adaptive re-use of the existing structure will create the focal point and assist in rejuvenating the single, detached residential neighbourhood located behind the building. In my professional opinion, the adaptive re-use of the building is a positive rejuvenation and with minor exterior improvements, will allow the low profile building to serve to bring life back to the Wyandotte Street.

***“6.9.2.2 FORM OF MIXED USE AREAS***

*For the purpose of this Plan, Mixed Use development is further classified as follows: (a) Mixed Use Corridors which occupy linear street frontages with commercial, institutional and open space uses located immediately adjacent to the public right-of-way and residential uses located above grade;”*

**COMMENT:**

As discussed, the building is existing and will only have minor exterior cosmetic modifications and will only undergo minor interior modifications to accommodate 1 additional residential apartment units.

Due to the limitations of the existing building and the site and building configuration, the conversion of the main floor commercial to residential and the upgrade of the existing 2 residential units will result in a low profile, small scale residential building.

The commercial area has been vacant for a number of years. The re-establishment of the commercial use is not viable. Utilization of the space for needed apartment rental unit makes sound planning. In my professional opinion, the re-establishment and utilization of the entire building for residential use makes sound planning.

***“6.9.2.7 REDUCED PARKING REQUIREMENT:***

*Council may establish off street parking standards to reflect public transportation supportive designs or shared parking arrangements in Mixed Use developments.”*

**COMMENT:**

The building was constructed over a hundred years, likely as a farmhouse. The commercial unit was installed likely in 1920's-1930's when there was little car traffic. When the main floor commercial unit was installed, the residential apartment was installed. The building has never had parking on site with the building built to the lot line. The building has existed prior to the passing of the by-law.

Residential use requires fewer parking spaces than commercial use. The conversion of the main floor from commercial to residential, in my professional opinion, will provide parking relief and improve the parking situation.

Prior to signing a lease, tenants will be informed that the units do not have parking associated with the units.

Given the location of the units optimally located near amenities, near the University of Windsor and St. Clair College, as well as the site being on the main bus route in my professional opinion, parking will not be required by the tenants.

There is municipal parking available along Wyandotte and there will be 6 bike parking spaces for the three units. In my professional opinion, the provision of the bike racks conforms with the relevant policies of the Official Plan.

**COMMENT:**

**In my professional opinion, the requested OPA will conform once adopted with the relevant policies of the Official Plan for the City of Windsor. Once passed, the ZBA will provide a regulatory framework for the proposed building and conforms with the relevant OP policies. The OPA/ZBA will support, in my professional opinion, needed alternative housing tenure and style in the form of rental residential apartments.**

## 6.0 CITY OF WINDSOR ZONING BYLAW

The subject lands are zoned ‘General Commercial 2.2 (CD2.2)’ in the CZB 8600 for the City of Windsor. The land use of residential is not a permitted use in the ‘General Commercial 2.2 (CD2.2)’ zone presently applied to the subject lands. The change of land use from a mixed use building with 1 commercial unit and two residential apartment units to a 3 residential apartment unit building does not comply with the existing regulatory framework applied to the property.

*“**MULTIPLE DWELLING** means one dwelling containing a minimum of three dwelling units. A double duplex dwelling, semi-detached dwelling, stacked dwelling, or townhome dwelling is not a multiple dwelling.”*

A site-specific Zoning By-law Amendment (ZBA) is requested to rezone the subject lands to add a site specific provision to address the existing legal non-conforming lot configuration, no parking provisions, and no amenity space to ensure compliance for the conversion of the existing commercial unit to 1 residential unit with the resultant 3 unit residential building. Additional site-specific zoning provisions being requested:

- 4) Permit Multiple Dwelling;
- 5) Parking Spaces: 0 spaces
- 6) Amenity Space: 0 m<sup>2</sup>

PROVISIONS	GENERAL COM (CD2.2)	PROPOSED DEVELOPMENT
LOT AREA		149 m <sup>2</sup>
LOT FRONTAGE		9.8 m
MAIN BUILDNG HEIGHT	14 m max	7 m
FRONT YD DEPTH		0 m
REAR YD DEPTH		1.4 m
SIDE YARD WIDTH		0 m
AMENITY SPACE	12 m <sup>2</sup> /unit = 36 m <sup>2</sup>	0 m <sup>2</sup>
PARKING	1/unit	0 spaces 6 bike spaces



## **CD2.2 BYLAW PROVISIONS**

i) **Section 15(1)(a)** does not permit residential use on the main floor. The ZBA will permit residential use on both the main floor and the second floor for a low profile residential building.

ii) **Section 15(1)(b)** Maximum building height – 14 meters is permitted.

Existing at 7 m in height.

## **PARKING REQUIREMENTS:**

The building was constructed prior to the passing of the by-law. Parking was not provided on site for the existing building with 2 residential apartments and 1 commercial unit. Parking for the commercial unit was always been on street parking. Any patrons of the commercial units have always parked on street.

The residential tenants have historically rented the residential units without parking and utilize municipal transit bus transit, municipal bike trails, walking, or transit sharing and therefore have not needed parking spaces.

### **COMMENT:**

The site specific zoning bylaw amendment will include residential use on the main floor as well as one in the basement to permit a low profile residential building and will allow for a multiple dwelling as a permitted building.

In my professional opinion, all other provisions of the (CD2.2) zone provisions are complying and do not require amending.

### **COMMENT:**

**The requested by-law amendment will establish a regulatory framework that will allow for the inclusion of residential apartment uses on the main floor as to create a low profile, small scale building with 3 residential units.**

**In my professional opinion, the requested ZBA maintains the intent of the Comprehensive Zoning By-law regulations for the City of Windsor. After passing of the ZBA, the proposed development will comply with the regulatory framework under the CZB for the City of Windsor.**

## 7.0 SUMMARY AND CONCLUSIONS

### CONCLUSIONS

In my professional opinion, the requested Official Plan Amendment (OPA) and Zoning Bylaw Amendment (ZBA) purports to add site specific residential policies and regulatory framework to allow for an appropriate land use for the subject site. The residential low profile, small scale building and land use is an appropriate use within the neighbourhood.

The proposed rental apartment units will provide for needed alternative housing supporting diversity in housing style and tenure. The OPA/ZBA will support the City's residential policy initiatives by adapting a long established building with 3 residential units that will provide rental apartments needed as alternative housing in Windsor. The OPA/ZBA will support the province and municipality's initiative to provide for a residential development promoting a healthy, walkable community.

Given the foregoing assessment and my evaluation of the proposal in relation to the PPS 2020, the City of Windsor Official Plan and the Comprehensive Zoning By-law, in my professional opinion the proposed Official Plan Amendment (OPA) and Zoning By-law Amendment (ZBA) is consistent with policies of the PPS, OP, and regulations found in the Zoning By-law.

In addition, it is my professional opinion that the proposed Official Plan Amendment (OPA) and Zoning By-law Amendment (ZBA) is appropriate and desirable within this policy framework as it will facilitate development of the site while also implementing the proposals included in this Planning Justification Report dated August 24, 2022.

In summation, the proposal conforms with the proposed Official Plan Amendment (OPA) that will see the subject lands remain in the 'Mixed Use' designation with residential policies applied on a site specific basis and the proposal complies with the Zoning Bylaw Amendment (ZBA) that will appropriately establish a site specific regulatory framework under the 'Commercial District 2.2 (CD2.2)' zone. The OPA and ZBA provides a compatible residential rental apartment building and needed residential accommodation supporting a diversity of housing tenures and styles within the municipality.

In my professional opinion the requested OPA and ZBA:

- 1) is consistent with the policies of the 2020 Provincial Policy Statements;
- 2) maintains the intent of the relevant policies of the City of Windsor Official Plan and when the OPA is adopted, it will conform with the established policy framework of the OP;
- 3) maintains the intent of CZB 8600 for the City of Windsor and when the ZBA is passed, it will establish the regulatory framework required for the development to comply with the CZB;
- 4) makes sound planning.

I hereby certify that this report was prepared by Jackie Lassaline RPP MCIP, a Registered Professional Planner within the meaning of the Ontario Professional Planners Institute Act, 1994.

Lassaline Planning Consultants Inc.



Jackie Lassaline BA MCIP RPP  
Principal Planner

January 30, 2023

Mr. Stan Mancebo  
[src.united.windsor@gmail.com](mailto:src.united.windsor@gmail.com)

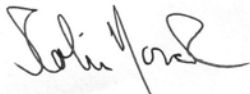
Re: Acoustic Assessment Report for Proposed Residential Development at 936 Wyandotte Street West - City of Windsor, Ontario

Dear Mr. Mancebo:

Please find attached an acoustic assessment report in support for a rezoning application for the proposed residential development located at 936 Wyandotte Street West in the City of Windsor, Ontario. This assessment considers the potential impacts from nearby sources of stationary and transportation noise, including road and rail.

I trust that the enclosed information meets your requirements. Please do not hesitate to contact me if you have any questions.

Sincerely,



Colin Novak PhD, PEng.

# **Acoustic Assessment Report for the Proposed Residential Development at 936 Wyandotte Street West - City of Windsor**



January 30, 2023

138 Angstrom Cres., Amherstburg, ON, N9V 3S3  
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## **Statement of Liability**

Akoustik Engineering Limited prepared this acoustical assessment report for Mr. Stan Mancebo. The material in it reflects Dr. Helen Ule's and Dr. Colin Novak's judgement in light of the information available to them and Akoustik Engineering Limited at the time of the study, including all acoustical measurements, under the stated test conditions. Any use that a Third Party makes of this report (other than Mr. Stan Mancebo), or any reliance on decisions made based on it, is the responsibility of such Third Parties. Akoustik Engineering Limited accepts no responsibility for damages, if any, suffered by any Third Party resulting from decisions made or actions based on this report.

January 30, 2023

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## **Introduction**

This report is an acoustic assessment prepared for Mr. Stan Mancebo in accordance with the procedures for noise assessment outlined by the applicable Ministry of the Environment, Conservation and Parks (MECP) Noise Pollution Control (NPC) Guidelines. This assessment is in support of an application for rezoning in support of a building with three residential units, located at 936 Wyandotte Street West, in the City of Windsor. The assessment pertains to the environmental noise impacts on the development from nearby stationary and transportation sources of noise. An illustration of the geographical area with the proposed development areas used for this assessment is given in Appendix A: Site Location.

## **Identification of Noise Sources**

The Ministry of the Environment, Conservation and Parks (MECP) specifications for the identification of existing or future major sources of noise impact on a development is whether they are within 500 metres of the site. A zoning map of the study area is provided in Appendix B: Land-use Zoning Map of Area. The proposed development is surrounded by residential to the north and east, commercial to the west and south and industrial lands to the southeast. There are also railways to the east and south, and a CP rail yard to the southeast as well as several roadways to the east, west and south of the property.

The roadway sources of noise which could possibly produce an impact on the proposed development are Wyandotte Street West (East of Wellington Avenue) to the south of the development, Crawford Avenue (North of Wyandotte Street West) to the east of the development, Crawford Avenue (South of Wyandotte Street West) to the southeast of the development, Wellington Avenue (North of College Avenue) to the west of the development and College Avenue (West of Crawford Avenue) to the south of the development.

The criteria for rail noise impact on a development is whether the nearest track of railway line is within 300 metres of the site. The proposed development is located within 300 metres from the nearby Essex Terminal Railway (ETR) rail line, 184 metres from a nearby spur line associated with the Canadian Pacific (CP) Railway Company's spur that runs adjacent to the nearby BASF Canada Inc. facility and 300 metres from a CP rail yard. Given this, an assessment of rail noise is included.

Sources of stationary noise include the operations from BASF Canada Inc. located to the southeast of the proposed development, which is assumed to operate 24-hours per day. There are no other significant sources (transportation or stationary) of noise which are expected to have an impact on the proposed development.

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## **Ministry of the Environment, Conservation and Parks Noise Criteria**

In accordance with the MECP Noise Pollution Control (NPC) Guideline NPC-300, the following sound level limits for residential developments of a Class 2 area are set for roadway and rail noise as shown in Tables 1 and 2 below. The reference pages taken from the NPC-300 document are given in Appendix C: NPC-300 Reference Pages. The proposed development is classified as being in a Class 2 area given that the region exhibits features of both a Class 1 and a Class 3 area, based on the environmental noise characteristics. It should be noted that where the sound level limits presented in Tables 1 and 2 are exceeded, noise control abatement is required.

**Table 1: Ministry of the Environment and Climate Change Noise Criteria for a Class 2 Area – Roadway Noise**

<b>Point of Reception Location</b>	<b>Daytime LA<sub>eq</sub> [dBA]</b>	<b>Nighttime LA<sub>eq</sub> [dBA]</b>
Outdoor Living Area (OLA)	55	--
Plane of Window (Indoor)	55 (45)	50 (40)

**Table 2: Ministry of the Environment and Climate Change Noise Criteria for a Class 2 Area – Railway Noise**

<b>Point of Reception Location</b>	<b>Daytime LA<sub>eq</sub> [dBA]</b>	<b>Nighttime LA<sub>eq</sub> [dBA]</b>
Outdoor Living Area (OLA)	55	--
Plane of Window (Indoor)	55 (40)	50 (35)

From Table 1 and 2, daytime refers to the period from 07:00 to 23:00 and nighttime refers to the period from 23:00 to 07:00 hours. An outdoor living area (OLA) generally refers to a location such as a patio, yard, or barbeque area. There is no identified OLA area on this property.

The limits presented in Tables 1 and 2 are the limits before noise control measures are required. The noise level limit in an OLA may be exceeded by up to 5 dBA if proper warning clauses are inserted in the titles, deeds, and any tenancy agreements relating to the property and only after barriers or other noise control measures have been found to be impractical or unfeasible. A noise attenuation barrier is required to protect and bring the sound level down to 55 dBA in the OLA if the noise level exceeds 60 dBA. Only in cases where the required noise control measures are not feasible for technical, economic or administrative reasons would an excess above the limit (55 dBA) be acceptable with the appropriate warning clause; in this situation, any excess above the noise limit will not be deemed acceptable if it exceeds 5 dB.

The guideline also recommends the provision for the installation of central air conditioning when the noise level outside the plane of a window exceeds 55 dBA for the daytime or 50 dBA for the nighttime. If the noise level exceeds 65 dBA for the daytime or 60 dBA for the nighttime, the installation of central air conditioning should be implemented. Further, building components including exterior walls, windows and doors should be designed to have sufficient Sound Transmission Class (STC) ratings to meet the indoor noise guidelines given in Tables 1 and 2.

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## **Identification of the Representative Receptor Locations**

The proposed development includes three residential units within the building located at 936 Wyandotte Street West. The first level is to have two residential units; one at the north and one at the south side of the building, and the second storey is proposed to be one residential unit. That is, the application for rezoning is to accommodate either residential or commercial use in the front lower unit that faces Wyandotte Street (looking south), the rear lower unit (looking north) will be a residential unit and the entire second storey will be the third residential unit. Further, because of the size of the property, this building has no designated common outdoor living area (OLA) or terrace. As such, this assessment report does not investigate the day or evening time impacts for any OLA.

The first floor does not have windows on the east wall as this wall is immediately next to the adjacent building to the east. The sensitive points of reception (PORs) for assessment purposes are identified as POR 1 which is the first floor south facing window, POR2 is a second storey window which faces east and POR3 is a second storey south facing window. In total, the impacts at three PORs are evaluated as shown in Appendix A: Site Location.

## **Transportation Noise Sources**

The predicted transportation noise impacts have been modelled using the Ministry of the Environment, Conservation and Parks (MECP) prediction software, STAMSON. Given that the road traffic occurs during all periods of a 24-hour day, as defined by the applicable MECP's Noise Pollution Control documents (NPC-300), the assessment has been carried out for the entire 24-hour period.

The predicted sound levels from the nearby road traffic were determined using the MECP prediction noise modelling software STAMSON 5.0 and are based on the available road traffic volumes, which have been projected 10 years forward. All input data pertaining to the lot layout parameters is based on the layout plan provided at the time of the study as shown in Appendix A: Site Location. The input data used to calculate the predicted sound level exposures for the selected receptors impacted by the road traffic noise, and the resulting outputs, are given in Appendix D: Noise Model Printout. The predicted noise levels at the representative building are used to determine the extent of the noise control measures required (if any) required for compliance. The MECP requires the calculation of the noise impacts at the plane of window of the dwellings and OLA. However, in this case no OLA is present.

## **Transportation Noise Source Data**

Road traffic volume data was obtained from the City of Windsor Average Daily Traffic Volume document dated January 2020. It is assumed in this case that the annual average daily traffic (AADT) is equivalent to the average daily traffic (ADT). The projected road traffic volumes, including the assumed breakdown of vehicle types are given in Appendix E: Road Traffic Volume Data. Also, given in Appendix E are the

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distances used between the representative receptor locations and the modelled roadways. The posted speeds for all roads were taken as 50 km/h.

As only one year of roadway traffic volume data is available from the traffic report document for the roads evaluated, a 2% growth rate was assumed for all roadways. The day and night traffic volumes are calculated having an assumed 90%-day and 10%-night split as per the MECP STAMSON protocol. The volume of commercial truck traffic for the considered roads was taken as 15 percent with 60% of this being heavy and 40% of this being medium trucks.

Rail volume data for the Essex Terminal Railway (ETR) line was provided by the local ETR office. The provided rail volume was projected 10 years into the future using a 2.5% increase per annum. As such, the predicted noise levels given in this report are for potential increased future rail traffic volumes. The ETR traffic information is given in Appendix F: Rail Traffic Volume Data.

Given the irregular traffic movements for the CP rail yard and nearby spur line, 72 hours of continuous noise monitoring was carried out on the property to evaluate the potential noise impacts from these activities. The hourly equivalent sound levels (LeqA) are given in Appendix H. The same noise monitoring data was used to evaluate the noise impacts from the nearby stationary source(s) as discussed in a later section. For the CP rail yard and spur, the recorded sound files were listened to from which it was verified that there was no audible noise from the CP yard and spur line. These observations were verified during two site visits. In fact, the recorded data demonstrated that the measured noise levels were attributed to road traffic and other sources of ambient environmental noise (birds, aircraft etc.) and not from rail noise. It should be further noted that the speed of the trains on the spur track is very slow (<10 km/h) and the track is depressed below grade with no line of sight between the source the receivers. As such, it is concluded that there is no impact from rail noise resulting from activities associated with the CP rail yard and spur line.

## **Results and Noise Control Requirements**

The following section is a summary and assessment of the modeled results of the remaining transportation (ETR and roadway) noise at the representative residential PORs.

### **Rail and Road Noise**

As specified by the MECP Environmental Noise Guideline NPC-300, the outdoor and indoor sound level limits (based on one-hour LA<sub>eq</sub> values) at a residence for rail and road traffic noise are categorized into three (3) limits, based on the type of space assessed. The document also specifies the recommended noise control measures, if required, that should be followed for the plane of a window (ventilation requirements) and the indoor living area (building components) noise assessments. The select pages from the NPC-300 guideline given in Appendix C includes the stated warning clauses and other requirements based on the predicted noise levels. Again, since the development does not have any OLAs, the daytime outdoor noise level at an OLA is not calculated.

The predicted noise level impacts for the daytime and nighttime periods at the plane of window for the representative receptors with no control measures are given in Table 3. From this table, it is seen that the

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MECP noise limits from the transportation noise identified in Tables 1 and 2 are exceeded at all of the facades for the receptor building during the daytime and nighttime periods.

**Table 3: Predicted Noise Levels – Plane of Window – with No Abatement**

POR (height [m])	Daytime Period LAeq (dBA)	Nighttime Period LAeq (dBA)
1 (1.5m)	70.1	63.6
2 (4.5m)	67.8	61.3
3 (4.5m)	70.3	63.8

Note: red text denotes exceedance

Given the magnitude that the receptor sound levels exceed the MECP noise limits, warning clauses are required as well as the specification of building components for the exterior walls and windows which should be designed to have sufficient Sound Transmission Class (STC) ratings to meet the indoor noise guidelines given in Table 1.

Notes taken from NPC-300 (where applicable):

Note A: Noise control measures may be applied to reduce the sound level to 55 dBA. If measures are not provided, prospective purchasers or tenants should be informed of potential noise problems by a warning clause Type A.

Note B: Noise control measures should be implemented to reduce the level to 55 dBA. Only in cases where the required noise control measures are not feasible for technical, economic or administrative reasons would an excess above the limit (55 dBA) be acceptable with a warning clause Type B.

Note C: The dwelling should be designed with a provision for the installation of central air conditioning in the future, at the occupant’s discretion. Warning clause Type C is also recommended.

Note D: Installation of central air conditioning should be implemented with a warning clause Type D. In addition, building components including windows, walls and doors, where applicable, should be designed so that the indoor sound levels comply with the sound level limits in Table C-2.

Note E: Building components including windows, walls and doors, where applicable, need to be designed so that the indoor sound levels comply with the sound level limits in Table C-2. The acoustical performance of the building components (windows, doors and walls) needs to be specified. In addition, the exterior walls of the first row of dwellings next to railway tracks are to be built to a minimum of brick veneer or masonry equivalent construction, from the foundation to

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the rafters when the rail traffic Leq (24-hour), estimated at a location of a nighttime receptor, is greater than 60 dBA, and when the first row of dwellings is within 100 metres of the tracks.

If required, the following warning clauses are to be implemented in all development agreements, offers to Purchase, and agreements of Purchase or Sale or Lease of each dwelling unit:

Warning Clause(s) (where applicable):

Type A: "Purchasers/tenants are advised that sound levels due to increasing road traffic and rail traffic may occasionally interfere with some activities of the dwelling occupants as the sound levels exceed the sound level limits of the Municipality and the Ministry of the Environment, Conservation and Parks."

Type B: "Purchasers/tenants are advised that despite the inclusion of noise control features in the development and within the building units, sound levels due to increasing road traffic and rail traffic may on occasions interfere with some activities of the dwelling occupants as the sound levels exceed the sound level limits of the Municipality and the Ministry of the Environment, Conservation and Parks."

Type C: "This dwelling unit has been designed with the provision for adding central air conditioning at the occupant's discretion. Installation of central air conditioning by the occupant in low and medium density developments will allow windows and exterior doors to remain closed, thereby ensuring that the indoor sound levels are within the sound level limits of the Municipality and the Ministry of the Environment, Conservation and Parks."

Type D: "This dwelling unit has been equipped with central air conditioning in order to allow windows and exterior doors to remain closed, thereby ensuring that the indoor sound levels are within the sound level limits of the Municipality and the Ministry of the Environment, Conservation and Parks. Air conditioning units are to be installed in a noise insensitive area."

Given the proximity of the proposed buildings to the ETR and CP rail lines, it is required that the following warning clause be implemented in all development agreements, offers to Purchase, and agreements of Purchase or Sale or Lease of each affected dwelling unit (all units).

Warning Clause:

Essex Terminal Railway and Canadian Pacific Railway Company, or its assigns or successors in interest has or have a right-of-way within 300 meters from the land the subject hereof. There may be alterations to or expansions of the railway facilities on such rights-of-way in the future including the possibility that the railway or its assigns or successors as aforesaid may expand its operations, which expansion may affect the living environment of the residents in the vicinity, notwithstanding the inclusion of any noise and vibration attenuating measures in the design of the development and individual dwelling(s). ETR and CP will not be responsible for any complaints or claims arising from use of such facilities and/or operations on, over or under the aforesaid rights-of-way.

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**STC Requirements**

Given the excessive noise levels predicted at the proposed building PORs, the calculation of the minimum sound transmission class (STC) for the window and building wall components is necessary. The STC building requirements were determined for an assumed living room since the daytime is shown to have the greatest exceedance. The sound level at the plane of the window was taken to be 70 dBA at daytime to represent a worst-case scenario. Given that the excessive noise impacts are from the roadway noise, the STC requirements are calculated to achieve a 45 dBA daytime/evening indoor sound level limit for the living area. The window requirements were calculated for both an operable thick double/triple paned window and a sealed thick double-glazed window. As no specific building information was available, the typical living room was assumed to have a typical floor area of 120 m<sup>2</sup> with a window area of 7.5 m<sup>2</sup>. The program inputs and results for the STC calculations and assumption are given in Appendix G: STC Output Results. The building component STC requirements are given in Table 4.

**Table 4: Building Components STC Requirements**

Location Evaluated	Required STC for Building Exterior Walls	Required STC for Building Windows
Living Room	27	21 for operable thick double/triple paned
		24 for sealed thick double glazed

**Stationary Noise Sources**

The potential sources of stationary noise are from the nearby BASF Canada Inc. located southeast of the proposed development. It should be noted that this report assumes the BASF facility operates during the daytime and nighttime (24 hour) period. The noise limit for stationary noise is the higher of the existing ambient noise level without the stationary noise or the MECP exclusion sound level limits which are given in Table 5 below for stationary sources of sounds in a Class 2 area.

**Table 5: Ministry of the Environment and Climate Change Noise Criteria for a Class 2 Area**

Point of Reception Location	Daytime LA <sub>eq</sub> [dBA]	Evening LA <sub>eq</sub> [dBA]	Nighttime LA <sub>eq</sub> [dBA]
Outdoor (OLA)	50	45	--
Plane of Window	50	50	45

From Table 5, daytime refers to the period from 07:00 to 19:00, evening refers to the period from 19:00 to 23:00 and nighttime refers to the period from 23:00 to 07:00 hours.

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If required, because of impacts from stationary sources of noise, the following warning clause is to be implemented in all development agreements, offers to Purchase, and agreements of Purchase or Sale or Lease of each dwelling unit:

Warning Clause(s) (where applicable):

Type E: “Purchasers/tenants are advised that due to the proximity of the adjacent industry (facility) (utility), noise from the industry (facility) (utility) may at times be audible.”

**Evaluation of Stationary Noise Sources**

According to NPC-300 for sound from a stationary source, the sound level limit at a point of reception expressed in terms of the One-Hour Equivalent Sound Level (Leq) is the higher of the applicable exclusion limit as provided in Table 5 above or the background sound level for that point of reception. To evaluate the potential impacts from the industrial property, 72 hours of continuous noise monitoring was carried out on the property. A summary table showing the maximum and minimum sound levels is shown in Table 6. It should be noted that the measured noise levels also include any contributions from the nearby identified roadways, and therefore are conservative. The location of the noise monitor, a list of the monitoring equipment as well as the resulting measured noise data is given in Appendix H. Meteorological data is also included with the noise data. For all periods having a measured exceedance of the MECP exclusion limits, the recorded sound files were listened to. From these, it was verified that the audible sources of noise which contributed to the measured noise level exceedances were due to road traffic and other environmental noise (birds, aircraft, rail etc.) and not from the stationary sources of noise. This was verified during two site visits.

**Table 6: Measured One-Hour Equivalent Sound Level**

<b>Period</b>	<b>Max (dBA)</b>	<b>Min (dBA)</b>
Daytime	74.0	64.8
Nighttime	72.1	59.3

**Stationary Noise Results Summary**

From Table 6 it is shown that the sound levels measured at the proposed development site exceed the MECP exclusion sound level limits provided in Table 4 during the daytime and nighttime periods. However, the recorded data was used to verify that the audible sources of noise which contributed to the measured noise level exceedances were due to road traffic and other environmental noise (birds, aircraft, rail etc.). That is, no sources of stationary noise were audible. This observation is supported by the modelled traffic noise levels which are for the most part consistent with the measured noise. Given this, it is concluded that stationary noise was not found to have an adverse impact at the proposed residential receptor, and as such, no mitigation to control stationary noise is required.

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## Combined Results Summary



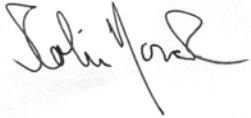
Table 7 summarizes the required warning clauses and building requirements, if any, for the building representing the proposed development. It is required that any necessary warning clauses be implemented in all development agreements, offers to Purchase, and agreements of Purchase or Sale or Lease as identified in Table 7.

**Table 7: Summary of Warning Clauses and Building Component Requirements**

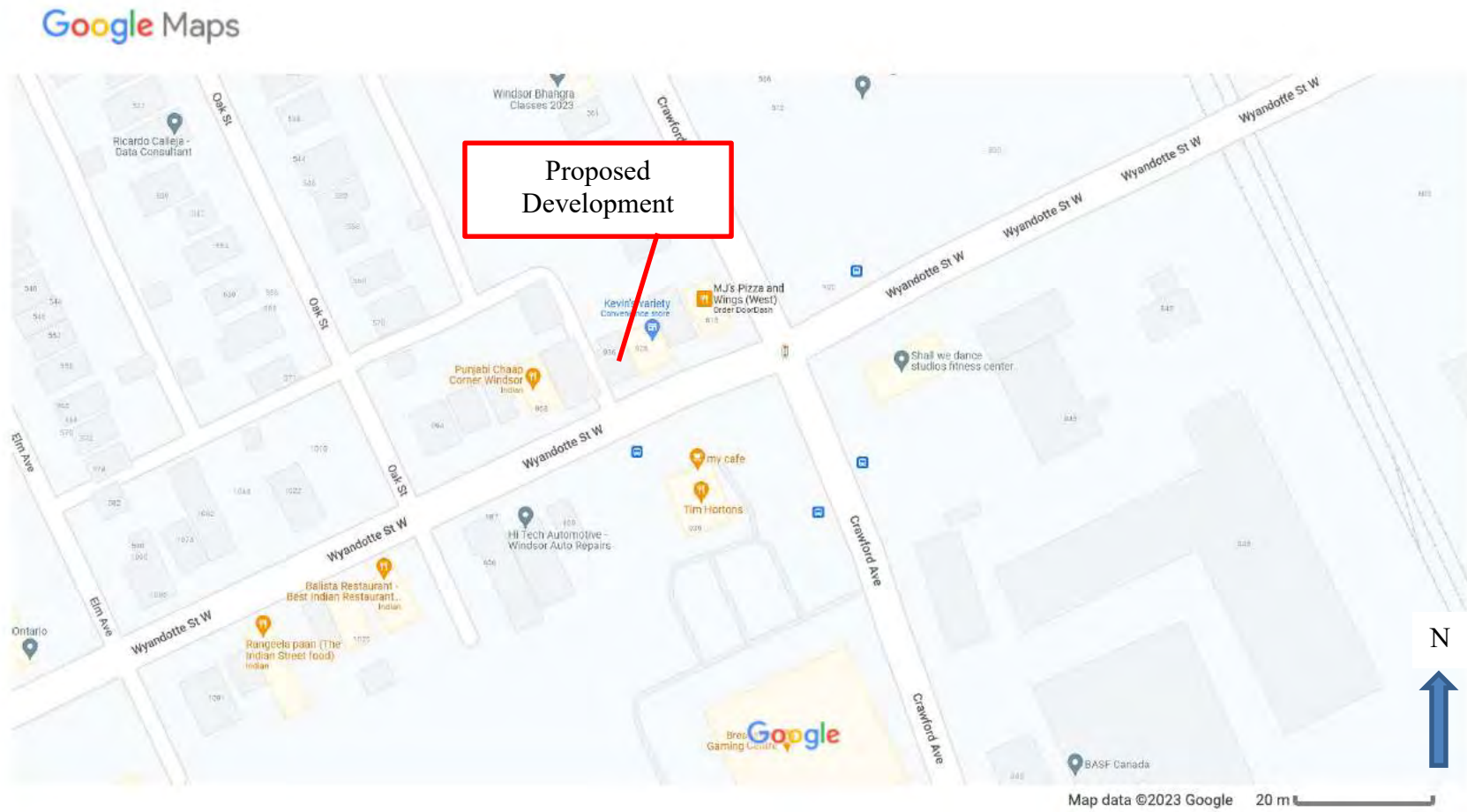
<b>POR</b>	<b>Noise Barrier Requirement (Y/N)</b>	<b>Warning Clause(s)</b>	<b>Building Component Requirement(s)</b>	<b>Ventilation Requirement(s)</b>
All	N	Type D, E, ETR/CP Rail	Minimum STC Rating for the following Building Components: Exterior Wall – 27 Window – 21 (operable thick double/triple paned) Window – 24 (sealed thick double glazed)	Installation of Central Air Conditioning

## Conclusion

The predicted noise impacts on the proposed development have been shown in this report to exceed the limits set by the Ontario Ministry of the Environment, Conservation and Parks. However, given that the noise impacts can be mitigated through appropriate building material design (STC), the installation of central air conditioning and warning clauses, it is recommended that the development be given approval with the understanding that the stated noise control measures are implemented.

For 		
	<b>Prepared by:</b> <b>Helen Ule, Ph.D., PEng</b>	<b>Reviewed by:</b> <b>Colin Novak, Ph.D., PEng</b>

## Appendix A: Facility Location and Noise Sources



**A1: Proposed Development Location**



A2: Aerial View of Proposed Development Location and POR's

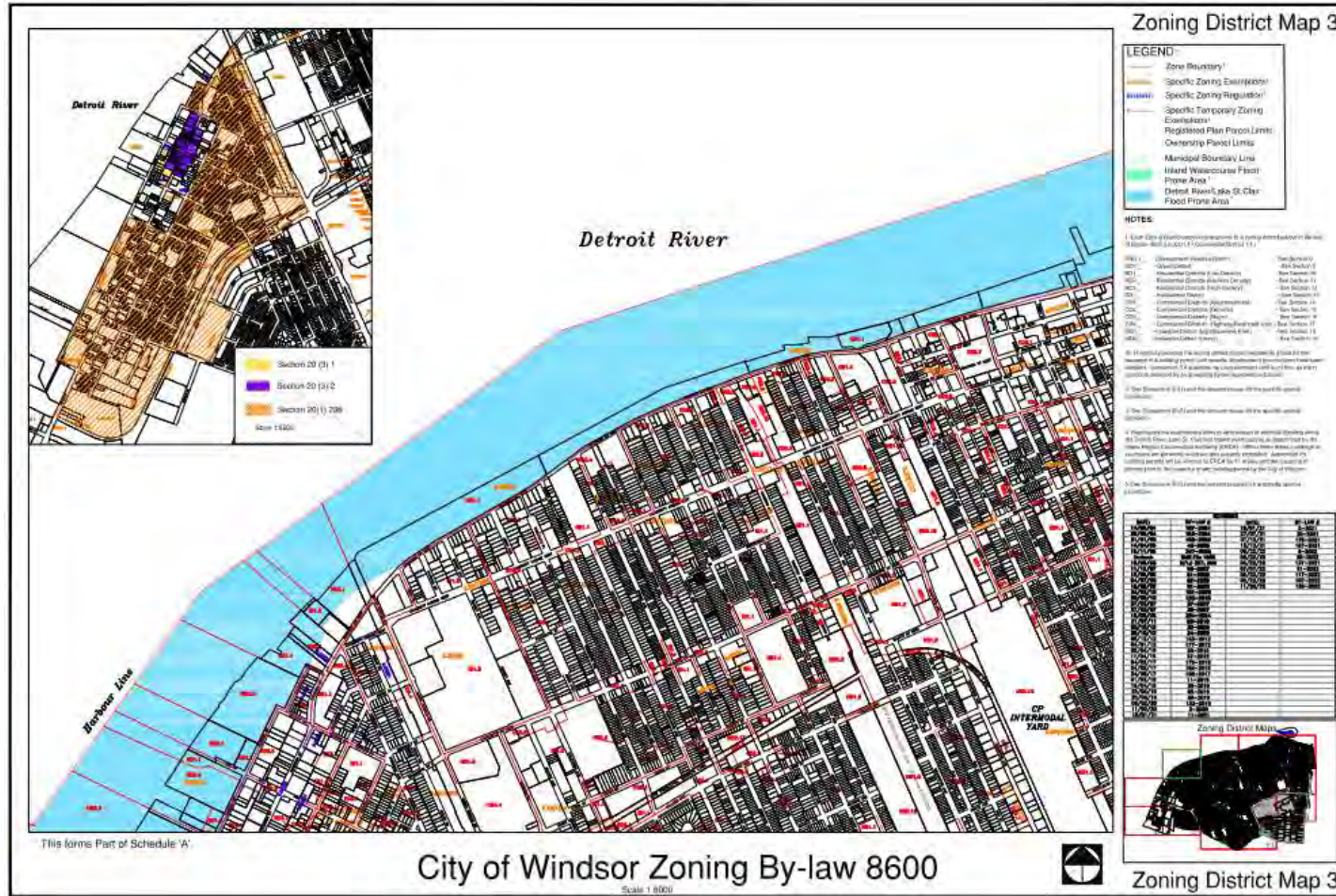




**A3: Aerial View of Proposed Development Location and Stationary Noise Source Location**

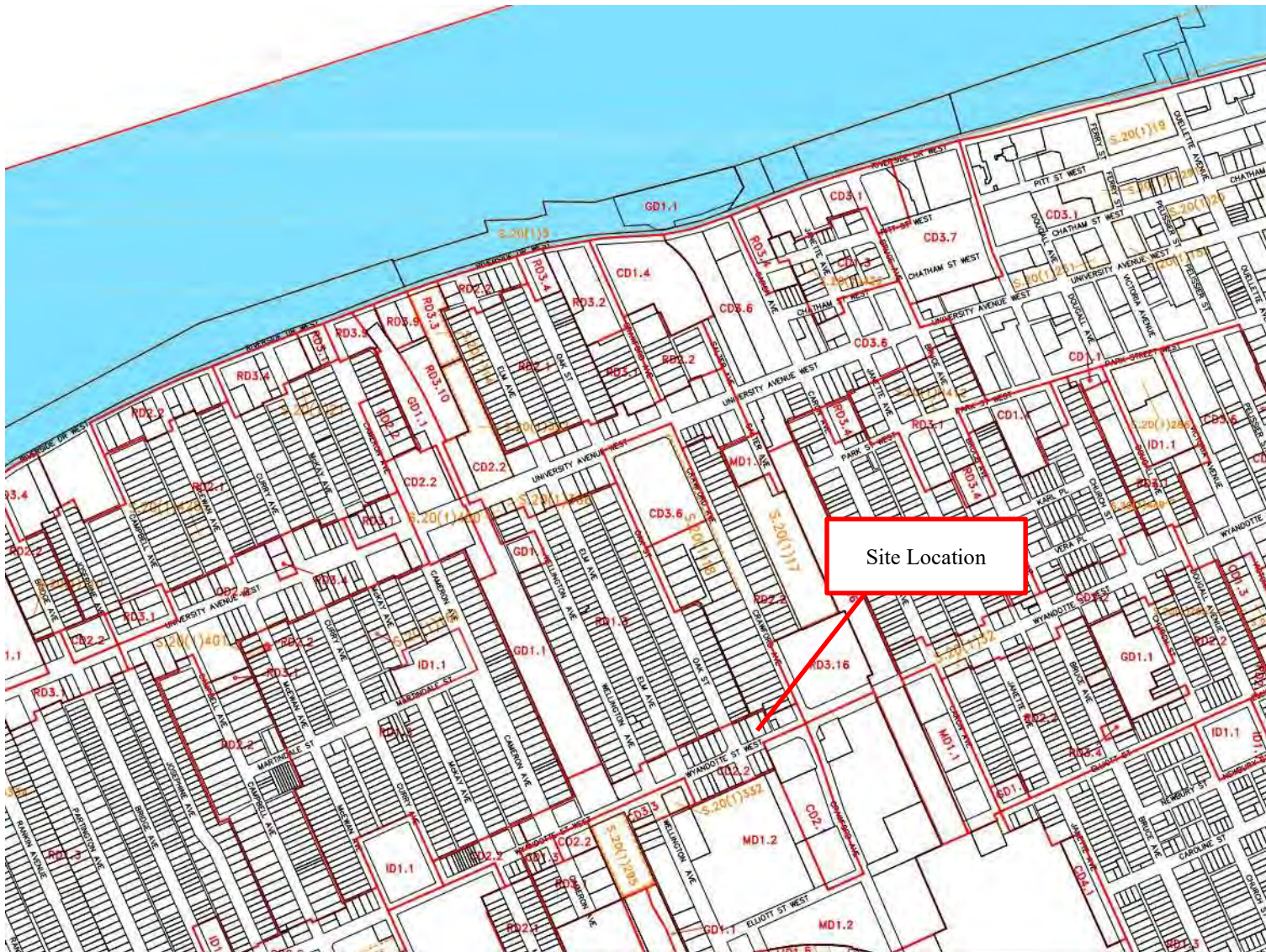


# Appendix B: Zoning By-law Map



B1: Zoning District Map – City of Windsor, Map 3





**B1: Zoning District Map – City of Windsor, Site Location**



## Appendix C: NPC-300 Reference Pages

for that point of reception. The outdoor sound level limits for stationary sources apply only to daytime and evening (07:00 – 23:00 hours). Sound level limits apply during the nighttime period (23:00 – 07:00) for the plane of the window of a noise sensitive space. In general, the outdoor points of reception will be protected during the nighttime as a consequence of meeting the sound level limits at the adjacent plane of window of noise sensitive spaces.

Note that for Class 1, 2 and 3 areas, the plane of window limits apply to a window that is assumed to be open. For Class 4 areas, the plane of window limits apply to a window which is assumed to be closed. This distinction does not affect the prediction of plane of window sound levels.

**Table B-1**  
**Exclusion Limit Values of One-Hour Equivalent Sound Level ( $L_{eq}$ , dBA)**  
**Outdoor Points of Reception**

Time of Day	Class 1 Area	Class 2 Area	Class 3 Area	Class 4 Area
07:00 – 19:00	50	50	45	55
19:00 – 23:00	50	45	40	55

**Table B-2**  
**Exclusion Limit Values of One-Hour Equivalent Sound Level ( $L_{eq}$ , dBA)**  
**Plane of Window of Noise Sensitive Spaces**

Time of Day	Class 1 Area	Class 2 Area	Class 3 Area	Class 4 Area
07:00 – 19:00	50	50	45	60
19:00 – 23:00	50	50	40	60
23:00 – 07:00	45	45	40	55

### **B7.2 Impulsive Sound – Outdoors and Plane of Window**

For impulsive sound, other than Quasi-Steady Impulsive Sound, from a stationary source, the sound level limit at a point of reception expressed in terms of the Logarithmic Mean Impulse Sound Level ( $L_{LM}$ ) is the higher of the applicable exclusion limit value given in Table B-3 or Table B-4, or the background sound level for that point of reception. The outdoor sound level limits for stationary sources apply only to daytime and evening (07:00 – 23:00 hours). Sound level limits apply during the nighttime period (23:00 – 07:00) for the plane of the window of a noise sensitive space. In general, the outdoor points of reception will be protected during the nighttime as a consequence of meeting the sound level limits at the adjacent plane of window of noise sensitive spaces.

Notwithstanding Publication NPC-103, Reference [29], the following sound level limits in Table B-3 and Table B-4 below apply to impulsive sound:

### **C 1: Exclusion Limit Values for Stationary Sources**

In addition, sound level limits do not apply to emergency equipment operating in emergency situations.

#### **B7.4 Sound Level Limits for Layover Sites**

The sound level limit for noise from a layover site in any hour, expressed in terms of the One-Hour Equivalent Sound Level ( $L_{eq}$ ) is the higher of either 55 dBA or the background sound level.

#### **B8 Noise Impact Assessment – Multiple Sources**

Impulse sources, non-impulse sources and emergency equipment are to be analyzed separately. Where there are multiple, non-impulse sources at a stationary source, the noise assessment needs to be based on the combined effect of all sources comprising the stationary source, added together on an energy basis.

#### **B9 Determination of Area Class**

Area classification refers to the receptor location.

##### **B9.1 Class 1, 2 and 3 Areas**

Determination of whether an area is Class 1, 2 or 3 can usually be done by determining the proximity of the point of reception to roads, the volumes of road traffic (and associated sound levels), and the nature of land uses and activities (or lack thereof) in the area, as a function of time.

##### **B9.2 Class 4 Area**

Class 4 area classification is based on the principle of formal confirmation of the classification by the land use planning authority. Such confirmation would be issued at the discretion of the land use planning authority and under the procedures developed by the land use planning authority, in the exercise of its responsibility and authority under the Planning Act.

The following considerations apply to new noise sensitive land uses proposed in a Class 4 area:

- an appropriate noise impact assessment should be conducted for the land use planning authority as early as possible in the land use planning process that verifies that the applicable sound level limits will be met;
- noise control measures may be required to ensure the stationary source complies with the applicable sound level limits at the new noise sensitive land use;

## **C 2: Determination of Area Class**



$L_{eq}$  (8). For complete description on assessing road traffic impacts, refer to ORNAMENT. Other traffic noise prediction models have been and are being developed by various authorities and may be adopted from time to time for use in Ontario by the MOE.

In order to be consistent with MOE guidelines, the sound level should be assessed in an OLA, such as a rear yard or a patio, and in indoor living areas, such as bedrooms and living rooms. Where the noise impact exceeds the applicable sound level limits, mitigation measures such as site planning, architectural design, noise barriers, building envelope elements (windows, exterior walls, doors) with upgraded sound isolation performance and/or central air conditioning may be required. Noise control measures are not required if the sound level estimated in the OLA is 55 dBA or less during the daytime and 50 dBA or less in the plane of bedroom windows during either daytime or nighttime.

**C3.2.2 Daytime Outdoor Sound Level Limit**

Table C-1 gives the equivalent sound level ( $L_{eq}$ ) limit for designated OLAs. The limit applies to the entire daytime period from 07:00 to 23:00.

**Table C-1  
Sound Level Limit for Outdoor Living Areas  
Road and Rail**

Time Period	$L_{eq}$ (16) (dBA)
16-hour, 07:00 – 23:00	55

**C3.2.3 Indoor Sound Level Limits**

Table C-2 gives the equivalent sound level ( $L_{eq}$ ) limits and the applicable time periods for the indicated types of indoor spaces. The specified indoor sound level limits are maxima and apply to the indicated indoor spaces with windows and doors closed.

**Table C-2  
Indoor Sound Level Limits  
Road and Rail**

Type of Space	Time Period	$L_{eq}$ (dBA)	
		Road	Rail
Living/dining, den areas of residences, hospitals, nursing homes, schools, daycare centres, etc.	07:00 – 23:00	45	40
Living/dining, den areas of residences, hospitals, nursing homes, etc. (except schools or daycare centres)	23:00 – 07:00	45	40
Sleeping quarters	07:00 – 23:00	45	40

**C 3: Daytime Outdoor and Daytime/Nighttime Indoor Sound Level Limits**

**Table C-10  
Supplementary Indoor Aircraft Noise Limits  
(Applicable over 24-hour period)**

Type of Space	Indoor NEF/NEP*
General offices, reception areas, retail stores, etc.	15
Individual or semi-private offices, conference rooms, etc.	10
Living/dining areas of residences, sleeping quarters of hotels/motels, theatres, libraries, schools, daycare centres, places of worship, etc.	5
Sleeping quarters of residences, hospitals, nursing/retirement homes, etc.	0

\* The indoor NEF/NEP values listed in Table C-10 are not obtained from NEF/NEP contour maps. The values are representative of the indoor sound levels and are used as assessment criteria for the evaluation of acoustical insulation requirements.

## C7 Noise Control Measures

The following sections provide MOE guidance for appropriate noise control measures. These sections constitute requirements that are applied to MOE approvals for stationary sources. This information is also provided as guidance which land use planning authorities may consider adopting.

The definition in Part A describes the various types and application of noise control measures. All the noise control measures described in the definition are appropriate to address the impact of noise of transportation sources (road, rail and aircraft) on planned sensitive land uses. Only some of the noise control measures described in the definition are appropriate to address the noise impact of stationary sources on planned sensitive land uses.

### C7.1 Road Noise Control Measures

#### C7.1.1 Outdoor Living Areas

If the 16-Hour Equivalent Sound Level,  $L_{eq}(16)$  in the OLA is greater than 55 dBA and less than or equal to 60 dBA, noise control measures may be applied to reduce the sound level to 55 dBA. If measures are not provided, prospective purchasers or tenants should be informed of potential noise problems by a warning clause Type A.

If the 16-Hour Equivalent Sound Level,  $L_{eq}(16)$  in the OLA is greater than 60 dBA, noise control measures should be implemented to reduce the level to 55 dBA. Only in cases where the required noise control measures are not feasible for technical, economic or administrative reasons would an excess above the limit (55 dBA) be acceptable with a warning clause Type B. In the above situations, any excess above the limit will not be acceptable if it exceeds 5 dBA.



### **C7.1.2 Plane of a Window – Ventilation Requirements**

#### **C7.1.2.1 Daytime Period, 07:00 – 23:00 Hours**

Noise control measures may not be required if the  $L_{eq}(16)$  daytime sound level in the plane of a bedroom or living/dining room window is less than or equal to 55 dBA. If the sound level in the plane of a bedroom or living/dining room window is greater than 55 dBA and less than or equal to 65 dBA, the dwelling should be designed with a provision for the installation of central air conditioning in the future, at the occupant's discretion. Warning clause Type C is also recommended.

If the daytime sound level in the plane of a bedroom or living/dining room window is greater than 65 dBA, installation of central air conditioning should be implemented with a warning clause Type D. In addition, building components including windows, walls and doors, where applicable, should be designed so that the indoor sound levels comply with the sound level limits in Table C-2. The location and installation of the outdoor air conditioning device should comply with sound level limits of Publication NPC-216, Reference [32], and guidelines contained in Environmental Noise Guidelines for Installation of Residential Air Conditioning Devices, Reference [6], or should comply with other criteria specified by the municipality.

#### **C7.1.2.2 Nighttime Period, 23:00 – 07:00 Hours**

Noise control measures may not be required if the  $L_{eq}(8)$  nighttime sound level in the plane of a bedroom or living/dining room window is less than or equal to 50 dBA. If the sound level in the plane of a bedroom or living/dining room window is greater than 50 dBA and less than or equal to 60 dBA, the dwelling should be designed with a provision for the installation of central air conditioning in the future, at the occupant's discretion. Warning clause Type C is also recommended.

If the nighttime sound level in the plane of a bedroom or living/dining room window is greater than 60 dBA, installation of central air conditioning should be implemented, with a warning clause Type D. In addition, building components including windows, walls and doors, where applicable, should be designed so that the indoor sound levels comply with the sound level limits in Table C-2. The location and installation of the outdoor air conditioning device should comply with sound level limits of Publication NPC-216, Reference [32], and guidelines contained in Environmental Noise Guidelines for Installation of Residential Air Conditioning Devices, Reference [6], or should comply with other criteria specified by the municipality.

### **C7.1.3 Indoor Living Areas – Building Components**

If the nighttime sound level outside the bedroom or living/dining room windows exceeds 60 dBA or the daytime sound level outside the bedroom or living/dining area windows exceeds 65 dBA, building components including windows, walls and doors, where applicable, should be designed so that the indoor sound levels comply with the

sound level limits in Table C-2. The acoustical performance of the building components (windows, doors and walls) should be specified.

## **C7.2 Rail Noise Control Measures**

### **C7.2.1 Outdoor Living Areas**

Whistle noise is not included in the determination of the outdoor daytime sound level due to railway trains. All the provisions of Section C7.1.1 apply also to noise control requirements for rail noise.

### **C7.2.2 Plane of a Window – Ventilation Requirements**

Whistle noise is not included in the determination of the sound level in the plane of a window. All the provisions of Section C7.1.2 apply also to noise control requirements for rail noise.

### **C7.2.3 Indoor Living Areas – Building Components**

The sound level,  $L_{eq}$ , during the daytime (16-hour) and nighttime (8-hour) periods is determined using the prediction method STEAM, Reference [34], immediately outside the dwelling envelope. Whistle noise is included in the determination of the sound level.

If the nighttime sound level outside the bedroom or living/dining room windows exceeds 55 dBA or the daytime sound level outside the bedroom or living/dining area windows exceeds 60 dBA, building components including windows, walls and doors, where applicable, need to be designed so that the indoor sound levels comply with the sound level limits in Table C-2. The acoustical performance of the building components (windows, doors and walls) needs to be specified.

In addition, the exterior walls of the first row of dwellings next to railway tracks are to be built to a minimum of brick veneer or masonry equivalent construction, from the foundation to the rafters when the rail traffic  $L_{eq}$  (24-hour), estimated at a location of a nighttime receptor, is greater than 60 dBA, and when the first row of dwellings is within 100 metres of the tracks.

## **C7.3 Combination of Road and Rail Noise**

The noise impact in the OLA and in the plane of a window, and the requirements for outdoor measures, ventilation measures and warning clauses, should be determined by combining road and rail traffic sound levels.

The assessment of the indoor sound levels and the resultant requirement for the acoustical descriptors of the building components should be done separately for road



In Class 4 areas, where windows for noise sensitive spaces are assumed to be closed, the use of central air conditioning may be acceptable if it forms an essential part of the overall building designs.

#### **C7.9 Verification of Noise Control Measures**

It is recommended that the implementation of noise control measures be verified by qualified individuals with experience in environmental acoustics.

### **C8 Warning Clauses**

The use of warning clauses or easements in respect of noise are recommended when circumstances warrant. Noise warning clauses may be used to warn of potential annoyance due to an existing source of noise and/or to warn of excesses above the sound level limits. Direction on the use of warning clauses should be included in agreements that are registered on title to the lands in question. The warning clauses would be included in agreements of Offers of Purchase and Sale, lease/rental agreements and condominium declarations. Alternatively, the use of easements in respect of noise may be appropriate in some circumstances. Additional guidance on the use of noise warning clauses is provided in Section C7.1.1, Section C7.1.2.1, Section C7.1.2.2, Section C7.3 and Section C7.4.

#### **C8.1 Transportation Sources**

The following warning clauses may be used individually or in combination:

TYPE A: (see Section C7.1.1)

“Purchasers/tenants are advised that sound levels due to increasing road traffic (rail traffic) (air traffic) may occasionally interfere with some activities of the dwelling occupants as the sound levels exceed the sound level limits of the Municipality and the Ministry of the Environment.”

TYPE B: (see Section C7.1.1 and Section C7.4)

“Purchasers/tenants are advised that despite the inclusion of noise control features in the development and within the building units, sound levels due to increasing road traffic (rail traffic) (air traffic) may on occasions interfere with some activities of the dwelling occupants as the sound levels exceed the sound level limits of the Municipality and the Ministry of the Environment.”

TYPE C: (see Section C7.1.2.1, Section C7.1.2.2 and Section C7.4)

“This dwelling unit has been designed with the provision for adding central air conditioning at the occupant’s discretion. Installation of

## **C 6: Noise Control Measures – Warning Clauses**

central air conditioning by the occupant in low and medium density developments will allow windows and exterior doors to remain closed, thereby ensuring that the indoor sound levels are within the sound level limits of the Municipality and the Ministry of the Environment.”

TYPE D: (see Section C7.1.2.1, Section C7.1.2.2 and Section C7.4)

“This dwelling unit has been supplied with a central air conditioning system which will allow windows and exterior doors to remain closed, thereby ensuring that the indoor sound levels are within the sound level limits of the Municipality and the Ministry of the Environment.”

### **C8.2 Stationary Sources**

It is not acceptable to use warning clauses in place of physical noise control measures to identify an excess over the MOE sound level limits. Warning clause (Type E) for stationary sources may identify a potential concern due to the proximity of the facility but it is not acceptable to justify exceeding the sound level limits.

TYPE E: (see Section C7.6)

“Purchasers/tenants are advised that due to the proximity of the adjacent industry (facility) (utility), noise from the industry (facility) (utility) may at times be audible.”

### **C8.3 Class 4 Area Notification**

TYPE F: (see Section B9.2 and Section C4.4.2)

“Purchasers/tenants are advised that sound levels due to the adjacent industry (facility) (utility) are required to comply with sound level limits that are protective of indoor areas and are based on the assumption that windows and exterior doors are closed. This dwelling unit has been supplied with a ventilation/air conditioning system which will allow windows and exterior doors to remain closed.”

## **C 7: Noise Control Measures – Warning Clauses**

## Appendix D: Noise Model Printout for POR3

STAMSON 5.0                    NORMAL REPORT                    Date: 26-01-2023 11:35:10  
 MINISTRY OF ENVIRONMENT AND ENERGY / NOISE ASSESSMENT

Filename: por145.te                    Time Period: Day/Night 16/8 hours  
 Description: POR3 4.5m

Rail data, segment # 1: ETR (day/night)

```
-----
Train          ! Trains      ! Speed !# loc !# Cars! Eng  !Cont
Type          !             ! (km/h) !/Train! /Train! type !weld
-----+-----+-----+-----+-----+-----
  1.          !   5.2/0.0   !  16.0 !  2.0 ! 30.0 !Diesel! Yes
```

Data for Segment # 1: ETR (day/night)

```
-----
Angle1  Angle2      : -10.00 deg   90.00 deg
Wood depth      :           0   (No woods.)
No of house rows :           1 / 0
Surface         :           1   (Absorptive ground surface)
Receiver source distance : 384.00 / 384.00 m
Receiver height  :    4.50 / 4.50 m
Topography       :           1   (Flat/gentle slope; no barrier)
No Whistle
Reference angle  :           0.00
```

Results segment # 1: ETR (day)

```
-----
LOCOMOTIVE (0.00 + 32.48 + 0.00) = 32.48 dBA
Angle1 Angle2  Alpha RefLeq  D.Adj  F.Adj  W.Adj  H.Adj  B.Adj SubLeq
-----
  -10    90    0.50  61.04 -21.05  -3.59   0.00  -3.92   0.00  32.48
-----
```

```
-----
WHEEL (0.00 + 15.77 + 0.00) = 15.77 dBA
Angle1 Angle2  Alpha RefLeq  D.Adj  F.Adj  W.Adj  H.Adj  B.Adj SubLeq
-----
  -10    90    0.60  45.98 -22.53  -3.75   0.00  -3.92   0.00  15.77
-----
```

Segment Leq : 32.57 dBA

Total Leq All Segments: 32.57 dBA

Results segment # 1: ETR (night)

-----

LOCOMOTIVE (0.00 + -24.64 + 0.00) = 0.00 dBA

Angle1	Angle2	Alpha	RefLeq	D.Adj	F.Adj	W.Adj	H.Adj	B.Adj	SubLeq
-10	90	0.50	0.00	-21.05	-3.59	0.00	0.00	0.00	-24.64

-----

WHEEL (0.00 + -26.29 + 0.00) = 0.00 dBA

Angle1	Angle2	Alpha	RefLeq	D.Adj	F.Adj	W.Adj	H.Adj	B.Adj	SubLeq
-10	90	0.60	0.00	-22.53	-3.75	0.00	0.00	0.00	-26.29

-----

Segment Leq : 0.00 dBA

Total Leq All Segments: 0.00 dBA

Road data, segment # 1: Wyandotte (day/night)

-----

Car traffic volume : 15104/1678 veh/TimePeriod  
 Medium truck volume : 1066/118 veh/TimePeriod  
 Heavy truck volume : 1599/178 veh/TimePeriod  
 Posted speed limit : 50 km/h  
 Road gradient : 0 %  
 Road pavement : 1 (Typical asphalt or concrete)

Data for Segment # 1: Wyandotte (day/night)

-----

Angle1 Angle2 : -90.00 deg 90.00 deg  
 Wood depth : 0 (No woods.)  
 No of house rows : 0 / 0  
 Surface : 1 (Absorptive ground surface)  
 Receiver source distance : 15.00 / 15.00 m  
 Receiver height : 4.50 / 4.50 m  
 Topography : 1 (Flat/gentle slope; no barrier)  
 Reference angle : 0.00



Road data, segment # 2: Craw S (day/night)

-----  
Car traffic volume : 12346/1372 veh/TimePeriod  
Medium truck volume : 872/97 veh/TimePeriod  
Heavy truck volume : 1307/145 veh/TimePeriod  
Posted speed limit : 50 km/h  
Road gradient : 0 %  
Road pavement : 1 (Typical asphalt or concrete)

Data for Segment # 2: Craw S (day/night)

-----  
Angle1 Angle2 : -70.00 deg 10.00 deg  
Wood depth : 0 (No woods.)  
No of house rows : 0 / 0  
Surface : 1 (Absorptive ground surface)  
Receiver source distance : 42.00 / 42.00 m  
Receiver height : 4.50 / 4.50 m  
Topography : 1 (Flat/gentle slope; no barrier)  
Reference angle : 0.00

Road data, segment # 3: Wellington (day/night)

-----  
Car traffic volume : 1420/316 veh/TimePeriod  
Medium truck volume : 101/22 veh/TimePeriod  
Heavy truck volume : 150/34 veh/TimePeriod  
Posted speed limit : 50 km/h  
Road gradient : 0 %  
Road pavement : 1 (Typical asphalt or concrete)

Data for Segment # 3: Wellington (day/night)

-----  
Angle1 Angle2 : -90.00 deg 0.00 deg  
Wood depth : 0 (No woods.)  
No of house rows : 0 / 0  
Surface : 1 (Absorptive ground surface)  
Receiver source distance : 223.00 / 223.00 m  
Receiver height : 4.50 / 4.50 m  
Topography : 1 (Flat/gentle slope; no barrier)  
Reference angle : 0.00

Road data, segment # 4: College (day/night)

```

-----
Car traffic volume : 4319/480 veh/TimePeriod
Medium truck volume : 305/34 veh/TimePeriod
Heavy truck volume : 457/51 veh/TimePeriod
Posted speed limit : 50 km/h
Road gradient : 0 %
Road pavement : 1 (Typical asphalt or concrete)

```

Data for Segment # 4: College (day/night)

```

-----
Angle1 Angle2 : 0.00 deg 90.00 deg
Wood depth : 0 (No woods.)
No of house rows : 0 / 0
Surface : 1 (Absorptive ground surface)
Receiver source distance : 460.00 / 460.00 m
Receiver height : 4.50 / 4.50 m
Topography : 1 (Flat/gentle slope; no barrier)
Reference angle : 0.00

```

Results segment # 1: Wyandotte (day)

Source height = 1.73 m

ROAD (0.00 + 69.94 + 0.00) = 69.94 dBA

Angle1	Angle2	Alpha	RefLeq	P.Adj	D.Adj	F.Adj	W.Adj	H.Adj	B.Adj
-90	90	0.56	71.23	0.00	0.00	-1.29	0.00	0.00	0.00

```

-----
--
69.94
-----
--

```

Segment Leq : 69.94 dBA

Results segment # 2: Craw S (day)

Source height = 1.73 m

ROAD (0.00 + 59.25 + 0.00) = 59.25 dBA

Angle1	Angle2	Alpha	RefLeq	P.Adj	D.Adj	F.Adj	W.Adj	H.Adj	B.Adj
-70	10	0.56	70.35	0.00	-6.99	-4.11	0.00	0.00	0.00

```

-----
--
59.25
-----
--

```

Segment Leq : 59.25 dBA

Results segment # 3: Wellington (day)

-----

Source height = 1.73 m

ROAD (0.00 + 38.33 + 0.00) = 38.33 dBA

Angle1	Angle2	Alpha	RefLeq	P.Adj	D.Adj	F.Adj	W.Adj	H.Adj	B.Adj
--------	--------	-------	--------	-------	-------	-------	-------	-------	-------

SubLeq

-----

--									
-90	0	0.56	60.96	0.00	-18.32	-4.30	0.00	0.00	0.00
38.33									

-----

--

Segment Leq : 38.33 dBA

Results segment # 4: College (day)

-----

Source height = 1.73 m

ROAD (0.00 + 38.25 + 0.00) = 38.25 dBA

Angle1	Angle2	Alpha	RefLeq	P.Adj	D.Adj	F.Adj	W.Adj	H.Adj	B.Adj
--------	--------	-------	--------	-------	-------	-------	-------	-------	-------

SubLeq

-----

--									
0	90	0.56	65.79	0.00	-23.24	-4.30	0.00	0.00	0.00
38.25									

-----

--

Segment Leq : 38.25 dBA

Total Leq All Segments: 70.30 dBA

Results segment # 1: Wyandotte (night)

-----

Source height = 1.73 m

ROAD (0.00 + 63.41 + 0.00) = 63.41 dBA

Angle1	Angle2	Alpha	RefLeq	P.Adj	D.Adj	F.Adj	W.Adj	H.Adj	B.Adj
--------	--------	-------	--------	-------	-------	-------	-------	-------	-------

SubLeq

-----

--									
-90	90	0.56	64.70	0.00	0.00	-1.29	0.00	0.00	0.00
63.41									

-----

--

Segment Leq : 63.41 dBA

Results segment # 2: Craw S (night)

-----

Source height = 1.73 m

ROAD (0.00 + 52.71 + 0.00) = 52.71 dBA

Angle1	Angle2	Alpha	RefLeq	P.Adj	D.Adj	F.Adj	W.Adj	H.Adj	B.Adj
--------	--------	-------	--------	-------	-------	-------	-------	-------	-------

-----

--									
-70	10	0.56	63.81	0.00	-6.99	-4.11	0.00	0.00	0.00
52.71									

-----

--

Segment Leq : 52.71 dBA

Results segment # 3: Wellington (night)

-----

Source height = 1.74 m

ROAD (0.00 + 34.87 + 0.00) = 34.87 dBA

Angle1	Angle2	Alpha	RefLeq	P.Adj	D.Adj	F.Adj	W.Adj	H.Adj	B.Adj
--------	--------	-------	--------	-------	-------	-------	-------	-------	-------

SubLeq

-----

--									
-90	0	0.56	57.49	0.00	-18.32	-4.30	0.00	0.00	0.00
34.87									

-----

--

Segment Leq : 34.87 dBA

Results segment # 4: College (night)

-----

Source height = 1.73 m

ROAD (0.00 + 31.74 + 0.00) = 31.74 dBA

Angle1	Angle2	Alpha	RefLeq	P.Adj	D.Adj	F.Adj	W.Adj	H.Adj	B.Adj
--------	--------	-------	--------	-------	-------	-------	-------	-------	-------

SubLeq

-----

--									
0	90	0.56	59.27	0.00	-23.24	-4.30	0.00	0.00	0.00
31.74									

-----

--

Segment Leq : 31.74 dBA

Total Leq All Segments: 63.77 dBA

TOTAL Leq FROM ALL SOURCES (DAY): 70.30

(NIGHT): 63.77

## Appendix E: Road Traffic Volume Data

**E 1: Predicted Wyandotte Street West Traffic Volumes (2% growth rate per annum)**

Year	Road	Location	ADT
2016	Wyandotte St. W	East of Wellington	14100
2033	Sandwich St.	South of Chippawa St.	19743

**E 2: Predicted Crawford Traffic Volumes (2% growth rate per annum)**

Year	Road	Location	ADT
2015	Crawford	South of University	4300
2033	Crawford	South of University	6141

**E 3: Predicted Crawford Traffic Volumes (2% growth rate per annum)**

Year	Road	Location	ADT
2015	Crawford	South of Wyandotte	4300
2033	Crawford	South of Wyandotte	16139

**E 4: Predicted Wellington Traffic Volumes (2% growth rate per annum)**

Year	Road	Location	ADT
2015	Wellington	North of College	1300
2033	Wellington	North of College	1857

**E 5: Predicted College Traffic Volumes (2% growth rate per annum)**

Year	Road	Location	ADT
2013	College	West of Crawford	3800
2033	College	West of Crawford	5646

**E 6: Predicted Traffic Volumes (Wyandotte St. W) per Period and Breakdown of Cars, Medium Trucks and Heavy Trucks**

Period	Auto Traffic Volume (Vehicles/hr)	Medium Truck Traffic Volume (Vehicles/hr)	Heavy Truck Traffic Volume (Vehicles/hr)
Day (16 hours)	944	67	100
Night (8 hours)	210	15	22

**E 7: Predicted Traffic Volumes (Crawford – South of University) per Period and Breakdown of Cars, Medium Trucks and Heavy Trucks**

Period	Auto Traffic Volume (Vehicles/hr)	Medium Truck Traffic Volume (Vehicles/hr)	Heavy Truck Traffic Volume (Vehicles/hr)
Day (16 hours)	294	42	31
Night (8 hours)	65	5	7

**E 8: Predicted Traffic Volumes (Crawford – South of Wyandotte) per Period and Breakdown of Cars, Medium Trucks and Heavy Trucks**

Period	Auto Traffic Volume (Vehicles/hr)	Medium Truck Traffic Volume (Vehicles/hr)	Heavy Truck Traffic Volume (Vehicles/hr)
Day (16 hours)	772	55	82
Night (8 hours)	172	12	18

**E 9: Predicted Traffic Volumes (Wellington) per Period and Breakdown of Cars, Medium Trucks and Heavy Trucks**

Period	Auto Traffic Volume (Vehicles/hr)	Medium Truck Traffic Volume (Vehicles/hr)	Heavy Truck Traffic Volume (Vehicles/hr)
Day (16 hours)	89	6	9
Night (8 hours)	40	3	4

**E 10: Predicted Traffic Volumes (College) per Period and Breakdown of Cars, Medium Trucks and Heavy Trucks**

Period	Auto Traffic Volume (Vehicles/hr)	Medium Truck Traffic Volume (Vehicles/hr)	Heavy Truck Traffic Volume (Vehicles/hr)
Day (16 hours)	270	19	29
Night (8 hours)	60	4	6

**E 11: Distance from Roadway to Selected Representative PORs**

POR-height	Distance to Wyandotte West (m)	Distance to Crawford (South of Wyandotte) (m)	Distance to Crawford (North of Wyandotte) (m)	Distance to Wellington (m)	Distance to College (m)
1-1.5 3-4.5	15.0 (minimum)	42	N/A	223	460
2-4.5	15.0 (minimum)	41	41	N/A	N/A



## **Appendix F: Rail Traffic Volume Data**

**F 1: ETR Rail Train Volume Data Modelled for 2033**

	Number of Trains	Max Speed (km/h)	Number of Locomotive per Train	Number of Cars per Train	Engine Type
Day	5.25	16	2	30	Diesel
Night	0				Diesel

**F 2: Distance from ETR Rail Line to Selected Representative PORs**

POR-Height	Distance to Railway (m)
1-1.5 3-4.5	384
2-4.5	N/A

## Appendix G: STC Output Results

```

Indoor sound level in dB(A) is 45
Room absorption category is: intermediate
Outdoor sound level is 70 dB(A) (plus 0 dB from Table 2)

Components:
      After   From Table 3   From Table 4   From Table 5   STC
      Step 2   (% energy)     (% floor area) (spectrum)
-----
1. Exterior wall      25   +3 dB ( 50 %)   -8 dB ( 13 %)   +7 dB          27
2. Window, openable thick d 25   +3 dB ( 50 %)   -11 dB ( 6 %)   +4 dB          21

Calculation is for: LR
  
```

G 1: STC Results for Daytime Living Room – Openable Window

```

Indoor sound level in dB(A) is 45
Room absorption category is: intermediate
Outdoor sound level is 70 dB(A) (plus 0 dB from Table 2)

Components:
      After   From Table 3   From Table 4   From Table 5   STC
      Step 2   (% energy)     (% floor area) (spectrum)
-----
1. Exterior wall      25   +3 dB ( 50 %)   -8 dB ( 13 %)   +7 dB          27
2. Window, sealed thick dou 25   +3 dB ( 50 %)   -11 dB ( 6 %)   +7 dB          24

Calculation is for: LR
  
```

G 2: STC Results for Daytime Living Room – Sealed Window

## Appendix H: Logged Ambient Noise Data with Equipment Details

Start Time	Elapsed Time	LAeq	Temp (°C)	Rel Hum (%)	Wind Spd (km/h)	Period
2022-10-31 11:00	01:00:00	67.6	15.4	96	21	Day
2022-10-31 12:00	01:00:00	67.6	15.3	98	18	Day
2022-10-31 13:00	01:00:00	67.8	16.6	95	18	Day
2022-10-31 14:00	01:00:00	74.0	17	92	17	Day
2022-10-31 15:00	01:00:00	68.3	16.6	92	26	Day
2022-10-31 16:00	01:00:00	68.1	16.3	95	13	Day
2022-10-31 17:00	01:00:00	67.4	15.9	94	9	Day
2022-10-31 18:00	01:00:00	66.2	15.3	98	9	Day
2022-10-31 19:00	01:00:00	67.6	14.9	96	5	Day
2022-10-31 20:00	01:00:00	66.2	14.8	93	13	Day
2022-10-31 21:00	01:00:00	65.2	14.8	96	13	Day
2022-10-31 22:00	01:00:00	64.8	14.1	95	11	Day
2022-10-31 23:00	01:00:00	65.6	12.9	98	8	Night
2022-11-01	01:00:00	72.1	13.2	98	4	Night
2022-11-01 1:00	01:00:00	63.0	13.5	99	8	Night
2022-11-01 2:00	01:00:00	62.0	13.1	99	5	Night
2022-11-01 3:00	01:00:00	59.3	13.4	99	8	Night
2022-11-01 4:00	01:00:00	60.5	13.4	100	13	Night
2022-11-01 5:00	01:00:00	61.4	13.9	98	18	Night
2022-11-01 6:00	01:00:00	64.2	13.6	96	8	Night
2022-11-01 7:00	01:00:00	65.5	13.6	96	13	Day
2022-11-01 8:00	01:00:00	66.7	13.7	86	18	Day
2022-11-01 9:00	01:00:00	67.0	13.2	83	9	Day
2022-11-01 10:00	01:00:00	67.3	15.5	68	17	Day
2022-11-01 11:00	01:00:00	67.0	16.9	57	17	Day
2022-11-01 12:00	01:00:00	66.6	18.2	53	15	Day
2022-11-01 13:00	01:00:00	71.7	19.3	51	18	Day
2022-11-01 14:00	01:00:00	71.2	19.9	44	17	Day
2022-11-01 15:00	01:00:00	67.6	19.7	48	9	Day
2022-11-01 16:00	01:00:00	67.3	19.8	44	9	Day
2022-11-01 17:00	01:00:00	68.7	17.9	48	11	Day
2022-11-01 18:00	01:00:00	70.6	13.4	83	11	Day
2022-11-01 19:00	01:00:00	73.4	11.3	90	5	Day
2022-11-01 20:00	01:00:00	67.0	11.2	90	5	Day
2022-11-01 21:00	01:00:00	66.9	9.4	95	4	Day
2022-11-01 22:00	01:00:00	72.7	8.8	95	5	Day
2022-11-01 23:00	01:00:00	63.4	7.8	96	5	Night
2022-11-02	01:00:00	62.6	8.8	98	5	Night

2022-11-02 1:00	01:00:00	61.7	9.5	94	5	Night
2022-11-02 2:00	01:00:00	62.3	6.7	99	5	Night
2022-11-02 3:00	01:00:00	65.3	6.2	99	4	Night
2022-11-02 4:00	01:00:00	60.0	6.7	100	4	Night
2022-11-02 5:00	01:00:00	62.0	5.5	99	4	Night
2022-11-02 6:00	01:00:00	69.4	4.5	100	4	Night
2022-11-02 7:00	01:00:00	66.2	5	99	0	Day
2022-11-02 8:00	01:00:00	67.0	5.5	100	0	Day
2022-11-02 9:00	01:00:00	68.1	11.2	87	0	Day
2022-11-02 10:00	01:00:00	66.0	14	77	4	Day
2022-11-02 11:00	01:00:00	66.4	16.9	63	8	Day
2022-11-02 12:00	01:00:00	66.8	18.2	54	8	Day
2022-11-02 13:00	01:00:00	66.8	19.2	51	13	Day
2022-11-02 14:00	01:00:00	69.9	18.8	51	13	Day
2022-11-02 15:00	01:00:00	68.6	18.5	48	17	Day
2022-11-02 16:00	01:00:00	67.0	17.8	53	15	Day
2022-11-02 17:00	01:00:00	67.6	15.7	61	11	Day
2022-11-02 18:00	01:00:00	66.3	13	74	9	Day
2022-11-02 19:00	01:00:00	67.6	10.9	81	8	Day
2022-11-02 20:00	01:00:00	65.7	9	86	5	Day
2022-11-02 21:00	01:00:00	66.7	9.3	87	8	Day
2022-11-02 22:00	01:00:00	66.7	7.9	94	9	Day
2022-11-02 23:00	01:00:00	64.1	8.1	97	8	Night
2022-11-03	01:00:00	62.9	6.5	99	5	Night
2022-11-03 1:00	01:00:00	61.5	7	99	5	Night
2022-11-03 2:00	01:00:00	60.8	6	100	8	Night
2022-11-03 3:00	01:00:00	60.1	6.3	100	4	Night
2022-11-03 4:00	01:00:00	59.6	6.2	100	4	Night
2022-11-03 5:00	01:00:00	62.7	5.1	100	5	Night
2022-11-03 6:00	01:00:00	64.9	4.7	100	8	Night
2022-11-03 7:00	01:00:00	66.1	4.3	100	8	Day
2022-11-03 8:00	01:00:00	66.3	5	100	5	Day
2022-11-03 9:00	01:00:00	67.0	10.8	100	8	Day
2022-11-03 10:00	01:00:00	68.4	13.3	88	15	Day



**H 2: Microphone Mounting Location**

The following is the list of equipment used to perform the noise measurements:

- |  |                    |
|--|--------------------|
| Type 4231 Brüel & Kjær Acoustic Calibrator | Serial No. 2588643 |
| Type 4952 Brüel & Kjær Outdoor Microphone  | Serial No. 2766539 |
| Type 2250 Brüel & Kjær Sound Level Meter   | Serial No. 2763480 |

All measurement systems were checked for calibration before and after the measurement period and were found to be within the acceptable calibration limits. The battery levels also remained within the acceptable levels during the measuring period.

It is also worth noting that the meteorological conditions were measured before and after the measurement period and were found to be within the limits set by the MECP.

**From:** Real Estate Canada <[Real\\_EstateCanada@cpr.ca](mailto:Real_EstateCanada@cpr.ca)>  
**Sent:** April 17, 2023 3:44 PM  
**To:** clerks <[clerks@citywindsor.ca](mailto:clerks@citywindsor.ca)>  
**Subject:** Comments on ZNG/6864, Z-030/22, 936 Wyandotte Street West  
Good Afternoon,

**RE: Comments on ZNG/6864, Z-030/22, 936 Wyandotte Street West, within 1000m of CP Rail Yard**

Thank you for the recent notice respecting the captioned development proposal in the vicinity of Canadian Pacific Railway Company. The safety and welfare of residents can be adversely affected by rail operations and CP is not in favour of residential uses that are not compatible with rail operations. CP freight trains operate 24/7 and schedules/volumes are subject to change. CP's approach to development in the vicinity of rail operations is encapsulated by the recommended guidelines developed through collaboration between the Railway Association of Canada and the Federation of Canadian Municipalities. The 2013 Proximity Guidelines can be found at the following website address: <http://www.proximityissues.ca/>.

Current operations at this yard include regular freight trains travelling through the yard, 24 hours a day, 7 days a week. Additional operations include switching and shunting of trains, material storage, and material delivery. With these operations, engines are constantly idling. The operations are continuous, loud and cause a lot of vibration. There is also the possibility of increasing our operations, including adding or moving track or any other railway related use. We would hope that that City supports CP's position on this application and would appreciate being kept apprised of the City's handling.

CP recommends that the below condition be inserted in all property and tenancy agreements and offers of purchase and sale for all dwelling units in the proposed building(s):

"Canadian Pacific Railway and/or its assigns or successors in interest has or have a railway right-of-way and/or yard located adjacent to the subject land hereof with operations conducted 24 hours a day, 7 days a week, including the shunting of trains and the idling of locomotives. There may be alterations to, or expansions of, the railway facilities and/or operations in the future, which alterations or expansions may affect the living environment of the residents in the vicinity. Notwithstanding the inclusion of any noise and/or vibration attenuating measures in the design of the development and individual dwellings, Canadian Pacific Railway will not be responsible for complaints or claims arising from the use of its facilities and/or its operations on, over, or under the aforesaid right-of-way and/or yard."

Should the captioned development proposal receive approval, CP respectfully requests that the recommended guidelines be followed.

Thank you,  
Real Estate Canada



[Real\\_EstateCanada@cpr.ca](mailto:Real_EstateCanada@cpr.ca)  
7550 Ogden Dale Road SE, Building 1  
Calgary AB T2C 4X9



**Subject: Official Plan Amendment and Zoning By-law Amendment –2836369  
Ontario Limited (The VanGuard Team at Manor Reality)– 691 Ouellette Ave – Z044  
[ZNG-6941] & OPA 165 [OPA-6942], Ward 3**

Moved by: Councillor Kieran McKenzie  
Seconded by: Member Anthony Arbour

Decision Number: **DHSC 504**

- I. THAT Schedule A: Planning Districts and Policy Areas of the City of Windsor Official Plan, Volume I **BE AMENDED** by identifying the property described as Part Lot 9, Block 2, Plan 256 as in R961847 and Part Lot 8, Block 2, Plan 256 as in R961848 (691 Ouellette Ave and 0 Pelissier Street) situated between Ouellette Avenue and Pelissier Street, between Wyandotte Street West and Elliot Street as a Special Policy Area.
- II. THAT Volume 2, Part 1:Special Policy Areas of the City of Windsor Official Plan **BE AMENDED** by adding a Special Policy Area as follows:
  - 1.X West side of Ouellette Avenue between Wyandotte Street West and Elliot Street
    - 1.X.1 The property described as Part Lot 9, Block 2, Plan 256 as in R961847 and Part Lot 8, Block 2, Plan 256 as in R961848 (691 Ouellette Ave and 0 Pelissier Street) situated on the west side of Ouellette Avenue between Wyandotte Street and Elliot Street is designated on Schedule A: Planning Districts and Policy Areas in Volume I – The Primary Plan.
    - 1.X.2 Notwithstanding the policy in section 6.9.2.2 (a) and 6.11.4.2 (f) of the Official Plan, Volume I, residential uses are permitted at and below grade of the existing dwelling subject to obtaining a Building Permit.
- III. THAT Zoning By-law 8600 **BE AMENDED** by changing the zoning of land described as Part Lot 9, Block 2, Plan 256 as in R961847 and Part Lot 8, Block 2, Plan 256 as in R961848 (691 Ouellette Ave and 0 Pelissier Street) situated on the west side of Ouellette Avenue between Wyandotte Street West and Elliot Street by adding the following site-specific exceptions to Section 20(1):

“470 **WEST SIDE OF OUELLETTE AVENUE, BETWEEN WYANDOTTE STREET WEST AND ELLIOT STREET**

1. For lands comprising Part Lot 9, Block 2, Plan 256 as in R961847 and Part Lot 8, Block 2, Plan 256 as in R961848 the *existing building* may containing a maximum of two live-work units on the ground floor, and maximum of six *dwelling units* in the balance of the building, shall be an additional permitted use and shall be subject to the following additional provisions:

a) ‘Live-work unit’ is a non-residential *use* which contains a *dwelling unit* occupied by the same owner/occupant as the non-residential use. The following additional provisions apply to live-work units:

i. Live-work units shall only be permitted on the ground floor.

ii. The non-residential *use* and *dwelling unit* shall have separate street entrances. The entrance to the non-residential *use* must be along Ouellette Avenue.

iii. The following non-residential uses are permitted: *Business Office, Personal Service Shop, or Professional Studio*.

b) *Dwelling units* are permitted in the *basement* or *cellar* of the *existing building*, subject to obtaining a Building Permit.

[ZDM 3; ZNG/6941]”;

Carried.

Report Number: S 44/2023  
Clerk’s File: Z/14529 & Z/14528

**Clerk’s Note:**

1. The recommendation of the Development & Heritage Standing Committee and Administration are the same.
2. Please refer to Item 7.6 from the Development & Heritage Standing Committee held on May 1, 2023.
3. To view the stream of this Standing Committee meeting, please refer to:  
<https://csg001-harmony.sliq.net/00310/Harmony/en/PowerBrowser/PowerBrowserV2/20230501/-1/9408>



**Subject: Official Plan Amendment and Zoning By-law Amendment – 2836369 Ontario Limited (The VanGuard Team at Manor Reality)– 691 Ouellette Ave – Z044 [ZNG-6941] & OPA 165 [OPA-6942], Ward 3**

**Reference:**

Date to Council: May 1, 2023  
Author: Laura Strahl MCIP, RPP  
Senior Planner  
519-225-6543 ext. 6396  
Planning & Building Services

Planning & Building Services  
Report Date: 2023-04-05  
Clerk's File #: Z/14529 Z/14528

**To:** Mayor and Members of City Council

**Recommendation:**

- I. THAT Schedule A: Planning Districts and Policy Areas of the City of Windsor Official Plan, Volume I **BE AMENDED** by identifying the property described as Part Lot 9, Block 2, Plan 256 as in R961847 and Part Lot 8, Block 2, Plan 256 as in R961848 (691 Ouellette Ave and 0 Pelissier Street) situated between Ouellette Avenue and Pelissier Street, between Wyandotte Street West and Elliot Street as a Special Policy Area.
- II. THAT Volume 2, Part 1:Special Policy Areas of the City of Windsor Official Plan **BE AMENDED** by adding a Special Policy Area as follows:
  - 1.X West side of Ouellette Avenue between Wyandotte Street West and Elliot Street
    - 1.X.1 The property described as Part Lot 9, Block 2, Plan 256 as in R961847 and Part Lot 8, Block 2, Plan 256 as in R961848 (691 Ouellette Ave and 0 Pelissier Street) situated on the west side of Ouellette Avenue between Wyandotte Street and Elliot Street is designated on Schedule A: Planning Districts and Policy Areas in Volume I – The Primary Plan.
    - 1.X.2 Notwithstanding the policy in section 6.9.2.2 (a) and 6.11.4.2 (f) of the Official Plan, Volume I, residential uses are permitted at and below grade of the existing dwelling subject to obtaining a Building Permit.

- III. THAT Zoning By-law 8600 **BE AMENDED** by changing the zoning of land described as Part Lot 9, Block 2, Plan 256 as in R961847 and Part Lot 8, Block 2, Plan 256 as in R961848 (691 Ouellette Ave and 0 Pelissier Street) situated on the west side of Ouellette Avenue between Wyandotte Street West and Elliot Street by adding the following site-specific exceptions to Section 20(1):

**“470 WEST SIDE OF OUELLETTE AVENUE, BETWEEN WYANDOTTE STREET WEST AND ELLIOT STREET**

1. For lands comprising Part Lot 9, Block 2, Plan 256 as in R961847 and Part Lot 8, Block 2, Plan 256 as in R961848 the *existing building* may containing a maximum of two live-work units on the ground floor, and maximum of six *dwelling units* in the balance of the building, shall be an additional permitted use and shall be subject to the following additional provisions:
  - a) ‘Live-work unit’ is a non-residential *use* which contains a *dwelling unit* occupied by the same owner/occupant as the non-residential use. The following additional provisions apply to live-work units:
    - i. Live-work units shall only be permitted on the ground floor.
    - ii. The non-residential *use* and *dwelling unit* shall have separate street entrances. The entrance to the non-residential *use* must be along Ouellette Avenue.
    - iii. The following non-residential uses are permitted: *Business Office, Personal Service Shop, or Professional Studio*.
  - b) *Dwelling units* are permitted in the *basement* or *cellar* of the *existing building*, subject to obtaining a Building Permit.

[ZDM 3; ZNG/6941]”;

**Executive Summary:**

N/A

**Background:**

**Application Information:**

**Location:** West side of Ouellette Avenue between Wyandotte Street and Elliot Street

691 Ouellette Ave & 0 Pelissier St

**Ward:** 3

**Planning District:** City Centre Planning District

**Zoning District Map:** 3

**Applicant:** 2836369 Ontario Limited (The VanGuard Team at Manor Reality)

**Principle Owner:** Rhys Trenhaile

**Agent:** Jackie Lassaline

**Proposal:** The applicant proposes to convert the existing vacant commercial building to a mixed use building with 2 residential units in the basement, 2 live/work units on the ground floor, 2 residential units in the second floor, and 2 residential units in the attic/loft. The applicant also proposes an enclosed glass café and seating area in the front of the building.

An Official Plan Amendment is requested to add a site specific special policy that will allow for residential use within the entire building, including units below grade. A Zoning By-law Amendment is requested to rezone the property from CD3.1 to CD3.1 with site specific provisions to permit:

1. Addition of a definition for live-work units;
2. Inclusion of residential units on the ground floor;
3. Allowance for residential units in the basement; and,

The current building located at 691 Ouellette Avenue is a two storey building originally constructed as a private, single detached residence. The building has since been converted to professional offices, and is currently vacant. The property at 0 Pelissier Street is currently paved and used for parking. The building at 691 Ouellette Avenue is listed (non-designated) on the Municipal Heritage Register.

#### Site Information

Official Plan	Zoning	Current Use	Previous Use
Mixed Use	Commercial District 3.1	Combined Use Building, vacant ground floor commercial	Residential and Commercial (office)
Lot Frontage	Depth	Area	Shape
15.24 m (Ouellette Ave) 21.21 m (Pelissier St)	55 m		Irregular
<i>All measurements are approximate</i>			

## **Neighbourhood Characteristics**

The subject property is located along the west side of Ouellette Avenue and also has frontage along Pelissier Street in Downtown Windsor. The property is located midblock and is surrounded by a mix of commercial (restaurants, offices), institutional (churches) and residential uses typical of a downtown location. The property directly to the south of the subject lands contains vacant commercial building and the property directly to the north is a commercial building containing a long standing restaurant (The Cook's Shop). The subject lands are across the street from the Bull and Barrel Restaurant on Ouellette Avenue and are across from a municipal parking lot on Pelissier Street.

Ouellette Avenue is identified as a Class II Arterial Road and Pelissier Street is identified as a Class II Collector Road on Schedule F: Roads and Bikeways of the City of Windsor Official Plan, Volume I. Schedule G: Civic Image identifies Ouellette Avenue as a Mainstreet. The closest existing transit route to the subject property are the Transway 1A, Transway 1C, Central 3 & Ottawa 4. The closest existing bus stop to this property is just north of this property on Ouellette at Wyandotte Southwest Corner with the large bus bay. This provides direct transit access to this development.

Figure 1: Key Map

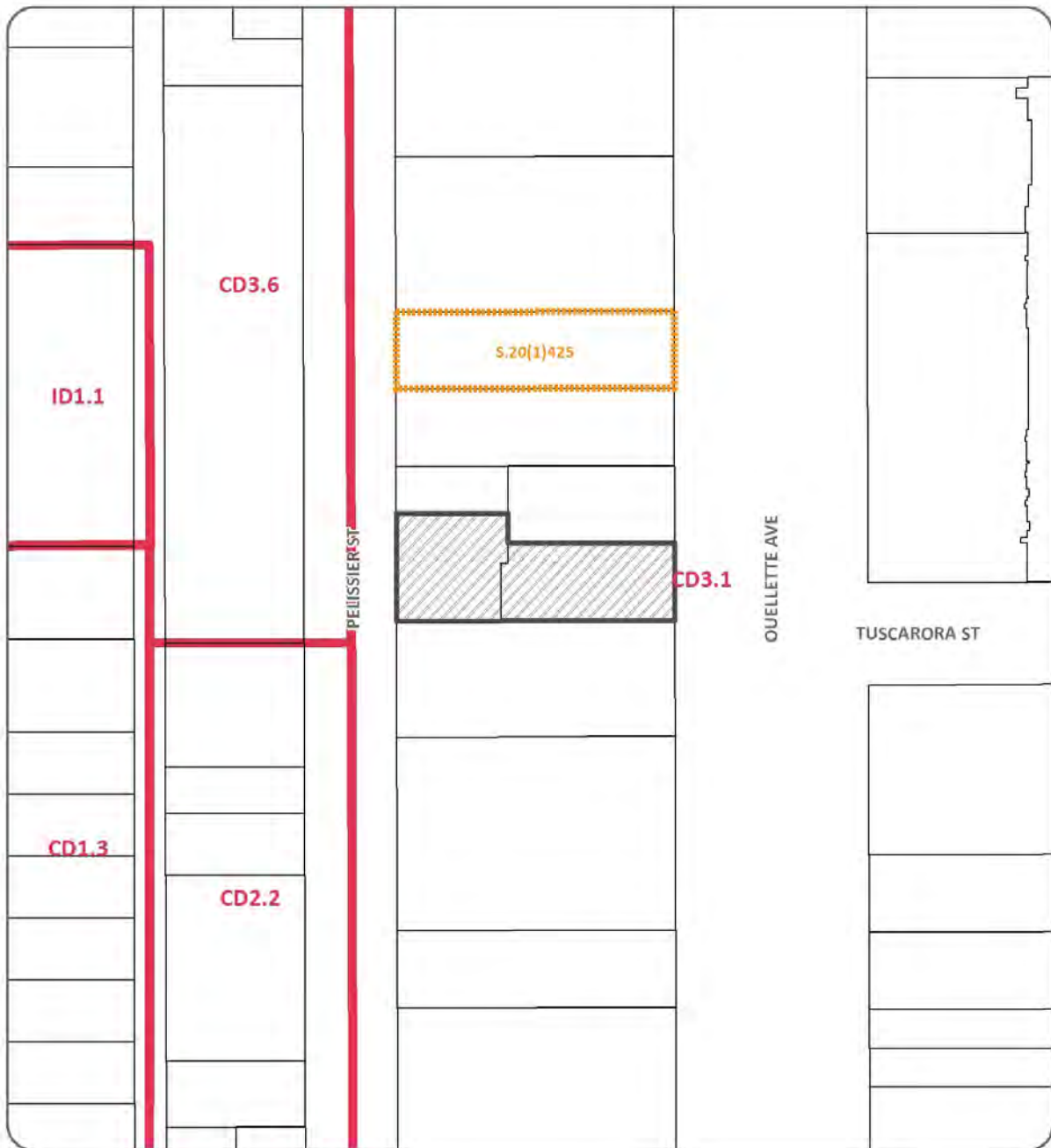


KEY MAP - Z-044/22, ZNG-6941, OPA 165, OPA-6942



● SUBJECT LANDS

**Figure 2: Subject Parcel – Rezoning**



PART OF ZONING DISTRICT MAP 7

## REZONING

Applicant: 2836329 Ontario Limited



SUBJECT LANDS

PLANNING & BUILDING DEPARTMENT

N.T.S.



DATE : MARCH, 2023  
FILE NO. : Z-044/22, ZNG/6941



Figure 3: Neighbourhood Map



NEIGHBOURHOOD MAP - Z-044/22, ZNG-6941  
& OPA 165, OPA-6942



SUBJECT LANDS

## Discussion:

### Provincial Policy Statement, 2020

The Provincial Policy Statement, 2020 (PPS) provides direction on matters of provincial interest related to planning. The *Planning Act* requires that all land use decisions be consistent with the PPS. The following is an overview of the applicable PPS policies and how the recommendations in this report are consistent with the PPS.

Part IV: Vision for Ontario's Land Use Planning System of the PPS includes a new addition to the 2020 PPS, which stipulates that '*planning authorities are encouraged to permit and facilitate a range of housing options, including new development as well as residential intensification, to respond to current and future needs.*' The subject proposal proposes additional residential units and live-work units within an existing building which contributes to a range of housing options. In addition, recent changes to the PPS in Section 1.1.1 specifically mention multi-unit housing as a housing type to accommodate an appropriate range and mix of housing.

#### *1.1 Managing and Directing Land Use to Achieve Efficient and Resilient Development and Land Use Patterns*

##### *1.1.1 Healthy, liveable and safe communities are sustained by:*

- a) promoting efficient development and land use patterns which sustain the financial well-being of the Province and municipalities over the long term;*
- b) accommodating an appropriate affordable and market-based range and mix of residential types (including single-detached, additional residential units, multi-unit housing, affordable housing and housing for older persons), employment (including industrial and commercial), institutional (including places of worship, cemeteries and long-term care homes), recreation, park and open space, and other uses to meet long-term needs;*
- c) avoiding development and land use patterns which may cause environmental or public health and safety concerns;*
- d) avoiding development and land use patterns that would prevent the efficient expansion of settlement areas in those areas which are adjacent or close to settlement areas;*
- e) promoting the integration of land use planning, growth management, transit-supportive development, intensification and infrastructure planning to achieve cost-effective development patterns, optimization of transit investments, and standards to minimize land consumption and servicing costs;*
- f) improving accessibility for persons with disabilities and older persons by addressing land use barriers which restrict their full participation in society;*



- g) ensuring that necessary infrastructure and public service facilities are or will be available to meet current and projected needs;*
- h) promoting development and land use patterns that conserve biodiversity; and,*
- i) preparing for the regional and local impacts of a changing climate.*

The proposed amendment will permit a mixed use building containing residential units and live-work units, making more efficient use of the land within the existing built-up area and promote the reuse of a vacant building in the core. Additionally, the proposed development is along existing transit route which will increase the viability of those routes.

The proposed amendments are consistent with Section 1.1.1. of the PPS.

*1.1.3.1 Settlement areas shall be the focus of growth and development.*

The proposed amendments are within a settlement area therefore will contribute to the vitality and regeneration of existing the settlement areas.

*1.1.3.2 Land use patterns within settlement areas shall be based on densities and a mix of land uses which:*

- a) efficiently use land and resources;*
- b) are appropriate for, and efficiently use, the infrastructure and public service facilities which are planned or available, and avoid the need for their unjustified and/or uneconomical expansion;*
- c) minimize negative impacts to air quality and climate change, and promote energy efficiency;*
- d) prepare for the impacts of a changing climate;*
- e) support active transportation;*
- f) are transit-supportive, where transit is planned, exists or may be developed; and,*
- g) are freight-supportive.*

The proposed development will make more efficient use of the land and the existing resources as the building has been vacant for many years. Therefore, the proposed development will make more efficient use of existing municipal infrastructure. Increased residential units and commercial uses within the area will increase the demand for transit.

*1.1.3.2 Planning authorities shall identify appropriate locations and promote opportunities for transit-supportive development, accommodating a significant supply and range of housing options through intensification and redevelopment where this can be accommodated taking into account existing building stock or areas, including brownfield sites, and the*

*availability of suitable existing or planned infrastructure and public service facilities required to accommodate projected needs.*

The conversion of the building to a mix of residential and commercial uses within the existing building with increased density is consistent with the PPS.

### **City of Windsor Official Plan**

The subject lands are located within the Mixed Use (Very High Profile) land use designation on Schedule E: City Centre Planning District. Section 6.11.4.1 of the City of Windsor Official Plan stipulates that the mixed use land use (Very High Profile) designation permits retail and service commercial establishments, offices, cultural, entertainment and open space uses, and residential uses, exclusive of small scale Low Profile housing. The subject proposal is for a combined use building, containing six residential units, and two live-work units with the addition of a new cafe located in the front of the property along Ouellette Avenue.

The proposed conversion of a vacant commercial building to a combined use building is in keeping with the mixed use policies of the official plan, however the Evaluation Criteria (Section 6.11.4.2, see below) stipulates that residential units shall be located above grade, where appropriate.

The applicant is proposing residential units in the basement of the existing building. The proposal to locate residential units in the basement will take advantage of existing space, make efficient use of existing services and contribute to additional residential units in downtown Windsor.

The applicant will be required to comply with the Ontario Building Code and obtain a Building Permit to convert the basement to residential units. At this time the Building Division has indicated that not enough information has been provided to evaluate if the proposal can meet the Ontario Building Code. The applicant is advised to consult with the Building Division. The recommended zoning provisions would allow residential units in the basement, subject to obtaining a Building Permit.

#### **6.11.4.2 EVALUATION CRITERIA**

*At the time of submission, the proponent shall demonstrate to the satisfaction of the Municipality that a proposed Mixed Use development within the City Centre Planning District is:*

*(a) feasible having regard to the other provisions of this Plan, provincial legislation, policies and appropriate guidelines and support studies for uses:*

*(i) within or adjacent to any area identified on Schedule C: Development Constraint Areas and described in the Environment chapter of this Plan;*

*(ii) within a site of potential or known contamination;*

*(iii) where traffic generation and distribution is a provincial or municipal concern;  
and*

*(iv) adjacent to heritage resources.*

*(b) in keeping with the goals, objectives and policies of any secondary plan or guideline plan affecting the surrounding area;*

*(c) capable of being provided with full municipal physical services;*

*(d) provided with adequate off street parking;*

*(e) compatible with the surrounding area in terms of scale, massing, height, siting, setbacks, parking and landscaped areas; and*

*(f) provided with residential uses above-grade, where appropriate.*

The property at 691 Ouellette Avenue is listed on the Windsor Municipal Heritage Register as a c.1920 Tudor Revival house. The property features Tudor Revival elements, namely the steep gabled roofs, half-timbering, arched entryway, and bay window. The proposal to retain the structure is encouraged, and further the applicants should endeavor to maintain and showcase the existing heritage attributes. The Heritage Planner has been circulated on the subject application and has provided comments that will be addressed through Site Plan Control.

The *Ontario Heritage Act* requires non-designated properties on the Municipal Heritage Register to be removed if Council does not designate the property by January 1, 2025. Additionally, the Act prescribes a 90-day restriction to designate a property subject to a Planning Act application, unless the Owner and Council of a municipality agree that the 90-day restriction does not apply. The City of Windsor is in the process of reviewing all the listed (non-designated) properties on the Register (884 properties) over the next two years to determine which properties meet the criteria for designation. The Owner has agreed to a waiver of the 90 days timeline (see Appendix F), which will allow for the evaluation of the subject property along with the rest of the 884 properties on the Register through a comprehensive review over the next two years.

#### SECTION 11.6.3 OF OP VOL. 1 – ZONING BY-LAW AMENDMENT POLICIES

*AMENDMENTS MUST CONFORM 11.6.3.1 All amendments to the Zoning By-law(s) shall conform with this Plan. The Municipality will, on each occasion of approval of a change to the zoning by-law(s), specify that conformity with the Official Plan is maintained or that the change will be in conformity upon the coming into effect of an amendment to the Official Plan.*

*EVALUATION CRITERIA 11.6.3.3 When considering applications for Zoning By-law amendments, Council shall consider the policies of this Plan and will, without limiting the generality of the foregoing, consider such matters as the following:*

*(a) The relevant evaluation criteria contained in the Land Use Chapter of this Plan, Volume II: Secondary Plans & Special Policy Areas and other*

*relevant standards and guidelines;*

*(b) Relevant support studies;*

*(c) The comments and recommendations from municipal staff and circularized agencies;*

*(d) Relevant provincial legislation, policies and appropriate guidelines; and*

*(e) The ramifications of the decision on the use of adjacent or similar lands.*

The applicant has submitted elevation drawings, conceptual floor plans, and a Planning Rationale Report in support of the subject application. The proposal contributes to the mix of uses in the downtown area along Ouellette Avenue and make use of an existing vacant building. No objections were received from relevant departments or agencies and specific issues and requirements will be addressed through site plan control.

### **Zoning By-law**

The subject properties are currently zoned Commercial District 3.1 (CD3.1) on Map 7 of Zoning By-law 8600. The proposed euro-style cafe along the Ouellette Ave frontage does not require a zoning by-law amendment because it is already a permitted use.

The applicant has requested the following:

*i) the exception that residential units are appropriate in the existing building below grade.*

The proposal makes use of existing space within an existing building to provide additional residential units.

*ii) site specific allowance for two live-work units on the main floor as a permitted use.*

The zoning by-law currently does not include a definition for a 'live-work unit'. The zoning by-law does contain a definition of a home occupation as follows:

*HOME OCCUPATION means an occupation for profit or gain conducted entirely within an accessory building, dwelling unit, or garage which occupation is incidental and secondary to the use of the dwelling unit for residential purposes and does not change the character thereof*

The home occupation definition does not work because the definition stipulates the home occupation is a 'secondary use'. Given the highly visible location along Ouellette Avenue, the intention of the live-work unit is not to be secondary to the dwelling unit, but rather the non-residential use located along Ouellette Avenue should contribute to the mix of commercial uses along Ouellette Avenue. The definition below has been recommended to ensure entrances to the non-residential uses are along Ouellette Avenue and restrict the non-residential uses to uses compatible with residential uses:

'Live-work unit' is *dwelling unit* that contains space for a non-residential use and the owner/occupant of the non-residential use resides. The following provisions apply to the live-work units:

- 1) The non-residential and residential space shall have separate street entrances. The entrance to the non-residential space must be along Ouellette Avenue.
- 2) Live-work units shall only be permitted on the ground floor of the existing building.
- 3) The only non-residential uses permitted are as follows: *Business Office*, *Personal Service Shop*, or *Professional Studio*.

**Site Plan Control:** The proposal will be subject to Site Plan Control. Specific design issues or requirements from municipal departments or external agencies will be considered as part of the Site Plan Control process.

**Risk Analysis:**

N/A

**Climate Change Risks**

**Climate Change Mitigation:**

N/A

**Climate Change Adaptation:**

N/A

**Financial Matters:**

N/A

**Consultations:**

Appendix B contains comments received from departments and agencies. No objections to the application were received.

Required notice of the statutory public meeting was advertised in the Windsor Star, on April 8th. A courtesy notice was mailed to property owners and tenants within 120 metres of the subject property.

Specific design issues or requirements from municipal departments or external agencies will be considered as part of the Site Plan Control process.

**Conclusion:**

The Planning Act requires that a decision of Council in respect of the exercise of any authority that affects a planning matter, “shall be consistent with” Provincial Policy Statement 2020. The requested zoning amendment has been evaluated for consistency with the Provincial Policy Statement 2020 and conformity with the policies of the City of Windsor Official Plan.

The proposed zoning by-law amendment and official plan amendment are consistent the PPS, with the policy direction of the City of Windsor Official Plan, is compatible with existing and permitted uses in the surrounding neighbourhood and constitutes good planning.

**Planning Act Matters:**

I concur with the above comments and opinion of the Registered Professional Planner.

*Neil Robertson, MCIP, RPP*

*Thom Hunt, MCIP, RPP*

*Manager of Urban Design*

*City Planner*

I am not a registered Planner and have reviewed as a Corporate Team Leader

JP OC

**Approvals:**

Name	Title
Neil Robertson	Manager of Urban Design
Thom Hunt	City Planner
Wira Vendrasco	Senior Legal Counsel
Jelena Payne	Commissioner of Economic Development and Innovation
Onorio Colucci	Chief Administrative Officer

**Notifications:**

Name	Address	Email
Authorized Agent: Jackie Lassaline		<a href="mailto:jackie@lassalineplan.ca">jackie@lassalineplan.ca</a>
Registered Owner 2836329 Ontario Limited (Rhys Trenhaile)		<a href="mailto:rhys@thevanguardteam.com">rhys@thevanguardteam.com</a>

Name	Address	Email
Ward 3 Councillor – Renaldo Agostino		
Abutting property owners, tenants/ occupants within 120-meter (400 feet) radius of the subject land		

**Appendices:**

- 1 Appendix A - Elevations (Front and Back)
- 2 Appendix B - Basement Floor Plans
- 3 Appendix C - Second Floor and Loft Space
- 4 Appendix D - Site Plan
- 5 Appendix E - Planning Rationale Report
- 6 Appendix F - Agreement to Waive Ontario Heritage Act Deadlines for Designation of 691 Ouellette Avenue, Windsor
- 7 Appendix G - Circulation Comments



OUELLETTE FACADE



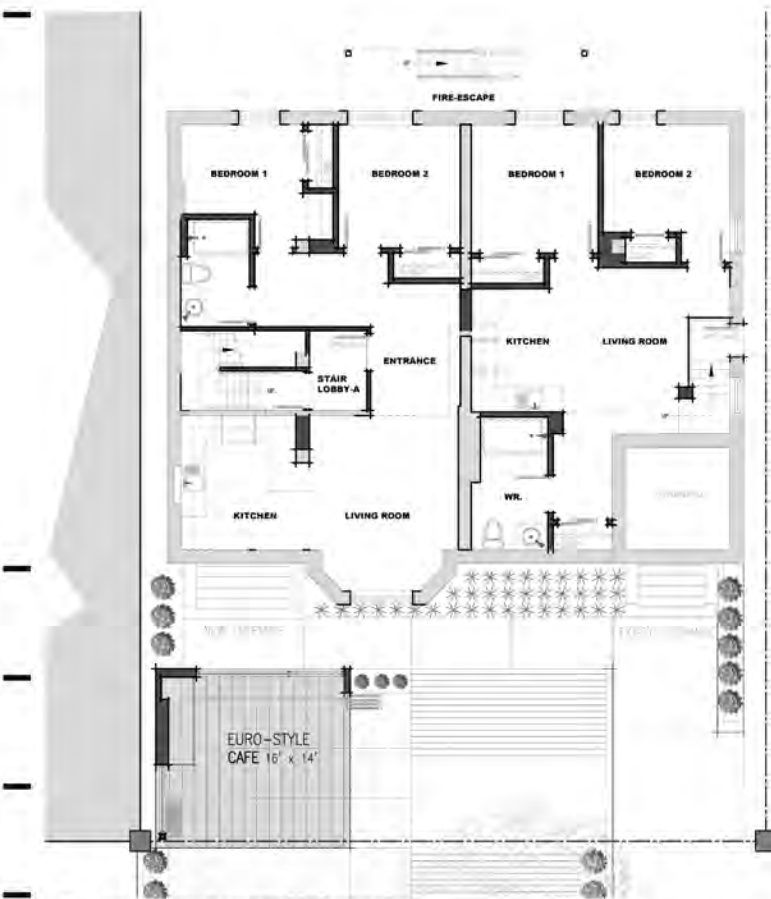
PELISSIER FACADE

**01 SCHEMATIC DESIGN - EXTERIOR ELEVATIONS - PROPOSED**

**02 SCHEMATIC DESIGN - EXTERIOR ELEVATIONS - PROPOSED**

GENERAL NOTES	PROJECT INFORMATION	DRAWING INFORMATION	PRIME CONSULTANT	DISCIPLINE SEAL	DRAWING SUBMISSION	INTERNAL INFO	COPYRIGHT 2021												
<p>THE CONTRACTOR SHALL CHECK AND VERIFY ALL DIMENSIONS AND REPORT ANY ERRORS OR OMISSIONS TO THE ARCHITECT PRIOR TO COMMENCING OR PROCEEDING WITH ANY WORK ON THIS PROJECT. ALL DRAWINGS AND SPECIFICATIONS ARE THE PROPERTY OF THE ARCHITECT. COPYRIGHT 2017. THESE DRAWINGS AND SPECIFICATIONS ARE DESIGNED FOR THE CLIENT AND THE PROPERTY INDICATED ON THESE DRAWINGS ONLY AND SHALL NOT BE CONSTRUCTED FOR ANY OTHER CLIENT OR ANY OTHER PROPERTY. DO NOT SCALE DRAWINGS.</p>	<p>691 OUELLETTE AVE. - LIVE / WORK REDEVELOPMENT</p> <p>691 OUELLETTE WINDSOR, ONTARIO</p>	<p>SCHEMATIC DESIGN EXTERIOR ELEVATIONS</p>	 <p>ROA STUDIOS 67 KING STREET WEST, CHATHAM ON N7M 1C7 TEL: 519.361.2943 Email: info@roastudios.com</p>	<p style="writing-mode: vertical-rl; transform: rotate(180deg);">NOT FOR CONSTRUCTION</p>	<table border="1"> <tr> <td>NO.</td> <td>DESCRIPTION</td> <td>DATE</td> </tr> <tr> <td>3</td> <td>MUNICIPAL REVIEW</td> <td>06-22-22</td> </tr> <tr> <td>2</td> <td>SCHEMATIC REVIEW</td> <td>08-04-21</td> </tr> <tr> <td>1</td> <td>SCHEMATIC REVIEW</td> <td>07-27-21</td> </tr> </table>	NO.	DESCRIPTION	DATE	3	MUNICIPAL REVIEW	06-22-22	2	SCHEMATIC REVIEW	08-04-21	1	SCHEMATIC REVIEW	07-27-21	<p><b>ARCHITECTURE</b></p> <p>PROJECT ID: ROA21-050 DRAWN BY: M. RAPOSO DATE: 06-22-2022 SCALE: AS NOTED</p>	<p><b>A103</b></p>
NO.	DESCRIPTION	DATE																	
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1	SCHEMATIC REVIEW	07-27-21																	





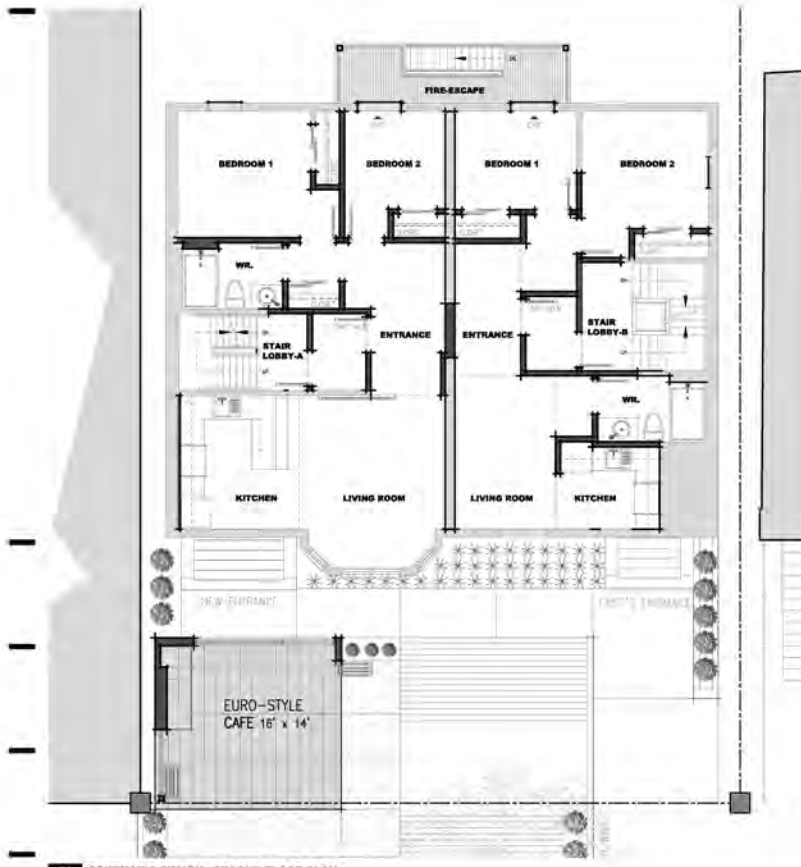
01 SCHEMATIC DESIGN - BASEMENT FLOOR PLAN  
A101 1500 1/2"



02 SCHEMATIC DESIGN - FIRST FLOOR PLAN  
A101 1500 1/2"

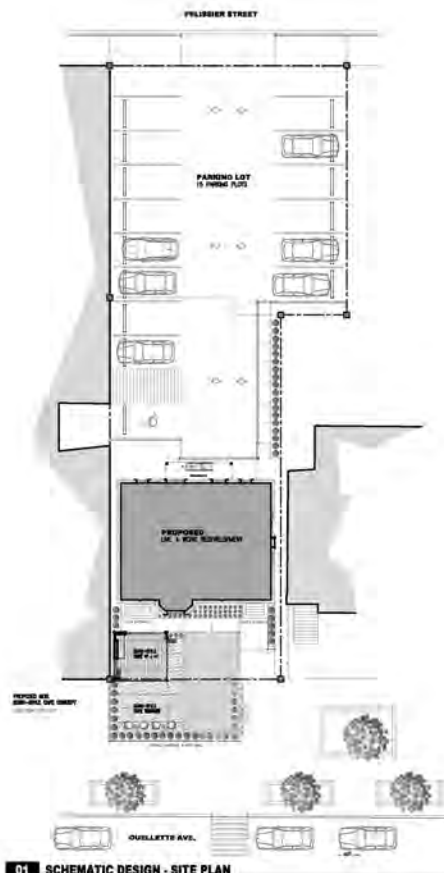
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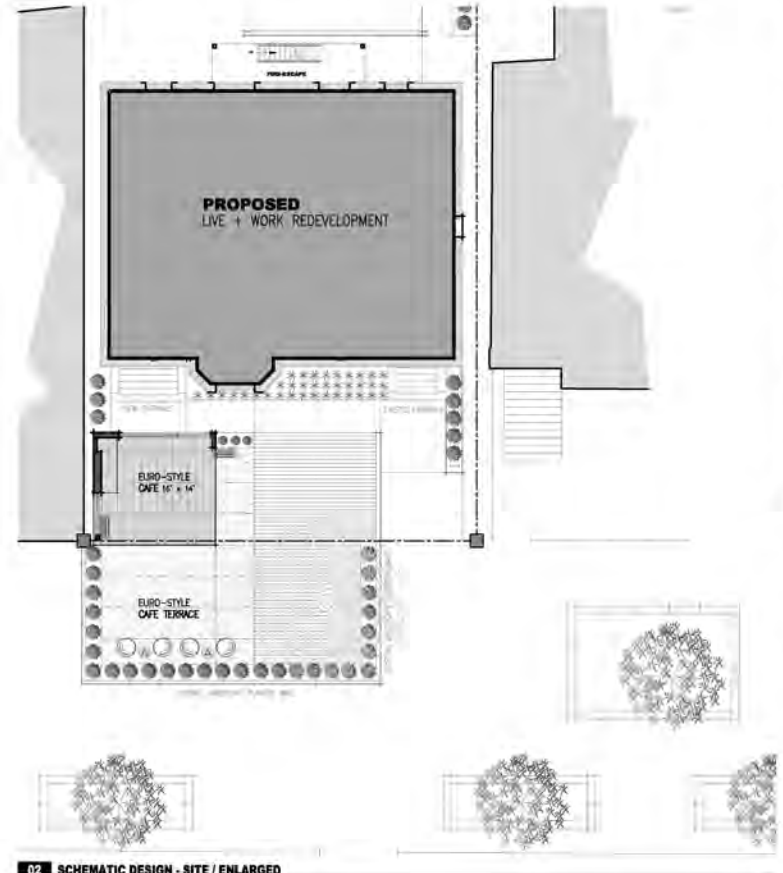


FILE NO. ROA21-050 691 QUELLETTE AVE. - LIVE / WORK REDEVELOPMENT

GENERAL NOTES	PROJECT INFORMATION	DRAWING INFORMATION	PRIME CONSULTANT	DISCIPLINE SEAL	DRAWING SUBMISSION	INTERNAL INFO	COPYRIGHT 2021 <sup>®</sup>													
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**01 SCHEMATIC DESIGN - SITE PLAN**  
A3101 (03/22) 1:1-A



**02 SCHEMATIC DESIGN - SITE / ENLARGED**  
A3101 (03/22) 8:1-A

FILED ROA21-050 691 QUELLETTE AVE. - LIVE / WORK REDEVELOPMENT

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**REPORT:** PLANNING RATIONALE REPORT (PRR)  
**MUNICIPALITY:** CITY OF WINDSOR  
**MUNICIPAL ADDRESS:** 691 OUELLETTE  
**DEVELOPMENT:** OPA/ZBA  
**DATE:** DECEMBER 15, 2022

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## 1.0 INTRODUCTION

Lassaline Planning Consultants (LPC) has been retained to undertake a Planning Rationale Report (PRR) regarding the feasibility of an Official Plan Amendment (OPA) and site-specific Zoning By-law Amendment (ZBA) to support the adaptive re-use of an existing building for a mixed use building comprising residential units and commercial (live-work) units.

28363629 Ontario Limited proposes the adaptive reuse of an existing 2 storey building located at 691 Ouellette within the downtown center of Windsor. Originally, the building was constructed as a private, single detached residence and as the downtown for the City grew, the residence was incorporated into the urban center and was later converted to a professional office.

The owner is proposing to adapt the existing building back to residential use with 6 residential apartment units, 2 live-work units on the main floor, and a glass enclosed café at the front of the building. The owners propose to create two (2) residential apartment units in the basement, two (2) live-work units on the ground floor, two (2) residential apartment units on the second floor, and two (2) residential apartment units in the attic/loft. The cafe and seating area will be in the front yard outdoor space. On-site parking is available to the rear of the building with access to Pellisier Street.

A pre-consultation application was submitted by Jackie Lassaline, BA MCIP RPP resulting in a Pre-submission letter PS 125-21 was provided by the City of Windsor, Planning Department.

Subject lands are designated 'Mixed Use' in the OP for the City of Windsor. A minor Official Plan Amendment (OPA) to allow for the site specific inclusion of residential units below grade level is proposed.

The subject building is zoned 'Commercial District 3.1 (CD2.1)' in the CZB 8600 and a site-specific minor Zoning By-Law Amendment (ZBA) is requested to permit the use of the proposed two ground floor units as live-work spaces within a mixed use building.

Jackie Lassaline, BA MCIP RPP, Lassaline Planning Consultants has prepared this planning rationale report to support, explain and justify the proposed redevelopment.

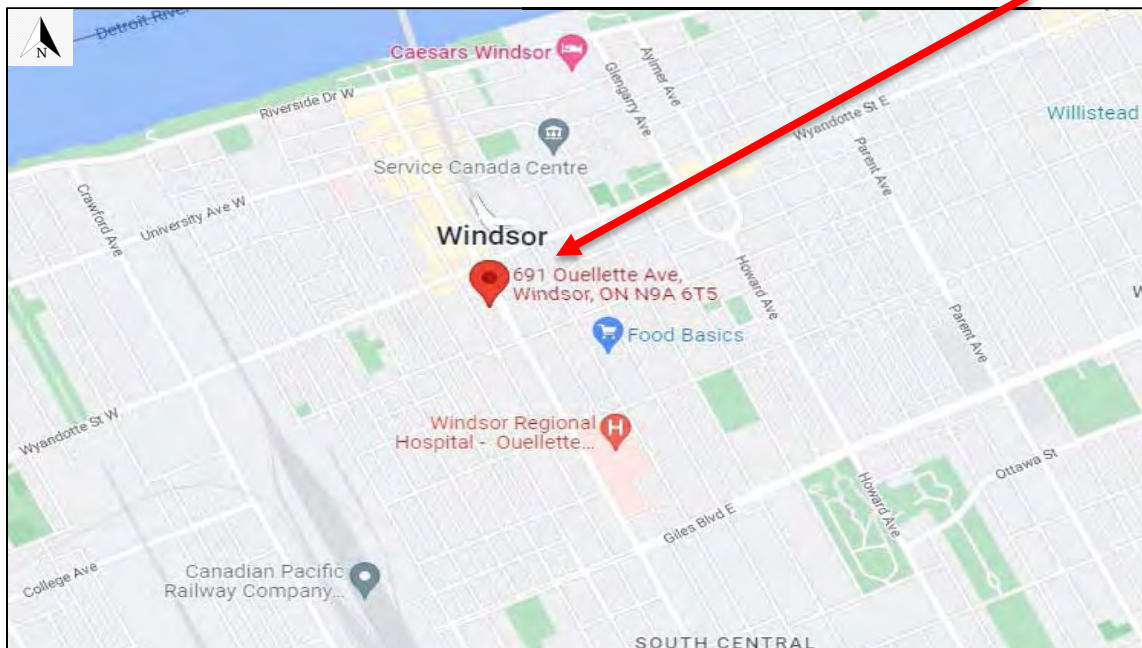
## 2.0 SITE AND SURROUNDING LAND USES

The subject site is located at 691 Ouellette, within the urban centre of the City of Windsor. The building is presently designated 'Mixed-Use' in the City of Windsor Official Plan and is designated as 'Commercial District 3.1 (CD3.1)' in the CZB 8600. The owners propose to convert the building to 6 residential apartment units, 2 live-work units, and a euro-style outdoor café. The basement, the second floor, and the attic/loft space are proposed to be developed with two residential apartment units each. The main/ground floor is proposed to be developed as two live-work units, and a café is proposed for the outdoor space in the front yard.

The City of Windsor CZB 8600 does not currently recognize the flexible nature of live-work unit spaces between residential **and** commercial uses; units are required to be clearly defined as **either** residential **or** commercial. Although the subject building is presently categorized as 'Mixed-Use' in the City of Windsor Official Plan, the CZB requires defined commercial units to be located on the main floor, with defined residential units located above on upper stories.

The proposed renovation will require a site-specific change in the City of Windsor Official Plan and the CZB 8600 regulations to support the creation of two live-work units with flexible commercial-residential space on the main floor and to allow for residential units below the commercial units..

**FIGURE 1 - LOCATIONAL MAP: PROPOSED RE-DEVELOPMENT SITE**





## 2.1 HERITAGE REGISTRY BUILDING

The subject building known as 691 Ouellette is located within the downtown commercial area of the municipality. The building was constructed around 1920 as a Tudor Revival residential building. As the City downtown center expanded in 1920, commercial buildings were constructed around the residence, the building was conserved and converted to a commercial use located within the existing building.

The subject building was identified as being a building with heritage value and therefore has been included on the Heritage Registry with the City of Windsor.

**FIGURE 2 – 691 OUELLETTE AVENUE ca. 1930**



The building was initially constructed for use as a private, single detached residence. The residence is a classic Tudor Revival with the typical asymmetrical shape and massing, the use of different colour stucco to contrast with the wood door frame, the brick door frame and wood window frames. The building featured attractive woodwork on its exterior and decorative brick details on the main floor.

The building originally had two front door entrances on the south and north sides with a keystone shaped brick with a smooth, curved lintel for the north entrance and column and straight, wooden lintel for the south entrance. The façade had main floor brown stucco with light brick work around windows and doors while the second floor façade had light stucco with dark brick work around windows creating a complimentary contrast.

The façade's stucco complimentary contrast has remained and enhanced over the 100 years; the south front entry door was removed and replaced with windows; decorative woodwork above the south door was removed from above the doorway; and decorative woodwork strips was added to the second and third storeys of the Ouellette façade providing additional tudor accents.

**FIGURE 3 – 691 OUELLETTE AVENUE 2020**



By 2009, the building had been renovated for use as a law office, with residential apartments created on the upper floors and commercial offices on the main floor. The one over one double pane windows originally had mullions in the upper pane and none below. These have been replaced with new windows that retained the one over one style but no longer have mullions on the top pane and are a very simple statement. The bay window has had the original one over one horizontal pane replaced with a double pane with side by side windows (vertical division), slightly different from original style but still within the Tudor Revival style. The north (right side) entrance with contrasting brick work to create a keystone entrance has been preserved.

## 2.2 LEGAL DESCRIPTION AND OWNERSHIP

The subject lands are municipally known as 691 Ouellette Avenue, Windsor Ontario. The property is located in Windsor Ward 3.

The subject lands are comprised of two parts presently owned by 28363629 Ontario Limited, with the following legal descriptions:

- 1) **691 Ouellette Ave (Building):** Part Lot 9, Block 2, Plan 256 as in R961847 together with R409655; Windsor.
- 2) **691 Ouellette Ave (parking lot):** Part Lot 8, Block 2, Plan 256 as in R961848 Subject To and Together With R961848; Windsor.

## 2.3 TOPOGRAPHY AND PHYSICAL FEATURES OF THE SITE

The site is located in the City Centre area of Windsor within a densely populated area. The rear yard and both side yards of the property are entirely paved with asphalt. There is one large mature tree in the rear of the property which has been paved around.

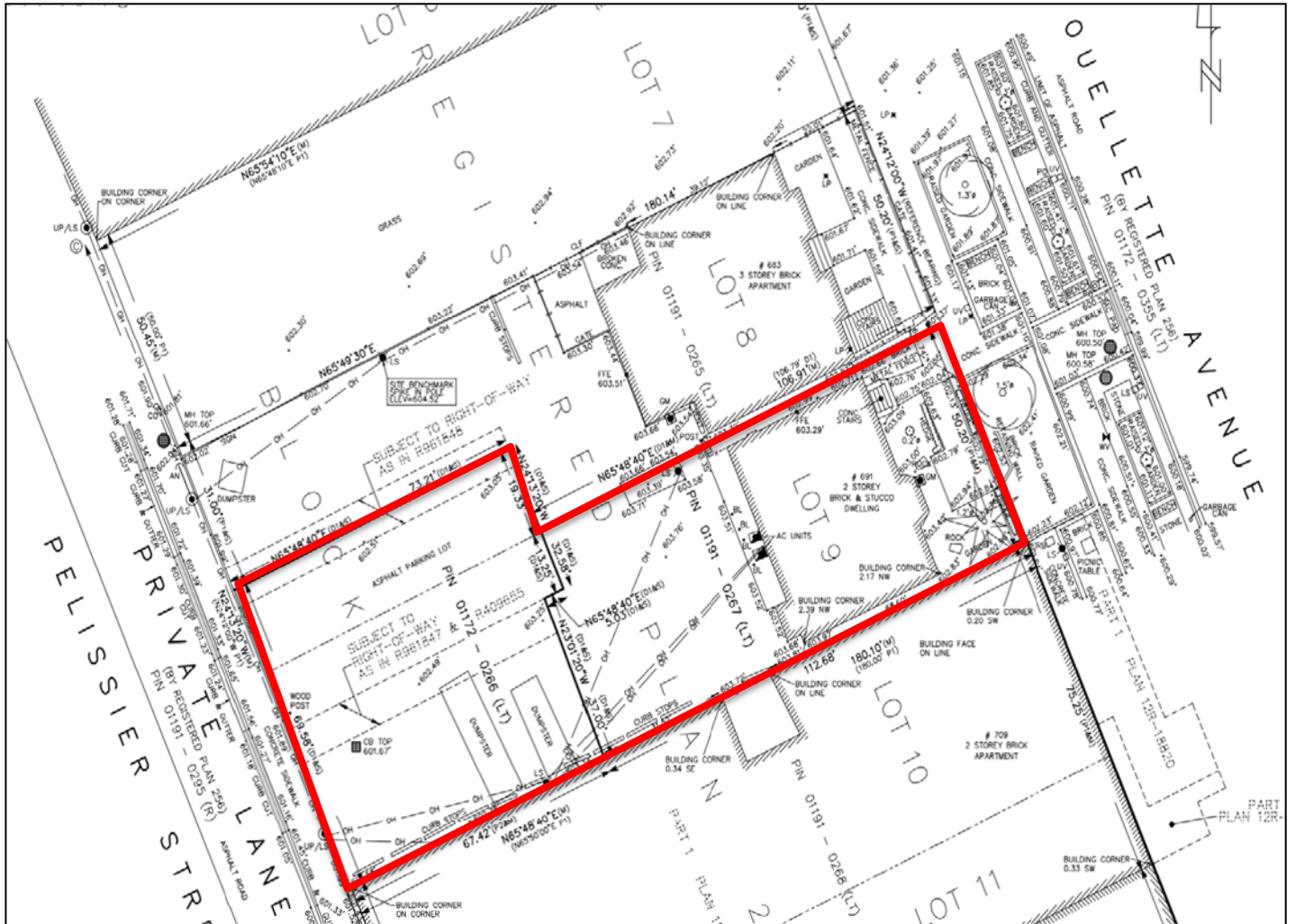
**FIGURE 4 – SITE PHOTO: REAR YARD**



There is a concrete retaining wall surrounding the front of the property and separating it from the pedestrian sidewalk along Ouellette Avenue. Inside of the retaining wall, there are two large, mature trees. One tree will be removed but the other tree will be retained according to the site plan. The remainder of the front yard area is mulched with woodchips and landscaped with grasses and small evergreen shrubs. There is also a concrete walkway leading to stairs and a front entranceway.

There are no natural or human made hazards at the site. There are no water courses, ditches, or significant natural features present at the site. The site is not situated on a flood plan or an area protected by ERCA regulations. There is no habitat suitable for Species At Risk of flora or fauna at the site.

**FIGURE 5 – SURVEY**



**2.4 SIZE AND SITE DIMENSION**

The subject lands are considered a through lot between Ouellette Avenue and Pelissier Street with an area of 518.68 m<sup>2</sup>. The subject lands have a frontage of 15.3 m along Ouellette Avenue and 21.2 m along Pelissier Street.

The lot is a slightly irregular shape that is generally rectangular.



**FIGURE 6 – 691 OUELLETTE: PROPOSED DEVELOPMENT SITE**



## 2.5 EXISTING STRUCTURES

There is a concrete retaining wall along the front yard of Ouellette Avenue property which provides separation from the private versus public space of Ouellette Avenue sidewalk. There is a black wrought iron fence along the front yard that will be removed according to the site plan.

**FIGURE 6 – 691 OUELLETTE: PROPOSED DEVELOPMENT SITE**



There is pedestrian streetscaping along Ouellette Avenue, with municipal pedestrian benches, garbage cans, and raised gardens, that will not be impacted by the proposed development.

**FIGURE 6 – 691 OUELLETTE: PROPOSED DEVELOPMENT SITE**



There are no garages, sheds, outbuilds, or additional accessory structures on the subject property.

## **2.6 MUNICIPAL SERVICES**

The subject lands have access to existing municipal sanitary sewer and storm water services along Ouellette Avenue.

**FIGURE 7 – SEWERS**



The site has access to paved sidewalks with benches, garbage cans, and planters along both sides of Ouellette Avenue. There is a pedestrian crossing with flashing lights at Ouellette in front of the proposed development site.

The subject site has excellent access to Transit Windsor bus services. Nearby bus routes include:

- Transway 1A
- Crosstown 2
- Central 3
- Ottawa 4

Transit Windsor Bus Stops within a 5 minute walk:

- Ouellette at Elliot (1)
- Ouellette at Wyandotte (1)
- Wyandotte at Ouellette (2)
- Wyandotte at Victoria (4)

The site is a 2 minute bike ride to the dedicated bike lanes along Bruce Avenue and a 3 minute bike ride to the dedicated bike lanes at Glengarry Avenue.



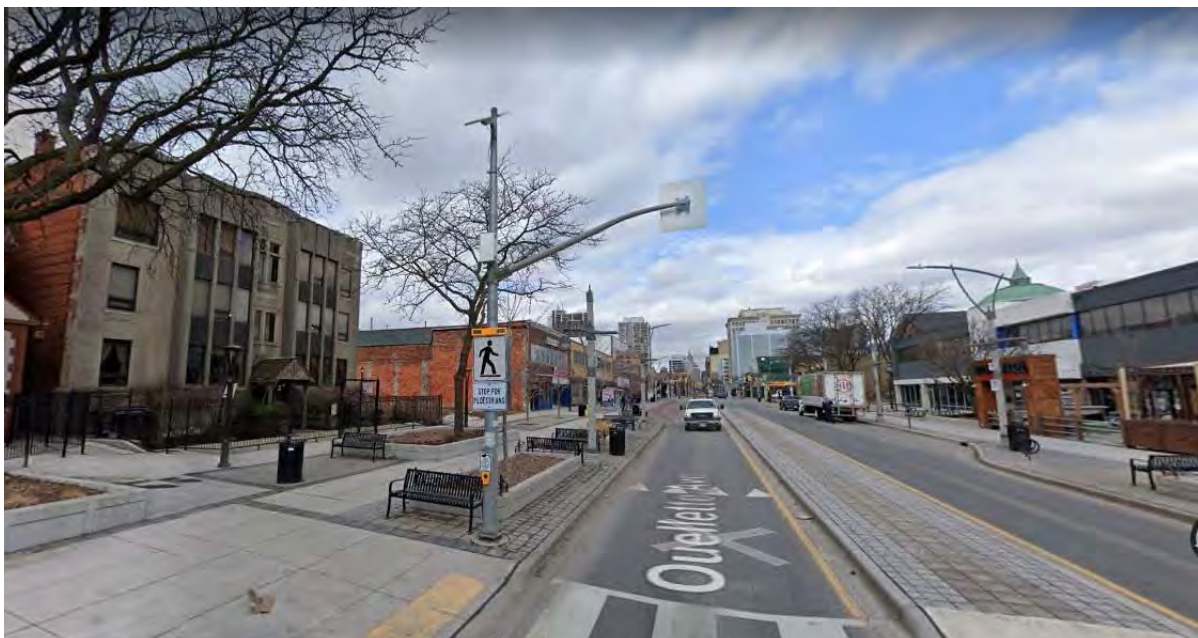
## 2.7 SURROUNDING LAND USES

The subject property is located in a very high density, mixed use neighbourhood in the heart of Downtown Windsor. This neighbourhood is designed to promote active transportation by walking and cycling, with wide paved sidewalks, bike racks, benches and waste disposal bins. There is a pedestrian crosswalk directly in front of the subject property.

**FIGURE 8 – SITE PHOTO: OUELLETTE AVENUE LOOKING SOUTH**

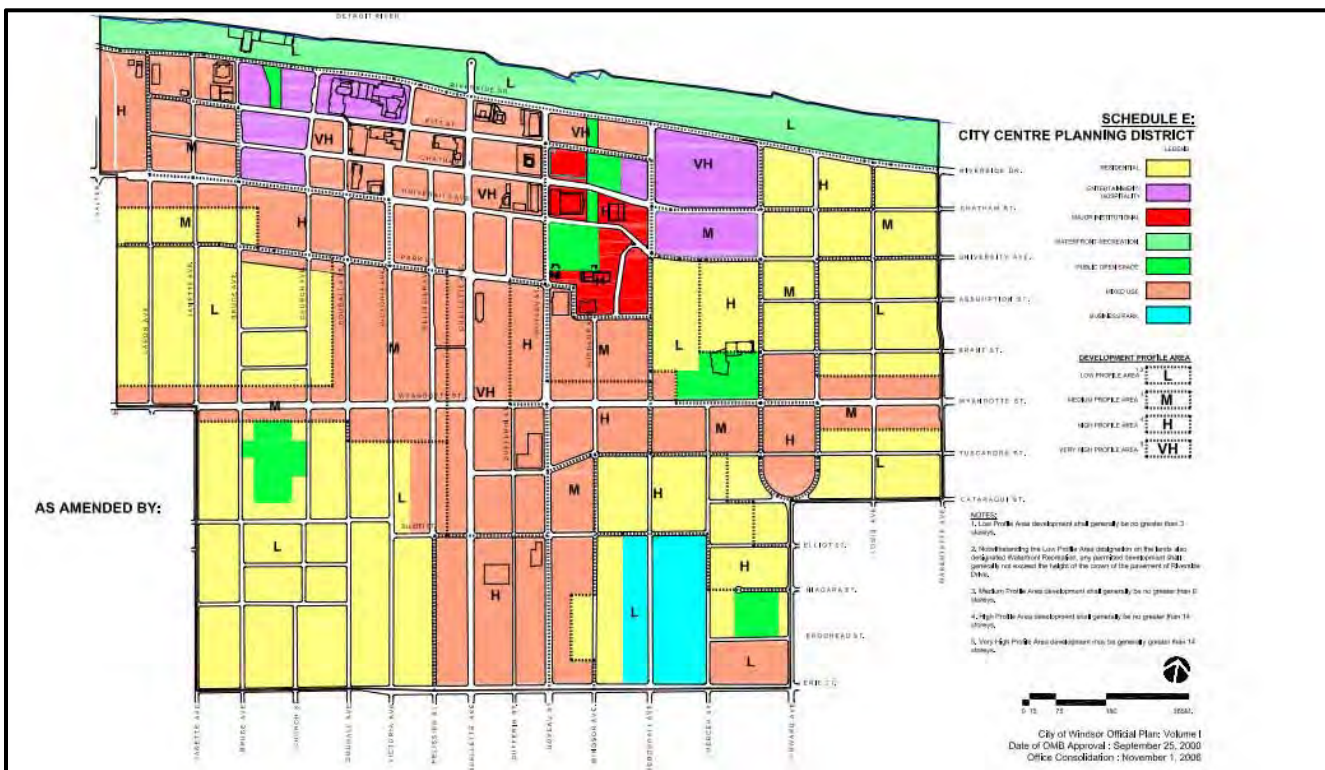


**FIGURE 9 – SITE PHOTO: OUELLETTE AVENUE LOOKING NORTH**



The subject lands are located in the City Centre Business Improvement Area. This area is designated as a 'Very High Profile' and 'Mixed Use' use neighbourhood in the City Centre Planning District of Windsor.

**FIGURE 10 – SCHEDULE E: CITY CENTRE PLANNING DISTRICT**



- a) **North-** The Cook's Shop Italian Restaurant
- b) **East-** The Bull and Barrel Saloon, Centre Communautaire Francophone
- c) **South-** Vacant 2 Storey Building
- d) **West-** Asphalt parking lot

There are a variety of 'Very High Profile' buildings and low profile two storey buildings in the neighbourhood. The neighbourhood is composed of a wide variety of commercial restaurants, bars, vacant buildings, social service agencies, residential apartment buildings, professional office spaces, commercial retail, restaurants, and high rise buildings with a mixed use buildings with commercial and residential combined buildings.

## 2.8 NEARBY AMENITIES

The website “mywalkscore.com” describes 691 Ouellette Avenue as a “Walker’s Paradise” in which “daily errands do not require a car.” The website gives the 691 Ouellette address a walk score of 94 out of 100. There are a wide variety of amenities within walking distance of the subject site, as indicated by the following small sample.

### Groceries:

- Downtown Windsor Farmer’s Market - 4 minute walk
- Windsor Korea Market - 4 minute walk
- Food Basics - 6 minute walk
- Family Fruit Market - 8 minute walk
- Ugarit Market - 16 minute walk

### Bars and Restaurants:

- The Cook’s Shop Italian Restaurant - 1 minute walk
- The Bull & Barrel Saloon - 1 minute walk
- Sitara Authentic Indian Cuisine - 3 minute walk
- Tequila Bob’s - 3 minute walk
- Voodoo Nightclub - 3 minute walk
- McDonald’s Fast Food - 4 minute walk
- Phở Nguyễn Hoàng - 8 minute walk
- Sweet Revenge Bake Shop - 12 minute walk

### Healthcare:

- Health Gate Pharmacy and Walk in Clinic - 2 minute walk
- Shoppers Drug Mart - 3 minute walk
- Windsor Regional Hospital Ouellette Campus - 8 minute walk

### Museums and Cultural Institutions:

- New Canadian Centre of Excellence- 1 minute walk
- Le Centre Communautaire Francophone- 1 minute walk
- St. Clair Centre for the Arts - 12 minute walk
- Caesar’s Windsor Colosseum - 15 minute walk
- Art Windsor Essex - 15 minute walk
- Riverfront Festival Plaza - 16 minute walk



Places of Worship:

- Central United Church - 2 minute walk
- Linh Son Temple (Buddhist Temple) - 3 minute walk
- Mount Gospel Church - 7 minute walk
- Congregation Shaar Hashomayim (Synagogue) - 14 min walk
- All Saints Anglican Church - 15 min walk

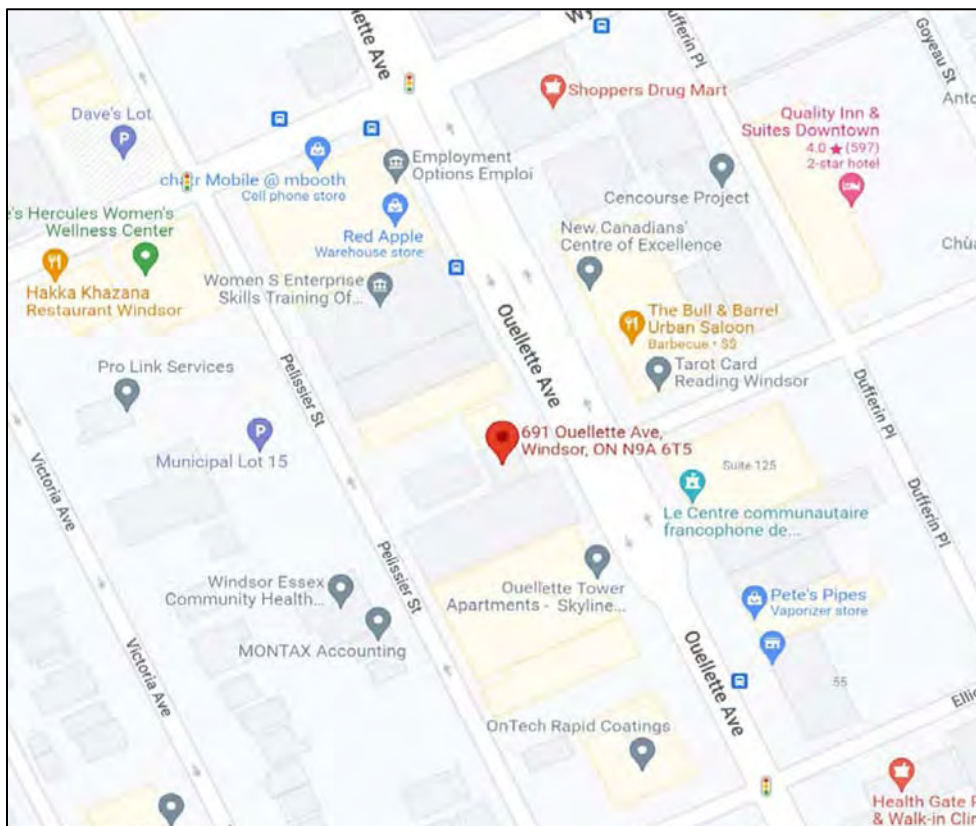
Parks:

- Dieppe Gardens 12 minute walk
- Adventure Bay Water Park 13 minute walk
- Great Western Park- 19 minute walk
- Windsor City Hall Gardens- 9 minute walk

Post-Secondary Educational and Employment Institutions:

- University of Windsor - 12 minute bus ride, 30 minute walk, 10 minute bike
- College Boreal - 1 minute walk
- Woman's Enterprise Skills Training of Windsor - 1 minute walk
- Dougall Ave Public School - 6 minute walk

**FIGURE 11 – SITE AMENITIES**



### 3.0 DEVELOPMENT PROPOSAL

The owners propose to renovate the interior of the existing building while preserving and highlighting the exterior of the building's unique historical features to develop the property for a mixed use development comprising 6 residential apartment units, 2 live-work units, and an exterior glass enclosed café.

The property is presently designated 'Mixed Use' in the Official Plan and zoned 'Commercial District 3.1 (CD3.1)' in Bylaw 8600 for the City of Windsor. The area is defined as a Mixed-Use neighbourhood in the downtown urban area of the City of Windsor.

The Official Plan needs to have a minor site specific amendment to allow for residential units below the commercial units in the basement area of the existing building. The minor Official Plan Amendment (OPA) will allow for the full utilization of a building that, other than the main floor office, was extensively vacant for a number of years. 'Mixed-Use' buildings are required to offer commercial space on the ground floor with residential spaces above. A site-specific OPA will allow for residential units below the commercial ground floor to OBC code.

Presently, the CZB 8600 does not provide for flexible live-work spaces that accommodate simultaneous commercial component and residential component in one unit to allow for the tenant to work and live in the same space. A Zoning Bylaw Amendment (ZBA) will provide a definition of live-work unit as well as a regulatory framework to allow for the residential component on the main floor for the building.

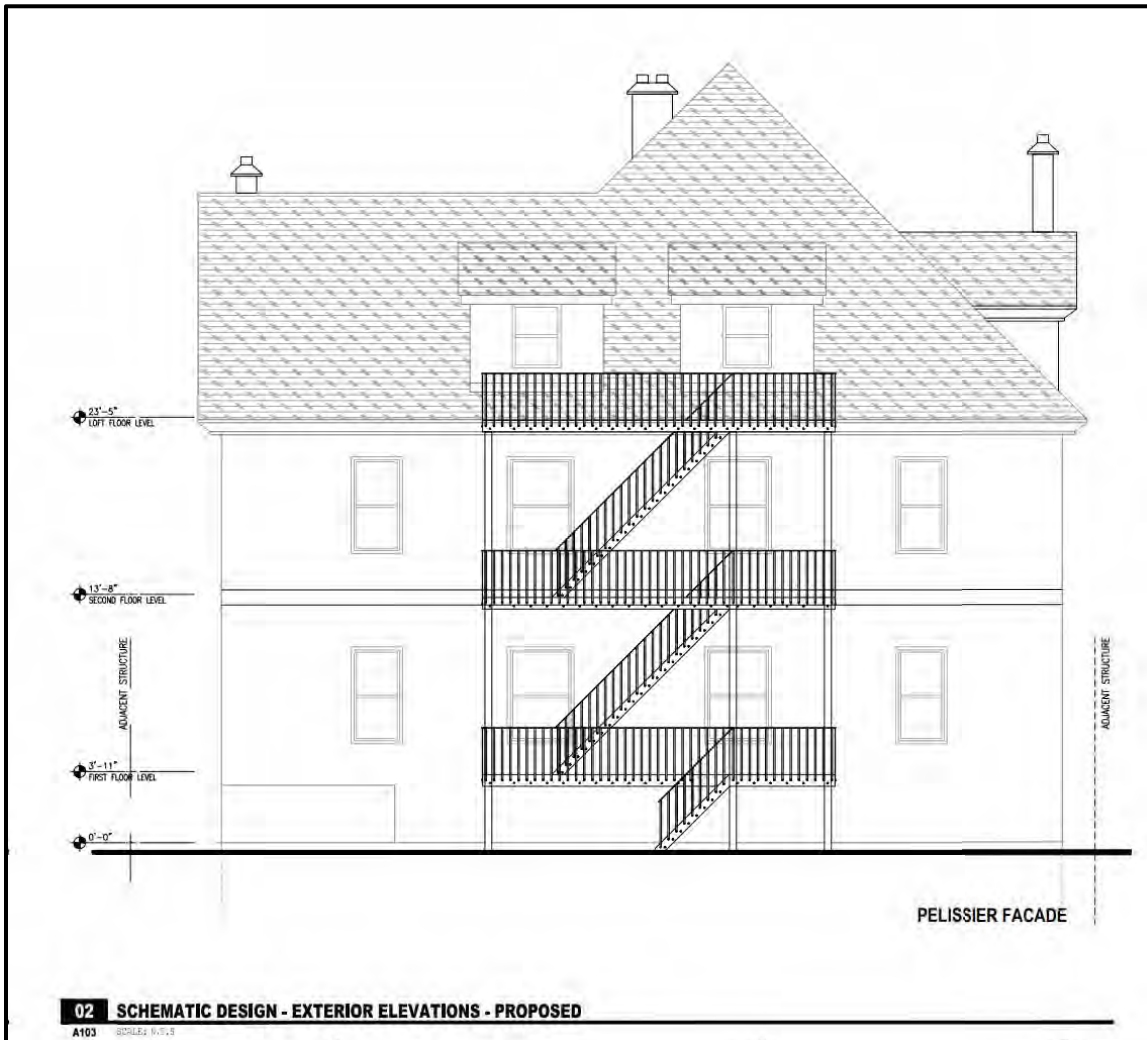
A live-work space supports a new balanced lifestyle of living at the same spot as the tenant work. This is successful for retail spaces, professional office spaces, and other spaces where the tenant works from 'home'.

Originally, the subject building was built as a single detached residence in an area that saw the city centre grow up around the building. The building was previously used as a large single detached residential home, and later as a law office with residential apartment units. The upper apartments have been vacant for a number of years and the basement has sat empty. The building has not been utilized as a law office for over five years and it is currently sitting vacant. The existing building is located in a prominent area within the City Centre of downtown area of Windsor.

The building is located in a mixed-use and mixed density neighbourhood with several high rise buildings over 14 storeys, a number of medium height buildings, and some existing single detached or multiple unit 2.5 storey buildings in the neighbourhood. The proposal to develop the existing 2.5 storey building with 8 total units (6 residential units and 2 live-work units) will provide for an appropriate moderate increase in density of the building in the mixed use and density neighbourhood that surrounds the existing building.

The adaptive re-use of the existing building will re-adaptive the unique heritage building that has existed on site for over a hundred years, conserving and preserving heritage structure and the viewscape of the building. The proposed renovation will utilize methods and materials consistent with maintaining the existing heritage aspects of its original 1920s appearance.

**FIGURE 12 – EXTERIOR BACK FAÇADE:**



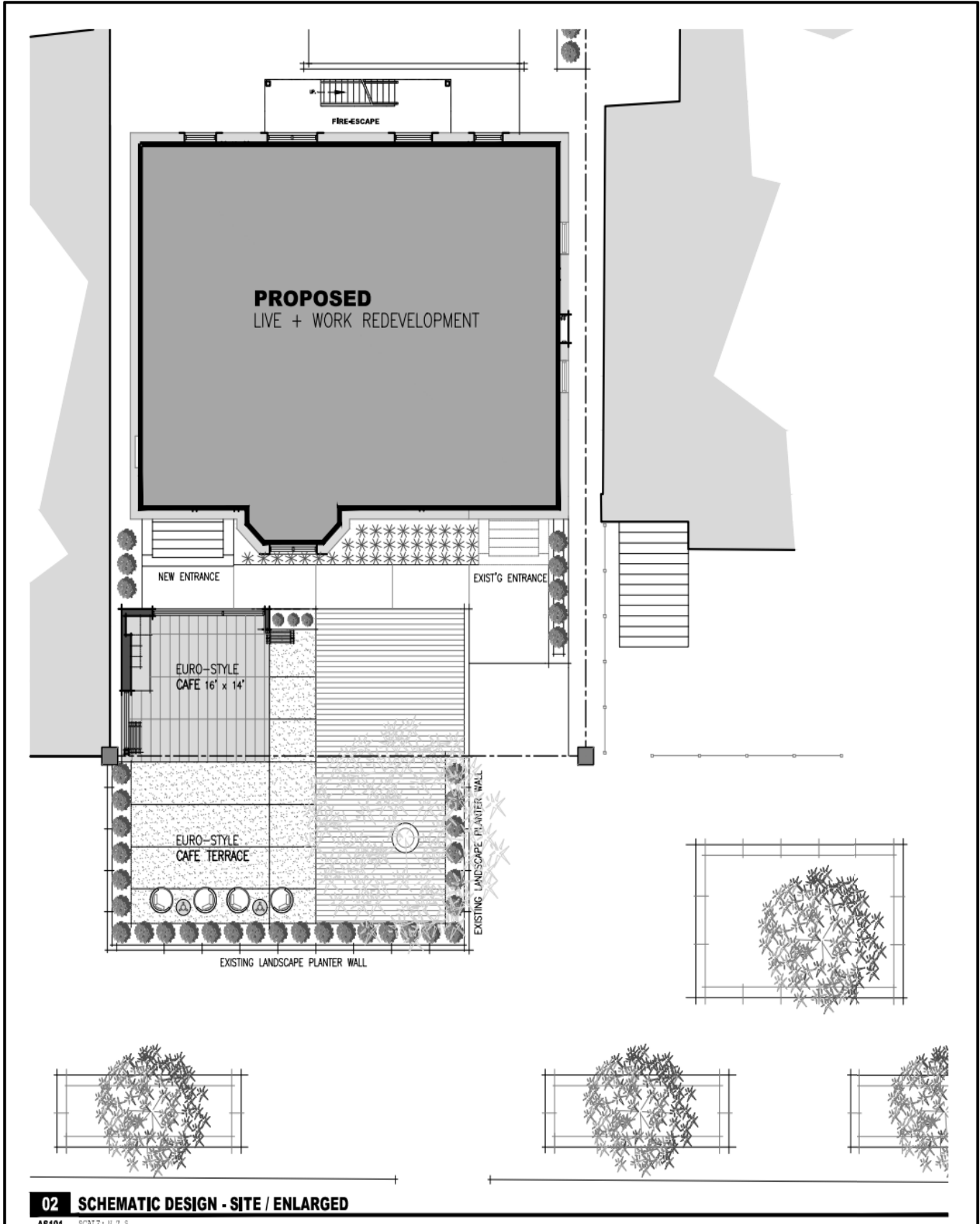
The renovation proposal includes re-establishing an entrance doorway on the south side of the Ouellette façade. A doorway existed in this area when the building was originally constructed, but the doorway and its surrounding decorative woodwork were later removed and replaced with windows. The proposed renovation will restore some of the original design aspects of the building’s original 1920s appearance while preserving and conserving the present building profile.

The renovation will also retain one of the mature deciduous trees in the front yard. A three storey fire escape, including a railing, will be added to the rear Pelissier façade. The fire escape will provide an alternative emergency exit for residents while maintaining an attractive visual appearance that is consistent with the design of the building.

**FIGURE 13 – EXTERIOR FRONT FAÇADE:**



**FIGURE 14 – SITE PLAN: BUILDING FOOTPRINT**



**02 SCHEMATIC DESIGN - SITE / ENLARGED**

AS404 SC3174-11-7-8



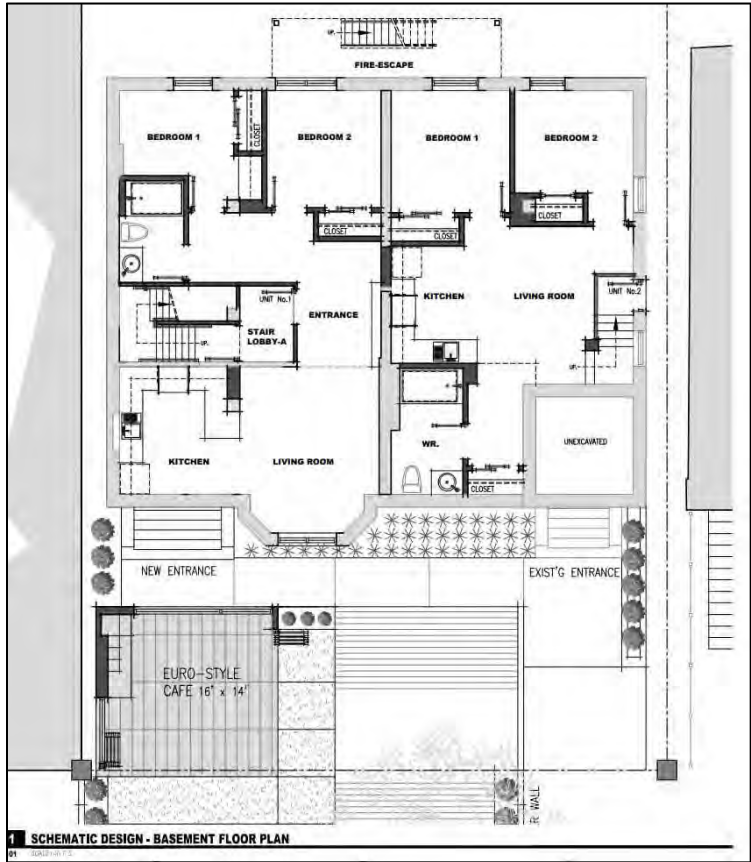
The proposal also includes the development of a small euro-style café on the left side of the building. The proposed café will be enclosed in glass, have outdoor seating, will be accessible to pedestrian traffic via its frontage on Ouellette Avenue but maintaining a separate and defined space by the existing retaining wall. The proposed café will not impede the flow of pedestrian traffic because of the existing retaining wall. The café is consistent with the established neighbourhood of restaurants and bars, including the Italian restaurant in the adjacent building which already has outdoor seating in the front. The tree on the left will be removed to accommodate the café but the large mature tree on the right will be retained according to the site plan. A café is consistent with the present zoning of 'Commercial District 3.1 (CD3.1)' in the CZB 8600.

**FIGURE 15 – 2 EXAMPLES CAFÉ LOOK**





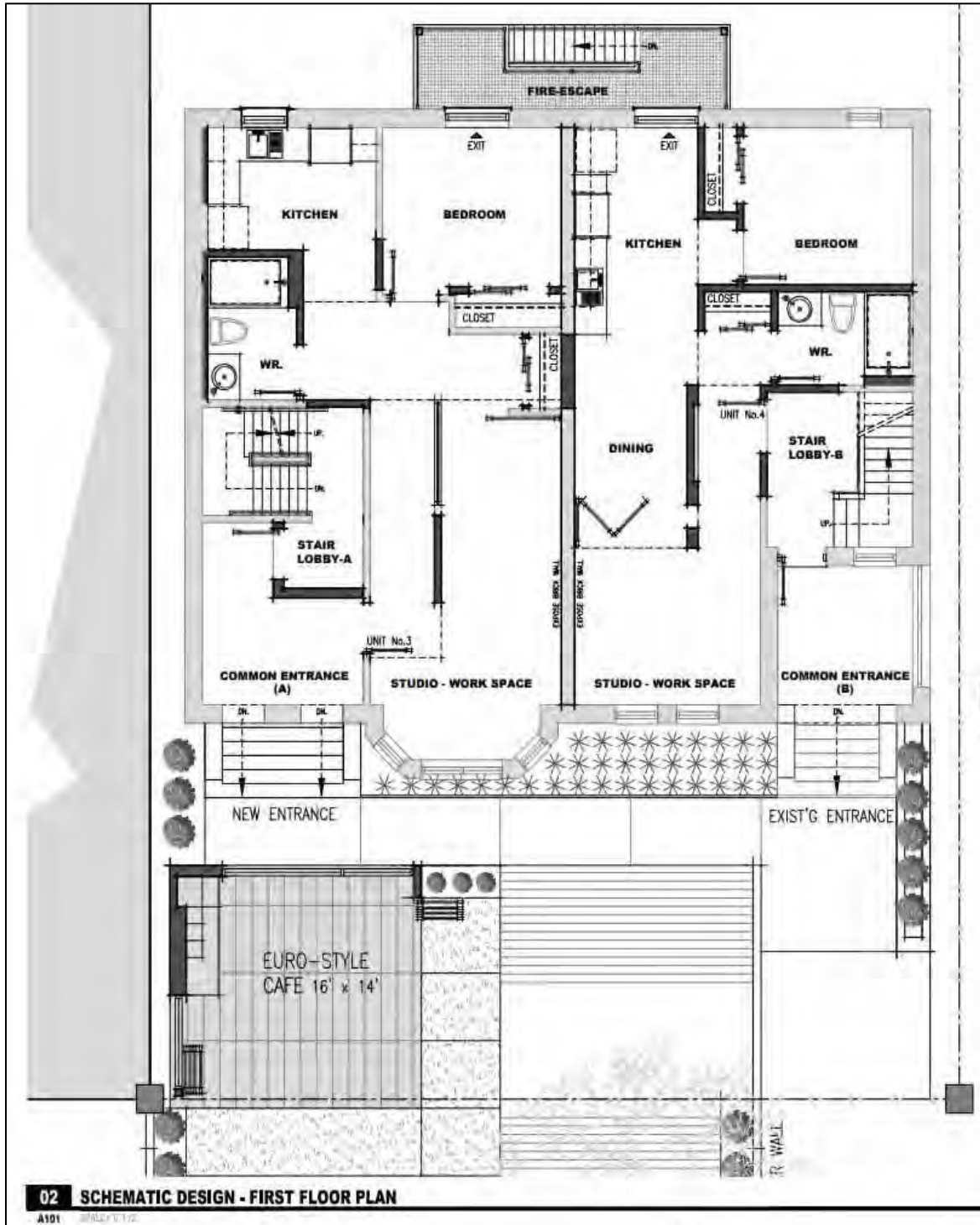
**FIGURE 16 – BASEMENT FLOOR PLAN**





The existing fire escape at the back of the building leading outdoors from the basement will be updated and will be accessible to both basement units. Each basement unit will include several windows, two bedrooms, a bathroom, a kitchen and a living room. Each basement unit will be accessible from a common main floor entrance, with Unit A being accessible from Lobby A and Unit B being accessible from Lobby B. lobby and staircase.

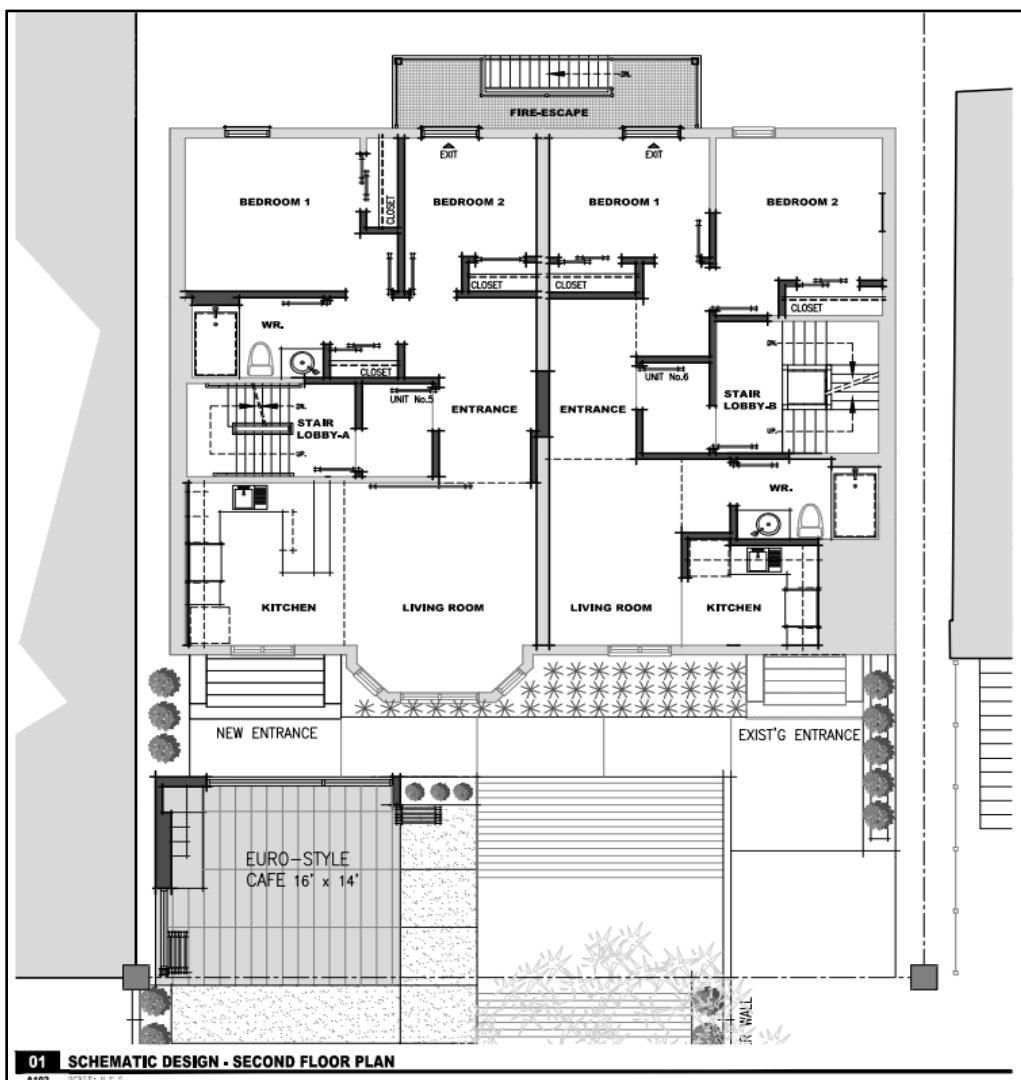
**FIGURE 17 – MAIN FLOOR PLAN**



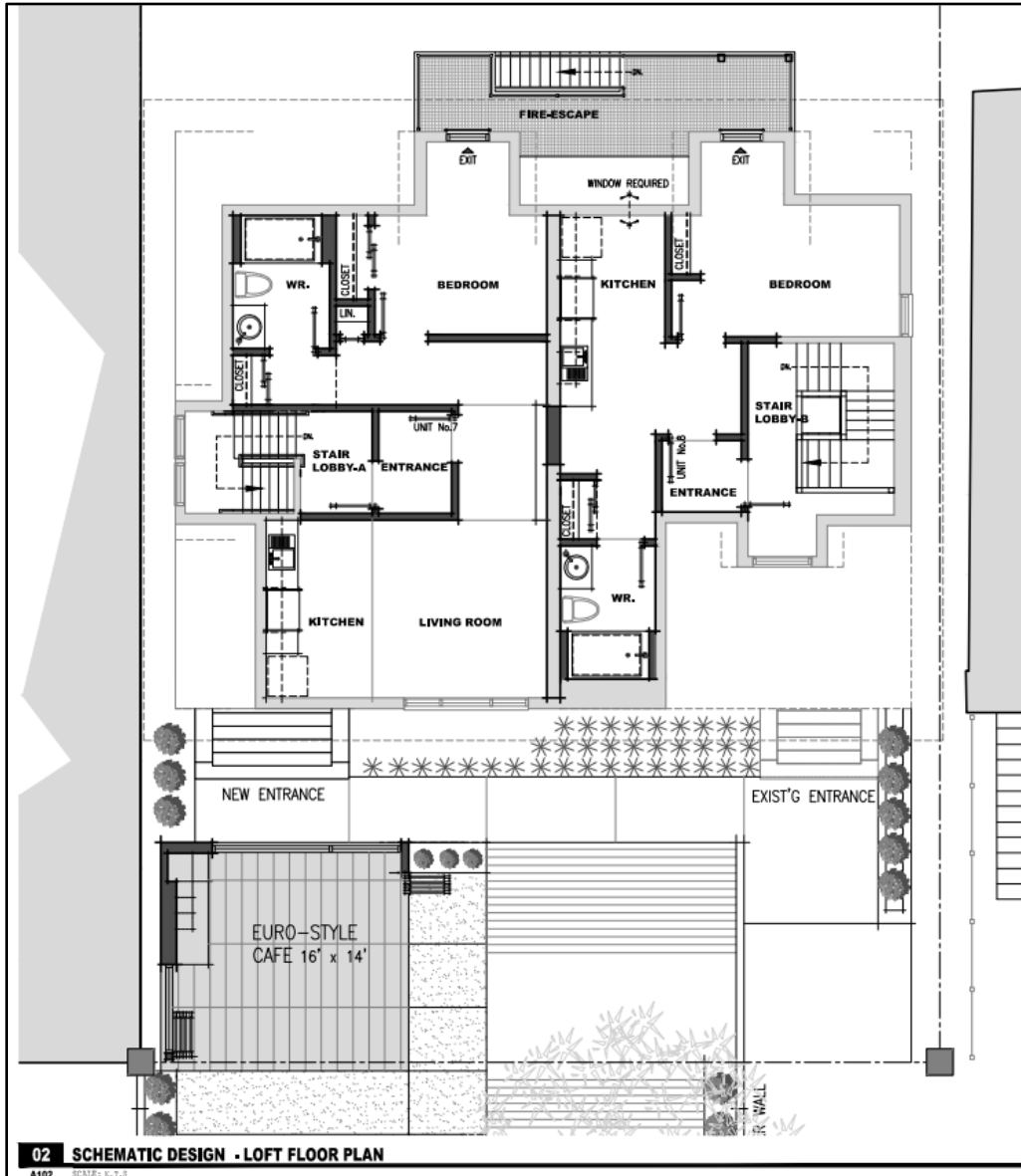
The main/ground floor is proposed to be developed as two live-work units. Each main floor unit will be accessible from a common main floor entrance. Unit A will be accessible from Lobby A and Unit B will be accessible from Lobby B. The units will each consist of a kitchen, bathroom, one bedroom, and a flexible live-work space. Unit B will also have a dining room.

Each of the two live-work rooms will have an entrance directly from the main lobby. The live-work space may be utilized for a variety of commercial uses and will be suitable for use as a studio or office but may also be utilized as living space by the resident during non-business hours. The proposed live-work spaces will be accessible to a high volume of pedestrian traffic via the two main entrances off Ouellette Avenue but will also offer efficient use of limited space by offering the additional option of being utilized as living space when closed for business.

**FIGURE 18 – SECOND FLOOR PLAN**



**FIGURE 19 – ATTIC/LOFT PLAN**

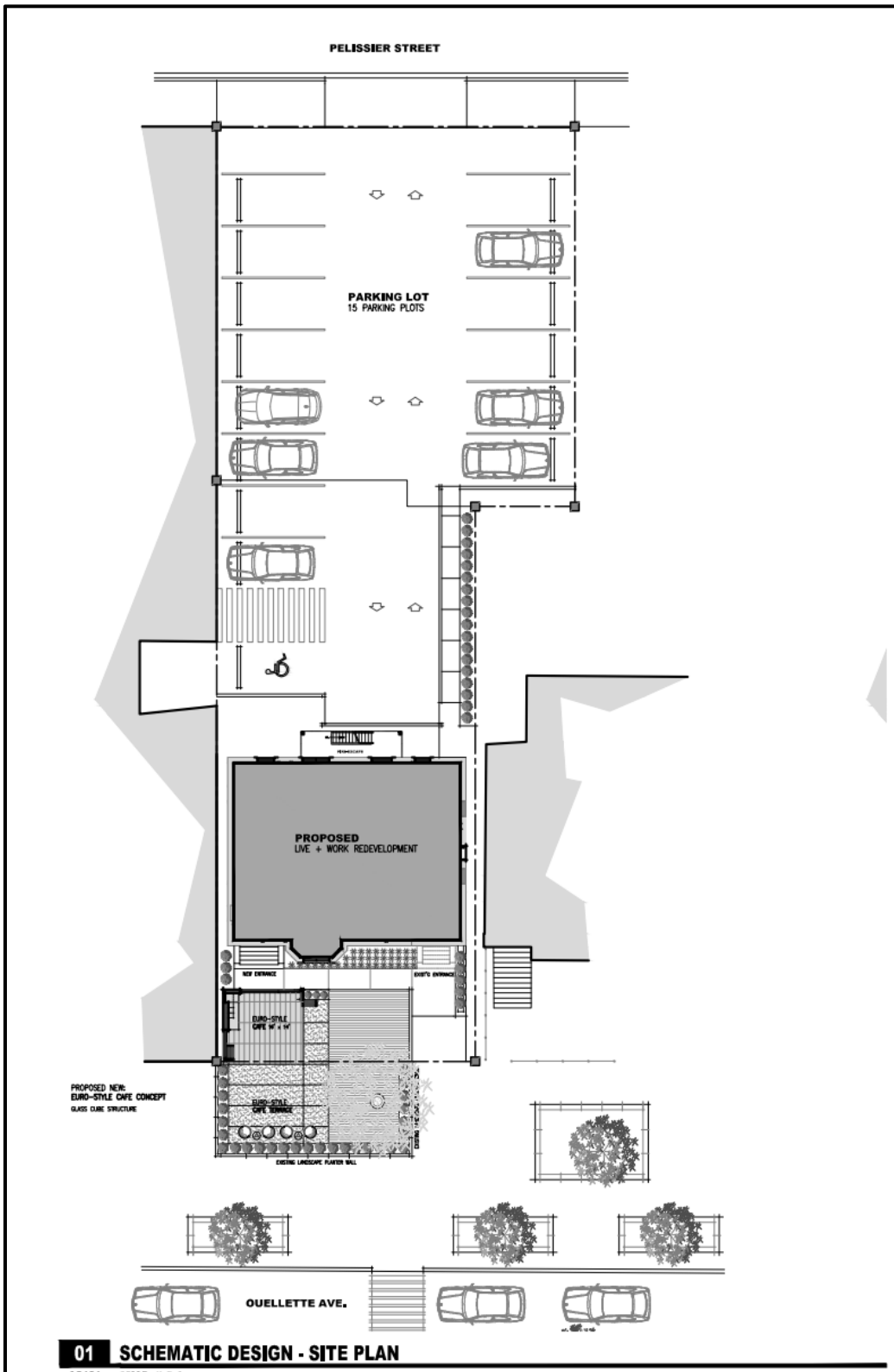


The second floor is proposed to be developed as 2 residential apartment units, each with two bedrooms, a living room, a kitchen, a bathroom, and access to the rear fire escape. Unit A will be accessible from the stairwell of Lobby A and Unit B will be accessible from the stairwell of Lobby B.

The attic/loft is proposed to be developed as two one-bedroom residential apartment units. Unit A will be accessible via the staircase of Lobby A and Unit B will be accessible via the staircase of Lobby B. Each unit will consist of one bedroom, a bathroom, a kitchen and a living room. Both units will have access to the emergency fire escape.

The parking lot will be reconfigured with 15 car parking spaces, including one Barrier Free space.

**FIGURE 20 – SITE PLAN: PARKING LOT**



The proposed development will provide an alternative form of accommodation to the single detached residences common in Windsor, adding to the diversity of housing options in the City, and creating additional housing stock. The proposed renovations will provide a new housing choice described as the “Missing Middle”.

The concept of “Missing Middle” housing is defined by CMHC as:

*“housing that fits the gap between low-rise, primarily single-family homes and mid-rise apartment buildings. These housing types provide a variety of housing options that add housing stock and meet the growing demand for walkability. The missing middle also refers to the lack of available and affordable housing for middle-income households to rent or own”* ([The Missing Middle Housing Delivery Solutions Lab | CMHC \(cmhc-schl.gc.ca\)](#)).

The proposed development will create 8 units of housing that will offer a price point lower than the more expensive single detached home. The two live-work spaces will offer commercial space in high traffic pedestrian areas that might typically be unaffordable for young entrepreneurs. Alternatively, the live-work scenario provides an alternative form of working and living that accommodates a work from home scenario. The live-work scenario reduces commuting to work and the dependency on the automobile. The location of the development in the downtown area of Windsor and offers close proximity to commercial amenities, walkable area that is an attractive location for residents who enjoy an active, social life. The excellent walkability of the neighbourhood and easy access to public transit will support active transportation by foot or bike.

The moderate increase in density of an existing underutilized building, the walkability of the neighbourhood, and the adaptive reuse of an existing heritage building will serve to mitigate the effects of climate change while also creating needed housing while fully utilizing a previous under utilized building, all while preserving and conserving the heritage building are all significant reasons why in my professional opinion, the requested development makes sound planning.

#### 4.0 PROVINCIAL POLICY STATEMENT (PPS)

The *Planning Act, R.S.O. 1990, c.P. 13*, as amended, requires that the Council of a local Municipality shall make decisions on development applications which are consistent with the Provincial Policy Statement (PPS), 2020. The PPS was issued by the Ministry of Municipal Affairs and Housing under the *Planning Act* and provides direction on matters of provincial interest primarily related to land use planning and development. The policies within the PPS apply province-wide and are an integral part of the Ontario's policy led planning system. The PPS generally aims to encourage the wise use and management of land and other resources, promote the development of healthy and prosperous communities, protect public health and safety, and protect the natural environment. Specifically, the primary directives of the PPS include:

***“Section 1.1.1 Managing and Directing Land Use***

*Healthy, liveable and safe communities are sustained by:*

a) *promoting efficient development and land use patterns which sustain the financial well-being of the Province and municipalities over the long term;*

**COMMENT:**

In my professional opinion, the proposed OPA and ZBA allowing for the proposed adaptive re-use of the building with the inclusion of residential units, live-work units and cafe will create an efficient and effective use that provides for a diversity of housing supporting a healthy community.

b) *accommodating an appropriate affordable and market-based range and mix of residential types (including single-detached, additional residential units, multi-unit housing, affordable housing and housing for older persons), employment (including industrial and commercial), institutional (including places of worship, cemeteries and long-term care homes), recreation, park and open space, and other uses to meet long-term needs;*



**COMMENT:**

In my professional opinion, the proposed adaptive re-use of an existing building will provide for an alternative style and tenure of housing than the standard housing in Windsor. The apartment units will create needed rental housing stock. The live-work units will provide residents with a flexible option to accommodate a home occupation in the downtown commercial area of the city. The euro café will increase pedestrian traffic which will increase the benefit the live-work residents. It is my professional opinion that the proposal will facilitate the provision of a variety and diversity of housing needed within the City to support a healthy community by creating a style of live-work housing not presently available within the City.

- c) *avoiding development and land use patterns which may cause environmental or public health and safety concerns;*

**COMMENT:**

It is my professional opinion that there are no health and safety or environmental concerns associated with the proposed adaptive re-use of the existing building.

- d) *avoiding development and land use patterns that would prevent the efficient expansion of settlement areas in those areas which are adjacent or close to settlement areas;*

**COMMENT:**

The existing building will not have a negative impact on adjacent land uses or there expansions. In my professional opinion, the adaptive re-use of the existing structure does not have any impacts on the development of the neighbourhood.

- e) *promoting the integration of land use planning, growth management, transit-supportive development, intensification and infrastructure planning to achieve cost-effective development patterns, optimization of transit investments, and standards to minimize land consumption and servicing costs;*

**COMMENT:**

It is my professional opinion that the adaptive reuse of the existing low-profile heritage building is an appropriate and compatible infilling development within the existing mixed-use neighbourhood and provides for an appropriate modest intensification of a mixed-use adaptive re-use of the building. The rental tenure will support the present low vacancy rates within the City and provide for alternative housing tenure and style.

- f) *improving accessibility for persons with disabilities and older persons by addressing land use barriers which restrict their full participation in society;*

**COMMENT:**

Building accessibility will be established in compliance with the OBC for the six residential units, the 2 live-work units, and the café. Accessibility will be increased than what is present in the existing inaccessible building.

- g) *ensuring that necessary infrastructure and public service facilities are or will be available to meet current and projected needs;*

**COMMENT:**

With the modest intensification through the adaptive re-use from commercial units to residential units, there is capacity available in the municipal infrastructure to accommodate the proposed 6 residential units, 2 live-work units, and café. In my professional opinion, the proposed adaptive reuse of an existing heritage building is considered an efficient and effective utilization of municipal infrastructure and provides for needed alternative residential housing.

- h) *promoting development and land use patterns that conserve biodiversity;*  
*and*

**COMMENT:**

In my professional opinion, the adaptive reuse of the existing building and infrastructure will not impact the ecosystem presently on the urban property and will not require the utilization of new resources such as lumber, supporting the conservation of biodiversity.

- i) *preparing for the regional and local impacts of a changing climate.”*

**COMMENT:**

It is my professional opinion that the proposed renovation assists with the conservation and preservation of biodiversity by providing for modest intensification of residential density; provides for efficient and effective utilization of and existing building through the adaptive reuse; and the live-work units will reduce commuting between residence and work and will help support the reduction of dependency on the automobile.

**“Section 1.1.3.1 Settlement Areas**

*Settlement areas shall be the focus of growth and development.”*

**COMMENT:**

The proposed OPA/ZBA is within the Primary Settlement Area of the city.

**“Section 1.1.3.2 Settlement Areas**

*Land use patterns within settlement areas shall be based on densities and a mix of land uses which:*

- a) *efficiently use land and resources;*
- b) *are appropriate for, and efficiently use, the infrastructure and public service facilities which are planned or available, and avoid the need for their unjustified and/or uneconomical expansion;*
- c) *minimize negative impacts to air quality and climate change, and promote energy efficiency;*
- d) *prepare for the impacts of a changing climate;*
- e) *support active transportation; f) are transit-supportive, where transit is planned, exists or may be developed; and*
- g) *are freight-supportive.*

*Land use patterns within settlement areas shall also be based on a range of uses and opportunities for intensification and redevelopment in accordance with the criteria in policy 1.1.3.3, where this can be accommodated.”*

**COMMENT:**

In my professional opinion, the proposed OPA/ZBA is an efficient and effective use of land and resources because it uses existing municipal infrastructure, it supports public transit and active transportation while reducing the need for private vehicle use, and it conserves and protects the heritage features of a unique historic building, provides for employment opportunities in both the café and two live-work units while also increasing the stock of residential rental housing.

***“Section 1.1.3. Settlement Areas***

*Planning authorities shall identify appropriate locations and promote opportunities for transit-supportive development, accommodating a significant supply and range of housing options through intensification and redevelopment where this can be accommodated taking into account existing building stock or areas, including brownfield sites, and the availability of suitable existing or planned infrastructure and public service facilities required to accommodate projected needs.”*

**COMMENT:**

In my professional opinion, the proposed development creates an alternative style and tenure of housing, 2 flexible live-work units, that is not presently available within the city while also increasing the stock of alternative housing by adding 6 new rental apartment units. The development efficiently utilizes existing public transportation routes and sewer and water infrastructure.

***“Section 1.1.3.4 Settlement Areas***

*Appropriate development standards should be promoted which facilitate intensification, redevelopment and compact form, while avoiding or mitigating risks to public health and safety.”*

**COMMENT:**

The proposed development is the adaptive re-use of an existing heritage building. In my professional opinion, the proposed development will offer a compact residential form on a small land footprint to create a moderate residential intensification in an appropriate area.

### ***“Section 1.3.1 Employment***

*Planning authorities shall promote economic development and competitiveness by:*

- a) providing for an appropriate mix and range of employment, institutional, and broader mixed uses to meet long-term needs;*
- b) providing opportunities for a diversified economic base, including maintaining a range and choice of suitable sites for employment uses which support a wide range of economic activities and ancillary uses, and take into account the needs of existing and future businesses;*
- c) facilitating the conditions for economic investment by identifying strategic sites for investment, monitoring the availability and suitability of employment sites, including market-ready sites, and seeking to address potential barriers to investment;*
- d) encouraging compact, mixed-use development that incorporates compatible employment uses to support liveable and resilient communities, with consideration of housing policy 1.4; and*
- e) ensuring the necessary infrastructure is provided to support current and projected needs.*

#### **COMMENT:**

In my professional opinion, the proposed OPA/ZBA supports the adaptive reuse of an existing low profile building with a modest intensification that is supported by existing infrastructure and is highly compatible with a pedestrian focused neighbourhood. The two live-work units will provide flexible space that residents can utilize for entrepreneurial businesses or professional offices while eliminating commute and reducing their operating expenses. The café offers additional compatible employment opportunities in the same space as where the residents live.

### ***“Section 1.4.1 Housing***

*To provide for an appropriate range and mix of housing options and densities required to meet projected requirements of current and future residents of the regional market area, planning authorities shall:*

- a) maintain at all times the ability to accommodate residential growth for a minimum of 15 years through residential intensification and redevelopment and, if necessary, lands which are designated and available for residential development; and*

- b) *maintain at all times where new development is to occur, land with servicing capacity sufficient to provide at least a three-year supply of residential units available through lands suitably zoned to facilitate residential intensification and redevelopment, and land in draft approved and registered plans.”*

**COMMENT:**

The proposed development provides additional rental housing stock with a moderate increase of residential density to what was previously on the site.

**“Section 1.6.7.4 Transportation Systems**

*A land use pattern, density and mix of uses should be promoted that minimize the length and number of vehicle trips and support current and future use of transit and active transportation.”*

**COMMENT:**

In my professional opinion, the proposed development supports transit and active transportation and reduces the need for private vehicle trips.

**“Section 1.7.1 Long-Term Economic Prosperity**

*Long-term economic prosperity should be supported by:*

- a) *promoting opportunities for economic development and community investment-readiness;*
- b) *encouraging residential uses to respond to dynamic market-based needs and provide necessary housing supply and range of housing options for a diverse workforce;*
- c) *optimizing the long-term availability and use of land, resources, infrastructure and public service facilities;*
- d) *maintaining and, where possible, enhancing the vitality and viability of downtowns and mainstreets;*
- e) *encouraging a sense of place, by promoting well-designed built form and cultural planning, and by conserving features that help define character, including built heritage resources and cultural heritage landscapes;*
- f) *promoting the redevelopment of brownfield sites;*

- g) *providing for an efficient, cost-effective, reliable multimodal transportation system that is integrated with adjacent systems and those of other jurisdictions, and is appropriate to address projected needs to support the movement of goods and people;*
- h) *providing opportunities for sustainable tourism development;*
- i) *sustaining and enhancing the viability of the agricultural system through protecting agricultural resources, minimizing land use conflicts, providing opportunities to support local food, and maintaining and improving the agri-food network;*
- j) *promoting energy conservation and providing opportunities for increased energy supply;*
- k) *minimizing negative impacts from a changing climate and considering the ecological benefits provided by nature; and*
- l) *encouraging efficient and coordinated communications and telecommunications infrastructure.”*

**COMMENT:**

In my professional opinion, the proposed OPA/ZBA responds effectively to market-based demand for live-work housing options. The proposal also supports cultural heritage by conserving and preserving the Tudor Revival, 100 year old building. The café will support the economy by providing employment with the creation of a euro-style outdoor café that will appeal to pedestrians. In my professional opinion, the proposed development will foster a sense of place.

**“Section 1.8.1 Energy Conservation, Air Quality and Climate Change**

*Planning authorities shall support energy conservation and efficiency, improved air quality, reduced greenhouse gas emissions, and preparing for the impacts of a changing climate through land use and development patterns which:*

- a) *promote compact form and a structure of nodes and corridors;*
- b) *promote the use of active transportation and transit in and between residential, employment (including commercial and industrial) and institutional uses and other areas;*
- c) *focus major employment, commercial and other travel-intensive land uses on sites which are well served by transit where this exists or is to be*

- developed, or designing these to facilitate the establishment of transit in the future;*
- d) focus freight-intensive land uses to areas well served by major highways, airports, rail facilities and marine facilities;*
  - e) encourage transit-supportive development and intensification to improve the mix of employment and housing uses to shorten commute journeys and decrease transportation congestion;*
  - f) promote design and orientation which maximizes energy efficiency and conservation, and considers the mitigating effects of vegetation and green infrastructure; and*
  - g) maximize vegetation within settlement areas, where feasible.”*

**COMMENT:**

In my professional opinion, the proposed OPA/ZBA offers a compact mixed-use development supportive of active transportation in a mixed use neighbourhood. The proposed development will conserve an existing mature tree and retain the character of an historic building.

***“Section 2.6.1 Cultural Heritage and Archaeology***

*Significant built heritage resources and significant cultural heritage landscapes shall be conserved.”*

**COMMENT:**

The proposed adaptive re-use of the existing Tudor Revival building that is on the City of Windsor Heritage Registry, in my professional opinion, provides for a conservation and preservation of significant cultural heritage.

**COMMENT:**

**The proposed development will provide for needed alternative residential housing, will preserve the built heritage, and will provide for pedestrian oriented mixed use commercial and residential development in the downtown core of the City of Windsor. In my professional opinion, the proposed OPA/ZBA is consistent with the Provincial Policy Statement.**



## 5.0 CITY OF WINDSOR OFFICIAL PLAN

The subject lands are located within the downtown city center in the city of Windsor. The area is designated 'Mixed Use' on Schedule 'A' of the City of Windsor Official Plan.

Proposed is the adaptive re-use of an existing 100 year old building that will repurpose the building for a mixed use development of 6 residential units, 2 live-work units and commercial café. An Official Plan Amendment (OPA) is required to a site specific policy that will allow for the inclusion of residential apartments below the main floor commercial units. The following policies relate to the proposed OPA and the corresponding development:

### ***“Section 3.2.2.2 City Centre***

*The City Centre will continue to be the major focus of cultural, social and economic activities. The City Centre is and will remain the heart of Windsor, serving as the visual symbol of the entire community. A diverse mixture of businesses, cultural venues, major government offices and entertainment destinations will strengthen downtown as a major economic centre. The heart of our community will also provide a liveable residential environment for a variety of people and be a welcoming arrival point for visitors.”*

### **COMMENT:**

In my professional opinion, the proposed inclusion of live-work units and the inclusion of new residential units within the building will provide for a diverse mixture of commercial and residential units resulting in a positive development within the downtown area of the city centre. In my professional opinion, the OPA will facilitate a diversity of housing and provide for a healthy community.

### ***“Section 4.2.1 Healthy and Liveable City***

*4.2.1.1 To consider community health in the planning and design of Windsor and its neighbourhoods.*

*4.2.1.2 To provide for activities and facilities which will foster an active lifestyle to improve community health.*

*4.2.1.4 To protect against climate change and its possible adverse effects on human health, the physical environment, economy and quality of life.*

*4.2.1.5 To encourage a mix of housing types and services to allow people to remain in their neighbourhoods as they age.*

*4.2.1.6 To provide for pedestrian scale neighbourhood centres that serve the day-to-day needs of the residents.”*

**COMMENT:**

In my professional opinion, the proposed OPA supports a healthy, walkable redevelopment and community. The proposal encourages pedestrian traffic, reduces dependence on the car, supports the use of municipal transit while supporting active transportation.

In my professional opinion, the proposal creates a housing diversity through an alternative style and tenure. The location and style of the proposed development support a healthy community by providing the residential development within the mixed use neighbourhood of the downtown area of the city of Windsor. The outdoor style café adds an amenity not presently available in the neighbourhood while providing for a walking incentive of neighbours.

**“Section 6.9 Mixed Use**

*The lands designated as “Mixed Use” on Schedule D: Land Use provide the main locations for compact clusters of commercial, office, institutional, open space and residential uses. These areas are intended to serve as the focal point for the surrounding neighbourhoods, community or region. As such, they will be designed with a pedestrian orientation and foster a distinctive and attractive area identity.”*

**COMMENT:**

The proposed renovation creates a mixed-use building with residential, commercial, and potential office uses on a small footprint of land.

In my professional opinion, the modest intensification, provision of alternative style and tenure of housing, the live-work units, and its pedestrian orientation commercial will contribute to making it a gathering place, focal point and social hub for the neighbourhood.

**“Section 6.9.2 Mixed Use Policies**

6.9.2.1 *Uses permitted in the Mixed Use land use designation include retail and service commercial establishments, offices, cultural, recreation and entertainment uses, and institutional, open space and residential uses, exclusive of small scale Low Profile residential development.*

6.9.2.2 *For the purpose of this Plan, Mixed Use development is further classified as follows:*

(a) *Mixed Use Corridors which occupy linear street frontages with commercial, institutional and open space uses located immediately adjacent to the public right-of-way and residential uses located above grade; and*

(b) *Mixed Use Centres which are large sites developed according to a comprehensive development plan or nodal developments at the intersection of Controlled Access Highways and/or Arterial roads. This type of Mixed Use development provides a regional, community or neighbourhood focal point with a pedestrian oriented design.*

**COMMENT:**

The subject building was originally built as a single detached residence (including basement, main floor and loft). As the downtown commercial area of the city began to encompass the building, it was converted to residential and commercial mixed use building. Within recent history, when the solicitor purchased the building, the entirety of the structure was used for commercial with storage downstairs and offices throughout the building.

The proposed residential units, live-work units, and commercial café will provide for a mixed use within an existing building within the downtown commercial core. In my professional opinion, the location is appropriate and will be an asset for the municipality to have a presently vacant building re-vitalized to help with the rejuvenation of the neighbourhood.

**COMMENT:**

The OPA will formally recognize the use of the building for a mix of uses, specifically, a policy statement that will provide for the inclusion of residential units in the basement and allow for the live-work units on the main floor.

It is my professional opinion that the requested OPA is a sound, will provide for a diversity of housing style and tenure, will allow for the full utilization of existing building, and will support a healthy community with the alternative style and tenure of housing.

- 6.9.2.4 *At the time of submission, the proponent shall demonstrate to the satisfaction of the Municipality that a proposed Mixed Use development is:*
- (a) *feasible having regard to the other provisions of this Plan, provincial legislation, policies and appropriate guidelines and support studies for uses:*
    - (i) *within or adjacent to any area identified on Schedule C: Development Constraint Areas and described in the Environment chapter of this Plan;*
    - (ii) *within a site of potential or known contamination;*
    - (iii) *where traffic generation and distribution is a provincial or municipal concern; and*
    - (iv) *adjacent to sensitive land uses and/or heritage resources.*
  - (b) *in keeping with the goals, objectives and policies of any secondary thplan or guideline plan affecting the surrounding area;*
  - (c) *capable of being provided with full municipal physical services and emergency services;*
  - (d) *provided with adequate off street parking;*
  - (e) *pedestrian oriented;*
  - (f) *compatible with the surrounding area in terms of scale, massing, height, siting, orientation, setbacks, parking and landscaped areas; and*
  - (g) *acceptable in terms of the proposal's market impacts on other commercial areas.*

**COMMENT:**

The proposed conversion of the under utilized building to a mixed use building: is well suited for the building and the neighbourhood; will provide for alternative residential and commercial uses that will rejuvenate the building and the neighbourhood; the live-work units and the commercial café supports pedestrian traffic; will have 14 parking spaces including 1 barrier free space; and in my professional opinion, is a well suited, appropriate, and compatible mix of uses for the building and the neighbourhood.

*6.11.4.4 Council shall require all Mixed Use development within the City Centre Planning District to be subject to site plan control.*

**COMMENT:**

Site Plan Control Application will be requested as part of the review package.

***“Section 9.0 Heritage Conservation***

*A community’s identity and civic pride is rooted in physical and cultural links to its past. In order to celebrate Windsor’s rich history, Council is committed to recognizing, conserving and enhancing heritage resources. This chapter of the Official Plan provides goals, objectives and policies to guide the conservation of Windsor’s heritage resources and should be read in conjunction with other parts of this Plan.”*

**COMMENT:**

The existing building is located on the heritage registry. The intent is to clean and re-establish some of the previous heritage features such as the second door on the south side of the building. There is no intent to remove any heritage features, or to have a negative impact on the heritage aspects of the building. In my professional opinion, the proposed rejuvenation and efforts to conserve and preserve the heritage building makes sound planning.

**COMMENT:**

**In my professional opinion, the requested OPA/ZBA conforms with the relevant policies of the Official Plan for the justification noted above.**

## 6.0 CITY OF WINDSOR ZONING BYLAW

The subject lands are recognized as 'Commercial District 3.1 (CD3.1)' in the City of Windsor CZB 8600. The proposed use of 'combined live-work space' on the ground floor of a building designated for mixed-use is **not** a permitted use within the CZB 8600.

A site specific Zoning Bylaw Amendment (ZBA) is requested to create a regulatory framework to support the adaptive reuse of the building with 2 'combined live-work space' units on the ground floor.

PROVISION	COMMERCIAL DISTRICT 3.1 (CD3.1)	PROPOSED
Building Height Maximum	Equal to the length of the longest exterior lot line (34.03 m)	Existing (34.03m)
Amenity Area	For the first 8 dwellings: 0.0m	8 dwellings: 0.0m
Other	All dwelling units located above the non-residential units.	i) 2 live-work units on main floor; and ii) 2 residential units below grade
Parking	<b>Schedule C identifies area within Central Business District. In accordance with Table 24.20.1.1 – 0 parking is required for the first 6 units and 1 for each additional unit = 2 spaces required</b>	15 spaces including one barrier free space

**COMMENT:**

In order for the proposed mixed use to comply with the Bylaw regulations for the City of Windsor, a site specific bylaw amendment is required to address:

- i) the exception that residential units are appropriate in the existing building below grade. The existing building was previously used for residential purposes, including the area below grade. The architects have designed the units to be aesthetically pleasing, significant size, and in compliance with the OBC. The utilization of this space, in my professional opinion, is shown appropriate and will allow for full utilization of the existing building;
- ii) site specific allowance for two live-work units on the main floor as a permitted use. A definition has been included below to also be included on a site specific basis. The inclusion, in my professional opinion, provides for alternative style and tenure of housing and makes sound planning.

**COMMENT:**

A definition is required for a live-work unit. The following is an appropriate definition:

*“A small- to medium-sized (2 to 3.5-story) attached or detached structure consisting of one dwelling unit above or behind a fire-separated flexible ground floor space that can accommodate a range of non-residential use. The flex space and residential unit typically have separate street entrances. The flex space typically has a taller height (min. 10’) and a shopfront frontage. This type does not include a rear yard”*  
*(<https://missingmiddlehousing.com/types/live-work>).*

**COMMENT:**

**The requested ZBA maintains the intent of the Comprehensive Zoning Bylaw 8600 and when the ZBA is passed, it will establish the regulatory framework required for the development to comply with the CZB 8600.**

## 7.0 SUMMARY AND CONCLUSIONS

In my professional opinion, the requested Official Plan Amendment (OPA) and Zoning Bylaw Amendment (ZBA) purports to apply a site specific OPA that will allow for residential units below the commercial live-work units on the main floor and will provide a new site specific regulatory framework to allow for an appropriate land use for the subject site. As an adaptive re-use of the existing under utilized building, the residential units, live-work units, and the cafe uses are compatible with the neighbourhood and appropriate utilization of the existing building with the existing neighbourhood. In addition, it is my professional opinion that the OPA/ZBA will support the preservation and conservation of the heritage Tudor Revival building.

Given the foregoing assessment and my evaluation of the proposal in relation to the PPS 2020, the City of Windsor Official Plan and the Comprehensive Zoning By-law 8600, in my professional opinion the proposed Official Plan Amendment (OPA) and Zoning By-law Amendment (ZBA) is consistent with policies of the Provincial Policy Statement, City of Windsor Official Plan, and regulations found in the Comprehensive Zoning By-law 8600.

In addition, it is my professional opinion that the proposed Official Plan Amendment (OPA) and Zoning By-law Amendment (ZBA) is appropriate and desirable within this policy framework as it will facilitate the rejuvenation and redevelopment of the existing building while also implementing the proposals included in this Planning Rationale Report dated December 12, 2022.

In summation, the proposal conforms with the proposed Official Plan Amendment (OPA) that will see a site specific OPA policy to allow for the inclusion of residential apartments below the main floor live-work units and the proposal complies with the Zoning Bylaw Amendment (ZBA) that will appropriately establish a site specific definition of 'live-work' units while allowing for the units to be located in the building and the inclusion of site specific regulation that will allow for the 2 residential units below the live-work units on the main floor. The OPA and ZBA provides a good solution for the preservation of the heritage of the designated property while providing for needed residential accommodation and supporting a diversity of housing tenures and styles within the municipality.

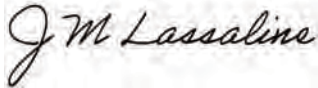


**In my professional opinion the requested OPA and ZBA:**

- 1) is consistent with the policies of the 2020 Provincial Policy Statements;
- 2) maintains the intent of the relevant policies of the Town of Amherstburg Official Plan and when the OPA is adopted, it will conform with the established policy framework of the OP;
- 3) maintains the intent of Town of Amherstburg CZB and when the ZBA is passed, it will establish the regulatory framework required for the development to comply with the CZB;
- 4) makes sound planning.

I hereby certify that this report was prepared by Jackie Lassaline RPP MCIP, a Registered Professional Planner within the meaning of the Ontario Professional Planners Institute Act, 1994.

Lassaline Planning Consultants Inc.



Jackie Lassaline BA MCIP RPP  
Principal Planner

## APPENDIX A: CZB 8600 DEFICIENCIES IN PARKING SPACES – EXISTING BUILDINGS

### 24.10.15 DEFICIENCY IN SPACES – EXISTING BUILDINGS

- .1 If, on the date this Section comes into force, an existing building has insufficient parking spaces, visitor parking spaces, accessible parking spaces, bicycle parking spaces or loading spaces to conform with Sections 24.20.1, 24.20.3, 24.20.5, 24.22.1, 24.24.1, 24.30.1, 24.40.1, the deficiency is not required to be made up prior to the construction of any addition or any change in use. Any additional parking spaces, visitor parking spaces, accessible parking spaces, bicycle parking spaces or loading spaces required as a result of any such addition to the existing building or a change in use shall be provided in accordance with Sections 24.20.1, 24.20.3, 24.20.5, 24.22.1, 24.24.1, 24.30.1, 24.40.1
- .5 Despite Section 24.10.15.1, for an existing *building* located on a *lot* within the *Central Business District, Business Improvement Area*, or any area listed in Section 24.20.3.1, a change of use from the existing use to any use listed under Section 24.20.1 or Section 24.20.3, whichever is applicable, except for “All other uses not listed above”, no additional *parking spaces*, visitor parking spaces, accessible parking spaces, bicycle parking spaces, or *loading spaces* are required. [ZNG/6276] (AMENDED by B/L 145-2021, Oct. 26, 2021)



**THE CORPORATION OF  
THE CITY OF WINDSOR  
PLANNING & DEVELOPMENT SERVICES**

Thom Hunt, MCIP, RPP  
*City Planner/Executive Director*

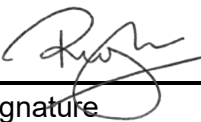
DATE: April 14, 2023

To: 28363629 Ontario Limited

**RE: Agreement to Waive Ontario Heritage Act Deadlines for Designation of 691 Ouellette Avenue, Windsor;  
Planning Act applications: Z 044-22 [ZNG-6941] & OPA 165 [OPA-6942]**

In relation to the above noted planning application and as it pertains to my property located at 691 Ouellette Avenue, please accept this letter as confirmation that I am waiving the timelines associated with designation of the property's heritage resources with respect to the planning application and that the prescribed timelines for designation set out in Section 29 (1.2) of the Ontario Heritage Act do not apply, as enabled by Ontario Regulation 385/21, 1 (2) 1.

Sincerely,

  
\_\_\_\_\_  
Signature

Rhys Wyn Trenhaile  
Printed Name of  
Registered Owner

## Appendix G - COMMENTS

### Jose Mejalli – Assessment Management Officer

No Objection to the zoning amendment to permit the following:  
Conversion of the existing vacant commercial building to a mixed use building with 2 residential units in the basement, 2 live/work units on the ground floor, 2 residential units in the second floor, 2 residential units in the attic/loft and enclosed glass café and seating area in the front of the building.

### Gord Joynson – Enbridge

After reviewing the provided drawing at 691 Ouellette Ave. 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

Please contact me if you have any further questions or concerns.



691 Ouellette Ave  
Windsor As-Built.pdf

### Site Plan Control

The development proposal is subject to Site Plan Control pursuant to the Planning Act and City of Windsor By-law 1-2004. Where preceding development applications are required, inclusive of Official Plan and Zoning By-law Amendments, request for Site Plan Control Pre-Consultation may be made following completion of the requisite Development and Heritage Standing Committee meeting at <https://ca.cloudpermit.com/login>.

### Canada Post – Bruno Desando

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.

### Transit Windsor - Jason Scott

Transit Windsor has no objections to this development. The closest existing transit routes to this property are with the Transway 1A, Transway 1C, Central 3 & Ottawa 4. The closest existing bus stop to this property is just north of this property on Ouellette at Wyandotte Southwest Corner with the large bus bay. This provides direct transit access to this development. This will be maintained with our City Council approved Transit Master Plan. There are no plans to change this bus stop location.

### Stefan Fediuk – Landscape & Urban Design

Pursuant to the application for a zoning amendment (Z 044/22) and Official Plan Amendment (OPA 165) to permit a mixed use building with 2 residential units in the basement, 2 live/work units on the ground floor, 2 residential units in the second floor, and 2 residential units in the attic/loft on the subject, please note no objections. Please also note the following comments:

#### Zoning Provisions for Parking Setback:

The proposed enclosed glass structure is encroaching into the municipal right of way, which will require an encroachment Agreement.

The proposed hard surface and deck paving for the proposed outdoor cafe will require a year-round outdoor cafe permit and must comply with the requirements established in the City's Outdoor Cafe Handbook.

Any signage must be maintained on the property without encroachment into the municipal right of way, and must comply with the Sign Bylaw 250-2004, especially Sections 6 Regulations for Permanent Signs, and Section 9 Regulations for Signs in Special Districts; most notably 9.1, 9.2 and 9.4.

#### Urban Design:

The proposed Euro-style Cafe is an interesting solution to the space and a welcome idea to inspire interest in the downtown. However, the proposed Euro-Cafe is extensive and seems disproportionate to the available food & beverage services that would be capable from the proposed Live-work units.

While the proposed Cafe is to be enclosed in glass, it will impact the visibility of significant heritage features of the existing building; especially the south entrance and existing stonework. The applicant is to provide sections, elevations and renderings demonstrating the relationship between the proposed Euro-cafe and the facade of the existing heritage building on the site.

The existing retaining wall will need to be retained as it was installed as part of the DWBIA improvements. This wall also provides the appropriate height of soil for the existing tree (see Tree Preservation below).

Interior spaces of the proposed units should be reconsidered. The unit layouts have a great deal of wasted space and plumbing stacks do not align, which would create obstructions to the usability to the units below.

#### Tree Preservation & Climate Change:

The large mature tree cited to be retained in the Planning Rationale (pg 20) is on the municipal right of way and must be preserved with the existing soil depth intact. The proposed solution may be able to accomplish this; however, the current situation with open landscape area is the most ideal setting. Preservation methods are to be consulted further with the City Forester and to meet the satisfaction of the City Forester prior to any permit being issued.

Consideration is to be made to mitigate the urban heat island affect that is being created by the extensive paved area in the rear of the property. Addition of landscaped islands along the Pelissier Street frontage, large enough to provide a tree on either side of an access to the parking area, would help to reduce this impact as the most intense sun comes from the west. This island would also denote a sense of security in the form of a buffer between the public realm along Pelissier and the semi-private area of the parking lot.

#### Parkland Dedication:

There are no parkland implications beyond the usual requirement for cash-in-lieu of 5% parkland dedication. Detailed landscape requirements will be provided at the time of site plan review.

#### Clare Amicarelli – Transportation Planning

- The Official Plan classifies Ouellette Ave as a Class 2 Arterial with a required right-of-way width of 38.1 metres per Schedule X. The current right-of-way width is sufficient; therefore, a land conveyance is not required.

- The Official Plan classifies Pelissier St as a Class 2 Collector with a required right-of-way width of 18.3 metres per Schedule X. The current right-of-way width is sufficient; therefore, a land conveyance is not required.
- All parking must comply with ZBL 8600 otherwise, a Parking Study may be required.
  - Bike spaces must be clearly indicated on revised site plan
- An encroachment agreement will be required for the sidewalk café but this is beyond the scope of rezoning.
- All exterior paths of travel must meet the requirements of the Accessibility for Ontarians with Disabilities Act (AODA).
- All accesses shall conform to the TAC Geometric Design Guide for Canadian Roads and the City of Windsor Standard Engineering Drawings.

#### ENWIN

##### HYDRO ENGINEERING:

No Objection, provided adequate clearances are achieved and maintained.

ENWIN has existing overhead pole lines with 120/240 volt and 347/600 volt secondary hydro distribution along the West side of the property.

ENWIN has existing overhead 120/240 volt secondary service conductors along the South side of the property, connecting to the West side of the development building, and a dusk-dawn light at the North-West corner of the development building.

ENWIN has existing underground 120/240 volt secondary service conductor along the South and East sides of the existing landscape planter wall.

Please be advised there are City of Windsor streetlight poles with 120/240 volt underground conductor along the East side of the property.

Prior to working in these areas, we would suggest notifying your contractor and referring to the Occupational Health and Safety Act and Regulations for Construction Projects to confirm clearance requirements during construction.

Also, we suggest referring to the Ontario Building Code for permanent required clearances for New Building Construction.

##### WATER ENGINEERING:

Water Engineering has no objections. There is an existing 25mm water service on public property and may not be suitable for the change of use.

## Barbara Rusan – Building Department

The Building Code Act, Section 8.(1) requires that a building permit be issued by the Chief Building Official for construction or demolition of a building.

The building permit review process occurs after a development application receives approval and once a building permit application has been submitted to the Building Department and deemed a complete application.

Due to the limited Ontario Building Code related information received, review of the proposed project for compliance to the Ontario Building Code has not yet been conducted.

It is strongly recommended that the owner and/or applicant contact the Building Department to determine building permit needs for the proposed project prior to building permit submission.

The City of Windsor Building Department can be reach by phoning 519-255-6267 or, through email at [buildingdept@citywindsor.ca](mailto:buildingdept@citywindsor.ca)

## Zaid Zwayyed – Zoning Coordinator

Below are the zoning review and comments for 691 Ouellette Avenue:

Current Zoning: CD3.1

Proposed use: Multiple Dwelling with 8 Dwelling Units

Provisions check:

- Maximum Height (16.1.5.4): Required: 34.34 m | Provided: Existing Height < 34.34 m
- Amenity Area (16.1.5.9.a): Required: 0.0 sqm per unit | Provided: 0.0 sqm per unit
- Location of Units (16.1.5.15): Not applicable; the applicant is proposing a new use (8 Unit Multiple Dwelling) and not a Combined Use Building.
- Exposed Flat Concrete (16.1.5.17): The building contains no exposed flat concrete or block walls.

Parking Analysis:

- Number of Parking spaces (24.20.1.1): Required: 2 spaces | Provided: 15 Spaces
- Accessible Parking Spaces (24.24.1.1): Required: One Type 'A' Accessible space | Provided: One accessible space (needs to comply with the size of a Type 'A' accessible space).
- Curbscut for accessible parking spaces (24.24.20): A curbscut must be provided for the accessible space.
- Parking Area Requirements (section 25):



- A continuous curb must bind the parking area, and curb stops are not permitted (25.5.10).
- The parking area must be paved and drained to the satisfaction of the City Engineer (25.5.10).
- A minimum of 3.0 m separation is required between the parking area and the property line along Pelissier Street and must be maintained as a landscaped open space (25.5.20.1.2).
- A minimum of 0.90 m separation is required between the parking area and the interior property lines and must be maintained as a landscaped open space (25.5.20.1.3).
- A minimum of 4.50 m separation is required between the parking area and a building wall containing both a habitable room window and a main pedestrian entrance facing the parking area (25.5.20.1.6).
- The minimum width of the two-way access area is 7.0 m, and the dimension must be shown (25.5.30.4).

Notes: The following dimensions are required to ensure compliance: a typical parking space size, accessible space size, separations of the parking area from the property lines, the width of the access area, parking aisle width, and distance from the building wall to the parking area.

Sherif Barsom – Landscape Architect

Please find below our concern pertaining this LIAISON as coordinated with Yemi for the Developer’s action and concern to take all required precautions.

The City has one 50 cm Locust tree in front of this address. The Site plan indicates that this tree will be preserved. The developer should be made aware of tree protection requirements for the City tree and possible removal and replacement charges if the tree is damaged.

50 cm Tree:

Removal \$800.00

Replacement \$6,000

Total Costs: \$6,800.00

Kristina Tang – Heritage Planner

**Built Heritage**

The property at 691 Ouellette Avenue is listed on the Windsor Municipal Heritage Register as a c.1920 Tudor Revival house. The property features Tudor Revival elements, namely the steep gabled roofs, half-timbering, arched entryway, and bay window. The proposal to retain the structure is encouraged, and further the applicants should endeavor to maintain and showcase the existing heritage attributes. Best practices for heritage conservation are provided in the attachments from [Well-Preserved: The Ontario Heritage Foundation’s Manual of Principles and Practice for Architectural Conservation](#) and the [Standards and Guidelines for Conservation of Historic Places in Canada](#).

**Waiver - Ontario Heritage Act Deadlines for Designation**

The Owner is requested to agree and return a signed waiver for the consideration of designation of its property as part of Z 044-22 [ZNG-6941] & OPA 165 [OPA-6942]. This waiver does not automatically qualify the property for heritage designation, but would allow City Staff the opportunity to consider the heritage designation merits of the property at the appropriate time.

The following comments are to be addressed in Site Plan Control application and as part of future Downtown Community Improvement Plan incentives.

**In the next submission package, please provide:**

- Coloured renderings of the front (Ouellette) and back (Pelissier) façades to demonstrate material and colour selections
- Coloured renderings and 3D perspectives of the proposed Euro-style cafe and its relation to the heritage building. The proposed cafe has the potential to impact the visibility of the heritage resource on the property. Please ensure any glass on the proposed structure is clear and transparent (not reflective and low iron glass) and is designed in a manner that mitigates impacts on, is compatible with and subordinate to the heritage resource. Ensure adherence to Standard 11 of the [Standards and Guidelines for Conservation of Historic Places in Canada](#).

**11.** Conserve the *heritage value* and *character-defining elements* when creating any new additions to an *historic place* or any related new construction. Make the new work physically and visually compatible with, subordinate to and distinguishable from the historic place.

**In the PRR, Page 19, "The proposed renovation will restore some of the original design aspects of the building's original 1920s appearance while preserving and conserving the present building profile.":**

- What original design aspects will be restored?
- What features or attributes will be preserved and conserved?

**In the first floor plans A101:**

- Indicate proposed demolition and reconstruction of Common Entrance A

**In the elevation drawings A103:**

- Provide elevations for all sides of the building, including north and south
- Indicate all existing decorative masonry details and cast stone surrounds to be retained
- Indicate that the reinstated south Common Entrance A is to be designed in compatibility and respect of the heritage attributes
- Label and provide details for all material and colour selections

**Should paint removal be considered, please be advised:**

- Recommended use of safe methods of paint removal (no sand-blasting, which damages masonry long-term) to allow masonry to "breathe" instead of trapping moisture from the painting
- Reinstated material and colours of original masonry are most ideal in highlighting the original decorative masonry features on the façade
- Please contact Heritage Planning staff for more details and resources

**Should masonry repair, restoration, or cleaning be contemplated:**

- Indicate on future elevation drawings A103
- Reference the City of Windsor Historic Masonry Guideline (attached)
- Please contact Heritage Planning staff for more details and resources

**Should glazing repair, restoration, or replacement be contemplated:**

- Repair and restoration of original historic windows is the priority over replacement
- If unrepairable, then replace with historic profiles, shapes, dimension, division of frame, sash, muntins and surrounds (from documentary/image sources). Refer to the historic photo below:



- Please contact Heritage Planning staff for more details and resources

**Archaeology**

The subject property 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 Citizenship and Multiculturalism 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 Citizenship and Multiculturalism and the Registrar at the Ministry of Government and Consumer Services if needed, and notification and satisfactory confirmation be given by the Ministry of Citizenship and Multiculturalism.

**Contacts:**

Windsor Planning & Building Department:

519-255-6543 x6179, [ktang@citywindsor.ca](mailto:ktang@citywindsor.ca), [planningdept@citywindsor.ca](mailto:planningdept@citywindsor.ca)

Windsor Manager of Culture and Events (A):

Michelle Staadegaard, (O) 519-253-2300x2726, (C) 519-816-0711, [mstaadegaard@citywindsor.ca](mailto:mstaadegaard@citywindsor.ca)

Ontario Ministry of Citizenship and Multiculturalism

Archaeology Programs Unit, 1-416-212-8886, [Archaeology@ontario.ca](mailto:Archaeology@ontario.ca)  
Windsor Police: 911  
Ontario Ministry of Government & Consumer Services  
A/Registrar of Burial Sites, War Graves, Abandoned Cemeteries and Cemetery Closures, 1-416-212-7499, [Crystal.Forrest@ontario.ca](mailto:Crystal.Forrest@ontario.ca)

Rob Perissinotti – Engineering Department

We have reviewed the subject Rezoning application and offer the following comments:

### **Sewers**

The site may be serviced by a 1350mm x 1800mm brick combined sewer within Ouellette Avenue and a 375mm vitrified clay combined sewer located within the Pelissier Avenue right-of-way. If possible existing connections should be utilized. Any redundant connections shall be abandoned in accordance with the City of Windsor Engineering Best Practice B.P 1.3.3. A sanitary sampling manhole may be required on any sanitary connection at the property line to the satisfaction of the City Engineer, if one does not already exist. The applicant will be required to submit site servicing drawings and storm detention calculations restricting storm water runoff to pre-development levels, as per the Windsor Essex Regional Stormwater Management Standards Manual:

<https://essexregionconservation.ca/wp-content/uploads/2018/12/WE-Region-SWM-Standards-Manual.pdf>.

### **Right-of-Way**

The Official Plan classifies Ouellette Avenue as a Class 2 Arterial road, with a required right-of-way width of 38.1 metres per Schedule X. The current right-of-way width is sufficient; therefore, a land conveyance is not required. Pelissier Street is classified as a Class 2 Collector with a required right-of-way width of 18.3 metres per Schedule X. The current right-of-way width is sufficient; therefore, a land conveyance is not required.

Approaches must be constructed as per AS-204, complete with straight flares and no raised curbs within the right-of-way. Redundant curb cuts shall be removed and restored in accordance with City Standards to the satisfaction of the City Engineer. Right-of-Way permits are required for any work in the right-of-way. A Proper Agreement will be required between 691 Ouellette Avenue and 0 Pelissier Street for access and services if they will not be merged.

It has been noted that the applicant is proposing a Euro-Style terrace, within the right-of-way. An encroachment agreement is required for any items placed in the right-of-way and a permit must be obtained prior to any work commencing in the right-of-way. Additional information is noted below, and shall be provided prior to approval of the proposed patio fronting this property.

### **Additional notes to the Applicant**

The following information is required at time of Site Plan Control application, for further review and approval of the proposed works in the right-of-way:

1. Provide design details on the proposed cafe terrace, including material type, elevations of the paved portion (with respect to what is existing) & dimensions.
2. The applicant shall consult with the City Forester regarding any requirements necessary to protect the existing City tree.
3. Provide a drawing, outlining the existing and proposed site servicing. The drawing shall include existing catchbasins, the internal drainage network, as well as how the proposed

paved garden will drain and tie into the existing system.

4. An encroachment agreement is required for any permanent items placed within the right-of-way and will include the concrete garden border if the owner intends to utilize this area as a patio.

5. A sidewalk cafe permit will be required for operation of a 3-season or year round cafe within this area. Fees for this permit have been permanently waived.

6. Confirm whether any utilities existing within the garden area as access to their infrastructure may be required.

In summary we have no objection to the proposed development, subject to the following requirements:

**Site Plan Control Agreement** – The applicant enters 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.

**Encroachment Agreement** – The owner agrees to submit application for and execute an agreement with the Corporation for any proposed or existing items encroaching into the right-of-way to the satisfaction of the City Engineer, or remove said encroachments from the right-of-way and restore these areas to the satisfaction of the City Engineer.

**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. 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.

**Reciprocal Access & Services** – The owner agrees to enter into a proper agreement with the abutting property owner(s) for access and services.

If you have any further questions or concerns, please contact Amy Olsen, of this department at [aolsen@citywindsor.ca](mailto:aolsen@citywindsor.ca)



**Committee Matters: SCM 143/2023**

**Subject: 436 Askin Avenue - Heritage Permit Request (Ward 2)**

Moved by: Councillor Kieran McKenzie

Seconded by: Councillor Fred Francis

Decision Number: **DHSC 505 & DHSC 485**

- I. THAT the Heritage Permit at 436 Askin Avenue **BE GRANTED** for the erection of one detached additional dwelling unit per Appendix 'B' of this report; and,
- II. THAT the Heritage Permit approval **BE SUBJECT** to the following approval conditions prior to work start:
  - a. Submission of satisfactory product details and samples (including material and colour selections);
  - b. Provision of satisfactory architectural drawings by qualified designers;
  - c. Determination that the work is satisfactory to meet Building code compliance; and
- III. THAT the City Planner or designate **BE DELEGATED** the authority to approve any further proposed changes associated with the proposed scope of work for the erection of one rear detached additional dwelling unit.

Carried.

Report Number: S 25/2023

Clerk's File: MB/13966

**Clerk's Note:**

1. The recommendation of the Development & Heritage Standing Committee and Administration are the same.
2. Please refer to Item 10.1 from the Development & Heritage Standing Committee held on May 1, 2023.
3. To view the stream of this Standing Committee meeting, please refer to:  
<https://csg001-harmony.sliq.net/00310/Harmony/en/PowerBrowser/PowerBrowserV2/20230501/-1/9408>

**Subject: 436 Askin Avenue - Heritage Permit Request (Ward 2)**

**Reference:**

Date to Council: March 6, 2023

Author: Tracy Tang

Planner II - Revitalization & Policy Initiatives

ttang@citywindsor.ca

519-255-6543 x 6449

Kristina Tang, MCIP, RPP

Heritage Planner

ktang@citywindsor.ca

519-255-6543 x 6179

Planning & Building Services

Report Date: February 16, 2023

Clerk's File #: MB/13966

**To:** Mayor and Members of City Council

**Recommendation:**

- I. THAT the Heritage Permit at 436 Askin Avenue **BE GRANTED** for the erection of one detached additional dwelling unit per Appendix 'B' of this report; and,
- II. THAT the Heritage Permit approval **BE SUBJECT** to the following approval conditions prior to work start:
  - a. Submission of satisfactory product details and samples (including material and colour selections);
  - b. Provision of satisfactory architectural drawings by qualified designers;
  - c. Determination that the work is satisfactory to meet Building code compliance; and
- III. THAT the City Planner or designate **BE DELEGATED** the authority to approve any further proposed changes associated with the proposed scope of work for the erection of one rear detached additional dwelling unit.

## **Executive Summary: N/A**

### **Background:**

The property at 436 Askin Avenue was designated by Council under Part IV of the *Ontario Heritage Act* on March 21, 2022. It is identified on the Windsor Municipal Heritage Register as a Tudor Revival style house built circa 1928. The Statement of Cultural Heritage Value or Interest from the designation by-law 51-2022 is attached as Appendix 'A'. The designation was triggered by a 2020 proposal for partial demolition of a rear porch to accommodate a large addition (larger than the size of the existing structure). Council rejected the proposal then by initiating the designation.

The property owner has now provided a different proposal to construct a smaller detached two-storey additional dwelling unit (ADU) at the rear of the property. The proposal has undergone zoning compliance review and a building permit application was submitted for the proposed construction in October 2022. A Heritage Permit is required for the erection of an ADU at the rear of 436 Askin Avenue. The Owner submitted a Heritage Permit application with updated drawings, elevations, and floor plans, which was accepted as a complete application on February 16, 2023. The Heritage Permit application package can be found in Appendix 'B'.

### **Legal Provisions:**

The *Ontario Heritage Act (OHA)* requires the owner of a heritage designated property to apply to Council to alter the property. The designation by-law includes heritage attributes (see Appendix 'A'). In accordance with the *OHA*, changes to a designated property that affect heritage attributes must be considered by City Council after consulting with the municipal Heritage Committee. Council has the option of granting consent with or without terms and conditions, or refusing the application within 90 days of notice of complete application. The heritage designations apply to the entire real property and new construction such as the proposal have the potential to impact the heritage attributes of a designated property and thus needs to be evaluated.

### **Discussion:**

#### **Property Description:**

The subject property is located in close proximity to the University of Windsor, and is the fourth house south of Fanchette Street on the east side of Askin Avenue. The two-and-a-half storey dwelling was constructed circa 1928 in Tudor Revival style. The building is clad in brick and stucco, with steeply pitched roofs and an asymmetrical facade. The property has a front driveway access off of Askin Avenue. See Appendix 'C' for additional photos of the property.





Front elevation of 436 Askin Avenue

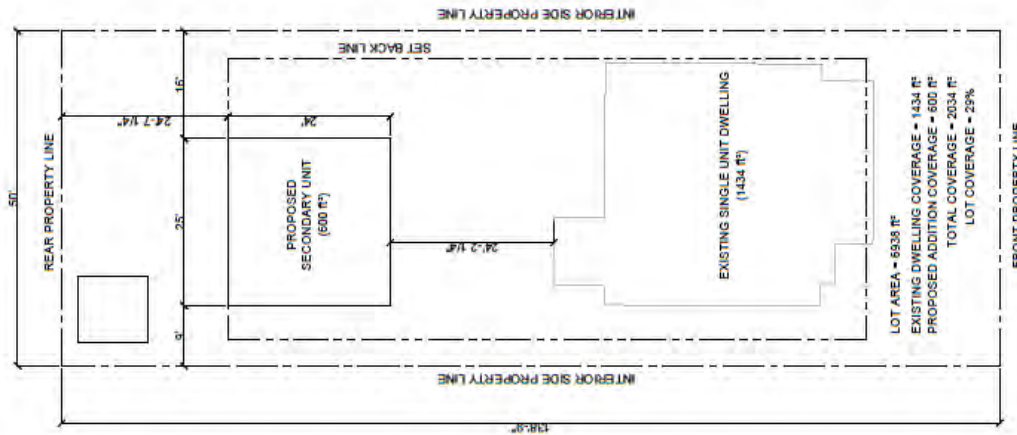
Furthermore, the property is located within a Mature Neighbourhood as per Schedule A-1 Special Policy Areas of the Official Plan. As per Policy 1.51.1 of Volume II, Chapter I Special Policy Areas: Infill and intensification within Mature Neighbourhoods shall be consistent with the built form, height, massing, architecture and landscape of the area.

### **Proposal and Heritage Conservation Considerations**

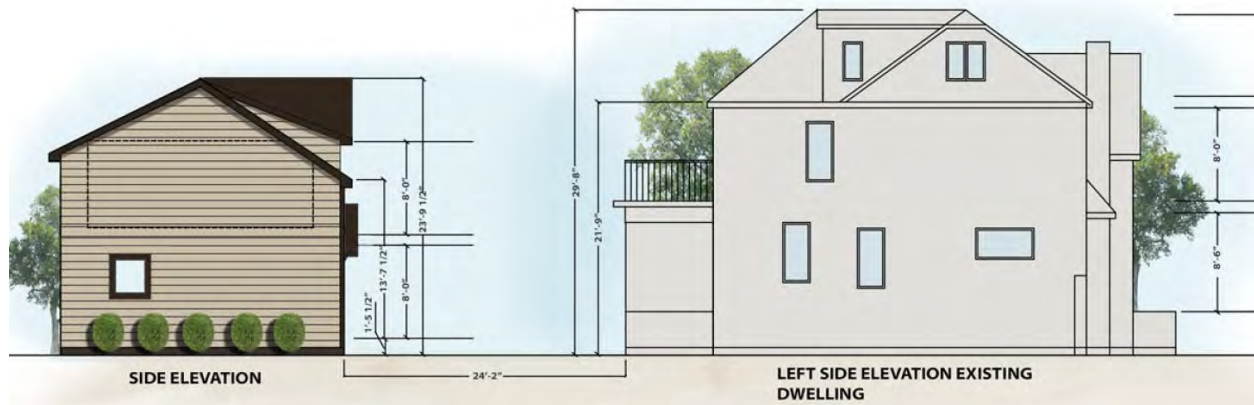
For the proposed scope of work, the most relevant references from the *Standards & Guidelines for Conservation of Historic Places* have been considered.

- 11.** Conserve the *heritage value* and *character-defining elements* when creating any new additions to an *historic place* or any related new construction. Make the new work physically and visually compatible with, subordinate to and distinguishable from the historic place.

The heritage permit for 436 Askin Avenue is for the erection of one detached two-storey ADU in the rear yard. The ADU is as proposed in the drawings attached within Appendix 'B'.



Site Plan view of existing structures and the proposed ADU at 436 Askin Avenue



Side elevation drawing comparing the heights and massing of the historic dwelling and the proposed ADU

The new structure is proposed to be located behind the existing dwelling and subordinate in height and massing to allow the main historic structure to continue being the prominent view from Askin Avenue. The alignment of the ADU behind the existing dwelling makes it more discreet. It would not be visible from a straight front-on view from Askin Avenue, though it would still be visible from certain angles along Askin Avenue.



Askin Avenue-view rendering of the historic Tudor Revival style dwelling with the proposed ADU at rear



Rendering of the proposed detached ADU at the rear of 436 Askin Avenue, front (west) facade

To match the character of the Mature Neighbourhood and meet the *Standards* of compatibility, traditional-looking design and materials have been recommended and proposed. The proposed front facade is asymmetrical with a pitched front gable and clipped roof similar to the roof of the existing dwelling. The Owner is proposing a variegated brick in a colour similar to what is on the existing dwelling on the front facade of the ADU, and horizontal vinyl siding on the sides and rear. Black single-hung windows with six-over-one muntin patterns are proposed to match with the windows on the existing dwelling. The ADU would have an entrance from the ground floor, with parking area provided from the existing driveway on the north side of the existing structure.

The proposed development complies with the zoning regulations of the current zoning Residential District 2.1 (RD2.1). Other than the required Heritage Permit application, there are no *Planning Act* processes that apply to the proposal. A Building Permit is required for the new construction, which the Owner has already applied for and is



subject to the Heritage application decision. The Owner may proceed with the Building Permit should Council decide to approve the request for a Heritage Permit application.



North side yard view on left and south side yard view on right. The ADU proposed would be located behind the existing dwelling and thus mostly screened from view from Askin Avenue.

The proposal has considered the heritage *Standards and Guidelines* and does not appear to adversely impact the heritage property. The conditions recommended with the approval would allow for verification of the proposal further along the design process as the Owner would be required to provide satisfactory architectural drawings prepared by qualified designers for Building Code compliance, and obtain a Building Permit. Should the application be approved, Heritage Planning Staff will also continue the discussion on material and colour selections and require satisfactory final product information to be provided as a condition of the approval. Additional property photographs are provided in Appendix 'C'.

### **Official Plan Policy:**

The Windsor Official Plan states "Council will recognize Windsor's heritage resources by: Designating individual buildings, structures, sites and landscapes as heritage properties under the Ontario Heritage Act." (9.3.3.1(a))

The Plan includes protection (9.3.4.1). "Council will protect heritage resources by: (c) Requiring that, prior to approval of any alteration, partial demolition, removal or change in use of a designated heritage property, the applicant demonstrate that the proposal will not adversely impact the heritage significance of the property ..."

### **Risk Analysis:**

Risk of inappropriate new erections on the heritage designated property is being mitigated through the Heritage Permit application process and conditions.

## Climate Change Risks

Climate Change Mitigation: N/A

Climate Change Adaptation: N/A

## Financial Matters:

There is no cost to the City; the Property Owner is paying the full cost of the proposal for the construction of the ADU. The proposed work may increase the assessed value of the property.

## Consultations:

Heritage Planning Staff have been in discussion with the Property Owner since January 2023 and conducted a site visit in February 2023. Planning and Building Department Staff were consulted in the preparation of this report.

## Conclusion:

The heritage permit request for the erection of a detached two-storey ADU at 436 Askin Avenue is recommended for approval, subject to conditions. Delegated authority to the City Planner or designate to direct any further minor changes as needed will provide expediency on application processing and confirm that the development proposed would not have a negative impact on the heritage attributes of the property.

Planning Act Matters: N/A

## Approvals:

Name	Title
Michael Cooke	Manager of Planning Policy/Deputy City Planner
Thom Hunt	City Planner / Executive Director, Planning & Building
Wira Vendrasco	Deputy City Solicitor
Jelena Payne	Commissioner, Economic Development & Innovation
Onorio Colucci	Chief Administrative Officer

## Notifications:

Name	Address	Email
Allan Djordjevic		

**Appendices:**

- 1 Appendix A - Statement of Cultural Heritage Value or Interest from Heritage Designation By-law 51-2022
- 2 Appendix B - Heritage Permit Application
- 3 Appendix C - Additional Photos of 436 Askin Avenue

## **APPENDIX 'A' - Heritage Designation By-law for 436 Askin Avenue**

From By-Law No. 51-2022, March 21, 2022

### **SCHEDULE "B"**

#### **STATEMENT OF CULTURAL HERITAGE VALUE AND INTEREST 436 Askin Avenue**

##### **Description of Historic Place**

436 Askin Avenue is located on the east side of Askin Avenue, south of Fanchette Street. The 2 ½-storey brick and stucco house was built c.1928 in the Tudor Revival style.

##### **Design or Physical Value:**

The building is a large 2½-storey Tudor Revival style house with brick walls and steeply pitched roofs, designed with the front facing west to Askin Avenue. The asymmetrical facade includes a steeply pitched two-storey projecting portico with a stepped chimney, off-set from the center to the north. The main roof is clipped on the north end and marked by a large rectangular chimney on the south end. Although the gable ends feature stucco and decorative half-timbering, the majority of the building is constructed of variegated brick with brown to buff colours, including varieties of red colours. The projecting portico has many decorative features, including an arched voussoir entryway radiating out in a sunburst pattern, and a center oriel window apparently with leaded glass. Decorative brick patterns accentuate the portico, with brick in a variety of header, stretcher, rowlock, soldier, and sailor orientations. Around the building, soldier course brick delineate the floors, openings are framed by brick surrounds and rowlock brick window sills, and corners of the building are marked by protruding columns capped by stacked, sloping sailor brick coping. Other features include a recessed arched front door (west-facing), and various original window types including wood sash windows with six over one sash windows, casement windows with leaded glass in diamond pattern, and stained glass windows.

The building is a representative example of Tudor Revival style and displays a high degree of craftsmanship, especially in the decorative brickwork.

##### **Historical or Associative Value:**

From an early survey in 1881, the subject lands are identified as part of the French farm lots located in the Town of Sandwich. The French farm subdivision patterns of narrow lots perpendicular to the river front were laid out throughout the region up to Cabana Road or 4th Concession. During the early decades of the twentieth century up to 1930, the Border Cities experienced unprecedented growth with a population increase of nearly tenfold. The prosperity of the economy in the region had attracted much development and boom in populations. By the 1920s, many of the farm lots close to the riverfront were going through the process of being developed and homes were being built in the area, including along Askin Avenue. The subject parcel consists of Lot 6 and Part of Lot 5 on Plan 868 which was approved by the Town of Sandwich on December 20<sup>th</sup>, 1916.

According to property title and ownership records, the property was purchased by Edward and Louise Griffith in Oct. 1926 for \$2500. It appears the building was constructed c.1928, with the Griffiths indicating occupancy at the subject property's address of 212 Askin Avenue in 1928 (per 1928-1929 City Directories and The Border Cities Star newspaper records). They were long-time owners, selling 436 Askin in Nov. 1951 for \$21000. According to Edward Griffith's obituary posted in the Windsor Star in August 1978, he had owned an insurance agency business and was a life member of the Windsor Lodge #403 AF and AM.

Information about the architect, building or designer of the building is unknown.

##### **Contextual Value:**

This block on Askin Avenue between Fanchette Street and Wyandotte Street consists of one and two storey residential buildings. The majority of the buildings are single detached houses, although there are several traditional type semi-detached houses and duplexes. 436 Askin is of similar epoch as many other homes constructed in the area. Building permit records and Fire Insurance Maps indicate that many of the original

homes that remain on Askin Avenue were constructed in the mid-to-late 1920's, ranging in architectural styles of craftsmen bungalows, American foursquare, and colonial revival styled homes, etc. The subject property's Tudor Revival architecture is distinctive as it is comparatively less common in the immediate area. Single-vehicle-width driveways with access to the front are typical along this block. South of the block, Wyandotte Street is designated as a Main Street in the Official Plan, and features a mix of commercial uses and apartment-style dwellings. The main campus of the University of Windsor is one block to the west of the subject site. Amidst changes in the surrounding context, the original building typology and Tudor Revival house contributes to maintaining the character of the area as a mature residential neighbourhood with heritage character.

The subject property's period architecture visually and historically connects to the era of its original early 20<sup>th</sup> century subdivision plan, along with the wide tree median right-of-way design on Askin Avenue. The section of Askin Avenue incorporates a treed landscaped boulevard, and a wide median island that is approximately 15 metres in width, also landscaped with grass, shrubs, and a mix of deciduous trees. This locally uncommon wide treed median is a defining feature on this block and part of the original plan of subdivision laid out in 1916.

#### **Description of Heritage Attributes:**

##### **Attributes that contribute to the design or physical value of 436 Askin Avenue:**

2½-storey Tudor Revival style house, built in c.1928

- Steeply pitched side-gabled roof with gabled portico
- Asymmetrical façade with two-storey front-facing portico off-set from the center to the north
- Majority of building constructed of variegated brick with brown to buff colours, including varieties of red colours
- Main side-gable roof clipped on the north end and marked by a large rectangular brick chimney on the south end with triple chimney pot
- Side-gable ends feature stucco and decorative half-timbering
- Gables with plain or half-timbered vergeboard
- Steeply pitched projecting portico features
  - 2 sided oriel window with casement windows of leaded glass with crest
  - Stepped brick chimney with chimney pots and sailor brick coping ends
  - Arched voussoir entryway radiating out in sunburst pattern in front center, and arched opening at south side
  - Rectangular opening with brick sill and column with brick coping to south of front facing plane
  - Decorative brick patterns in a variety of header, stretcher, rowlock, soldier and sailor, orientations, and projecting units in random pattern, accentuate the porch
  - Situated atop brick (with projecting units) and concrete deck
- Recessed arched front door (west-facing)
- Canopy over the first floor west-facing bay windows (north of porch)
- Variety of original window types including wood sash windows with six over one windows, casement windows with leaded glass in diamond pattern, and stained glass windows
- Brick surrounds over openings feature double rowlock lintels, projecting stretcher and header brick at sides, and rowlock sills
- Soldier brick course delineating floors
- Front corners of the building marked by protruding columns topped by stacked, slopping sailor brick coping



**Attributes that contribute to the historical or associative value of 436 Askin Avenue:**

- Developed alongside the growth in the Border Cities area as part of a Town of Sandwich subdivision
- Associated with first owners Edward & Louise Griffith

**Attributes that contribute to the contextual value of 436 Askin Avenue:**

- Original building typology and tudor revival style of house contributes to maintaining the character of the area as a mature residential neighbourhood with heritage character
- The subject property's period architecture visually and historically connects to the era of its original early 20<sup>th</sup> century subdivision plan, along with the wide tree median right-of-way design on Askin Avenue.



# HERITAGE PERMIT APPLICATION

Revised 12/2021

## CORPORATION OF THE CITY OF WINDSOR

Planning Dept., Suite 320-350 City Hall Sq W, Windsor ON N9A 6S1  
519-255-6543 | 519-255-6544 (fax) | [planningdept@citywindsor.ca](mailto:planningdept@citywindsor.ca)

### 1. Applicant, Agent and Registered Owner Information

Provide in full the name of the applicant, registered owner and agent, the name of the contact person, and address, postal code, phone number, fax number and email address. If the applicant or registered owner is a numbered company, provide the name of the principals of the company. If there is more than one applicant or registered owner, copy this page, complete in full and submit with this application.

#### APPLICANT

Contact Name(s) Allen Djordjevic  
Company or Organization \_\_\_\_\_  
Mailing Address 436 Askin, Windsor, Ontario, N9B 2X4  
\_\_\_\_\_  
Postal Code N8N1B7  
Email adgdesignstudio@gmail.com Phone(s) 248-495-6614

#### REGISTERED OWNER IF NOT APPLICANT

Contact Name(s) \_\_\_\_\_  
Company or Organization \_\_\_\_\_  
Mailing Address \_\_\_\_\_  
\_\_\_\_\_  
Postal Code \_\_\_\_\_  
Email \_\_\_\_\_ Phone(s) \_\_\_\_\_

#### AGENT AUTHORIZED BY REGISTERED OWNER TO FILE THE APPLICATION

Contact Name(s) \_\_\_\_\_  
Company or Organization \_\_\_\_\_  
Mailing Address \_\_\_\_\_  
\_\_\_\_\_  
Postal Code \_\_\_\_\_  
Email \_\_\_\_\_ Phone(s) \_\_\_\_\_

#### Who is the primary contact?

- Applicant                       Registered Owner                       Agent



## 5. PROPOSED WORK

*Provide a detailed written description of work to be done, including any conservation methods you plan to use. Provide details, drawings, and written specifications such as building materials, measurements, window sizes and configurations, decorative details, etc.. Attach site plans, elevations, product spec sheets, etc. to illustrate, if necessary.*

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Please see attached files for the above

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## 6. HERITAGE PERMIT RATIONALE

*Explain the reasons for undertaking the proposed work and why it is necessary.*

Provide a dwelling when Windsor and Essex County has a housing shortage problem,

Provide additional income to offset high mortgage interest rates on dwelling

In the future provide a dwelling for family members

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*Describe the potential impacts to the heritage attributes of the property.*

compatible with the exterior architectural style, materials, and features of the primary dwelling,  
designed to fit in the fabric of the neighborhood, designed simple and modest so does not detract  
from primary dwelling

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## 7. CHECKLIST OF MATERIALS SUBMITTED Check all that apply:

Required:

- Photographs (showing the current condition and context of existing buildings, structures, and heritage attributes that are affected by the application)
- Site plan/ Sketch (showing buildings on the property and location of proposed work)
- Drawings of proposed work (e.g. existing and proposed elevations, floor plans, roof plans, etc., as determined by Heritage Planning staff)
- Specifications of proposed work (e.g. construction specification details)

Potentially required (to be determined by Heritage Planning staff):

- Registered survey
- Material samples, brochures, product data sheets etc.
- Cultural Heritage Evaluation Report
- Heritage Impact Assessment (HIA)
- Heritage Conservation Plan
- Building Condition Assessment







**DO NOT COMPLETE BELOW – STAFF USE ONLY**

**Approval Record**

Date Received by Heritage Planner: \_\_\_\_\_

Building Permit Application Date, if needed: \_\_\_\_\_

Application Approval (City Council):  
 Development & Heritage Standing Committee: \_\_\_\_\_  
 City Council: \_\_\_\_\_

Application Approval (City Planner):  
 Heritage Planner: \_\_\_\_\_  
 Staff Decision Appealed to City Council: \_\_\_\_\_  
 If so, Date to City Council: \_\_\_\_\_  
 Council Decision Appealed: \_\_\_\_\_

Additional Notes / Conditions:  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

**DECISION**

Heritage Permit No.: \_\_\_\_\_ Date: \_\_\_\_\_

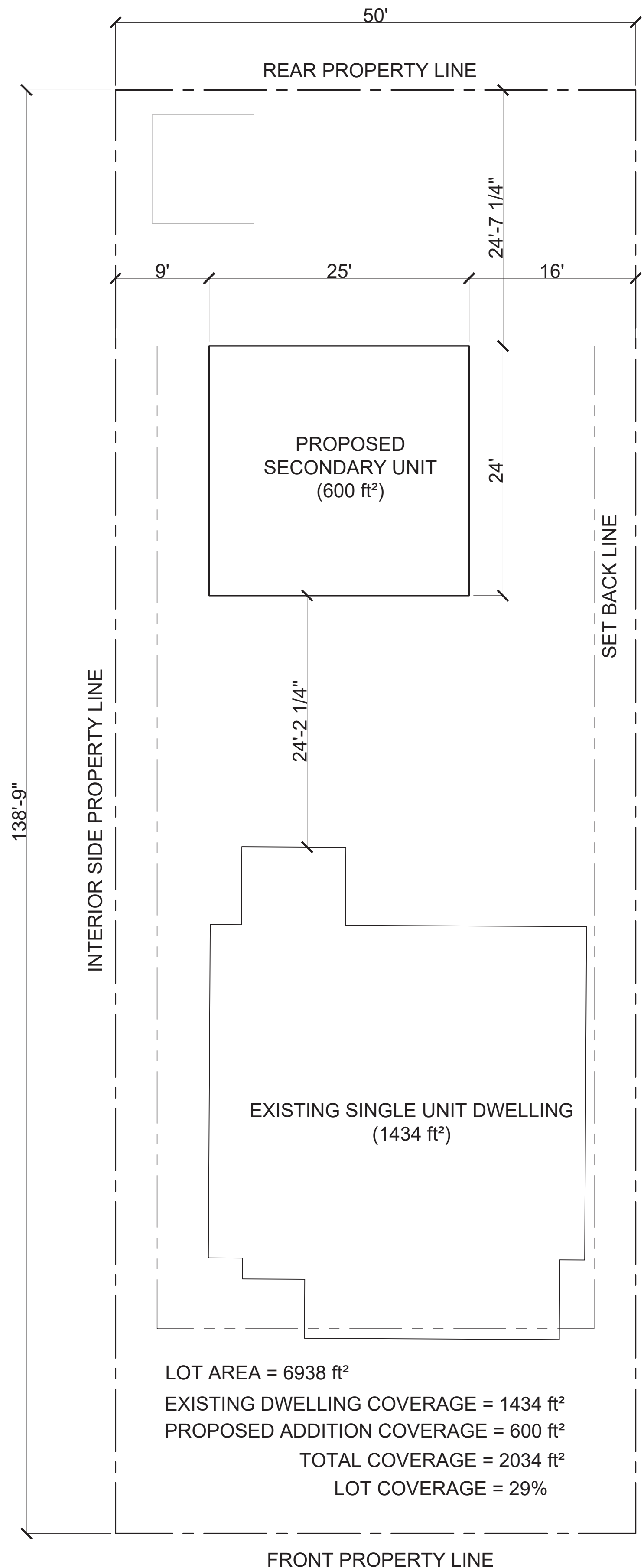
Council Motion or City Planner's Signature: \_\_\_\_\_

Please contact Heritage Planning to request inspections at [ktang@citywindsor.ca](mailto:ktang@citywindsor.ca)

**CONTACT INFORMATION**

Planning Department - Planning Policy  
 Corporation of the City of Windsor  
 Suite 320 - 350 City Hall Square West  
 Windsor ON N9A 6S1  
 planningdept@citywindsor.ca  
 519-255-6543 x 6179  
 519-255-6544 (fax)  
 http://www.citywindsor.ca

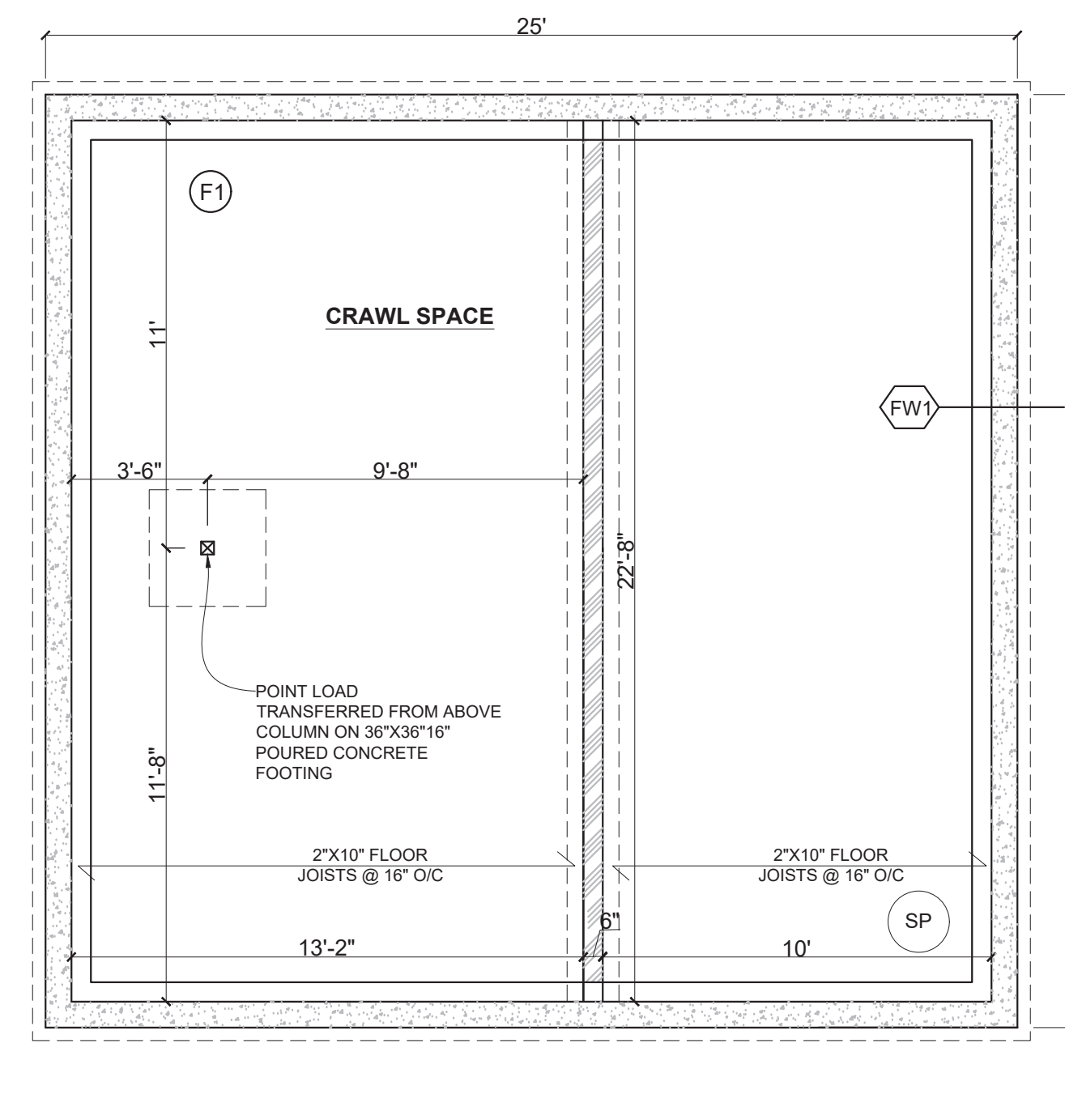




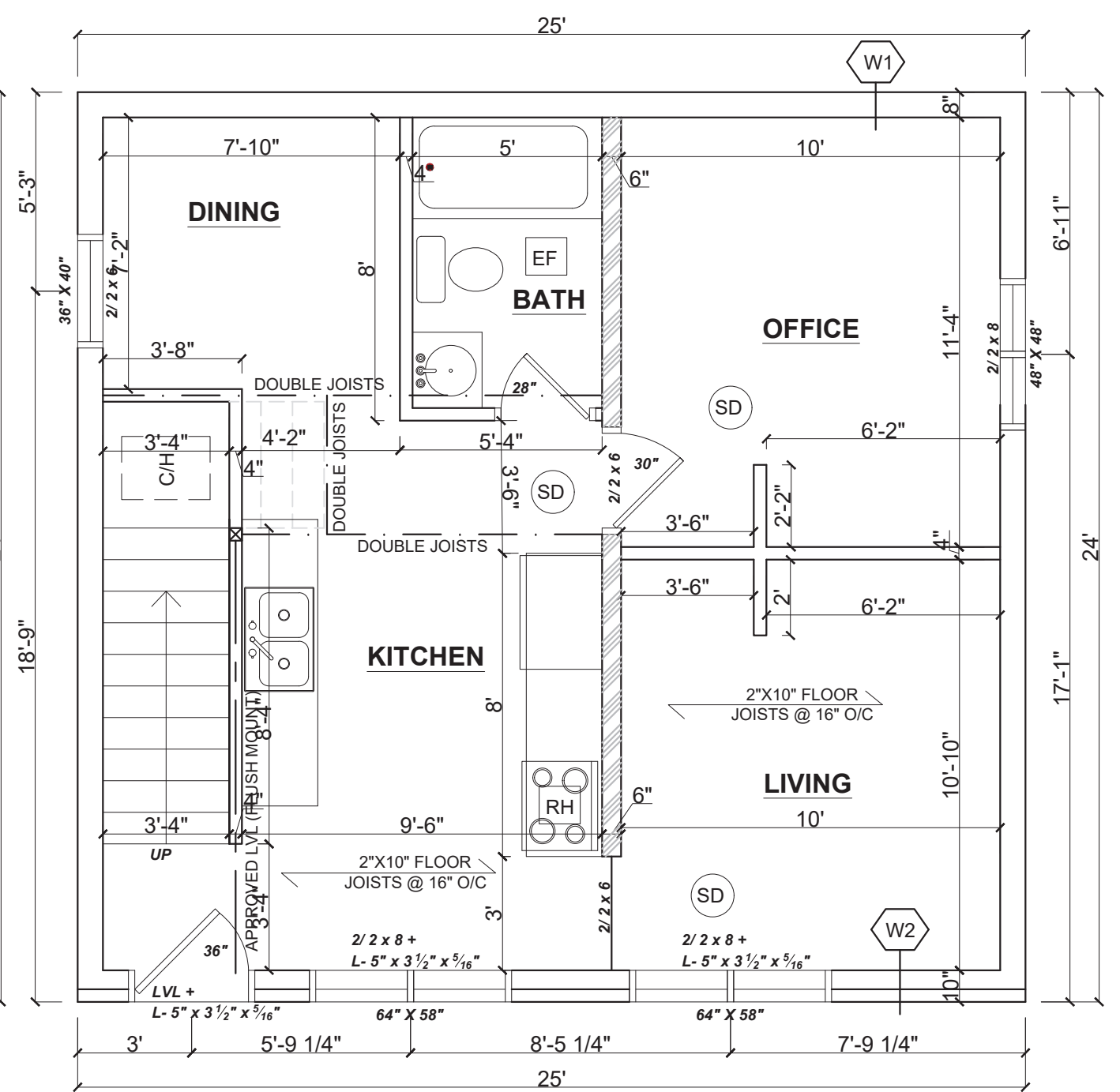
LOT AREA = 6938 ft<sup>2</sup>  
 EXISTING DWELLING COVERAGE = 1434 ft<sup>2</sup>  
 PROPOSED ADDITION COVERAGE = 600 ft<sup>2</sup>  
 TOTAL COVERAGE = 2034 ft<sup>2</sup>  
 LOT COVERAGE = 29%

LEGEND	
(FW1)	BITUMINOUS DAMP PROOFING 8" POURED CONCRETE FOUNDATION WALL, R20 BLANKET INSULATION, ON 20"X8" POURED CONCRETE FOOTING ON UNDISTURBED SOIL
(W1)	EXTERIOR WALL - SIDES & REAR SIDING - AS PER OWNER 7/16" O.S.B. EXTERIOR GRADE SHEETING 2X6 WOOD STUDS @ 24" O/C, R20 BATT INSULATION COVERED WITH 6 MIL POLY V.B & 1/2" DRYWALL
(W2)	EXTERIOR WALL - SIDES & REAR 4" BRICK VENEER 1" AIR SPACE 7/16" O.S.B. EXTERIOR GRADE SHEETING 2X6 WOOD STUDS @ 24" O/C R20 BATT INSULATION COVERED WITH 6 MIL POLY V.B & 1/2" DRYWALL
(SP)	SUMP PUMP C/W COVER TO RESIST REMOVAL BY CHILDREN AND SEALED TO MAINTAIN CONTINUITY OF THE AIR BARRIER SYSTEM
(CH)	CRAWL SPACE ACCESS HATCH 32"X24" MINIMUM. INSTALLED AS PER OBC REQUIREMENTS.
(P1)	INTERIOR PARTITION 1/2" DRYWALL ON BOTH SIDES OF 2"X4" WOOD STUDS @ 16" O/C
(SD)	DENOTES SMOKE ALARM C/W CO <sup>2</sup> DETECTOR. REFER TO GENERAL NOTES.
(A/H)	ATTIC ACCESS HATCH 32"X24" MINIMUM. INSTALLED AS PER OBC REQUIREMENTS.
(EF)	DENOTES EXHAUST FAN VENTED DIRECTLY TO EXTERIOR AS PER O.B.C REQUIREMENTS.
(#)	DENOTES NEW INTERIOR DOOR SIZE. SITE VERIFY
(RH)	DENOTES RANGE HOOD VENTED DIRECTLY TO EXTERIOR AS PER O.B.C REQUIREMENTS.

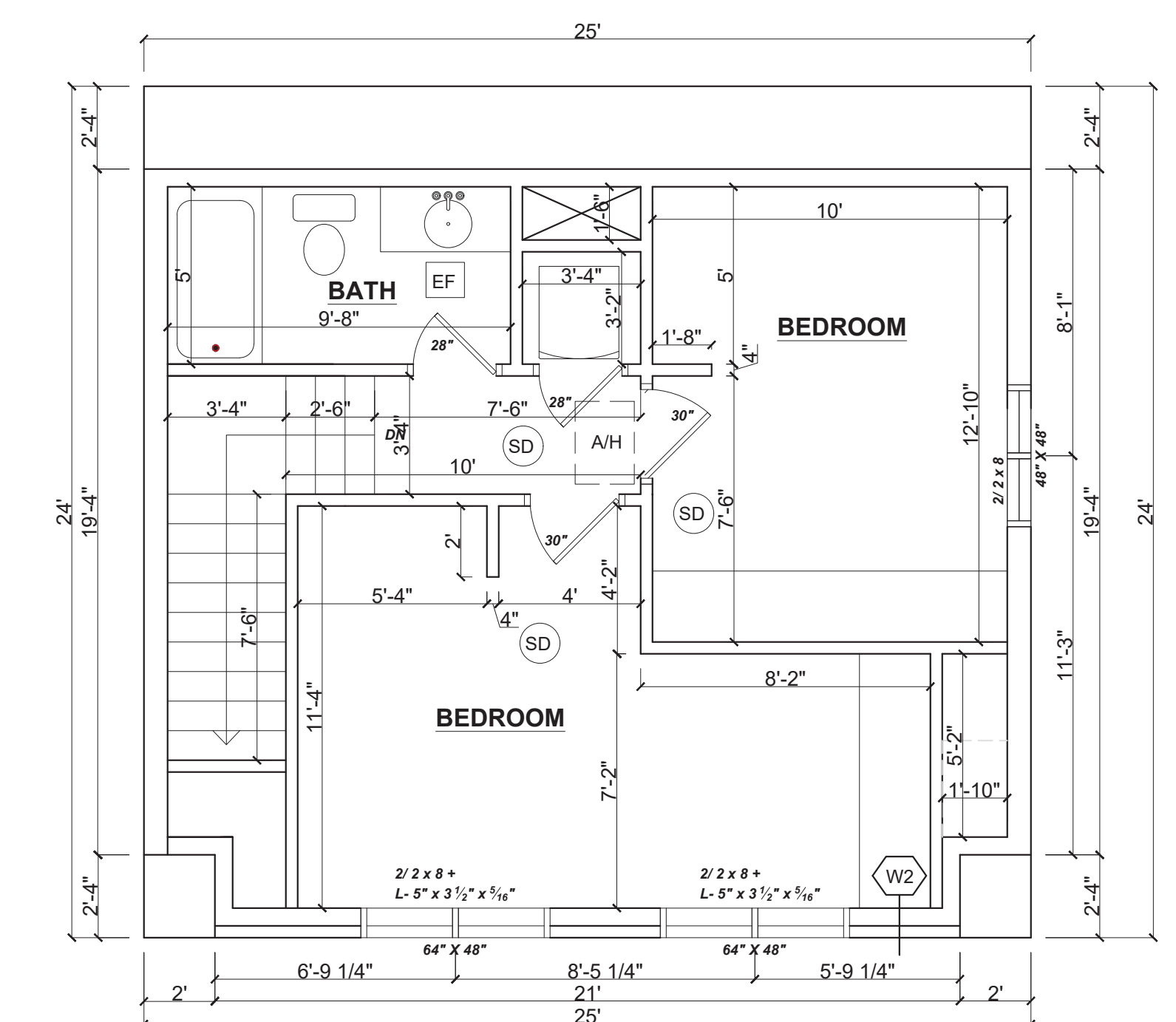
**NOTES**  
 1. MECHANICAL AND ELECTRICAL SERVICES DONE BY OTHERS.  
 SECOND FLOOR GFA = 475 ft<sup>2</sup>  
 MAIN FLOOR GFA = 600 ft<sup>2</sup>  
 TOTAL GFA = 1075 ft<sup>2</sup>



**FOUNDATION PLAN**



**MAIN FLOOR PLAN**



**SECOND FLOOR PLAN**

**GENERAL NOTES**

**CODE AND PROCEDURES**  
 THESE PLANS HAVE BEEN PREPARED IN ACCORDANCE WITH THE CURRENT EDITION OF THE ONTARIO BUILDING CODE. THE OWNER / BUILDER IS RESPONSIBLE FOR ENSURING THAT ANY CHANGES TO THE CODE ARE COMPLIED WITH AND ALL AMENDMENTS ARE INCORPORATED IN THE CONSTRUCTION OF THIS PLAN. ALL WORK SHALL CONFORM TO LOCAL CODES AND BYLAWS. IT IS THE OWNER/BUILDERS RESPONSIBILITY TO NOTIFY AG DESIGN OF ANY REQUIREMENTS THAT EXCEED THE ONTARIO BUILDING CODE.

**CONCRETE**  
 THE COMPRESSIVE STRENGTH OF CONCRETE AFTER 28 DAYS SHALL NOT BE LESS THAN:  
 - 32 MPA (4650 PSI) WITH 5 TO 8 % AIR ENTRAINMENT FOR GARAGE FLOORS, CARPORTS FLOORS AND ALL EXTERIOR FLATWORK.  
 - 20 MPA (2900 PSI) FOR INTERIOR FLOORS OTHER THEN THOSE FOR GARAGES AND CARPORTS  
 - 15 MPA FOR FOUNDATION WALLS, COLUMNS, FOOTINGS, PIERS AND OTHER APPLICATIONS

SITE BATCHED CONCRETE SHALL CONFORM TO THE ONTARIO BUILDING CODE REQUIREMENTS.

WHEN THE AIR TEMPERATURE IS BELOW 5°C CONCRETE SHALL BE KEPT AT A TEMPERATURE OF NOT LESS THAN 10°C OR MORE THAN 25°C WHILE BEING PLACED AND MAINTAINED AT A TEMPERATURE OF NOT LESS THAN 10°C FOR 72 HOURS AFTER PLACING. NO FROZEN MATERIAL OR ICE SHALL BE USED IN THE CONCRETE.

**FOOTINGS**  
 FOOTINGS AND PADS ARE TO BE PLACED ON UNDISTURBED SOIL, ROCK, OR COMPACTED GRANULAR FILL, TO AN ELEVATION BELOW FROST PENETRATION WITH A MINIMUM SOIL BEARING CAPACITY OF 75 KPA. IT IS THE RESPONSIBILITY OF THE OWNER/CONTRACTOR TO VERIFY THE SOIL BEARING CAPACITY PRIOR TO CONSTRUCTION. IF A LESSER BEARING CAPACITY IS ENCOUNTERED IT IS THE RESPONSIBILITY OF THE OWNER/CONTRACTOR TO HAVE THE FOUNDATION REDESIGNED BY A QUALIFIED PROFESSIONAL TO SUIT SITE CONDITION.

WHERE WATER TABLE LEVELS ARE WITHIN A DISTANCE BELOW THE BEARING SURFACE LESS THAN OR EQUAL TO THE WIDTH OF THE FOOTING, THE FOOTINGS SHALL BE DOUBLED IN WIDTH UNDER WALLS AND DOUBLED IN AREA UNDER POSTS.

**FOUNDATION WALLS**  
 FOUNDATION WALLS TO EXTEND A MINIMUM 8" ABOVE FINISHED GRADE.  
 GRADE LINES ON PLANS ARE ASSUMED, OWNER/CONTRACTOR TO VERIFY.

WHERE EXTERIOR FINISHED GROUND LEVEL IS AT A HIGHER ELEVATION THAN THE GROUND LEVEL INSIDE THE FOUNDATION WALLS SHALL BE DAMP PROOFED & WHERE HYDROSTATIC PRESSURE OCCURS WATER PROOFING IS REQUIRED.

**ROOF FRAMING**  
 ROOF SHEETING SHALL BE INSTALLED WITH THE SURFACE GRAIN AT RIGHT ANGLES TO THE ROOF FRAMING JOINTS PERPENDICULAR TO ROOF RIDGE SHALL BE STAGGERED WITH EDGES SUPPORTED ON TRUSSES, IF TONGUED AND GROOVED EDGE PANEL TYPE SHEETING IS NOT USED THAN EDGES PARALLEL TO THE ROOF RIDGE SHALL BE SUPPORTED BY METAL 'H' CLIPS OR NOT LESS THAN 1.5"X1.5" BLOCKING SECURELY NAILED BETWEEN FRAMING MEMBERS.

VENTILATION OF ROOF SPACE TO BE VENTED TO A MINIMUM OF 1/150 OF INSULATED ROOF AREA.

**MECHANICAL & ELECTRICAL**  
 MECHANICAL AND ELECTRICAL SERVICES DONE BY OTHERS.

**SMOKE ALARMS**  
 SMOKE ALARMS SHALL CONFORM TO CAN/ULC-S531 "SMOKE ALARMS"  
 SMOKE ALARMS SHALL BE INSTALLED ON OR NEAR THE CEILING AND BE INSTALLED AS PER CAN/ULC-S553 "INSTALLATION OF SMOKE ALARMS"  
 SMOKE ALARMS SHALL HAVE A VISUAL SIGNALLING COMPONENT CONFORMING TO THE REQUIREMENTS IN 18.5.3. OF NFPA 72, "NATIONAL FIRE ALARM AND SIGNALING CODE"  
 SMOKE ALARMS SHALL BE INSTALLED WITH PERMANENT CONNECTIONS TO AN ELECTRICAL CIRCUIT. C/W BATTERY BACKUP AS PER O.B.C REQUIREMENTS

ALL SMOKE ALARMS SHALL BE INTERCONNECTED SO THE ACTIVATION OF ONE ALARM WILL CAUSE ALL ALARMS TO SOUND

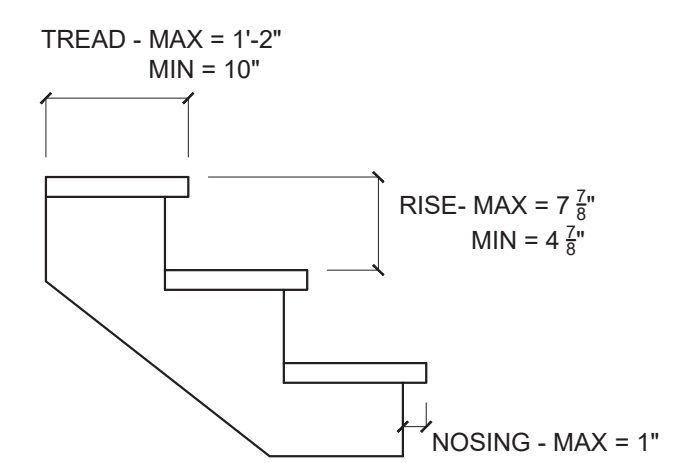
**STEEL LINTELS SUPPORTING MASONRY VENEER**  
 STEEL LINTELS SUPPORTING MASONRY VENEER OVER OPENINGS SHALL HAVE EVEN AND LEVEL BEARING AND SHALL HAVE NOT LESS THAN 6" LENGTH OF BEARING AT END SUPPORTS, AND BEAR ON MASONRY, CONCRETE OR STEEL.

STEEL ANGLE LINTELS SHALL BE PRIMED OR PAINTED OR OTHERWISE PROTECTED FROM CORROSION

**DEADBOLT**  
 DOORS THAT REQUIRE A DEADBOLT SHALL BE EQUIP WITH A DEADBOLT LOCK WITH A CYLINDER HAVING NO MORE THAN FIVE PINS AND A BOLT THROW NOT LESS THAN 25MM LONG, PROTECTED WITH A SOLID OR HARDENED FREE-TURNING RING OR BEVELED CYLINDER HOUSING

**WOOD FRAMING GENERAL**  
 ALL WOOD FRAMING SHALL COMPLY WITH SECTION 9.23 OF THE ONTARIO BUILDING CODE.  
 ALL STRUCTURAL FRAMING LUMBER SHALL BE GRADE STAMPED AS SPRUCE - PINE - FIR (S-P-F) NO 2 OR BETTER WITH A MOISTURE CONTENT OF 19% OR LESS AT TIME OF CONSTRUCTION.  
 WOOD FRAMING MEMBERS THAT ARE NOT TREATED WITH A WOOD PRESERVATIVE AND BEAR ON CONCRETE OR IN DIRECT CONTACT WITH THE GROUND SHALL BE SEPARATED WITH A 6 MIL POLY OR TYPE 'S' ROLL ROOFING.  
 ALL NOTCHING AND DRILLING OF FRAMING MEMBERS SHALL CONFORM TO SUBSECTION 9.23.5 OF THE ONTARIO BUILDING CODE.  
 FLUSHED FRAMED WOOD MEMBERS SHALL BE SUPPORTED WITH APPROPRIATE JOIST HANGERS AND FASTENERS.

**STAIR AND GUARD INFORMATION**



**STAIR DIMENSIONS**  
 STAIRS SHALL HAVE A WIDTH OF NOT LESS THAN 34"  
 THE CLEAR HEIGHT OVER STAIRS SHALL BE NOT LESS THAN 6'-4"  
 RISERS SHALL HAVE A UNIFORM HEIGHT IN ANY ONE FLIGHT WITH A MAXIMUM TOLERANCE OF 1/8" BETWEEN ADJACENT TREADS AND 3/8" BETWEEN THE TALLEST AND SHORTEST RISERS IN A FLIGHT.  
 TREADS SHALL HAVE A UNIFORM RUN WITH A MAXIMUM TOLERANCE OF 1/8" BETWEEN ADJACENT TREADS, AND 3/8" BETWEEN THE DEEPEST AND SHALLOWEST TREADS IN A FLIGHT

**HANDRAILS**  
 THE HEIGHT OF HANDRAILS ON STAIRS AND RAMPS SHALL BE NOT LESS THAN 34" AND NOT MORE THAN 38"

**GUARDS**  
 THE MINIMUM HEIGHT OF GUARDS SHALL BE NOT LESS THAN 36"  
 ALL GUARDS SHALL BE CONSTRUCTED AS PER SB-7 REQUIREMENTS

CONTRACTOR MUST VERIFY ALL DIMENSIONS ON THE JOB AND REPORT ANY DISCREPANCY TO DESIGNER BEFORE PROCEEDING WITH WORK  
 THIS DESIGNER ASSUMES NO RESPONSIBILITY OR LIABILITY FOR ERRORS OR OMISSIONS NOT REPORTED BY THE CONTRACTOR OR HIS SUBSIDIARIES  
 THIS DESIGNER ASSUMES NO RESPONSIBILITY FOR THE CONTRACTOR OR HIS SUBSIDIARIES FAILURE TO CARRY OUT THE WORK ACCORDING TO THESE PLANS, SPECIFICATIONS AND RELATED DOCUMENTS.  
 CONSTRUCTION MUST COMPLY WITH THE LATEST STANDARDS OF THE ONTARIO BUILDING CODE AND ANY OTHER APPLICABLE LAWS.  
 ALL DRAWINGS AND SPECIFICATION ARE THE PROPERTY OF THE DESIGNER AND ARE PROTECTED BY COPYRIGHT.

I Ashley Kozachanko declare that I take responsibility for the design of this plan. I am qualified and registered with the Ministry of Municipal Affairs and Housing.  
 Individual BCIN: 37168 Firm BCIN: 43361



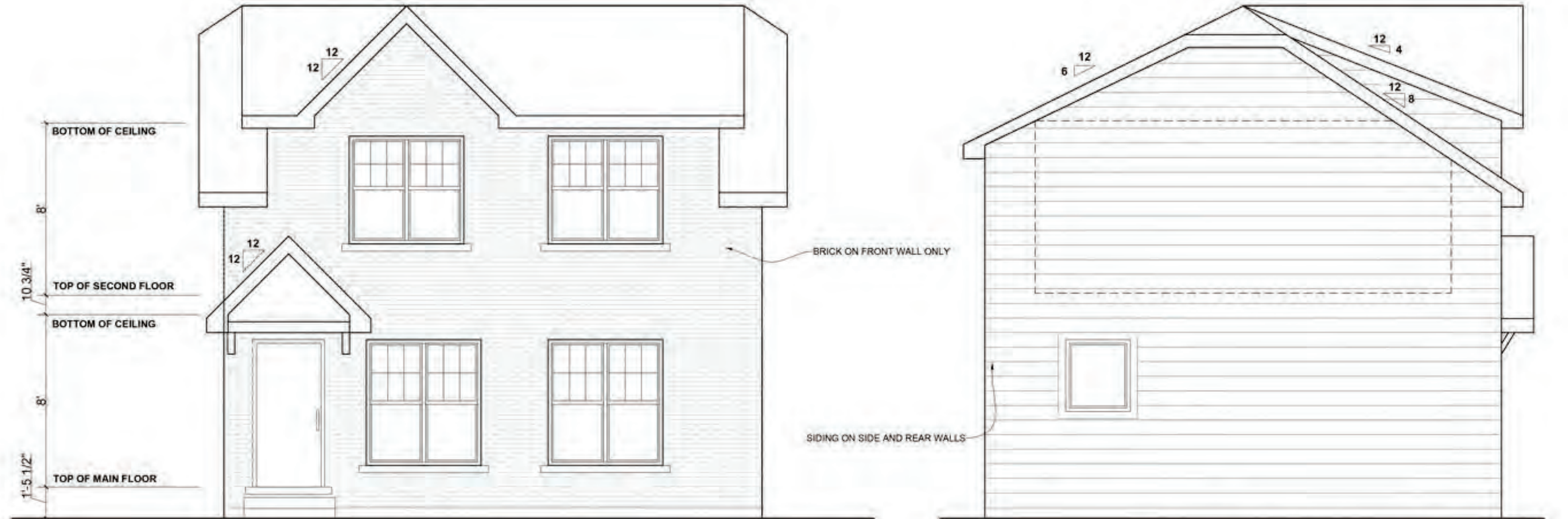
**DETACHED ADU**  
 436 ASKING AVENUE  
 Windsor, ON  
 SITE PLAN, FLOOR PLANS & GENERAL NOTES

Date: February 10, 2023  
 Scale: 1/4" = 1'-0"  
 Project No.: 060/22  
 Drawing No.:  
**A-1.0**





BUILDING PERSPECTIVE



FRONT ELEVATION

FRONT ELEVATION  
TOTAL WINDOW AREA: 94 SQ.FT  
TOTAL WALL AREA: 417 SQ.FT

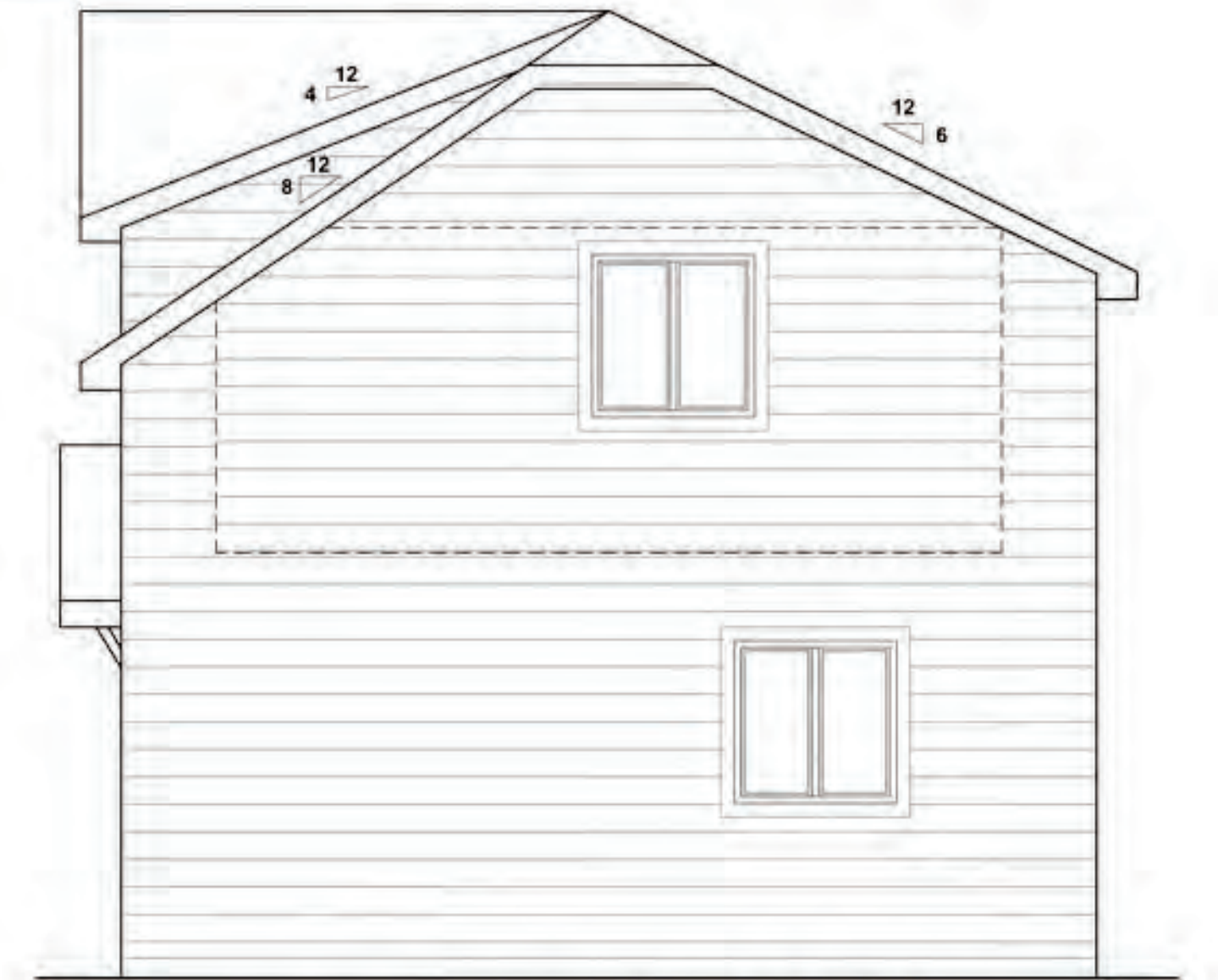
LEFT SIDE ELEVATION

SIDE ELEVATION  
TOTAL WINDOW AREA: 10 SQ.FT  
TOTAL WALL AREA: 421 SQ.FT



REAR ELEVATION

REAR ELEVATION  
TOTAL WINDOW AREA: 0 SQ.FT  
TOTAL WALL AREA: 417 SQ.FT



RIGHT SIDE ELEVATION

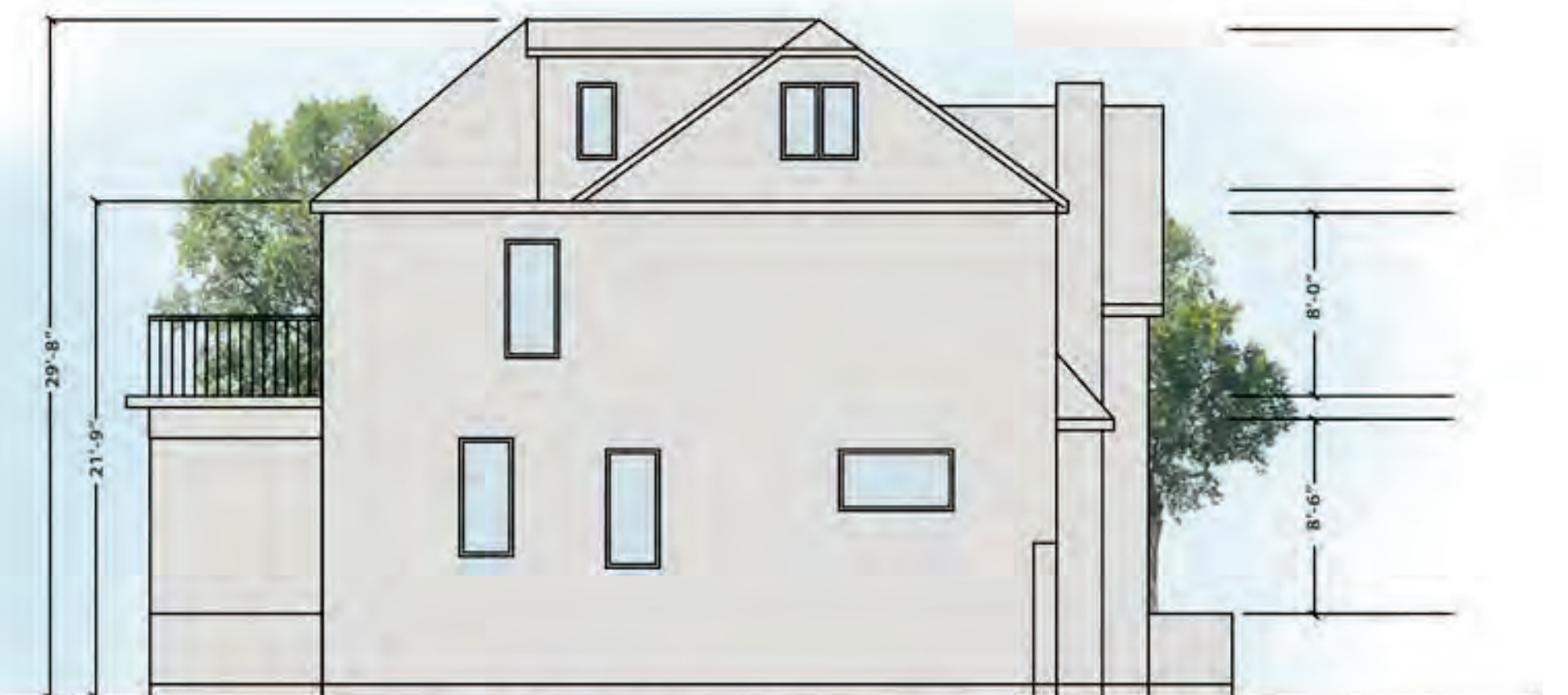
SIDE ELEVATION  
TOTAL WINDOW AREA: 32 SQ.FT  
TOTAL WALL AREA: 421 SQ.FT



FRONT ELEVATION



SIDE ELEVATION



LEFT SIDE ELEVATION EXISTING DWELLING

CONTRACTOR MUST VERIFY ALL DIMENSIONS ON THE JOB AND REPORT ANY DISCREPANCIES TO DESIGNER BEFORE PROCEEDING WITH WORK.  
THIS DESIGNER ASSUMES NO RESPONSIBILITY OR LIABILITY FOR ERRORS OR OMISSIONS NOT REPORTED BY THE CONTRACTOR OR HIS SUBCONTRACTORS.  
THIS DESIGNER ASSUMES NO RESPONSIBILITY FOR THE CONTRACTOR OR HIS SUBCONTRACTORS FAILURE TO CARRY OUT THE WORK ACCORDING TO THESE PLANS, SPECIFICATIONS AND RELATED DOCUMENTS.  
CONSTRUCTION MUST COMPLY WITH THE LATEST STANDARDS OF THE ONTARIO BUILDING CODE AND ANY OTHER APPLICABLE LAWS.  
ALL DRAWINGS AND SPECIFICATIONS ARE THE PROPERTY OF THE DESIGNER AND ARE PROTECTED BY COPYRIGHT.

I, Ashley Kozachanko declare that I take responsibility for the design of this plan. I am qualified and registered with the Ministry of Municipal Affairs and Housing.  
Individual BCIN: 37168 Firm BCIN: 43361



DETACHED ADU  
436 ASKING AVENUE  
Windsor, ON  
ELEVATIONS

Date : February 10, 2023  
Scale : 1/4" = 1'-0"  
Project No. : 060/22  
Drawing No. : A-2.0



**BRICK SPECIFICATIONS**



**CANYON**  
SIZES: PREMIUM PLUS



**CHURCH HILL**  
SIZES: PREMIUM PLUS

**SIZE**

**SPECIFICATIONS**



**Premier Plus**  
Length 257 mm (10 1/8")  
Height 79 mm (3 1/8")  
Depth 90 mm (3 1/2")  
Bricks per square foot 3.9  
Bricks per square meter 42

BRAMPTON, ONTARIO PLANT	Weight/Cube (kg)	Weight/Cube (lb)	Weight/Brick (kg)	Weight/Brick (lb)	Bricks/Cube	Bricks/m <sup>2</sup>	Bricks/ft <sup>2</sup>
Premier Plus	1,160	2,552	2.5	5.5	464	42.0	3.9

**NOTES**

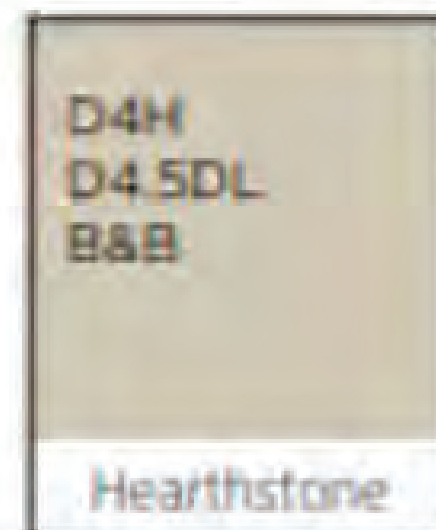
- Refer to your local building codes for proper installation of product.
- All Brampton Brick's clay brick products fully meet or exceed the latest version of the following standards: ASTM C216 and the Can/CSA A82 specifications.
- Sizes are available only in standard stock products. Please refer to individual colors for standard stock item sizes available.

**ROOF SPECIFICATIONS**



**CERTAINTED LANDMARK SHINGLES**  
COLOR - WEATHERED WOOD

**MITTEN VINYL SIDING SPECIFICATIONS**



**COLOR - HEARTHSTONE**  
SENTRY 44 SERIES  
D4H  
D4.5DL  
B&B

**WINDOW SPECIFICATIONS**



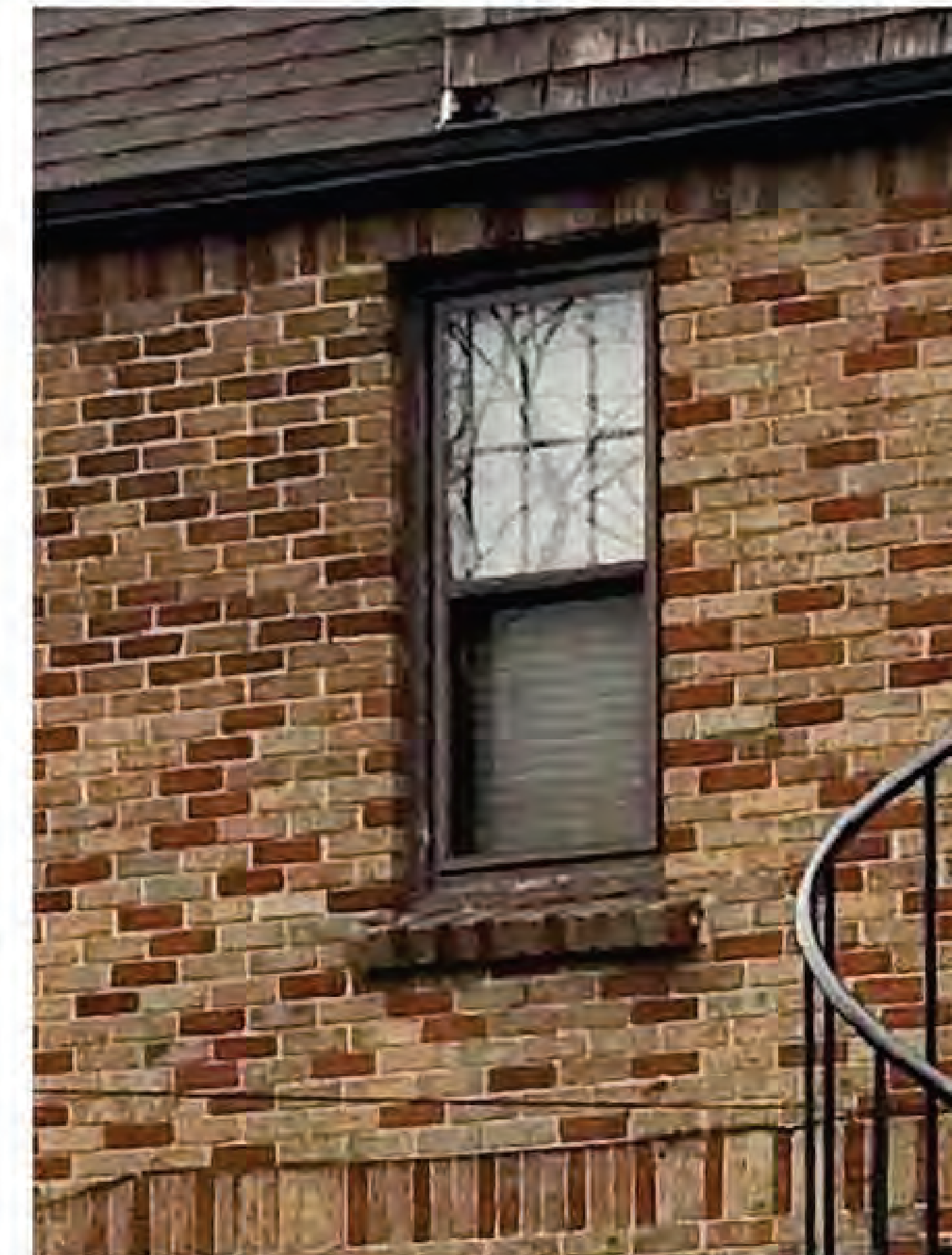
**PELLA® IMPERVIA®**

**Fiberglass Single-Hung Window**

Pella Impervia mulled single-hung windows include two units joined by their frames in the factory. This doubles the size of a single unit, creating a more expansive look. Made from the strongest material for windows, Pella's exclusive fiberglass provides lasting durability and sleek, timeless style.<sup>16</sup> Single-hung windows have a moveable bottom sash for ventilation with a top sash that remains fixed. Achieve your design vision with a variety of popular features and options to choose from.

- Two fiberglass single-hung windows mulled together as a combined unit.
- Fiberglass material is tested beyond industry standards to perform from -40°F to 180°F.
- Equal sightlines deliver a clean, consistent aesthetic unlike other single-hung designs that trade off aesthetic details.
- Product #401002

**EXISTING BUILDING PICTURES**



CONTRACTOR MUST VERIFY ALL DIMENSIONS ON THE JOB AND REPORT ANY DISCREPANCY TO DESIGNER BEFORE PROCEEDING WITH WORK.  
THIS DESIGNER ASSUMES NO RESPONSIBILITY OR LIABILITY FOR ERRORS OR OMISSIONS OF INFORMATION IN THE CONTRACT OR IN THE SPECIFICATIONS.  
THIS DESIGNER WILL BE RESPONSIBLE FOR THE CONTRACTOR'S FAILURE TO CORRECTLY FOLLOW THE CONTRACT OR IN THE SPECIFICATIONS TO THE WORK ACCORDING TO THESE PLANS, SPECIFICATIONS AND RELATED DOCUMENTS.  
CONTRACTOR MUST COMPLY WITH THE LATEST EDITIONS OF THE CANADIAN BUILDING CODE AND ANY OTHER APPLICABLE LAWS.  
ALL DIMENSIONS AND SPECIFICATIONS ARE THE PROPERTY OF THE DESIGNER AND WILL BE PROTECTED BY COPYRIGHT.

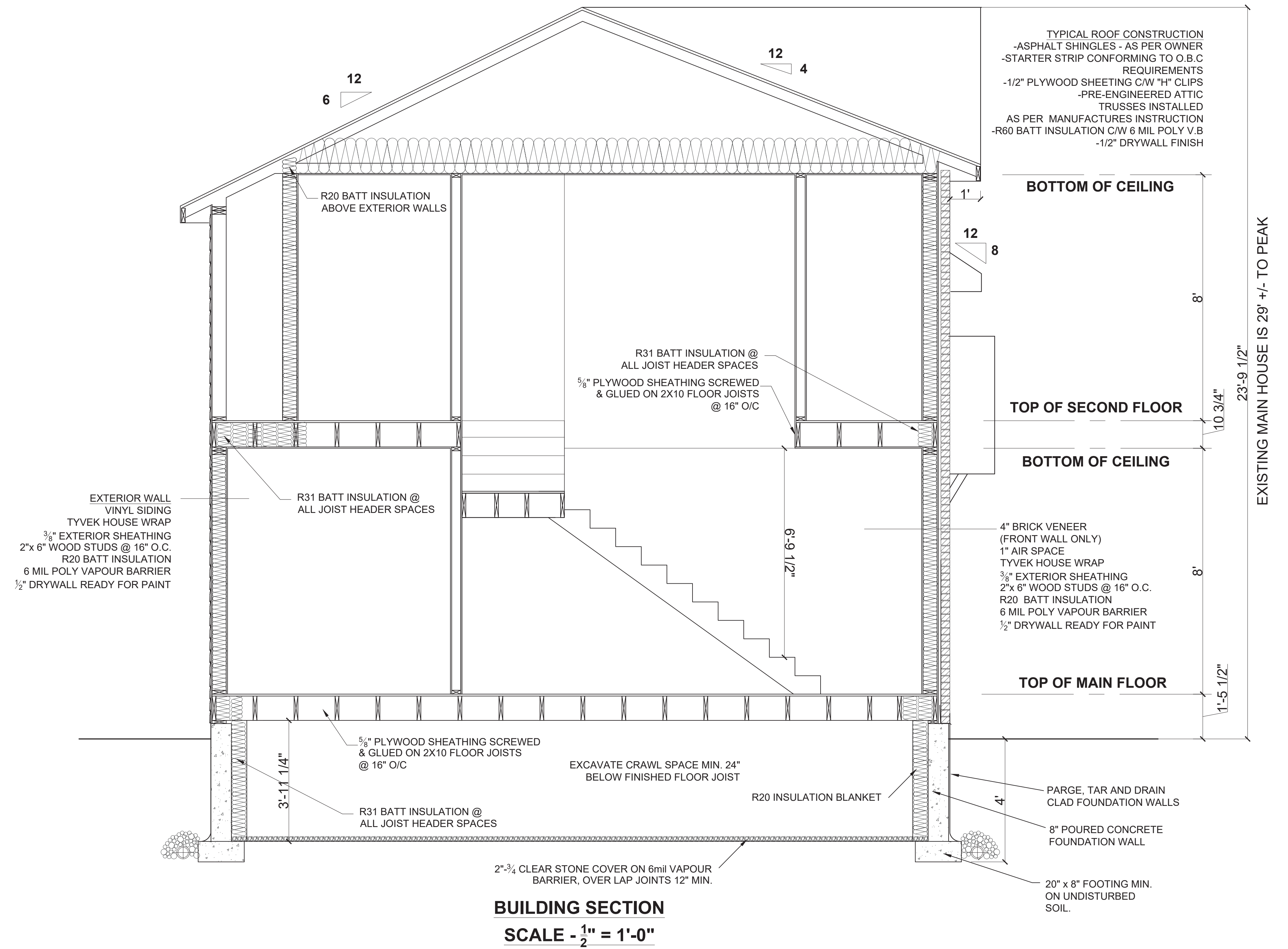
I, Ashley Kozachnik declare that I take responsibility for the design of the plan. I am qualified and registered with the Ministry of Municipal Affairs and Housing.  
Individual BCIN: 37168 Firm BCIN: 43361



**DETACHED ADU**  
436 ASKING AVENUE  
Windsor, ON  
**ELEVATIONS**

Date: February 10, 2023  
Scale: 1/4" = 1'-0"  
Project No.: 060/22  
Drawing No.: **A-2.1**





CONTRACTOR MUST VERIFY ALL DIMENSIONS ON THE JOB AND REPORT ANY DISCREPANCY TO DESIGNER BEFORE PROCEEDING WITH WORK.  
 THIS DESIGNER ASSUMES NO RESPONSIBILITY OR LIABILITY FOR ERRORS OR OMISSIONS NOT REPORTED BY THE CONTRACTOR ON HIS SUBMITTALS.  
 THIS DESIGNER ASSUMES NO RESPONSIBILITY FOR THE CONTRACTOR OR HIS SUBTRADEES FAILURE TO CARRY OUT THE WORK ACCORDING TO THESE PLANS, SPECIFICATIONS AND RELATED DOCUMENTS.  
 CONSTRUCTION MUST COMPLY WITH THE LATEST STANDARDS OF THE ONTARIO BUILDING CODE AND ANY OTHER APPLICABLE LAWS.  
 ALL DRAWINGS AND SPECIFICATIONS ARE THE PROPERTY OF THE DESIGNER AND ARE PROTECTED BY COPYRIGHT.

I Ashley Kozachanko declare that I take responsibility for the design of this plan. I am qualified and registered with the Ministry of Municipal Affairs and Housing.



**DETACHED ADU**  
 436 ASKING AVENUE  
 Windsor, ON

**BUILDING SECTION**

Date: February 13, 2023  
 Scale: 1/4" = 1'-0"  
 Project No.: 060/22  
 Drawing No.:

**A-3.0**

**APPENDIX 'C' – Additional Photos of 436 Askin Avenue**



View of the front facade of 436 Askin Avenue from Askin Avenue looking east (photo from Property Owner taken in January 2023).

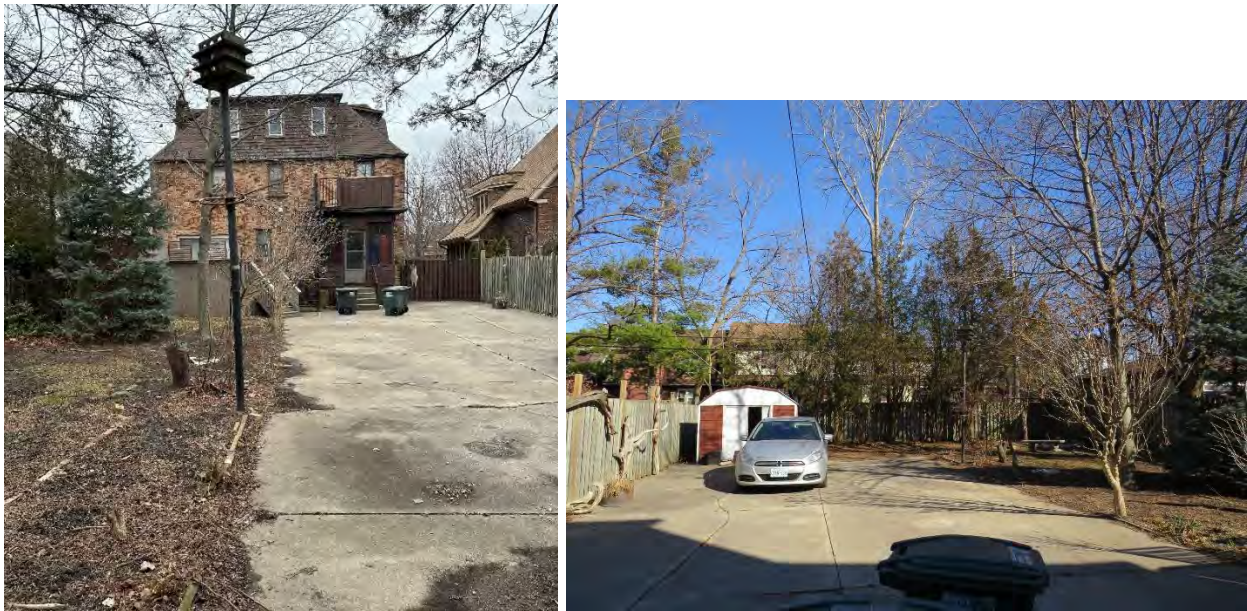


Views of the front facade of 436 Askin Avenue from Askin Avenue looking east down the left and right side yards of the property. The proposed ADU would be screened from view at these angles (photos taken in February 2023).





Views of the left and right side yards of 436 Askin Avenue from the sidewalk of Askin Avenue looking east. The proposed ADU would be mostly screened from view at these angles (photos from Property Owner taken in January 2023).



Views of the rear yard of 436 Askin Avenue with the paved driveway and parking area, looking west toward the existing dwelling (photo from Property Owner taken in January 2023) and east toward the rear property line (photo taken in February 2023) respectively. The proposed ADU would be located in this rear yard.



April 24, 2023

City of Windsor  
350 City Hall Square W  
Windsor, ON N9A 6S1

Dear Sir/Madam:

RE: Allan Djordjevic Application for ADU Unit 436 Askin Ave, Windsor  
("Property")  
Application No.: S25/2023  
Our File No: 0896-002

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## **OVERVIEW**

1. The undersigned is the solicitor for the Applicant Allan Djordjevic with respect to his Application for a ADU unit on the Property. On behalf of Allan, we make the following submissions to the City of Windsor. We strongly urge the City of Windsor to approve the Application.

## **HISTORY TO DATE**

2. Allan purchased the Property in 2015. Since that time, Allan has always maintained the Property and cooperated with City of Windsor Administration ("Administration"). As Administration is aware, it is not always the case that owners of real property on the West side of Windsor have maintained their properties.

3. Allan initially applied to change the back features of the home on the Property in 2020. The October 13, 2020 Report of Administration recommended that he be able to demolish the back porch and stair case as these were recent additions and the stair case had no historical value.<sup>1</sup> Administration noted Allan had been very cooperative.<sup>2</sup> However, the Development & Heritage Standing Committee (the "Committee") refused to grant Allan's request. In fact, they went further and recommended it be designated as a property of cultural heritage value or interest under Section 29 of the *Ontario Heritage Act*, R.S.O. 1990, c. O.18 ("OHA").

4. The heritage designation of the Property was passed by By-law 51-2022 on March 21, 2022 and registered on title on March 25, 2022 by instrument number CE1069105.<sup>3</sup> The reasons for

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<sup>1</sup> October 13, 2020 Report, Documents Brief ("Brief"), p 3, Tab 1.

<sup>2</sup> *Ibid* at p 8.

<sup>3</sup> A copy of the By-law and Statement of Cultural Heritage Value and Interest is attached in the Brief at Tab 2.

designation are reflected in By-law 51-2022 and specifically the Statement of Cultural Heritage Value and Interest. This document states, *inter alia*, that the main reason for historical designation is the brick work and the frontal features of the home on the Property. There is no historical value to the back of the Property:

- *“The building is a large 2 ½ storey Tudor Revival style house with brick walls and steeply pitched roofs, designed with the front facing west to Askin Avenue. The assymetricla façade includes a steeply pitched two-storey projecting portico with a stepped chimney, off-set from the centre to the north. The main roof is clipped on the north end and marked by a large rectangular chimney on the south end.”*
- *“The majority of the building is constructed of variegated brick with brown to buff colours, including varieties of red colours.”*
- *“Decorative brick patterns accentuate the portico, with brick in a variety of header, stretcher, rowlock, soldier, and sailor orientations.”*
- *“The building is a representative example of Tudor Revival style and displays a high degree of craftsmanship, especially in the decorative brickwork.”*

5. The statement refers to the “Canopy in the front”, the “Recessed arched front door”, the “front corners of the building marked by protruding columns” and stained glass windows. The statement also reveals that there is no known information about the architect, building or designer. The Property was owned by the Griffiths, a family with no historical significance.

6. In summary, the historical features worth preserving on the Property entirely relate to the front of the Property as it faces on Askin Avenue, nothing to do with the backyard or back features of the home.

7. The backyard is presently a concrete slab. It is no different from neighbouring properties which have sheds, solar panels and parking lots.<sup>4</sup>

8. In 2023, Allan came back to this Committee seeking to add an ADU unit to the back of the Property. Arguably, the Committee has no jurisdiction over the addition of an ADU unit. Section 33 of the OHA states that no alteration of a property designated as a property of cultural heritage value or interest may be made without Council approval if the alteration is likely to affect the property’s heritage attributes, as set out in the description of the property’s heritage attributes in the by-law (***emphasis*** added):

*“Alteration of property*

*33 (1) No owner of property designated under section 29 shall alter the property or permit the alteration of the property **if the alteration is likely to affect the property’s heritage attributes**, as set out in the description of the property’s heritage attributes in the by-law that was required to be registered under clause 29 (12) (b) or subsection 29 (19), as the case may be, unless the owner applies to the council of the municipality in which the*

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<sup>4</sup> See Appendix 4.



*property is situate and receives consent in writing to the alteration.”<sup>5</sup>*

9. As discussed more in detail in this letter, the historical attributes of the property outlined in By-law 51-2022 and the Statement of Cultural Heritage Value and Interest are not affected by the proposed addition of the ADU unit.

10. The proposed ADU unit would be completely detached from the existing building on the Property. Administration, who recommended his application again, stated in its March 6, 2023 report that *“The new structure is proposed to be located behind the existing dwelling and subordinate in height and massing to allow the main historic structure to continue being the prominent view from Askin Ave”*.<sup>6</sup> It also called Allan’s proposal “discreet” and not visible from “a straight front-on view”. The Report went further and stated the ADU unit *“does not appear to adversely impact the heritage property”*.<sup>7</sup>

11. Notwithstanding Administration’s recommendation, the Committee has still not approved Allan’s application.

### **OTHER RELATED EVENTS**

12. On February 6, 2023, this Committee, moved by motion of Councillor Fred Francis, carried that modifications to a heritage property at 749 and 753 Walker Road could proceed. In that application, the Committee approved the erection of one rear detached garage with a second floor ADU unit at 749 Walker Road and at 753 Walker Road it approved the erection of one rear detached garage with one second floor ADU unit.<sup>8</sup>

13. Similar projects have been approved numerous times in the City of Toronto. Some examples include 17 Prince Arthur Ave, Toronto and 29-31 Prince Arthur Ave, Toronto.<sup>9</sup> As those projects show, the frontal design of the heritage properties were preserved while permitting modifications to the exteriors of the property. This type of design reflects the delicate balancing act municipalities must take in addressing land use planning needs but maintaining and preserving heritage properties. It is this type of balancing act that Allan has proposed with his property.

### **OPPOSITION TO APPLICATION**

14. The main arguments against Allan’s applications (first for demolition of the porch and then for the ADU unit) come from surrounding neighbours. These concerns can be summarized as follows:

- Concerns about sewer smells;<sup>10</sup>
- Concerns about fire safety;<sup>11</sup>

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<sup>5</sup> See Appendix 8.

<sup>6</sup> March 6, 2023 Report, Brief at p 66, Tab 3.

<sup>7</sup> *Ibid*, p 68.

<sup>8</sup> February 6, 2023 Administration Report, Brief at pp 91-92, Tab 4

<sup>9</sup> Excerpts from City of Toronto Administration Presentation re: PB3.5 Alterations to the Heritage Properties within the East Annex Heritage Conservation District 2931 Prince Arthur Avenue, Brief, Tab 5.

<sup>10</sup> Committee Meeting Minutes of October 13, 2020, Brief at p 135, Tab 6. See also Committee Meeting Minutes of March 6, 2023, Brief at p 143, Tab 7.

<sup>11</sup> *Ibid*.



- Desires to make the area into a heritage district;<sup>12</sup>
- Loss of history;<sup>13</sup>
- Concerns about views;
- Statements that Askin Avenue is historical;
- Concerns about the heritage aspects to be in place; and
- Concerns about urban densification.<sup>14</sup>

15. Most of the concerns are based on opinion, not facts. All of the concerns, respectfully, demonstrate an attitude of “nimbyism” (Not-in-my-backyard-syndrome). In a December 2020 report, the CMHC stating that nimbyism is a potential challenge for increasing the affordable housing supply:

*“The “not in my backyard” syndrome, otherwise known as NIMBYism, is a potential challenge for increasing the affordable housing supply through the National Housing Strategy. While a high proportion of citizens may support, in principle, the construction of affordable housing in their city, they are often less willing to support its construction in their own neighbourhoods.”<sup>15</sup>*

16. Furthermore, the Ontario Housing Affordability Task For Report states that nimbyism is preventing the building of needed housing in Ontario’s communities:

*“NIMBYism (not in my backyard) is a major obstacle to building housing. It drags out the approval process, pushes up costs, and keeps out new residents. Because local councillors depend on the votes of residents who want to keep the status quo, the planning process has become politicized. Municipalities allow far more public consultation than is required, often using formats that make it hard for working people and families with young children to take part. Too few technical decisions are delegated to municipal staff. Pressure to designate buildings with little or no heritage value as “heritage” if development is proposed and bulk listings of properties with “heritage potential” are also standing in the way of getting homes built. Dysfunction throughout the system, risk aversion and needless bureaucracy have resulted in a situation where Ontario lags the rest of Canada and the developed world in approval times. Ontarians have waited long enough.”<sup>16</sup>*

17. Below we address each of the individual concerns listed above.

### **Concerns about Sewer Smells and Fire Safety**

18. There is no evidence that the ADU unit will have any impact on this. What is more likely to cause an impact is the neighbour’s use of solar panels or the City’s approval of a 640-residential unit apartment building in the City’s west end (to which no residents voiced opposition).<sup>17</sup>

<sup>12</sup> Committee Meeting Minutes of March 6, 2023, Brief at p 144, Tab 7.

<sup>13</sup> Committee Meeting Minutes of October 13, 2020, Brief at p 135, Tab 6.

<sup>14</sup> *Ibid.*

<sup>15</sup> CMHC (December 2020 ed) “Understanding Social Inclusion and NIMBYism in Providing Affordable Housing”, Brief at p 178, Tab 8.

<sup>16</sup> Report of the Ontario Housing Affordability Task Force (February 8, 2022) at p 188 at para 1, Tab 9.

<sup>17</sup> Campbell, Taylor (April 6, 2023) “Huge new west-end residential/retail complex gets council committee support” *Windsor Star*, Brief, Tab 10.

**Desires to make the area into a heritage district**

19. The heritage district must first be approved in accordance with the criteria in *O. Reg. 9/06: CRITERIA FOR DETERMINING CULTURAL HERITAGE VALUE OR INTEREST* which was recently amended by the Province of Ontario. This is out of scope for the purposes of this application.

20. Furthermore, there are many homes in the neighbourhood which lack historical features. In fact there are recently built homes in the vicinity.

**Loss of history**

21. Allan's application does not touch the actual historical home on the Property whose features are subject to heritage preservation. His proposed ADU unit would not even be visible from many angles from Askin Avenue. The ADU unit will match the brick colour and design of the main home.<sup>18</sup> It is a step up compared to the neighbours' properties which have older sheds and paved parking lots in their back yards.<sup>19</sup> The ADU unit will also enhance the Property as currently there is just a slab of concrete.

**Concerns about views**

22. Our legal system has established that a neighbour has no right to a view from their property.<sup>20</sup> Even if there were a right to a view, the Supreme Court of Canada has stated clearly that there is a balancing act that must take place and a "give and take" between neighbours.<sup>21</sup> In this instance, the neighbours must recognize that their rights to a view are not absolute. Nor is there any evidence that their views will actually be negatively impacted by the ADU unit.

**Statements that the Road is historical**

23. The road is no designated as historical so this point is out of scope for the Application. Furthermore, nothing in the Application affects the boulevard features along Askin Avenue.

**Concerns about the heritage aspects to be in place**

24. There were concerns that the ADU unit would not match historical features of the home on the Property. This is probably the most legitimate if not only legitimate concern to his Application. Allan's new drawings show, however, that he has addressed the issue: the brick colour, the windows, and the roof of the ADU unit will be cohesive with the main structure and subordinate in size to the main home. The front of the home, where arguably most of the historical features are to be found, will be preserved.

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<sup>18</sup> See Brief at Tab 11 revised drawings following March 2023 Committee Meeting.

<sup>19</sup> See Appendix 21.

<sup>20</sup> See Brief at Tab 12 e.g. Allen and Linden and Bruce Feldthusen, *Canadian Tort Law* 8<sup>th</sup> ed (Markham: Buttersworth Lexis Nexis, 2006) at 570; *St. Pierre v. Ontario (Minister of Transportation and Communications)*, [1987] S.C.J. No. 27; *Desando v. Canadian Transit Company*, 2018 ONSC 1859; most recently the UK Court of Appeal reiterated that a neighbour doesn't have the right to prevent others from viewing them from their home in *Giles et al. v The Board of Trustees of the Tate Gallery*, [2020] EWCA Civ 104.

<sup>21</sup> *Antrim Truck Centre Ltd. v. Ontario (Transportation)*, 2013 SCC 13 (CanLII) at para 39, Brief at p 277, Tab 13.

25. Administration has also written in their report, “*Should the Application be approved, Heritage Planning staff will also continue the discussion on material and colour selections and require satisfactory final product information to be provided as a condition for approval*”.<sup>22</sup> Any changes following Committee recommendations and City Council approvals, will be subject to scrutiny by Administration.

### **Concerns about urban densification**

26. This concern is contradictory to the City’s own policies of increasing urban densification. It also flies in the face of the Province’s directives to build more housing through multiple pieces of legislation to implement the Housing Supply Action Plan.

### **ALLAN’S POSITION**

27. It is our position is that there is no alteration of the Property under section 33 of OHA which triggers this Committee’s (or Council’s) jurisdiction. That said, Allan has always demonstrated a willingness to comply with requests of Administration and his Application is another example of same. If we are incorrect about section 33 of the OHA, then we submit that this Application for the ADU unit should be approved.

28. Firstly, it aligns with Administration’s recommendations. Allan has gone out of his way to consult with the Administration and address needs of making the ADU unit look as close as possible to heritage home on the Property. Even back in 2020, Administration noted Allan’s willingness to cooperate: the October 13, 2020 report stated “*Given the Applicant’s willingness to incorporate historically appropriate exterior finishing material in the proposed addition, Administration is not recommending [historical] designation at this time*”.<sup>23</sup>

29. Secondly, it aligns with the City of Windsor’s commitment to bring more housing. Windsor has committed to the Province of Ontario to build 13,000 new homes<sup>24</sup> and this could be one of them. According to the CMHC, Windsor’s current rental vacancy rate is 1.8% and an average 2 bedroom rents for \$1,197.00 per month (up 3.9%). This is at a historic low.<sup>25</sup> The ADU unit can address this critical housing shortage and cost crisis. In the words of Councillor Mackenzie as quoted by the Windsor Star on February 10, 2023, “*The ADU is another tool that we can use to increase the housing stock while at the same time not putting as much pressure on the labour side of the construction industry*”.<sup>26</sup>

30. Windsor’s Official Plan specifically calls for integration of conservation of heritage resources into comprehensive planning and urban design initiatives and to lead the community in the protection, improvement, utilization and management of heritage resources.<sup>27</sup> Approving this ADU unit would show other heritage property owners that there is a way to preserve old properties and still enhance them. The use of the ADU unit also addresses Official Plan 3.2 and 3.2.1.2<sup>28</sup> by

<sup>22</sup> *Supra* note 6, Brief at p 68.

<sup>23</sup> *Supra* note 1, Brief at p 8.

<sup>24</sup> Wilhelm, Trevor (February 27, 2023) “Windsor city council commits to provincial call to build 13,000 new local homes” *Windsor Star*, Brief, Tab 14.

<sup>25</sup> CMHC (January 2023) “Rental Market Report”, Brief at p 368, Tab 15.

<sup>26</sup> Garton, Rich (February 10, 2023) “Windsor councillor to pitch ADU incentive program” *CTV NEWS*, Brief at Tab 16.

<sup>27</sup> See Appendix 30 for excerpts from Chapter 9 – Heritage Preservation.

<sup>28</sup> See Appendix 30 for excerpts from Chapter 3 – Development Strategy.

encouraging a range of housing in mature neighbourhoods.

31. Thirdly, approval aligns with previous decisions. This Committee already recommended to Council that a garage on a Walker Road heritage property be constructed and it has recommended the use of ADU units generally. The City of Toronto has approved numerous changes to heritage properties which modify the back of the heritage buildings but retain the character of the front. Windsor Council is also approving large projects in the west end of Windsor: April 6, 2023 decision to have 640 new residential units over 9 acres of greenspace.

32. Fourthly, the changes proposed will not take away any visibility from the main heritage home, but the changes will enhance the current state of the back yard which is a concrete slab. The changes would also add new energy and change to a neighbourhood historically characterized by blight.

### **CONCLUSION**

33. In conclusion, we submit that the ADU unit should be able to proceed because it does not affect the historical attributes of the Property. The Application meets criteria of Administration. The Application is narrow in scope and by approving it, the City is not setting any type of trend or making a ground breaking decision. The Application enhances the neighbourhood and adheres to the City of Windsor's Official Plan and goals of addressing housing shortages and unaffordability. The Application will not denigrate the historical character of the Property but merely enhance it.

Yours very truly,

RYAN MICHAEL SOLCZ PROFESSIONAL CORPORATION



RYAN MICHAEL SOLCZ

RMS:rs

Encl.

**APPENDICES**

Appendix 4 – Neighbouring Properties



**Alteration of property**

**33** (1) No owner of property designated under section 29 shall alter the property or permit the alteration of the property if the alteration is likely to affect the property's heritage attributes, as set out in the description of the property's heritage attributes in the by-law that was required to be registered under clause 29 (12) (b) or subsection 29 (19), as the case may be, unless the owner applies to the council of the municipality in which the property is situate and receives consent in writing to the alteration. 2019, c. 9, Sched. 11, s. 11.

**Application**

(2) An application under subsection (1) shall be accompanied by the prescribed information and material. 2019, c. 9, Sched. 11, s. 11.

**Other information**

(3) A council may require that an applicant provide any other information or material that the council considers it may need. 2019, c. 9, Sched. 11, s. 11.

**Notice of complete application**

(4) The council shall, upon receiving all information and material required under subsections (2) and (3), if any, serve a notice on the applicant informing the applicant that the application is complete. 2019, c. 9, Sched. 11, s. 11.

**Notification re completeness of application**

(5) The council may, at any time, notify the applicant of the information and material required under subsection (2) or (3) that has been provided, if any, and any information and material under those subsections that has not been provided. 2019, c. 9, Sched. 11, s. 11.

**Decision of council**

(6) The council, after consultation with its municipal heritage committee, if one is established, and within the time period determined under subsection (7),

(a) shall,

- (i) consent to the application,
- (ii) consent to the application on terms and conditions, or

(iii) refuse the application; and

(b) shall serve notice of its decision on the owner of the property and on the Trust. 2019, c. 9, Sched. 11, s. 11.

### **Same**

(7) For the purposes of subsection (6), the time period is determined as follows:

1. Unless paragraph 2 applies, the period is 90 days after a notice under subsection (4) is served on the applicant or such longer period after the notice is served as is agreed upon by the owner and the council.
2. If a notice under subsection (4) or (5) is not served on the applicant within 60 days after the day the application commenced, as determined in accordance with the regulations, the period is 90 days after the end of that 60-day period or such longer period after the end of the 60-day period as is agreed upon by the owner and the council. 2019, c. 9, Sched. 11, s. 11.

### **Deemed consent**

(8) If the council fails to notify the owner under clause (6) (b) within the time period determined under subsection (7), the council shall be deemed to have consented to the application. 2019, c. 9, Sched. 11, s. 11.

### **Appeal to Tribunal**

(9) If the council of a municipality consents to an application upon certain terms and conditions or refuses an application, the owner may, within 30 days after receipt of the notice under clause (6) (b), appeal the council's decision to the Tribunal by giving a notice of appeal to the Tribunal and to the clerk of the municipality setting out the objection to the decision and the reasons in support of the objection, accompanied by the fee charged by the Tribunal. 2019, c. 9, Sched. 11, s. 11; 2021, c. 4, Sched. 6, s. 74 (2).

### **If notice of appeal**

(10) If a notice of appeal is given within the time period specified in subsection (9), the Tribunal shall hold a hearing and, before holding the hearing, shall give notice of the hearing to the owner of the property and to such other persons or bodies as the Tribunal may determine. 2019, c. 9, Sched. 11, s. 11.

### **Powers of Tribunal**

(11) After holding a hearing, the Tribunal may order,

- (a) that the appeal be dismissed; or
- (b) that the municipality consent to the application without terms and conditions or with such terms and conditions as the Tribunal may specify in the order. 2019, c. 9, Sched. 11, s. 11.

### **Dismissal without hearing of appeal**

(12) Despite the *Statutory Powers Procedure Act* and subsections (10) and (11), the Tribunal may, on its own motion or on the motion of any party, dismiss all or part of the appeal without holding a hearing on the appeal if,

- (a) the Tribunal is of the opinion that,
  - (i) the reasons set out in the notice of appeal do not disclose any apparent ground upon which the Tribunal could allow all or part of the appeal, or
  - (ii) the appeal is not made in good faith, is frivolous or vexatious, or is made only for the purpose of delay;
- (b) the appellant has not provided written reasons in support of the objection to the decision of the council of the municipality;
- (c) the appellant has not paid the fee charged by the Tribunal; or
- (d) the appellant has not responded to a request by the Tribunal for further information within the time specified by the Tribunal. 2019, c. 9, Sched. 11, s. 11; 2021, c. 4, Sched. 6, s. 74 (2).

### **Representations**

(13) Before dismissing all or part of an appeal on any of the grounds mentioned in subsection (12), the Tribunal shall,

- (a) notify the appellant of the proposed dismissal; and
- (b) give the appellant an opportunity to make representations with respect to the proposed dismissal. 2019, c. 9, Sched. 11, s. 11.

### **Notice of Tribunal's decision**

(14) The council shall serve notice of the Tribunal's decision under subsection (11) or (12) on the Trust. 2019, c. 9, Sched. 11, s. 11.

### **Delegation of council's consent**

(15) The power to consent to alterations to property under this section may be delegated by by-law by the council of a municipality to an employee or official of the



municipality if the council has established a municipal heritage committee and has consulted with the committee prior to delegating the power. 2019, c. 9, Sched. 11, s. 11.

### **Scope of delegation**

(16) A by-law that delegates the council's power to consent to alterations to a municipal employee or official may delegate the power with respect to all alterations or with respect to such classes of alterations as are described in the by-law. 2019, c. 9, Sched. 11, s. 11.

### **Transition**

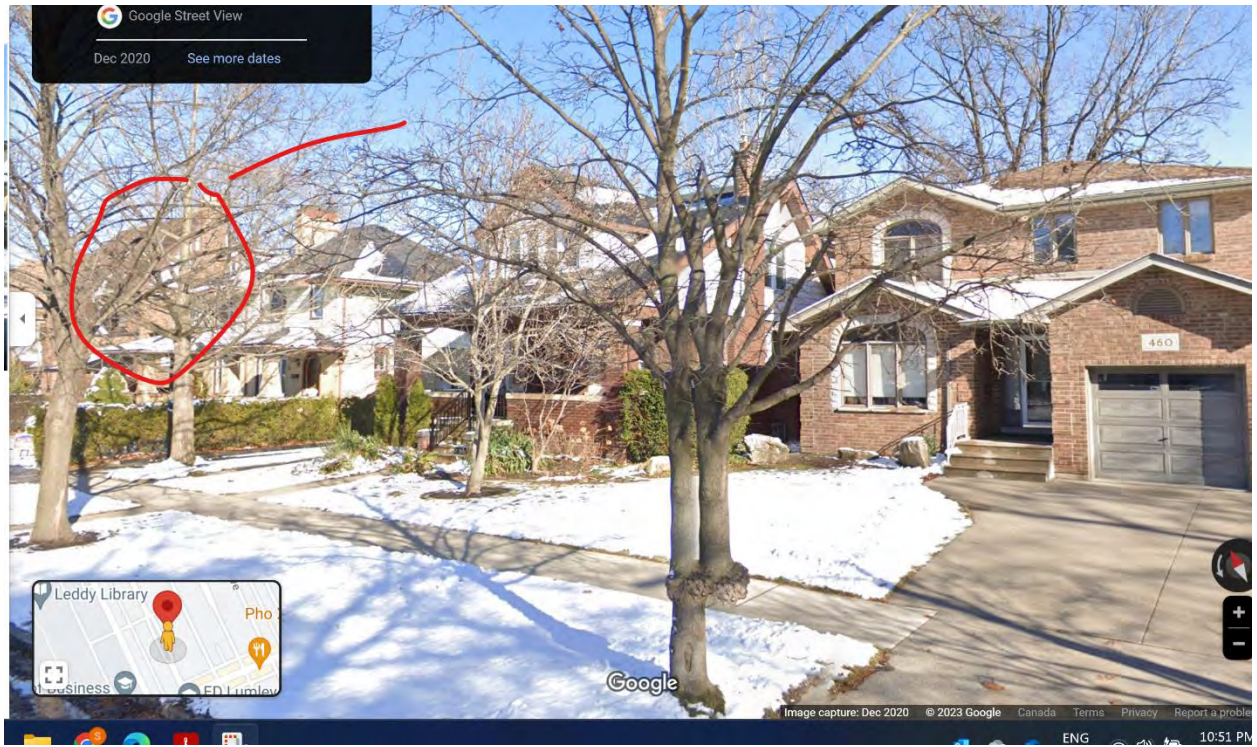
(17) If property is designated under this Part as property of historic or architectural value or interest, either before the day section 29 of this Act is amended by section 2 of Schedule F to the *Government Efficiency Act, 2002* or under subsection 29 (16) of this Act after that day,

- (a) subsection (1) of this section does not apply to the property;
- (b) despite its amendment by subsection 2 (16) of Schedule F to the *Government Efficiency Act, 2002*, subsection (1) of this section, as it read immediately before the day subsection 2 (16) of Schedule F to the *Government Efficiency Act, 2002* came into force, continues to apply to the property. 2019, c. 9, Sched. 11, s. 11.

### **Section Amendments with date in force (d/m/y)**

Appendix 21 – Photos from Neighbourhood

3 houses South of subject Property:

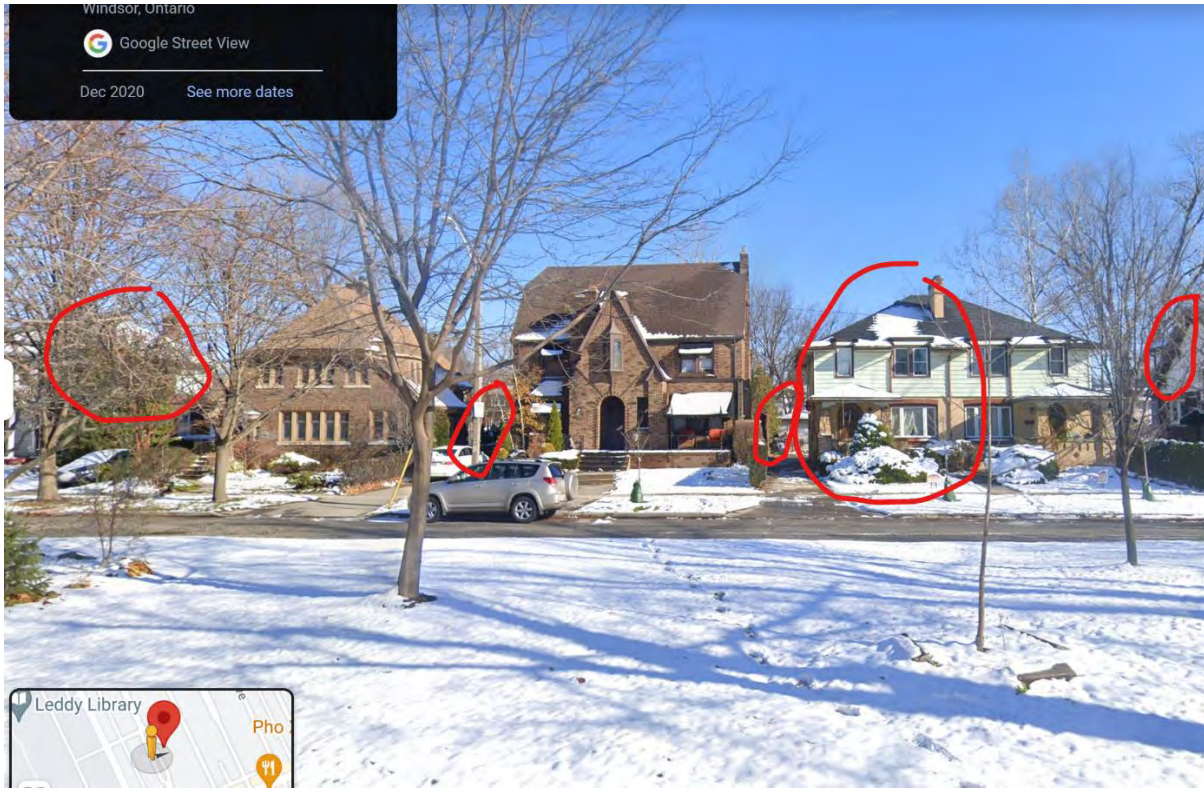


Across the street from subject Property:

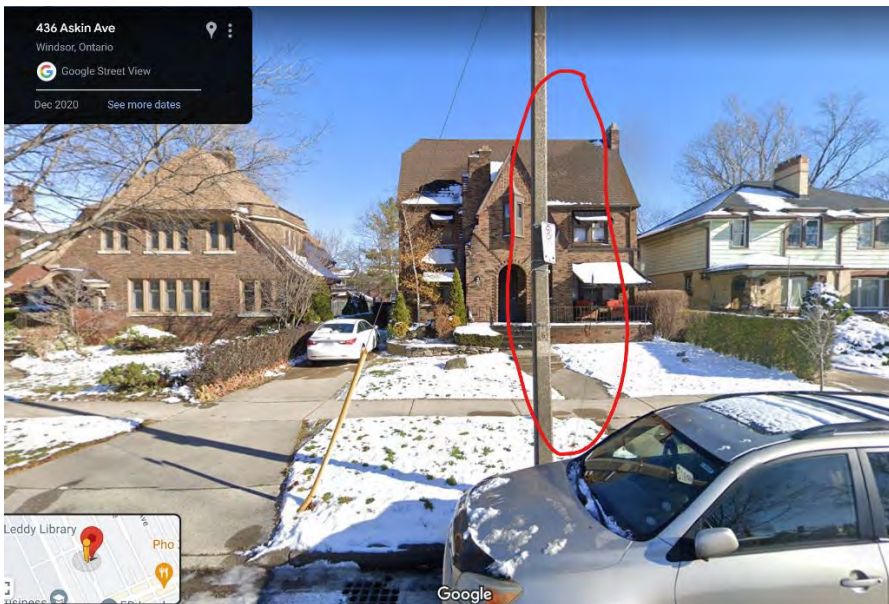




Frontal street view of subject Property (which Administration mentions is not negatively impacted by the ADU Unit):



Close up:



Recent home on Randolph (one block over):



## Appendix 30

### Excerpts from Chapter 3 – Development Strategy

#### 3.2.1 Safe, Caring and Diverse Community

##### NEIGHBOURHOOD CENTRES

3.2.1.1 Windsorites want to be a part of neighbourhoods that meet their needs as places to live, shop and play. Each neighbourhood will have a central area that provides a focus for activities and is within a convenient walking distance. Here, people will find shops, jobs, neighbourhood based services, public places that are safe and inviting, and a place to meet with neighbours and join in community life. The neighbourhood centre will provide a variety of housing types for all ages and incomes.

##### NEIGHBOURHOOD HOUSING VARIETY

3.2.1.2 Encouraging a range of housing types will ensure that people have an opportunity to live in their neighbourhoods as they pass through the various stages of their lives. Residents will have a voice in how this new housing fits within their neighbourhood. As the city grows, more housing opportunities will mean less sprawl onto agricultural and natural lands.

### Excerpts from Chapter 9 – Heritage Preservation

##### INTEGRATE WITH PLANNING INITIATIVES

9.2.2 To integrate the conservation of heritage resources into comprehensive planning and urban design initiatives.

##### LEADERSHIP BY EXAMPLE

9.2.3 To lead the community in the protection, improvement, utilization and management of heritage resources by using municipally owned heritage properties as examples of proper conservation and stewardship.





## Additional Information: AI 7/2023

**Subject: Additional Information Memo regarding Report S 25/2023 - 436 Askin Avenue - Ward 2**

### Reference:

Date to Council: May 1, 2023  
Author: Tracy Tang  
Planner II - Revitalization & Policy Initiatives  
ttang@citywindsor.ca  
519-255-6543 x 6449

Kristina Tang, MCIP, RPP  
Heritage Planner  
ktang@citywindsor.ca  
519-255-6543 x 6179

Planning & Building Services  
Report Date: March 16, 2023  
Clerk's File #: MB/13966

To: Mayor and Members of City Council

### Additional Information:

#### Background

On March 6, 2023, the Development & Heritage Standing Committee deferred consideration of the Heritage Permit Application at 436 Askin Avenue and put forward a motion:

*That the report of the Heritage Planner dated February 16, 2023 entitled "436 Askin Avenue – Heritage Permit Request (Ward 2)" BE REFERRED back to Administration to provide further information related to analysis of adjacent properties impacted by the proposal; and that this information BE FORWARDED to a future meeting of the Development & Heritage Standing Committee Meeting.*

This new 2023 motion was in part triggered by Item III of the Council's decision on November 9, 2020 (CR553/2020):

- I. That Administration **BE REQUESTED** to give notice of intention to designate the property located at 436 Askin Ave in accordance with Part IV of the *Ontario Heritage Act*; within 60 days from September 25, 2020; and,

- II. That the request to demolish the enclosed porch and balcony at the rear of 436 Askin Ave to facilitate a rear addition and conversion to a semi-detached dwelling as currently proposed, **BE REFUSED**, in accordance with the *Ontario Heritage Act*, Section 30 Effect of the Notice of Designation; and,
- III. That Administration **REPORT BACK** to Council regarding initiation of a Heritage Conservation District Area Study for this area; and, that the report include suggestions related to potential boundaries, optional designation of a Heritage Conservation District Study Area Bylaw, timing of the study and funding considerations.

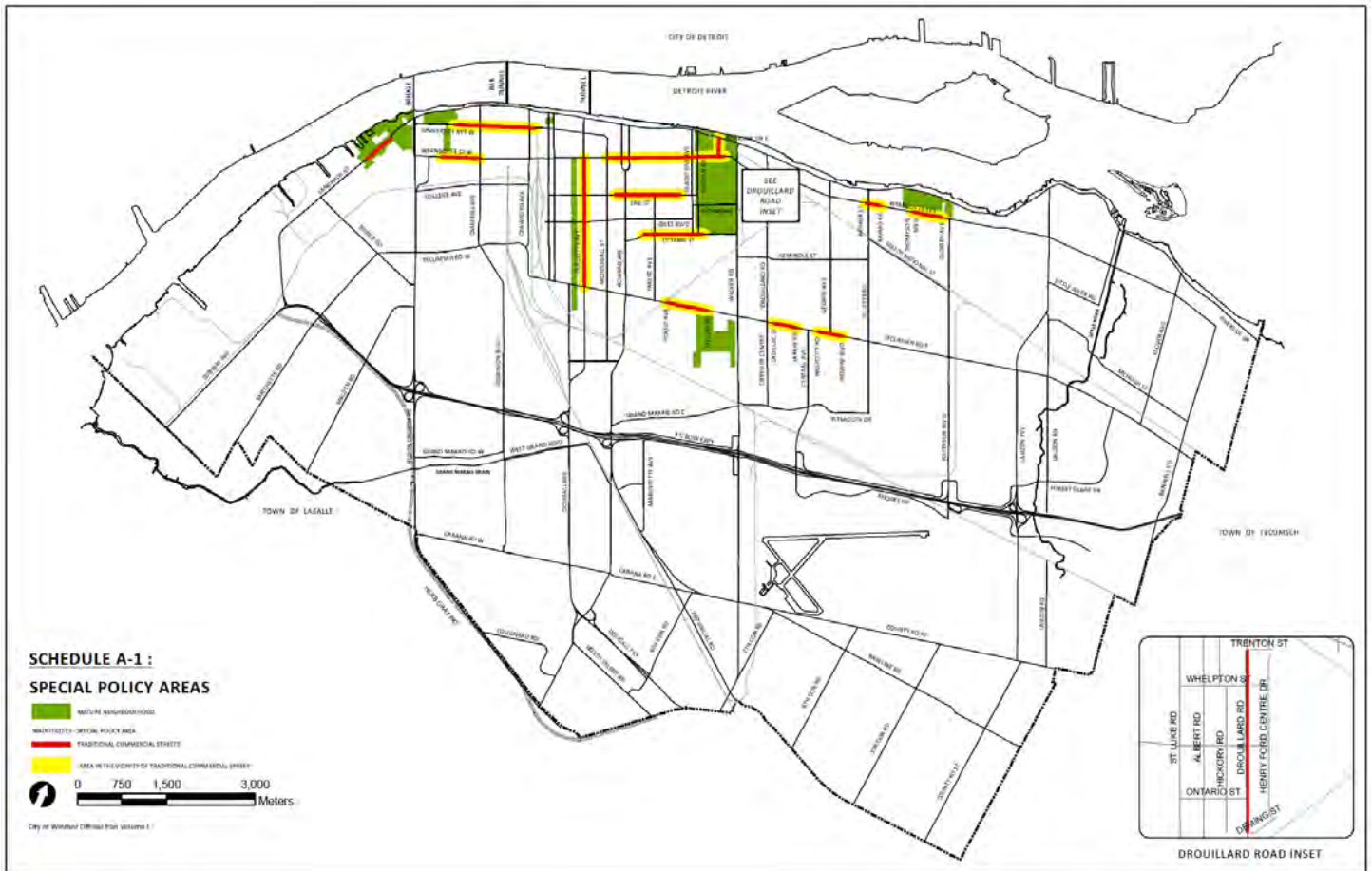
The accompanying additional information memo from the 2020 decision briefly discussed the processes for a Heritage Conservation District (HCD) Study and Designation, which are vigorous processes requiring much examination and engagement with the property owners impacted. It should be noted that the designation of a HCD is subject to Owner appeals to the Ontario Land Tribunal and each property within a HCD boundary is registered on property title. There are currently 2 HCDs in the City of Windsor (Sandwich HCD & Prado Place HCD).

Council directed administration to proceed with the Walkerville HCD Study after the completion of the Walkerville Districting Plan. Ground work for the Walkerville HCD Study is currently taking place (Development of terms of reference). Administration noted in the 2020 Memo that any other Heritage Conservation District Study will have to proceed subsequent to Walkerville HCD Study, and would be subject to Council's budgetary considerations as new requests for HCD Studies are currently not funded.

### **Interim Heritage Work (2020-2022)**

Although a formal HCD Study has not commenced for the subject area, as part of the City's Multi-Residential Interim Control By-law Study, City staff reviewed the heritage landscape across the city and identified several Stable and Mature Neighbourhoods that possess heritage characteristics. These neighbourhoods include Sandwich, University and Riverside Area (including Askin up to Wyandotte Street W.), Old Town (Windsor's historic core), Victoria, Walkerville, South Walkerville, and Riverside (East), which were ultimately designated as "Mature Neighbourhood" in the Official Plan Schedule A-1: Special Policy Areas with applicable policies (details in section below).





Areas designated as Mature Neighbourhood (in green) on the Official Plan Schedule A-1: Special Policy Areas

Further, the Planning Department conducted visual surveys in areas bounded by Riverside Drive West, Randolph Place, University Avenue West, and Vista Place. From these surveys, staff identified many potential heritage resources in the area, resulting in Council’s decision (CR 637/2020) to add 17 Riverside West area properties on the Heritage Register on December 21, 2020. Addition of the properties on the Heritage Register provides heritage recognition and some interim protection of the heritage properties from demolition.

### Proposal Evolution

The Property Owner’s proposal for an additional dwelling unit on the subject property has undergone numerous iterations over the past three years. Captured in the table below is a summarization of the iterations proposed, along with the latest changes (March 2023) detailed in Appendix A.

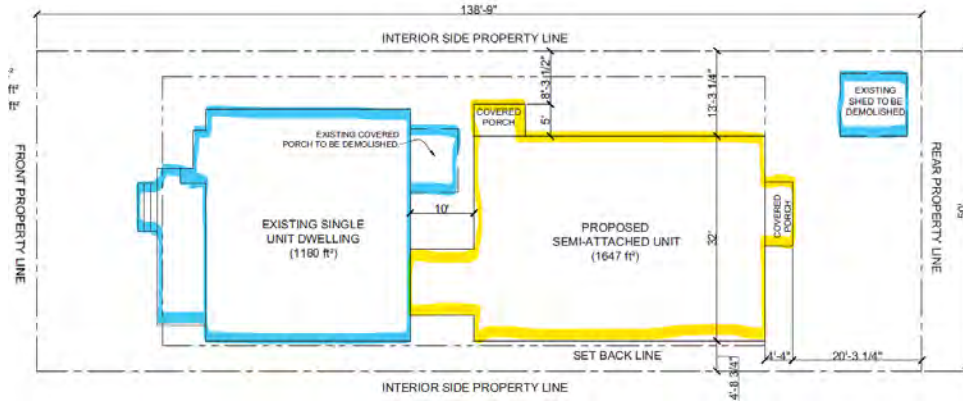
Date	Activity
March 2020	Heritage permit application submitted to demolish rear attached enclosed porch to allow for new construction. Proposal was to convert building from single detached house to semi-detached dwelling, thus partial demolition was required to facilitate the proposal

September 2020	Heritage permit application deemed complete (see PROPOSAL 1 drawings below)
October 13, 2020	DHSC rejected the heritage application by initiating Part IV heritage designation on the property and requesting for a report back about initiation of a HCD for the area
October 27, 2020	Additional information memo provided to Council in response to DHSC motion
March 21, 2022	Designation By-law 51-2022 passed by Council
October 2022	Building permit application submitted for erection of smaller detached two-storey ADU at rear of property (see PROPOSAL 2-A drawings below)
February 2023	Heritage permit application deemed complete after modifications as requested by Heritage Planning staff (see PROPOSAL 2-B drawings below)
March 2023	Proposed ADU design modified by Property Owner in consideration of comments voiced at March 6 DHSC Meeting (see PROPOSAL 2-C drawings below)

**PROPOSAL 1  
SEPT 2020**

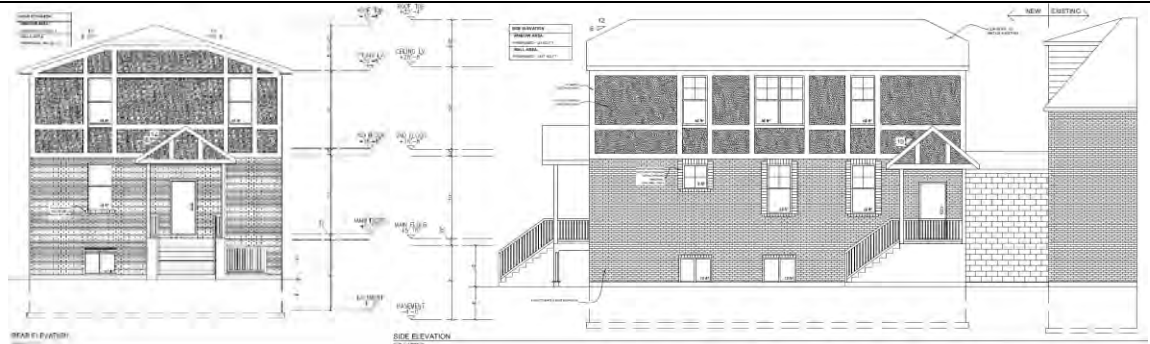
- Raised two-storey addition for semi-detached unit
- 1647 ft<sup>2</sup> size in Building Footprint
- 32'4" height

**SITE PLAN**



LOT AREA = 6937.5 ft<sup>2</sup>  
 EXISTING DWELLING COVERAGE = 1180 ft<sup>2</sup>  
 PROPOSED ADDITION COVERAGE = 1647 ft<sup>2</sup>  
 TOTAL COVERAGE = 2842 ft<sup>2</sup>  
 LOT COVERAGE = 41%

**ELEVATIONS**



**RENDERINGS**

















### **Impact Analysis to Adjacent Properties**

Within the March 6 DHSC report, the proposal was evaluated based on an individual heritage property consideration (Heritage Alteration process evaluates acceptability of alteration proposed where it affects the subject property's heritage attributes). Impact analysis to adjacent properties is not normally part of the Heritage Permit review process.

The impact analysis to adjacent properties requested by the Heritage Committee will verify if the proposed development is appropriate within the immediate context. The neighbourhood is a Mature Neighbourhood under Schedule A-1 of the Official Plan, but it is not a Heritage Area or Heritage Conservation District.



**Legend**

- Subject Property
- Adjacent Properties
- Heritage Site (Designated)
- Heritage Site (Listed)
- Mature Neighbourhood (As adopted in OP Schedule A-1 through OPA 159)



1:4,000



Location Map of the Mature Neighbourhood area in subject and heritage properties within the scope



Views of the front facade of 436 Askin Avenue looking slightly south-east and slightly north-east, showing relation to adjacent 424 Askin Ave (north) and 442 Askin Ave (south).



Views of the front facade of 436 Askin Avenue from Askin Avenue looking east down the left and right side yards of the property. The proposed ADU would be screened from view at these angles (photos taken in February 2023).



Views of the rear-abutting properties on Randolph Ave looking slightly north-west (top) and south-west (bottom).

As indicated by the streetscape context information provided by the applicant, the proposed ADU will not have a significant visual impact from Askin Avenue. Further, the ADU has been designed in compatible architecture style and materials with the neighbourhood properties.

There is one listed heritage property, 424 Askin Ave, which is directly adjacent to the subject property. The other properties abutting do not have heritage status under the *Ontario Heritage Act*. The table below provides a brief overview of the built form characteristics of the properties directly abutting the subject property.

Property	Adjacency	Height	Roofline	Materials
424 Askin Ave	Immediate north	2 storey	Steep pitched; hipped and flared; irregular	Orange-brown variegated brick





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Impact: Presence of privacy fence between 436 and 424 Askin means that the ground floor windows of the proposed ADU would not provide views to 424 Askin (no second floor windows proposed on north elevation of ADU). There is a proposed 9' (2.74m) separation from the proposed ADU to the side property line with 424 Askin. The ADU spans approximately a third of the rear lot depth.

442 Askin Ave



Immediate south

2 storey

Low pitched; hipped

Buff brick; mint-white siding

Impact: Presence of privacy fence between 436 and 424 Askin means that the ground floor windows at proposed ADU would not provide views to 442 Askin. There is one second floor window proposed on the south elevation of the ADU, however, there is a proposed 16' (4.88m) separation from the south building wall to the side property line with 442 Askin.

431 Randolph Ave



Diagonally north and rear

2 storey

Medium-steep pitched; cross gabled

Brown variegated brick; cream stucco

Impact: There is a privacy fence at the rear yard of 436 Askin. There are no windows proposed on the rear elevation of the ADU facing Randolph Avenue. There is also a proposed 24' 7 1/4" (7.5 m) separation from the rear east building wall to the rear property line.

439 Randolph Ave



Immediate rear

2 storey

Steep pitched;  
cross gabled

Brown  
variegated  
brick; cream  
siding

Impact: There is a privacy fence at the rear yard of 436 Askin. There are no windows proposed on the rear elevation of the ADU facing Randolph Avenue. There is also a proposed 24' 7 1/4" (7.5 m) separation from the rear east building wall to the rear property line.

445 Randolph Ave



Immediate rear

2 storey

Medium-steep  
pitched; cross  
gabled

Brown  
variegated  
brick; cream  
siding; cream  
stucco

Impact: There is a privacy fence at the rear yard of 436 Askin. There are no windows proposed on the rear elevation of the ADU facing Randolph Avenue. There is also a proposed 24' 7 1/4" (7.5 m) separation from the rear east building wall to the rear property line.

451 Randolph Ave

Diagonally  
south and rear

1.5 storey

Low pitched;  
cross gabled

Dark yellow  
brick; cream  
siding



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Impact: There is a privacy fence at the rear yard of 436 Askin. There are no windows proposed on the rear elevation of the ADU facing Randolph Avenue. There is also a proposed 24' 7 1/4" (7.5 m) separation from the rear east building wall to the rear property line.

Summary Opinion: The potential impacts of the proposed ADU on adjacent properties are not adverse and the character of the area will still be maintained.

**Existing Policies & Guidelines for considering Heritage Context**

Official Plan Amendment 159 adopted by Council on July 11, 2022 provides Official Plan policies, updated Official Plan Schedules, and the Windsor Intensification Guidelines to evaluate the appropriateness of a proposal that falls within the applicable areas. Askin Avenue from Riverside Drive West to Wyandotte Street West and other parts of University & Riverside have been identified as Mature Neighbourhood areas in OP Schedule A-1 Special Policy Area. Accordingly, the Official Plan Volume I, Chapter 6, the Land Use Policies 6.3.2.5 (c) and 6.3.2.29; Official Plan Volume II, Chapter I, Special Policy Areas Policies 1.52 and 1.52.1; and Windsor Intensification Guidelines for Stable & Mature Neighbourhoods apply. See Appendix 'B' for an extract of the relevant Official Plan policies and Appendix 'C' for an extract of the Stable & Mature Neighbourhood chapter of the Windsor Intensification Guidelines.

Note that these policies and guidelines only apply when there is a development application (i.e. *Planning Act* application). Many properties are able to be issued a building permit if compliant with the Zoning By-law and the Building Code without any additional design oversight or review.

The relevant and applicable Design Guidelines have been extracted and summarized in the table below. The proposed ADU at 436 Askin has been evaluated based on these guidelines and is found to be in compliance.

Guideline	Compliance
<b>2.2.1 Site Orientation</b>	
1. Consider building placement and siting on a property in relation to the street and the property's neighbours to reinforce the positive characteristics of the existing streetscape.	✓ Yes
2. Ensure the scale of Low Profile buildings is compatible and sensitively integrated with residential buildings in the immediate vicinity in terms of building mass, height,	✓ Yes



setbacks, orientation, privacy, landscaping, shadow casting, accessibility, and visual impact.	
3. Locate dwellings close to the street edge to frame the streetscapes, however, this will depend on the setbacks to houses on either side of the site.	Not Applicable
4. Maintain consistent front yard setbacks along the street. New development should have a set back equal to the predominant setback (70%+) on the street (+/- 1.0m), or a distance that is the average of those on either side of the development site (+/- 1.0m).	Not Applicable
5. Provide side yard setbacks that reflect those of adjacent homes, or are the average distance of those on either side of the development, in accordance with existing zoning standards, to a minimum of 1.2 metres.	✓ Yes
6. Consider rear yard privacy issues when extending a home towards the rear property line or building a new dwelling by: <ul style="list-style-type: none"> <li>a. Minimizing extensions beyond the adjacent dwellings rear wall;</li> <li>b. Limit direct conflict with new windows on the side elevations with existing windows on the abutting building;</li> <li>c. Minimizing the location of second floor balconies on rear and side elevations or providing privacy screening on the side of the balcony; and,</li> <li>d. Providing fencing that effectively screens the rear amenity and minimizes its exposure to/from adjacent properties, where appropriate.</li> </ul>	✓ Yes
7. Limit blocks of street townhouses to a maximum of 8 units, with 6 units preferred. The length of the townhouse blocks should not exceed 50 metres, unless it is essential to the architectural style of the townhouse block.	Not Applicable
8. Orient blocks of attached townhouse units to the street with integrated front garages accessed from the street. For rear lane townhouses an attached or detached garage will be located at the rear of the block and accessed from a lane.	Not Applicable
<b>2.2.2 Developments within Heritage Contexts</b>	
1. Locate and design buildings to respect and complement the scale, character, form, and siting of on-site and surrounding cultural heritage resources.	✓ Yes
2. Ensure that conceptual design and massing of development or redevelopment projects are compatible with adjacent listed heritage buildings and/or sites.	✓ Yes
3. New buildings located adjacent to built cultural heritage resources will be compatible with existing historical building types, colours, and material palettes having regard for modern building designs, techniques, and materials.	✓ Yes
<b>2.2.3 Access &amp; Parking</b>	
1. Place garages behind the front wall of the dwelling or at the side or rear of the lot, unless the predominant location of the garage on other houses on the streetscape are	Not Applicable

at the front of the house or not at the side or rear.	
2. Townhouses should be serviced with access to the garage or parking from the rear of the unit. The front yard is best fully landscaped, with a single width driveway leading to the parking or garage area at the rear.	Not Applicable
3. Ensure rear lane accessed garages are complementary in design and building material with the principal dwelling.	Not Applicable
4. Where there is no option for rear access parking, the garage on the front face of the dwelling unit should not dominate the streetscape.	Not Applicable
5. Set back detached garages from the main front wall of the dwelling. Ensure detached garages are similar in material and architectural character to the dwelling.	Not Applicable
6. Ensure front-facing garages attached to the main dwelling do not occupy more than 50% of the building's width. For semi-detached, duplex, and townhouse units, pair garages to allow for more substantial front yard green space	Not Applicable
7. Locate and space driveways to reinforce the rhythm along a street and to allow for street trees to be planted in the boulevard.	✓ Yes
8. Ensure the garage door does not protrude beyond the front wall of the townhouse. Building design should include elements to reduce the dominance of the garage doors by, for example: <ul style="list-style-type: none"> <li>a. Single car garages only (2.7 m door width);</li> <li>b. Including a habitable room over the garage;</li> <li>c. Articulating the front door with a porch; and,</li> <li>d. Integrating the design of the roof over the garage with that of the townhouse units.</li> </ul>	Not Applicable
9. Parking for detached, semi-detached, and townhouse dwellings is only permitted in the front or exterior side yard and only on a driveway or a parking pad.	✓ Yes
10. For Low Profile apartments, locate visitor parking, loading, and service areas in areas of low public visibility in side or rear yards and set back from the front facade of the building.	Not Applicable
<b>2.2.4 Landscaping</b>	
1. Preserve existing mature trees where possible. The planting of new trees is encouraged to provide a continuous canopy over the street and to replace any canopy lost to new development.	Not Applicable
2. Enhance the bio-resiliency of the area through planting of native, non-invasive trees and shrubs.	Not Applicable
3. Include landscaped areas in front of buildings that provide a transition from private to public areas. A minimum of 50% of the front yard zone should include soft	✓ Yes

landscaping areas (non-paved areas supporting grass, groundcovers, trees and/ or shrubs).	
4. Encourage permeable paving for new walkways and driveways to reduce run-off to storm sewers and soften the streetscape appearance.	Not Applicable
5. Where the predominant (70%+) existing streetscape character has design elements such as low stone walls, low permeable fences, planting and/or other landscaping at the front of the lot, ensure new development provides similar elements.	✓ Yes
6. Maintain the green character of the front yards and avoid monotony of treatment over large extents of development. The front yards of units in a new townhouse development should have a coordinated landscape design that should include fences/hedges, and street trees in the boulevard.	✓ Yes
7. Ensure front yard hedges or fencing that are used to define the edge of private property are no more than 1.2 metres high to maintain visibility to the street.	✓ Yes
8. Screen the parking lots of apartments from abutting residents and street view through the use of landscape buffers and/or fencing that is consistent with the building's architectural style.	Not Applicable
9. Consider outdoor amenity areas in the form of second floor decks or rooftop patios for townhouses with an attached garage in the rear as an alternative to traditional rear yard amenity areas.	Not Applicable
10. Provide outdoor amenity space for apartment units either individually or in a shared space.	Not Applicable
<b>2.2.5 Materials</b>	
1. Ensure building materials reflect and complement the existing materials in the area and are high quality, durable, and easily maintained.	✓ Yes
2. Ensure the materials selected are consistent for a building's facade and any walls that are publicly visible.	✓ Yes
3. Recommended building materials include brick masonry, stone masonry, wood, or stucco; one or two of these materials should be selected as base materials and may be complemented by a wider range of accent materials.	✓ Yes
4. For additions or renovations to an existing building, incorporate materials and colours that are consistent with and complement the main building.	✓ Yes
5. Ensure material changes on exposed elevations occur at transition points, such as a change of plane.	✓ Yes
6. Ensure rear and side walls exposed to public view are of a similar composition to the front wall.	✓ Yes

7. Colour should be selected from the heritage palette. In most cases the predominant colours throughout the City's historic neighbourhoods are subdued. The preferred colours are those within a traditional palette.	✓ Yes
8. Traditional high quality building materials are encouraged. The traditional building materials utilized within each historic neighbourhood should be identified and are to be encouraged for new development.	✓ Yes
9. Ensure material changes on exposed elevations occur at transition points, such as a change of plane.	✓ Yes

### Beyond the Current Policy/Regulation Framework

The report brought forward on March 6, 2023 to the Development & Heritage Standing Committee was about the appropriateness of the proposal from a heritage compatibility lens to the subject property itself. The required heritage permit was to ensure that any potential impacts to the heritage attributes of the designated property are properly reduced or mitigated. The subject of the report was not the appropriateness of increasing density in the neighbourhood through new ADUs or the licensing of student housing/lodging houses.

Through the newly adopted Bill 23, every property across Ontario is now permitted to have up to 3 residential dwelling units **as-of-right**. This includes properties that are included on a Municipal Heritage Register (conditional to required parameters). Thus, under Bill 23, the proposed ADU would be permitted as-of-right so long as it meets the municipal zoning by-law requirements and receives all necessary permits. If it were not for the property's Part IV Heritage Designation status, the proposed ADU would not need a Heritage Permit and have to undergo Heritage Planning review. It would have been able to proceed directly to Building Permits, which is not a public process (no statutory requirement for public meetings or notices). Unlike 436 Askin Avenue, properties adjacent and along the same street do not have to undergo Heritage Permit review processes when applying for a Building Permit to build an ADU.

### Conclusion

This proposal adheres to the Standards & Guidelines for the Conservation of Historic Places in Canada, Official Plan policy directions, the Windsor Intensification Design Guidelines, and the provincial direction for creation of more housing units, etc. The impacts on adjacent properties are not adverse and the character of the area will still be maintained. The Owner of 436 Askin has worked closely with Heritage Planning staff to modify and adjust the design to ensure the window alignments, roof types, and materials and colours proposed are compatible with the heritage context and have minimal impact on the heritage attributes of the property and mature neighbourhood area.

Regarding the timing of the 2023 Heritage Permit application, Section 33 of the *Ontario Heritage Act* requires Council, after consultation with its municipal Heritage Committee, to make a decision on the Heritage Permit application within 90 days of a notice of complete application being served. The Owner was informed of a complete application on February 16, 2023, and thus the 90 days deadline for Council to render a decision is May 17, 2023. In order to meet the statutory timelines for a Council decision on this matter, the Owner has agreed to a waiver of the 90 days timeline to present his

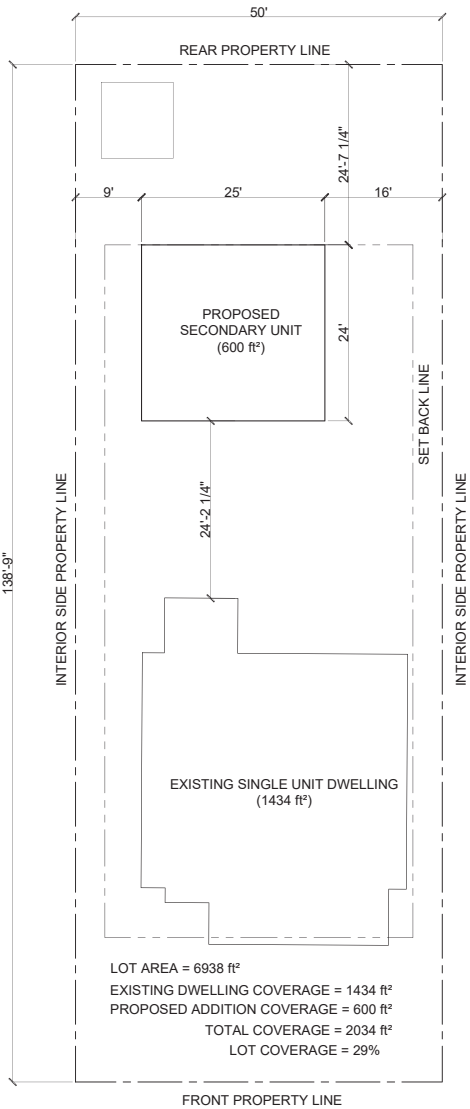
revised application to Committee in May. The *Ontario Heritage Act* also includes provisions for the Property Owner to appeal Council’s decision to the Ontario Land Tribunal within 30 days of receipt of notice of Council’s decision on the application.

**Approvals:**

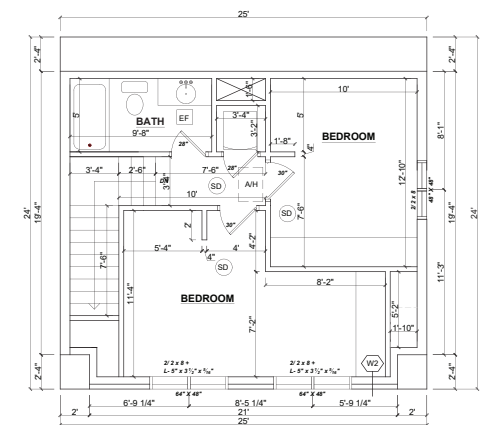
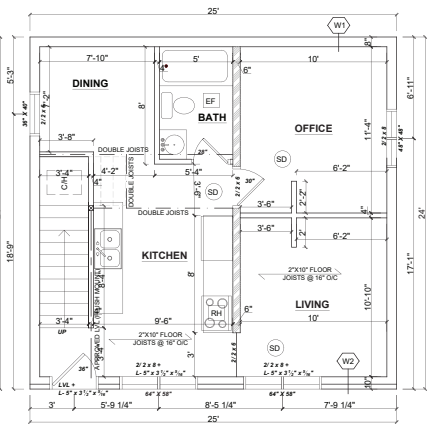
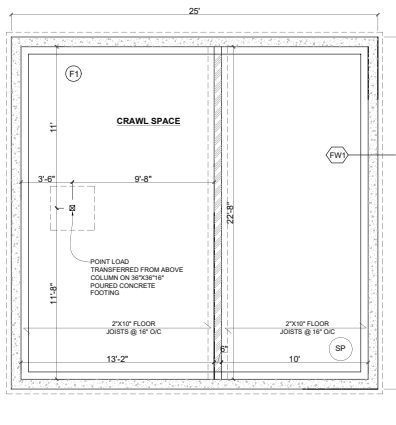
Name	Title
Michael Cooke	Manager of Planning Policy/Deputy City Planner
Thom Hunt	City Planner / Executive Director, Planning & Building
Wira Vendrasco	Deputy City Solicitor
Jelena Payne	Commissioner, Economic Development & Innovation
Onorio Colucci	Chief Administrative Officer

**Appendices:**

- 1 Appendix A – 436 Askin Ave Revised Heritage Permit Drawings
- 2 Appendix B – Extracts of Relevant Mature Neighbourhood Policies within the Official Plan
- 3 Appendix C – Extract of the Stable & Mature Neighbourhood Chapter of the Windsor Intensification Guidelines



LEGEND		LOAD BEARING INTERIOR WALL		SUMP PUMP C/W COVER TO RESIST REMOVAL BY CHILDREN AND SEALED TO MAINTAIN CONTINUITY OF THE AIR BARRIER SYSTEM		DENOTES SMOKE ALARM C/W CO' DETECTOR. REFER TO GENERAL NOTES.	
(FW)	BITUMINOUS DAMP PROOFING 8" POURED CONCRETE FOUNDATION WALL, R20 BLANKET INSULATION, ON 20"X20" POURED CONCRETE FOOTING ON UNDISTURBED SOIL	(Hatched)	2X6 WOOD STUDS @ 16" O/C W/ SINGLE BOTTOM PLATE AND DOUBLE TOP PLATE OVER LINTELS 2X6 WOOD BLOCKING @ 3'-11" O/C HORIZONTAL	(SP)	24"X24" MINIMUM	(SD)	32"X24" MINIMUM
(W1)	EXTERIOR WALL - SIDES & REAR SIDING - AS PER OWNER 2X6 WOOD STUDS @ 24" O/C R20 BATT INSULATION COVERED WITH 6 MIL POLY V.B. & 1/2" DRYWALL	(Hatched)	2X6 WOOD STUDS @ 16" O/C W/ SINGLE BOTTOM PLATE AND DOUBLE TOP PLATE OVER LINTELS 2X6 WOOD BLOCKING @ 3'-11" O/C HORIZONTAL ON 16" X 8" POURED CONCRETE FOOTING ON UNDISTURBED SOIL	(CM)	32"X24" MINIMUM	(AH)	32"X24" MINIMUM
(W2)	EXTERIOR WALL - SIDES & REAR 4" BRICK VENEER 1" AIR SPACE 7/16" O.S.B. EXTERIOR GRADE SHEETING 2X6 WOOD STUDS @ 24" O/C R20 BATT INSULATION COVERED WITH 6 MIL POLY V.B. & 1/2" DRYWALL	(Hatched)	2X6 WOOD STUDS @ 24" O/C R20 BATT INSULATION COVERED WITH 6 MIL POLY V.B. & 1/2" DRYWALL	(P)	24"X24" MINIMUM		
		(EF)	DENOTES EXHAUST FAN VENTED DIRECTLY TO EXTERIOR AS PER O.B.C. REQUIREMENTS.				
		(RH)	DENOTES RANGE HOOD VENTED DIRECTLY TO EXTERIOR AS PER O.B.C. REQUIREMENTS.				



**GENERAL NOTES**

**CODE AND PROCEDURES**  
 THESE PLANS HAVE BEEN PREPARED IN ACCORDANCE WITH THE CURRENT EDITION OF THE ONTARIO BUILDING CODE. THE OWNER/BUILDER IS RESPONSIBLE FOR ENSURING THAT ANY CHANGES TO THE CODE ARE COMPLIED WITH AND ALL AMENDMENTS ARE INCORPORATED IN THE CONSTRUCTION OF THIS PLAN. ALL WORK SHALL CONFORM TO LOCAL CODES AND BYLAWS. IT IS THE OWNER/BUILDERS RESPONSIBILITY TO NOTIFY AG DESIGN OF ANY REQUIREMENTS THAT EXCEED THE ONTARIO BUILDING CODE.

**CONCRETE**  
 THE COMPRESSIVE STRENGTH OF CONCRETE AFTER 28 DAYS SHALL NOT BE LESS THAN:  
 - 35 MPA (6000 PSI) WITH 5 TO 8 % AIR ENTRAINMENT FOR GARAGE FLOORS, GARPORT'S FLOORS AND ALL EXTERIOR FLATWORK  
 - 20 MPA (2900 PSI) FOR INTERIOR FLOORS OTHER THAN THOSE FOR GARAGES AND CARPORTS  
 - 15 MPA FOR FOUNDATION WALLS, COLUMNS, FOOTINGS, PIERS AND OTHER APPLICATIONS  
 SITE BATCHED CONCRETE SHALL CONFORM TO THE ONTARIO BUILDING CODE REQUIREMENTS.

WHEN THE AIR TEMPERATURE IS BELOW 5°C CONCRETE SHALL BE KEPT AT A TEMPERATURE OF NOT LESS THAN 10°C OR MORE THAN 25°C WHILE BEING PLACED AND MAINTAINED AT A TEMPERATURE OF NOT LESS THAN 10°C FOR 72 HOURS AFTER PLACING. NO FROZEN MATERIAL OR ICE SHALL BE USED IN THE CONCRETE.

**FOOTINGS**  
 FOOTINGS AND PADS ARE TO BE PLACED ON UNDISTURBED SOIL, ROCK, OR COMPACTED GRANULAR FILL, TO AN ELEVATION BELOW FROST PENETRATION WITH A MINIMUM SOIL BEARING CAPACITY OF 75 KPA. IT IS THE RESPONSIBILITY OF THE OWNER/CONTRACTOR TO VERIFY THE SOIL BEARING CAPACITY PRIOR TO CONSTRUCTION. IF A LESSER BEARING CAPACITY IS ENCOUNTERED IT IS THE RESPONSIBILITY OF THE OWNER/CONTRACTOR TO HAVE THE FOUNDATION REDESIGNED BY A QUALIFIED PROFESSIONAL TO SUIT SITE CONDITION.

WHERE WATER TABLE LEVELS ARE WITHIN A DISTANCE BELOW THE BEARING SURFACE LESS THAN OR EQUAL TO THE WIDTH OF THE FOOTING, THE FOOTINGS SHALL BE DOUBLED IN WIDTH UNDER WALLS AND DOUBLED IN AREA UNDER POSTS.

**FOUNDATION WALLS**  
 FOUNDATION WALLS TO EXTEND A MINIMUM 8" ABOVE FINISHED GRADE.  
 GRADE LINES ON PLANS ARE ASSUMED, OWNER/CONTRACTOR TO VERIFY.  
 WHERE EXTERIOR FINISHED GROUND LEVEL IS AT A HIGHER ELEVATION THAN THE GROUND LEVEL INSIDE THE FOUNDATION WALLS SHALL BE DAMP PROOFED & WHERE HYDROSTATIC PRESSURE OCCURS WATER PROOFING IS REQUIRED.

**ROOF FRAMING**  
 ROOF SHEETING SHALL BE INSTALLED WITH THE SURFACE GRAIN AT RIGHT ANGLES TO THE ROOF FRAMING JOISTS PERPENDICULAR TO ROOF RIDGE SHALL BE STAGGERED WITH EDGES SUPPORTED ON TRUSSES. IF TONGUED AND GROOVED EDGE PANEL TYPE SHEETING IS NOT USED THAN EDGES PARALLEL TO THE ROOF RIDGE SHALL BE SUPPORTED BY METAL 'N' CLIPS OR NOT LESS THAN 1.5"X1.5" BLOCKING SECURELY NAILED BETWEEN FRAMING MEMBERS.

VENTILATION OF ROOF SPACE TO BE VENTED TO A MINIMUM OF 1/150 OF INSULATED ROOF AREA.

**MECHANICAL & ELECTRICAL**  
 MECHANICAL AND ELECTRICAL SERVICES DONE BY OTHERS.

**SMOKE ALARMS**  
 SMOKE ALARMS SHALL CONFORM TO CANULC-5531 "SMOKE ALARMS"  
 SMOKE ALARMS SHALL BE INSTALLED ON OR NEAR THE CEILING AND BE INSTALLED AS PER CANULC-5553 "INSTALLATION OF SMOKE ALARMS"  
 SMOKE ALARMS SHALL HAVE A VISUAL SIGNALING COMPONENT CONFORMING TO THE REQUIREMENTS IN 18.5.3. OF NFPA 72, "NATIONAL FIRE ALARM AND SIGNALING CODE"  
 SMOKE ALARMS SHALL BE INSTALLED WITH PERMANENT CONNECTIONS TO AN ELECTRICAL CIRCUIT. C/W BATTERY BACKUP AS PER O.B.C REQUIREMENTS  
 ALL SMOKE ALARMS SHALL BE INTERCONNECTED SO THE ACTIVATION OF ONE ALARM WILL CAUSE ALL ALARMS TO SOUND

**STEEL LINTELS SUPPORTING MASONRY VENEER**  
 STEEL LINTELS SUPPORTING MASONRY VENEER OVER OPENINGS SHALL HAVE EVEN AND LEVEL BEARING AND SHALL HAVE NOT LESS THAN 6" LENGTH OF BEARING AT END SUPPORTS, AND BEAR ON MASONRY, CONCRETE OR STEEL.  
 STEEL ANGLE LINTELS SHALL BE PRIMED OR PAINTED OR OTHERWISE PROTECTED FROM CORROSION

**DEADBOLT**  
 DOORS THAT REQUIRE A DEADBOLT SHALL BE EQUIP WITH A DEADBOLT LOCK WITH A CYLINDER HAVING NO MORE THAN FIVE PINS AND A BOLT THROW NOT LESS THAN 25MM LONG, PROTECTED WITH A SOLID OR HARDENED FREE-TURNING RING OR BEVELED CYLINDER NOSING

**WOOD FRAMING GENERAL**  
 ALL WOOD FRAMING SHALL COMPLY WITH SECTION 9.2.3 OF THE ONTARIO BUILDING CODE.  
 ALL STRUCTURAL FRAMING LUMBER SHALL BE GRADE STAMPED AS SPRUCE - PINE - FIR (S-P-F) NO 2 OR BETTER WITH A MOISTURE CONTENT OF 19% OR LESS AT TIME OF CONSTRUCTION.  
 WOOD FRAMING MEMBERS THAT ARE NOT TREATED WITH A WOOD PRESERVATIVE AND BEAR ON CONCRETE OR IN DIRECT CONTACT WITH THE GROUND SHALL BE SEPARATED WITH A 6 MIL POLY OR TYPE 5" ROLL ROOFING.  
 ALL NOTCHING AND DRILLING OF FRAMING MEMBERS SHALL CONFORM TO SUBSECTION 9.2.3.5 OF THE ONTARIO BUILDING CODE.  
 FLUSHED FRAMED WOOD MEMBERS SHALL BE SUPPORTED WITH APPROPRIATE JOIST HANGERS AND FASTENERS.

**STAIR AND GUARD INFORMATION**

TREAD - MAX = 1'2"  
 MIN = 10"  
 RISE - MAX = 7 1/2"  
 MIN = 4 1/2"  
 NOSING - MAX = 1"

**STAIR DIMENSIONS**  
 STAIRS SHALL HAVE A WIDTH OF NOT LESS THAN 34"  
 THE CLEAR HEIGHT OVER STAIRS SHALL BE NOT LESS THAN 6'-4"  
 RISERS SHALL HAVE A UNIFORM HEIGHT IN ANY ONE FLIGHT WITH A MAXIMUM TOLERANCE OF 1/8" BETWEEN ADJACENT TREADS AND 1/8" BETWEEN THE TALLEST AND SHORTEST RISERS IN A FLIGHT.  
 TREADS SHALL HAVE A UNIFORM RUN WITH A MAXIMUM TOLERANCE OF 1/8" BETWEEN ADJACENT TREADS, AND 1/8" BETWEEN THE DEEPEST AND SHALLOWEST TREADS IN A FLIGHT

**HANDRAILS**  
 THE HEIGHT OF HANDRAILS ON STAIRS AND RAMPS SHALL BE NOT LESS THAN 34" AND NOT MORE THAN 38"

**GUARDS**  
 THE MINIMUM HEIGHT OF GUARDS SHALL BE NOT LESS THAN 36"  
 ALL GUARDS SHALL BE CONSTRUCTED AS PER SB-7 REQUIREMENTS

AG DESIGN  
 436 ASKING AVENUE  
 WINDSOR, ON  
 N6A 1K5

I, Ashley Kozachek, declare that I am responsible for the design of this plan. I am qualified and registered with the Ministry of Municipal Affairs and Housing.

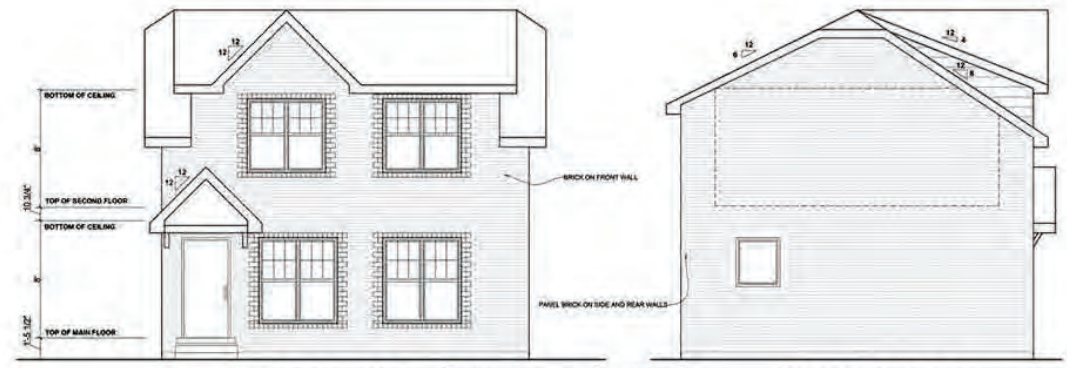
Individual BCIN: 37168 Firm BCIN: 43361

AG DESIGN  
 WINDSOR, ON

DETACHED ADU  
 436 ASKING AVENUE  
 WINDSOR, ON

DATE: February 10, 2023  
 SCALE: 1/4" = 1'-0"  
 PROJECT NO.: 06022  
 DRAWING NO.: A-1.0



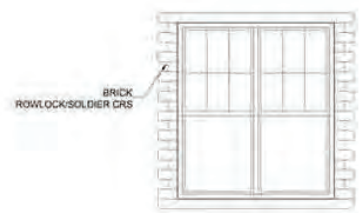


FRONT ELEVATION

FRONT ELEVATION  
TOTAL WINDOW AREA: 94 SQ.FT  
TOTAL WALL AREA: 417 SQ.FT

SIDE ELEVATION  
TOTAL WINDOW AREA: 19 SQ.FT  
TOTAL WALL AREA: 421 SQ.FT

LEFT SIDE ELEVATION

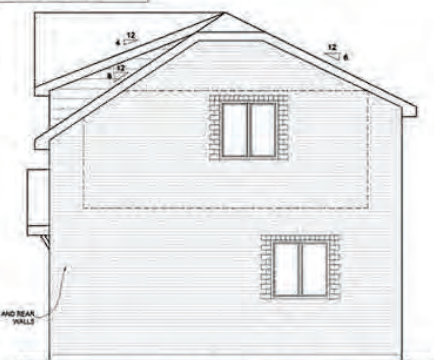


WINDOW DETAIL



REAR ELEVATION

REAR ELEVATION  
TOTAL WINDOW AREA: 8 SQ.FT  
TOTAL WALL AREA: 417 SQ.FT



RIGHT SIDE ELEVATION

SIDE ELEVATION  
TOTAL WINDOW AREA: 22 SQ.FT  
TOTAL WALL AREA: 421 SQ.FT



FRONT ELEVATION



SIDE ELEVATION



LEFT SIDE ELEVATION EXISTING DWELLING

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DETACHED ADU  
436 ASKING AVENUE  
Windsor, ON  
ELEVATIONS

Date: March 13, 2023  
Scale: 1/4" = 1'-0"  
Project No.: 260702  
Drawing No.: A-2.0



**BRICK SPECIFICATIONS**



**CANYON**  
SIZES: PREMIUM PLUS



**CHURCH HILL**  
SIZES: PREMIUM PLUS

**SIZE**

**SPECIFICATIONS**



**Premier Plus**  
Length 227 mm (9 1/8")  
Height 78 mm (3 1/8")  
Depth 90 mm (3 5/8")  
Bricks per square foot: 3.9  
Bricks per square meter: 42

BRAMPTON, ONTARIO PLANT	Weight/Cube (kg)	Weight/Cube (lb)	Weight/Brick (kg)	Weight/Brick (lb)	Bricks/Cube	Bricks/m <sup>2</sup>	Bricks/ft <sup>2</sup>
Premier Plus	1,160	2,552	2.5	5.5	464	42.0	3.9

**NOTES**

- Refer to your local building codes for proper installation of product.
- All Brampton Brick's clay brick products fully meet or exceed the latest version of the following standards: ASTM C216 and the Can/CSA A82 specifications.
- Sizes are available only in standard stock products. Please refer to individual colors for standard stock item sizes available.

**ROOF SPECIFICATIONS**



**CERTAINTEED LANDMARK SHINGLES**  
COLOR - WEATHERED WOOD

**MITTEN VINYL SIDING SPECIFICATIONS**



COLOR - HEARTHSTONE  
SENTRY 44 SERIES  
D4H  
D4.5DL  
B&B

**WINDOW SPECIFICATIONS**



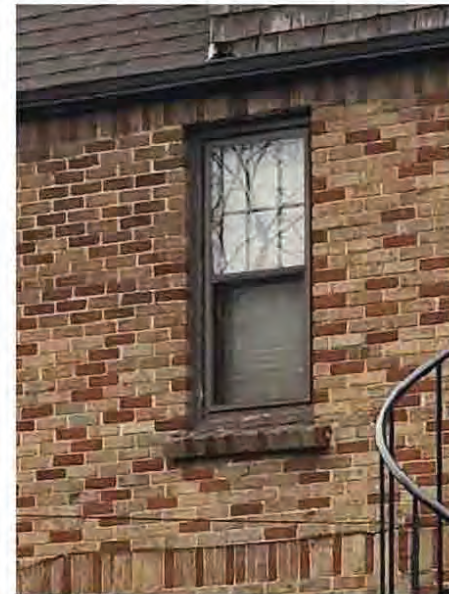
**PELLA® IMPERVIA®**

**Fiberglass Single-Hung Window**

Pella Impervia mullied single-hung windows include two units joined by their frames in the factory. This doubles the size of a single unit, creating a more expansive look. Made from the strongest material for windows, Pella's exclusive fiberglass provides lasting durability and sleek, timeless style.® Single-hung windows have a moveable bottom sash for ventilation with a top sash that remains fixed. Achieve your design vision with a variety of popular features and options to choose from.

- Two fiberglass single-hung windows mullied together as a combined unit.
- Fiberglass material is tested beyond industry standards to perform from -40°F to 180°F.
- Equal sightlines deliver a clean, consistent aesthetic unlike other single-hung designs that trade off aesthetic details.
- Product #401002

**EXISTING BUILDING PICTURES**



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I hereby acknowledge that I am responsible for the design of this plan. I am qualified and registered with the Ministry of Municipal Affairs and Housing.



**DETACHED ADU**  
436 ASKING AVENUE  
Windsor, ON

ELEVATIONS

Date: February 08, 2023  
Scale: 1/4" = 1'-0"  
Project No.: 050/22  
Drawing No.: A-2.1





ACROSS THE STREET PROSPECTIVE



STREET MAP SHOWING HOMES WITH 2 CAR GARAGES  
APPROXIMATELY THE SAME FOOTPRINT AS THE PROPOSED ADU



STANDING IN FRONT OF 424 ASKIN LOOKING SLIGHTLY NORTH  
TOWARD PROPERTY



STANDING IN FRONT OF 424 ASKIN LOOKING SLIGHTLY SOUTH  
TOWARD PROPERTY

AG DESIGN INC. 436 ASKING AVENUE WINDSOR, ONTARIO N9A 6K1  
PH: 519-852-7178 FAX: 519-852-7179  
www.agdesigninc.com

I, Ashley Hutchinson declare that I am responsible for the design of this plan. I am qualified and registered with the Ministry of Municipal Affairs and Housing.

**AG  
DESIGN**

Windsor, ON  
Phone: 519-852-7178

**DETACHED ADU  
436 ASKING AVENUE  
Windsor, ON**

**ELEVATIONS**

Date: March 13, 2023  
Scale: 1/4" = 1'-0"  
Project No.: 060722  
Drawing No.:

**A-2.2**





**Appendix ‘B’ – Extracts of Relevant Mature Neighbourhood Policies within the Official Plan**

**PART B – THE AMENDMENT**

**1. Volume 1, Chapter 6, the Land Use Policies, of the Official Plan for the City of Windsor is hereby amended as follows:**

vi) Delete and replace Section 6.3.2.5(c):

<i>EVALUATION CRITERIA FOR A NEIGHBOURHOOD DEVELOPMENT PATTERN</i>	6.3.2.5(c)	<p>In existing neighbourhoods, compatible with the surrounding area in terms of scale, massing, height, siting, orientation, setbacks, parking and amenity areas.</p> <p>In Mature Neighbourhoods as shown on Schedule A-1, compatible with the surrounding area, as noted above, and consistent with the streetscape, architectural style and materials, landscape character and setback between the buildings and streets;</p>
--	------------	--

i) Adding the following section after Section 6.3.2.28:

<i>COMPATIBLE ADDITIONAL UNITS</i>	6.3.2.29	<p>The creation of additional units through renovation or redevelopment in existing residential neighbourhoods shall be done in a manner that is compatible and complimentary to the character of the neighbourhood. The Zoning By-law will establish regulations for height, density, and massing that will preserve the character of stable neighbourhoods. Council will adopt Design Guidelines to assist in the design and review of development applications within existing stable neighbourhoods.</p>
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**5. Volume 1, Schedule A-1, Special Policy Areas of the Official Plan is hereby amended by adding the Mature Neighbourhoods designation as shown and Appendix A.**

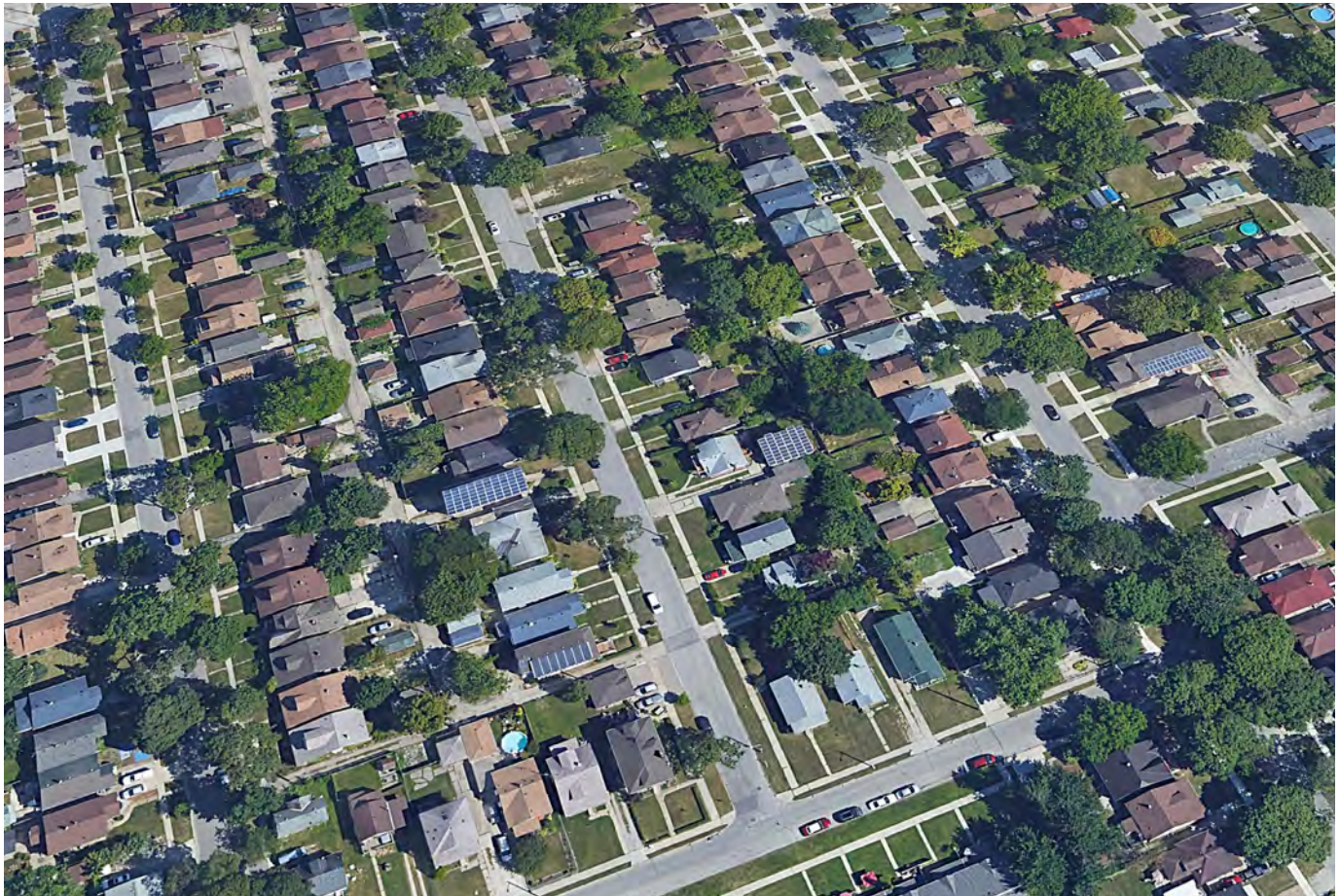
**8. Volume II, Chapter I, Special Policy Areas, be amended by adding Section 1.52 Mature Neighbourhoods as Heritage Resource**

<i>MATURE NEIGHBIURHOODS AS HERITAGE RESOURCE</i>	1.52	<p>Schedule A-1 identifies Mature Neighbourhoods in the City. These areas are not designated as Heritage Areas or Heritage Conservation Districts.</p>
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		However, the areas reflect the cultural heritage of the City and should be protected. When considering the development of these areas, the policies of Section 9.3.7(d) shall be applied.
<i>HERITAGE CONSERVATION</i>	1.52.1	Infill and intensification within Mature Neighbourhoods, shown on Schedule A-1, shall be consistent with the built form, height, massing, architectural and landscape of the area. Council will adopt Design Guidelines to assist in the design and review of development in these areas.



## 2. STABLE & MATURE NEIGHBOURHOODS



Throughout a number of Windsor's **Stable and Mature Neighbourhoods** there is a growing trend of dwellings being renovated, enlarged, or replaced by new dwellings, which are often significantly larger or conflict with the existing character of the community. Due to this trend, special consideration must be placed in a number of neighbourhoods in the City due to their historic and culturally significant character.

The City's objective for these evolving and historic neighbourhoods is to promote new construction that recognizes and enhances the neighbourhoods unique character as it is defined based on elements of urban design, streetscape, architecture, and landscape which contribute positively to their evolving image.

The purpose of the Urban Design Guidelines is to implement the Official Plan Vision for Stable and Mature Neighbourhoods by identifying the key attributes that contribute to the character of the area and providing a framework to guide the design of additions, new buildings, and landscapes that:

- Reconcile compatibility with diversity, while avoiding both monotony and harsh contrasts;
- Respect the architectural character of the neighbourhood;
- Promote a contextual design approach that considers the adjacent and surrounding development and fosters pedestrian scaled/oriented streetscapes;
- Encourage appropriate flexibility, innovation, and diversity in design, intrinsic to evolving communities; and,
- Recognize and implement the existing standards and guidelines for the conservation of Cultural Heritage Resources, where appropriate.



## 2.1 Understanding Neighbourhood Character

The **Stable and Mature Neighbourhoods** design guidelines are intended to address the changes occurring in these neighbourhoods so that compatibility and consistency can be achieved within the existing context and neighbourhood character.

### Stable Neighbourhoods

Achieving compatibility in Stable Neighbourhoods is not about replicating the existing form or reproducing architectural styles or details of nearby buildings. Rather, the focus is to direct how new development can be designed to maintain and preserve neighbourhood character.

New development in Stable Neighbourhoods should be designed to respond to the basic neighbourhood patterns and reoccurring characteristics, such as lot patterns; placement and orientation; scale, height, and massing of dwellings; existing vegetation; topography; and other common or distinctive elements.

### Mature Neighbourhoods

New development in Mature Neighbourhoods should also achieve compatibility similar to Stable Neighbourhoods, but the focus in these areas is to be consistent with the architectural style, building elements, and materials of existing dwellings in the surrounding neighbourhood.

The intent is to maintain and protect the existing historic and culturally significant character of these neighbourhoods. Colour schemes and materials should be inspired by, and carefully coordinated, with surrounding buildings for visual harmony and consistency with the architectural style of the buildings, as well as the neighbourhood.

Materials and colours of surrounding buildings need not be simply copied but used as a point of reference. Modern materials can be used if their proportions and details are harmonious within the surrounding historic context. Colour, texture, and tonal contrast can be unifying elements.

### Neighbourhood Character

Character means the collective qualities and characteristics that distinguish a particular area or neighbourhood. In a general sense, the character of the City's Stable and Mature Neighbourhoods is defined by the comfortable scale of the buildings and the streets, the street trees and landscape features, and the feeling of history invoked by the inventory of period appropriate and historic homes.

In many of Windsor's neighbourhoods there is a diversity of building forms, housing types, streetscapes, and landscape features. Diversity is an element to be celebrated as a defining factor within each of these neighbourhoods.



Three storey apartment buildings on Argyle Street in the Walkerville neighbourhood.



The character of the City's Stable and Mature Neighbourhoods is defined generally by the following elements:

- **Architecture** - Architectural styles, in some cases vary dramatically, while in other neighbourhoods, convey consistency. While a rigorous adherence to a particular form or style is neither desirable nor realistic there are key elements of all building designs that can be used to ensure that different forms and styles can co-exist alongside one another in a compatible and complementary manner;
- **Heritage** - The inventory of heritage buildings within the Stable and Mature Neighbourhoods is a key contributor to the character of the neighbourhoods. To maintain the historic character of these areas, the design of both new development and additions must complement the heritage character and be context-specific to avoid detracting from the existing built fabric.
- **Lot Size/Frontage** - Streets that display the most diversity in terms of lot size and street frontage are not necessarily negative in terms of community character. Varying lot sizes and frontages can accommodate a diversity of housing types and built forms. To support this variety and diversity as a positive attribute, it is important to ensure that the development is appropriate for the site and within the context of the surrounding built form;
- **Setbacks** - Front and side yard setbacks are character giving elements within these neighbourhoods that establish both the

building's relationship with the street, and the visual separation between buildings. Consistency in building setbacks, regardless of built form, is a key character giving element of any street;

- **Streets** - On a street by street basis, right-of-way and pavement widths are considered important to the image of a Stable and Mature Neighbourhood and are directly related to the adjacent scale of development, with a desire to maintain existing relationships among pavement width, boulevard treatment, and the interface between the street and the adjacent buildings;
- **Street Trees and Landscaping** - The protection of mature street trees and the enhancement and maintenance of front yard landscapes in all Stable and Mature Neighbourhoods is a crucial objective in maintaining its positive character; and,
- **Parking** - Dealing with the issue of parking is often a flashpoint in the conversation about residential intensification. Parking must be appropriately accommodated on the site of any specific residential development, and that parking supply may be augmented by on-street parking, or in parking spaces provided in communal facilities. A lack of parking supply, with too much reliance on on-street parking has a significant negative impact on community character and may impact the functional operation of the street network.



Gateway to historic Sandwich Town

## 2.2 General Guidelines for all Development

The intent for development within Windsor’s Stable and Mature Neighbourhoods is to maintain the Low Profile built form character of the area and ensure a sensitive integration of new development, additions, or renovations to adjacent properties.

Low Profile development in the Stable and Mature Neighbourhoods includes single-detached, semi-detached, duplex, townhouses, and apartments that are generally no greater than three (3) storeys in height.

### 2.2.1 Site Orientation

The relationship between buildings through placement on the lot is important to ensure a consistent neighbourhood ‘feel’ and to define and frame the street while imparting the sense of openness and enclosure.

The Zoning By-law establishes clear regulations for front yard setbacks and interior/exterior side yard setbacks. The objectives of the Urban Design Guidelines in directing the relationship of the building to lot lines are to:

- Maintain consistent spacing between dwellings; and,
- Allow a measure of privacy between neighbours by providing space for light and landscaping.

1. Consider building placement and siting on a property in relation to the street and the property’s neighbours to reinforce the positive characteristics of the existing streetscape.
2. Ensure the scale of Low Profile buildings is compatible and sensitively integrated with residential buildings in the immediate vicinity in terms of building mass, height, setbacks, orientation, privacy, landscaping, shadow casting, accessibility, and visual impact.
3. Locate dwellings close to the street edge to frame the streetscapes, however, this will depend on the setbacks to houses on either side of the site.
4. Maintain consistent front yard setbacks along the street. New development should have a set back equal to the predominant setback (70%+) on the street (+/- 1.0m), or a distance that is the average of those on either side of the development site (+/- 1.0m).
5. Provide side yard setbacks that reflect those of adjacent homes, or are the average distance of those on either side of the development, in accordance with existing zoning standards, to a minimum of 1.2 metres.



Generally consistent spacing between buildings

Front setback reflects that of adjacent units

Front setback is the average of that of adjacent units



Front yard setback approaches

6. Consider rear yard privacy issues when extending a home towards the rear property line or building a new dwelling by:
  - a. Minimizing extensions beyond the adjacent dwellings rear wall;
  - b. Limit direct conflict with new windows on the side elevations with existing windows on the abutting building;
  - c. Minimizing the location of second floor balconies on rear and side elevations or providing privacy screening on the side of the balcony; and,
  - d. Providing fencing that effectively screens the rear amenity and minimizes its exposure to/ from adjacent properties, where appropriate.
7. Limit blocks of street townhouses to a maximum of 8 units, with 6 units preferred. The length of the townhouse blocks should not exceed 50 metres, unless it is essential to the architectural style of the townhouse block.
8. Orient blocks of attached townhouse units to the street with integrated front garages accessed from the street. For rear lane townhouses an attached or detached garage will be located at the rear of the block and accessed from a lane.

## 2.2.2 Developments within Heritage Contexts

1. Locate and design buildings to respect and complement the scale, character, form, and siting of on-site and surrounding cultural heritage resources.
2. Ensure that conceptual design and massing of development or redevelopment projects are compatible with adjacent listed heritage buildings and/or sites.
3. New buildings located adjacent to built cultural heritage resources will be compatible with existing historical building types, colours, and material palettes having regard for modern building designs, techniques, and materials.

## 2.2.3 Access & Parking

Garages and driveways should be located and sized based on the established pattern of the neighbourhood. The objectives of the Urban Design Guidelines in directing the location and width of garages and driveways are to:

- Prioritize the location of a garage off an open and travelled alley;
  - Ensure that garage doors do not dominate the front facade of the house;
  - Minimize the garage and driveway presence on the streetscape;
  - Direct parking to the side or rear of a building to ensure the front yard can be landscaped; and,
  - Maintain a consistent garage type and driveway width along the street.
1. Place garages behind the front wall of the dwelling or at the side or rear of the lot, unless the predominant location of the garage on other houses on the streetscape are at the front of the house or not at the side or rear.
  2. Townhouses should be serviced with access to the garage or parking from the rear of the unit. The front yard is best fully landscaped, with a single width driveway leading to the parking or garage area at the rear.
  3. Ensure rear lane accessed garages are complementary in design and building material with the principal dwelling.
  4. Where there is no option for rear access parking, the garage on the front face of the dwelling unit should not dominate the streetscape.
  5. Set back detached garages from the main front wall of the dwelling. Ensure detached garages are similar in material and architectural character to the dwelling.
  6. Ensure front-facing garages attached to the main dwelling do not occupy more than 50% of the building's width. For semi-detached, duplex, and townhouse units, pair garages to allow for more substantial front yard green space



## 2.2.4 Landscaping

7. Locate and space driveways to reinforce the rhythm along a street and to allow for street trees to be planted in the boulevard.
8. Ensure the garage door does not protrude beyond the front wall of the townhouse. Building design should include elements to reduce the dominance of the garage doors by, for example:
  - a. Single car garages only (2.7 m door width);
  - b. Including a habitable room over the garage;
  - c. Articulating the front door with a porch; and,
  - d. Integrating the design of the roof over the garage with that of the townhouse units.
9. Parking for detached, semi-detached, and townhouse dwellings is only permitted in the front or exterior side yard and only on a driveway or a parking pad.
10. For Low Profile apartments, locate visitor parking, loading, and service areas in areas of low public visibility in side or rear yards and set back from the front facade of the building.

The objectives of the Urban Design Guidelines with respect to landscape are to:

- Maintain the green landscape character of the neighbourhood;
  - Plan for the urban canopy;
  - Screen views to rear yard parking; and,
  - Preserve mature trees.
1. Preserve existing mature trees where possible. The planting of new trees is encouraged to provide a continuous canopy over the street and to replace any canopy lost to new development.
  2. Enhance the bio-resiliency of the area through planting of native, non-invasive trees and shrubs.
  3. Include landscaped areas in front of buildings that provide a transition from private to public areas. A minimum of 50% of the front yard zone should include soft landscaping areas (non-paved areas supporting grass, groundcovers, trees and/ or shrubs).
  4. Encourage permeable paving for new walkways and driveways to reduce run-off to storm sewers and soften the streetscape appearance.



Garages set back from the main dwelling.



Landscaped areas provide a transition from private to public areas.

5. Where the predominant (70%+) existing streetscape character has design elements such as low stone walls, low permeable fences, planting and/or other landscaping at the front of the lot, ensure new development provides similar elements.
  6. Maintain the green character of the front yards and avoid monotony of treatment over large extents of development. The front yards of units in a new townhouse development should have a coordinated landscape design that should include fences/hedges, and street trees in the boulevard.
  7. Ensure front yard hedges or fencing that are used to define the edge of private property are no more than 1.2 metres high to maintain visibility to the street.
  8. Screen the parking lots of apartments from abutting residents and street view through the use of landscape buffers and/or fencing that is consistent with the building's architectural style.
  9. Consider outdoor amenity areas in the form of second floor decks or rooftop patios for townhouses with an attached garage in the rear as an alternative to traditional rear yard amenity areas.
  10. Provide outdoor amenity space for apartment units either individually or in a shared space.
1. Ensure building materials reflect and complement the existing materials in the area and are high quality, durable, and easily maintained.
  2. Ensure the materials selected are consistent for a building's facade and any walls that are publicly visible.
  3. Recommended building materials include brick masonry, stone masonry, wood, or stucco; one or two of these materials should be selected as base materials and may be complemented by a wider range of accent materials.
  4. For additions or renovations to an existing building, incorporate materials and colours that are consistent with and complement the main building.
  5. Ensure material changes on exposed elevations occur at transition points, such as a change of plane.
  6. Ensure rear and side walls exposed to public view are of a similar composition to the front wall.
  7. Colour should be selected from the heritage palette. In most cases the predominant colours throughout the City's historic neighbourhoods are subdued. The preferred colours are those within a traditional palette.
  8. Traditional high quality building materials are encouraged. The traditional building materials utilized within each historic neighbourhood should be identified and are to be encouraged for new development.
  9. Ensure material changes on exposed elevations occur at transition points, such as a change of plane.

## 2.2.5 Materials

The variety of building materials contributes to the interest along the street and to the varied architectural character of the neighbourhood.

The objectives of the Urban Design Guidelines for renovations, additions, and new construction are to:

- Ensure high quality materials are used;
- Preserve the variety of design, colour and building materials within a range that enhances the character of the neighbourhood; and,
- Ensure that while buildings will inevitably change over time, they will maintain the cohesive visual character of the street.



**Subject: Closure of north/south alley between University Avenue East and 245 Parent Avenue and part of east/west alley between Marentette Avenue and 867 Chatham Street East, Ward 4, SAA-6623**

Moved by: Councillor Mark McKenzie  
Seconded by: Councillor Angelo Marignani

Decision Number: **DHSC 506**

- I. THAT the 4.57-metre-wide north/south alley located between University Avenue East and the property known municipally as 245 Parent Avenue (legally described as Lot 17 & Part of Closed Alley, Plan 143; Part 5, Reference Plan 12R-27073) and shown on Drawing No. CC-1803 (*attached* hereto as Appendix "A"), and hereinafter referred to as the "first alley", **BE ASSUMED** for subsequent closure;
- II. THAT the first alley **BE CLOSED AND CONVEYED** to the abutting property owners and as necessary, in a manner deemed appropriate by the City Planner, subject to the following:
  - a. Easement, subject to there being accepted in the City's standard form and in accordance with the City's standard practice and EnWin Utilities Ltd. Aboveground Hydro Easement Diagram *attached* hereto as Appendix "F", **BE GRANTED** to:
    - i. Bell Canada for protection of aerial facilities;
    - ii. EnWin Utilities Ltd to accommodate existing overhead primary 27.6kV and secondary 120/240V hydro distribution poles; and
    - iii. MNSi for access to service and maintain existing aerial infrastructure.
- III. THAT the portion of the 6.1 metre wide east/west alley located between Marentette Avenue and the property known municipally as 867 Chatham Street East (legally described as Lot 13, Plan 143), abutting the properties known municipally as 0 University Avenue East (legally described as Part of Lots 9 & 10, Plan 140; Lot 22, Plan 143) and 857 Chatham Street East (legally described as Part of Lots 8 & 9, Plan 140), and shown on Drawing No. CC-1803 (*attached* hereto as Appendix "A"), and hereinafter referred to as the "second alley", **BE ASSUMED** for subsequent closure;

- IV. THAT the second alley **BE CLOSED AND CONVEYED** to the abutting property owners and as necessary, in a manner deemed appropriate by the City Planner, subject to the following:
- a. Easement, subject to there being accepted in the City's standard form and in accordance with the City's standard practice and EnWin Utilities Ltd. Aboveground Hydro Easement Diagram *attached* hereto as Appendix "F", be granted to:
    - i. Bell Canada for protection of aerial facilities;
    - ii. EnWin Utilities Ltd to accommodate existing overhead primary 27.6kV and secondary 120/240V hydro distribution poles; and
    - iii. MNSi for access to service and maintain existing aerial infrastructure.
- V. THAT the 3.66-metre-wide north/south lane located between University Avenue East and the said east/west alley **BE DENIED** for subsequent deeming as surplus lands;
- VI. THAT Conveyance Cost **BE SET** as follows:
- a. For first alley conveyed to abutting lands zoned RD2.2, \$4,000.00 per front foot without easements and \$2,000.00 per front foot with easements.
  - b. For second alley conveyed to abutting lands zoned RD2.2, \$1.00 plus deed preparation fee and proportionate share of the survey costs as invoiced to The Corporation of the City of Windsor by an Ontario Land Surveyor.
- VII. THAT The City Planner **BE REQUESTED** to supply the appropriate legal description, in accordance with Drawing No. CC-1803, *attached* hereto as Appendix "A".
- VIII. THAT The City Solicitor **BE REQUESTED** to prepare the necessary by-law(s).
- IX. THAT the Chief Administrative Officer and City Clerk **BE AUTHORIZED** to sign all necessary documents approved as to form and content satisfactory to the City Solicitor.

Carried.

Report Number: S 32/2023  
Clerk's File: SAA2023

**Clerk's Note:**

1. The recommendation of the Development & Heritage Standing Committee and Administration are the same.



2. Please refer to Item 11.1 from the Development & Heritage Standing Committee held on May 1, 2023.
3. To view the stream of this Standing Committee meeting, please refer to:  
<https://csg001-harmony.sliq.net/00310/Harmony/en/PowerBrowser/PowerBrowserV2/20230501/-1/9408>

**Subject: Closure of north/south alley between University Avenue East and 245 Parent Avenue and part of east/west alley between Marentette Avenue and 867 Chatham Street East, Ward 4, SAA-6623**

**Reference:**

Date to Council: May 1, 2023  
Author: Brian Nagata, MCIP, RPP  
Planner II - Development Review  
(519) 255-6543 ext. 6181  
Planning & Building Services  
Report Date: March 10, 2023  
Clerk's File #: SAA2023

**To:** Mayor and Members of City Council

**Recommendation:**

- I. THAT the 4.57-metre-wide north/south alley located between University Avenue East and the property known municipally as 245 Parent Avenue (legally described as Lot 17 & Part of Closed Alley, Plan 143; Part 5, Reference Plan 12R-27073) and shown on Drawing No. CC-1803 (*attached* hereto as Appendix "A"), and hereinafter referred to as the "first alley", **BE ASSUMED** for subsequent closure;
- II. THAT the first alley **BE CLOSED AND CONVEYED** to the abutting property owners and as necessary, in a manner deemed appropriate by the City Planner, subject to the following:
  - a. Easement, subject to there being accepted in the City's standard form and in accordance with the City's standard practice and EnWin Utilities Ltd. Aboveground Hydro Easement Diagram *attached* hereto as Appendix "F", **BE GRANTED** to:
    - i. Bell Canada for protection of aerial facilities;
    - ii. EnWin Utilities Ltd to accommodate existing overhead primary 27.6kV and secondary 120/240V hydro distribution poles; and
    - iii. MNSi for access to service and maintain existing aerial infrastructure.
- III. THAT the portion of the 6.1 metre wide east/west alley located between Marentette Avenue and the property known municipally as 867 Chatham Street East (legally described as Lot 13, Plan 143), abutting the properties known municipally as 0 University Avenue East (legally described as Part of Lots 9 & 10,

Plan 140; Lot 22, Plan 143) and 857 Chatham Street East (legally described as Part of Lots 8 & 9, Plan 140), and shown on Drawing No. CC-1803 (*attached* hereto as Appendix “A”), and hereinafter referred to as the “second alley”, **BE ASSUMED** for subsequent closure;

- IV. THAT the second alley **BE CLOSED AND CONVEYED** to the abutting property owners and as necessary, in a manner deemed appropriate by the City Planner, subject to the following:
- a. Easement, subject to there being accepted in the City’s standard form and in accordance with the City’s standard practice and EnWin Utilities Ltd. Aboveground Hydro Easement Diagram *attached* hereto as Appendix “F”, be granted to:
    - i. Bell Canada for protection of aerial facilities;
    - ii. EnWin Utilities Ltd to accommodate existing overhead primary 27.6kV and secondary 120/240V hydro distribution poles; and
    - iii. MNSi for access to service and maintain existing aerial infrastructure.
- V. THAT the 3.66-metre-wide north/south lane located between University Avenue East and the said east/west alley **BE DENIED** for subsequent deeming as surplus lands;
- VI. THAT Conveyance Cost **BE SET** as follows:
- a. For first alley conveyed to abutting lands zoned RD2.2, \$4,000.00 per front foot without easements and \$2,000.00 per front foot with easements.
  - b. For second alley conveyed to abutting lands zoned RD2.2, \$1.00 plus deed preparation fee and proportionate share of the survey costs as invoiced to The Corporation of the City of Windsor by an Ontario Land Surveyor.
- VII. THAT The City Planner **BE REQUESTED** to supply the appropriate legal description, in accordance with Drawing No. CC-1803, *attached* hereto as Appendix “A”.
- VIII. THAT The City Solicitor **BE REQUESTED** to prepare the necessary by-law(s).
- IX. THAT The Chief Administrative Officer and City Clerk **BE AUTHORIZED** to sign all necessary documents approved as to form and content satisfactory to the City Solicitor.

**Executive Summary:**

N/A



**Figure 1 - Location Map**

**Background:**

The applicant, Lelyana Nissan, owner of the property known municipally as 857 Chatham Street East (the subject property), applied to close the east/west alley located between Marentette Avenue and 867 Chatham Street East, north/south alley located between University Avenue East and 245 Parent Avenue and the north/south City owned lane located between University Avenue East and the said east/west alley, and shown on Drawing No. CC-1803 *attached* hereto as **Appendix “A”**, and also shown on the aerial photo *attached* hereto as **Appendix “B”**.

The east/west alley is maintained and composed primarily of asphalt bordered on either side by a small strip of vegetation. The eaves of the single family dwelling and a chain-link fence at 254-258 Marentette Avenue encroach legally into the alley via an Encroachment Agreement with the City. The alley contains three utility poles, includes a curb cut off of Marentette Avenue and serves as a means of vehicular access for the following properties:

Address	Type
254-258 Marentette Avenue	Detached Garage
817 Chatham Street East	Concrete Driveway
825 Chatham Street East	Gravel Driveway
835-839 Chatham Street East	Gravel Driveway
847 Chatham Street East	Detached Garage & Driveway
848 University Avenue East	Dirt Driveway

The north/south alley is unmaintained and composed primarily of gravel bordered on either side by a small strip of grass. The alley contains two utility poles and includes a curb cut off of University Avenue East.

The north/south City owned lane is unmaintained and composed primarily of gravel bordered by sporadic patches of vegetation. The lane contains a utility pole, includes a curb cut off of University Avenue East and serves as a means of vehicular access for the following properties:

Address	Type
268 Marentette Avenue	Detached Carport & Driveway
836 University Avenue East	Detached Garage & Driveway

The applicant wishes to close the aforesaid alleys and City owned lane, and purchase the portion of the said east/west alley that abuts the subject property. The applicant did not state a reason for closure in their application.

### **Discussion:**

The decision to recommend closure of an alley is derived from the City's *Classification of Alleys and Suitability for Closure* guideline document (the document), **attached** hereto as **Appendix "E"**. The document details four classifications of alleys based on their usefulness, and provides corresponding criteria for determining suitability for closure.

### **Classification of Public Right-of-Ways**

The initial step is to determine if the alley is indispensable. This is achieved through the evaluation of the following criteria set forth in Section 1 of the document.

1. *Does the subject alley serve commercial properties?*
  - a. The east/west alley does not serve any commercial properties.
  - b. The north/south alley does not serve any commercial properties.
  - c. The City owned lane serves 820-824 University Avenue East, which contains a combined use building with a vacant commercial unit.
2. *Does the subject alley serve properties fronting on heavily traveled streets i.e. major arterial routes?*
  - a. The alleys and City owned lane do not serve properties fronting on heavily travelled streets.
3. *Does the subject alley contain sewers, and must the alley remain accessible for servicing?*
  - a. The alleys and City owned lane do not contain any sewers.

4. *Does the subject alley serve as the only vehicular means of access to rear parking areas and garages where the property has insufficient lot width for a side drive?*
  - a. The east/west alley serves as the only vehicular means of access to rear parking areas at 817 Chatham Street East, 825 Chatham Street East and 847 Chatham Street East.
  - b. The east/west alley serves as the only vehicular means of access to rear garages at 254-258 Marentette Avenue and 847 Chatham Street East.
  - c. The north/south alley does not serve as a means of vehicular access to any rear parking areas and garages.
  - d. The City owned lane serves as the only vehicular means of access to rear parking areas at 268 Marentette Avenue and 836 University Avenue East.
  - e. The City owned lane serves as the only vehicular means of access to a rear carport and garage at 268 Marentette Avenue and 836 University Avenue East, respectively.
  
5. *Does the subject alley contain Fire Department connections that are deemed to be necessary for firefighting access?*
  - a. The alleys and City owned lane do not contain any Fire Department connections.
  
6. *Does the subject alley lie within a Holding zone or other similar undeveloped areas where the right-of-way system is clearly obsolete and has never been developed, but where the City needs to keep its options open until new area plans are prepared and development is imminent?*
  - a. The alleys and City owned lane do not lie within a Holding zone or other similar undeveloped area.

Based on the above, the Planning Department deems the east/west alley “indispensable”, north/south alley “dispensable” and City owned lane “indispensable”.

Notwithstanding the east/west alley being deemed indispensable, the Planning Department is recommending that the portion of the alley not serving as the only vehicular means of access to 817 Chatham Street East, 825 Chatham Street East and 847 Chatham Street East be closed and conveyed. This portion of the alley being more particularly described as that abutting the subject property and 0 University Avenue East (Roll No. 030-050-03200).

It is our recommendation that, upon closure, the abutting property owners be given the chance to acquire the said portion of the east/west alley and the entire north/south alley in the manner described in the Recommendation section herein. Hence the recommendation is to close and convey the said portion of the east/west alley and entire north/south alley to the abutting property owners, which is the standard manner of conveyance.

## **Risk Analysis:**

The recommended closure will divest the City of associated liability risks and maintenance costs. The recommended closure poses no known risk to City.

## **Climate Change Risks**

### **Climate Change Mitigation:**

N/A

### **Climate Change Adaptation:**

N/A

## **Financial Matters:**

The rate for the north/south alley conveyed to abutting lands is \$4,000.00 per front foot without easements and \$2,000.00 per front foot with easements.

The rate for the east/west alley conveyed to abutting lands zoned RD2.2 is assessed at \$1.00 plus deed preparation fee and proportionate share of the survey costs as invoiced to the City by an Ontario Land Surveyor.

## **Consultations:**

Consultations were held with Municipal Departments and Utility Companies, which resulted in the information found in **attached** hereto as **Appendix "C"**.

Notice of this application was issued to property owners abutting the alleys and City owned lane by regular mail on November 8, 2021. Emails were received from the owners of the properties known municipally as 0 University Avenue East (Roll No. 030-050-03200) and 835 & 839 Chatham Street East, **attached** hereto as **Appendix "G"**. 0 University Avenue East inquired about purchasing their half of the east/west alley and north/south alley if it is closed. 835 & 839 Chatham Street East has inquired about closing the portion of the east/west alley abutting their property to the south.

On October 24, 2022, letters were issued to the owners of 847 Chatham Street East and 848 University Avenue East requesting confirmation if they still use the east/west alley as a means of vehicular access to their properties. This action was taken to determine if 835 & 839 Chatham Street East's alley closure request can be accommodated. The owner of 847 Chatham Street East, via November 14, 2022 phone conversation, confirmed that they currently use the alley as a means of vehicular access to their rear parking area and detached garage.

Notice of Development & Heritage Standing Committee meeting and Council meeting are published in the Windsor Star prior to each of the meetings. In addition, notice of each of the public meetings will be mailed to the abutting/affected property owners prior to the meetings.



**Conclusion:**

The Planning Department recommends closure of the portion of the east/west alley and entire north/south alley shown on attached Appendix "A", subject to easements in favour of Bell Canada, EnWin Utilities Ltd., and MNSi as in Recommendations II and IV of this report respectively.

The closed alleys are to be conveyed to the abutting property owners as in Recommendations II and IV of this report.

**Planning Act Matters:**

N/A

**Approvals:**

Name	Title
Michael Cooke	Manager of Planning Policy/Deputy City Planner
Thom Hunt	City Planner / Executive Director, Planning & Development Services
Denise Wright	Lease Administrator
Wira Vendrasco	Deputy City Solicitor, Legal Services & Real Estate
Jelena Payne	Commissioner, Economic Development & Innovation
Onorio Colucci	Chief Administration Officer

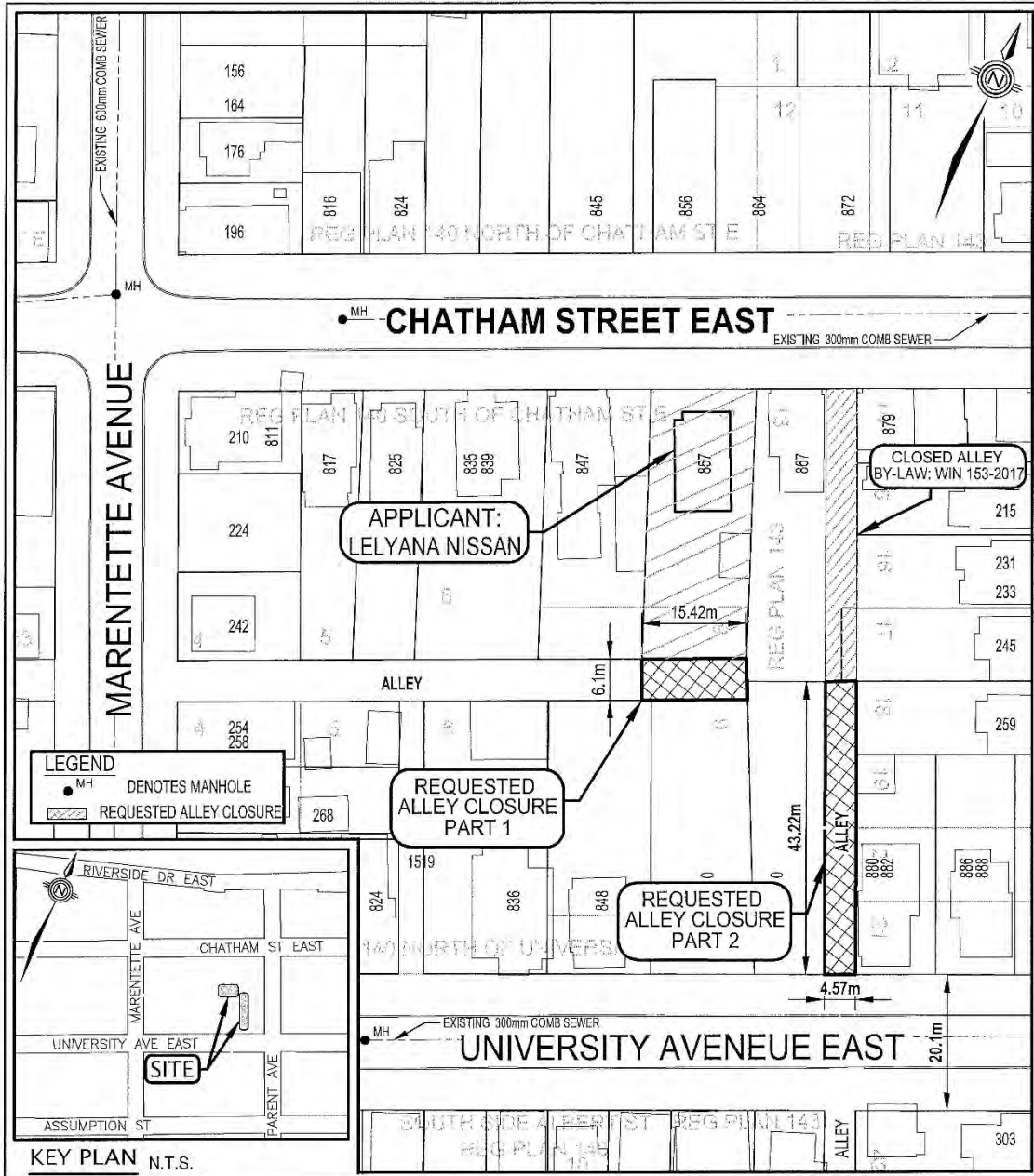
**Notifications:**

Name	Address	Email
Councillor Mark McKenzie	350 City Hall Square West, Suite 220 Windsor, Ontario N9A 6S1	<a href="mailto:MMcKenzie@citywindsor.ca">MMcKenzie@citywindsor.ca</a>
List of mailing labels for property owners abutting alley issued to Clerks office		

**Appendices:**

- 1 Appendix A - Drawing No. CC-1803
- 2 Appendix B - EIS Drawing - Aerial Photo
- 3 Appendix C - Consultations with Municipal Departments and Utility Companies
- 4 Appendix D - Site Photos
- 5 Appendix E - Classification of Alleys and Suitability for Closure
- 6 Appendix F - EnWin Utilities Ltd. Aboveground Hydro Easement Diagram
- 7 Appendix G - Comments to Notice of Application

### APPENDIX "A" Drawing No. CC-1803



THE CORPORATION OF THE CITY OF WINDSOR - ENGINEERING DEPARTMENT			
Proposed Closure of a Portion of the NorthSouth & EastWest Alleys Abutting 857 Chatham East And Between University Avenue East And Chatham Street East			
 Kirk Tamm, Manager of Geomatics	SCALE: 1:750	DATE: NOV 2021	REVISED:
	DWN BY: JH	CHKD BY: PJU / JC/GP	REVISION NO.:
			DWG. NO. <b>CC-1803</b>

# APPENDIX "B" EIS Drawing - Aerial Photo



## STREET & ALLEY CLOSING (SAA/6623)

1:1,000

APPLICANT : LELYANA NISSAN

 SUBJECT LANDS

PLANNING DEPARTMENT - DEVELOPMENT DIVISION

DATE: NOVEMBER, 2022



**APPENDIX “C”****Consultations with Municipal Departments and Utility Companies****BELL CANADA WSP****November 9, 2022**

Bell Canada requests an easement over the entire closure area for protection of aerial facilities.

**December 20, 2022**

Bell Canada requests a 3.0 m easement, 1.5 m on either side, for the length of each section for protection of existing aerial facilities. If 3.0 m is not available, we request the entire width of the alley.

**[Charleyne Hall, Bell Canada External Liaison - Right-of-Way]****CANADA POST**

No comments provided

**COGECO CABLE SYSTEMS INC.**

No comments provided

**ENVIRONMENTAL SERVICES**

No concerns from Environmental Services.

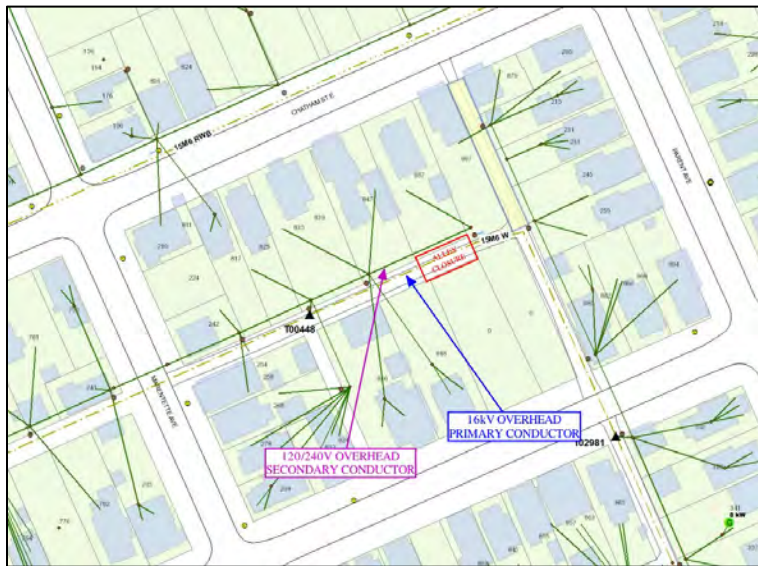
**[Anne-Marie Albidone, Manager, Environmental Services]****ENWIN UTILITIES - HYDRO****November 25, 2022**

If no open alley exists, we will require a minimum 10 ft wide easement (5 ft each side of the pole line) to accommodate the overhead plant.

EnWin currently has 120/240V secondary and 16,000V primary conductor running East/West along the existing pole line in the alley. See attached sketch for reference.

**[Nathan Short, Hydro Engineering Technologist]**





**December 21, 2022**

No objection, however, easements named to EnWin Utilities Ltd. will be required in the eastern alley to accommodate existing overhead primary 27.6kV and secondary 120/240V hydro distribution poles highlighted below in red. A third easement will be required should the pole highlighted below in blue below be enclosed as well. Be aware of existing secondary connections to nearby buildings.

Prior to working in these areas, we would suggest notifying your contractor and referring to the Occupational Health and Safety Act and Regulations for Construction Projects to confirm clearance requirements during construction.

Also, we suggest referring to the Ontario Building Code for permanent required clearances for New Building Construction.

**[Paulina Pacheco, Hydro Engineering Technologist]**



**ENWIN UTILITIES - WATER**

Water Engineering has no objections.

**[Bruce Ogg, Water Project Review Officer]**

**LEGAL DEPARTMENT**

**November 9, 2022**

For lands abutting properties zoned Residential RD2.2: \$1 plus deed preparation fee and proportionate share of the survey cost as invoiced to The Corporation of the City of Windsor by an Ontario Land Surveyor.

**December 23, 2022**

For the e/w alley, \$1 plus deed preparation and proportionate share of survey cost, as appropriate.

For the n/s alley, \$4,000/front foot without easements and \$2,000/front foot with easements.

**[Chris Carpenter, Coordinator of Real Estate Services]**

**MNSi**

**November 9, 2022**

MNSi would like an aerial easement through the subject lands please.

**December 16, 2022**

MNSi would like to have Aerial Easements through both of these alleys as we have existing aerial plant on the pole lines.

**[Dave Hartleib, Outside Plant Manager]**

**PARKS & FACILITIES**

Please note that Parks D&D has no comments for this SAA/6623 Liaison.

**[Sherif Barsom, Landscape Architect]**

**PLANNING DEPARTMENT**

No comments provided

**PLANNING DEPARTMENT - LANDSCAPE ARCHITECT**

No comments provided



**PUBLIC WORKS - ENGINEERING**

The subject alley closure is approximately 4.5m (15.0 ft) wide, traveled and composed of asphalt and grass. There are no municipal sewers or manholes that appear within the alley. There are guy-wires, wooden hydro poles, and overhead wires located within the alley, an easement would be required for utilities. This subject alley to have no usefulness by CR146/2005; therefore, we have no objections to the closure subject to the easement.

**[Adam Pillon - Manager Right-of-Way]**

**PUBLIC WORKS - TRAFFIC**

The alley east of the proposed closure is already partially closed, but highly used. Closing a portion of the alley as shown will not affect any existing access as there are access points to both Marentette and University; however it will close off any potential access to the rear of 0 University (parcel east of 848 University). If the alley is closed, propose closing to the east property line of 848 University so as not to affect access to the rear of their property.

**[Mike Spagnuolo, Signal Systems Analyst]**

**ROGERS COMMUNICATIONS**

No comments provided

**TELUS COMMUNICATIONS**

**November 29, 2022**

TELUS has no underground infrastructure in the area of your proposed work. Permit expires six (6) months from approval date.

**[Derek Dukhu, CAD Technician]**

**December 16, 2022**

TELUS has no underground infrastructure in the area of your proposed work.

**[Meghna Patel, Permit Coordinator]**

**TRANSPORTATION PLANNING**

There are no objections to the proposed closure.

**[Rania Toufelli, Policy Analyst]**

**TRANSIT WINDSOR**

No comments provided

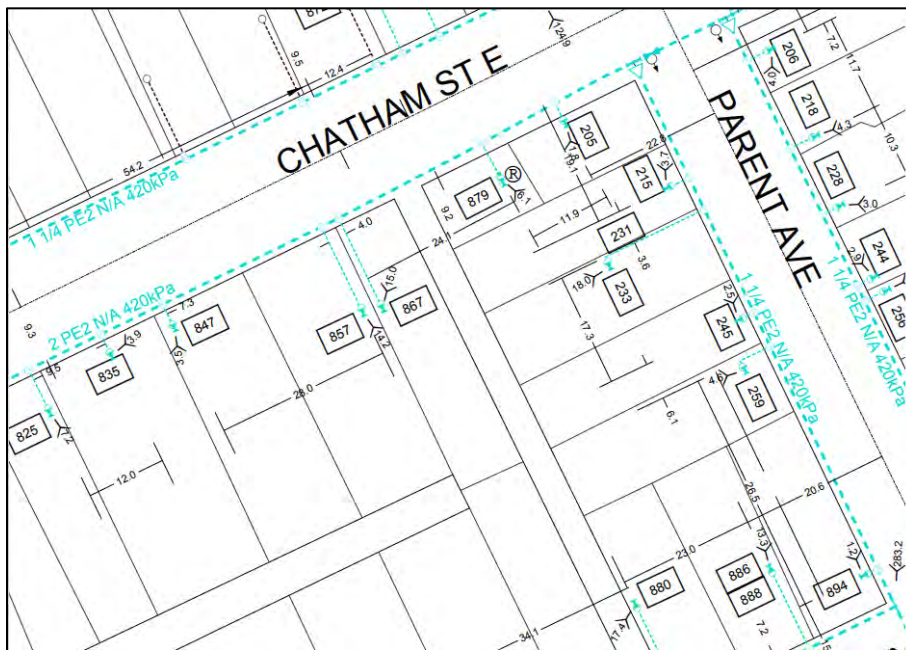
**UNION GAS**

After reviewing the provided drawing at 857 Chatham St E rear alley and consulting our mapping system, please note that Enbridge Gas has no active infrastructure in the proposed area. A PDF drawing has been attached for reference.

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

**[Jose Dellosa, Drafter Estimator]**

**WINDSOR FIRE**

No comments provided

**WINDSOR POLICE**

No comments provided

**APPENDIX “D”**  
**Site Photos (June 29, 2022) & Google Street View (April 2021)**



*Figure 1 - Looking west towards east/west alley from 867 Chatham Street East (right side)*



*Figure 2 - East/west alley looking west from 857 Chatham Street East (right side)*





*Figure 3 - East/west alley looking west from 836 University Avenue East (left side)*



*Figure 4 - East/west alley looking west from 817 Chatham Street East (right side)*





*Figure 5 - East/west alley looking west towards Marentette Avenue*



*Figure 6 - Looking east towards east/west alley from Marentette Avenue*





*Figure 7 - Rear driveway at 817 Chatham Street East*



*Figure 8 - Detached garage at 836 University Avenue East, off of City owned lane*





*Figure 9 - Detached garage at 254-258 Marentette Avenue*



*Figure 10 - Rear driveway at 825 Chatham Street East*





*Figure 11 - Rear driveway at 835-839 Chatham Street East*



*Figure 12 - East/west alley looking east from 848 University Avenue East (right); gate to rear yard at 847 Chatham Street East to left*





*Figure 13 - East/west alley looking east towards 867 Chatham Street East; 857 Chatham Street East to left*



*Figure 14 - Looking south towards City owned lane from east/west alley*





Figure 15 - Looking north towards City owned lane from University Avenue East (April 2021 Google Street View);  
836 University Avenue East to right



Figure 16 - Looking north towards north/south alley from University Avenue East (April 2021 Google Street View);  
880-882 University Avenue East to right

## **APPENDIX “E”**

### **Classification of Alleys and Suitability for Closure**

#### **Classification of Public Rights-of-Ways:**

Currently streets and alleys fall into four classifications on the basis of their usefulness:

- 1) Alleys that are **indispensable**. These would be alleys serving commercial properties and properties fronting on heavily traveled streets i.e. major arterial routes and alleys which contain sewers and must remain accessible for servicing; alleys or streets which serve as the only vehicular means of access to rear parking areas and garages where the property has insufficient lot width for a side drive; and, alleys which contain Fire Department connections that are deemed to be necessary for firefighting access.
- 2) Alleys that, **have some usefulness**, are nevertheless dispensable and may or may not be a complete liability.
- 3) Alleys that appear to serve **no useful purpose**, either now, or anticipated. Such alleys are in residential areas and locations where generally the lots are wide enough for side drives, or those alleys abutting parks and other parcels of land that do not require any servicing from the alley. Remnant or stub-end streets which are dead-ended and do not serve as access to other streets.
- 4) Alleys lying in Holding zones and other similar undeveloped areas where the alley system is **clearly obsolete** and has never been developed, but where the City needs to keep its options open until new area plans are prepared and development is imminent.

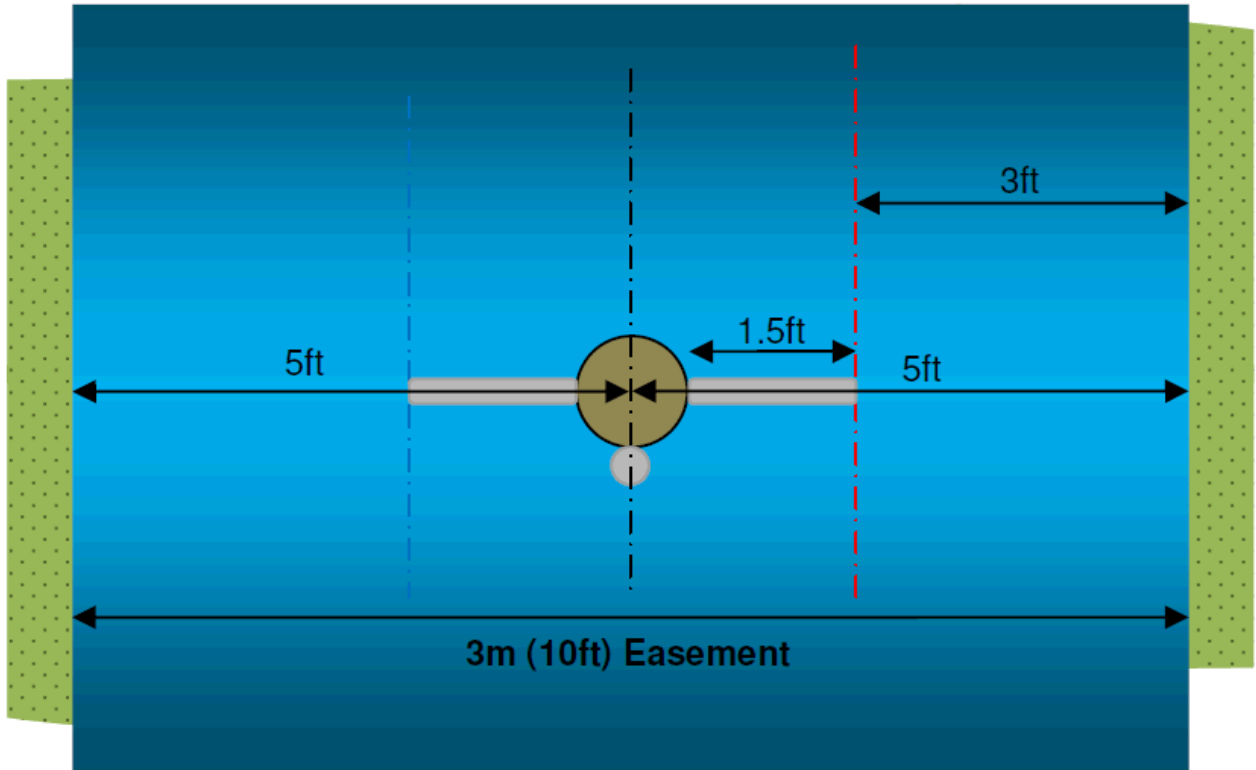
#### **Suitability for Closing:**

Following are the criteria and suitability for closing alleys in each of the above classifications.

- 1) Indispensable alleys should **not be closed**, conveyed, reduced or otherwise jeopardized through minority interests unless a suitable substitute alley is opened in lieu thereof. They are essential from the viewpoint of fire protection, police protection, emergency services (i.e. ambulance) and loading or unloading of goods, refuse collection, servicing of blocked sewers and utility services. Without such alleys, the above noted services would at least be more costly if not impossible to complete or adequately access; and would noticeably interfere with street traffic, thereby reducing the access capacity of the adjacent arterial, collector, or street for business.
- 2) Alleys having some usefulness should **be considered for closing** only upon request of abutting owners rather than by encouragement of the City.
- 3) Alleys that serve no useful purpose should **be closed** if at all possible, and in fact the owners abutting thereon should be encouraged to accept conveyance.
- 4) Alleys that are clearly obsolete should **not be closed** unless there is a municipal need or specific development proposals acceptable to the City are submitted.

### APPENDIX "F"

#### EnWin Utilities Ltd. Aboveground Hydro Easement Diagram



**APPENDIX “G”**  
**Comments to Notice of Application**

**835 & 839 Chatham Street East (Email from Planning Department to Property Owner)**

**From:** Matthews, Meghan

**Sent:** Monday, April 4, 2022 2:36 PM

**To:** [REDACTED]

**Subject:** SAA/6623 || 835/839 Chatham St. E.

[REDACTED]

I am writing in regards to your inquiry to close the alley behind 835/839 Chatham St. E. There is currently an application to close a portion of the Alley abutting 857 Chatham St. E, please see attached document (SAA 6623 – Aerial) for your reference. As this file is in need of a report, I will add your comment that you wish to have the alley closed up to your property (835 Chatham St. E.). Once a report is complete you will receive a copy. This report will include conditions, easements required, costs, and disposition of the land. You will have an opportunity at the Development & Heritage Standing Committee to speak either in favour or in opposition of the report. Currently, I do not have a timeline as to when this report will be completed or when it will be present to the Development & Heritage Standing Committee.

In regards to questions about your driveway please contact the right of way department at (519) 255-6257 ext. 6359

Lastly, here is a link to more information regarding [Alley Closures](#). I have also attached a brochure for your review.

*Meghan Matthews* (she/her) - Street & Alley Legal Clerk



City of Windsor Planning & Building Department  
210-2<sup>nd</sup> Floor, 350 City Hall Sq. West, Windsor, Ontario N9A 6S1  
Phone (519) 255-6543, Ext. 6310 / Fax (519) 255-6544  
Email: [mmatthews@citywindsor.ca](mailto:mmatthews@citywindsor.ca)  
Website: [www.citywindsor.ca](http://www.citywindsor.ca)

**0 University Avenue East (Roll No. 030-050-03200) (Email from Property Owner)**

**From:** [REDACTED]  
**Sent:** Thursday, December 2, 2021 9:14 AM  
**To:** Cabral, Jacqueline <jcabral@citywindsor.ca>  
**Subject:** buying an Alley

**CAUTION:** This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Hi, I contacted you recently regarding an Alley that my [REDACTED] would like to buy behind our land and the land comes right next to 848 University Ave. we own the 2 empty lands that goes right next to this house.

Please let me know the procedure to buy it.

Thank you for your time

[REDACTED]

my phone number is [REDACTED]





**Subject: Closure of south half of Pall Mall Street right-of-way, west of Alexandra Avenue; North/South alley between Northwood Street and Alexandra Avenue, Ward 10, SAS-6577**

Moved by: Councillor Angelo Marignani  
Seconded by: Councillor Mark McKenzie

Decision Number: **DHSC 507**

- I. THAT the 4.57-metre-wide north/south alley located between Northwood Street and Alexandra Avenue, and shown on Drawing No. CC-1823 (*attached* hereto as Appendix "B"), and hereinafter referred to as the "alley", **BE ASSUMED** for subsequent closure;
- II. THAT the alley **BE CLOSED AND CONVEYED** to the abutting property owners and as necessary, in a manner deemed appropriate by the City Planner, subject to the following:
  - a. 3.0-metre-wide easement, subject to there being accepted in the City's standard form and in accordance with the City's standard practice, be granted to:
    - i. Bell Canada to protect existing aerial facilities.
    - ii. EnWin to accommodate the existing pole line with overhead primary 16kV, secondary 120/240 volt, and secondary 347/600-volt hydro distribution; and
    - iii. MNSi to accommodate existing aerial facilities.
  - b. Ontario Land Surveyor be directed to use existing encroachments for determining the boundaries of the lands to be conveyed to each abutting property owner, save and except that portion located between 2530 Longfellow Avenue (legally described as Lot 1007, and Part of Lots 1006 & 1008, Plan 1307) and 2539 Alexandra Avenue (legally described as Lots 961 & 962, and Part of Lot 963, Plan 1307), and 2564 Longfellow Avenue (legally described as Lot 1013, and Part of Lots 1012 & 1014, Plan 1307; Parts 9 & 11, RP 12R-1148) and 2579 Alexandra Avenue (legally described as Lot 955, and Part of Lots 953, 954 & 956, Plan 1307; Part 19, RP 12R-1148), in which case the middle of the alley shall be used.

- III. THAT the 10.05-metre-wide south half of the Pall Mall Street right-of-way located between Alexandra Avenue and the alley, and shown on Drawing No. CC-1799 (*attached* hereto as Appendix “A”), and hereinafter referred to as the “right-of-way”, **BE ASSUMED** for subsequent closure;
- IV. THAT the right-of-way **BE CLOSED AND CONVEYED** to the owner of the property known municipally as 2511 Alexandra Avenue (legally described as Part of Lots 963 to 965, Plan 1307), in a manner deemed appropriate by the City Planner;
- V. THAT Conveyance Cost **BE SET** as follows:
  - a. For alley conveyed to abutting lands zoned RD1.4, \$1.00 plus deed preparation fee and proportionate share of the survey costs as invoiced to The Corporation of the City of Windsor by an Ontario Land Surveyor.
  - b. For right-of-way conveyed to abutting lands zoned RD1.4, \$1,500.00 per front foot without easements and \$750.00 per front foot with easements.
- VI. THAT The City Planner **BE REQUESTED** to supply the appropriate legal description, in accordance with Drawing No.’s CC-1799 and CC-1823, *attached* hereto as Appendix “A” and Appendix “B”, respectively.
- VII. THAT The City Solicitor **BE REQUESTED** to prepare the necessary by-law(s).
- VIII. THAT the Chief Administrative Officer and City Clerk **BE AUTHORIZED** to sign all necessary documents approved as to form and content satisfactory to the City Solicitor.
- IX. THAT the matter **BE COMPLETED** electronically pursuant to By-law Number 36-2003.  
Carried.

Report Number: S 97/2022  
Clerk’s File: SAA2023

**Clerk’s Note:**

- 1. The recommendation of the Development & Heritage Standing Committee and Administration are the same.
- 2. Please refer to Item 11.2 from the Development & Heritage Standing Committee held on May 1, 2023.
- 3. To view the stream of this Standing Committee meeting, please refer to:  
<https://csg001-harmony.sliq.net/00310/Harmony/en/PowerBrowser/PowerBrowserV2/20230501-1/9408>

**Subject: Closure of south half of Pall Mall Street right-of-way, west of Alexandra Avenue; North/South alley between Northwood Street and Alexandra Avenue, Ward 10, SAS-6577**

**Reference:**

Date to Council: May 1, 2023  
Author: Brian Nagata, MCIP, RPP  
Planner II - Development Review  
(519) 255-6543 ext. 6181

Planning & Building Services  
Report Date: August 5, 2022  
Clerk's File #: SAA2023

**To:** Mayor and Members of City Council

**Recommendation:**

- I. THAT the 4.57-metre-wide north/south alley located between Northwood Street and Alexandra Avenue, and shown on Drawing No. CC-1823 (*attached* hereto as Appendix "B"), and hereinafter referred to as the "alley", **BE ASSUMED** for subsequent closure;
- II. THAT the alley **BE CLOSED AND CONVEYED** to the abutting property owners and as necessary, in a manner deemed appropriate by the City Planner, subject to the following:
  - a. 3.0-metre-wide easement, subject to there being accepted in the City's standard form and in accordance with the City's standard practice, be granted to:
    - i. Bell Canada to protect existing aerial facilities.
    - ii. EnWin to accommodate the existing pole line with overhead primary 16kV, secondary 120/240 volt, and secondary 347/600-volt hydro distribution; and
    - iii. MNSi to accommodate existing aerial facilities.
  - b. Ontario Land Surveyor be directed to use existing encroachments for determining the boundaries of the lands to be conveyed to each abutting property owner, save and except that portion located between 2530 Longfellow Avenue (legally described as Lot 1007, and Part of Lots 1006 & 1008, Plan 1307) and 2539 Alexandra Avenue (legally described as Lots 961 & 962, and Part of Lot 963, Plan 1307), and 2564 Longfellow

Avenue (legally described as Lot 1013, and Part of Lots 1012 & 1014, Plan 1307; Parts 9 & 11, RP 12R-1148) and 2579 Alexandra Avenue (legally described as Lot 955, and Part of Lots 953, 954 & 956, Plan 1307; Part 19, RP 12R-1148), in which case the middle of the alley shall be used.

- III. THAT the 10.05-metre-wide south half of the Pall Mall Street right-of-way located between Alexandra Avenue and the alley, and shown on Drawing No. CC-1799 (*attached* hereto as Appendix “A”), and hereinafter referred to as the “right-of-way”, **BE ASSUMED** for subsequent closure;
- IV. THAT the right-of-way **BE CLOSED AND CONVEYED** to the owner of the property known municipally as 2511 Alexandra Avenue (legally described as Part of Lots 963 to 965, Plan 1307), in a manner deemed appropriate by the City Planner;
- V. THAT Conveyance Cost **BE SET** as follows:
  - a. For alley conveyed to abutting lands zoned RD1.4, \$1.00 plus deed preparation fee and proportionate share of the survey costs as invoiced to The Corporation of the City of Windsor by an Ontario Land Surveyor.
  - b. For right-of-way conveyed to abutting lands zoned RD1.4, \$1,500.00 per front foot without easements and \$750.00 per front foot with easements.
- VI. THAT The City Planner **BE REQUESTED** to supply the appropriate legal description, in accordance with Drawing No.’s CC-1799 and CC-1823, *attached* hereto as Appendix “A” and Appendix “B”, respectively.
- VII. THAT The City Solicitor **BE REQUESTED** to prepare the necessary by-law(s).
- VIII. THAT The Chief Administrative Officer and City Clerk **BE AUTHORIZED** to sign all necessary documents approved as to form and content satisfactory to the City Solicitor.
- IX. THAT the matter **BE COMPLETED** electronically pursuant to By-law Number 366-2003.

### **Executive Summary:**

N/A



Figure 1 - Location Map

**Background:**

The applicant, Jason Pfaff, owner of the property known municipally as 2511 Alexandra Avenue (subject property), applied to close the 10.05-metre-wide south half of the Pall Mall Street right-of-way (right-of-way) located between Alexandra Avenue and the north/south alley situated between Northwood Street and Alexandra Avenue, and shown on Drawing No. CC-1799 *attached* hereto as **Appendix “A”**, and also shown on the aerial photo *attached* hereto as **Appendix “C”**.

The right-of-way is composed primarily of manicured lawn and topsoil, and includes a large mature deciduous tree. The abutting property to the north, known municipally as 2499 Alexandra Avenue, has extended a flower garden bordered by medium sized stones into a small portion of the right-of-way. There are no Encroachment Agreements on record for the use of the right-of-way. (Refer to Site Photos *attached* hereto as **Appendix “E”**)

The north half of the Pall Mall Street right-of-way was closed by Judges Order on November 13, 1962, registered as instrument number 270918, and now makes up part of 2499 Alexandra Avenue.

The applicant wishes to close the right-of-way for the purpose of enlarging the subject property.

In August 2022, the applicant subsequently requested that the scope of the application be amended to include the north/south alley (alley) located between Northwood Street and Alexandra Avenue, and shown on Drawing No. CC-1823 **attached** hereto as **Appendix “B”**, and also shown on the aerial photo **attached** hereto as **Appendix “C”**.

The alley was established by Windsor Manor No. 2 Registered Plan of Subdivision 1307, registered on June 14, 1928, and used for agricultural purposes until approximately 1954 when the abutting lands began to be developed as single family dwelling lots (refer to Figure 2 below). Over the years abutting properties encroached into the alley with accessory buildings and fences. Each lot roughly encroached into its abutting half alley. 2539 and 2579 Alexandra Avenue encroached on more than half of the alley. The alley also contains utility poles with guy wires and anchors. There are no Encroachment Agreements on record for the use of the alley.



Figure 2 - 1954 Aerial Photo (Ontario Department of Lands and Forests)

The applicant wishes to close the alley for the purpose of enlarging the subject property.

### **Discussion:**

The decision to recommend closure of an alley or right-of-way is derived from the City's *Classification of Alleys and Suitability for Closure* guideline document (the document), **attached** hereto as **Appendix “F”**. The document details four classifications of right-of-ways based on their usefulness, and provides corresponding criteria for determining suitability for closure.

### **Classification of Public Right-of-Ways**

The initial step is to determine if the alley and right-of-way are indispensable. This is achieved through the evaluation of the following criteria set forth in Section 1 of the document.

### **Right-of-Way:**

1. *Do the alley and right-of-way serve commercial properties?*
  - a. The alley and right-of-way do not serve any commercial properties.

2. *Do the alley and right-of-way serve properties fronting on heavily traveled streets i.e. major arterial routes?*
  - a. The alley and right-of-way do not serve properties front on heavily traveled streets.
3. *Do the alley and right-of-way contain sewers, and must the alley and right-of-way remain accessible for servicing?*
  - a. The alley and right-of-way do not contain any sewers.
4. *Do the alley and right-of-way serve as the only vehicular means of access to rear parking areas and garages where the property has insufficient lot width for a side drive?*
  - a. The alley and right-of-way do not provide vehicular access to any rear parking areas or garages.
5. *Do the alley and right-of-way contain Fire Department connections that are deemed to be necessary for firefighting access?*
  - a. The alley and right-of-way do not contain any fire department connections.
6. *Do the alley and right-of-way lie within a Holding zone or other similar undeveloped areas where the right-of-way system is clearly obsolete and has never been developed, but where the City needs to keep its options open until new area plans are prepared and development is imminent?*
  - a. The alley and right-of-way do not lie within a Holding zone or other similar undeveloped area.

Based on the above, the Planning Department deems the alley and right-of-way “dispensable”, and supports the requested closure.

It is our recommendation that, upon closure, the abutting property owners be given the chance to acquire the alley in the manner described in the Recommendation section herein. Hence the recommendation is to close and convey the alley to the abutting property owners, which is the standard manner of conveyance. This includes 2530 and 2564 Longfellow Avenue in order to be as fair as possible in conveying the alley which no abutting property owners have permission to encroach upon.

It is further our recommendation that, upon closure, the subject property owner be given the chance to acquire the right-of-way in the manner described in the Recommendation section herein. Hence the recommendation is to close and convey the right-of-way to the subject property owner, which is contrary to the standard manner of conveyance of offering abutting property owners first right to purchase their half of the right-of-way. This decision is based on the abutting property to the north, known municipally as 2499 Alexandra Avenue, already having ownership of the north half of the right-of-way.



## **Risk Analysis:**

The recommended closures will divest the City of associated liability risks and maintenance costs. The recommended closures pose no known risk to the City.

The principle of adverse possession does not apply to municipal rights of way. Therefore, adverse possession cannot be claimed by an abutting owner. In the event that the right-of-way is transferred to the subject property in full, it will be the applicant's sole responsibility to address this issue with the abutting neighbour.

## **Climate Change Risks**

### **Climate Change Mitigation:**

N/A

### **Climate Change Adaptation:**

N/A

## **Financial Matters:**

The rate for an alley conveyed to abutting lands zoned RD1.4 is assessed at \$1.00 plus deed preparation fee and proportionate share of the survey costs as invoiced to The Corporation of the City of Windsor by an Ontario Land Surveyor.

The rate for a right-of-way conveyed to abutting lands zoned RD1.4 is assessed at \$1,500.00 per front foot without easements and \$750.00 per front foot with easements.

## **Consultations:**

Consultations were held with Municipal Departments and Utility Companies, which resulted in the information found in **attached** hereto as **Appendix "D"**.

Notice of Development & Heritage Standing Committee meeting and Council meeting are published in the Windsor Star prior to each of the meetings. In addition, notice of each of the public meetings will be mailed to the abutting/affected property owners prior to the meetings.

## **Conclusion:**

The Planning Department recommends closure of the right-of-way and alley shown on attached Appendix "A" and Appendix "B" respectively.

The closed alley is to be conveyed to the abutting property owners, as in Recommendation II of this report

The closed right-of-way is to be conveyed to the subject property owner, as in Recommendation III of this report.

**Planning Act Matters:**

N/A

**Approvals:**

<b>Name</b>	<b>Title</b>
Michael Cooke	Manager of Planning Policy/Deputy City Planner
Thom Hunt	City Planner/Executive Director, Planning & Development Services
Chris Carpenter	Coordinator of Real Estate Services
Wira Vendrasco	Deputy City Solicitor, Legal Services & Real Estate
Jelena Payne	Commissioner, Economic Development & Innovation
Onorio Colucci	Chief Administration Officer

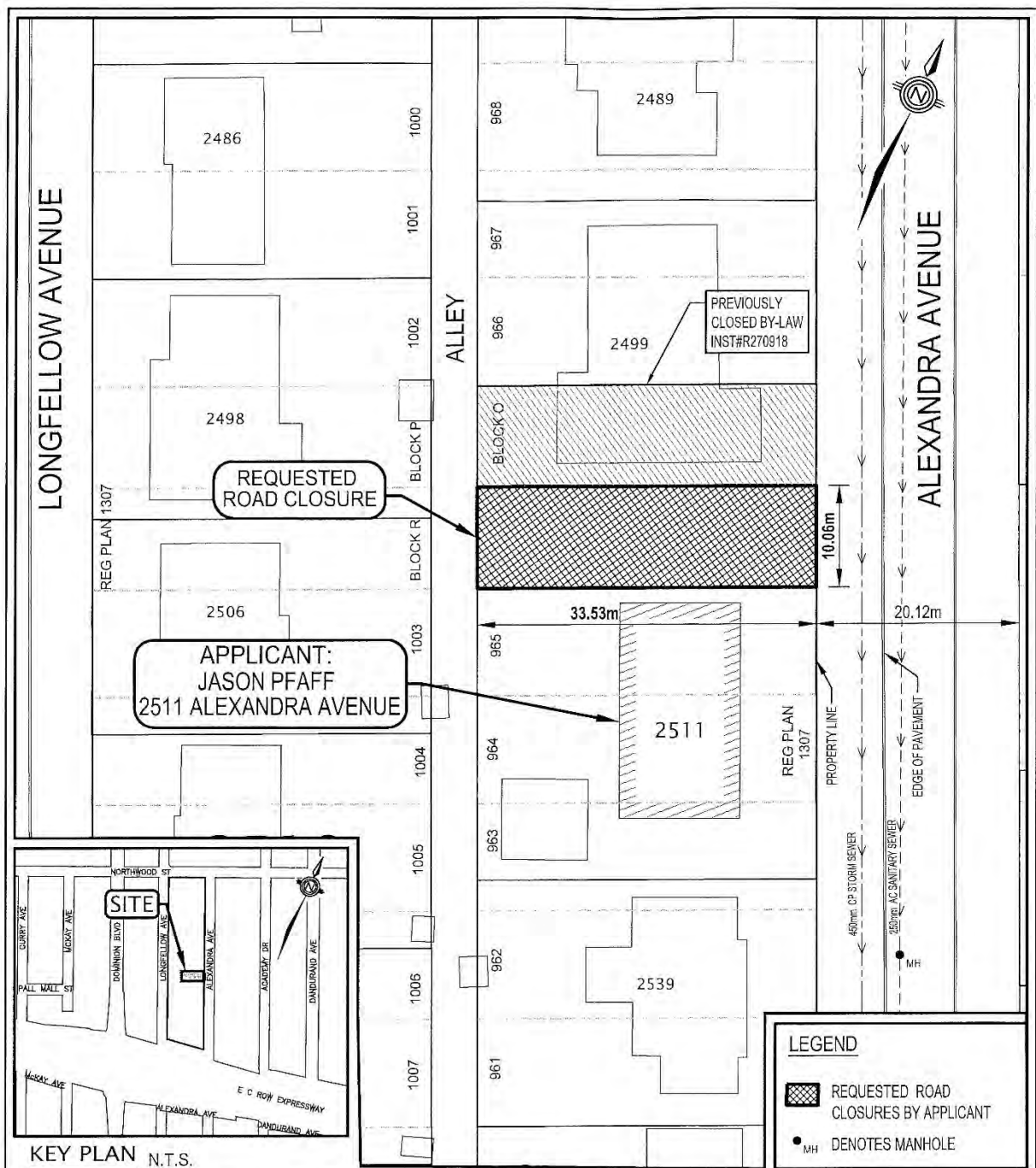
**Notifications:**

<b>Name</b>	<b>Address</b>	<b>Email</b>
Ward 10 Councillor Jim Morrison	350 City Hall Square West, Suite 220 Windsor, ON N9A 6S1	jmorrison@citywindsor.ca

**Appendices:**

- 1 Appendix A - Drawing No. CC-1799
- 2 Appendix B - Drawing No. CC-1823
- 3 Appendix C - EIS Drawing - Aerial Photo
- 4 Appendix D - Consultations with Municipal Departments and Utility Companies
- 5 Appendix E - Site Photos
- 6 Appendix F - Classification of Alleys and Suitability for Closure

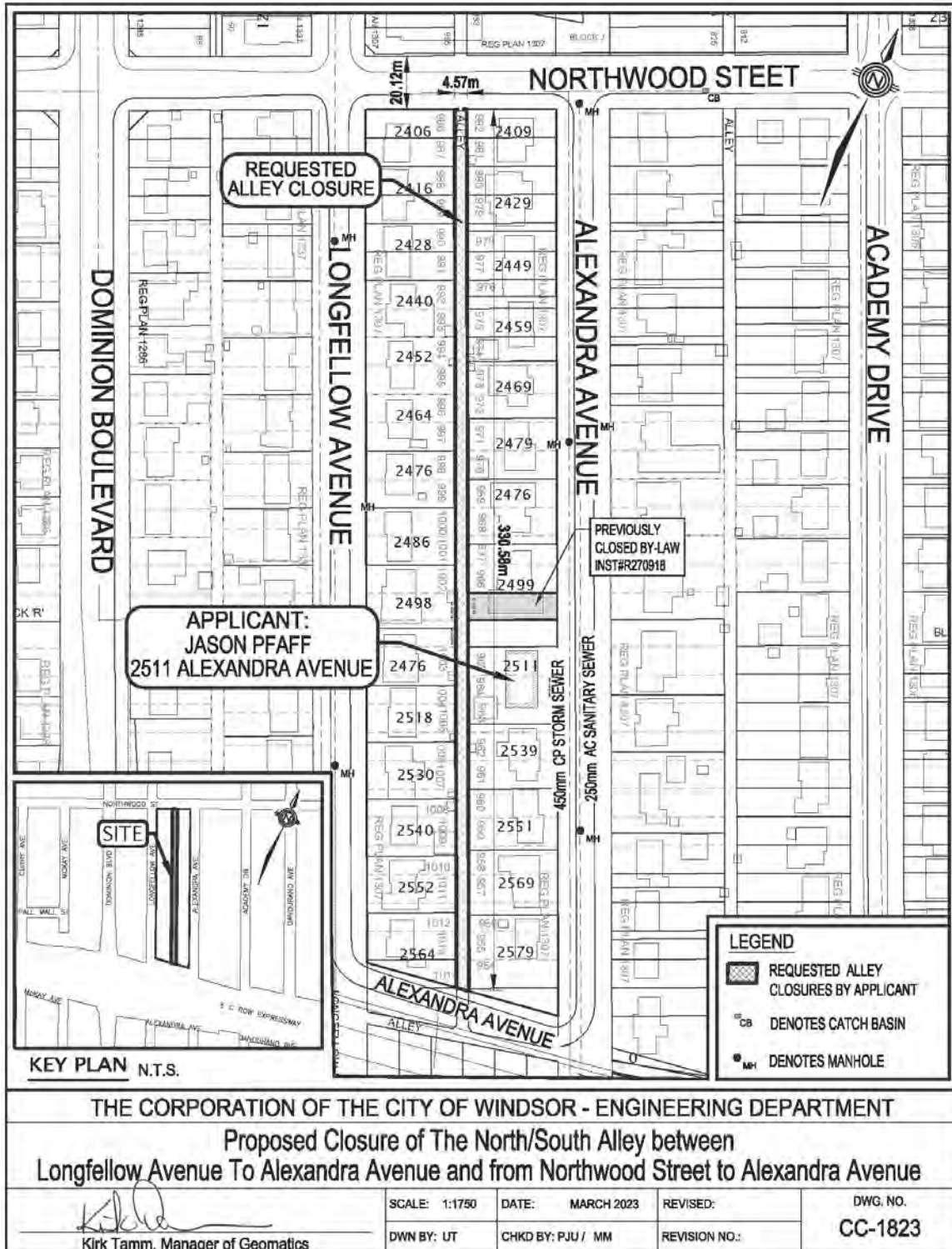
**APPENDIX "A"**  
**Drawing No. CC-1799**



THE CORPORATION OF THE CITY OF WINDSOR - ENGINEERING DEPARTMENT Proposed Closure of the East / West remaining portion of Pall Mall Street North of 2511 Alexandra Avenue			
 Kirk Tamm, Manager of Geomatics	SCALE: 1:500	DATE: SEP 2021	REVISED:
	DWN BY: A.C	CHKD BY: PJU / CA / AP	REVISION NO.:
			DWG. NO. <b>CC-1799</b>

### APPENDIX "B"

#### Drawing No. CC-1823






# APPENDIX "C" EIS Drawing - Aerial Photo



## STREET & ALLEY CLOSING (SAA/6577)

1:1,500

APPLICANT : JASON PFAFF

 SUBJECT LANDS

PLANNING DEPARTMENT - DEVELOPMENT DIVISION

DATE: NOVEMBER, 2022



**APPENDIX “D”****Consultations with Municipal Departments and Utility Companies****BELL CANADA WSP****September 24, 2022 (Right-of-Way)**

Bell Canada has no concerns with the proposed closure. We have aerial facilities in the alley behind.

**December 5, 2022 (Alley)**

Bell Canada requests a 3.0 m easement to measure 1.5 m on either side of the facilities, to protect existing aerial for the entire length of the alley.

**[Charleyne Hall, Right of Way Associate]**

**CANADA POST**

No comments provided

**COGECO CABLE SYSTEMS INC.**

No comments provided

**ENBRIDGE GAS****September 24, 2022 (Right-of-Way)**

After reviewing the provided drawing at 2511 Alexandra Ave and consulting our mapping system, please note that Enbridge Gas has no active infrastructure in the proposed area. A PDF drawing has been attached for reference.

- 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

**[Gord Joynson, Drafter Estimator]**



### December 3, 2022 (Alley)

After reviewing the provided drawing at Alexandra Avenue and Northwood Street, and consulting our mapping system, please note that Enbridge Gas has no active infrastructure in the proposed area. A PDF drawing has been attached for reference.

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

This drawing does not replace field locates. Please contact Ontario One Call for onsite locates prior to excavating, digging, etc.

**[Sandro Aversa, Drafter Estimator]**





**ENVIRONMENTAL SERVICES**

No concerns from Environmental Services

**[Anne-Marie Albidone, Manager, Environmental Services]**

**ENWIN UTILITIES - HYDRO**

**October 20, 2021**

No Objection, however, easements named to ENWIN Utilities Ltd. will be required upon closing to accommodate existing overhead hydro distribution.

ENWIN has the existing hydro plant along the rear (west limit) of the above noted property:

- Overhead 16kV single-phase primary conductor
- Overhead 600/347V three-phase secondary quadruplex conductor
- Overhead 120/240V single-phase secondary triplex conductor

Prior to working in these areas, we would suggest referring to the Occupational Health and Safety Act and Regulations for Construction Projects to confirm clearance requirements during construction.

Also, we suggest referring to the Ontario Building Code for permanent required clearances for any New Building Construction.

**August 4, 2022 (Right-of-Way)**

If the alley stays open, then we remain in the alley and the customer won't build in the alley, therefore, we won't need an easement.

If the owner is buying the entire parcel of land (including the alley) then we will require a 15' wide easement to accommodate the existing hydro plant

Most, likely Bell, Cogeco and MNSi will require the same.

**[Jerry Raniwsky, Hydro Engineering Technologist]**

**December 9, 2022 (Alley)**

No objection, however an easement named to ENWIN Utilities Ltd is required for the entire North / South alley upon closing to accommodate the existing pole line with overhead primary 16kV, secondary 120/240 volt, and secondary 347/600-volt hydro distribution.

**[Zachary Mancini, Hydro Engineering Technologist]**

**ENWIN UTILITIES - WATER**

Water Engineering has no objections.

**[Bruce Ogg, Water Project Review Officer]**

**LEGAL DEPARTMENT**

For streets abutting RD1.4, \$1,500 per front foot without easements and \$750 per front foot with easements.

If easements are present, please ensure that their location within Pall Mall is noted so that the survey can identify which portions are subject to the easement and which are not.

**[Chris Carpenter, Coordinator of Real Estate Services]**

**MNSi****September 28, 2022 (Right-of-Way)**

MNSi does not require an easement through these subject properties.

**December 2, 2022 (Alley)**

MNSi will require an Aerial Easement on the pole line that runs North/South from Northwood to the southerly extent. I do not require anything in the section that runs eastward toward Alexandra Ave.

**[Dave Hartleib, Outside Plant Manager]**

**PARKS & FACILITIES****September 26, 2022 (Right-of-Way)**

No comments / objection from Parks; pending further review by City Planning Landscape Architect (Stefan) copied on this e-mail.

**[Wadah Al-Yassiri, Manager, Parks Development]**

**December 13, 2022 (Right-of-Way & Alley)**

Parks D&D has no objection as for SAA/6577 \*Updated\* Liaison as most of houses there has already fenced their backyard back to back.

Our understanding as for the area located between 2499 and 2511 ALEXANDRA AVE, will be sold to those 2 home owners?

**[Sherif Barsom, Manager, Landscape Architect]**

**PLANNING DEPARTMENT**

No comments provided

**PLANNING DEPARTMENT - LANDSCAPE ARCHITECT****October 5, 2022 (Right-of-Way)**

No objection from a landscape architectural or Parks perspective.

**December 20, 2022 (Alley)**

No objection to the proposed closure from a landscape architectural perspective.

**[Stefan Fediuk - Landscape Architect]**

**PUBLIC WORKS - ENGINEERING****October 4, 2022 (Right-of-Way)**

The subject road closure is approximately 10.0m (33ft) wide and composed of grass. There are no municipal sewers, manholes, hydro poles, guy-wires, or overhead wires located within the right-of-way. This right-of-way appears to serve no useful purpose; therefore, we have no objections to the closure.

**December 28, 2022 (Alley)**

The subject alley closure is composed of grass. Hydro poles and overhead wires are located within the closure area. An easement will be required for utilities. There are no driveway approaches to access the alley. There are no municipal sewers or manholes in the area subject to closure. There are numerous encroachments in the alley. This subject alley appears to serve no useful purpose under CR146/2005; therefore, we have no objections to the closure subject to the utility easement.

**[Adam Pillon, Manager of Right-of-Way]**

**PUBLIC WORKS - TRAFFIC****September 24, 2022 (Right-of-Way)**

No concerns with closing the alley as proposed.

**December 5, 2022**

The currently alleyway is closed off at the north and south end, no access is currently provided. East leg does not have a curb cut and does not connect to any other infrastructure. Alleyways are not needed for vehicular or pedestrian access. No objections with closing the complete alley system as proposed.

**[Mike Spagnuolo, Signal Systems Analyst]**

**ROGERS COMMUNICATIONS**

No comments provided

**TELUS COMMUNICATIONS****September 24, 2022 (Right-of-Way)**

TELUS has no underground infrastructure in the area of your proposed work. Permit expires six (6) months from approval date.

**[Derek Dukhu, CAD Technician]**

**December 6, 2022 (Alley)**

TELUS has no underground infrastructure in the area of your proposed work

**[Meghna Patel, Permit Coordinator]**

**TRANSPORTATION PLANNING****October 13, 2022 (Right-of-Way)**

No concerns with the closure of this alley.

**[Rania Toufelli, Policy Analyst]**

**December 29, 2022 (Alley)**

Alley is not being used for transportation purposes. Transportation Planning has no concerns.

**[Shannon Deehan, Transportation Planning Coordinator]**

**TRANSIT WINDSOR**

No comments provided

**WINDSOR FIRE**

No comments provided

**WINDSOR POLICE****October 12, 2022 (Right-of-Way)**

The Windsor Police Service has no concerns or objections with this closure request. The outcome from this is anticipated to be very minor, with no impact (negatively speaking) on the ability of the police to carry out patrol and incident response activities for the abutting properties.

**January 3, 2023 (Alley)**

The Windsor Police Service has no concerns or objections with the closure of this section of alley. Closure will not carry any negative impact to police response or service delivery capacity for the affected properties.

**[Barry Horrobin, Director of Planning & Physical Resources]**

**APPENDIX "E"**  
**Site Photos**

**June 28, 2022**



*Figure 1 - Looking west towards Pall Mall Street right-of-way from Alexandra Avenue*



*Figure 2 - Looking east towards Pall Mall Street right-of-way from north/south alley*



**December 5, 2022**



*Figure 3 - Looking north towards north/south alley from Alexandra Avenue*



*Figure 4 - Looking south towards north/south alley from Northwood Street*



## **APPENDIX “F”**

### **Classification of Alleys and Suitability for Closure**

#### **Classification of Public Rights-of-Ways:**

Currently streets and alleys fall into four classifications on the basis of their usefulness:

- 1) Alleys that are **indispensable**. These would be alleys serving commercial properties and properties fronting on heavily traveled streets i.e. major arterial routes and alleys which contain sewers and must remain accessible for servicing; alleys or streets which serve as the only vehicular means of access to rear parking areas and garages where the property has insufficient lot width for a side drive; and, alleys which contain Fire Department connections that are deemed to be necessary for firefighting access.
- 2) Alleys that, **have some usefulness**, are nevertheless dispensable and may or may not be a complete liability.
- 3) Alleys that appear to serve **no useful purpose**, either now, or anticipated. Such alleys are in residential areas and locations where generally the lots are wide enough for side drives, or those alleys abutting parks and other parcels of land that do not require any servicing from the alley. Remnant or stub-end streets which are dead-ended and do not serve as access to other streets.
- 4) Alleys lying in Holding zones and other similar undeveloped areas where the alley system is **clearly obsolete** and has never been developed, but where the City needs to keep its options open until new area plans are prepared and development is imminent.

#### **Suitability for Closing:**

Following are the criteria and suitability for closing alleys in each of the above classifications.

- 1) Indispensable alleys should **not be closed**, conveyed, reduced or otherwise jeopardized through minority interests unless a suitable substitute alley is opened in lieu thereof. They are essential from the viewpoint of fire protection, police protection, emergency services (i.e. ambulance) and loading or unloading of goods, refuse collection, servicing of blocked sewers and utility services. Without such alleys, the above noted services would at least be more costly if not impossible to complete or adequately access; and would noticeably interfere with street traffic, thereby reducing the access capacity of the adjacent arterial, collector, or street for business.
- 2) Alleys having some usefulness should **be considered for closing** only upon request of abutting owners rather than by encouragement of the City.
- 3) Alleys that serve no useful purpose should **be closed** if at all possible, and in fact the owners abutting thereon should be encouraged to accept conveyance.
- 4) Alleys that are clearly obsolete should **not be closed** unless there is a municipal need or specific development proposals acceptable to the City are submitted.



**Subject: Sandwich Town CIP Application; 511 Brock Street; JD LOUIE CORP.  
(C/O: Jennifer Wong); REIGNS 740 INC; C/O: Sital Singh Garha - Ward 2**

Moved by: Councillor Fred Francis  
Seconded by: Councillor Angelo Marignani

Decision Number: **DHSC 508**

- I. **THAT** CR307/2021 **BE AMENDED** by deleting Clause III ii) and substituting the following therefor:

III ii) If the redevelopment, including construction of a new building, is not substantially complete within three (3) years of the commencement of the demolition the Clerk enter the sum of Sixty Thousand Dollars (\$60,000) on the collectors roll of the property and prepare a certificate for registration;

- II. **THAT** CR307/2021 **BE FURTHER AMENDED** by deleting Clause VIII and substituting the following therefor:

**VIII THAT** grants **BE PAID** to the following owners upon completion of the two (2) storey three (3)-unit townhome dwelling with three Additional Dwelling Units from the *Sandwich Community Development Plan Fund* (Project 7076176) to the satisfaction of the City Planner and Chief Building Official; and to transfer \$12,379.14 from the CIP Reserve Fund 226 to the *Sandwich Community Development Plan Fund* (Project 7076176) when work is completed ,

- i. JD LOUIE CORP. (C/O Jennifer Wong) for *Development and Building Fees Grant* for 100% of the Development and Building Fees identified in the Sandwich CIP to a Maximum amount of (+/-**\$31,719.14**);
- ii. REIGNS 740 INC. (c/o: Sital Singh Garha) for *Development and Building Fees Grant* for 100% of the Development and Building Fees identified in the Sandwich CIP to a Maximum amount of (+/-**\$660.00**);
- iii. REIGNS 740 INC. (c/o: Sital Singh Garha) for *Revitalization Grant Program* for 70% of the municipal portion of the tax increment for up to 10 years (+/-**\$4,434** per year);

III. **THAT** CR307/2021 **BE FURTHER AMENDED** by deleting Clause IX and substituting the following therefor:

**IX THAT** grants approved **SHALL LAPSE** and be **UNCOMMITTED** if the applicant has not completed the work and fulfilled the conditions within 3 years of the approval date. Extensions **SHALL BE** given at the discretion of the City Planner.

Carried.

Report Number: S 43/2023

Clerk's File: SPL2023

**Clerk's Note:**

1. The recommendation of the Development & Heritage Standing Committee and Administration are the same.
2. Please refer to Item 11.3 from the Development & Heritage Standing Committee held on May 1, 2023.
3. To view the stream of this Standing Committee meeting, please refer to:  
<https://csg001-harmony.sliq.net/00310/Harmony/en/PowerBrowser/PowerBrowserV2/20230501/-1/9408>

**Subject: Sandwich Town CIP Application; 511 Brock Street; JD Louie CORP. C/O: Jennifer Wong; REIGNS 740 INC; C/O: Sital Singh Garha – Ward 2**

**Reference:**

Date to Council: May 1, 2023  
Author: Kevin Alexander, MCIP RPP  
Senior Planner-Special Projects  
519-255-6543 ext. 6732  
kalexander@citywindsor.ca

Planning & Building Services  
Report Date: March 30, 2023  
Clerk's File #: SPL2023

**To:** Mayor and Members of City Council

**Recommendation:**

- I. **THAT** CR307/2021 **BE AMENDED** by deleting Clause III ii) and substituting the following therefor:

**III ii)** If the redevelopment, including construction of a new building, is not substantially complete within three (3) years of the commencement of the demolition the Clerk enter the sum of Sixty Thousand Dollars (\$60,000) on the collectors roll of the property and prepare a certificate for registration;

- II. **THAT** CR307/2021 **BE FURTHER AMENDED** by deleting Clause VIII and substituting the following therefor:

**VIII THAT** grants **BE PAID** to the following owners upon completion of the two (2) storey three (3)-unit townhome dwelling with three Additional Dwelling Units from the *Sandwich Community Development Plan Fund* (Project 7076176) to the satisfaction of the City Planner and Chief Building Official; and to transfer \$12,379.14 from the CIP Reserve Fund 226 to the *Sandwich Community Development Plan Fund* (Project 7076176) when work is completed ,

- i. JD LOUIE CORP. (C/O Jennifer Wong) for *Development and Building Fees Grant* for 100% of the Development and Building Fees identified in the Sandwich CIP to a Maximum amount of (+/-**\$31,719.14**);

- ii. REIGNS 740 INC. (c/o: Sital Singh Garha) for *Development and Building Fees Grant* for 100% of the Development and Building Fees identified in the Sandwich CIP to a Maximum amount of (+/-**\$660.00**);
- iii. REIGNS 740 INC. (c/o: Sital Singh Garha) for *Revitalization Grant Program* for 70% of the municipal portion of the tax increment for up to 10 years (+/-**\$4,434** per year);

III. **THAT** CR307/2021 **BE FURTHER AMENDED** by deleting Clause IX and substituting the following therefor:

**IX THAT** grants approved **SHALL LAPSE** and be **UNCOMMITTED** if the applicant has not completed the work and fulfilled the conditions within 3 years of the approval date. Extensions **SHALL BE** given at the discretion of the City Planner.

#### **Executive Summary:**

N/A

#### **Background:**

On January 26, 2009, City Council passed by-laws to establish the Olde Sandwich Towne Community Improvement Plan (By-law 27-2009), and Supplemental Development and Urban Design Guidelines (By-law 28-2009). These By-laws came into effect on October 18, 2012. One of the key recommendations of the Olde Sandwich Towne Community Improvement Plan (Sandwich CIP) is the implementation of the Incentive Program(s).

On June 17, 2013 through M265-2013 Council activated the majority of programs from the Sandwich Community Improvement Plan (CIP) Incentive Program including the *Revitalization Grant Program* and *Development and Building fees Grant Program*.

On June 17, 2013 Council also received the Development Review Process for development applications within the Sandwich Heritage Conservation District (HCD) area, and within the Sandwich Community Improvement Plan (CIP) Area (outside of the Sandwich HCD Area) (M264-2013).

On July 5, 2021, City Council approved the recommendations of Report S56/2021 to issue a demolition permit to JD LOUIE CORP., to demolish the two (2) storey three-unit dwelling located at 511 Brock Street (see Appendix 'A') to construct a two (2) storey three (3)-unit townhome dwelling with three Additional Dwelling Units (one per unit).

By CR307/2021 City Council also approved grants through the Sandwich Town CIP for the construction of the new dwelling units identified in Appendix 'B'.

See Appendix 'C' for CR307/2021 regarding the details of the approval.

As a condition of obtaining a Building Permit for Demolition, the owner was required to provide the following as per Section 1.27.12 of the City's Official Plan:

- (a) a plan for redevelopment in conformity with the Official Plan and Zoning By-law requirements (all plans will be reviewed to ensure compliance the Official Plan and Zoning By-law),
- (b) an executed Site Plan Control Agreement ; and
- (c) appropriate securities to ensure the redevelopment occurs within a specified time period and to fulfill the conditions of the Site Plan Control Agreement

Following Council's July 5, 2021, approval, Site Plan Control Approval was granted on August 31, 2021, and a Site Plan Control Agreement was executed and registered on title (on October 1, 2021) to construct a two (2) storey three (3)-unit townhome dwelling with three Additional Dwelling Units (one per unit). On September 22, 2021, a Building Permit for Demolition was issued and the Demolition was completed on May 12, 2022.

As a condition of obtaining a demolition permit the approved plans are required to be substantially completed within two (2) years following the issuance of a demolition permit. As of the date of this report replacement dwelling units have not be constructed as per the Registered Site Plan Control Agreement and are required to be substantially completed by September 22, 2023.

In 2023, JD LOUIE CORP. sold the property to REIGNS 740 INC. (c/o: Sital Singh Garha) and on February 16, 2023, the new owner applied for grants through the Sandwich Town CIP. Given that a Sandwich CIP grant agreement had not been executed, Administration felt that it would be appropriate to amend CR307/2021 to reflect the change in ownership and to request an extension to the demolition permit condition to substantially complete the new development by September 22, 2024.

### **Discussion:**

The property is located within the Olde Sandwich Towne Community Improvement Plan (Sandwich CIP) area (outside of the Sandwich Heritage Conservation District), and for the purpose of financial incentives, located within Target Area 3. The property has also been identified as being within an area of High Archaeological Potential. A stage 1 and 2 Archeological Assessment has been conducted and the report was registered with the Province.

### **Exemption to Demolition Control By-law 20-2007**

As discussed in the background section of this report, a Site Plan Control Agreement was registered on title on October 31, 2021 and a Building Permit for Demolition was issued on September 22, 2021.

At the time of Report S56/2021 the applicant indicated in the application that they intend to demolish the existing two (2) storey three-unit detached dwelling and construct a two

(2) storey three-unit townhome dwelling with three (3) ADUs which meets the intent of the Sandwich CIP Urban Design Guidelines. Section 6(b) of the Demolition Control By-law entitles the Clerk to enter on the collectors roll a maximum of \$20,000 per residential unit (to be collected in like manner as municipal taxes) if the applicant fails to construct the new dwelling units within two (2) years of the commencement of the demolition.

Given that a demolition permit was issued on September 22, 2021 for three (3) residential units the maximum amount of \$60,000 will be entered on the tax roll if the applicant fails to construct the new dwelling units within two (2) years of the commencement of the demolition. Therefore, unless an extension is granted the approved redevelopment is required to be substantially completed by September 22, 2023.

The new owner REIGNS 740 INC. (c/o: Sital Singh Garha) still plans to construct a two (2) storey three(3)-unit townhome dwelling with three (3) ADUs, which will provide additional residential units, improved living spaces for residents, and a visual enhancement to the neighbourhood. The proposed improvements are consistent with the intent of the Demolition Control By-law. The new owner REIGNS 740 INC. (c/o: Sital Singh Garha) is requesting an extension to the condition of the demolition permit to substantially complete the approved redevelopment by September 22, 2024. In keeping with Section 5 (a) of the Demolition Control By-law and Section 33 (7) of the Planning Act, Administration recommends that the condition should be extended from two (2) years from the date the demolition permit was issued (See Recommendation I.) to three (3) years to give the new owner sufficient time to complete the project.

### **Sandwich Incentive Program**

The proposal is located within Target Area 3 of the Sandwich CIP Area and eligible for the following Incentive programs. The eligible costs for each incentive program are based on the costs estimates provided by the applicant, as the project is implemented these costs could fluctuate slightly which could have a minor impact on the eligible costs for each incentive program. The application is consistent with the general program requirements identified in Section 10.3 of the CIP, and with the following program specific requirements:

#### *Development and Building fees Grant Program*

The purpose of the program is to provide an additional incentive to augment the other incentive programs and to facilitate and spur adaptive re-use, redevelopment and new construction. The program provides a grant equal to 100% of the fees paid for the eligible types of development applications and building permits. At the time of the approval of Report S56/2021, the Building Permit fee amount was undetermined; therefore, Administration included a maximum amount of \$20,000. Since the approval of Report S56/2021, the previous owner (JD LOUIE CORP. C/O Jennifer Wong) applied for the following applications and paid the following fees, which are eligible under this program and therefore the fees have increased from \$20,000 to \$33,039.14.

- Site Plan Control--\$5,940.00
- Building Permit(s)—\$21,355.13;



- Parkland Dedication—\$4,034.01;
- Demolition Permit(s)--\$390.00

**TOTAL: \$31,719.14**

Recommendation II of this Report requests that the *Development and Building Fees Grant* in the amount of \$31,719.14 be paid to the previous owner JD LOUIE CORP. (C/O Jennifer Wong) who produced transaction receipts from the Building Division indicating that they paid for the Development and Building Fees.

Recommendation II of the Report also requests that the *Development and Building Fees Grant* in the amount of \$660.00 be paid to the new owner REIGNS 740 INC. (c/o: Sital Singh Garha) for recent Building Permit-resubmission fees incurred for foundation changes to the drawings identified in Appendix 'B'.

### *Revitalization Grant Program*

The purpose of this program is to use the tax increase that can result when a property is rehabilitated, redeveloped, or developed to provide assistance in securing the project financing and offset some of the costs associated with the rehabilitation. The program will provide an annual grant equal to 70% of the increase in municipal property taxes for 10 years after project completion as long as the project results in an increase in assessment and therefore an increase in property taxes. Based on the project description and current value vs. estimated post-project assessment value of land, and buildings identified in the Grant Application, the property assessment is expected to increase.

At the time of the original application in 2021, the assessment value of the subject property located at 511 Brock Street was \$117,000. The amount of property taxes payable on that assessment is \$2,168.90 (using 2022 tax rates). The municipal portion, to which the grant would apply, is \$1,948.90. The Applicant's Estimated Post-Project Value of Land and Buildings based on the cost of construction is \$1,200,000. However, some of the proposed costs to be incurred, although eligible for purposes of the application, may not result in a direct increase in assessment value. In other words, the grant is calculated and paid, not on the post-project value or projections made in this report, but on the actual post-development value assessment, as determined by MPAC after project completion. Administration has estimated the Post-Redevelopment Property Value Assessment based on the drawings and information provided to be \$500,000. The grant will however be based upon the actual tax increment once the assessment has been determined by MPAC.

For illustrative purposes, the table below identifies the annual grant equal to 70% of the increase in City property taxes for 10 years after project completion, based on the assessment value at the time of the application and the (projected) Estimated Post Project Assessment Value. The taxes retained by the City over the duration of the grant program is equal to a 30% increase of the tax increment. After completion of the grant program (10 years), the City will collect the full value of municipal tax increase (\$6,334.90 annually).

Estimated Revitalization Tax Increment Grant for 511 Brock Street.		
Annual Pre Development Municipal Taxes	Annual Estimate Post Development Municipal Tax Increase	Annual Estimate Value of Grant (70% of the municipal increase)
\$2,168.90	\$8,503.80	\$4,434.43

**Assumptions**

Property Value Assessment (2021 – Residential)	\$117,000
Estimate Total Post Development Assessment (Residential)	\$500,000

**Risk Analysis:**

The Building Department has not received or conducted a review of the building plans to confirm compliance with the Ontario Building Code and applicable law (e.g. zoning by-law). A review of the drawings will be conducted to ensure that the City’s incentives are being used appropriately and the City is receiving good value for the public investment allocated through the Sandwich Incentive Program(s) “toolkit”. As a requirement of Section 28 (7.3) of the Planning Act, Administration has confirmed that the total amount of all of the grants does not exceed the total cost of the project.

The *Development and Building Fees Grant Program* will not be disbursed until all work is completed and inspected by Administration as per the Site Plan Control Agreement and Building Permit. The *Revitalization Grant Program* will not be dispersed until an agreement for the Sandwich Incentive Program have been registered on title between the owner and the City of Windsor and the property taxes for the applicable year paid.

There is little risk associated with approval of a tax increment-based grant such as the *Revitalization Grant Program* as the payments commence after the eligible work has been completed and the property reassessed by MPAC, and will only continue if the development remains eligible in accordance with the Sandwich CIP. Should the development fail to meet its requirements under the CIP, grant payments would cease.

**Climate Change Risks**

**Climate Change Mitigation:**

The demolition of the two (2) storey three-unit detached dwelling affects climate change, because the structure was not re-used and likely end up in a land fill. However, the proposed two (2) storey three (3)-unit townhome dwelling with three (3) ADUs provides additional units and intensification of the existing property. Construction of the building will utilize modern building methods, which will conform to the Ontario Building Code concerning safety and energy efficiency.

**Climate Change Adaptation:**

As temperatures increase and when considering the Urban Heat Island effect for the City of Windsor, the property does not appear to be located within a Heat Vulnerability

area. However, the rehabilitation of the existing site and construction of the new building will utilize modern building methods, which will conform to the Ontario Building Code concerning energy efficiency.

**Financial Matters:**

On February 22, 2021, Council approved the 2021 budget, which included a new reserve fund for all active CIPs in the City. As CIP grant applications are approved, the approved grant amount will be transferred to the capital project account to be kept as committed funds, until the grant is ready to be paid out. The current uncommitted balance of the CIP reserve fund is \$823,006 however this balance does not account for other CIP grant requests that are currently being considered by the Development & Heritage Standing Committee/City Council standing committee or have been endorsed by the standing committee and are not yet approved by City Council.

If approved, the additional funds being requested will be transferred from the CIP Reserve Fund 226 to the *Sandwich Community Development Plan Fund* (Project 7076176) to disperse the maximum amount of \$31,719.14 and \$660.00 for the *Development and Building Fees Grant Program* identified in this report. On July 15, 2021, \$20,000 was transferred from the reserve fund 226 to the capital project 7076176 as per CR307/2021- C 56/2021. Therefore, when work is completed only the remaining \$12,379.14 will need to be transferred from the CIP Reserve Fund 226 to the *Sandwich Community Development Plan Fund* (Project 7076176).

<b>Eligible Incentive Programs</b>	<b>Grant</b>
<b><i>Development and Building Fees Grant</i></b>	
JD LOUIE CORP. (c/o: Jennifer Wong)	\$31,719.14
REIGNS 740 INC. (c/o: Sital Singh Garha)	\$660.00
<i>Note: Development and Building Fees are paid upfront by the applicant and these fees are approximate and can change at the time of Building Permit</i>	
<b><i>Revitalization Grant</i></b>	
<i>*\$4,434.43 per year between years 1 to 10</i>	\$44,344.30
<b>Total</b>	<b>\$76,723.44</b>

Except for the *Revitalization Grant*, the owner will be reimbursed through Account *Sandwich Community Development Plan Fund (Account 7076176)*. The *Revitalization Grant* is funded through the municipal portion of the annual tax levy.

The *Revitalization Grant* will be based upon the municipal tax increase and will be calculated by the Finance Department in consultation with the Municipal Property Assessment Corporation (MPAC) once the project is completed.

**Consultations:**

Both the previous and new owners of the property located at 511 Brock Street have been consulted regarding grants related to the improvements outlined in this report. Carolyn Nelson, Manager of Property Valuation & Administration, Taxation & Financial Projects was consulted with respect to the Sandwich CIP *Revitalization Grant Program*. Josie Gualtieri, Financial Planning Administrator was also consulted regarding the Ford City CIP and Building Facade Improvement CIP grants, and related capital project/reserve fund balances.

**Conclusion:**

The new residential development will provide an opportunity to attract new residents to the neighbourhood and improve the physical appearance of the area through the redevelopment of a derelict property. The incentive program application meets all of the eligibility criteria as identified in the Discussion section of this report and is compatible with the Sandwich Urban Design Guidelines.

There are sufficient funds in the CIP Reserve Fund 226 to provide funds for the *Development & Building Fees* grant amount, which has been applied for by the applicant for this project with the Revitalization Grant portion funded through the municipal portion of the annual tax levy. Therefore, Administration recommends that the application request by the owner of 511 Brock Street for incentives under the Sandwich Incentive Program be approved.

**Planning Act Matters:**

N/A

**Approvals:**

Name	Title
Kevin Alexander	Planner III – Special Projects
Josie Gualtieri	Financial Planning Administrator
Neil Robertson	Manager of Urban Design
John Revell	Chief Building Official
Thom Hunt	City Planner/Executive Director of Planning and Building Services
Wira Vendrasco	Deputy City Solicitor
Janice Guthrie	Deputy Treasurer Taxation & Financial Planning

Janice Guthrie	On behalf of Chief Financial Officer/City Treasurer
Jelena Payne	Commissioner, Economic Development & Innovation
Onorio Colucci	Chief Administrative Officer

**Notifications:**

Name	Address	Email
REIGNS 740 INC. (C/O Sital Singh Gartha)		sitalsingh@hotmail.com
JD Louie Corp. (C/O Jennifer Wong)		darryljenn@gmail.com

**Appendices:**

- 1 Appendix 'A' - 511 Brock Street Prior to Demolition
- 2 Appendix 'B' - Proposed Development
- 3 Appendix 'C' - City Council Decision



# APPENDIX 'A'

## LOCATION MAP



## LOCATION MAP



SUBJECT PROPERTY : 511 BROCK STREET



APPENDIX 'A'

511 Brock Street Prior to Demolition





APPENDIX 'A'

511 Brock Street Prior to Demolition





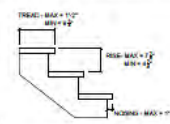
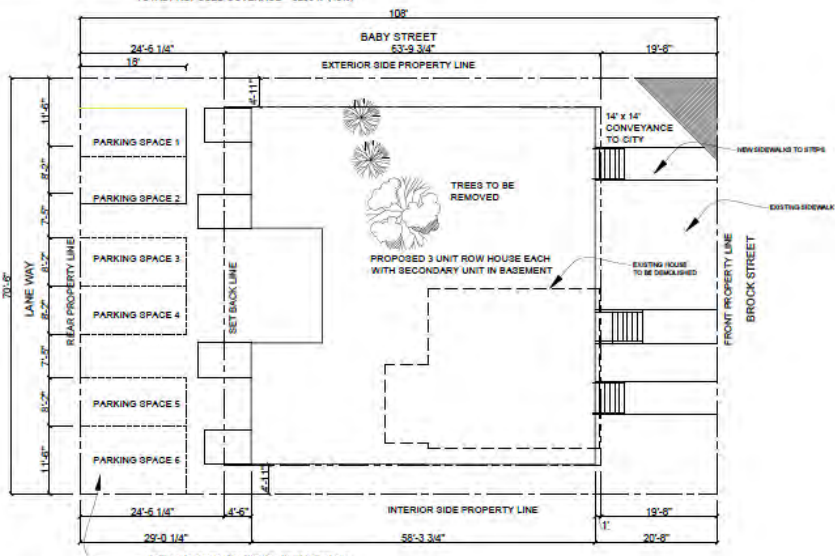
APPENDIX 'A'

511 Brock Street Prior to Demolition



# APPENDIX 'B'

## PROPOSED DEVELOPMENT

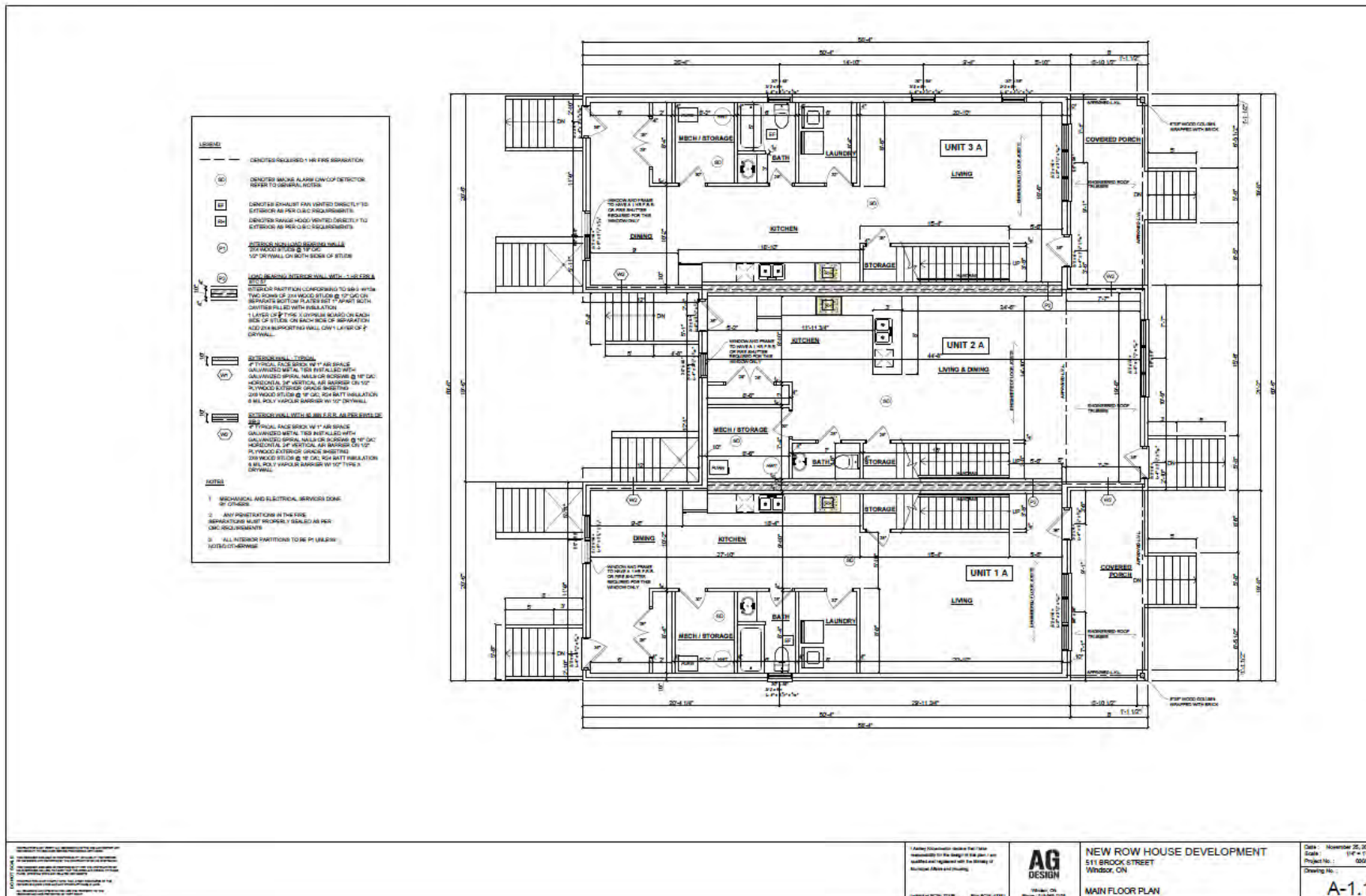
GENERAL NOTES	STAIR AND GUARD INFORMATION	
<p><b>CODE AND PRIORITIES</b></p> <p>THESE PLANS HAVE BEEN PREPARED IN ACCORDANCE WITH THE CURRENT EDITION OF THE ONTARIO BUILDING CODE. THE OWNER, BUILDER IS RESPONSIBLE FOR ENSURING THAT ANY CHANGES TO THE CODE ARE COMPLIED WITH AND ALL AMBIGUITY AND INCONSISTENCY IN THE CONSTRUCTION OF THIS PLAN, ALL WORK SHALL CONFORM TO LOCAL CODES AND BYLAW. IT IS THE OWNER'S SOLE RESPONSIBILITY TO NOTIFY AS TO ANY REQUIREMENTS THAT EXCEED THE ONTARIO BUILDING CODE.</p> <p><b>NOTES</b></p> <p>THE COMpressive STRENGTH OF CONCRETE AFTER 28 DAYS SHALL NOT BE LESS THAN:</p> <ul style="list-style-type: none"> <li>1) 30 MPa (4350 PSI) FOR GARAGE FLOOR, CARPETS FLOOR AND ALL EXTERIOR FLOORING</li> <li>2) 25 MPa (3600 PSI) FOR INTERIOR FLOOR OTHER THAN THOSE FOR GARAGE AND CARPETS</li> <li>3) 20 MPa (2900 PSI) FOR WALLS, COLUMNS, FOOTINGS, PILES AND OTHER APPLICATIONS</li> </ul> <p>SETS MATCHED CONCRETE SHALL CONFORM TO THE ONTARIO BUILDING CODE REQUIREMENTS.</p> <p>WHERE THE AIR TEMPERATURES BELOW FLOOR CONCRETE SHALL BE NOT AT A TEMPERATURE OF NOT LESS THAN 10°C OR MORE THAN 20°C WHILE BEING PLACED AND MAINTAINED AT A TEMPERATURE OF NOT LESS THAN 10°C FOR 7 HOURS AFTER PLACING. NO FROST MATERIAL OR ICE SHALL BE USED IN THE CONCRETE.</p> <p><b>FOOTINGS</b></p> <p>FOOTINGS AND PAD ARE TO BE PLACED ON UNDISTURBED SOIL, ROCK OR COMPACTED GRANULAR FILL, TO AN ELEVATION BELOW FROST PENETRATION WITH A MINIMUM SOIL BEARING CAPACITY OF 25 KPA. IT IS THE RESPONSIBILITY OF THE OWNER/CONTRACTOR TO VERIFY THE SOIL BEARING CAPACITY PRIOR TO CONSTRUCTION. IT IS THE OWNER'S RESPONSIBILITY TO OBTAIN ALL NECESSARY PERMITS AND TO OBTAIN THE SERVICES OF A QUALIFIED PROFESSIONAL TO VERIFY THE FOUNDATION SHALL BE DESIGNED IN ACCORDANCE WITH ALL APPLICABLE CODES AND REGULATIONS.</p> <p><b>FOUNDATION WALLS</b></p> <p>FOUNDATION WALLS TO EXCEED A MINIMUM 1" ABOVE FINISHED GRADE.</p> <p>GRADE LINE ON PLANS ARE ASSUMED. OWNER/CONTRACTOR TO VERIFY.</p> <p>WHERE EXTERIOR FINISHED GROUND LEVEL IS AT A HIGHER ELEVATION THAN THE GRADE LEVEL, THE FOUNDATION WALLS SHALL BE DAMP PROOFED &amp; WHERE HYDROSTATIC PRESSURE OCCURS WATER PROOFING IS REQUIRED.</p> <p><b>WOOD FRAMING MEMBERS</b></p> <p>ALL WOOD FRAMING SHALL COMPLY WITH SECTION 9.2.3 OF THE ONTARIO BUILDING CODE.</p> <p>ALL STRUCTURAL FRAMING MEMBERS SHALL BE GRADE STAMPED AS BRULS - (P) - (R) - (S) - (P) - (R) - (S) OR WITHIN WITH A MOISTURE CONTENT OF 19% OR LESS AT TIME OF CONSTRUCTION.</p> <p>WOOD FRAMING MEMBERS THAT ARE NOT TREATED WITH A WOOD PRESERVATIVE AND BEAR ON CONCRETE OR IN DIRECT CONTACT WITH THE GROUND SHALL BE BRUSHED WITH A BURNED OR TYPED FULL ROOFING.</p> <p>ALL NOTCHING AND DRILLING OF FRAMING MEMBERS SHALL CONFORM TO SUBSECTION 9.2.3.8 OF THE ONTARIO BUILDING CODE.</p> <p>FLUSHED FRAMED WOOD MEMBERS SHALL BE SUPPORTED WITH APPROPRIATE JOIST HANGERS AND FASTENERS.</p> <p><b>ROOF FRAMING</b></p> <p>ROOF SHEATHING SHALL BE INSTALLED WITH THE GRADE OR GRAIN AT RIGHT ANGLES TO THE ROOF FRAMING JOISTS PERPENDICULAR TO ROOF ROSS SHALL BE STAGGERED WITH EDGES SUPPORTED ON TRUSSES. IT IS THE RESPONSIBILITY OF THE OWNER/CONTRACTOR TO VERIFY THE ROOF BEARING CAPACITY PRIOR TO CONSTRUCTION. IT IS THE RESPONSIBILITY OF THE OWNER/CONTRACTOR TO OBTAIN ALL NECESSARY PERMITS AND TO OBTAIN THE SERVICES OF A QUALIFIED PROFESSIONAL TO VERIFY THE FOUNDATION SHALL BE DESIGNED IN ACCORDANCE WITH ALL APPLICABLE CODES AND REGULATIONS.</p> <p>VENTILATION OF ROOF SPACE TO BE VENTED TO A MINIMUM OF 1% OF INSULATED ROOF AREA.</p> <p><b>MECHANICAL &amp; ELECTRICAL</b></p> <p>MECHANICAL AND ELECTRICAL SERVICES DONE BY OTHERS.</p> <p><b>SMOKE ALARMS</b></p> <p>SMOKE ALARMS SHALL CONFORM TO CANULATED "SMOKE ALARMS"</p> <p>SMOKE ALARMS SHALL BE INSTALLED ON OR NEAR THE CEILING AND BE INSTALLED AS PER CANULATED "INSTALLATION OF SMOKE ALARMS"</p> <p>SMOKE ALARMS SHALL HAVE A VISUAL SIGNALING COMPONENT CONFORMING TO THE REQUIREMENTS BY N.E.C. OF I.P.A. TO "NATIONAL FIRE ALARM AND SIGNALING CODE"</p> <p>SMOKE ALARMS SHALL BE INSTALLED WITH PERMANENT CONNECTIONS TO AN ELECTRICAL CIRCUIT. OWNER/CONTRACTOR TO OBTAIN ALL NECESSARY PERMITS AND TO OBTAIN THE SERVICES OF A QUALIFIED PROFESSIONAL TO VERIFY THE FOUNDATION SHALL BE DESIGNED IN ACCORDANCE WITH ALL APPLICABLE CODES AND REGULATIONS.</p> <p>ALL SMOKE ALARMS SHALL BE INTERCONNECTED SO THE ACTIVATION OF ONE ALARM WILL CAUSE ALL ALARMS TO SOUND.</p> <p><b>GLAZING</b></p> <p>GLAZING THAT REQUIRE A CRACKOUT SHALL BE EQUIP WITH A CRACKOUT LOCK WITH A CYLINDER OPERATING NO MORE THAN ONE PINE AND A BUILT "TIGHTENED" LESS THAN 20MM (3/4") PROTECTED WITH A BUILT OR HARDENED FIBRE TURNED IN OR REVERSED OUTSIDE FACING.</p>	 <p><b>STAIRS</b></p> <p>STAIRS SHALL HAVE A RISE OF NOT LESS THAN 175</p> <p>THE CLEAR HEIGHT OVER STAIRS SHALL BE NOT LESS THAN 2'0"</p> <p>STAIRS SHALL HAVE A UNIFORM HEIGHT IN ANY ONE FLIGHT WITH A MAXIMUM TOLERANCE OF 3" BETWEEN ADJACENT TREADS AND 3" BETWEEN THE TALLEST AND SHORTEST RISER IN A FLIGHT</p> <p>TREADS SHALL HAVE A UNIFORM RUN WITH A MAXIMUM TOLERANCE OF 3" BETWEEN ADJACENT TREADS, AND 3" BETWEEN THE DEEPEST AND SHALLOWEST TREADS IN A FLIGHT</p> <p><b>HANDRAILS</b></p> <p>THE HEIGHT OF HANDRAILS OVER STAIRS SHALL NOT EXCEED 36" FROM THE FINISHED FLOOR</p> <p><b>GUARDS</b></p> <p>THE MINIMUM HEIGHT OF GUARDS SHALL BE NOT LESS THAN 42"</p> <p>ALL GUARDS SHALL BE CONSTRUCTED AS PER 9.6.1 REQUIREMENTS</p>	<p>LOT AREA = 7514 sq ft</p> <p>TOTAL ALLOWABLE COVERAGE = 3426 sq ft (45%)</p> <p>TOTAL PROPOSED COVERAGE = 3256 sq ft (43%)</p>
		 <p><b>SITE PLAN</b></p> <p>1:1000</p>
<p>AG DESIGN INC. 1100 SHEPPARD AVENUE EAST, SUITE 101, SCARBOROUGH, ONTARIO M1B 3Y1</p> <p>1100 SHEPPARD AVENUE EAST, SUITE 101, SCARBOROUGH, ONTARIO M1B 3Y1</p> <p>1100 SHEPPARD AVENUE EAST, SUITE 101, SCARBOROUGH, ONTARIO M1B 3Y1</p> <p>1100 SHEPPARD AVENUE EAST, SUITE 101, SCARBOROUGH, ONTARIO M1B 3Y1</p> <p>1100 SHEPPARD AVENUE EAST, SUITE 101, SCARBOROUGH, ONTARIO M1B 3Y1</p>	<p>AG DESIGN INC. 1100 SHEPPARD AVENUE EAST, SUITE 101, SCARBOROUGH, ONTARIO M1B 3Y1</p> <p>1100 SHEPPARD AVENUE EAST, SUITE 101, SCARBOROUGH, ONTARIO M1B 3Y1</p> <p>1100 SHEPPARD AVENUE EAST, SUITE 101, SCARBOROUGH, ONTARIO M1B 3Y1</p> <p>1100 SHEPPARD AVENUE EAST, SUITE 101, SCARBOROUGH, ONTARIO M1B 3Y1</p> <p>1100 SHEPPARD AVENUE EAST, SUITE 101, SCARBOROUGH, ONTARIO M1B 3Y1</p>	<p>AG DESIGN INC. 1100 SHEPPARD AVENUE EAST, SUITE 101, SCARBOROUGH, ONTARIO M1B 3Y1</p> <p>1100 SHEPPARD AVENUE EAST, SUITE 101, SCARBOROUGH, ONTARIO M1B 3Y1</p> <p>1100 SHEPPARD AVENUE EAST, SUITE 101, SCARBOROUGH, ONTARIO M1B 3Y1</p> <p>1100 SHEPPARD AVENUE EAST, SUITE 101, SCARBOROUGH, ONTARIO M1B 3Y1</p> <p>1100 SHEPPARD AVENUE EAST, SUITE 101, SCARBOROUGH, ONTARIO M1B 3Y1</p>





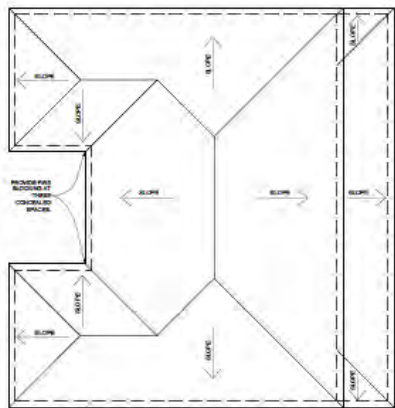
# APPENDIX 'B'

## PROPOSED DEVELOPMENT

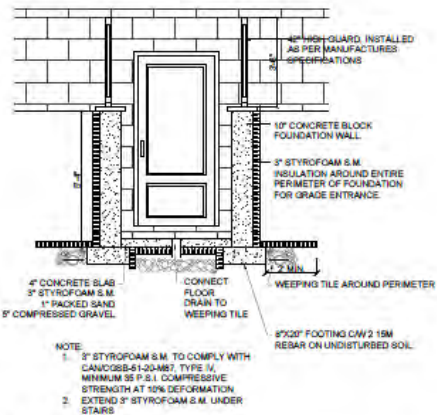


# APPENDIX 'B'

## PROPOSED DEVELOPMENT

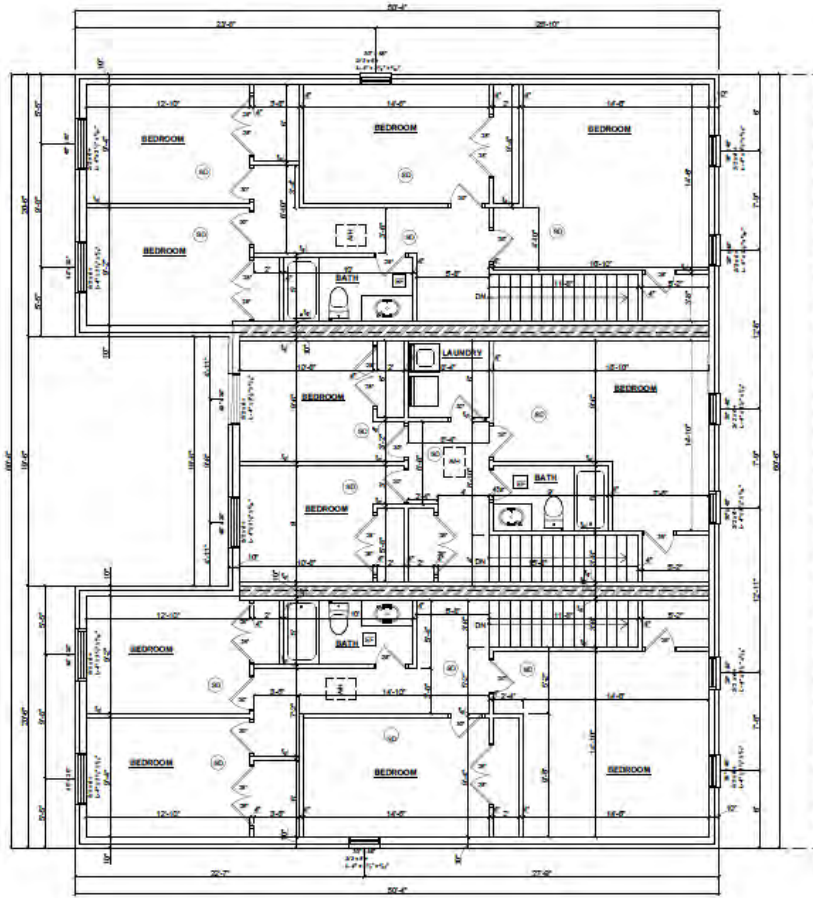


**ROOF PLAN**  
SCALE: 3/4" = 1'-0"



**GRADE ENTRANCE DETAIL**  
SCALE: 3/4" = 1'-0"

- LEGEND**
- DETECTOR REQUIRED 1/4" FIRE SEPARATION
  - (AC) DETECTOR BEEPS ALARM ON VFD DETECTOR REFER TO GENERAL NOTES
  - (FV) DETECTOR HOUSING FAN VENTED DIRECTLY TO EXTERIOR AS PER OMC REQUIREMENTS
  - (PI) EXTERIOR NON-LOAD BEARING WALLS 20" WOOD STUDS @ 16" O.C. 1/2" DRYWALL ON BOTH SIDES OF STUDS
  - (LW) LOAD BEARING EXTERIOR WALL WITH 1 W/600'S & 2 W/8'S EXTERIOR PARTITION CONCRETE TO 36" H WITH TWO ROWS OF 20" WOOD STUDS @ 16" O.C. ON SEPARATE BOTTOM PLATES SET 1" APART WITH CENTERED 1/2" WOOD INSULATION 1 LAYER OF 5/8" TYPE X GYP BOARD ON EACH SIDE OF STUDS ON EACH SIDE OF SEPARATION AND 2X4 SUPPORTING WALL ON 1 LAYER OF 5/8" DRYWALL
  - (TW) EXTERIOR WALL TYPICAL 2" TYPICAL GIBBS BRICK 12" HAY BRICK GALVANIZED METAL TRUSS RAFTERS WITH GALVANIZED STEEL WALLS OR ROOFING @ 16" O.C. HORIZONTAL 2" VERTICAL OR BARRER @ 16" O.C. 1/4" WOOD EXTERIOR BRICK BARRER 20" WOOD STUDS @ 16" O.C. FOR RAFT INSULATION 1 W/6 POLY VAPOR BARRER BY 1/2" DRYWALL
  - (AW) ATRIO ACCESS HATCH 2" TYPICAL METAL AS PER OMC REQUIREMENTS
- NOTES**
1. MECHANICAL AND ELECTRICAL SERVICES DONE BY OTHERS
  2. ANY PENETRATIONS IN THIS FLOOR SEPARATION MUST PROPERLY FLASH AS PER OMC REQUIREMENTS
  3. ALL INTERIOR PARTITIONS TO 86 PS UNLESS NOTED OTHERWISE



**AG DESIGN**  
NEW ROW HOUSE DEVELOPMENT  
511 BROOK STREET  
Windsor, ON  
SECOND FLOOR PLAN, ROOF PLAN & DETAIL

Date: November 25, 2022  
Scale: 1/4" = 1'-0"  
Project No.: 00020  
Drawing No.: A-1.2



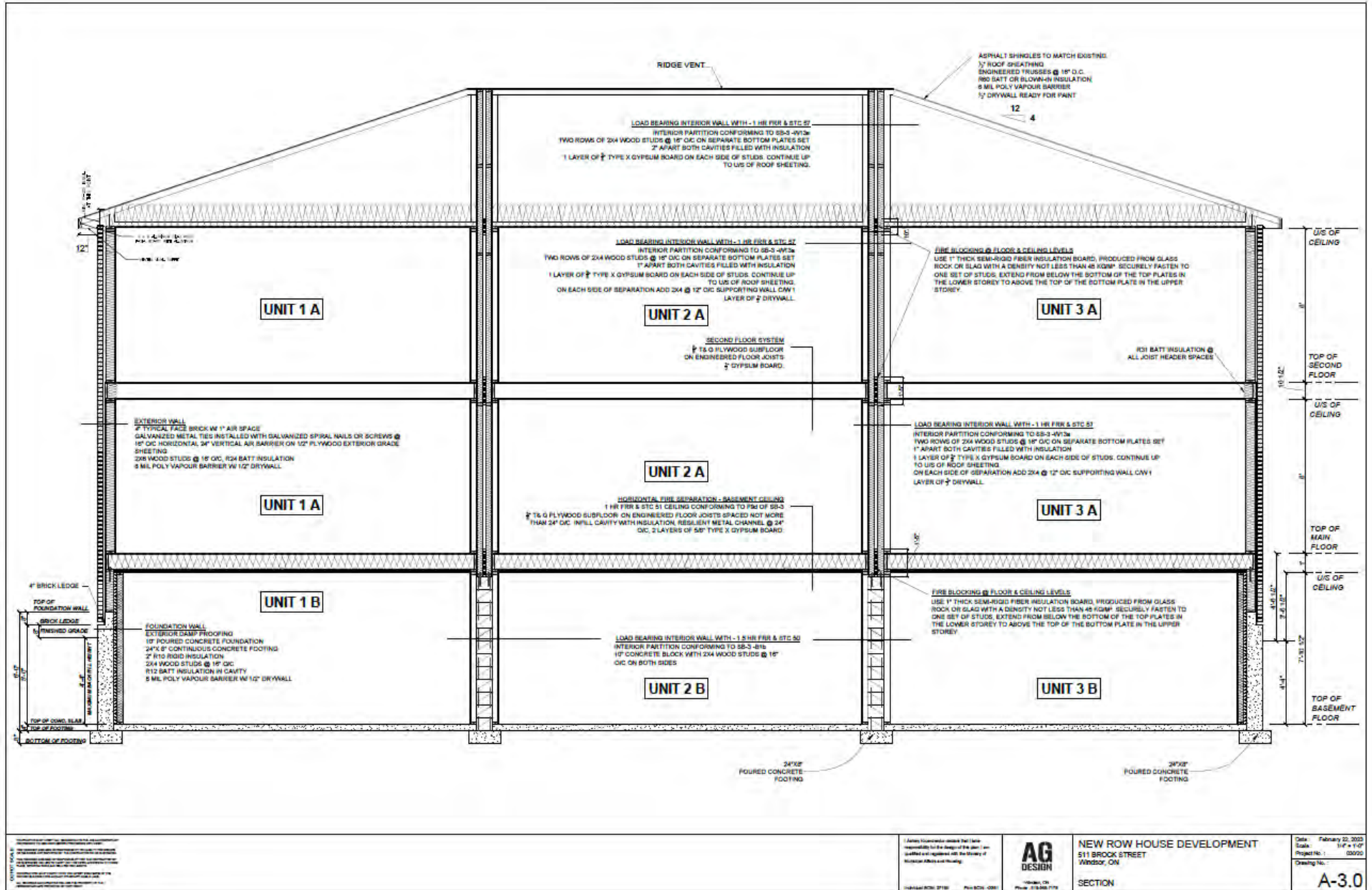
# APPENDIX 'B'

## PROPOSED DEVELOPMENT



# APPENDIX 'B'

## PROPOSED DEVELOPMENT



## APPENDIX 'C'

### CITY COUNCIL DECISION



### OFFICE OF THE CITY CLERK COUNCIL SERVICES

Phone: (519)255-6211

CITY HALL  
WINDSOR, ONTARIO  
N9A 6S1

Fax: (519)255-6868

E-mail: [clerks@citywindsor.ca](mailto:clerks@citywindsor.ca)

WEBSITE: [www.citywindsor.ca](http://www.citywindsor.ca)

### City Council Decision Monday, July 05, 2021

Moved by: Councillor Kaschak  
Seconded by: Councillor McKenzie

Decision Number: [CR307/2021 DHSC 294](#)

- I. That the Chief Building Official **BE AUTHORIZED** to issue a demolition permit to the registered owner JD LOUIE CORP. (C/O Jennifer Wong), to demolish a two (2) storey three-unit dwelling located at 511 Brock Street (see Appendix 'A'), to construct a two (2) storey three (3)-unit townhome dwelling with three Additional Dwelling Units (one per unit) when an executed Site Plan Control Agreement has been registered on title with the appropriate securities to ensure the redevelopment occurs within a specified time period to fulfill the conditions of the Site Plan Control Agreement;
- II. That any minor changes **BE SUBJECT** to the approval of the City Planner and Chief Building Official at the time of issuance of the Building Permit;
- III. That the Chief Building Official **BE DIRECTED** to require, as a condition of the demolition permit:
  - i. The Redevelopment identified in Appendix 'B' and Site Plan be substantially complete within two (2) years following the issuance of the demolition permit;
  - ii. If the redevelopment, including construction of a new building, is not substantially complete within two (2) years of the commencement of the demolition the Clerk enter the sum of Sixty Thousand Dollars (\$60,000) on the collectors roll of the property and prepare a certificate for registration;
- IV. That the City Solicitor **BE DIRECTED** to register the certificate in the land registry office against the property;
- V. That the request for incentives under the Sandwich Incentive Program made by the registered owner (JD Louie Corp.) of the property located at 511 Brock Street, **BE APPROVED** for the following programs:

# APPENDIX 'C'

## CITY COUNCIL DECISION



### OFFICE OF THE CITY CLERK COUNCIL SERVICES

Phone: (519)255-6211

CITY HALL  
WINDSOR, ONTARIO  
N9A 6S1

Fax: (519)255-6868

E-mail: [clerks@citywindsor.ca](mailto:clerks@citywindsor.ca)

WEBSITE: [www.citywindsor.ca](http://www.citywindsor.ca)

- i. *Development and Building Fees Grant* for 100% of the Development and Building Fees identified in the Sandwich CIP to a Maximum amount of (+/- \$20,000);
  - ii. *Revitalization Grant Program* for 70% of the municipal portion of the tax increment for up to 10 years (+/- \$4,465 per year);
- VI. That the CAO and City Clerk **BE AUTHORIZED** to sign the Sandwich Incentive Program Agreement for the *Revitalization Grant* in accordance with all applicable policies, requirements, and provisions contained within the Olde Sandwich Towne Community Improvement Plan to the satisfaction of the City Planner as to content, the City Solicitor as to legal form, and the CFO/City Treasurer as to financial implication;
- VII. That funds in the maximum amount of \$20,000 under the *Development Building Fees Grant Program* **BE TRANSFERRED** from the CIP Reserve Fund 226 to the *Sandwich Community Development Plan Fund* (Account 7076176);
- VIII. That grants **BE PAID** to JD LOUIE CORP. (C/O Jennifer Wong) upon completion of the two (2) storey three (3)-unit townhome dwelling with three Additional Dwelling Units from the *Sandwich Community Development Plan Fund* (Account 7076176) to the satisfaction of the City Planner and Chief Building Official; and,
- IX. That grants approved **SHALL LAPSE** if the applicant has not completed the work and fulfilled the conditions within 2 years of the approval date.

Carried.

Report Number: SCM 207/2021 & S 56/2021

Clerk's File: Z/8581 8.14

*Anna Ciacelli*

Deputy City Clerk

March 14, 2023

#### Department Distribution

Kevin Alexander	Planner III – Special Projects
Neil Robertson	Manager of Urban Design
Josie Gualtieri	Financial Planning Administrator
John Revell	Chief Building Official



# APPENDIX 'C'

## CITY COUNCIL DECISION



### OFFICE OF THE CITY CLERK COUNCIL SERVICES

Phone: (519)255-6211

CITY HALL  
WINDSOR, ONTARIO  
N9A 6S1

Fax: (519)255-6868

E-mail: [clerks@citywindsor.ca](mailto:clerks@citywindsor.ca)

WEBSITE: [www.citywindsor.ca](http://www.citywindsor.ca)

Thom Hunt	City Planner / Executive Director of Planning and Building Services
Wira Vendrasco	Deputy City Solicitor
Shelby Askin Hager	Commissioner, Legal & Legislative Services
Janice Guthrie	Deputy Treasurer, Taxation & Financial Planning
Joe Mancina	Commissioner, Corporate Services / Chief Financial Officer / City Treasurer
Jason Reynar	Chief Administrative Officer

#### External Distribution

JD Louie Corp. (C/O Jennifer Wong)	226 Cameron Avenue, Windsor, ON N9B 1Y6	darryljenn@gmail.com
Dr. Greg Hanaka	Sandwich Town BIA	ghanaka@aol.com
Mary Anne Cuderman	Sandwich Town BIA	macuderman@hotmail.com



**Subject: Brownfield Redevelopment Community Improvement Plan (CIP) application submitted by 1364722 Ontario Limited (King Holdings) for 930 Marion Avenue (Ward 4)**

Moved by: Councillor Mark McKenzie  
Seconded by: Councillor Angelo Marignani

Decision Number: **DHSC 509**

- I. THAT the request made by 1364722 Ontario Limited (King Holdings) to participate in the Environmental Site Assessment Grant Program **BE APPROVED** for the completion of a proposed Phase II Environmental Site Assessment Study for property located at 930 Marion Avenue pursuant to the City of Windsor Brownfield Redevelopment Community Improvement Plan;
- II. THAT the City Treasurer **BE AUTHORIZED** to issue payment up to a maximum of \$15,000 based upon the completion and submission of a Phase II Environmental Site completed in a form acceptable to the City Planner and City Solicitor;
- III. THAT the grant funds in the amount of \$15,000 under the Environmental Site Assessment Grant Program **BE TRANSFERRED** from the CIP Reserve Fund 226 to Brownfield Strategy Remediation (project 7069003) when the eligible work is completed to the satisfaction of the City Planner;
- IV. THAT should the proposed Phase II Environmental Site Assessment Study not be completed within two (2) years of Council approval, the approval **BE RESCINDED** and the funds be uncommitted and made available for other applications.

Carried.

Report Number: S 45/2023  
Clerk's File: SPL2023

**Clerk's Note:**

1. The recommendation of the Development & Heritage Standing Committee and Administration are the same.



2. Please refer to Item 11.4 from the Development & Heritage Standing Committee held on May 1, 2023.
3. To view the stream of this Standing Committee meeting, please refer to:  
<https://csg001-harmony.sliq.net/00310/Harmony/en/PowerBrowser/PowerBrowserV2/20230501/-1/9408>

**Subject: Brownfield Redevelopment Community Improvement Plan (CIP) application submitted by 1364722 Ontario Limited (King Holdings) for 930 Marion Avenue (Ward 4)**

**Reference:**

Date to Council: May 1, 2023  
Author: Greg Atkinson, Senior Planner  
519-255-6543 ext. 6582  
gatkenson@citywindsor.ca

Report Date: April 6, 2023  
Clerk's File #: SPL2023

**To:** Mayor and Members of City Council

**Recommendation:**

- I. THAT the request made by 1364722 Ontario Limited (King Holdings) to participate in the Environmental Site Assessment Grant Program **BE APPROVED** for the completion of a proposed Phase II Environmental Site Assessment Study for property located at 930 Marion Avenue pursuant to the City of Windsor Brownfield Redevelopment Community Improvement Plan;
- II. THAT the City Treasurer **BE AUTHORIZED** to issue payment up to a maximum of \$15,000 based upon the completion and submission of a Phase II Environmental Site completed in a form acceptable to the City Planner and City Solicitor;
- III. THAT the grant funds in the amount of \$15,000 under the Environmental Site Assessment Grant Program **BE TRANSFERRED** from the CIP Reserve Fund 226 to Brownfield Strategy Remediation (project 7069003) when the eligible work is completed to the satisfaction of the City Planner;
- IV. THAT should the proposed Phase II Environmental Site Assessment Study not be completed within two (2) years of Council approval, the approval **BE RESCINDED** and the funds be uncommitted and made available for other applications.

**Executive Summary:**

N/A

## **Background:**

### **Brownfield Redevelopment Community Improvement Plan (CIP)**

Brownfield sites are properties that may be contaminated due to previous industrial or commercial uses such as a manufacturing facility or gas station. City Council approved a Brownfield Redevelopment CIP at its April 19, 2010 meeting for the purpose of encouraging the study, clean-up, and redevelopment of contaminated properties. The approval of the CIP was the result of nearly five years of study and consultation, which began in October 2005.

### **Importance of Brownfield Redevelopment**

In 2009 the City's Planning Department identified 137 brownfield properties (i.e. 226 hectares or 559 acres) that are candidates for redevelopment. While the inventory is not exhaustive, it illustrates the significance of Windsor's brownfield stock and the need to work with land owners to put these properties back into productive use. Based on approvals to date under the Brownfield CIP a total of 30.4 hectares (75.1 acres) or 13.5% of the inventory has been or is planned to be redeveloped. In total Council has approved over 50 applications under the CIP, which represents the potential addition of 1,225 residential dwelling units.

Historically, there has been little interest in redeveloping brownfield sites due to the uncertainty surrounding the extent of contamination and the potential cost of clean-up. The Brownfield Redevelopment CIP provides financial incentives to undertake the necessary studies and remedial work necessary to redevelop brownfield sites and reduce the potential negative impacts to the City's environment and neighbourhoods.

The benefits associated with brownfield redevelopment go far beyond the boundaries of the property. For example, they are often strategically located within existing built up areas of the City where services and other infrastructure, such as roads, schools, community facilities and public transit are already available, therefore additional infrastructure costs are not incurred to service these areas. The redevelopment of these sites also remove the negative stigma often associated with brownfield properties, which increases the value of the subject property and adjacent properties.

Brownfield sites also represent a significant underutilization of the land base. According to the National Round Table on the Environment and the Economy (2003), every hectare redeveloped through a brownfield project saves up to an estimated 4.5 hectares of greenfield land from being developed (i.e. agricultural land on the edge of the City); and for every dollar invested in a brownfield redevelopment, it is estimated that \$3.80 is invested in the economy.

## **Site Background**

The subject site is located on the east side of Marion Avenue between Niagara Street and Erie Street East—between the Downtown and Walkerville neighbourhoods (see location map). The property is 0.6 hectares (or 1.5 acres) in size and currently contains a vacant building. The site is designated 'Residential' on Official Plan Schedule D: Land Use and was rezoned in 2020 from Institutional to Residential District 3.15, which permits a Multiple Dwelling, Lodging House and Residential Care Facility.

The site was historically used as a school and residential purposes. Most recently the former school building was occupied by Science City, which is considered a commercial use. The principal owner of 1364722 Ontario Limited (King Holdings) is Mr. James King.

## **Discussion:**

### **Environmental Site Assessment Grant Program**

The Environmental Site Assessment (ESA) Grant Program offers a matching grant to property owners of brownfield sites to conduct environmental studies that provide information on the type and extent of contamination and potential remediation costs. The program offers 50% of the cost of an eligible study up to a maximum of \$15,000. If two studies are required, an additional \$10,000 is available for a maximum total grant value of \$25,000.

The owner proposes to redevelop the property for residential use, which requires the filing of a Record of Site Condition (RSC) with the Ministry of the Environment, Conservation and Parks. The owner has completed a Phase I Environmental Site Assessment (ESA) study to support the redevelopment of the property. The Phase I ESA study identified areas of potential environmental concern, and recommends that a Phase II ESA study be completed to assess the existing soil and groundwater conditions at the site and delineate the extent of any contamination (if required). The Phase II ESA study is necessary to support the filing of a RSC.

Clearly identifying the type and delineating the extent of any contamination is an essential step in moving forward with redevelopment plans. Upon completion, the City would retain a copy of the final study report.

### **CIP Goals**

City staff is supportive of the application as it meets all of the eligibility requirements specified within the Brownfield Redevelopment CIP. The proposed study of the subject site also supports the following CIP goals:

- To promote the remediation, rehabilitation, adaptive re-use and redevelopment of brownfield sites throughout the City of Windsor in a fiscally responsible and sustainable manner over the long term;
- Improve the physical and visual quality of brownfield sites;
- Improve environmental health and public safety;
- Provide opportunities for new housing, employment uses, and commercial uses;
- Increase tax assessment and property tax revenues;
- Promote Smart Growth, including the reduction of urban sprawl and its related costs;
- Increase community awareness of the economic, environmental and social benefits of brownfield redevelopment; and
- Utilize public sector investment to leverage significant private sector investment in brownfield remediation, rehabilitation, adaptive re-use, and redevelopment.

### **Policy Support**

The study of brownfield sites to support clean up and redevelopment is supported by policies within the 2020 Provincial Policy Statement, the City's Official Plan and the City's Environmental Master Plan.

### **Risk Analysis:**

As with all brownfield sites, there is a degree of risk associated with the property remaining vacant. Uncertainty related to the presence of contamination will continue to act as a barrier to redevelopment if not addressed.

The proposed Phase II ESA study will assist in mitigating the above noted risk by providing an estimated cost to remediation and establishing next steps in the remediation process.

### **Climate Change Risks**

#### **Climate Change Mitigation:**

The proposed residential redevelopment implements Environmental Master Plan Objective C1: Encourage in-fill and higher density in existing built areas. In particular, the redevelopment would implement the action that supports the existing Brownfields Redevelopment Strategy and achieve its work plan.

#### **Climate Change Adaptation:**

The proposed residential redevelopment may be affected by climate change, in

particular with respect to extreme precipitation and an increase in days above 30 degrees. While not the subject of this report, any new construction would be required to meet the current provisions of the Building Code, which would be implemented through the building permit process. The site would also be required to incorporate storm water management best practices. Any site plan control application will be reviewed for opportunities to enhance resiliency.

### **Financial Matters:**

The cost estimate (excluding HST) for completing the proposed Phase II ESA study is \$31,100. If approved, the maximum grant would total \$15,000. Should the actual costs of the study be less than what has been estimated, the grant payments would be based on the lower amount.

If approved, the grant would be paid from the Brownfield Strategy Remediation Fund (Project #7069003). The funds would be transferred from CIP reserve fund 226 for payment when the eligible study is complete. The current uncommitted balance of the CIP reserve fund is \$823,006 however this balance does not account for other CIP grant requests that are currently being considered by the standing committee or have been endorsed by the standing committee and are not yet approved by City Council.

### **Consultations:**

The development and approval of the Brownfield Redevelopment CIP was subject to extensive stakeholder and public consultation, which sought input from a wide range of stakeholders and internal City departments.

Planning staff have consulted with the applicant prior to accepting the application for the Environmental Study Grant program. Staff from the Planning, Finance, and Legal Departments were consulted in the preparation of this report.

### **Conclusion:**

City Staff recommend Council approve the request from 1364722 Ontario Limited (King Holdings) to participate in the Environmental Site Assessment Grant Program. In the opinion of planning staff, the proposed study conforms to the Brownfield Redevelopment CIP and assists the City in the achievement of a number of the CIP goals.



**Planning Act Matters:**

N/A

**Approvals:**

<b>Name</b>	<b>Title</b>
Josie Gualtieri	Financial Planning Administrator
Michael Cooke	Manager of Planning Policy / Deputy City Planner
Thom Hunt	City Planner / Executive Director, Planning & Development Services
Wira Vendrasco	Deputy City Solicitor, Legal Services & Real Estate
Joe Mancina	Commissioner, Corporate Services Chief Financial Officer / City Treasurer
Jelena Payne	Commissioner, Economic Development & Innovation
Onorio Colucci	Chief Administration Officer

**Notifications:**

<b>Name</b>	<b>Address</b>	<b>Email</b>
Stephen Berrill		sberrill@ada-architect.ca

**Appendices:**

1. Location Map



## LOCATION MAP : 930 MARION AVENUE



SUBJECT PROPERTY



**Item No. 10.1**



**Committee Matters: SCM 132/2023**

**Subject: Report No. 1 of the City Hall Square Plaza Project Steering Committee**

**REPORT NO. 1**  
of the  
**CITY HALL SQUARE PLAZA PROJECT STEERING COMMITTEE**  
Meeting held April 21, 2023

**Present:** Councillor Renaldo Agostino  
Councillor Angelo Marignani  
Councillor Jim Morrison

The City Hall Square Plaza Project Steering Committee submits the following recommendations:

Moved by Councillor Jim Morrison, seconded by Councillor Angelo Marignani,

- I. THAT the Steering Committee **RECEIVE** for information the “WEC Project Report” completed by FORREC;
- II. THAT the Steering Committee **APPROVE** the adoption of the concept design “Light the Path,” (Appendix A) as the City Hall Square Plaza and Civic Esplanade preferred conceptual design;
- III. That the Steering Committee **RECEIVE** for information the concept designs (Appendix A – Section 4&5) for crossing Riverside Drive at the foot of the Civic Esplanade;
- IV. THAT the Steering Committee **RECEIVE** for information the Phasing and Implementation Plan (Appendix C) for information;
- V. THAT the Steering Committee **RECEIVE** for information the project financial summary for the City Hall Square Plaza and Civic Esplanade (Appendix C) dated April 7, 2023; and
- VI. That the Steering Committee **RECEIVE** for information the “What We Heard Report” (Appendix B) submitted by Gloss Arch + Eng and FORREC.

Carried.

**NOTE:** The report of the Project Manager dated April 21, 2023 entitled “City Hall Square Plaza and Civic Esplanade Project” is **attached**.

---

Chair

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Committee Coordinator

## **Subject: City Hall Square Plaza and Civic Esplanade Project**

### **Reference:**

Date to Committee: April 21, 2023:  
Author: Stefan Fediuk  
Landscape Architect / Sr. Urban Designer (A)  
519-255-6543 ext.6025

Report Date: April 13, 2023  
Clerk's File #:

**To:** Steering Committee – City Hall Square Plaza and Civic Esplanade

### **Recommendation:**

- I. THAT the Steering Committee **RECEIVE** for information the “WEC Project Report” completed by FORREC;
- II. THAT the Steering Committee **APPROVE** the adoption of the concept design “Light the Path,” (Appendix A) as the City Hall Square Plaza and Civic Esplanade preferred conceptual design;
- III. That the Steering Committee **RECEIVE** for information the concept designs (Appendix A – Section 4&5) for crossing Riverside Drive at the foot of the Civic Esplanade;
- IV. THAT the Steering Committee **RECEIVE** for information the Phasing and Implementation Plan (Appendix C) for information;
- V. THAT the Steering Committee **RECEIVE** for information the project financial summary for the City Hall Square Plaza and Civic Esplanade (Appendix C) dated April 7, 2023; and
- VI. That the Steering Committee **RECEIVE** for information the “What We Heard Report” (Appendix B) submitted by Gloss Arch + Eng and FORREC.

### **Executive Summary:**

N/A



## **Background:**

On March 8, 1993, Council adopted the Civic Square Urban Design Study and Master Plan which set the physical and planning framework for the coordinated development of the “Civic Square” area of downtown. It envisioned the Civic Square developing over time as a unified governmental precinct (i.e. a campus) that acknowledged the rich context of the past and present conditions.

On January 20, 2014, City Council received a report for the development of a New City Hall Facility. (Report 16526) The report outlined the New City Hall Project and provided approval and direction. CR2012014. Moriyamma & Teshima Architects were hired to do the building design and accordingly a high level organizational concept was provided to the architect which incorporated the direction established by the Civic Square Urban Design Study and Master Plan and subsequent investments.

Council Resolution CR 422/2020 approved a budget of \$550,000 (plus applicable taxes) for the completion of **Phase 1 – Programming and Conceptual Design for the City Hall Square Plaza and Civic Esplanade.**

The first phase included providing a review and developing the direction for the Civic Esplanade, as well as detailed conceptual designs for City Hall Square Plaza. The City Hall Square Plaza is the area directly North of 350 City Hall. The Civic Esplanade is the linear park that connects the City Hall to Riverside Drive, and includes Charles Clarke Square, the area between the Police Station and the Casino, as well as the location known as the Civic Green, which extends between Pitt St. and Riverside Drive.

The stakeholder/public engagements helped shape and inform the project and help define the overall project program, and conceptual designs. The Planning Department is the project lead during the first phase and has been supported by Corporate Projects. The scope of Phase 1 includes:

- City Hall Square Plaza (CHSP) and Civic Esplanade (CE), from 350 City Hall and connecting to the riverfront;
- Evaluation of the existing conditions and previous master plans/studies;
- Public consultation and stakeholder engagements;
- Developing the CHSP & CE Project Programme;
- Updating the conceptual design for the length of the Civic Esplanade, with particular attention given to the impacts that the project will have on Charles Clark Square, and;
- Develop conceptual designs for the City Hall Square Plaza;
- Provide design options for Crossing Riverside Drive as per Council Direction **CR 475/2021**; and
- Provide a Design for new Councillor Parking and design for City Hall Square South.

FORREC and their team were awarded *RFP 59-20 Design Services for the Civic Esplanade and City Hall Square Phase 1.*



The design team has been working diligently with City staff and a broad range of external stakeholders to develop, analyze the existing conditions, review relevant historical documents, analyze similar projects in scopes, benchmark their findings through precedent studies, provide programme direction and develop a conceptual narrative that is Windsor specific and context appropriate.

The “WEC Report” outlines these efforts and includes:

- 1) **Project Brief** – outlining the History of the Site, the previous Urban Design Study, the New City Hall, and the project limits. (Appendix D – Part 1)
- 2) **Programming** – This section identifies the programme elements that were adopted for the project as part of the ICIP Grant application. It also identifies programme elements that were suggested through stakeholder engagements and a scale study of major programming elements. (appendix D – Part 2)
- 3) **Benchmarking Documents** – outlining precedent studies of comparable civic spaces from around Canada and the United States. It also analyzes existing street design from an experiential perspective. (Appendix D – Part 3)
- 4) **Site Analysis** – defines the current urban fabric, site features, infrastructure and pedestrian and vehicular circulation patterns, environmental conditions and microclimate studies, site features as well commemorative and public art, and significant view corridors. (Appendix D – Part 4)
- 5) **Swot Analysis** – Identifying the sites Strengths, Weaknesses, Opportunities and Threats. (Appendix D – Part 5)
- 6) **Overall Master Plan** - provides a framework for development of the five Segments of the Windsor Civic Esplanade and City Hall as well as two options for crossing Riverside Drive from the Esplanade to the Central Riverfront Lands (Appendix A)

## Discussion:

The Planning Department acted as project lead during the first phase of the project with support from Corporate Projects. This report is to provide City Council with the proposed concept and discuss the various components of City Hall Square Plaza and Civic Esplanade.

Based on the early consultations with both civic staff and public stakeholders, FORREC prepared three concept options (Appendix A –Part 2) which included:

- **Option 1: River Flow** – Water flow is elemental to the historical origins of communities; especially for the City of Windsor. Modelling the flow of crowd movement, the people centric design offers flexible programmatic experiences in a variety of urban scales that encourage enthusiastic exploration.

- **Option 2: Matrix Garden** – Conceptually, the Matrix looks to the larger context to consider the civic precinct as a civic park, rather than strictly confined by the axial orientation of the Esplanade. Program, activities, stories and art are woven throughout a hierarchy of paths, which tell the story of the land through the people, flora, fauna, ecology and innovation. A focus on tree planting and vegetated roofs enlarges the urban forest, providing shade, wind protection, promoting biodiversity and reducing stormwater run-off to reduce flooding.
- **Preferred Option 3: Light the Path** – Through time in this sentient space, pulsating pathways overlap to gather in shared spaces, defining the communal identity of this truly living place. Includes two gathering plazas with an ice rink in winter and a large splash pad in the summer..

**Preferred Civic Esplanade Design Option “Light the Path”**

The proposed “**Light The Path**” Concept for the Civic Esplanade and the City Hall Plaza (Appendix A- Part 3) illuminate these strategies by bringing the local stories to light, through the design, while incorporating open spaces and beacons along the path to create an invigorating, informative and exciting civic public realm. Developed along five segments the esplanade allows people to move freely along a meandering north-south access between City Hall and Rotary Plaza at the Riverfront.



Figure 1: Overall Master Plan

The concept incorporates; inspired lighting, engaging seating opportunities and gathering spaces, interactive art and water features, and entertaining venues for all demographics of the community.

**Segment 1 City Hall Square**

City Hall Square is the heart of the Civic Esplanade, and forms the keynote element of the Master Plan. A new type of civic space, it brings together the bold and nuanced ideas that distinguish the sequence of spaces leading from the Riverfront to City Hall.

The primary elements of the plan continue to “light the path” of history, culture and ideas that distinguish Windsor’s past, present and future through a variety of Sentinel Moments and an all new “Windsor Beacon”.

In the forecourt of City Hall, the outline of the former military barracks and Black Refugee housing continue the story of the Underground Railroad on the site while providing event space. An adjacent space features an interactive water feature with cooling jets, misting towers and a variety of seating. A new building, the Windsor Beacon, holds F&B vendors, a pavilion for exhibits and operational spaces. A new gateway, relocated Francophone moment and media screen engage visitors and enliven the experience.



**Figure 3: City Hall Plaza Aerial View**



**Figure 2: City Hall Plaza Perspective**

Key to the success of City Hall Square is the relocation of the Charles Clark Square ice rink. A temporary feature operating during the winter months, the new rink takes advantages of significant advances in ice and rink technology and construction in recent years.

The rink will be in the form of a skate trail, with a center island to discourage hockey and allow for seasonal displays. Portable curbs are frozen in place for stability and fully accommodate a Zamboni. The curbs are stored in the off-season in the nearby pavilion, along with the Zamboni. Freezing mechanism/rink pipes are encased in concrete below the paving and are indistinguishable during the summer months.



**Figure 4: City Hall Plaza Winter Perspective with Temporary Ice Rink**



The team explored a variety of alternatives for the rink location and configuration following City input and feedback. The final approved configuration of the ice rink is a linear oval, standard size as directed by the City.

### Segment 2 Charles Clarke Square

Charles Clark Square responds to the highly important priority of a flexible space for larger gatherings that also serves the community, nearby office workers and City staff, and residents. Like in Arts Park, paving patterns form creative geometric plazas and spaces that function as outdoor rooms, and can combine to host events. A stage with canopy and tiered planter invite performances while providing sheltered seating.



Figure 5: Aerial View of Segment 2 Charles Clarke Square

A food truck area features covered seating and café tables. Outdoor workspaces with solar canopies serve employees, entrepreneurs and students alike. The existing distinctive seating walls have been preserved to maintain a connection between the old and new, including new and existing monuments, signage and public art as Sentinels within the space.

### Segment 3 Arts Park

Referred to as “Arts Park, Segment 3 offers a series of flexible spaces which can be used individually to display permanent or evolving art installations, or combine to serve medium or even larger gatherings and performance. The spaces, paths and plazas are creating by paving colors and patterns with a variety of textures that define spaces without presenting barriers to larger group events. Even the level “turf panels” serve this function, creating green spaces for relaxation that can easily be used as seating for gatherings.



Figure 6: Segment 3 - Sculptural Seating



Figure 7: Segment 3 - Interactive Multimedia Wall

Sculptural seating walls provide a variety of options for sitting, lounging and contemplation, allowing individual enjoyment while inviting socialization and interaction. Interactive signage creates Sentinel Moments, conveying information on the Windsor art scene, history and events. An interactive multimedia wall allows visitors to create their own collaborative art mural, with each individual creating a part of an overall image.

#### **Segment 4 & 5 Riverside Plaza & Crossing at Riverside Drive**

The Central Riverfront Implementation Plan established several “Beacons” –small buildings crafted to celebrate key moments along the Riverwalk. One of the most important was the City Beacon -a new bridge crossing at Riverside Drive and the Esplanade.

While several of the Beacons have been constructed and are in use, the City Beacon has awaited the development of the Esplanade Master Plan. The two options in the Light the Path concept create a new City Beacon as a bridge and as a grade-level crossing, with a dramatic overlook that enjoys the spectacular view of the river and Detroit skyline.

The streetscape enhancements provide an optimal environment for either an at-grade, regulated crossing or a pedestrian bridge. Both options have been explored in this study.

This segment of the Esplanade begins and ends with a celebration of the remarkable history of the Underground Railroad on the site. Twin monuments in Windsor and Detroit, the Tower of Freedom and Gateway to Freedom, tell the harrowing stories of Black Freedom Seekers who came to Canada escaping slavery in the US. The two monuments are connected by an invisible line established at the time of construction by global coordinates. This line is “brought to light” extending from the Tower of Freedom to an overlook pointing directly toward the Gateway monument on the Detroit side. Telescopic viewers and interpretive signage allow visitors to see and understand the Detroit monument and the close relationship between the two cities. This layout is one of the important storytelling moments that create “Sentinels” –moments in time where



**Figure 8: Riverside Drive at Grade Crossing Option**

visitors can experience new ideas, understanding and knowledge of the history and culture of Windsor and the site.

The surrounding plaza provides flexible gathering space and seating for ceremonies and contemplation, with sculptural play elements to serve the families living nearby. Café tables and graffiti / mural walls provide opportunities for community

expression and storytelling.

At Riverside Drive, a raised, signalized crossing extends the plaza toward the River, creating a safer crossing experience. A tiered overlook reflects the former design of the “City Beacon”, imagined in the Riverfront Master Plan but never



**Figure 9: Riverside Dr Bridge Crossing Option**

constructed. A series of grand stairways create amphitheatre-like seating to enjoy views of the River and Detroit skyline. Glowing LED towers with cables appear to support the structure, while announcing the gateway to the Esplanade. A glass elevator creates access from the Riverwalk to the street level.

Inspired by a suggestion from City of Windsor staff, spiral slides provide a fun alternative route from the overlook to the river below. An additional Sentinel Moment referred to as “HELLO”, is imagined as an interactive media screen where visitors on both sides of the river can see each other, wave and take group selfies, celebrating the friendship between the two countries and cities. (see Segment 4&5 of Appendix A Part 3 - Preferred Option)

### **Preliminary Phases:**

**Phase 1) Segment 1** Complete Build out of City Hall Plaza with Pavilion building  
**Ice Rink Note\*** - In addition and exclusive of this estimate, through CR98/2022, the City has retained a MJMA Architects Ltd. under a separate contract to provide schematic design, engineering and architectural work as well as contract administration separately for the Ice Rink to be designed and installed based on the direction of WEC&CHP proposal from FORREC.

**Phase 2) Segment 2** – Charles Clarke Square rebuild

**Phase 3) Segment 3** – Art Space between the Police Station and the Casino

**Phase 4) Segments 4 & 5** and Crossing at Riverside Drive

- a. **Option 1: Grade Crossing**
- b. **Option 2: Bridge Crossing**

**Phase 5) Shared Streets** - Including University Avenue, Chatham Street, Pitt Street, Extension of Plaza between 350 and 400 City Hall Square, Construction of Councillor Parking lot at 185 City Hall Square South and raised Road along City Hall Square South. The Class D Estimated represents a total built out cost is dependant on the Riverside Drive crossing option that Council recommends.



## **Risk Analysis:**

A detailed risk analysis has been completed as part of the Project Charter and was adopted by Council Resolution CR 422/2021.

The project estimate provided by FORREC has provided a pricing contingency allowance in the cost estimate, however these prices are based on August 2022 pricing. Due to COVID-19 and a fluctuating construction cost, the sub-consultants has identified a disclaimer to the accuracy of this Class D estimate, as well as cost exclusions including:

- Professional Fees & Soft Costs
- Property Acquisitions
- Property Tax
- Legal Fees
- Survey Costs
- Risk Assessment / Risk Management Cost
- RFQ/RFP Costs
- Financing Costs
- Investigations & Studies Costs
- Client management & overhead costs
- Utility connection charges/fees
- Project risks contingency
- Building permit cost
- Premium Costs / Out of Hours Working / Overtime Cost
- Building Demolition, Hazardous material abatement, abnormal or contaminated soil conditions, phasing,
- moving costs or projected escalation to time of tender.

To proceed further with the design and construction of the Ice Rink CR98/2022, an approved master plan for City Hall Plaza would be necessary. Any delay in that approval, would likely result in the delay of the new ice rink being ready for the projected opening in December 2024.

The original dates for the master plan to be made public were anticipated for early 2022. Due to the COVID Epidemic, along with staffing changes, that date was pushed back to 2023. The stakeholders consulted have been patiently anticipating a masterplan for the Civic Esplanade and City Hall Plaza to be approved. Further delays could result in a reduction of community support, as well as further escalation in the anticipated costs.

Given the execution of this plan will span several years, approval of this master plan will still allow for further adaptation and flexibility of the ideas at the detail level. Site-specific amendments or changes over time to accommodate changing needs are anticipated, but as this is a high-level master-plan the built-in flexibility in the design can adapt to those changing needs into the future. Similarly, the budget presented is provided as a high-level budget for Council to consider in future budget deliberations.

## **Financial Matters:**

A Class D Estimate was prepared by Marshal & Murray as sub-consultants to FORREC based August 2022 dollars on the proposed master plan prepared by FORREC. The procurement method recommends lump sum fixed price bid proposals from approximately 3-6 general contractors when Requests for Tenders are performed. (Appendix "C")

Council previously approved a total of \$10.3 million for projects included in this umbrella of work. In addition, Council recently approved \$6.1 million in 2023 funding as part of the 2023 Capital Budget for work included as part of the broader Central Riverfront Improvement Plan & Civic Esplanade / Plaza project, PFO-003-15. A further \$21million was approved in principle for the 2024-2032 funding years.

These estimates are provided for conceptual planning. Current economic conditions have caused an extraordinary increase in inflation. As previously reported to City Council, capital projects, have been experiencing a significant increase in construction costs. The Construction Price Index for 2022 was 17%, with many City projects exceeding this inflationary index. Each project component would be brought to council with updated cost estimates at time of approval.

### **Consultations:**

Further to the “WEC Report” summary, the full “What We Heard” (Appendix B) has been attached for reference. The “What We Heard” report documents everything heard from the community through the course of the public engagement process for the City Hall Square Plaza and Civic Esplanade project.

The feedback has been used to direct the design of the project and help weigh priorities as the design has developed. Staff from Glos Arch + Eng and FORREC met with various departments of the City of Windsor, as well as community stakeholder groups to gather information critical to the project’s design. The list below comprises the engagement activities:

#### 1) Online Engagement

[www.windsorcivicesplanade.ca](http://www.windsorcivicesplanade.ca)

Website acts as a one-stop portal for all project information, updates, and engagement tools for the life of the project.

#### Engagement Tools:

- Interactive Map (62)
- Idea-Sharing Bulletin Board (43)
- Survey #1 (313)
- Email registration for updates

#### 2) Project Awareness Campaign

#### 3) Focus Groups (Internal) (6)

#### 4) Focus Groups (External) (14)

The focus group discussions were held over the course of a few months in the form of virtual meetings. Given the limited ability of virtual meetings to engage large groups of participants in a meaningful way, the meetings were held with individual groups which allowed the conversations to be focused and topical.

The feedback from the meetings and online engagement tools have been extensive. There were more than 20 focused virtual online meetings held with internal and external stakeholders. The online “Idea Sharing” tool received 43 unique ideas generated from the community. The online survey was comprised of 24 questions and had 313 responses. Further to that, the online “Interactive Mapping” tool invited participants to

add geo-located pins to a map of the site to highlight new ideas, point out what is currently working and also where problems currently exist.

Detailed documentation of the data collected is outlined in the “What We Heard” report (Appendix B) and all the collected data has been attached.

**Planning Act Matters:**

N/A

**Conclusion:**

The proposed concept for the Civic Esplanade and City Hall Plaza “Light the Path” prepared by FORREC is a result of interdepartmental collaboration, stakeholder and public consultation. The proposed design of the Civic Esplanade not only connects City Hall Plaza to the Windsor Riverfront but also the connection between Windsor (Canada) and Detroit (USA) demonstrates the long-standing socio-economic relationship between the two cities, as well as their respective countries. The concept based along the theme of the Underground Railway, strengthens that connection while also illuminating a much-overlooked historical aspect of the City of Windsor’s development.

The concept sets the framework for future development of the spaces along City Hall Square Plaza and the Civic Esplanade, by providing context, points of interest and objectives for community interaction, pedestrian movement and important civic public realm activity areas, such as; sitting and gathering areas, ice rink and water features, along with contemporary interactive media opportunities.

As in any other large-scale multi year project of this nature, the approval of the concept design , which is being sought via this council report still allows for further adaptation and flexibility over time to the ideas and the more detailed elements as presented in the plan. . Site-specific amendments or changes may be necessary over time in order to accommodate changing needs. Approval of this framework will allow for individual projects found in the Masterplan to move forward to the next steps for program development and eventually implementation.

It is the opinion of the Executive Committee for the City Hall Square Plaza and Civic Esplanade Project that the concept represents an appropriate design solution by which Council can be proud of and develop a municipal public realm where citizens and visitor of Windsor can experience the Corporate Vision of “Work, Live and Play”.

**Approvals:**

Please send copy of Approval via e-mail to clerks

c/o: **Karen Kadour** [kkadour@citywindsor.ca](mailto:kkadour@citywindsor.ca)

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**Stefan Fediuk**  
Sr. Urban Designer (A)

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**Thom Hunt**  
City Planner

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**Ray Mensour**  
Commissioner – Community Services

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**Jelena Payne**  
Commissioner – Economic  
Development & Innovation

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**Joe Mancina**  
Chief Financial Officer

**Notifications:**

Name	Address	Email

**Appendices: Available on I: Drive due to size limitations**

[I:\City Hall Square and Civic Esplanade- Steering Committee Report \(April 21-2023\)\Appendices](I:\City Hall Square and Civic Esplanade- Steering Committee Report (April 21-2023)\Appendices)

Appendix A - WEC Project Report

Part 1 - Site History and Story

Part 2 - Initial Concept Plan Options

Part 3 - Preferred Option

Appendix B - What We Heard Report

Appendix C – Class D Estimate

Appendix D – Background Studies

Part 1 – Project Brief –History and Background

Part 2 – Programme – Park Features & Amenities

Part 3 – Benchmarking Study

Part 4 – Site Analysis

Part 5 – SWOT Analysis

# WINDSOR CIVIC ESPLANADE

FINAL REPORT – VOLUME 2

CONCEPT MASTER PLAN

APRIL, 2023









# FORREC VISION

## A NEW PLACE FOR CIVIC LIFE IN THE CITY

The City Hall Plaza and Civic Esplanade represent **a unique opportunity to bring together Windsor's diverse stories, people, and activities in the creation of a shared place.** The design process begins with research, as we discover the rich and complex history of the site, and the layered stories that give the project a meaningful context through time.

These histories persist, in the lived present day experiences of the people of Windsor. Our conversations with community members suggest **the character of spaces that will support civic life; places of celebration, of refuge, of recreation, of respite, of play.**

The character of these spaces then provides a framework for the evaluation of the activities and programming best suited to support and embody those varied types of civic life.

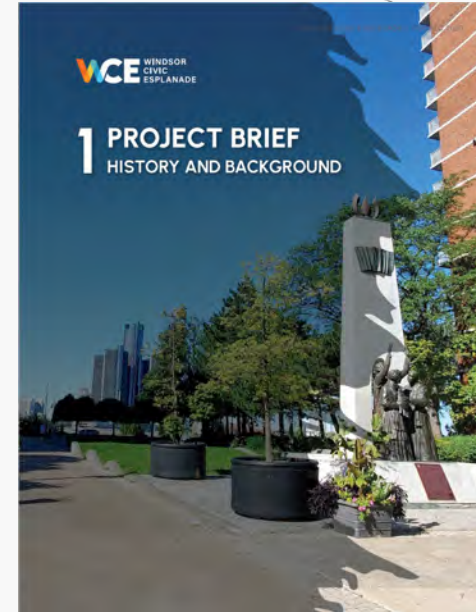
Taken together, these studies and research define key variables and components, forming a narrative that will help to guide further studies and analysis.



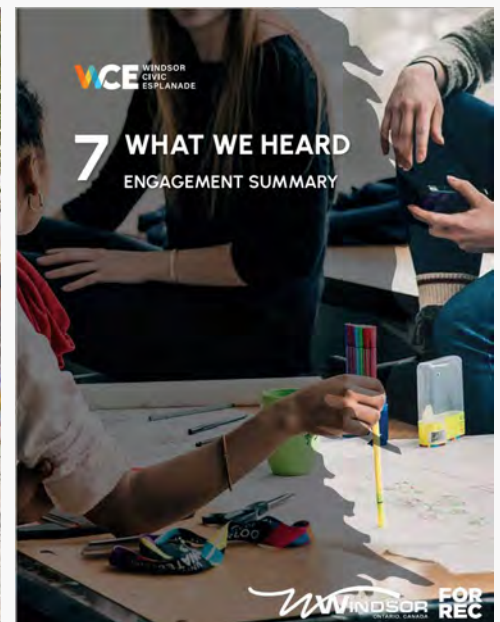
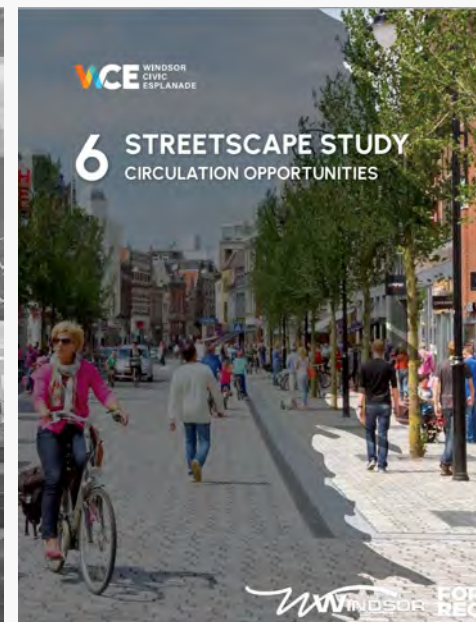


# ANALYSIS & STUDIES

1. PROJECT BRIEF – HISTORY, BACKGROUND AND DIRECTIVES
2. PROGRAMMING STUDY
3. BENCHMARKING STUDY
4. SWOT ANALYSIS (STRENGTHS, WEAKNESSES, OPPORTUNITIES AND THREATS)
5. SITE ANALYSIS
6. STREETScape STUDY
7. WHAT WE HEARD – PUBLIC AND STAKEHOLDER ENGAGEMENT



CONCEPT APPROACH

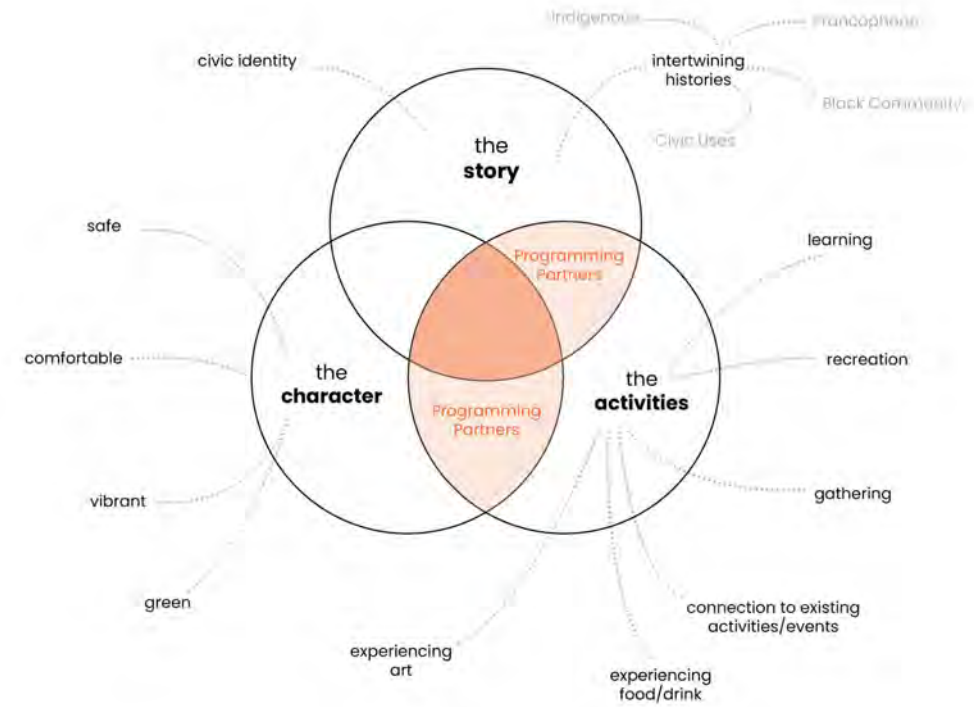


# PUBLIC & STAKEHOLDER ENGAGEMENT

Through an extensive process of engagement led by GLOS Architects, the design team entered into months of conversations and feedback session with a wide spectrum of the Windsor community. The engagement included:

- An interactive, public website with a variety of tools for collecting and sharing information and feedback at [www.windsorcivicesplanade.ca](http://www.windsorcivicesplanade.ca).
- A project awareness campaign using Facebook, Instagram, Twitter, YouTube and the City of Windsor website
- Five (5) City of Windsor Internal Focus Groups including:
  - Parks Development & Operations
  - Information Technology
  - Culture, Recreation & Special Events
  - Environmental Sustainability
  - Facilities
- Fourteen (14) External Focus Groups including:
 

<ul style="list-style-type: none"> <li>• Downtown Windsor Community Collaborative (DWCC)</li> <li>• All Saints Church</li> <li>• Downtown Windsor Business Improvement Area (DWBIA)</li> <li>• Art Gallery of Windsor</li> <li>• WindsorEats</li> <li>• St. Clair College</li> </ul>	<ul style="list-style-type: none"> <li>• University of Windsor</li> <li>• Windsor International Film Festival (WIFF)</li> <li>• Association des Communautés Francophones de l'Ontario Windsor Essex</li> <li>• Chatham Kent (ACFO WECK)</li> <li>• Ontario Tourism Windsor</li> <li>• Walpole Island First Nation</li> <li>• Black Council Windsor-Essex</li> <li>• Essex County Black History Research Society</li> </ul>
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Through our engagement process our team learned that the desire, support and enthusiasm for a connective, meaningful, flexible and useful space in Windsor's downtown is tremendous. We heard businesses, community groups, institutions and individuals overflow with tangible ideas of how the Civic Esplanade could capture all that downtown Windsor is, has been, and could be. We heard immense desire for partnership in keeping this place alive and full of people.

As part of an iterative and interactive process, the design team undertook to craft a concept master plan that integrated this diverse and complex feedback. To create a space that "connects the pieces of our downtown", that provides for small and mid-sized gatherings with more green space and more trees, to "establish a meaningful and Windsor-specific sense of place". We sincerely hope that the result is a vibrant and comfortable space that pulls together a cohesive vision of all that this great City has to be proud of.





# SITE HISTORY AND INSPIRATION

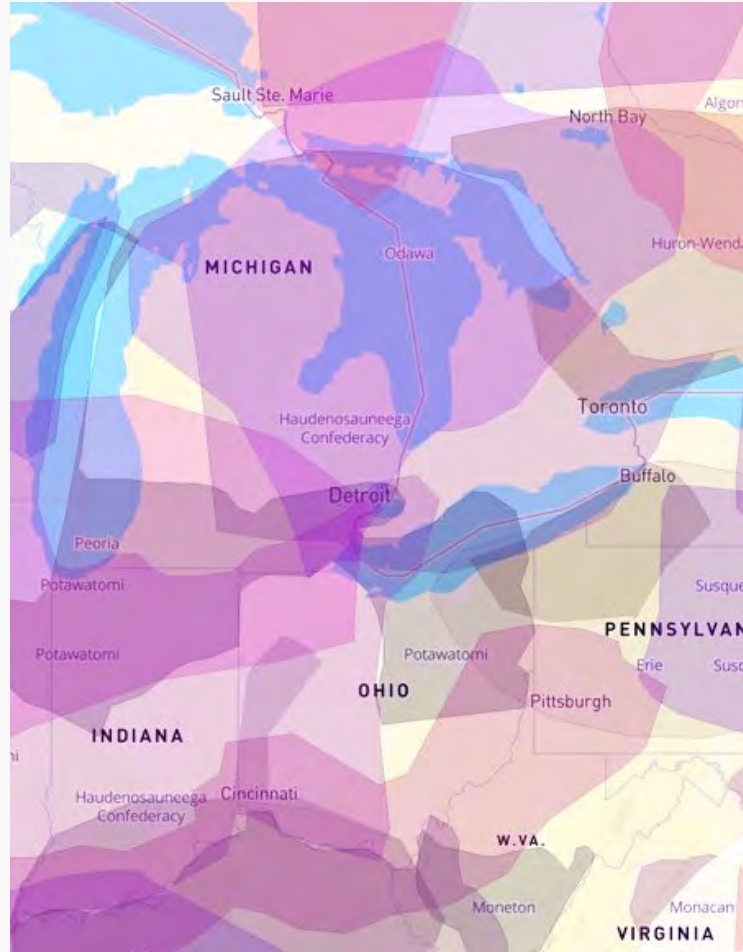


# INDIGENOUS HISTORY

Bkejwanong – the place where the waters divide (the delta islands of Lake St. Clair) has been the homeland of Indigenous peoples for thousands of years. It has even been called the “soul” of Anishinabe territory. Long before Europeans arrived, the Anishinabe occupied territory which includes parts of present-day Ontario, Michigan and Ohio. The resources found there are integral to their way of life and identity. The Anishinabe defended this territory against Haudenosaunee warriors in the 17th Century and its integrity was at the core of the peace treaty they concluded in 1701, a key element of which was Naagan ge bezhig emkwaan, or A Dish with One Spoon – a metaphor for the need to come together peacefully to allow many people groups to share resources from the land.

According to Anishinabe oral tradition the Detroit River was the third stopping place during the time of Second Fire during the Great Migration or Seven Fires/Prophecies journey<sup>2</sup>. Archaeological studies and Oral History confirm the presence of Anishinabe people and their ancestors on and around the site for thousands of years. Indigenous communities were numerous on both sides of the river throughout pre-colonial times and continued to prosper in the region following French colonization until after the War of 1812. Indigenous people continue to form an important part of Windsor and surrounding communities, contributing to the richness and diversity of the community.

This history, early mapping of Indigenous communities, and insight shared by Walpole Island First Nation provided key inspiration to the Light the Path concept.



- Map Showing Approximate Regions of Pre-Colonial First Nations territories.
- Areas flow and overlap, blending and merging, without hard boundaries in most places – a key inspiration for Light the Path



1707 map showing Indigenous communities on both sides of the Detroit River.

# THE UNDERGROUND RAILROAD

After Canada's Anti-Slavery Law (1793) and the Emancipation Act (1833), abolished slavery, Black refugees fleeing slavery began making their way across the Detroit River. The Windsor/Sandwich area, including the City Hall Square site and Civic Esplanade, became an important terminal on the Underground Railroad.

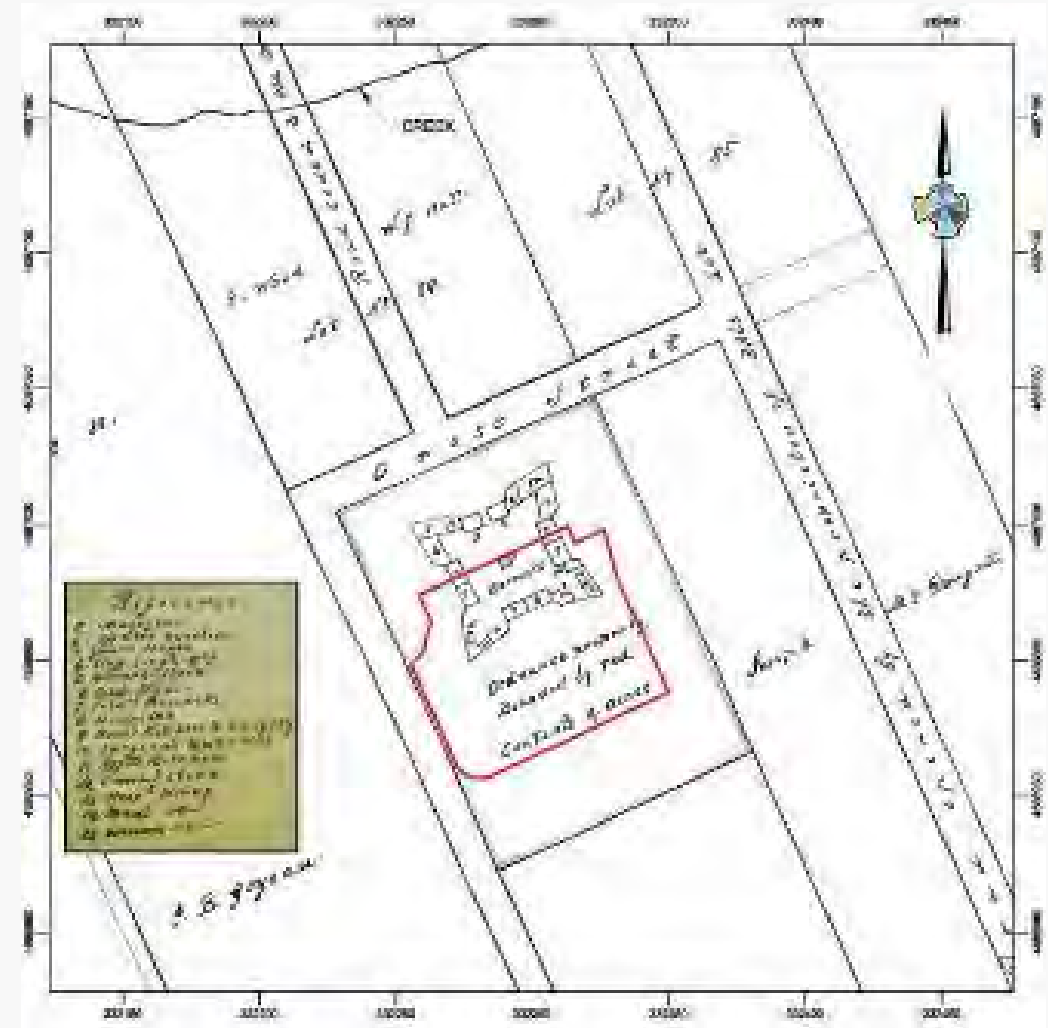
In the mid nineteenth century, refugees were housed in former military barracks on the City Hall site, until they could find employment and housing, eventually becoming a Refugee Centre in a part of the site referred to as Barracks Square. In 1861 a school was established by a member of the community, as well as a tavern and social club, and several churches, creating a community hub from 1840 until 1856.

In 1855, the Barracks were tragically destroyed by arson, displacing Black families, and a park was built on the Barracks site. The segregated school on the site remained, and was eventually converted to City Hall.

The Tower of Freedom monument in Riverside Plaza on the Esplanade was created by sculptor Ed Dwight in 2001. It commemorates the history of the Underground Railroad in Windsor and Detroit. The Gateway to Freedom monument in Detroit is visible from the site and, depicts six slaves awaiting transport across the river to Canada. The two monuments are connected by an invisible line running directly between them, as part of the original design. The "Light the Path" concept brings this line to light, and reveals the outline of the original barracks in City Hall Square, celebrating this important part of the history of the site, Windsor and Canada.



Tower of Freedom (top) and Gateway to Freedom in Detroit (bottom)



1851 Mahoney map showing the Black Refugee Barracks. The highlighted area indicates the present City Hall Square.



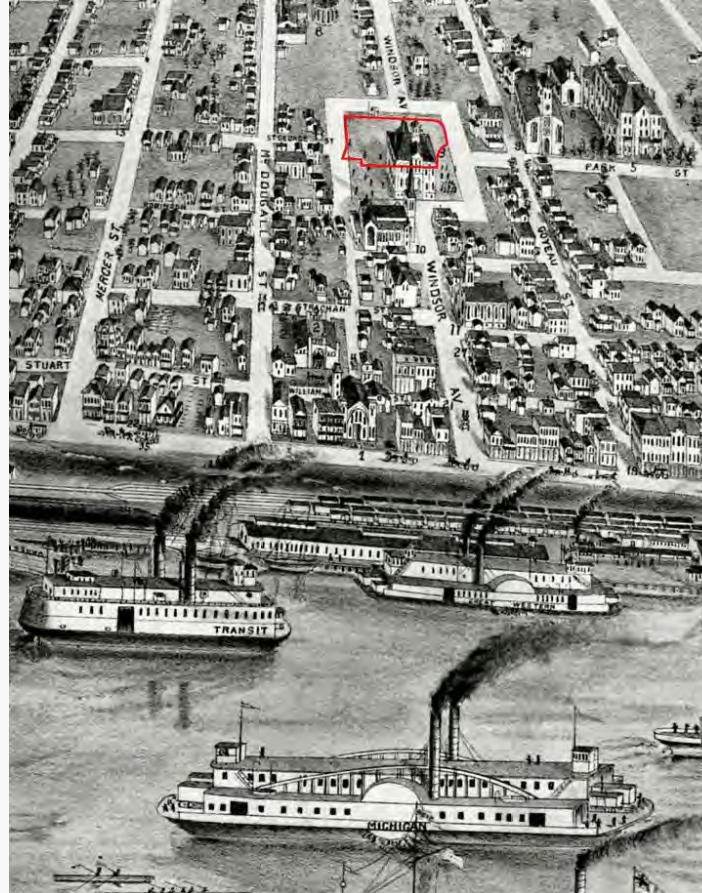
# COLONIAL & MILITARY HISTORY

The City Hall Square site has always been an important historical and civic place, with many significant buildings and parks throughout its history. It has seen many changes in use and configuration since Colonial times. The area was likely farmland during French occupation in the mid to late 18th century. At various times, the study area has contained military barracks (1840s and again in the 1860s), a park (1850s), a public school (located to the north of the study area) and auxiliary structures (1870s–1900s), a City Hall located to the north of the study area) and other institutional buildings (from 1902 onwards).

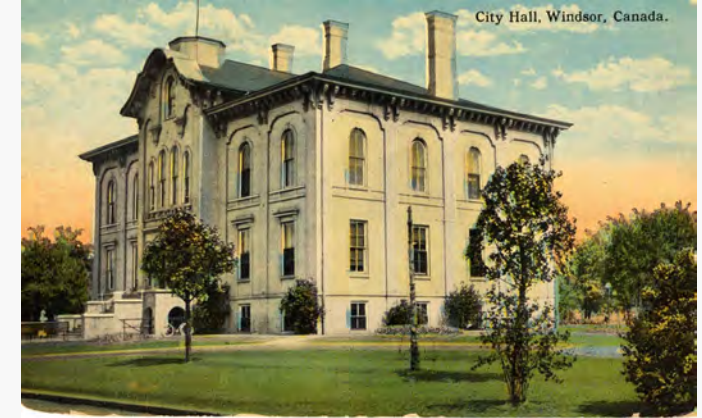
In 1935 Windsor, Sandwich, East Windsor, and Walkerville united to form the present-day City of Windsor. In 1862, Central School, a segregated school for Black children was constructed on the site. In 1905, the school building was converted to City Hall. In 1957, a new City Hall was constructed on the site. In 2000, the Civic Square underwent a significant renovation which included the Civic Esplanade connecting City hall to the riverfront. Over the years, various studies proposed redevelopment of the City Hall Square and the creation of a pedestrian Esplanade connecting City Hall to the river. In 2014, the 1957 City Hall was demolished and replaced on a plot directly behind the original building. A characteristic curved wall from the original façade was saved from demolition to be incorporated into the new City Hall Square Plaza planned for its former site.

On the site, the Heritage Garden pays tribute to four eras in the site history including the French Farms, Military Barracks, Central School and City Hall Square.

The Light the Path concept brings to light other important aspects of Windsor's history, and provides space for ongoing recognition of the City's vibrant diversity.



1878 Birds eye view shows the 1873 Windsor City Hall and Esplanade



1873 City Hall – formerly the Central School



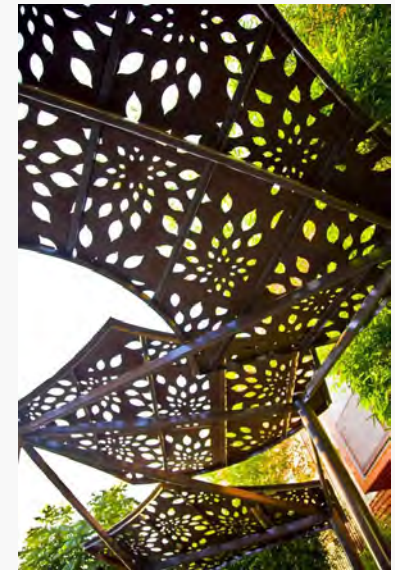
1957 City Hall. A portion of the curved wall façade has been preserved and integrated into the new concept.



# PRECEDENTS AND INSPIRATION

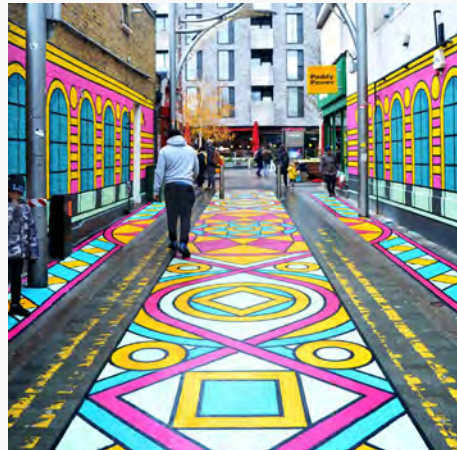
## BEACONS AND SENTINELS

## STORYTELLING MOMENTS



SIGNAGE AND WAYFINDING

SHADE STRUCTURES



LIGHT TOWERS

PUBLIC ART



# PRECEDENTS AND INSPIRATION

## UNIQUE DESIGN ELEMENTS



CREATIVE SEATING AND FURNISHINGS

## OUTDOOR WORKSPACES



City Council Agenda - Monday, May 29, 2023

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# PRECEDENTS AND INSPIRATION

## UNIQUE DESIGN ELEMENTS



POP-UP RETAIL AND FOOD/BEVERAGE



INNOVATIVE PLAYSAPES

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# PRECEDENTS AND INSPIRATION

## UNIQUE DESIGN ELEMENTS



CONTEMPORARY GEOMETRY AND FORM



“LIGHTING THE PATH” - LITERALLY

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# DESIGN CONSIDERATIONS

## SUSTAINABILITY & GREEN INFRASTRUCTURE

Applying low impact design strategies to mediate stormwater on site. Using low carbon construction material to reduce carbon footprint. Design a sustainable space which is flexible and adaptable for climate changes.

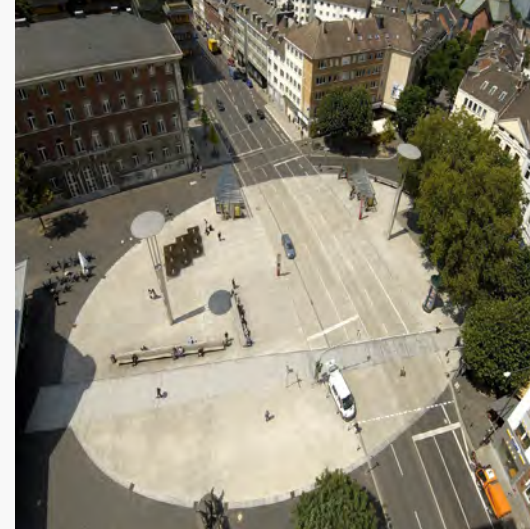
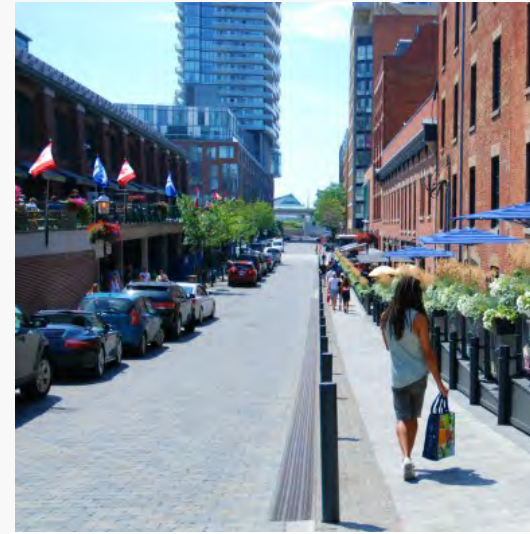
- The design ties into the existing site features and integration with existing 350 City Hall Building and existing landscape;
- Provides "green" features integrated into the design, these features should mitigate stormwater and reduce the "heat island" effect along the esplanade and in the Plaza.



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# KEY DESIGN ELEMENTS



## SKATING RINK

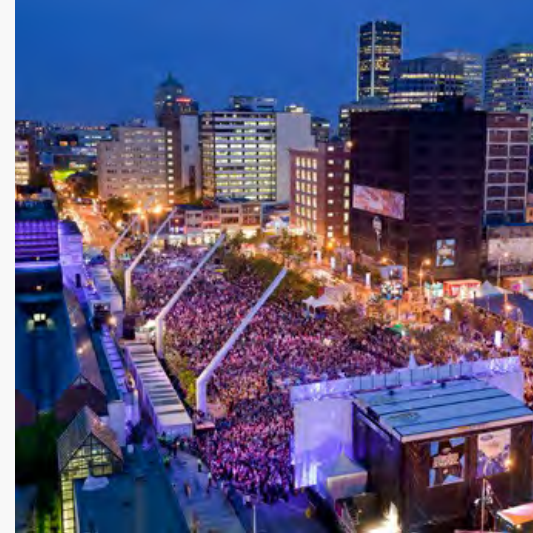
Modern skating rinks are typically combined with interactive fountains and splash pads. They can also be trails or tracks meandering through urban spaces.

## SHARED STREET

Shared streets are slow-speed, curbsless and paved with decorative materials, extending the plaza into the ROW and combining pedestrian, bicycle and vehicular traffic.



# KEY DESIGN ELEMENTS



## WATER FEATURES

Modern technology allows for infinite possibilities with interactivity, stormwater management, or just sound and tranquility.

## PROGRAMMED ACTIVITIES

Public spaces are being used in new and imaginative ways, for traditional dance and ballroom

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# KEY DESIGN ELEMENTS



## FUN STUFF

From life-size game boards to hammocks and climbing sculpture, porch swings and musical swings, rotating interactive tops and Fairy Tale Cylinders, the opportunities for fun and engaging activities are endless.

## INTERACTIVE MEDIA

Digital artists stretch the boundaries of the imagination with interactive sculpture, art and architecture. These features can be temporary or permanent and draw visitors to experience something entirely new and create "Instagrammable moments".



# KEY DESIGN ELEMENTS



## RDE (RETAIL, DINING, ENTERTAINMENT)

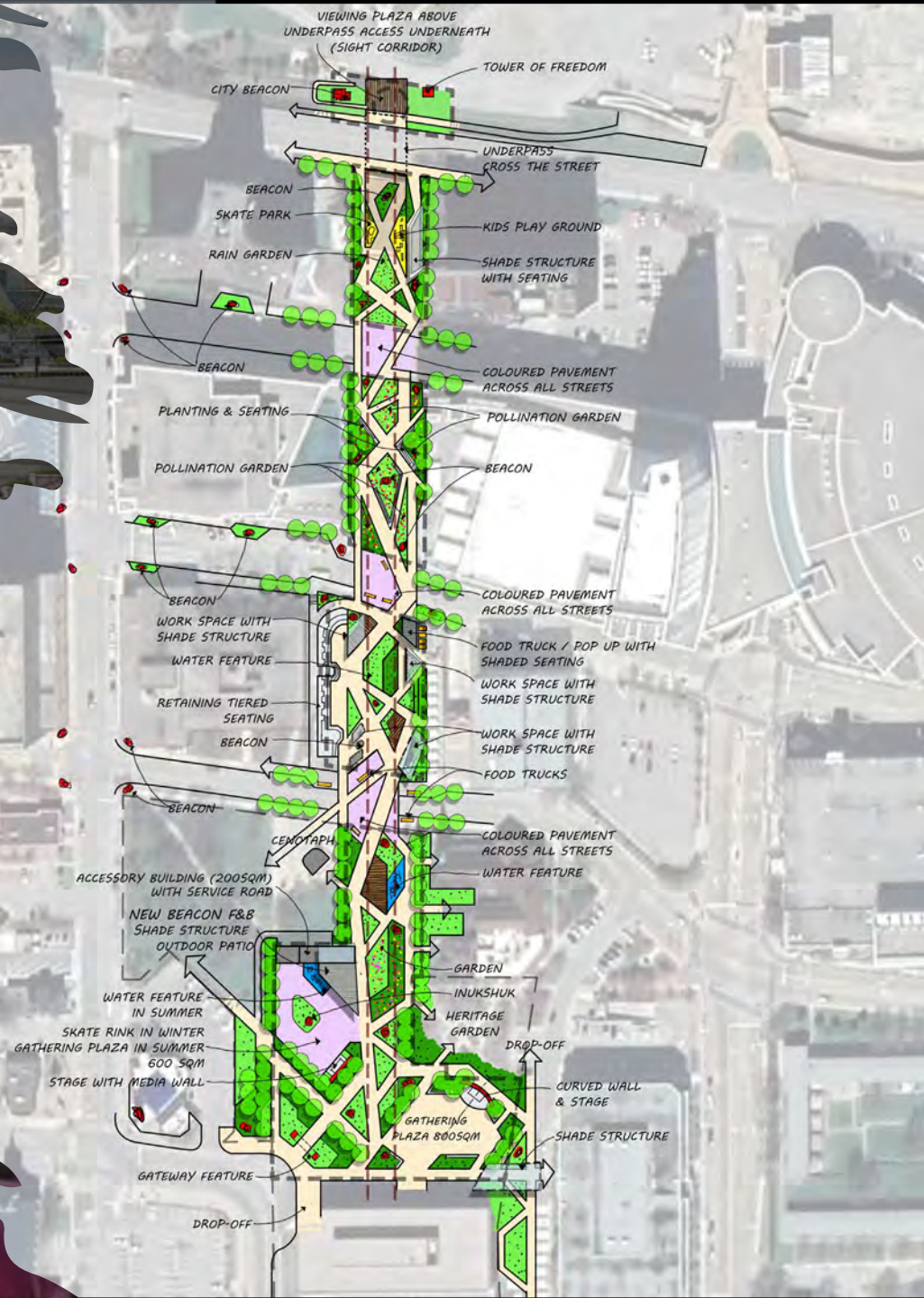
Retail spaces supports small local businesses. Temporary food trucks and retail units allow the flexible use of the site, attracting and retaining the pedestrian and activating the space.

## COMMEMORATION / STORYTELLING / WAYFINDING

Coordinating with Walpole First Nation and Windsor Mosaic, telling the story of the site in a unique way. Using different types of wayfinding strategies to guide the pedestrian walk flow.



# INITIAL CONCEPT PLAN OPTIONS



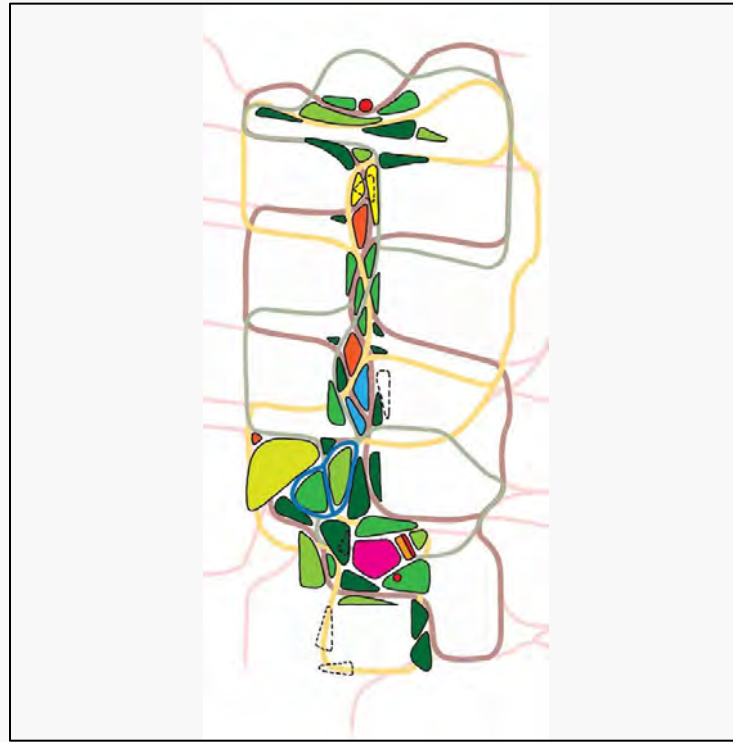




### OPTION 1 - RIVER FLOW

Water flow is elemental to the historical origins of communities; especially for the City of Windsor. Modeling the flow of water movement, the people-centric design offers flexible programmatic experiences in a variety of urban scales that encourage enthusiastic exploration.

- A. Trace flow of crowd movement. **People-centric** design.
- B. Combine **skating rink and skating trail** for winter use.
- C. Both the skating/splash and large gathering space in the City Hall Square Plaza (Segment 1).
- D. **Multi-purpose court** in combination with **skateboard park and adult playground** at the Charles Square (Segment 2).
- E. **Rain Garden with Art Exhibition** at Segment 3.
- F. **Street closure** allowing flexible use of the esplanade due to events/gathering.



### OPTION 2 - MATRIX GARDEN

Conceptually, the Matrix Garden looks to the larger context to consider the civic precinct as a civic park, rather than strictly confined by the axial orientation of the Esplanade. Program, activities, stories and art are woven throughout a hierarchy of paths which tell the story of the land through the people, flora, fauna, ecology and innovation.

- A. **Hierarchy** of pathways
- B. **Skating trail** at the City Hall Plaza (Segment 1).
- C. **Large gathering space at City Hall Plaza**
- D. **Dog run and Pollinator Garden** at Segment 3.
- E. **Maximize green space**(tree canopy, planting bed, garden, green roof) overall.
- F. Riverside **Pavilion** at Segment 5.

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### OPTION 3 - LIGHT THE PATH

The components of an eco-system overlap and fluctuate, expanding and contracting, a complex balance that is never static. Through time in this sentient space, pulsating pathways overlap to gather in shared spaces, defining the communal identity of this truly living place.

- A. **Interwoven** pedestrian circulation with flexible spaces.
- B. A series of **storytelling moments**, powered by **Beacons and Sentinels**
- C. **Two large gathering areas, skating rink and splash pad** in the City Hall Square Plaza
- D. **Food trucks / pop-up vendors, outdoor offices/classrooms** and programmable space at Charles Clark Square
- E. **Pedestrian underpass and overlook** with City Beacon at the Riverfront
- F. **Sequenced spaces** and activities along the Esplanade







# PREFERRED OPTION LIGHT THE PATH





# LIGHT THE PATH

When we meet a new person we say "How are you? Who are you? Where are you from? What have you experienced? Tell me more!"

When we hear a person's story, we connect, we identify, we share our stories together. This builds happiness, community, belonging and knowing.

## Places have stories too.

Beneath shifting layers of change, remnants of the past, told in legends, faint traces of memory on yellowed pages. A flickering path tracing its way through our past, present, and future. The ideas, hopes, tragedies and triumphs that define us.

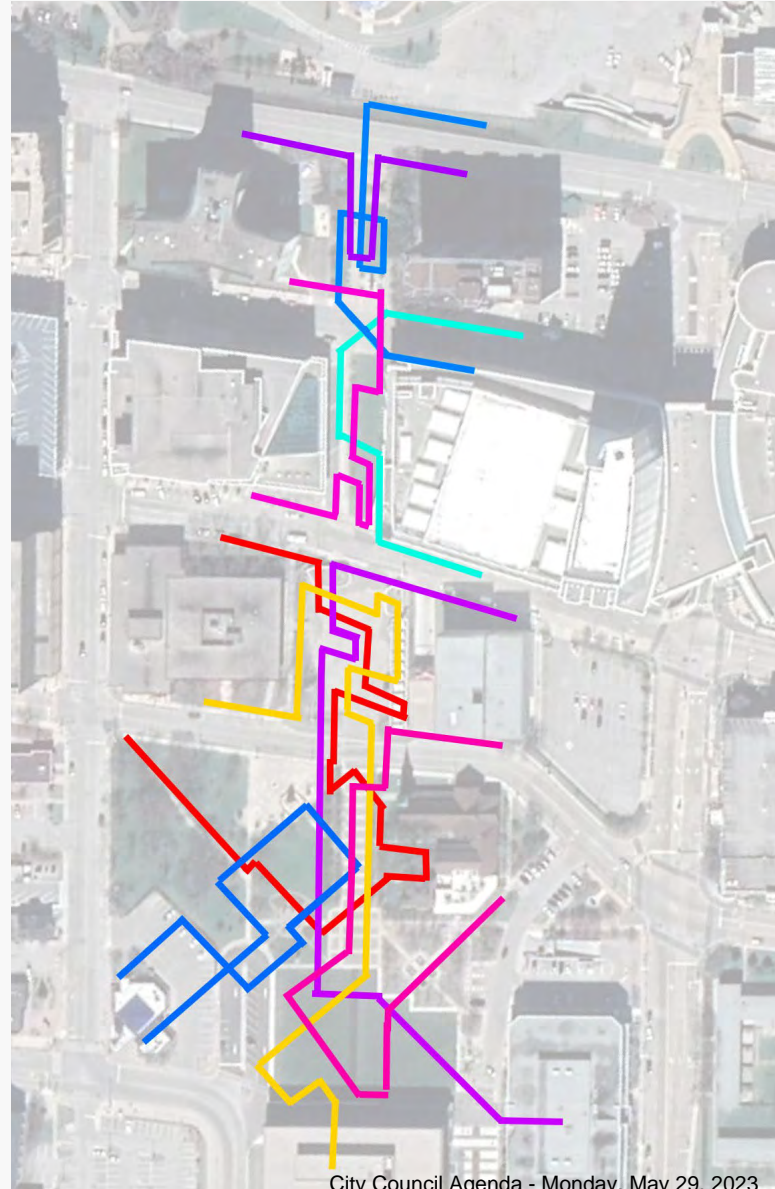
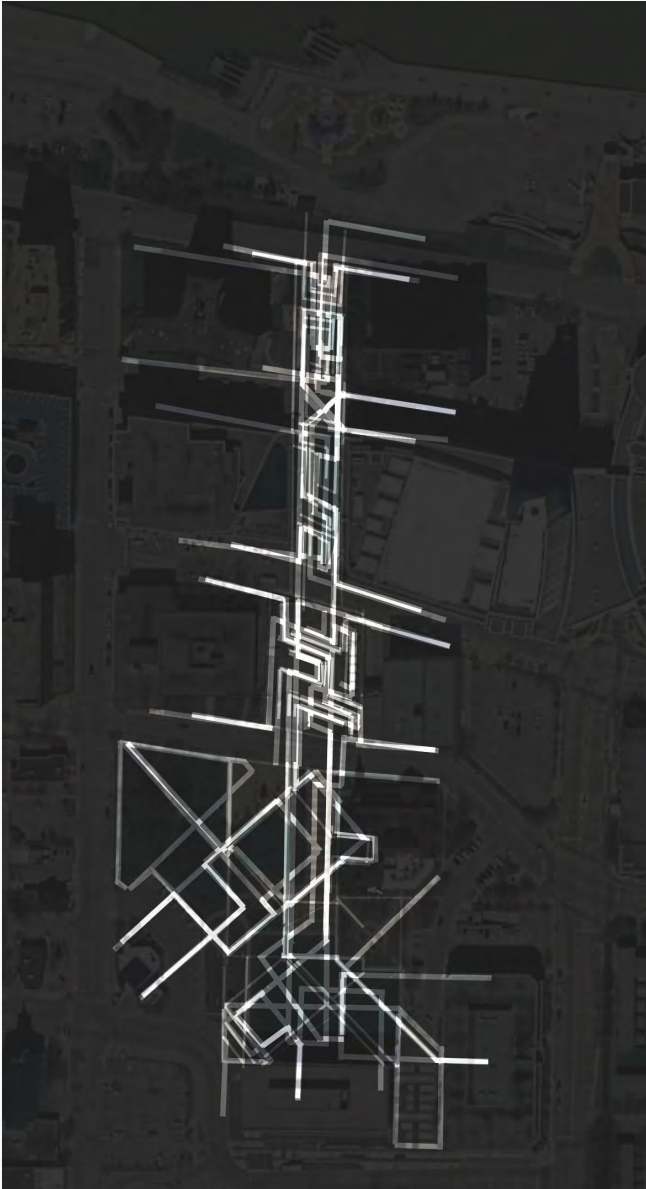
Together with this special place, we bring these stories to light. Beacons of hope, sparks of inspiration, brilliant ideas, glowing revelations, a radiant future.

## Light the Path.

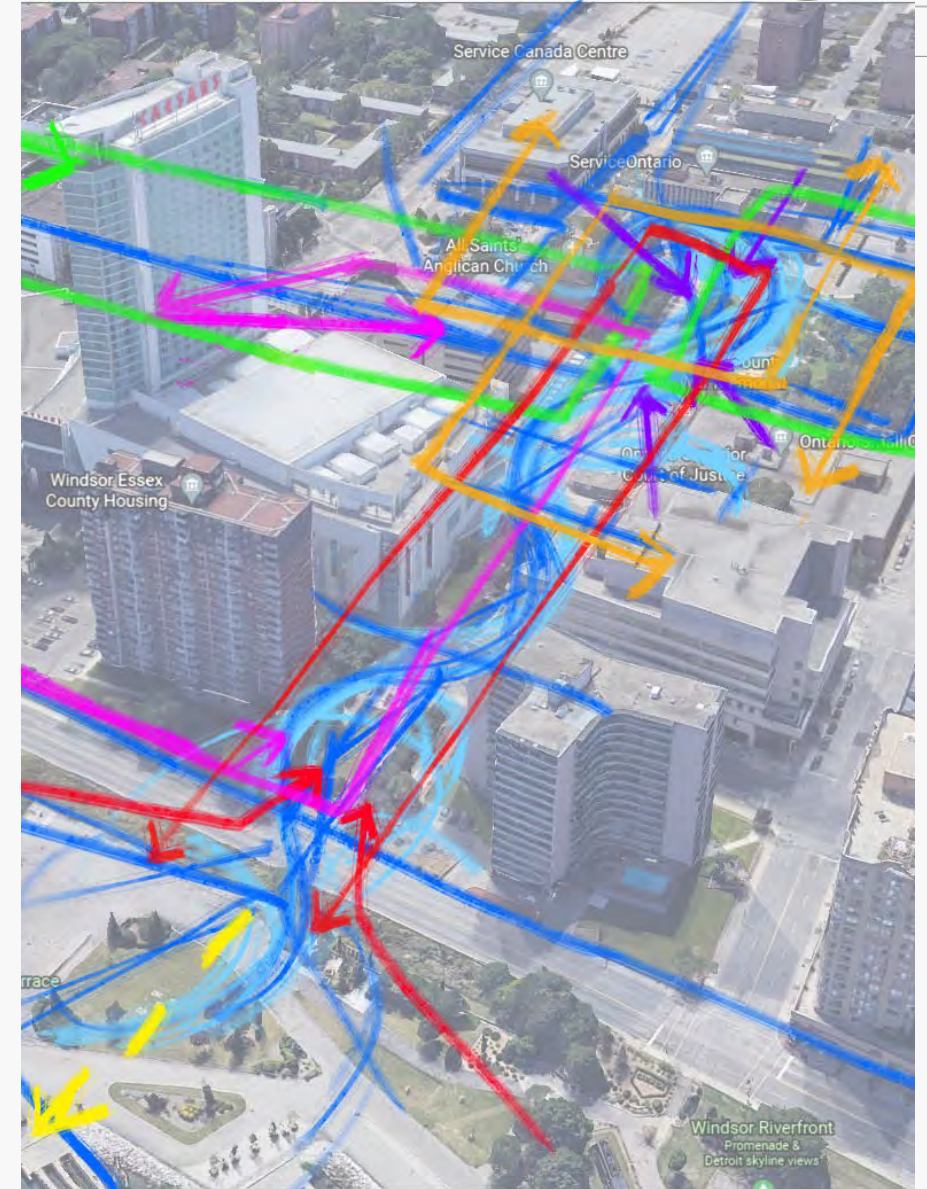




# EARLY IDEAS AND DESIGN SKETCHES



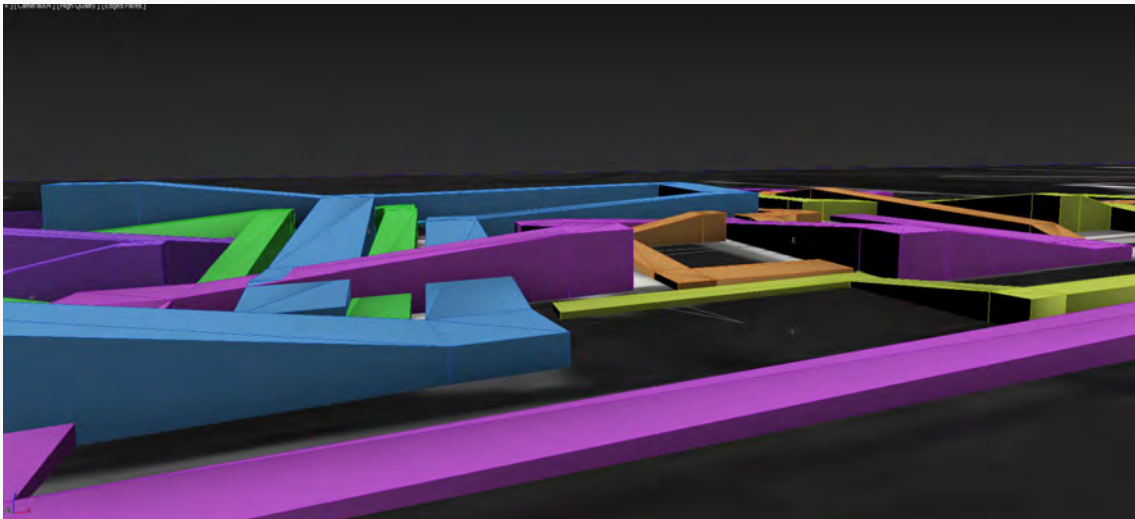
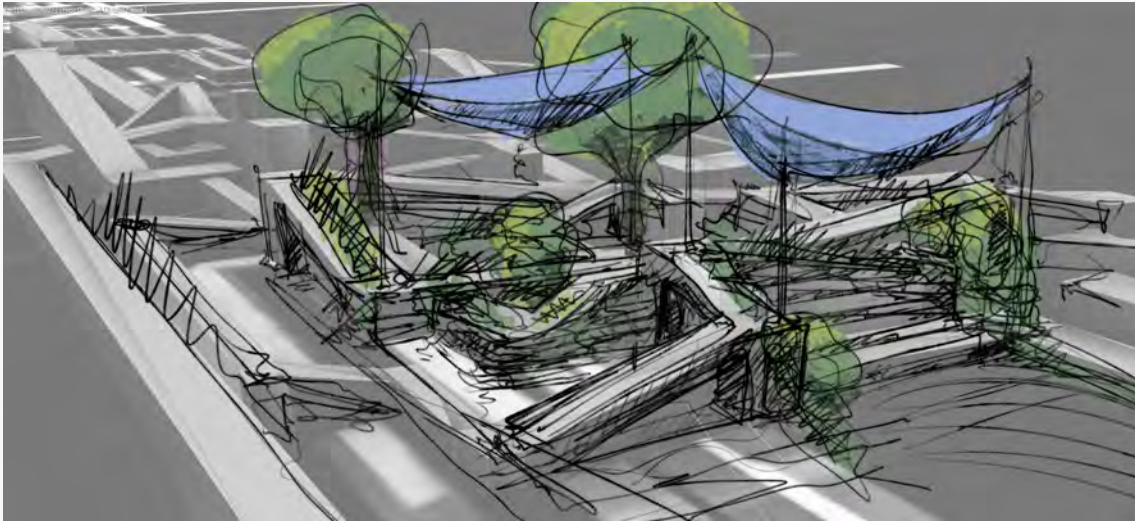
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PERFERRED OPTION - LIGHT THE PATH



# EARLY IDEAS AND DESIGN SKETCHES





# OVERALL MASTER PLAN

## CONCEPT OVERVIEW

**SEGMENT 5**  
CITY BEACON

**SEGMENT 4**  
RIVERSIDE PLAZA

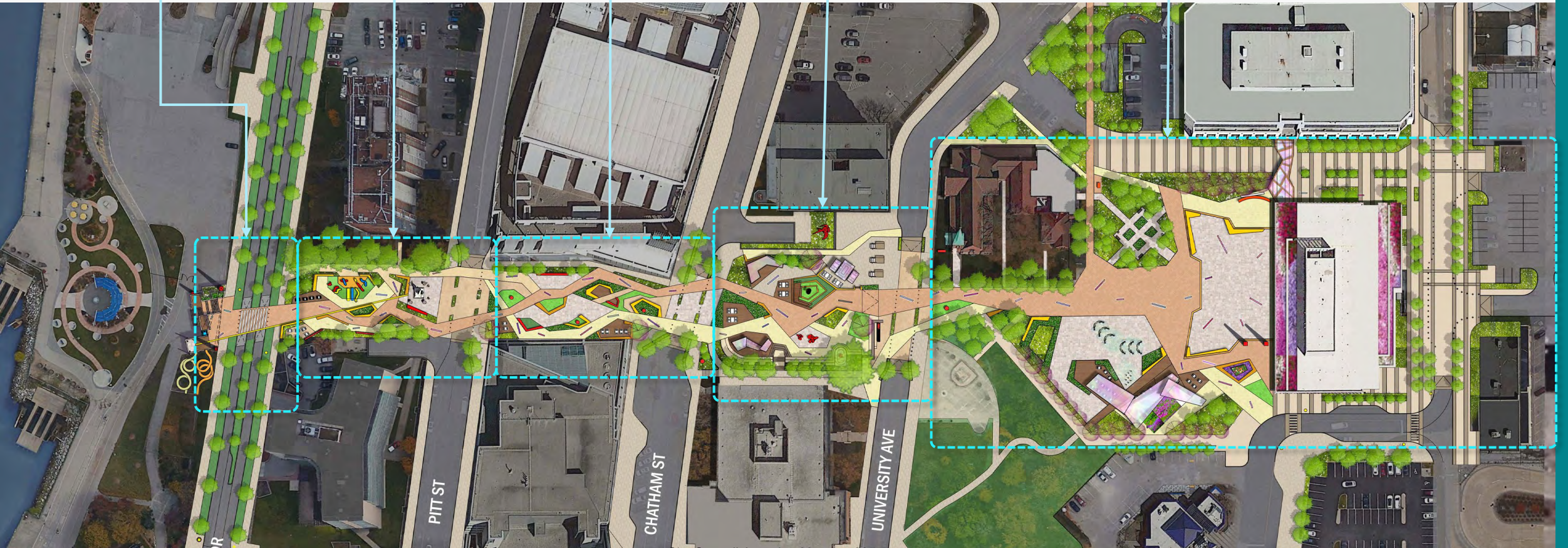
**SEGMENT 3**  
ARTS PARK

**SEGMENT 2**  
CHARLES CLARK SQUARE

**SEGMENT 1**  
CITY HALL SQUARE



0 10m 25m 50m

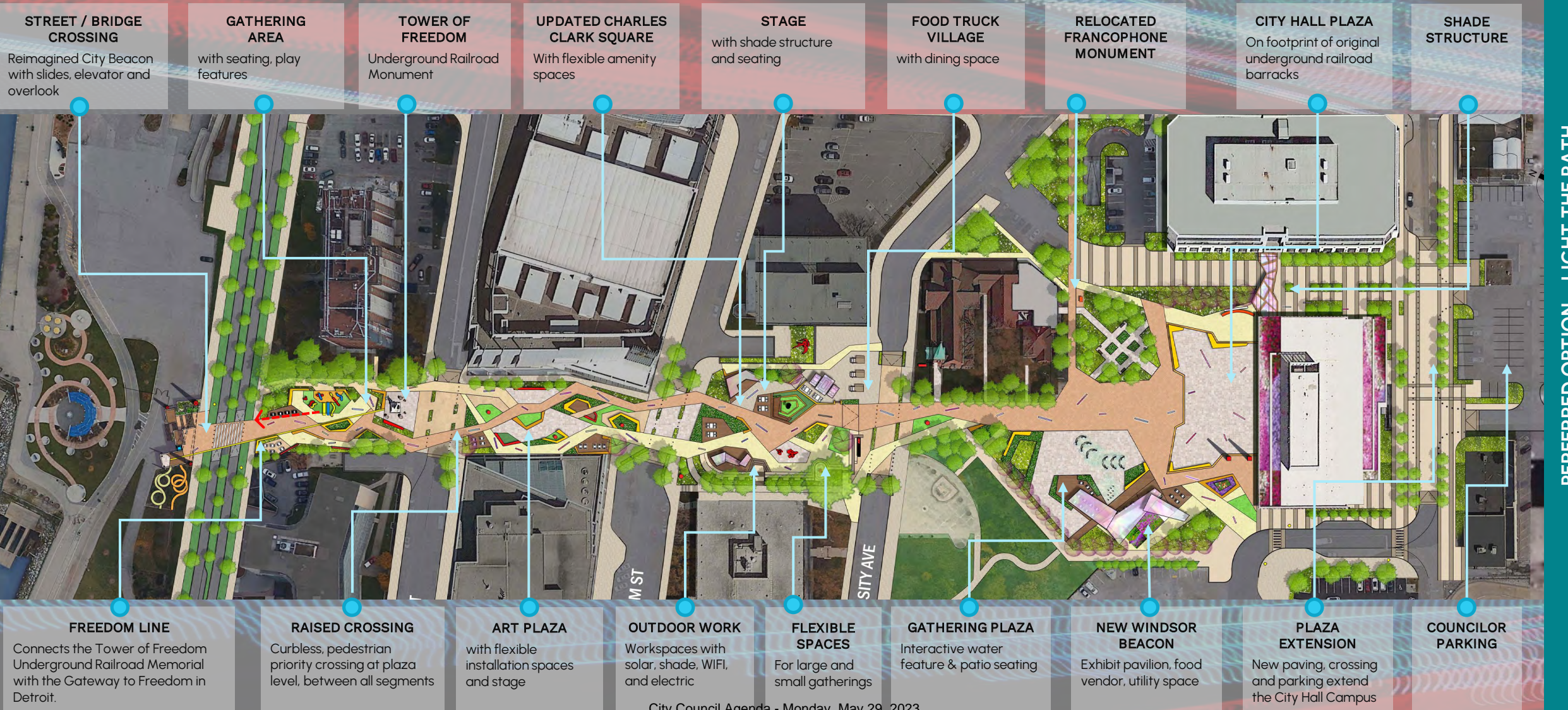
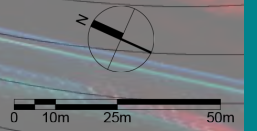


PERFERRED OPTION – LIGHT THE PATH



# OVERALL MASTER PLAN

## KEY DESIGN FEATURES



**STREET / BRIDGE CROSSING**  
Reimagined City Beacon with slides, elevator and overlook

**GATHERING AREA**  
with seating, play features

**TOWER OF FREEDOM**  
Underground Railroad Monument

**UPDATED CHARLES CLARK SQUARE**  
With flexible amenity spaces

**STAGE**  
with shade structure and seating

**FOOD TRUCK VILLAGE**  
with dining space

**RELOCATED FRANCOPHONE MONUMENT**

**CITY HALL PLAZA**  
On footprint of original underground railroad barracks

**SHADE STRUCTURE**

**FREEDOM LINE**  
Connects the Tower of Freedom Underground Railroad Memorial with the Gateway to Freedom in Detroit.

**RAISED CROSSING**  
Curbless, pedestrian priority crossing at plaza level, between all segments

**ART PLAZA**  
with flexible installation spaces and stage

**OUTDOOR WORK**  
Workspaces with solar, shade, WIFI, and electric

**FLEXIBLE SPACES**  
For large and small gatherings

**GATHERING PLAZA**  
Interactive water feature & patio seating

**NEW WINDSOR BEACON**  
Exhibit pavilion, food vendor, utility space

**PLAZA EXTENSION**  
New paving, crossing and parking extend the City Hall Campus

**COUNCILOR PARKING**



# SEGMENT 4 & 5

## INSPIRATION AND EXAMPLES



### CITY BEACON

The Central Riverfront Implementation Plan established several "Beacons" – small buildings crafted to celebrate key moments along the Riverwalk. One of the most important was the City Beacon - a new bridge crossing at Riverside Drive and the Esplanade.

While several of the Beacons have been constructed and are in use, the City Beacon has awaited the development of the Esplanade Master Plan. The two options in the Light the Path concept create a new City Beacon as a bridge and as a grade-level crossing, with a dramatic overlook that enjoys the spectacular view of the river and Detroit skyline.



**VIEWING ELEVATOR** creates accessibility



### "HELLO" Interactive Media Feature

At the City Beacon overlook, a unique feature celebrates the close relationship between Windsor and Detroit. An interactive media wall on both sides of the river allows viewing, group selfies and visual communication with visitors on both sides of the river.

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### MILLENNIUM BRIDGE, DENVER

Similar example of a pedestrian bridge that has become a tourist destination itself. It has a similar grade change toward the Platte River, achieved through dramatic stairs that function as amphitheater seating for events. A bike rail and glass elevators enhance accessibility.



# RIVERSIDE CROSSING

## "ROAD DIET"

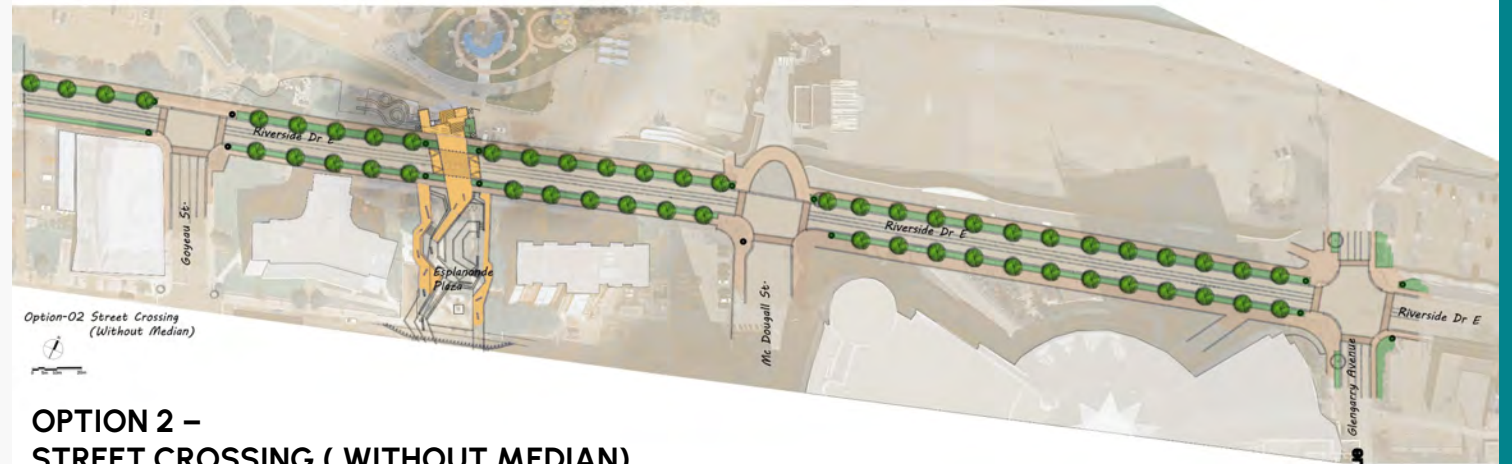
A "Road Diet" creates a more pedestrian-friendly street through traffic calming measures and enhanced streetscape improvements. The design reduces the number and width of traffic lanes to slow vehicles and rationalize turning movements. Additional sidewalks that are separated from traffic by planted landscape strips with street trees create a safer and more comfortable walking environment, provide shade and further act to slow traffic.

The streetscape enhancements provide an optimal environment for either an at-grade, regulated crossing or a pedestrian bridge. Both options have been explored in this study.

Between all segments of the Esplanade, raised crossings extend the plaza from curb to curb, creating a "shared street" space that is pedestrian priority. This slows traffic, and allows for street closures during special events.



**OPTION 1 –  
STREET CROSSING ( WITH MEDIAN PLANTING)**



**OPTION 2 –  
STREET CROSSING ( WITHOUT MEDIAN)**



**OPTION 3 –  
BRIDGE CROSSING**

# STREET LEVEL CROSSING

## RAISED CROSSWALK



Figure 2 - Raised Crosswalk at Intersection  
Source: nacto.org

### Raised crosswalk at an intersection

A raised crosswalk at an intersection is where the intersection crosswalk surface is elevated from the adjacent roadway and usually ties in to the sidewalk **at**, or close to grade.



Figure 3 - Raised Crosswalk Mid-Block  
Source: nacto.org

### Raised crosswalk mid-block

A raised crosswalk mid-block is where the surface of a crosswalk located between two intersections is elevated above the grade of the adjacent roadway and usually ties in to the sidewalk **at**, or close to grade.

#### Traffic Conditions

Posted speed limit should be less than or equal to 50km/h on roadways with raised treatments. There is no restriction on traffic volumes.

Road Engineering Design Guidelines: Raised Crosswalk And Intersection Guideline  
City of Toronto Transportation Services



OPTION 1 - WITH MEDIAN PLANTING



OPTION 2 - WITHOUT MEDIAN



# SEGMENT 4 & 5

## RIVERSIDE PLAZA & CITY BEACON

### AT-GRADE CROSSING OPTION

#### LEGEND

- 1 Grand Overlook Creates New City Beacon
- 2 Viewing Platform with direct alignment to International Underground Railroad Memorial
- 3 Beacon Towers and Cable Support
- 4 "Hello" Interactive Media Feature
- 5 Slides from Street Level to Riverfront
- 6 Elevator
- 7 Pedestrian Street Crossing
- 8 Improved Streetscape with Lane Reduction Planted Median and Offset Sidewalks
- 9 Gathering Area with Seating
- 10 Sculptural / Play Elements
- 11 Bike Path
- 12 Tower of Freedom & Plaza
- 13 Raised Crossing with Plaza Paving Extended
- 14 BOH Area
- 15 **Directional Line between Tower of Freedom and International Underground Railroad Memorial**













# SEGMENT 4 & 5

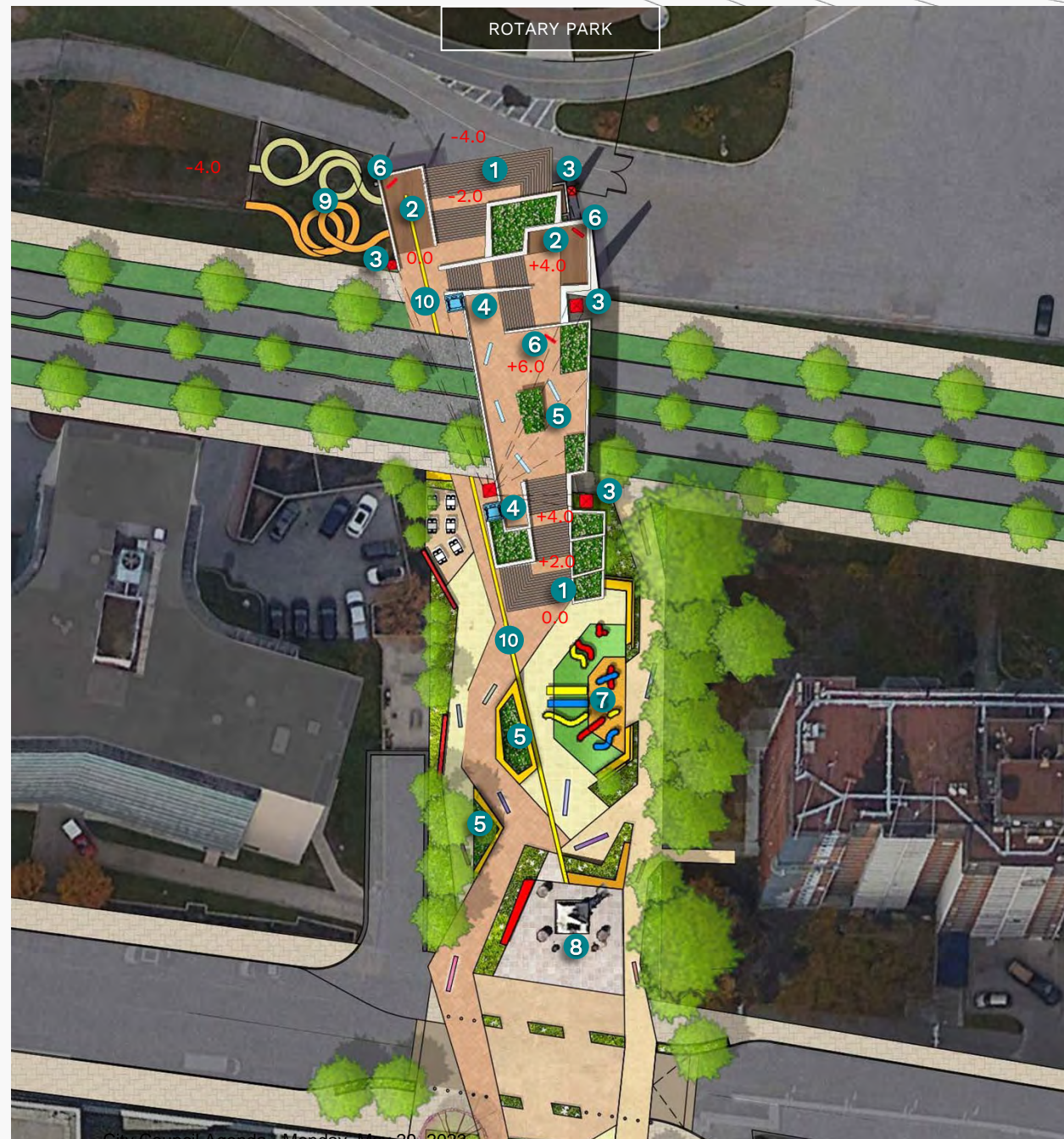
## RIVERSIDE PLAZA & CITY BEACON

### BRIDGE OPTION

In addition to the at-grade crossing, a bridge alternative creates an even more dramatic crossing experience. Featuring an elevated plaza with expansive views, the bridge is accessed by grand stairways and dual glass elevators for a fully accessible route across Riverside Drive. Planters and illuminated towers present a grand gateway to the Esplanade, and from the Esplanade to the Windsor Riverfront Trail, Rotary Park and Festival Plaza. Like the at-grade crossing and overlook, the bridge also creates the City Beacon as imagined in the Riverfront Master Plan.

### LEGEND

- 1 Grand Stairs / Amphitheatre
- 2 Viewing Platform
- 3 City Beacon
- 4 Viewing Elevator
- 5 Planting bed W/ Seating
- 6 "Hello" Interactive Media
- 7 Sculptural / Play Elements
- 8 Tower of Freedom & Plaza
- 9 Slides Attraction
- 10 **Directional Line between Tower of Freedom and International Underground Railroad Memorial**













# SEGMENT 3

## ARTS PARK

Referred to as "Arts Park", Segment 3 offers a series of flexible spaces which can be used individually to display permanent or evolving art installations or combine to serve medium or even larger gatherings and performance. The spaces, paths and plazas are created by paving colors and patterns with a variety of textures that define spaces without presenting barriers to larger group events. Even the level "turf panels" serve this function, creating green spaces for relaxation that can easily be used as seating for gatherings.

Sculptural seating walls provide a variety of options for sitting, lounging and contemplation, allowing individual enjoyment while inviting socialization and interaction. Interactive signage creates Sentinel Moments, conveying information on the Windsor art scene, history and events. An interactive multimedia wall allows visitors to create their own collaborative art mural, with each individual creating a part of an overall image.

### LEGEND

- 1 Raised Crossing with Plaza Paving Extended
- 2 "Sentinel" Interactive / Storytelling Feature
- 3 Media / Mural Installations / Interactive Multimedia Wall
- 4 Art Installation Spaces
- 5 Bike path
- 6 Gathering Area
- 7 Planting Bed with Seating



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View 1 – Planting Bed with Seating



View 2 – Media / Mural Installations / Graphic Wall



# SEGMENT 2

## CHARLES CLARK SQUARE

Charles Clark Square responds to the highly important priority of a flexible space for larger gatherings, that also serves the community, nearby office workers and City staff, and residents. Like in Arts Park, paving patterns form creative geometric plazas and spaces that function as outdoor rooms, and can combine to host events. A stage with canopy, and tiered planter invite performances while providing sheltered seating. A food truck area features covered seating and café tables. Outdoor workspaces with solar canopies serve employees, entrepreneurs and students alike. The existing distinctive seating walls have been preserved to maintain a connection between the old and new, including new and existing monuments, signage and public art as Sentinels within the space.

### LEGEND

- 1 Raised Crossing with Plaza Paving Extended
- 2 Bike path
- 3 Gathering Area
- 4 Planting Bed with Seating
- 5 Outdoor Workspaces
- 6 Stage with Shade Structure
- 7 Art Installation Spaces
- 8 Food Truck Eatery with Seating Area
- 9 Existing Time Capsule
- 10 Existing Signage Wall
- 11 Existing Sculpture



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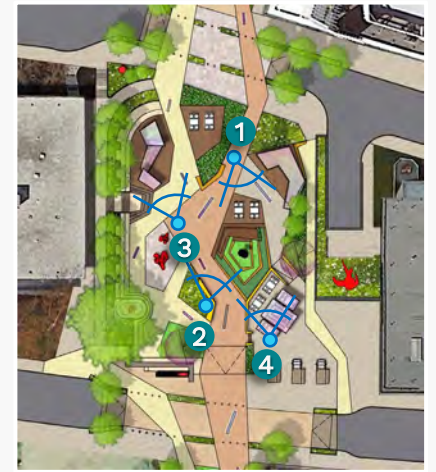




View 1 – Gathering Space



View 2 – Gathering Space



View 3 – Outdoor Workspaces



View 4 – Outdoor Dining Area

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# SEGMENT 1

## CITY HALL SQUARE

City Hall Square is the heart of the Civic Esplanade, and forms the keynote element of the Master Plan. A new type of civic space, it brings together the bold and nuanced ideas that distinguish the sequence of spaces leading from the Riverfront to City Hall. The primary elements of the plan continue to "light the path" of history, culture and ideas that distinguish Windsor's past, present and future through a variety of Sentinel Moments and an all new "Windsor Beacon".

In the forecourt of City Hall, the outline of the former military barracks and Black Refugee housing continue the story of the Underground Railroad on the site while providing event space. An adjacent space features an interactive water feature with cooling jets, misting towers and a variety of seating. A new building, the Windsor Beacon, holds F&B vendors, a pavilion for exhibits and operational spaces. A new gateway, relocated Francophone moment and media screen engage visitors and enliven the experience.

### OVERALL LEGEND

- 1 Event Plaza on Footprint of Underground Railroad / Former Military Barracks
- 2 New Beacon Food Vendor Pavilion
- 3 Island Gathering Space with Central Feature
- 4 Curved Feature Wall with Small Stage / Media Screen
- 5 Underground Railroad Sentinel
- 6 Shade Structure
- 7 City Hall Square South



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Footprint of Underground Railroad Barracks with outline of Old City Hall



# THE BARRACKS

## UNDERGROUND RAILROAD & MILITARY HISTORY

The Upper Canadian Government acquired the City Hall site on February 4, 1840 from William Gaspe Hall and J.P. Woods for 320 pounds. Barracks were immediately built to accommodate 106 soldiers, along with a hospital that could serve the medical needs of 10 men. In 1849, the government abandoned the barracks, and the property was used as a Black Refugee Centre as part of the Underground Railroad. In 1865 the Barracks were burned down by arson and Refugee community was displaced.

The Tower of Freedom monument in Riverside Plaza commemorates the Underground Railroad link between Windsor and Detroit, but no plaque or visible marker depicts this important history on the City Hall site itself. The approved Light the Path Concept depicts the outline of the former Barracks, in its original location, as the central feature of City Hall Square, illuminating the role of the Underground Railroad and Black Freedom Seekers in the history of the site and the development of the City.



Footprint of Military / Underground Railroad Barracks with outline of Old and New City Hall  
2015 Archaeology Report



# SEGMENT 1

## CITY HALL SQUARE NORTH

### DETAILED LEGEND

- 1 Raised Crossing with Plaza Paving Extended
- 2 "Sentinel" Interactive / Storytelling Feature
- 3 Existing Cenotaph
- 4 Planting Bed with Seating
- 5 Small Stage / Warming
- 6 New Fence for All Saints' Anglican Church
- 7 Island Gathering Space with Central Feature
- 8 Accessory Building with Green Roof
- 9 Water Feature
- 10 New Windsor Beacon Pavilion
- 11 Underground Railroad Sentinel
- 12 Event Plaza on Footprint of Underground Railroad / Former Military Barracks
- 13 Gateway Feature
- 14 Curved Heritage Feature Wall with Small Stage
- 15 Media Screen
- 16 Shade Structure
- 17 Relocated Francophone Monument
- 18 Existing Heritage Garden







CITY HALL SQUARE AERIAL RENDERING



SUMMER



CITY HALL SQUARE RENDERING



# SEGMENT 1

## CITY HALL SQUARE SOUTH

### LEGEND

- 1 Feature Shade Structure
- 2 City Hall Building Green Roof Canopy
- 3 Shared Street Raised to Curb Height
- 4 Pedestrian Crossing
- 5 Sentinel
- 6 Feature Planting
- 7 Streetscape with Seating Areas
- 8 Bollards with lighting
- 9 Rear Building Entrance
- 10 Councilor Parking
- 11 Pedestrian Crossing
- 12 Drop-Off & Bus Lay-by







# ICE RINK





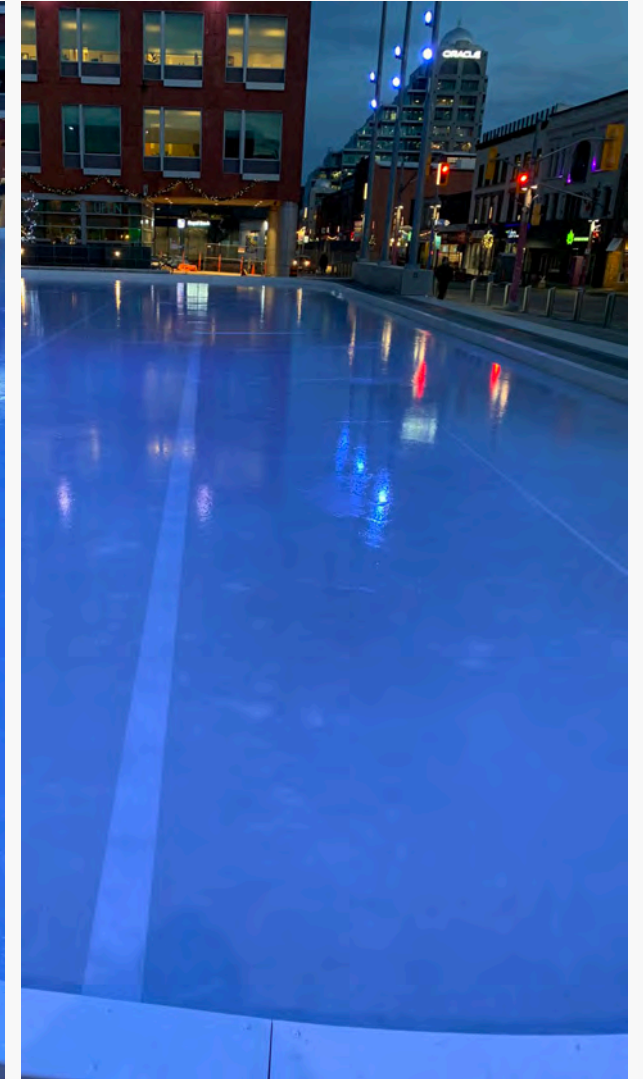
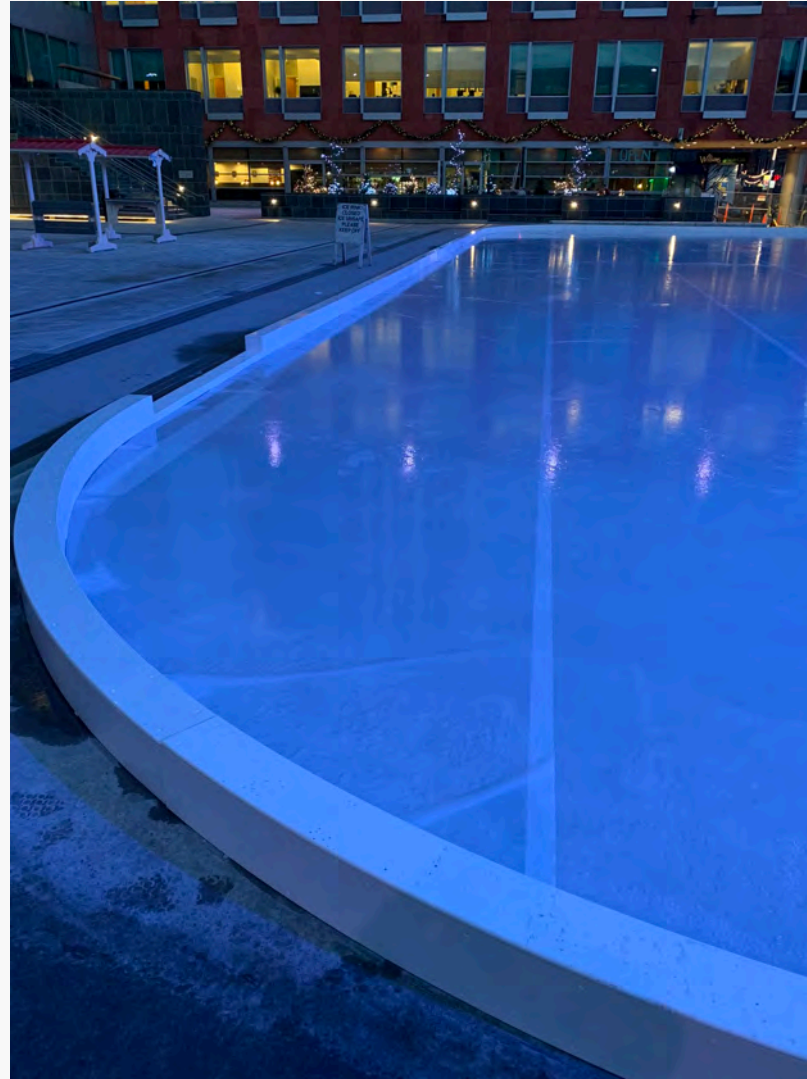
# SEGMENT 1

## TEMPORARY ICE RINK

Key to the success of City Hall Square is the relocation of the Charles Clark Square ice rink. A temporary feature operating during the winter months, the new rink takes advantage of significant advances in ice and rink technology and construction in recent years.

The rink will be in the form of a skate trail, with a center island to discourage hockey and allow for seasonal displays. Portable curbs are frozen in place for stability and fully accommodate a Zamboni. The curbs are stored in the off-season in the nearby pavilion, along with the Zamboni. The curb would need to be stored in off season. Freezing mechanism/rink pipes are encased in concrete below the paving and are indistinguishable during the summer months.

The team explored a variety of alternatives for the rink location and configuration following City input and feedback. These options are shown in the subsequent pages, along with the final approved option.



**NEW KITCHENER ICE RINK BY CUSTOM ICE**

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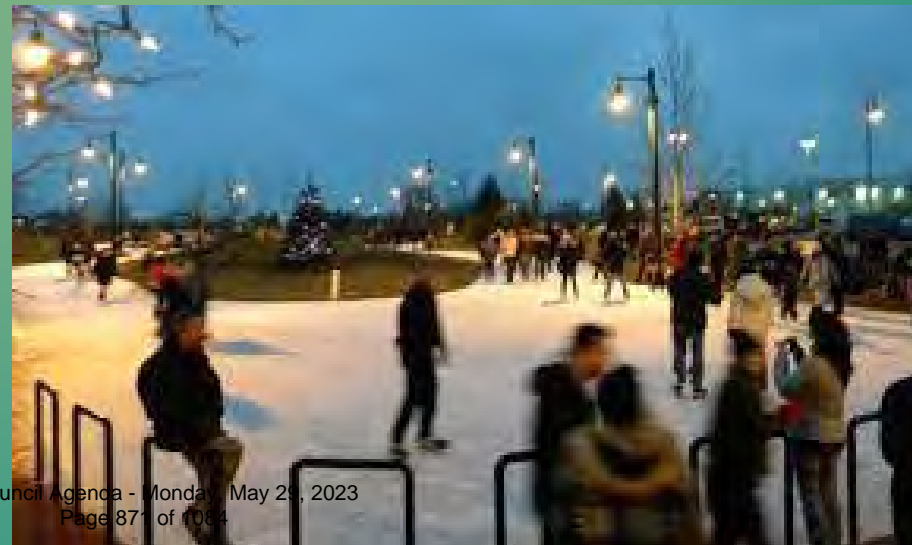
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# WINDSOR CIVIC ESPLANADE

## Benchmark – Skating Rinks

### COLONEL SAMUEL SMITH PARK Toronto, Ontario

- Popular skating trail in figure-8 shape
- Draws crowds during the winter months
- Includes skate rental and vendor space
- A nice walking trail during the summer





# WINDSOR CIVIC ESPLANADE

## Benchmark – Skating Rinks

### BARBARA ANN SCOTT SKATING TRAIL

Toronto, Ontario

- 5M wide, oval-shape trail in downtown Toronto
- Popular destination with DJ, live music,
- Draws crowds during the winter months
- Includes skate rental and vendor space
- A public park and plaza during the summer





# WINDSOR CIVIC ESPLANADE

## Benchmark – Skating Rinks

### MAGGIE DALEY SKATING RIBBON

Millenium Park, Chicago, IL

- A unique skating venue with elevated sections, surrounding a playground and climbing wall.
- Has become one of the leading tourist destinations in the state.
- ¼ mile long with skate rental and vendor space





# WINDSOR CIVIC ESPLANADE

## Benchmark – Skating Rinks

### VIENNA ICE DREAM

#### Vienna, Austria

- One of the world's most unique rinks
- Features several skating pads and a double-decker, elevated skate trail
- Music, lighting and interactive projection mapping creates magical ambiance





# WINDSOR CIVIC ESPLANADE

## Benchmark – Skating Rinks

### FUJI-Q HIGHLAND RINK

Mount Fuji, Japan

- Dramatic rink on Mt. Fuji features a number of islands creating an interesting skating experience
- Islands are used for seasonal displays
- Lighting and music create a unique experience.





# ICE RINK OPTIONS

## OPTION 1

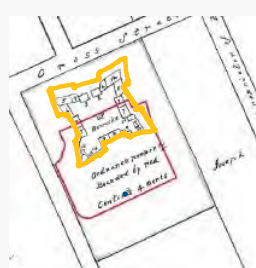
Over the course of the project, a variety of ice rink alternatives were explored. The original alternative placed the rink, configured as a skating trail, in a plaza space adjacent to the main City Hall Square and new Beacon Pavilion. The 1100 sq. m. rink doubled as an interactive water feature and gathering space during the summer months. A centre island could hold seating and festive outdoor fire pits. Skaters could use the space continuously, without interruption for civic events in the main plaza.

The Zamboni and rink infrastructure are housed in a small building to the north of the rink, adjacent to a maintenance road/path.

### LEGEND

- 1 Water Feature / Interactive Fountain
- 2 Outdoor Patio / Shaded Seating Area
- 3 **New Windsor Beacon**  
F&B / Pavilion / Exhibit Space
- 4 Washroom
- 5 Zamboni & Storage / Operations
- 6 Temporary Ice Rink (Area = 1100 m<sup>2</sup>)

←→ Zamboni Path (L= 1 m)



Footprint of Underground Railroad Barracks with outline of Old City Hall

SEGMENT 1 - TEMPORARY ICE RINK



# ICE RINK OPTIONS

## OPTION 2

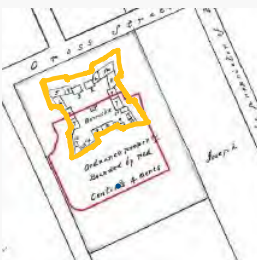
The second configuration of the ice rink moved it to the main plaza space directly in front of City Hall. The layout fits within the outline of the Barracks Plaza, allowing its shape to be perceived even during the winter months. The size was similar and could be traversed by the Zamboni. Which was moved into the main Beacon Pavilion.

This option required the removal of some of the planters and landscape within the main City Hall Square, but preserved the majority of plaza layout and greenery.

### LEGEND

- 1 Water Feature / Interactive Fountain
- 2 Outdoor Patio / Shaded Seating Area
- 3 **New Windsor Beacon** - F&B / Pavilion / Exhibit Space
- 4 Washroom
- 5 Zamboni & Storage / BOH ( L=8.8M W=7.6M)
- 6 Temporary Ice Rink (Area = 900 m<sup>2</sup>)
- 7 Featured Curved Wall / Media Screen

 Zamboni Path (L= 26 m)



Footprint of Underground Railroad Barracks with outline of Old City Hall

SEGMENT 1 - TEMPORARY ICE RINK



# ICE RINK OPTION 2 – PERSPECTIVE - SUMMER



CITY HALL SQUARE RENDERING



# ICE RINK OPTION 2 – PERSPECTIVE - WINTER



CITY HALL SQUARE RENDERING



# ICE RINK OPTIONS

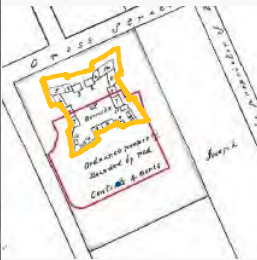
## OPTION 3

The final configuration of the ice rink is a linear oval, NHL dimensions as directed by the City. The size is similar to Option 1 which was located in the adjacent plaza.

This option required the removal of the majority of vegetation, trees, and planters in the plaza, as well as relocating the Francophone Monument.

### LEGEND

- 1 Water Feature / Interactive Fountain
  - 2 Outdoor Patio / Shaded Seating Area
  - 3 F&B / Pavilion / Exhibit
  - 4 Washroom
  - 5 Zamboni & Storage / BOH ( L=8.8M W=7.6M)
  - 6 Temporary Ice Rink (Area = 1200 m2)
  - 7 Featured Curved Wall / Media Screen
- ←-- Zamboni Path (L= 40+ m)



Footprint of Underground Railroad Barracks with outline of Old City Hall



# OPTION 3 WINTER



CITY HALL SQUARE RENDERING



# ICE RINK OPTION 2 AND 3 COMPARISON





# ICE RINK OPTION 2 AND 3 COMPARISON



ICE RINK OPTIONS



**FOR  
REC**

FORREC.COM





**Subject: Streamlining Right-of-Way Division Approvals to Enable Rapid Execution of Council's Vision and Incorporating Heritage Features into the Encroachment Policy - City Wide**

**Reference:**

Date to Council: May 29, 2023

Author: Amy Olsen

Technologist III

(519) 255-6257 ex 6562

aolsen@citywindsor.ca

Engineering

Report Date: November 23, 2022

Clerk's File #: SW2023

To: Mayor and Members of City Council

**Recommendation:**

1. That the following items **BE DELETED** from the Delegation of Authority By-law No. 208-2008 and incorporated into regular business processes:
  - (a) Section 1.9 Sidewalk Sales
  - (b) Section 1.33 Sewer Agreements
  - (c) Section 3.2 Approval of legal encroachments within the terms of Council's established policy.
2. That Council **APPROVE** Administration's recommendation to add Heritage Features to the Encroachment Policy.
3. That Council **APPROVE** the amended Encroachment Policy M67-2015 attached herein as Appendix A and delegate the signing of agreements as identified in the Encroachment Policy.
4. That Council **APPROVE** the updated Land Value Fees within Appendix B and further that the updated fees **BE REFERRED** to the 2023 Operating Budget Process by way to the 2023 User Fee Schedule and further that the Land Value Fees **BE AMENDED** from time to time to reflect current rates.

5. That the Chief Administration Officer and City Clerk **BE AUTHORIZED** to execute agreements for Private Drain Connection replacements and encroachment agreements, satisfactory in form to the Commissioner of Legal & Legislative Services, in technical content to the Commissioner of Infrastructure Services and in financial content to the Commissioner of Corporate Services.

### **Executive Summary:**

N/A

### **Background:**

Council Report C-169/2021 (Appendix C) dated December 20, 2021, provided the following information to Council:

“As part of the Chief Administrative Officer’s (CAO’s) report to Council on the *Current Organizational State of The Corporation of the City of Windsor* (Report C87/2021, June 21, 2021), Council directed administration to report back to Council with amendments to the Delegation of Authority By-law No. 208-2008 (DOA By-law) to remove “red tape” and enable rapid execution of Council’s vision and direction.”

The purpose of this report is to propose streamlining measures that would enable administration to deliver better and faster services to residents. By reducing administrative burdens (such as lengthy approval timelines, multiple levels of review and approval, and high demand of staff time to prepare reports), staff could maximize their time to enable rapid execution of Council’s vision and direction.”

On the April 11, 2022 Special Meeting of Council, the subject report was deferred back to Administration to allow for consideration of any recommended changes to the Delegation of Authority By-law, and asked that those recommended changes be brought forward by subject area in individual reports to Council.

Recommendations 3 and 4 within C-169/2021 pertain to the Right-of-Way Division (outlined below) and have been further defined within the Discussion Section of this report as requested by CR-132/2022.

3. That the following items **BE DELETED** from the Delegation of Authority By-law No. 208-2008 and incorporated into regular business processes:
  - (a) Section 1.9 Sidewalk Sales
  - (b) Section 1.33 Sewer Agreements
  - (c) Section 3.2 Approval of legal encroachments within the terms of Council’s established policy

4. That the Manager of Right-of-Way **RETURN** to Council with an amendment to the Encroachment Policy M67-2015 to adjust the approval authority.

Further to the above Recommendations, on August 10, 2022, the following question was asked by Councillor Bortolin:

*“Ask that Administration provide Council with a report on potential changes to the encroachment policy that would permit memorial signs and historical features to be placed in the right-of-way. Also, report on potential options to the Engineering Landscape Best Practice BP3.2.2 that would allow mulch in right-of-way without a permit.”*

While the Landscape Best Practice and Memorial Signs have been addressed in a separate report to Council (C 205/2022), Heritage Encroachments have been included in the amended Encroachment Policy (Appendix A) and are discussed further below.

### **Discussion:**

The recommendations in this report focus on the following Right-of-Way matters: 1) Items to be deleted from the Delegation of Authority By-law No. 208-2008 and incorporated into Regular business processes; and 2) Approval of the amended Encroachment Policy M67-2015

- 1) Items TO BE DELETED from the Delegation of Authority By-law No. 208-2008 (DOA By-law) and Incorporated into Regular Business Processes. A review of these three items outlined below, showed that in the last 12 years, none of the Delegation of Authority Reports supported by Administration and submitted for approval to the CAO have been rejected.

**Section 1.9 Sidewalk Sales:** Sidewalk sales are requested by the Business Improvement Associations (BIAs) a few times per year and have increased recently due to the pandemic, in an effort to bring the community together. The review process for a sidewalk sale is very similar to a sidewalk café permit application, which no longer requires CAO approval as per By-law 64-2016, May 16, 2016 and has not had any issues since eliminating this section from the DOA. The current process to receive approval for a sidewalk sale takes 4 to 6 weeks. If the Commissioner of Infrastructure Services approves the sidewalk sale, a permit could be issued in 7 to 10 days. After review of the previous eleven (11) Sidewalk Sale applications submitted since 2017, it was verified that they were all approved. Administration recommends removing sidewalk sales from the DOA By-law and administration will implement a permit process approved by the Commissioner of Infrastructure Services.

**Section 1.33 Sewer Agreements:** Sewer Agreements are completed as per By-law 4921. Currently, a report is created to obtain a CAO approval number in order to authorize the execution of the agreement. A sewer permit is issued immediately, as

the property owners' plumbing may not be functioning. The Right-of-Way Division issues the sewer permit as per By-law 25-2010 and there is a Request for Proposal (RFP) issued to the approved contractors. There is little to no risk in removing this item from the DOA By-law as the agreement is standardized and eliminating the requirement for a CAO approval will allow the Right-of-Way Division to deliver these services faster, as per By-law 4921 and By-law 25-2010. Since its inclusion under By-Law 208-2008, over 750 Sewer Agreement reports have been created and approved by the CAO.

**Section 3.2 Approval of legal encroachments within the terms of Council's established policy:** The encroachment agreement process is very lengthy, with an average timeline of approximately 5 to 6 months to completion. Removing this section from the DOA By-law and incorporating it into regular business processes will expedite the timeline to less than a month. This new process is outlined on Appendix D and will be similar to the encroachment agreement renewal process that was previously approved under CAO-3648 in August 2016. This process reduced encroachment renewals from four (4) to six (6) months down to two (2) or three (3) weeks. Delegating authority to the Commissioner of Infrastructure Services would not change the permitting, review, and agreement process. Since 2010, over 1000 encroachment applications have been received by property owners looking to legalize items within the right-of-way. Of the applications submitted for approval and recommended by Administration, none of the reports have been rejected by the CAO. If Administration cannot recommend a proposed encroachment or if it requires a broader consultation, then Council will receive a report for decision.

2) AMENDMENTS to the Encroachment Policy M67-2015 (Appendix A):

**Section 4.0 Responsibility**

***Added***

- 4.2 Approval to execute agreements by the Chief Administrative Officer.
- 4.3 Approval to execute agreements by the City Clerk.
- 4.6 Inclusion of the Office of the Commissioner of Corporate Services to ensure financial process within the Policy is followed.

***Amended***

- 4.5 Approval of the Encroachment Policy has shifted from the Chief Administrative Officer to the Commissioner of Infrastructure Services.

**Section 5.0 Definitions**

***Added***

- 5.4 *City*, means The Corporation of the City of Windsor.

- 5.11 *Good Standing*, the property owner(s) tax account payments are up-to-date, there are no outstanding fees and the tax account is not subject to any form of sanction, suspension or payment plans.
- 5.13 *Heritage Encroachments*, the heritage features of a property on the Windsor Municipal Heritage Register, that are integral to the cultural heritage value or interest of the property as determined by the City Planner, and which if removed would otherwise trigger an *Ontario Heritage Act* process.
- 5.24 *User Fee Schedule*, the City's current encroachment user fee schedule, which may be amended from time to time.

***Amended***

- 5.16 *No Fee Encroachment* definition has been amended to include waiving the one-time or annual encroachment fee.

**Section 6.0 Encroachment Fees**

***Amended***

- 6.3 Residential Encroachment fee: Revised and reconfigured to include a section allowing residential encroachment fees of \$2,000.00 and greater to be added to their property taxes with conditions.
- 6.6 Parking Space Encroachment fee: Additional wording has been included to better define the fee structure based on property zoning.

**Section 8.0 Approvals**

***Amended***

- 8.1 Approval of the Encroachment Policy has shifted from the Chief Administrative Officer to the Commissioner of Infrastructure Services.

**Section 9.0 Encroachment Application**

***Amended***

- 9.4 Language has been incorporated to allow existing encroachment agreements to remain in place at the discretion of City Administration.
- 9.5 Notice of sale has been shifted from Risk Management to the Engineering Department, who will advise affected internal departments upon receipt.

**Section 10.0 Encroachment Agreement**

***Deleted***

- 10.1 One-time & annual encroachment agreement templates have been removed from the Policy. The Commissioner of Legal & Legislative Services will continue to follow the proper process to ensure encroachment agreements are drafted satisfactory in form as outlined in Section 4 of the Encroachment Policy.



Note : Insurance Requirements & Encroachment Exemptions/Special Exceptions Circumstances previously Sections 11 & 12 have been moved to Section 10 & 11 respectively.

## **Section 11.0 Encroachment Exemptions/Special Exceptions Circumstances**

### ***Newly Added***

11.8 Heritage Encroachment section included to define their requirements.

### ***Amended***

11.1 Encroachments over 8'-0" has been amended to generalize the type of object encroaching.

11.2 Encroachments from grade to 8'-0" has been amended to generalize the type of object encroaching.

Other non-material, minor amendments have been made to ensure consistency throughout the Policy.

### **Risk Analysis:**

There is minimal to no risks associated with delegating the approval authority of the items discussed here to the Commissioner of Infrastructure Services. Detailed policies and processes have been developed to ensure the protection of the City's interest as a whole while meeting the residents individual needs.

### **Climate Change Risks**

#### **Climate Change Mitigation:**

N/A

#### **Climate Change Adaptation:**

N/A

### **Financial Matters:**

Land values, for purposes of determining Encroachment Fees are published within the annual User Fee schedule. These fees are established by the Manager of Real Estate Services or designate in accordance with the Encroachment Policy to determine that rates are current. Amendments to these fees are traditionally brought forward as part of the annual operating budget approval process.

The last amendment was in 2015. After review, it is recommended that the current fees be amended and incorporated into the 2023 User Fee Schedule as follows:

Land Types	Current Land Value (2015-2022)	Proposed Land Value (2023)
Residential (R1 & R2 only)	\$10.00/ft <sup>2</sup>	\$12.00/ft <sup>2</sup>
Commercial (and >=R3)	\$12.00/ft <sup>2</sup>	\$15.00/ft <sup>2</sup>
Industrial	\$2.30/ft <sup>2</sup>	\$7.00/ft <sup>2</sup>
Institutional	\$5.00/ft <sup>2</sup>	\$5.00/ft <sup>2</sup>
Downtown	\$25.00/ft <sup>2</sup>	\$36.00/ft <sup>2</sup>

**Consultations:**

The following members of Administration have been consulted:

Joshua Meloche, Legal Counsel

Janice Guthrie, Taxation, Treasury & Financial Projects, Deputy Treasurer

Linda Mancina, Financial Planning Administrator

Kristina Savi-Mascaro, Purchasing, Risk Management & Provincial Offences

Chris Carpenter, Coordinator of Real Estate Services

Frank Scarfone, Manager of Real Estate Services

Kristina Tang, Heritage Planner

Michael Cooke, Manager of Planning Policy, Deputy City Planner

Andrew Lewis, Coordinator of Right-of-Way & Field Services

**Conclusion:**

Administration is always looking for ways to improve the delivery of services and streamline processes. The recommendations outlined herein provides an opportunity to streamline approvals to permit Sidewalk Sales, expedite the execution of standard private sewer and encroachments agreements as well as incorporate heritage features into the Encroachment Policy.

**Planning Act Matters:**

N/A

**Approvals:**

<b>Name</b>	<b>Title</b>
Adam Pillon	Manager of Right-of-Way
France Isabelle-Tunks	Executive Director Engineering/Deputy City Engineer
Chris Nepszy	Commissioner, Infrastructure Services/City Engineer
Shelby Askin Hager	Commissioner, Legal and Legislative Services
Joe Mancina	Commissioner, Corporate Services CFO/City Treasurer
Onorio Colucci	Chief Administrative Officer

**Notifications:**

<b>Name</b>	<b>Address</b>
List provided to Clerks Office	

**Appendices:**

- 1 Appendix A - M67-2015 Amended Encroachment Policy
- 2 Appendix B - Encroachment User Fee Schedule
- 3 Appendix C - Council Report C-169/2021
- 4 Appendix D - Encroachment Agreement Approval Flow Chart

# Appendix A

## THE CORPORATION OF THE CITY OF WINDSOR POLICY

Service Area:	<b>Office of the Commissioner of Infrastructure Services</b>	Policy No.:	
Department:	<b>Engineering</b>	Approval Date:	<b>February 17, 2015</b>
Division:	Development, Projects, Right-of-Way	Approved By:	<b>M67-2015</b>
		Revised Date:	<b>December 12, 2022</b>
		Effective Date:	<b>February 17, 2015</b>
Subject:	<b>Encroachment Policy</b>	Procedure Ref.:	User Fee Schedule
		Pages:	Replaces:
Prepared By:	Amy Olsen		Date:

**1. POLICY**

1.1 The encroachment policy governs the computation of encroachment fees and requirements as defined within this Policy.

**2. PURPOSE**

- 2.1 The revised encroachment policy would simplify, provide direction to Administrative staff for processing the encroachment application and streamline the encroachment process, ensuring the exposure to risk and liability is mitigated. Therefore this Policy specifically:
- 2.1.1 Defines an encroachment;
  - 2.1.2 Provides a process for approvals, requirements, exemptions; and
  - 2.1.3 Establishes simplified computation of encroachment fees.

**3. SCOPE**

3.1 This Policy applies to all encroachments on the public right-of-way including properties with encroachment agreements that have changed ownership since the agreement was executed as defined herein.

**4. RESPONSIBILITY**

The responsibilities related to use of this Policy are outlined below:

- 4.1 The Mayor and City Council are responsible for:**
  - 4.1.1 Approving, supporting and enforcing the Policy;
  - 4.1.2 Make determination of the Policy and resolve any exceptions or disagreements.
- 4.2 The Chief Administrative Officer is responsible for:**
  - 4.2.1 Enforcing and supporting the Policy;
  - 4.2.2 Execute Encroachment Agreements.
- 4.3 The City Clerk is responsible for:**
  - 4.3.1 Execute Encroachment Agreements.
- 4.4 The Office of the Commissioner of Legal & Legislative Services:**
  - 4.4.1 Enforcing the Encroachment Policy;
  - 4.4.2 Ensuring the Encroachment Agreement is satisfactory in form.

## Appendix A

### 4.5 The Office of the Commissioner of Infrastructure Services:

- 4.5.1 Approving, administering, enforcing and supporting the Policy;
- 4.5.2 Ensuring the Encroachment Agreement is Satisfactory in technical content;
- 4.5.3 Ensures staff process the application and follow the Policy.

### 4.6 The Office of the Commissioner of Corporate Services:

- 4.6.1 Ensuring the Encroachment Agreement is Satisfactory in financial content;
- 4.6.2 Ensures staff process the encroachment agreement fees and follow the Policy.

## 5. DEFINITIONS

- 5.1 **A-Frame Signs or ‘Sandwich Board Signs’**, are signs not permanently anchored to the ground.
- 5.2 **Area of Encroachment**, the square footage of the personal property of any description that is placed, occupied or maintained upon any highway.
- 5.3 **Bus Bays (lay-by)**, road widening to permit temporary parking/stopping etc.
- 5.4 **City**, means The Corporation of the City of Windsor.
- 5.5 **Downtown Land Value**, the value of property (\$ per square foot) used for non-residential encroachment located within the Downtown Windsor Business Improvement Area, and collected in accordance with the User Fee Schedule.
- 5.6 **Encroachment**, any personal property of any description that is placed, occupied or maintained upon any municipal right-of-way including but not limited to signs, fences, sheds, porches, footings, canopies, parking areas, decorative or landscape rocks or boulders, logs, curbing, vaults, structures (in whole or part), private sewers.
- 5.7 **Encroachment Agreement**, refers to a legal and binding agreement between the City and the property owner having permission to occupy the right-of-way. The Council Resolution requires the owner to enter into a legal and binding agreement as a condition of approval to use the public right-of-way.
- 5.8 **Encroachment caused by gratuitously conveyed lands**, is an encroachment caused as a result of a property owner gratuitously conveying lands to the City for road widening purposes (reference 5.16 - No Fee Encroachment).
- 5.9 **Encroachment Term**, 20 years from the agreement execution date or change of zoning or change in ownership, whichever occurs first.
- 5.10 **Exception**, a person or thing that is excluded from a general statement or does not follow a rule.
- 5.11 **Good Standing**, the property owner(s) tax account payments are up-to-date, there are no outstanding fees and the tax account is not subject to any form of sanction, suspension or payment plans.
- 5.12 **Hedge, Plantings, Ground Cover**, includes but is not limited to plants, shrubs, flowers, ornamental grasses, and hedges.
- 5.13 **Heritage Encroachments**, the heritage features of a property on the Windsor Municipal Heritage Register, that are integral to the cultural heritage value or interest of the property as determined by the City Planner, and which if removed would otherwise trigger an *Ontario Heritage Act* process.
- 5.14 **Land Value**, the value of property (\$ per square foot) as per the User Fee Schedule as determined by the Commissioner of Legal & Legislative Services.
- 5.15 **Long Term Hoarding**, for properties that have hoarding on City rights-of-ways for two (2) or more years with no intention of construction (no Building Permit application submitted) and repair is not proceeding or ongoing.
- 5.16 **No Fee Encroachment**, the application fee, agreement preparation fee, and the annual or one-time encroachment fees are waived. The Right-of-Way Permit fee is applicable



## Appendix A

as well as the annual inspection and billing fee (applies to properties not zoned R.1 or R.2 only), including a Certificate of Insurance.

- 5.17 **Non Residential Encroachment**, being defined as an encroachment located on the public right-of-way abutting area not zoned R.1, R.2 or partially exempt in the City of Windsor.
- 5.18 **Parking Space Encroachment**, being defined as an encroachment with an area used for parking on any type of hard surface that is approximately 18.5 square metres (200 square feet).
- 5.19 **Partially Exempt Encroachment**, being defined as an encroachment located on the public right-of-way abutting lands owned by a partially exempt organization (Public Authority, charitable organization, non-profit charities, churches and similar facilities) independent of zoning in the City of Windsor.
- 5.20 **Permanent**, lasting or intended to last or remain unchanged indefinitely.
- 5.21 **Public Authority**, means a School Board, Public Library Board, Board of Health, Board of Commissioners of Police or any other board or commission or committee or authority established or exercising any power or authority under any general or special statute of Ontario with respect to the affairs or purposes of the City of Windsor.
- 5.22 **Residential Encroachment**, being defined as an encroachment located on the public right-of-way abutting land zoned R.1, R.2 in the City of Windsor.
- 5.23 **Temporary**, lasting for only a limited period of time; not Permanent; less than one (1) year.
- 5.24 **User Fee Schedule**, the City's current encroachment user fee schedule, which may be amended from time to time.

## 6. **ENCROACHMENT FEES**

- 6.1 All encroachment fees are based on the User Fee Schedule, including a minimum annual or one-time encroachment fee.
- 6.2 Multiple encroachments may exist on a single property, if approved.
- 6.3 The **Residential Encroachment fee** is based on the Encroachment Term, and is computed in accordance with the User Fee Schedule.
  - 6.3.1 One-time fees payable to the City upon demand (invoice).
  - 6.3.2 Any residential property with a one-time encroachment fee of \$2,000.00 or greater, may elect to add the costs to their tax roll and will be collected in the same manner as taxes, under the following conditions:
    - 6.3.2.1 The property owner(s) statement of account with the City is in Good Standing.
    - 6.3.2.2 Paying in full by way of 5 equal annual installments, the Owner's cost of encroachment plus interest calculated at the rate of prime rate plus 1%, established as of the invoice date is determined by the City, to be calculated annually in advance, plus registration costs.
    - 6.3.2.3 The Owner's agreement that the Owner's amortized cost of encroachment constitutes a lien against the Owner's real property until such time as the Owner's amortized cost of encroachment has been paid in full.
    - 6.3.2.4 That the agreement may be registered against the title of the Owner's property.
    - 6.3.2.5 Subject to the provisions of this policy and encroachment agreement, as amended, the Chief Administrative Officer and the City Clerk are hereby authorized and directed to execute, from time to time,

# Appendix A

agreements with the Owners for the payment, by the Owners to the City, of the costs of the one-time encroachment fee.

**6.4** The **Partially Exempt Encroachment fee** is based on the Encroachment Term, and is computed in accordance with the User Fee Schedule.

**6.4.1** One time fees payable to the City upon demand (invoice).

**6.5** The **Non Residential Encroachment fee** is based on the Encroachment Term, and is computed in accordance with the User Fee Schedule.

**6.5.1** Annual Non Residential Encroachment and Billing/Inspection fees are added to property taxes.

**6.6** The **Parking Space Encroachment fee** is based on the Encroachment Term, and is computed in accordance with the User Fee Schedule.

**6.6.1** One time fees payable to the City in accordance with Section 6.3.1 or 6.3.2, as applicable, if determined Residential Encroachment.

**6.6.2** One time fees payable to the City in accordance with Section 6.4.1 if determined Partially Exempt Encroachment.

**6.6.3** Annual fees payable to the City in accordance with Section 6.5.1 if determined Non Residential Encroachment.

## 7. LAND VALUES

**7.1** Land Values are based on zoning designation of the property, not use of the property and are collected in accordance with the User Fee Schedule, save and except for Downtown Land Values.

## 8. APPROVALS

**8.1** Approval may be granted by the Commissioner of Infrastructure Services or delegate.

**8.2** Any encroachments of concern or not supported by the Commissioner of Infrastructure Services are referred to City Council for decision.

## 9. ENCROACHMENT APPLICATION

**9.1** One (1) application per property identified by the Assessment Roll Number

**9.2** Multiple encroachments may exist on a single property, if approved.

**9.3** A new encroachment application is required to amend existing agreements if one (1) or more encroachments are removed, or added or altered.

**9.4** A new encroachment application is required for succeeding property owners, at the discretion of the Commissioner of Infrastructure Services or designate.

**9.5** The property owner is required to give ten (10) days notice to the City's Engineering Department before any sale.

**9.6** The applicant agrees to remove the encroachment and restore the area within 60 days to the condition of the surrounding area upon receipt of written notice by the Commissioner of Infrastructure Services to do so.

## 10. INSURANCE REQUIREMENTS

**10.1** For the life of the encroachment agreement, the Licensee will provide a Certificate of Insurance in its legal name confirming the Licensee has in force insurance coverage. The Certificate of Insurance must be satisfactory in form and content to the City's Risk Management Department.

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- 10.1.1 Residential Properties – A Certificate of Insurance with proof of General Liability Insurance in the amount of at least \$2,000,000.00 per occurrence, containing an endorsement naming **“The Corporation Of The City Of Windsor”** as an additional insured, and containing a 30-day cancellation notice requirement.
- 10.1.2 Commercial Properties – A Certificate of Insurance with proof of same coverage as Residential Properties (See 10.1.1) but must also include proof of a cross-liability clause.
- 10.2 The insurance requirements may increase or change from the basic requirements set out in 10.1 at the outset of the encroachment or throughout the Encroachment Term, at the discretion of the Commissioner of Legal & Legislative Services or designate.

## 11. **ENCROACHMENT EXEMPTIONS/SPECIAL EXCEPTIONS CIRCUMSTANCES**

### 11.1 Encroachments over 8'-0"

Any overhead object that projects less than 0.3m (1 foot) into the Public right-of-way allowance, in whole or in part and is a minimum of 8'-0" above grade.

### 11.2 Encroachments from grade to 8'-0"

Any object that projects less than 100mm (4 inches) into the Public right-of-way allowance, in whole or in part and exists from grade to a maximum of 8'-0".

### 11.3 Bus Bays (lay-by)

Notwithstanding the City contributions to bus bays; an encroachment agreement is required for bus bays (lay-by) in the right-of-way, to mitigate the risk of liabilities.

### 11.4 Encroachment caused by gratuitously conveyed lands

An encroachment is caused as a result of a property owner gratuitously conveying lands to the City for road widening purposes. The property owner may either remove said encroachment(s) or apply for a No Fee Encroachment (the application, agreement preparation, annual or one-time encroachment fees are waived) with the City if recommended by the Commissioner of Legal & Legislative Services and approved by the Commissioner of Infrastructure Services or City Council. The Right-of-Way Permit fee and Annual Inspection and Billing fee (if zoned other than R.1 or R.2) will still apply.

### 11.5 Temporary Encroachments

11.5.1 An encroachment agreement is not required for any door that encroaches into the public right-of-way while open.

11.5.2 A-Frame Signs removed from the right of way daily, do not require an encroachment agreement; however, will require a Right-of-Way permit, as per the User Fee Schedule.

11.5.3 Any other encroachment that is deemed temporary by the Commissioner of Infrastructure Services and/or Commissioner of Legal & Legislative Services.

### 11.6 Long Term Hoarding

11.6.1 An Encroachment Agreement will be required and the fee for use of City right-of-ways will be calculated based on the following formula:

$$\text{Annual Encroachment Fee} = \text{Area of Encroachment} \times \text{Land Value} \times \text{Encroachment Factor (1.25)}$$

## **Appendix A**

- 11.6.2** The encroachment agreement shall contain the following terms;
  - 11.6.2.1** The encroachment agreement must be approved yearly by City Council;
  - 11.6.2.2** Proper Insurance must be submitted, to the satisfaction of the City's Risk Management Division;
  - 11.6.2.3** The Commissioner of Infrastructure Services and Chief Building Official (CBO), upon concurrence by the Chief Administrative Officer, can extend the temporary hoarding to a period beyond two (2) years if construction is ongoing and the construction schedule is presented; and
  - 11.6.2.4** Any other terms deemed appropriate by the Commissioner of Legal & Legislative Services or the Commissioner of Infrastructure Services.
  - 11.6.2.5** That the Chief Administrative Officer and City Clerk BE AUTHORIZED to sign the agreement satisfactory in technical content to the Commissioner of Infrastructure Services and form satisfactory to the Commissioner of Legal & Legislative Services and financial content to the CFO/City Treasurer.

### **11.7** Hedges, Plantings, Ground Cover

- 11.7.1** Hedges/plantings located within the right-of-way that does not comply with Engineering Best Practice BP-3.2.2 and drawing 4M-157 as amended from time to time, must be removed from the right-of-way or obtain permission via a permit, as per the User Fee Schedule.
- 11.7.2** Right-of-way permit fee will be required as per the User Fee Schedule.
- 11.7.3** Permit will be cancelled and all objects shall be removed from the right-of-way at the discretion of the Commissioner of Infrastructure Services.
- 11.7.4** Any hedges, plantings, ground cover that the Commissioner of Infrastructure Services and/or the Commissioner of Legal & Legislative Services deem acceptable.

### **11.8** Heritage Encroachments – An encroachment agreement is required for any heritage feature located in the right-of-way as defined under section 5.13.

- 11.8.1** The following fees will apply, based on the type of encroaching items:
  - 11.8.1.1** Only heritage items encroach at the subject property: All fees associated with obtaining an encroachment agreement and permit are waived.
  - 11.8.1.2** Non-heritage and heritage items encroach at the subject property: All fees related to applying for and obtaining an encroachment agreement and permit will apply, with the exception of the one-time or annual fees associated with the heritage features only.
- 11.8.2** Insurance requirements remain consistent with section 10 of this document.

### **11.9** Additional Exemptions/Special Exceptions

- 11.9.1** Any additional approved by City Council.

**Encroachment – User Fee Schedule**

**Residential & Partially Exempt Encroachment Formula**

*Land Value x Area of Encroachment x Residential & Non Profit Factor x Risk Factor = Fee*

**Non Residential Encroachment Formula**

*Land Value x Area of Encroachment x Non Residential Factor x Risk Factor = Fee*

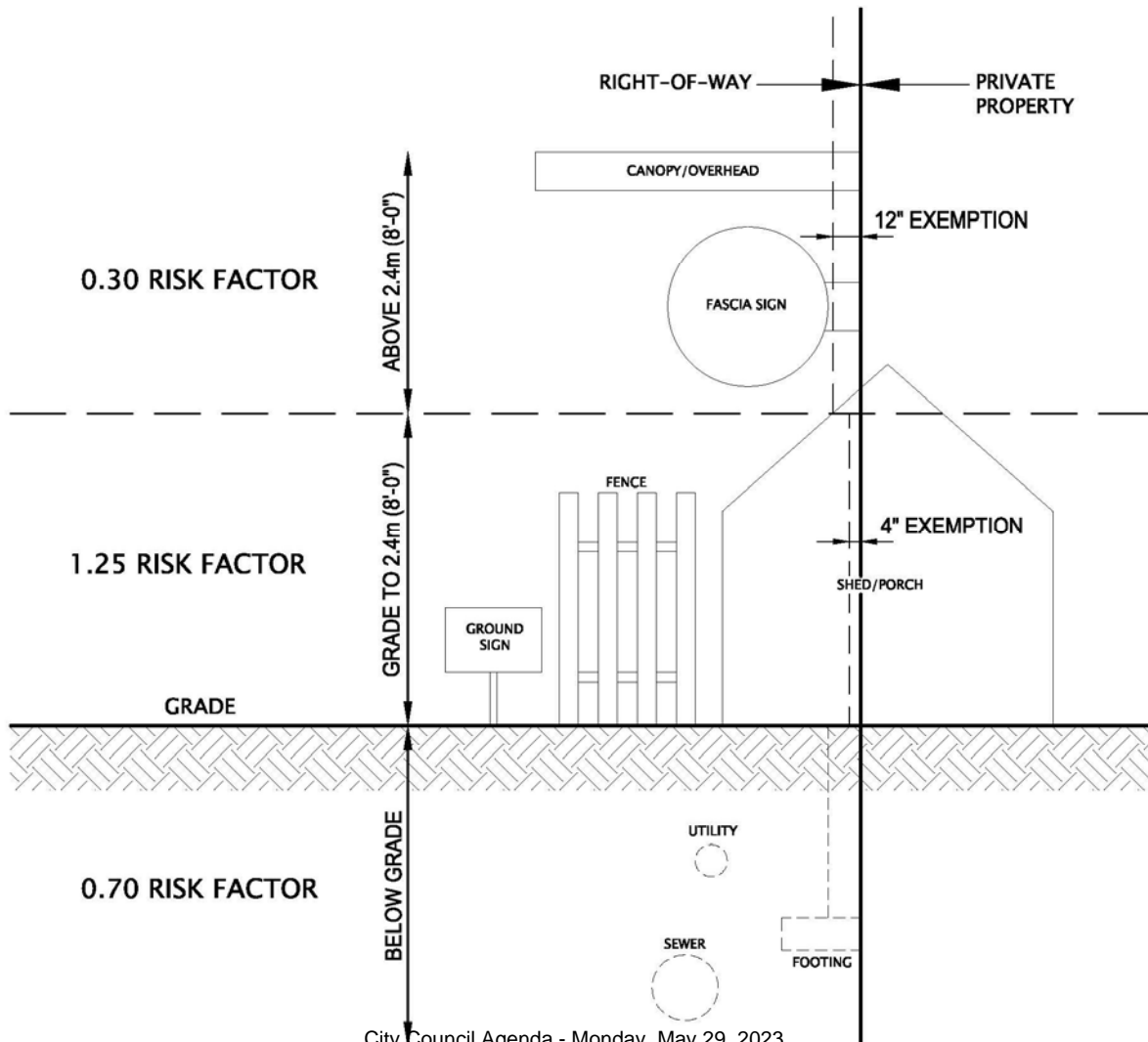
**Parking Encroachment Formula**

*Area of Parking Encroachment x \$1.75 = Fee (One Time or Annual Fee based on Zoning)*

LAND VALUES	
Residential (R1 & R2 only)	\$12.00/ft <sup>2</sup>
Commercial (and >=R3)	\$15.00/ft <sup>2</sup>
Industrial	\$7.00/ft <sup>2</sup>
Institutional	\$5.00/ft <sup>2</sup>
Downtown	\$36.00/ft <sup>2</sup>
PARKING SPACE VALUE	
\$350.00/200ft <sup>2</sup> parking space (\$1.75/ft <sup>2</sup> )	

RISK FACTOR	
Below Grade	0.70 Risk Factor
Grade to 2.4m (8'-0")	1.25 Risk Factor
Above 2.4m (8'-0")	0.30 Risk Factor

ZONING FACTOR	
Residential & Partially Exempt Factor = 0.5	
Non Residential Factor = 0.05	







**Subject: Streamlining Approvals to Enable Rapid Execution of Council's Vision and Direction**

**Reference:**

Date to Council: 12/20/2021  
Author: Laura Strahl, MCIP, RPP  
Executive Initiatives Coordinator (Acting)  
CAO Office  
lstrahl@citywindsor.ca  
519-255-6100 x6479

CAO Office  
Report Date: 10/29/2021  
Clerk's File #: AS/7748

**To:** Mayor and Members of City Council

**Recommendation:**

1. That Council **APPROVE** the delegation of additional authority to the Chief Administrative Officer (CAO) by amending Section 4 of the Delegation of Authority By-law No. 208-2008 to add the following:
  - (a) Approval of Transfers From/To Reserves from the following Reserves :
    - i. PC Maintenance/Support Reserve Fund 177, unlimited, in accordance with the Purchasing By-law
    - ii. Pay As You Go (PAYG) Leasing Reserve Fund 170, unlimited, in accordance with the Purchasing By-law
    - iii. Pollution Control Reserve Fund 208 for purchases up to \$300,000
  - (b) Approval of the conversion of temporary positions to permanent Full Time Equivalent (FTE) when the temporary position is already fully funded via an approved temporary salary budget and the addition of permanent FTE positions when external dedicated grant funding is provided for the purpose of funding specific programs/positions, resulting in no additional costs to the City
  - (c) Approval of minor required changes to Transit Windsor service routes
  - (d) Approval of Quarterly Compliance Reports
  - (e) Approval of Subcontract Quotations
  - (f) Approval of Participation Agreements for Municipal Benchmarking Network of Canada (MBNC) Program
2. That Council **APPROVE** the delegation of additional authority to the CAO by further amending Section 4 of the Delegation of Authority By-law No. 208-2008 to

allow the CAO to delegate to identified positions within the City's Administration the following items:

- (a) The Fleet Manager to sign documents required by the dealer for delivery of vehicles and equipment as required, where the purchase of vehicles and equipment has been approved by Council
  - (b) The Commissioner of Infrastructure Services to sign a letter of support to the Ministry of Environment, Conservation and Parks to allow the Windsor Essex Community Health Unit (WECHU) to perform mosquito larviciding on the City's behalf
  - (c) The Commissioner of Infrastructure Services to sign Data Agreements to obtain natural gas consumption numbers
  - (d) The respective Commissioner to sign Letters of Support for grant applications where the following criteria is met: 1) no funds required from the City and 2) municipalities are ineligible to apply
  - (e) The Commissioner or designate, identified in Appendix B to Report C169/2021 has the authority to approve CAO reports and sign agreements, or authority to sign agreements.
3. That the following items **BE DELETED** from the Delegation of Authority By-law No. 208-2008 and incorporated into regular business processes:
- (a) Section 1.9 Sidewalk Cafes
  - (b) Section 1.33 Sewer Agreements
  - (c) Section 3.2 Approval of legal encroachments within the terms of Council's established policy
4. That the Manager of Right-of-Way **RETURN** to Council with an amendment to the Encroachment Policy M67-2015 to adjust the approval authority.
5. That Schedule A1 of the Delegation of Authority By-law No. 208-2008 **BE AMENDED** as follows:
- (a) Section I., 1. **BE DELETED** and **REPLACED** with  
  
"The Chief Administrative Officer is authorized to approve fee simple land acquisitions, acquisition of easements, consent to enter/temporary working easements and expropriation settlements up to and including a limit of \$200,000 (exclusive of any taxes, registration and legal fees, real estate commissions and survey costs), subject to the following:..."
  - (b) Section I. 1., c. **BE DELETED** and **REPLACED** with:  
  
"The land is not being acquired by means of expropriation, unless the Expropriation Act is being used to assemble the lands for road improvement projects".
  - (c) Section II., 2. **BE DELETED** and **REPLACED** with

“The Chief Administrative Officer may approve fee simple land sales (including vacant or improved properties and closed rights-of-way if not sold to an abutting property owner and is permitted under the applicable closing or conveying bylaw), lands acquired by means of expropriation or other conveyances of an interest in land up to and including \$200,000 (exclusive of any taxes, registration and legal fees, rehabilitation costs, real estate commission and survey costs), subject to the following conditions:...”

(d) Section II., 2. b. **BE DELETED** and **REPLACED** with:

“In the event that the land was acquired by the municipality by means of expropriation that the requirements provided for under the Expropriation Act be followed prior to selling it to someone other than the individual who was expropriated;”

(e) Section II., 2. d. **BE DELETED** and **REPLACED** with:

“In the opinion of the City Solicitor, the fee simple sale of land is not contrary to Bylaw 52-2014 (Disposal of Land policy) as amended from time to time. Other conveyances of an interest in land up to and including \$200,000 (exclusive of any taxes, registration and legal fees, rehabilitation costs, real estate commission and survey costs) are not subject to By-Law 52-2014 (Disposal of Land policy);

6. That Section 3.43 Sandwich Community Improvement Plan Neighbourhood Residential Rehabilitation Program and Development and Building fees **BE DELETED** from the Delegation of Authority By-law No. 208-2008 and that the City Planner By-law 139-2013 **BE AMENDED** to include:

(a) Authority for the City Planner to approve *Olde Sandwich Towne Community Improvement Plan Grant Programs* for the following:

1) *Neighbourhood Residential Rehabilitation Grant Program* applications to a maximum of \$15,000 and where sufficient budget funding is available. Such approval to be based on the recommendation of the Planner as to technical merit and the City Treasurer as to financial considerations; and,

2) *Development and Building Fee Grant Program* applications when the Grant is requested as part of the *Neighbourhood Residential Rehabilitation Grant* only, to a maximum of \$15,000 and where sufficient budget funding is available. Such approval to be based on the recommendation of the Planner as to technical merit and the City Treasurer as to financial considerations

(b) Authority for the City Planner to approve Study Grant approvals under the Brownfield Redevelopment Community Improvement Plan to a maximum of \$25,000 and where sufficient budget funding is available. Such approval to be based on the recommendation of the Planner as to technical merit and the City Treasurer as to financial considerations

- (c) Authority for the City Planner to approve applications under the Demolition Control By-laws as long as the policies/requirements of the Planning Act, Demolition Control By-law and Official Plan are addressed. In the event the City Planner is of the opinion that the application does not comply with the policies/requirements of the Planning Act, By-law or Official Plan, then the application will proceed to Council
7. That Section 3.32 of the Delegation of Authority By-law No. 208-2008 **BE AMENDED** by deleting 'Ministry of Community Safety and Correctional Services' and replacing it with 'Ministry of the Solicitor General, or associated Ministry'.
8. That Section 3.24 of the Delegation of Authority By-law No. 208-2008 **BE DELETED** and **REPLACED** with: "Approval of the execution of one-time or infrequent agreements that comply with approved operating or capital budgets, and administrative forms or additional documents connected to agreements already approved and signed by the City".
9. That the Purchasing Manager **RETURN TO COUNCIL** after consulting with internal and external stakeholders regarding the following proposed amendments to the Purchasing By-law 92-2012:
- (a) Section 37(a) allow the Chief Administrative Officer to approve a requisition and make an award of up to \$500,000, provided the funds have been included in the Council-approved operating or capital budget;
  - (b) increasing the Small Purchase Order (SPO) limit up to \$35,000;
  - (c) eliminate the requirement for an informal Request for Quotation process;
  - (d) Increasing the formal Request for Quotation process thresholds between \$35,001 - \$75,000; and,
  - (e) Increasing the estimated dollar thresholds for all Request for Proposal/Request for Tender (RFP/RFT) to \$75,000 or greater.
10. That the City Solicitor **BE DIRECTED** to prepare the required amending by-laws to Delegation of Authority By-law No. 208-2008 and City Planner By-law 139-2019.

Executive Summary:

N/A

### **Background:**

As part of the Chief Administrative Officer's (CAO's) report to Council on the *Current Organizational State of The Corporation of the City of Windsor* (Report C87/2021, June 21, 2021), Council directed administration to report back to Council with amendments to the Delegation of Authority By-law No. 208-2008 (DOA By-law) (Attached as Appendix A) to remove "red tape" and enable rapid execution of Council's vision and direction. This report also includes other streamlining recommendations under the City Planner

By-law 139-2013 and proposes a method for streamlining the Purchasing By-law 92-2012.

The purpose of this report is to propose streamlining measures that will enable administration to deliver better and faster services to residents. By reducing administrative burdens (such as lengthy approval timelines, multiple levels of review and approval, and high demand of staff time to prepare reports) staff can maximize their time to enable rapid execution of Council's vision and direction.

As part of the Corporate Strategic Plan that administration is currently developing, ideas are being explored to make the organization even more innovative, agile, collaborative, solution-oriented, efficient and effective. Part of this shift in corporate culture includes empowering staff to make decisions and providing the ability for staff to be more agile.

Section 23.1 of the *Municipal Act, 2001*, S.O. 2001, c. 25, as amended, provides Council with authority to delegate some of its powers and duties under the Municipal Act or any other Act to a person or body subject to specified restrictions. Pursuant to this authority council passed the CAO By-law 208-2008. This by-law has been amended over the years to delegate various routine administrative matters to the CAO. This report recommends a further delegation of authority of administrative powers and duties to the CAO. These delegations are in accordance with the provisions of the Municipal Act.

### **Discussion:**

Council has already streamlined some approval processes by delegating approval of items to administration under the DOA By-law. This allows Council to address long-term and strategic issues at Council meetings. This also allows administration to process approvals without requiring the preparation of a Council report and submission in the agenda review process. The CAO approves over 400 CAO/CAOP reports a year on behalf of Council through the DOA By-law and Purchasing By-law.

The internal administrative process for approvals for items listed in the DOA By-law requires staff to prepare a CAO report to seek approval from the CAO, which can be time consuming where the item is routine in nature (and carries low risk) or where another more streamlined process (such as a permit process) can be implemented for record keeping. For example, changes made to Sidewalk Cafe Agreements in 2016 removed the item from the DOA By-law and a permit process was incorporated into regular business processes.

In cases where a CAO report is still the best process for proper review and transparency/record keeping purposes, there are items in the DOA By-law that can be delegated from the CAO to a designate (another member of CLT or a senior leader). By reducing a layer of review and approval and empowering staff to make decisions in their respective departments the corporation can provide faster services to residents. This will save time in the approval process and save staff time reviewing reports. It's difficult to calculate the time and staff resources saved by reducing the number of approvals needed, however if the CAO spends an average of 15 minutes on each report to review and approve, by removing one layer of approvals needed this could save 100 hours of staff time a year (assuming 400 reports a year).



Therefore, the recommendations in this report focus on: 1) Items to be Added to Section 4 of the DOA By-law; 2) Items to Be Further Delegated to CLT or senior leader (or designate); 3) Items To Be Deleted and Incorporated into Regular Business Processes; and 4) Minor Housekeeping Amendments.

## **Proposed Amendments to the Delegation of Authority By-law No. 208-2008 (DOA By-law)**

### **1) Items to be Added to Section 4 of the DOA By-law:**

**CAO Delegated Authority to Approve Transfers From/To Reserves:** The corporation has numerous reserve funds/accounts each requiring City Council approval for any transfers to/from the respective reserve. While some reserves are legislated, such as Development Charge Reserves, others are set up for the specific purpose of accumulating funding for the repair or replacement of an asset in the future.

There are 2 Reserve Funds administered by the Information Technology (IT) department as well as one Reserve administered by Pollution Control that collect revenue over a period of time to fund purchases as required. Annual transfers are required from the respective reserves to fund these purchases made in the operating budget. These transfers are considered housekeeping in nature and are recommended to be placed in the CAO DOA Bylaw.

### **PC Maintenance/Support Reserve Fund 177**

Departments annually contribute to the PC Maintenance/Support reserve based on the number of personal computers (PC's) and printers being used in each department. The purpose is:

- To allocate a portion of the costs to support, network and secure the computers and printers across the Corporation.
- To annualize the expenses related to the big-ticket upgrades when required in a corporate computing environment (e.g. operating systems, office suite, E-mail system, management systems).

### **Pay As You Go (PAYG) Leasing Reserve Fund 170**

This reserve fund was set up when the City converted from a leasing model and established a Pay As You Go (PAYG) purchase replacement program for equipment such as computers, vehicles, radios etc. Departments contribute annually to the PAYG reserve based on the number of personal computers (PC's) being used in each department.

The IT department then manages the assets on a lifecycle basis and makes the procurements through their operating budget as follows:

- Replacement PC's (desktop PC's, laptop PC's, CAD workstations, monitors)
- Parts and maintenance for out-of-warranty PC's

- Networking and Server lifecycle management (maintaining, replacing infrastructure using evolving technology to improve efficiency and total cost of ownership)
- Salary and benefits for several staff required for End User Support, Technical Support, and Personal Computer Support.

Annually, at year-end, these operating accounts recover from their respective reserves to fund any expenditures incurred for these activities. The reserve forecast models are monitored and reviewed annually to ensure ongoing sustainability.

The IT reserve transfers for F177 and F170 were \$837,000 and \$967,000 respectively in 2021 and can fluctuate annually based on the timing and needs in IT. Administration does not recommend an upper limit on the amounts that can be transferred from these funds, provided purchases are in accordance with the Purchasing By-law.

### **Pollution Control Reserve Fund 208**

The Pollution Control reserve is funded annually by Sewer Surcharge revenue and was set up to ensure funds are available to fund critical pollution control related equipment repairs, refurbishments and replacements over a period of 15 years. The equipment is located at the Lou Romano Water Reclamation Plant, Little River Pollution Control Plant and numerous pump stations throughout the City. The equipment in these facilities is very specialized and critical to the ongoing operations of the pollution control system. There have been cases recently where repairs were required with very short notice and were necessary to ensure all provincial regulatory standards were maintained. This recommendation is to add transfers from this reserve to the CAO DOA Bylaw for purchases up to \$500,000 to facilitate funding for emergency repairs to expedite the need to get Council approval to transfer funds from the reserve fund.

### **Increase Permanent Full Time Equivalent (FTE) Positions In Specific**

**Circumstances:** The City currently has numerous temporary positions that were added over the years to address specific service level concerns and/or grant funding requirements. In many cases, these positions have been in place for many years and are currently filled by temporary staff and/or staff seconded from other City positions. Given the temporary nature of these positions, it is very difficult to recruit quality external candidates due to the future uncertainty of permanent employment with the City. In addition, when a position is filled with a temporary candidate, this is usually short lived as the employee leaves as soon as a permanent employment opportunity becomes available. This continuous and repetitive recruitment cycle is not efficient, resulting in low productivity for the area and significant recruitment and training costs overall.

Turnover costs are very difficult to quantify. Industry standards for an entry level position can start at 30% to 40% of the employee's annual salary, and can escalate quickly as you move up to higher positions in the organization where the percentage can double, triple or go even higher.

Providing delegated authority to the CAO to assess and convert these temporary positions to permanent FTE positions on a case-by-case basis, will allow for the

recruitment of better quality candidates, reduced turnover costs, and generate overall increased efficiencies within the corporation.

This delegated authority would allow the CAO to add FTE positions in 2 specific cases as follows:

1. The conversion of temporary positions to permanent FTE when the temporary position is already fully funded via an approved temporary salary budget and;
2. The addition of permanent FTE positions when external dedicated grant funding is provided for the purpose of funding specific programs/positions, resulting in no additional costs to the City.

### **Transit Windsor - Required Changes to Service:**

Including, but not limited to:

1. Changes to routes
2. Changes to route frequencies
3. Lengthening or shortening an existing route
4. Changes to fare media sales outlets

Before submitting a recommendation to make any changes, Transit Administration will continue to exercise due diligence by assessing trends, seeking public feedback/consultation, reviewing financial impacts, investigating all available options, and ensuring decisions are made in the best interest of all stakeholders.

In order to make Transit Windsor a more nimble, responsive, and customer-focussed service, Transit Administration would like to have the ability to implement changes of lesser magnitude, (routing changes, service improvements, efficiencies, etc.) without the cumbersome and time-consuming process of going to the Transit Windsor Board (ETPS) and Council. Two recent examples of route changes that went through the normal approval process were the minor routing change in 2021 on the Route 1C, and the changes to the Tunnel Bus route in 2019 resulting from the opening of the new Little Caesar's Arena. Both changes were carefully determined and made in the best interest of serving our riders, but implementation was delayed by several months as the changes wound their way through the Committee and Council approval process.

Any changes/recommendations submitted via the DOA By-law are expected to have zero or minimal financial impact to the Corporation. Should there be any variances in the year impacted, the recommendation will be made to annualize the cost through the proceeding year's budget.

Further, Transit Administration will provide updates as information via reports to ETPS and Council on the implemented changes.

**Quarterly Compliance Reports:** On a quarterly basis, department/division heads are asked to verify compliance with respect to applicable laws and regulations/inquiries received from government agencies. An update report on the status of compliance was previously submitted as an agenda item to the Corporate Services Standing Committee

of City Council. In the 2021 Q1 update report, administration noted the intention to transition future compliance updates to the CAO as part of the DOA By-law.

**Subcontract Quotation:** When this issue came up during the recent EWSWA tender for refuse transfer from various sites, Operations was informed by Purchasing that the City needed Council approval to give a subcontract quotation to the general contractors bidding on the work for our staff to perform this part of the tender. There was no impact to our service delivery and no impacts to staffing or equipment. An email poll of council was conducted, but this was not the most efficient process. For future we would like to use a CAO report where details of the issue are summarized for the CAO to approve. To take it a step further, there may be additional tendering opportunities where the City could bid as a general on this work, similar to our garbage collection for schools. Given tendering timelines it would not be feasible to complete a full business case and bring it to council for their approval. Preparing a CAO report with the relevant information documented for approval by the CAO will make the process more efficient. By expediting the approval process the City is not missing out on revenue opportunities.

**Participation Agreement for Municipal Benchmarking Network of Canada (MBNC) Program:** An annual membership agreement needs to be signed for the City's participation in the Municipal Benchmarking Network of Canada (MBNC) Program. The City has been participating in the program for approximately 17 years and has the budget for membership, however with the Program's recent incorporation, formalized participation agreements will be required to be signed on an annual basis going forward.

## **2) Items to Be Further Delegated to CLT (or designate):**

By delegating approval authority of CAO reports to the appropriate members of CLT who work closer with the issue/report subject will expedite the approval process. The table attached as Appendix B breaks down the DOA By-law by section and identifies where approval authority is recommended to another member of CLT or if no change is proposed. Delegating authority to the relevant CLT member would not change the permitting, review, and agreement process.

**West Nile Larviciding Requirements:** Every year the City needs to submit a letter of support to the Ministry of Environment, Conservation and Parks to allow the Windsor Essex Community Health Unit (WECHU) to perform mosquito larviciding on our behalf. The letter has not changed in almost a decade. Administration recommend removing this item from the DOA By-law to and allow the Commissioner of Infrastructure Services to process the letter of support as needed.

**Data Agreements to Obtain Natural Gas Consumption Numbers:** In order to obtain community natural gas consumption numbers from Enbridge a data agreement must be signed. The data is used by the Supervisor of Environmental Sustainability and Climate Change to calculate Community Emissions. Drafting a CAO report and having the CAO sign an agreement slows down the process of obtaining the numbers. It's recommended that the relevant commissioner can sign the agreement moving forward.

**Letters of Support for grant applications:** The City is often asked to provide a letter of support for either the University or Non-profits in applications for grants. Administration recommends that this item be removed from the DOA By-law and that

the respective Commissioner or senior leader be allowed to sign the letter of support if the following conditions are met: 1) no funds required from the City and 2) municipalities are ineligible to apply (i.e. not supporting possible competition).

**Signing of Agreements:** It's recommended that the DOA By-law authorize the CAO to provide for the appropriate signing officer (CLT and other senior leadership), in addition to the Clerk, for various levels of contracts and agreements.

### **3) Items To Be Deleted and Incorporated into Regular Business Processes**

**Section 1.9 Sidewalk Sales:** Sidewalk sales are requested by the Business Improvement Associations (BIAs) once or twice a year. The review process for a sidewalk sale is very similar to a sidewalk café permit application, which no longer requires CAO approval as per By-law 64-2016, May 16, 2016. The current process to receive approval for a sidewalk sale takes 4 to 6 weeks. If the Commissioner of Infrastructure Services approves the sidewalk sale, a permit could be issued in 7 to 10 days. Administration recommends removing sidewalk sales from the DOA By-law and administration will implement a permit process approved by the Commissioner of Infrastructure Services.

**Section 1.33 Sewer Agreements:** Sewer Agreements are completed as per By-law 4921. Currently, a CAO report is created to obtain a CAO approval number to approve the agreement. A sewer permit is issued as soon as possible as the property owners' plumbing may not be functioning. The Right-of-Way Division issues the sewer permit as per Bylaw 25-2010 and there is a Request for Proposal (RFP) for the approved contractors. Removing this item from the DOA By-law will remove the requirement for a CAO approval number and allow the Right-of-Way Division to deliver the services faster as per By-law 4921 and By-law 25-2010.

**Section 3.2 Approval of legal encroachments within the terms of Council's established policy:** The encroachment agreement process is very lengthy. The typical process is 5 to 6 months. Removing this section from the DOA By-law and incorporating it into regular business processes will streamline the process to 3 to 4 weeks. This new process will be similar to the encroachment agreement renewal process that was approved in August 2016 (CAO3648). The renewal process reduced encroachment renewals from four (4) to six (6) months to two (2) to three (3) weeks. If approved, the Encroachment Policy M67-2015 would need a minor amendment to adjust approval authority. Delegating authority to the Commissioner of Infrastructure Services would not change the permitting, review, and agreement process. If Administration can not recommend a proposed encroachment agreement, then Council will receive a report for decision. Also, encroachments of concern to the Commissioner of Infrastructure Services that may require broader consultation will be referred to City Council for decision.

**Section 3.43 Sandwich CIP Neighbourhood Residential Rehabilitation Program and Development and Building fees:** Administration recommends removing this items from the DOA By-law and adding it to City Planner By-law 139-2013. The Ford City CIP has a similar program which was delegated to the City Planner (through an amendment to By-law 139-2013) (CR453/2019 CR339/2019 HDSC 61). Planning and



Building Department Planners have the technical background to evaluate such applications. Delegating approval to the City Planner will eliminate the need for a report and will streamline the review and approval process allowing homeowners to complete improvements to their properties in a timely manner. It also makes sense to delegate the authority to approve the *Development and Building Fees Grant Program* when applicants are also applying to the *Neighbourhood Residential Rehabilitation Grant* program only. This still requires sign off by the Planner (working on the file), the Department's Financial Planning Administrator, and the City Planner and City Treasurer. Funds cannot be dispersed unless there are sufficient uncommitted budget funding in place that had previously been approved by City Council.

#### **4) Minor Housekeeping Amendment:**

**Section 3.32 Court Security and Prisoner Transportation (CSPT) Program:** The Court Security and Prisoner Transportation (CSPT) Program provides for provincial subsidies to municipalities to offset municipal costs associated with providing security to provincial courthouses and transporting prisoners to and from those facilities. This program is administered under the Ministry of the Solicitor General (formerly known as the Ministry Community Safety and Correctional Services), therefore the DOA By-law needs to be amended to update the correct ministry name.

**Schedule A1 – Property Transactions:** This schedule was last updated in April 2014. Land values, in many cases, have more than doubled in value since 2014. This in effect reduces the number of acquisitions or sales that could be approved by a CAO report. The amendments to Schedule A1 in this regard changes the approval value for acquisitions, sales and other matters to \$200,000 from \$100,000. It also includes routine expropriation settlements with an upset limit of \$200,000.

The City often uses the Expropriations Act to assemble the lands for road improvement projects. There is no provision in the current by-law for the administrative approval of routine settlements. Administration is recommending that Schedule A1 be amended to include routine expropriation settlements.

**Section 3.24 Approval of the execution of onetime or infrequent processes or agreements that are of an administrative nature and comply with approved operating or capital budgets:** This section should be amended to reflect how the section is currently used by Administration. Administration uses this section to sign any kind of agreement that needs to be signed quickly without having to go to Council, therefore it should read: "Approval of the execution of one-time or infrequent agreements that comply with approved operating or capital budgets" to give the CAO the power to approve the types of agreements. Further, Administration recommends that the City Solicitor be delegated the authority to approve administrative forms or additional documents connected to agreements already approved and signed by the City.

#### **Purchasing By-law Amendments:**

As per Section 164 of the Purchasing By-law, the Purchasing By-law shall be reviewed and amended prior to the end of each term of Council. Further, Section 165 stipulates

that internal and external stakeholders shall be consulted in making amendments. The Purchasing Department has started to review the By-law and will circulate the following draft recommendations to internal and external stakeholders for review.

Purchasing analyzed 2018, 2019 and 2020 procurements and have determined that by doing the following would reduce the burden on City departments and expedite approximately 400-500 procurements per year:

- Amend s.37(a) of the Purchasing by-law to allow the CAO to approve a requisition and make an award of up to \$500,000, provided the funds have been included in the Council-approved operating or capital budget (this is an increase from \$150,000). This amendment would reduce the frequency for departments to have to seek council approval for approximately 1/3 of the RFP awards per year. Majority of RFP awards up to \$500,000 are general infrastructure construction consultant related services, specifically; design, contract administration and inspection. The CAO may use discretion and seek Council approval from time to time where he or she considers necessary and in the best interest of the City.
- Increase the thresholds under the by-law to allow departments more discretionary spending by increasing the SPO limit from \$5,000 to \$35,000 and eliminate the requirement for an informal RFQ process all together, and then move to a formal RFQ process between \$35,001 - \$75,000, and open market procurement for anything above that threshold. Administration selected the \$35,000 SPO limit because that number captures majority of standard deliverables required to perform daily operations in the City. Currently deliverables between \$5,001 - \$25,000 are solicited through the informal RFQ process which requires the departments independently to obtain at least two (2) quotes. This amendment would allow departments to source majority of deliverables that currently fall under the SPO and informal RFQ process without competitively sourcing the deliverable, which would streamline operations and improve timing. Risk to this amendment would reduce purchasing oversight and increase our non-competitive-means of procurement exposure from approximately \$2M to \$9M per year, not including sole sourcing.

Administration will return with final proposed amendments to the Purchasing By-law prior to the end of the current Council term.

### **City Planner By-law 139-2013**

To reduce red tape Administration recommend amendments to the City Planner By-law 139-2013 for the following:

- Administration recommends delegating applications under the Demolition Control By-laws to the City Planner as long as the policies/requirements of the Planning Act, By-law, and Official Plan are addressed. Specific areas of the City are under Demolition Control to protect residential housing stock from being demolished for speculation purposes (i.e. – demolishing a residential unit without a redevelopment plan and leaving the property vacant). Council approval is required for the Chief Building Official to issue the demolition permit where a property is within a Demolition Control Area. Where applicants already have a

redevelopment plan in place, the process of seeking Council approval can take 2 months, which can cause delays. By delegating approval authority to the City Planner the process would be expedited.

- Administration recommends delegating Study Grant Approvals under the Brownfield CIP to the City Planner. The majority of approvals issued under the Brownfield CIP are study grant approvals. Study grants are often completed as due diligence accompanying a property sale, which is time sensitive. It is common for applicants to submit an application and begin the work in advance of a Council decision due to the approximate six week time frame between making an application and receiving a Council decision. Delegation of study grant approvals to Administration, up to a maximum of \$25,000, would provide more timely approvals for property owners or prospective purchasers looking for assistance with the costs of an eligible Feasibility or Environmental Site Assessment Grant Study. It would also reduce resources required to process approvals. Delegating Study Grant Approvals to Administration was discussed in Report S71/2021 - Brownfield Redevelopment Community Improvement Plan (CIP) Update and Initiation of the Review Process. The lengthy approval process was identified as an issue by stakeholders when surveyed for the preparation of Report S71/2021.

**Reporting Procedures:** Where a CAO report is required for approval of a DOA By-law item, the same semi-annual reporting procedure to Council will be followed.

### **Risk Analysis:**

Finding the right balance of bureaucratic oversight is important for an efficient government. After many years of adding items to the DOA By-law, the approval process has become cumbersome and can create bottlenecks for approval. Risks associated with delegating authority from the CAO to other members of CLT and senior leaders have been mitigated as the items delegated all work within existing City budgets and allow the senior staff working closely with the subject matter to make decisions.

### **Climate Change Risks**

#### **Climate Change Mitigation:**

N/A

#### **Climate Change Adaptation:**

N/A

**Financial Matters:**

N/A

**Consultations:**

The following members of Administration have been consulted: Tony Ardovini, Deputy Treasurer Financial Planning, Kate Tracey, Legal Counsel, Angela Marazita, Fleet Manager, Patrick Brode, Senior Legal Counsel, Adam Pillon, Manager of Right-of-Way, Karina Richters, Supervisor of Environmental Sustainability and Climate Change, Kevin Alexander, Planner III – Special Projects, Greg Atkinson, Planner III – Special Projects, Thom Hunt, City Planner, Tyson Cragg, Executive Director Transit Windsor, Hem Kong, Coordinator of Administration, Shawna Boakes, Executive Director of Operations/Deputy City Engineer, Marco Aquino, Executive Initiatives Coordinator, Frank Scarfone, Manager of Real Estate Services, Wira Vendrasco, Deputy City Solicitor.

**Conclusion:**

Administration recommends that Council approve the recommendations in this report to streamline approvals to enable rapid execution of Council’s vision and direction.

**Approvals:**

Name	Title
Joe Mancina	Commissioner of Corporate Services, CFO
Shelby Askin Hager	Commissioner of Legal and Legislative Services
Jason Reynar	Chief Administrative Officer

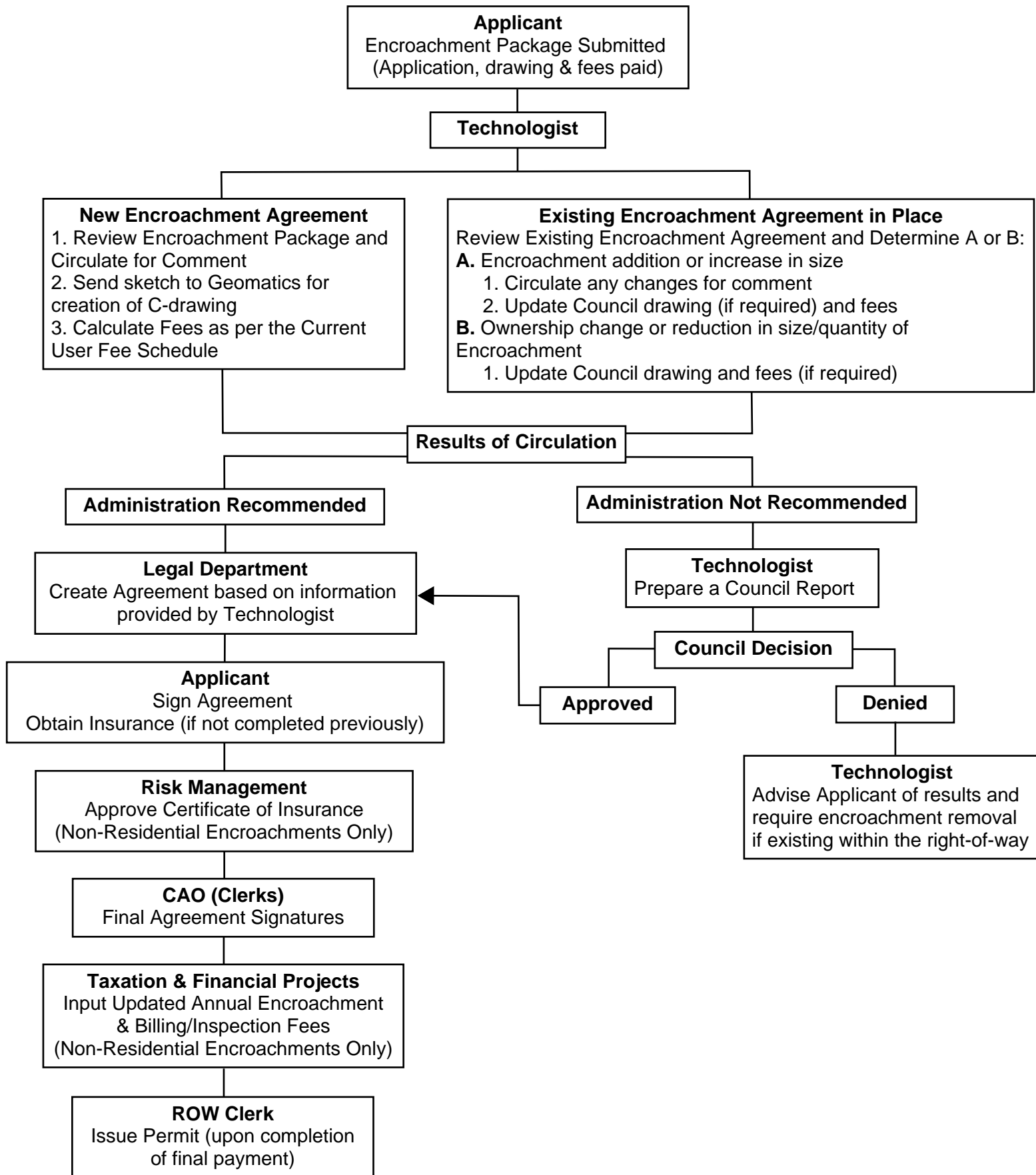
**Notifications:**

Name	Address	Email

**Appendices:**

- 1 Appendix A - DOA By-law
- 2 Appendix B - DOA Sections

**Encroachment Agreement  
Approval Flow Chart**





**January 30, 2023**  
**City Council Meeting**  
**Item 11.1 – Written Submission**

At this time, we have been told by our city counsellor that most of our landscaping may remain as is. Although we have not seen the changes to the city bylaw online, apparently it has been amended to allow other plants (not just grass and artificial turf) up to 4" high on the easement and within 1' of the sidewalk on either side. We have also been reassured that it is highly likely that mulch will also be considered as allowable landscaping.

While we are happy about the changes to the bylaw regarding plants, which makes the bylaw more progressive and aligns it better with climate change mitigation planning, one household has been informed that they are in violation of the bylaw in an another way – by having unauthorized structures within the city easement, which stretches 33' from the centre of the road (about 8' into our front yard). Examples of unauthorized structures on our yards include, but are not limited to a retaining wall, flagstones used as stepping stones, steps in a decades old walkway, decorative rocks, fencing, and garden edging.

To comply with these violations, there are two options. Either remove the structures or obtain an encroachment agreement which costs thousands of dollars and requires the property owner to assume liability through our home insurance (\$2 000 000).

At this point we have four ongoing concerns with this entire situation:

- Unilaterally applying this bylaw is not logical given the number of variables that change with each property, rather the spirit of the law should be enforced.
  - For example, one homeowner is being told that if they do not get an encroachment agreement, they will need to remove a significant portion of a picket fence, but they can replace it with a hedge or other plants. The hedge was removed a number of years ago for safety reasons as the hedge created a significant blind spot for motorists entering and exiting the school parking lot. The picket fence was installed as it provided a safety barrier and can readily be seen through, thereby improving safety for motorists and pedestrians.
  - Additionally, another property owner is being told they need to remove a retaining wall despite that their front yard is one and a half feet higher than the sidewalk in front and driveway to the side. Removing it will undoubtedly result in excess runoff of rainwater into the sewers and debris on sidewalks and driveway.
- Communication from the city officials has been frustrating and/or contradictory. We have been told different things by city officials at different times, and information that we needed was left out or not communicated to us.

- For example, in 2004 one of the property owners hired a company to put in a driveway and retaining wall which were inspected by the city and presumably met code. Now, the property owners are now being told that it violates the bylaw.
- When we met with the counsellor and an inspector (summer 2021 & 2022) we were told that the encroachment fee was “only” about \$700. However, we were contacted by two other Windsor property owners who have had / are having similar issues and were told this is not true. Apparently the encroachment fee is dependent upon the size of the property. After speaking with the city’s Engineering Department, i.e. the actual fee for Hanes/Thibert’s front yard is estimated to be \$2500.
- Although the city claims that the bylaw is enforced in the name of safety, it cannot be the reason if homeowners can simply “buy their way” out of following a rule.

City Council Meeting  
January 30, 2023

Good Morning City Clerks,

RE: Agenda Items

**11.1** Streamlining Right-of-Way Division Approvals to Enable Rapid Execution of Council's Vision and Incorporating Heritage Features into the Encroachment Policy - City Wide (C 204/2022)

**11.2** Response to CQ 13-2022 – Process to allow Memorial Signs within the right-of-way and the feasibility of allowing the placement of mulch in the right-of-way without a permit - City Wide (C 205/2022)

This is my written submission to be included in the public record.

1. It is unreasonable to provide only 48 hours for delegates to prepare a written submission or presentation as a delegate.
2. Where is the discussion of the process for initiating the city's response to a complaint? Note that it takes **only one** complaint to create havoc for resident(s), including not only unimaginable stress but also financial hardship. Note also that the specifics of the complaint are not shared with the resident.
3. Where is the discussion around the practice of citing any other "violation" of the by-law found when meeting with the resident.
4. Where is the discussion regarding landscaping features that have been in place for 20, 40 or even 100 years with no complaints or injuries resulting in a lawsuit against the city?
5. Where is the discussion around the thousands of other city properties that are technically in violation of the by-law but have received no complaints?
6. Where is the discussion of the unacceptable condition of many city streets (absolutely a trip hazard) that are a much higher financial risk for the city than mulch etc.?
7. Why is the City not honouring the commitments made with the the Climate Change Emergency declared in 2019? Elimination of grass, reducing pesticide use and substituting bio diverse native plants would be a good start!

Respectfully submitted

Judith McCullough  
Ward 3

**Subject: Additional Information Memo to Report # C 204/2022 - Streamlining Right-of-Way Division Approvals and Incorporating Heritage Features in the Encroachment Policy - City Wide**

**Reference:**

Date to Council: May 29, 2023  
 Author: Amy Olsen  
 Technologist III  
 (519) 255-6257 ex 6562  
 aolsen@citywindsor.ca  
 Engineering  
 Report Date: March 28, 2023  
 Clerk's File #: SW2023

**To:** Mayor and Members of City Council

**Additional Information:**

This memo provides further information on best practices and comparable municipalities to support the recommendations outlined in report C 204/2022.

Administration has reached out to several Ontario municipalities to discuss the requirements and best practices in place throughout the Province, as it relates to encroachments within Heritage Conservations Districts. Below is a summary of our findings:

<b>Municipality</b>	<b>Document</b>	<b>Notes</b>
Goderich	Town of Goderich Heritage Conservation District Plan	Document supports the incorporation of some encroachments with approval from Council
Kingston	By-law #2004-107 to Protect the City's Highways from Unauthorized Encroachments	Administrative by-law clause states that an encroachment permit will not be issued to the owner of a designated property unless it complies with OHA and Heritage Committee policies
London	Encroachment Policy By-law CPOL.-323-314	Policy for factors when considering the appropriateness of an encroachment: - The encroachment is deemed incompatible with established neighbourhood esthetics, particularly in designated heritage districts;
Meaford	By-law 067-2014 - Downtown Meaford Heritage Conservation District Study	The Study states that "Projecting signs and awnings that overhang the public right-of-way may require additional approvals, including encroachment agreements to be entered into

		with the Municipality of Meaford."
Mississauga	Encroachment By-law 57-04	Exempt designated properties
Oakville	Downtown Oakville Heritage Conservation District Plan & Guidelines	The Heritage Conservation District Plan states that "Projecting signs and awnings that overhang the public right-of-way may require additional approvals, including encroachment agreements to be entered into with the Town of Oakville."
Ottawa	Encroachment By-law 2003-446	Exempt designated properties
St Catharine's	Port Dalhousie Heritage Conservation District: Guidelines for Conservation and Change	The terminal points of public road rights-of-way of the north-south roads and streets should be maintained as open viewing areas as part of the public domain with any encroachments by private property owners being discouraged.
Vaughan	By-law #034-2017 regulating Encroachments on Public Lands	Exempt designated properties
Whitby	Town Lands Encroachment By-law #7389-18	Exempt designated properties

Upon further research, many Heritage Conservation Districts within Ontario require residents to abide by Municipal standards, which includes obtaining permits and encroachment agreements, regardless of their designation. While some Municipal By-laws relieve designated properties from obtaining an encroachment agreement, this blanket approach is not recommended in Windsor, due to the amount of heritage properties having encroachments that may lack any heritage value. The proposed process under the amended Encroachment Policy allows the City Planner to review heritage properties having encroachments on an individual basis, to determine whether the encroaching items are integral to the cultural heritage of the property and will be addressed as per Section 11.8 of the Policy.

As a result of the above information amendments to Report C 204/2022 are proposed as follows;

#### **Recommendation 4**

As a result of this additional information (AI 4/2023) returning to Council subsequent to the 2023 Operating Budget meeting (April 3, 2023), recommendation 4 has been modified to remove reference to the 2023 Operating Budget Process.

4. That Council **APPROVE** the updated Land Value Fees within Appendix B, to be included in the 2023 User Fee Schedule and further that the Land Value Fees **BE AMENDED** from time to time to reflect current rates.

#### **Appendix A – Amended Encroachment Policy – M67-2015**



Taking into account the narrow right-of-way (50'-0"), shallow lot depth and mature landscaping of the *Prado Place Heritage Conservation District*, as outlined in By-law number 293-2005, a special provision for heritage encroachments within this area is included under section **11.8.3** of the Encroachment Policy (Appendix 'A'), which is further outlined below:

**11.8.3 Prado Place Heritage Conservation District**

**11.8.3.1** Exempt due to the Character Defining Elements cited under By-Law Number 293-2005

**11.8.3.2** Any future changes to the right-of-way shall proceed through the Heritage Permit Process for any further encroachment approvals

**Approvals:**

Name	Title
Adam Pillon	Manager of Right-of-Way
France Isabelle-Tunks	Executive Director Engineering/Deputy City Engineer
Chris Nepszy	Commissioner, Infrastructure Services/City Engineer
Shelby Askin Hager	Commissioner, Legal and Legislative Services
Joe Mancina	Commissioner, Corporate Services CFO/City Treasurer
Onorio Colucci	Chief Administrative Officer

**Appendices:**

- 1 Appendix A – M67-2015 - Amended Encroachment Policy, dated December 12, 2022 (6 pages)

# Appendix A

## THE CORPORATION OF THE CITY OF WINDSOR POLICY

Service Area:	<b>Office of the Commissioner of Infrastructure Services</b>	Policy No.:	
Department:	<b>Engineering</b>	Approval Date:	<b>February 17, 2015</b>
Division:	Development, Projects, Right-of-Way	Approved By:	<b>M67-2015</b>
		Revised Date:	<b>December 12, 2022</b>
		Effective Date:	<b>February 17, 2015</b>
Subject:	<b>Encroachment Policy</b>	Procedure Ref.:	User Fee Schedule
		Pages:	Replaces:
Prepared By:	Amy Olsen		Date:

**1. POLICY**

1.1 The encroachment policy governs the computation of encroachment fees and requirements as defined within this Policy.

**2. PURPOSE**

- 2.1 The revised encroachment policy would simplify, provide direction to Administrative staff for processing the encroachment application and streamline the encroachment process, ensuring the exposure to risk and liability is mitigated. Therefore this Policy specifically:
- 2.1.1 Defines an encroachment;
  - 2.1.2 Provides a process for approvals, requirements, exemptions; and
  - 2.1.3 Establishes simplified computation of encroachment fees.

**3. SCOPE**

3.1 This Policy applies to all encroachments on the public right-of-way including properties with encroachment agreements that have changed ownership since the agreement was executed as defined herein.

**4. RESPONSIBILITY**

The responsibilities related to use of this Policy are outlined below:

- 4.1 The Mayor and City Council are responsible for:**
  - 4.1.1 Approving, supporting and enforcing the Policy;
  - 4.1.2 Make determination of the Policy and resolve any exceptions or disagreements.
- 4.2 The Chief Administrative Officer is responsible for:**
  - 4.2.1 Enforcing and supporting the Policy;
  - 4.2.2 Execute Encroachment Agreements.
- 4.3 The City Clerk is responsible for:**
  - 4.3.1 Execute Encroachment Agreements.
- 4.4 The Office of the Commissioner of Legal & Legislative Services:**
  - 4.4.1 Enforcing the Encroachment Policy;
  - 4.4.2 Ensuring the Encroachment Agreement is satisfactory in form.

## Appendix A

### 4.5 The Office of the Commissioner of Infrastructure Services:

- 4.5.1 Approving, administering, enforcing and supporting the Policy;
- 4.5.2 Ensuring the Encroachment Agreement is Satisfactory in technical content;
- 4.5.3 Ensures staff process the application and follow the Policy.

### 4.6 The Office of the Commissioner of Corporate Services:

- 4.6.1 Ensuring the Encroachment Agreement is Satisfactory in financial content;
- 4.6.2 Ensures staff process the encroachment agreement fees and follow the Policy.

## 5. DEFINITIONS

- 5.1 **A-Frame Signs or ‘Sandwich Board Signs’**, are signs not permanently anchored to the ground.
- 5.2 **Area of Encroachment**, the square footage of the personal property of any description that is placed, occupied or maintained upon any highway.
- 5.3 **Bus Bays (lay-by)**, road widening to permit temporary parking/stopping etc.
- 5.4 **City**, means The Corporation of the City of Windsor.
- 5.5 **Downtown Land Value**, the value of property (\$ per square foot) used for non-residential encroachment located within the Downtown Windsor Business Improvement Area, and collected in accordance with the User Fee Schedule.
- 5.6 **Encroachment**, any personal property of any description that is placed, occupied or maintained upon any municipal right-of-way including but not limited to signs, fences, sheds, porches, footings, canopies, parking areas, decorative or landscape rocks or boulders, logs, curbing, vaults, structures (in whole or part), private sewers.
- 5.7 **Encroachment Agreement**, refers to a legal and binding agreement between the City and the property owner having permission to occupy the right-of-way. The Council Resolution requires the owner to enter into a legal and binding agreement as a condition of approval to use the public right-of-way.
- 5.8 **Encroachment caused by gratuitously conveyed lands**, is an encroachment caused as a result of a property owner gratuitously conveying lands to the City for road widening purposes (reference 5.16 - No Fee Encroachment).
- 5.9 **Encroachment Term**, 20 years from the agreement execution date or change of zoning or change in ownership, whichever occurs first.
- 5.10 **Exception**, a person or thing that is excluded from a general statement or does not follow a rule.
- 5.11 **Good Standing**, the property owner(s) tax account payments are up-to-date, there are no outstanding fees and the tax account is not subject to any form of sanction, suspension or payment plans.
- 5.12 **Hedge, Plantings, Ground Cover**, includes but is not limited to plants, shrubs, flowers, ornamental grasses, and hedges.
- 5.13 **Heritage Encroachments**, the heritage features of a property on the Windsor Municipal Heritage Register, that are integral to the cultural heritage value or interest of the property as determined by the City Planner, and which if removed would otherwise trigger an *Ontario Heritage Act* process.
- 5.14 **Land Value**, the value of property (\$ per square foot) as per the User Fee Schedule as determined by the Commissioner of Legal & Legislative Services.
- 5.15 **Long Term Hoarding**, for properties that have hoarding on City rights-of-ways for two (2) or more years with no intention of construction (no Building Permit application submitted) and repair is not proceeding or ongoing.
- 5.16 **No Fee Encroachment**, the application fee, agreement preparation fee, and the annual or one-time encroachment fees are waived. The Right-of-Way Permit fee is applicable

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as well as the annual inspection and billing fee (applies to properties not zoned R.1 or R.2 only), including a Certificate of Insurance.

- 5.17 **Non Residential Encroachment**, being defined as an encroachment located on the public right-of-way abutting area not zoned R.1, R.2 or partially exempt in the City of Windsor.
- 5.18 **Parking Space Encroachment**, being defined as an encroachment with an area used for parking on any type of hard surface that is approximately 18.5 square metres (200 square feet).
- 5.19 **Partially Exempt Encroachment**, being defined as an encroachment located on the public right-of-way abutting lands owned by a partially exempt organization (Public Authority, charitable organization, non-profit charities, churches and similar facilities) independent of zoning in the City of Windsor.
- 5.20 **Permanent**, lasting or intended to last or remain unchanged indefinitely.
- 5.21 **Public Authority**, means a School Board, Public Library Board, Board of Health, Board of Commissioners of Police or any other board or commission or committee or authority established or exercising any power or authority under any general or special statute of Ontario with respect to the affairs or purposes of the City of Windsor.
- 5.22 **Residential Encroachment**, being defined as an encroachment located on the public right-of-way abutting land zoned R.1, R.2 in the City of Windsor.
- 5.23 **Temporary**, lasting for only a limited period of time; not Permanent; less than one (1) year.
- 5.24 **User Fee Schedule**, the City's current encroachment user fee schedule, which may be amended from time to time.

## 6. **ENCROACHMENT FEES**

- 6.1 All encroachment fees are based on the User Fee Schedule, including a minimum annual or one-time encroachment fee.
- 6.2 Multiple encroachments may exist on a single property, if approved.
- 6.3 The **Residential Encroachment fee** is based on the Encroachment Term, and is computed in accordance with the User Fee Schedule.
  - 6.3.1 One-time fees payable to the City upon demand (invoice).
  - 6.3.2 Any residential property with a one-time encroachment fee of \$2,000.00 or greater, may elect to add the costs to their tax roll and will be collected in the same manner as taxes, under the following conditions:
    - 6.3.2.1 The property owner(s) statement of account with the City is in Good Standing.
    - 6.3.2.2 Paying in full by way of 5 equal annual installments, the Owner's cost of encroachment plus interest calculated at the rate of prime rate plus 1%, established as of the invoice date is determined by the City, to be calculated annually in advance, plus registration costs.
    - 6.3.2.3 The Owner's agreement that the Owner's amortized cost of encroachment constitutes a lien against the Owner's real property until such time as the Owner's amortized cost of encroachment has been paid in full.
    - 6.3.2.4 That the agreement may be registered against the title of the Owner's property.
    - 6.3.2.5 Subject to the provisions of this policy and encroachment agreement, as amended, the Chief Administrative Officer and the City Clerk are hereby authorized and directed to execute, from time to time,

# Appendix A

agreements with the Owners for the payment, by the Owners to the City, of the costs of the one-time encroachment fee.

- 6.4 The **Partially Exempt Encroachment fee** is based on the Encroachment Term, and is computed in accordance with the User Fee Schedule.
  - 6.4.1 One time fees payable to the City upon demand (invoice).
- 6.5 The **Non Residential Encroachment fee** is based on the Encroachment Term, and is computed in accordance with the User Fee Schedule.
  - 6.5.1 Annual Non Residential Encroachment and Billing/Inspection fees are added to property taxes.
- 6.6 The **Parking Space Encroachment fee** is based on the Encroachment Term, and is computed in accordance with the User Fee Schedule.
  - 6.6.1 One time fees payable to the City in accordance with Section 6.3.1 or 6.3.2, as applicable, if determined Residential Encroachment.
  - 6.6.2 One time fees payable to the City in accordance with Section 6.4.1 if determined Partially Exempt Encroachment.
  - 6.6.3 Annual fees payable to the City in accordance with Section 6.5.1 if determined Non Residential Encroachment.

## 7. LAND VALUES

- 7.1 Land Values are based on zoning designation of the property, not use of the property and are collected in accordance with the User Fee Schedule, save and except for Downtown Land Values.

## 8. APPROVALS

- 8.1 Approval may be granted by the Commissioner of Infrastructure Services or delegate.
- 8.2 Any encroachments of concern or not supported by the Commissioner of Infrastructure Services are referred to City Council for decision.

## 9. ENCROACHMENT APPLICATION

- 9.1 One (1) application per property identified by the Assessment Roll Number
- 9.2 Multiple encroachments may exist on a single property, if approved.
- 9.3 A new encroachment application is required to amend existing agreements if one (1) or more encroachments are removed, or added or altered.
- 9.4 A new encroachment application is required for succeeding property owners, at the discretion of the Commissioner of Infrastructure Services or designate.
- 9.5 The property owner is required to give ten (10) days notice to the City's Engineering Department before any sale.
- 9.6 The applicant agrees to remove the encroachment and restore the area within 60 days to the condition of the surrounding area upon receipt of written notice by the Commissioner of Infrastructure Services to do so.

## 10. INSURANCE REQUIREMENTS

- 10.1 For the life of the encroachment agreement, the Licensee will provide a Certificate of Insurance in its legal name confirming the Licensee has in force insurance coverage. The Certificate of Insurance must be satisfactory in form and content to the City's Risk Management Department.



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- 10.1.1 Residential Properties – A Certificate of Insurance with proof of General Liability Insurance in the amount of at least \$2,000,000.00 per occurrence, containing an endorsement naming **“The Corporation Of The City Of Windsor”** as an additional insured, and containing a 30-day cancellation notice requirement.
- 10.1.2 Commercial Properties – A Certificate of Insurance with proof of same coverage as Residential Properties (See 10.1.1) but must also include proof of a cross-liability clause.
- 10.2 The insurance requirements may increase or change from the basic requirements set out in 10.1 at the outset of the encroachment or throughout the Encroachment Term, at the discretion of the Commissioner of Legal & Legislative Services or designate.

## 11. **ENCROACHMENT EXEMPTIONS/SPECIAL EXCEPTIONS CIRCUMSTANCES**

### 11.1 Encroachments over 8'-0"

Any overhead object that projects less than 0.3m (1 foot) into the Public right-of-way allowance, in whole or in part and is a minimum of 8'-0" above grade.

### 11.2 Encroachments from grade to 8'-0"

Any object that projects less than 100mm (4 inches) into the Public right-of-way allowance, in whole or in part and exists from grade to a maximum of 8'-0".

### 11.3 Bus Bays (lay-by)

Notwithstanding the City contributions to bus bays; an encroachment agreement is required for bus bays (lay-by) in the right-of-way, to mitigate the risk of liabilities.

### 11.4 Encroachment caused by gratuitously conveyed lands

An encroachment is caused as a result of a property owner gratuitously conveying lands to the City for road widening purposes. The property owner may either remove said encroachment(s) or apply for a No Fee Encroachment (the application, agreement preparation, annual or one-time encroachment fees are waived) with the City if recommended by the Commissioner of Legal & Legislative Services and approved by the Commissioner of Infrastructure Services or City Council. The Right-of-Way Permit fee and Annual Inspection and Billing fee (if zoned other than R.1 or R.2) will still apply.

### 11.5 Temporary Encroachments

11.5.1 An encroachment agreement is not required for any door that encroaches into the public right-of-way while open.

11.5.2 A-Frame Signs removed from the right of way daily, do not require an encroachment agreement; however, will require a Right-of-Way permit, as per the User Fee Schedule.

11.5.3 Any other encroachment that is deemed temporary by the Commissioner of Infrastructure Services and/or Commissioner of Legal & Legislative Services.

### 11.6 Long Term Hoarding

11.6.1 An Encroachment Agreement will be required and the fee for use of City right-of-ways will be calculated based on the following formula:

$$\text{Annual Encroachment Fee} = \text{Area of Encroachment} \times \text{Land Value} \times \text{Encroachment Factor (1.25)}$$

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- 11.6.2** The encroachment agreement shall contain the following terms;
  - 11.6.2.1** The encroachment agreement must be approved yearly by City Council;
  - 11.6.2.2** Proper Insurance must be submitted, to the satisfaction of the City's Risk Management Division;
  - 11.6.2.3** The Commissioner of Infrastructure Services and Chief Building Official (CBO), upon concurrence by the Chief Administrative Officer, can extend the temporary hoarding to a period beyond two (2) years if construction is ongoing and the construction schedule is presented; and
  - 11.6.2.4** Any other terms deemed appropriate by the Commissioner of Legal & Legislative Services or the Commissioner of Infrastructure Services.
  - 11.6.2.5** That the Chief Administrative Officer and City Clerk BE AUTHORIZED to sign the agreement satisfactory in technical content to the Commissioner of Infrastructure Services and form satisfactory to the Commissioner of Legal & Legislative Services and financial content to the CFO/City Treasurer.

### **11.7** Hedges, Plantings, Ground Cover

- 11.7.1** Hedges/plantings located within the right-of-way that does not comply with Engineering Best Practice BP-3.2.2 and drawing 4M-157 as amended from time to time, must be removed from the right-of-way or obtain permission via a permit, as per the User Fee Schedule.
- 11.7.2** Right-of-way permit fee will be required as per the User Fee Schedule.
- 11.7.3** Permit will be cancelled and all objects shall be removed from the right-of-way at the discretion of the Commissioner of Infrastructure Services.
- 11.7.4** Any hedges, plantings, ground cover that the Commissioner of Infrastructure Services and/or the Commissioner of Legal & Legislative Services deem acceptable.

### **11.8** Heritage Encroachments – An encroachment agreement is required for any heritage feature located in the right-of-way as defined under section 5.13.

- 11.8.1** The following fees will apply, based on the type of encroaching items:
  - 11.8.1.1** Only heritage items encroach at the subject property: All fees associated with obtaining an encroachment agreement and permit are waived.
  - 11.8.1.2** Non-heritage and heritage items encroach at the subject property: All fees related to applying for and obtaining an encroachment agreement and permit will apply, with the exception of the one-time or annual fees associated with the heritage features only.
- 11.8.2** Insurance requirements remain consistent with section 10 of this document.
- 11.8.3** Prado Place Heritage Conservation District
  - 11.8.3.1** Exempt due to the Character Defining Elements cited under By-Law Number 293-2005
  - 11.8.3.2** Any future changes to the right-of-way shall proceed through the Heritage Permit Process for any further encroachment approvals

### **11.9** Additional Exemptions/Special Exceptions

- 11.9.1** Any additional approved by City Council.



**Council Report: C 205/2022**

**Subject: Response to CQ 13-2022 – Process to allow Memorial Signs within the right-of-way and the feasibility of allowing the placement of mulch in the right-of-way without a permit - City Wide**

**Reference:**

Date to Council: May 29, 2023  
Author: Amy Olsen  
Technologist III  
(519) 255-6257 ext. 6562  
aolsen@citywindsor.ca  
Engineering  
Report Date: November 23, 2022  
Clerk's File #: SE2023

**To:** Mayor and Members of City Council

**Recommendation:**

1. That Council **RECEIVE** the response to CQ13-2022 for information; and,
2. That Council **APPROVE** the permit process outlined herein to allow Memorial Signs within the right-of-way.

**Executive Summary:**

N/A

**Background:**

Previous Councillor Bortolin had asked the following question at the August 8, 2022 meeting of Council:

CQ 13-2022

“Asks that Administration provide Council with a report on potential changes to the encroachment policy that would permit memorial signs and historical features to be placed in the right-of-way. Also, report on potential options to the Engineering Landscape Best Practice BP3.2.2 that would allow mulch in right-of-way without a permit.”

This report discusses the process to allow Memorial Signs within the right-of-way and considers the feasibility of allowing mulch within the right-of-way without a permit. A separate report to Council (C 204/2022) has been prepared which addresses the addition of Historical Features within the Encroachment Policy.

## **Discussion:**

### **Memorial Signs**

Administration has reviewed the impacts of allowing memorial signs in the right-of-way with the focus to streamline the process. Encroachment agreements are required when City of Windsor property owners elect to place personal items within the right-of-way, fronting their property. Understanding that memorial signs will be placed on streetlight poles throughout the City, without necessarily fronting the applicant's property, Administration recommends the use of a permit in lieu of the Encroachment Policy. The following process has been established for applicants looking to erect an individual memorial sign, commemorating a group or individual.

1. Permit – Consent to place a sign within the right-of-way will be granted under a 5 year Right-of-Way Permit.
2. Fabrication – Memorial signs cannot have a similar appearance to traffic signs with respect to colour or design. Applicants have two options:
  - Owner fabricated - Size cannot exceed 30cm x 45cm
  - City fabricated - Provide the wording & design to Traffic Operations for creation
3. Installation/Inspection – The Traffic Operations Department will install the sign, upon permit issuance, in the approved location. If in subsequent years the sign is found to be in disrepair, the applicant can elect to be notified upon removal and will be given the option to replace the sign under a new permit.
4. Fees – The following fees will apply to place a memorial sign in the right-of-way:
  - Permit Fee – As per the Current User Fee Schedule (\$212.00 in 2022)
  - Fabrication Fee – This cost will vary based on design and is only applicable if the City will fabricate the sign
  - Installation Fee – \$250.00
5. Location – Signs can be located on City of Windsor owned streetlight poles within the right-of-way. Further permissions/fees will be required to allow memorial signs on Enwin owned poles.
6. Review – Upon receipt of a complete permit application package (associated sign design and location of proposed sign included), Administration will review and circulate for compliance, prior to approval.

## Mulch in the Right-of-Way without a Permit

Currently, Section 4.3 of Engineering Best Practice BP3.2.2 - Landscaping in the Right-of-Way (Appendix A) states that:

*“Landscaping consisting of loose stone, pebbles, decorative stone, or **mulch**, with a minimum separation of 0.3metres (1 foot) from the edge of any municipal roadway, sidewalk, trail or path used for passage by the public may be allowed, provided they are maintained and do not pose a risk of injury or property damage, as to be determined by the City Engineer or City Solicitor. **If these conditions are satisfied, a permit will be required.**”*

Right-of-Way Permits are issued to ensure the following:

1. All work is completed and inspected as approved by the City of Windsor.
2. When complaints or issues occur as a result of work within the right-of-way, the area or address in question can be easily referenced by City staff for review of the documented permit and contact information, enabling a quick resolution. Risk Management also requires these permit records when a damage claim form is submitted.
3. Indemnification of the City against any future claims stating that *“for the purpose of and in consideration of the granting of the permission, the permit holder hereby covenants and agrees to release, save harmless and indemnify the Corporation of the City of Windsor from and against all losses or damages and from all actions or claims [collectively “Claims”] which may be brought or made against the City in consequence of granting said permit and resulting therefrom in any way.”*

Administration has reviewed the proposal to allow mulch in the right-of-way without a permit; however, as with loose stone and pebbles, if mulch is not properly contained within garden beds, the City is at risk for claims that may arise as a result of these items spilling on to adjacent sidewalks & roadways. Issuing a permit mitigates this risk through inspections, clearly identifying property owner’s responsibilities to maintain. The entire process is documented.

There are numerous municipalities throughout Ontario of comparable size to the City of Windsor which require permits prior to placement of landscaping in the right-of-way including Brampton, Hamilton, Markham, Oakville, Oshawa & Wasaga Beach.

It should be noted that City Trees planted in the right-of-way are not considered landscaping. Property owners may elect to top up like for like mulch placed around City trees fronting their property without requiring a permit, as noted in the Landscape Best Practice.

### **Risk Analysis:**

There are significant risks associated with not requiring a permit as outlined in this report. Liability risks are standard with any items placed in the right-of-way and are mitigated by transferring the risk to the property owner through permits and insurance requirements. All conditions related to the occupancy of the public right of way are managed in accordance with the Right-of-Way Permit, including an indemnification.



## Climate Change Risks

### Climate Change Mitigation:

N/A

### Climate Change Adaptation:

N/A

### Financial Matters:

Approximately 55 permits have been issued for landscaping (ex. mulch, pebbles, decorative stone, etc....) within the right-of-way since 2018 (average of 11 per year). If permits related to placement of mulch within the right-of-way are waived, the loss of annual revenue based on the 2022 User Fee Schedule is estimated below:

Items (Waived)	Associated Fee per 2022 Operating Budget per Permit	Total Loss of Revenue per Year based on 55 Permits (Over Years 2018-2022)
Permit Fee	\$212.00	\$2,300

The loss revenue would be reported as a part of the Operating budget variance.

### Consultations:

Andrew Lewis, Coordinator of Right-of-Way & Field Services

Shawna Boakes, Executive Director, Operations, Deputy City Engineer

Kristina Savi-Mascaro, Purchasing, Risk Management & Provincial Offences

Linda Mancina, Financial Planning Administrator

Poorvangi Raval, Manager of Performance Measurement & Business Case Development (A)

### Conclusion:

Administration recommends that Council approve the recommendations outlined within this report to allow placement of Memorial Signs within the right-of-way and continue to require a permit for installation of mulch in the right-of-way.

### Planning Act Matters:

N/A

**Approvals:**

<b>Name</b>	<b>Title</b>
Adam Pillon	Manager of Right-of-Way
France Isabelle-Tunks	Executive Director, Engineering/Deputy City Engineer
Chris Nepszy	Commissioner, Infrastructure Services/ City Engineer
Shelby Askin Hager	Commissioner, Legal and Legislative Services
Joe Mancina	Commissioner, Corporate Services  CFO/City Treasurer
Onorio Colucci	Chief Administrative Officer

**Notifications:**

<b>Name</b>	<b>Address</b>
List provided to Clerk's office	

**Appendices:**

**1. SUBJECT: LANDSCAPING IN THE RIGHT-OF-WAY****2. DEFINITIONS**

**Landscaping** – Landscaping includes but is not limited to plants (flowers, plants, bushes, shrubs, boxwood and hedges), loose stone, pebbles, decorative stone, mulch, artificial turf and underground sprinkler systems.

**Encroachment** – any personal property of any description that is placed, occupied or maintained upon any municipal right-of-way including but not limited to signs, fences, sheds, porches, footings, canopies, parking areas, decorative or landscape rocks or boulders, logs, curbing, vaults, structures (in whole or part) and private sewers.

**3. DRAWINGS**

4M-157 – Landscaping in the Right-of-Way (attached)

AS-401 – Residential Concrete Sidewalk

**4. BEST PRACTICE**

- 1) No landscaping, with the exception of grass, artificial turf and low growing ground cover plants (as approved by the City Engineer) at a height of no greater than 100mm (4”), is permitted within a minimum of 0.3m (1 foot) of any municipal roadway, sidewalk, trail or path used for passage by the public. **If installing artificial turf a permit will be required.**
- 2) Landscaping consisting of flowers, plants, bushes or shrubs at a height of no greater than 0.9 meters (3 feet), with a minimum separation of 0.3metres (1 foot) from the edge of any municipal roadway, sidewalk, trail or path used for passage by the public may be allowed provided they are maintained and do not pose a risk of injury or property damage, as to be determined by the City Engineer or City Solicitor. **If these conditions are satisfied, a permit will not be required.**
- 3) Landscaping consisting of loose stone, pebbles, decorative stone, or mulch, with a minimum separation of 0.3metres (1 foot) from the edge of any municipal roadway, sidewalk, trail or path used for passage by the public may be allowed provided they are maintained and do not pose a risk of injury or property damage, as to be determined by the City Engineer or City Solicitor. **If these conditions are satisfied, a permit will be required.**
- 4) An encroachment agreement is required to place any personal property of any description that is placed, occupied or maintained upon any municipal right-of-way that does not fall within notes (2) or (3) above including but not limited to signs, fences, sheds, porches, footings, canopies, parking areas, decorative or landscape rocks or boulders, retaining wall, logs, curbing, vaults, structures (in whole or part) and private sewers or as otherwise outlined in the City of Windsor Encroachment Policy.
- 5) Tree branches overhanging any municipal roadway, sidewalk, alley, trail or path used for passage by the public may be allowed, provided branches are maintained with a minimum vertical clearance of 4.24m (14ft) and do not pose a risk of injury or property damage, as to be determined by the City Engineer or City Solicitor.
- 6) Tree planting in the right-of-way is not considered landscaping and shall only be conducted by the City of Windsor Forester and/or as approved by the City Engineer and City Forester. Property owners may elect to top up existing mulch placed around City trees fronting their property in future years, **without requiring a permit.**

**5. LANDSCAPING DURING CONSTRUCTION**

- A. Where the City is undertaking an infrastructure project, any landscaping which does not meet the requirements above, shall be relocated by the property owner, to be in compliance with the Best Practice. The property owners will be notified of this requirement in writing by the City Engineer. Should the property owner fail to relocate the landscaping prior to the work commencing, the City may remove said landscaping without replacing the same.

- B. Where the City, or the developer, is constructing a sidewalk where one did not previously exist, the sidewalk will be constructed through existing landscaping features. Reasonable efforts may be made to avoid certain features, where possible to do so. Restoration of the area adjacent to the new sidewalk will be completed by the City or developer with the following rules:
- i. A minimum 0.3m (1 foot) area adjacent to the sidewalk on both sides will be restored with grass only (no landscaping features with the exception of grass will be permitted).
  - ii. Where the sidewalk is proposed to be less than 0.6m from the back of curb, the sidewalk shall be a 1.5m wide sidewalk adjacent to the curb in accordance with City of Windsor Standard Drawing AS-401.
- C. Where sprinklers are damaged during construction, the contractor will be responsible to replace or repair said sprinkler system. Property owners shall be notified in advance of the construction to identify any sprinkler locations in an effort to prevent damage.

**6. RELATED BEST PRACTICES**

N/A

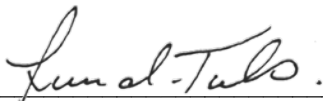
**7. RELATED CITY SPECIFICATIONS**

**S-3 – Earth Excavation (Grading) and Structural Removal**

**S-14 – Sodding**

**S-15 – Seeding Roadway Areas by Hydraulic Seeding and Mulch Cover Method**

**S-34 – Topsoil**

  
\_\_\_\_\_  
City Engineer or Designate

January 3, 2023

\_\_\_\_\_  
Date

Attachment – 4M-157

### **Mulch in the Right-of-way**

The City of Windsor has a by-law that unfortunately does not allow for our naturalized gardens.

We have been contacted by the city and have been told that we need to remove our garden and replace it with grass or astroturf (bio-hazardous). Oddly, even astroturf requires weed control.

Specifically the by-law states that “No landscaping, with the exception of grass and artificial turf, is permitted within a minimum of 1 foot of any municipal roadway, sidewalk, trail or path used for passage by the public. This is save for City Trees that are on the right of way where home owners may deposit like for like mulch around these trees, which the city does not consider landscaping. What makes this latter practice acceptable?

We know that mulch beds such as ours offer:

- Requires little watering
- Absorb more water than grass helping to combat local flooding
- Has no requirement for weed control unlike grass lawns
- Requires no chemical fertilizers
- Keeps soil damp after rain
- Keeps the weeds down
- Adds organics to the soil
- Is a necessary step when waiting for ground cover to grow. If you look at all of our easements, there is spreading ground cover but it takes a while to establish

About our yards:

- Over the last couple of decades we've transformed them from being mostly grass to no grass



- Our focus was to plant diverse plants that are predominately native; they are low maintenance & after the first couple of years require no watering and mulch is used to maintain aid in maintaining the garden surface
- In the last few years, we have ensured that we plant more species that provide habitat and food for pollinators -
- Prickly pear cacti, butterfly weed, Columbine, eastern red bud
- We transformed the easement because it looked terrible. It was full of weeds.
- Mulch is an essential form of ground cover to minimize weeds and to prevent wind erosion of the soil in the garden.

What do we want from this petition:

- Guelph has a progressive approach where they actually encourage home owners to plant mixes of grasses & ground cover recognizing that this requires less maintenance and watering
- On their website they offer suggestions for different levels of sun & offer a “free healthy landscape consultation”

The document that we received from the city suggests that there is significant risk with mulch placed in the right-of-way. However there is no explanation of what these significant risks might be.

There is no study that exists to that show mulch is a greater tripping hazard than standard grass. Astro turf however, is one of the cities selected ground covers. It has been shown to have significant amounts of the environmental chemicals that promote cancer, as shown by a 2015 Yale study and work done by the EPA in United States. This is because they use recycled tires and other recycled rubber compounds it uses. As a side note to EPA in the US, it recommends using mulch as a natural form of ground cover in playground areas to provide a natural ground cover to reduce fall injuries. Even the City of Windsor has at times used mulch in playgrounds as a safe form of ground cover to protect against

falling. To argue that mulch offers a significant risk is an erroneous argument.

When the inspector and Rino met with us last to discuss the options, the inspector clearly stated that they only act on this by-law when a complaint has been registered. Even if they see infractions next door they will not follow up; If public safety was the concern the city would enforce this bylaw on the thousands of residents that either knowingly or unknowingly are not following this by-law.

Curiously why didn't the City feel that it was important to seek consultation with its own Environmental Master Plan department?

**Subject: Additional Information Memo to Report # C 205/2022 -  
Response to CQ 13-2022 - Process to allow Memorial Signs within the  
right-of-way and the feasibility of allowing placement of mulch in the  
right-of-way without a permit - City Wide**

**Reference:**

Date to Council: May 29, 2023  
Author: Amy Olsen  
Technologist III  
(519) 255-6257 ex 6562  
aolsen@citywindsor.ca  
Engineering  
Report Date: 3/3/2023  
Clerk's File #: SE2023

**To:** Mayor and Members of City Council

**Additional Information:**

This memo provides further information on best practices and comparable municipalities to support the recommendations outlined in report C 205/2022.

Administration has reached out to several Ontario municipalities to discuss the requirements in place throughout the province, as it relates to mulch and landscaping in the right-of-way without a permit. Below summarizes our findings:

Municipality	Document	Permit Required?	Notes
Brampton	By-law 163-2013 – Boulevard Maintenance and Highway Obstruction	Yes	Part III, Section 6(2) states “Without limiting the generality of subsection 6(1), the obstruction of a Highway includes any one or more of the following: (f) the excavation, removal or damage to any portion of a Highway, including sod, trees, light poles, street signs or other objects within the Highway without the permission to do so from the City”.
Richmond Hill	Highway – Street Chapter 801 Obstruction - Highway	No	Section 801.2.9 – Does not require a permit for herbaceous plants in the highway that conform with the criteria outlined in this section; However, Section 801.2.11 & 801.5.2 states that any items placed regardless of whether a permit was issued is at the sole risk and responsibility of the property owner.

Markham	By-law 2018-109 – Occupancy of Highways	Yes	Section 3.4 states “Without limiting the generality of subsection 3.1, no person shall alter, obstruct or damage, or cause or permit the use, alteration, obstruction or damage of any highway by any of the following: 3.4.6 the parking of equipment, motorized equipment other than motorized equipment permitted and licensed under the regulations of the Ministry of Transportation of Ontario, containers, trailers, or any Landscape or Construction Material on a highway without having obtained a Road Occupancy Permit”.
Oakville	Boulevard Gardening Permits Procedure	Yes	This procedure outlines the Boulevard Gardening Permit process for installation within the municipal right of ways and shall have regard to public safety, traffic egress and ingress and the availability of the proposed location in conjunction with other approved town activities or uses of the right of way.
Oshawa	CS-16-63 Amendment to Boulevard By-Law 136-2006	No, with conditions	Before engaging in boulevard gardening, homeowners must submit in writing a request to be exempted from the Boulevard By-law for the purpose of a Boulevard Garden, read and agree to comply with the Boulevard Gardening Program Terms and Conditions and any other Conditions that the Director of Municipal Law Enforcement and Licensing Services or Commissioner of Community Services (or his or her delegate) may see as appropriate to maintain the general intent and purpose of the Boulevard By-law. By choosing to garden on the boulevard homeowners are assuming all responsibility and costs.
Wasaga Beach	Road Occupation By-law 2019-33	Landscaping not permitted in the ROW	Section 5 Prohibitions - Permanent placement of stonework or other landscaping/ ornamental features and/or planting of trees or shrubs within Town road allowances is strictly prohibited.
Guelph	Boulevard Gardens	No, with conditions	Does not require a permit for placement of mulch/gardens in the right-of-way; however residents must conform to the Boulevard Gardens document and these areas will not be repaired or replaced in the event that they are removed due to Municipal maintenance within the boulevard.
Kitchener	Boulevard Beautification By-Law Chapter 895	No, with conditions	The “Love My Hood” boulevard beautification project works with the Boulevard Beautification by-law to allow residents to “beautify” their boulevards without necessarily requiring a permit. Residents are advised to consult with City staff to determine what permits and approvals may be required.

Confirmed through this research, many municipalities within Ontario require property owners to obtain permits when completing any landscape work in the right-of-way for similar reasons:

1. To ensure that the work is completed properly and to City standard, as outlined on the permit;
2. Assigns responsibility to the permit holder for all maintenance and restoration of these garden areas in perpetuity;
3. Indemnifies the City against any future claims that may arise as a result of completing this work;
4. Gives the City an opportunity to review the proposed location of landscaping within the right-of-way to identify any conflicts which may occur as a result of future construction or utility projects; thus saving the property owner time and money prior to placement.

Given this information, Administration continues to support the requirement to obtain a permit prior to placement of mulch in the right-of-way.

**Approvals:**

Name	Title
Adam Pillon	Manager of Right-of-Way
France Isabelle-Tunks	Executive Director Engineering/Deputy City Engineer
Chris Nepszy	Commissioner, Infrastructure Services/City Engineer
Shelby Askin Hager	Commissioner, Legal and Legislative Services
Joe Mancina	Commissioner, Corporate Services CFO/City Treasurer
Onorio Colucci	Chief Administrative Officer

**Appendices:**

N/A





**Subject: Local Improvement (City Initiated) - Proposed Sanitary Sewer on Joy Road from the Eastern Limit to 8th Concession Road – Ward 9**

**Reference:**

Date to Council: May 29, 2023

Author: Isak Quakenbush

Engineer II

(519) 255-6257 Ext. 6407

[iquakenbush@citywindsor.ca](mailto:iquakenbush@citywindsor.ca)

Design - Engineering

Report Date: March 22, 2023

Clerk's File #: SL2023

To: Mayor and Members of City Council

**Recommendation:**

- I. THAT Council **APPROVE** the construction of a sanitary sewer and private drain connections on Joy Road, from its eastern limit to 8th Concession Road as shown on the attached Drawing C-3709, as a local improvement under the provisions of O. Reg. 586/06 under the Municipal Act, and that Notice of Intention to pass Local Improvement Charges By-Law **BE GIVEN** to the public and affected owners, including the intention to apply to the Ontario Land Tribunal under section 8 of O. Reg. 586/06 for approval to undertake the work as a local improvement, in accordance with the attached report from the Commissioner of Infrastructure Services; and,
- II. THAT 30 days after giving Notice to residents of Intention to Pass a Local Improvement By-Law, Council **PASS** a By-Law for the construction of sanitary sewer and private drain connections on Joy Road from the eastern limit to 8th Concession Road as a local improvement in accordance with Section 5 of O. Reg. 586/06, unless any affected owner files an objection with the Clerk; and,
- III. THAT approximately \$1,650,000 (including tax) **BE FUNDED** from Project ID #7159000 – Local Improvement Sanitary; and,

- IV. THAT Council **APPROVE** as a local improvement works on private property under the provisions of Part III of O. Reg. 586/06 under the Municipal Act, for the decommissioning of private septic systems and construction of sanitary private drain connections on private property, to be completed by the property owners. This applies to the properties abutting Joy Road from the eastern limit to 8th Concession Road when property owners request and consent to this work and that Notice of Intention to pass Local Improvement Charges By-law **BE GIVEN** to the public and affected owners in accordance with section 36.6 of O. Reg. 586/06; and,
- V. THAT for local improvement works on private property, the Chief Administration Officer and City Clerk **BE AUTHORIZED** to sign agreements, not to exceed 20 years, with property owners that consent to their lots being specially charged to raise the cost of the work related to decommissioning of private septic systems and construction of sanitary private drain connections on private property abutting Joy Road from the eastern limit to 8th Concession Road which agreement shall be satisfactory in form to the Commissioner of Legal & Legislative Services, in technical content to the Commissioner of Infrastructure Services and in financial content to the Commissioner of Corporate Services CFO/City Treasurer; and,
- VI. THAT for works on private property, Council **PASS** by-laws as required for the decommissioning of private septic systems and construction of sanitary private drain connections on private property abutting Joy Road from the eastern limit to 8th Concession Road as a local improvement in accordance with Part III of O. Reg. 586/06 under the Municipal Act; and at an interest rate deemed appropriate by Administration.

### **Executive Summary:**

N/A

### **Background:**

Joy Road has been approved by Council as identified by Administration as being a priority for the construction of a sanitary sewer for the following reasons:

- No existing sanitary sewer on Joy Road.
- High level of benefit from an environmental standpoint due to the number of private septic systems that can be decommissioned following the work.

- Suitable outlet exists without the need to oversize sewers.
- Construction of a sanitary sewer on Joy Road may provide development opportunities through property severances and/or development of vacant lots.

Joy Road is 5.8 meters wide and is classified as a local residential road. Joy Road has no curb and gutter, street lights, sidewalks or sanitary sewer.

At its meeting of June 24, 2020 Council passed updates to the “Local Improvement Policy Consolidation” (2020 Policy).

Regarding sewers, the new 2020 Policy states where:

- A storm and/or sanitary sewer does not exist; and,
- Abutting property owners have requested in writing a storm and/or sanitary sewer be installed as a local improvement; or,
- The City initiates the installation of a storm and/or sanitary sewer as a local improvement.

The abutting property owners will be assessed for:

- The approved cost, per metre, for the construction of a sanitary sewer and/or a storm sewer along the property frontage.
- The full cost for the construction of a private drain connection and cleanout extending from the centre line of the right of way to the property line of the benefitting property.
- Reasonable engineering and administration fees.

The City will pay:

- The remainder of the cost of sewers at intersections, in front of City owned property/alleys and road drainage. The City will also pay the balance of the cost for the price of the storm sewers.

## **Discussion:**

Construction of new sanitary sewers on roadways where residents and/or businesses are utilizing private septic systems has been a long-standing goal of the City. Private septic systems cause environmental contamination of watercourses by delivering health endangering contaminants through overflows. The proposed sanitary sewer on Joy Road will outlet to the existing 975mm sanitary sewer on 8<sup>th</sup> Concession Road. No sewers need to be oversized or extended outside the footprint of the subject block of Joy Road.

Zoning By-law 85-18 which governs in this area has no requirement for sewers to be constructed prior to development of a residential property. Lots have been developed as recently as 2022 operating on permitted private septic systems. Lot 4775 Joy Road was allowed to subdivide into 5 total lots 4735, 4749, 4775, 4795, and 4875 while not serviced with a municipal sanitary sewer under the condition that the property owners of those lots are not allowed to oppose any future Local Improvement Petition

Assessments or applicable infrastructure costs applied to the new lots for municipal services to be constructed. The owners of these properties are also required to connect to the municipal sanitary sewer per By-law 147-2011. This is stated in 1.25.4 of the official plan for 4775 Joy Road.

Sections 1.20 and 1.21 (in Schedule A) of the City of Windsor's Property Standards By-law 9-2019 state that all sewage shall be discharged directly into a municipal sewage system, where one is available. Further, a property shall be deemed to be serviced by an available City sewer system if the sewer system is within 30.0 meters of any said property abutting municipal rights-of-way. In the event a City sewer system becomes available, the property owner will have (1) year, or such other time period as may be approved by Council Resolution, to connect to the available sewer and decommission the private sewage system per section 1.23. The availability of the sewer will be determined by the City Engineer.

A search of permit records found that 4600 8<sup>th</sup> Concession Road is currently connected to the municipal sanitary sewer on 8<sup>th</sup> Concession Road. Joy Road addresses 4605, 4615, 4620, and 4625 recently constructed a portion of the sanitary sewer to service their lots and thus will not be included in this Local Improvement project.

Additionally, 4865 fronts on both Ray and Joy Road, however, the larger frontage is on Ray Road and will be charged when the Ray Road sanitary sewer is constructed. If in the future this lot is severed the new lot fronting on Joy Road will be charged at that time.

### **Private Septic System Changeover on Private Property:**

This work may involve internal plumbing changes and new private drain connections on private property and decommissioning of their private septic system. A building permit issued by the Chief Building Official will be required to connect the existing plumbing system to the new private drain connection and decommissioning of the private septic system.

In accordance with Schedule A, section 1.23 of Property Standards by-law 9-2019, in order to decommission private septic systems of any kind, they shall be pumped dry and the contents disposed of at a suitable disposal site and a receipt of the disposal fee shall be submitted to the Officer. The tanks, treatment units or dry wells shall be disposed of to the satisfaction of the Officer, cavities shall be filled with sand or other suitable material and the ground graded to match existing grades. Existing building drain(s) not being reused shall be removed from the foundation wall and the foundation wall shall be repaired and made impervious to water.

Part III of O. Reg. 586/06 allows a property owner to raise the cost of undertaking works as local improvements on private property by requesting that the municipality impose special charges on the lots of consenting property owners upon which all or part of the works are or will be located. This allows 100% of the cost of the work on private property to be assessed to the property owner and the costs to be repaid as a municipal local improvement charge.

The upfront capital costs to the property owners will be spread out over time, however, the total cost will increase with the addition of interest charges. The City would facilitate the collection of annual payments from the homeowners by way of a charge added to the final property tax bill. The charge would be supported through a local improvement charges by-law and agreements with the consenting property owners.

Council Resolution CR136/2020 was adopted at the April 27, 2020 meeting of City Council, and reads:

***THAT a 20-year payment option for property owners to repay special charges for drainage and local improvements BE IMPLEMENTED at interest rates deemed appropriate by administration.***

Offering the 20-year rate for works in the public right-of-way or on private property will result in a higher interest rate and increased costs. It is not recommended however remains available as an option to residents.

Only those properties that specifically request and consent to be included in the private local improvement will be included. Those not wishing to be included will be required to fund and complete their private septic system changeover within one (1) year, or longer if approved by Council Resolution, of receiving notice from the City that the sanitary mainline sewer is available in accordance with Property Standards by-law 9-2019.

Further, property owners with septic systems less than 10 years old will be given either 3 years to connect once made available or the difference between the age of their septic system and the 10-year timeframe, whichever is greater. The six properties on Joy Road which may qualify for additional time are 4865, 4690, 4735, 4775, 4875, and 5155.

### **Process for Private Local Improvement Infrastructure on Private Property:**

- A property owner required to connect to the proposed sanitary sewer on Joy Road would have the option to enter into an agreement with the City to raise the cost of decommissioning their private septic system and construction of sanitary private drain connection on private property and request that the costs be recovered by imposing special charges on their lot. Such an owner could submit a request which must include:
  - Municipal address and roll number of the property.
  - Legal name of the owner(s) of the property.
  - A statement that the owner consents to their lot being specially charged.
  - A copy of an estimate from a contractor to undertake the works.
  - If the lot is intended to be subdivided, the proposed method of apportioning special charges among the proposed new lots.
- The City would prepare an agreement with the consenting property owners to raise all of the costs of the work.
- The agreement would include:



- The estimated cost of the work based on the quote provided by the property owner.
- The estimated lifetime of the work.
- The amount of special charges for each lot to be specially charged.
- The manner in which cost overrun or underrun is to be dealt with, if the actual cost of the work differs from the estimated cost of the work.
- When the special charges for the lot are to be paid.
- The property owner(s) would be specially charged for 100% of the actual cost of the work plus the City's cost of advertising, giving notices and interest on borrowing.
- The property owner(s) would be required to sign the agreement.
- The City Clerk would determine the sufficiency of the agreement and certifies the same.
- A person who has signed an agreement may withdraw his or her name from the agreement by filing a written withdrawal with the clerk before the clerk has certified the sufficiency of the agreement, but not after.
- The City would pass a by-law to undertake the works as a local improvement and give notice to the public of its intention to pass the by-law.
- Once the work has been completed, the property owner would supply the City with the final invoice from the contractor.
- The City would prepare a local improvement roll in accordance with section 36.10 of O. Reg. 586/06 and give notice of the local improvement roll to the owners to be specially charged.
- The City Treasurer would certify the local improvement roll and the City would pass a special charges by-law in accordance with sections 36.11 and 36.14 of O. Reg. 586/06 respectively.
- The City would then pay the contractor directly and the special charges would be put on the property owner's taxes over the approved number of years (not to exceed 20 years). Annual charges would include an amount for interest at a rate that is considered appropriate.
- At any time during the required repayment term, the property owner may request a payout value. This value would reflect all remaining amounts to be paid in regards to the principal and any interest amount outstanding.

If any resident objections, administration recommends that the City apply to the Ontario Land Tribunal (OLT) for approval to undertake the construction of the sanitary sewer and private drain connections on Joy Road from its eastern limit to 8<sup>th</sup> Concession Road as a local improvement.

If within thirty (30) days of the notices regarding the construction of sanitary sewers are given, and no objections to the work being undertaken are filed under section 8 of O. Reg. 586/06, the municipality will be deemed to have received OLT's approval. If any objections are filed with the Clerk, the Clerk will forward those objections to the Tribunal,

together with the application. A hearing will then be scheduled as soon as reasonably possible.

The following payment options are available for the local improvement works:

#### Public

- One time payment
- Special charges period of ten (10) years at 5.92%
- Special charges period of twenty (20) years at 8.25%

#### Private

- Special charges period of twenty (20) years at 8.25%

Collection would start following the completion of the work after determining the true costs.

### **Risk Analysis:**

Construction of a sanitary sewer on Joy Road will result in the elimination of private septic systems from approximately 34 residential properties. Private septic systems contribute to water quality issues within the City's watershed and ecosystem through the release of contaminants by infiltration and overflows. Should this project not proceed, the subject properties will continue to contaminate local watercourses.

Other associated risks to the Corporation resulting from undertaking a local improvement project include risks typical of a construction project, such as bodily injury, property damage, and matters arising from violations of the Occupational Health and Safety Act. These risks will be transferred to the successful proponent through the contract that the City and the successful bidder enter into. As part of the contract with the successful bidder, there will be sufficient insurances in place to cover the Corporation for the potential damage and claims that may arise from their work during construction or within the maintenance period.

### **Climate Change Risks**

#### **Climate Change Mitigation:**

Construction will result in Greenhouse gas (GHG) emissions that are accounted for within the annual Community GHG emissions inventory. However, construction emissions in general will be offset by improved drivability, functionality of the infrastructure, and the elimination of trucking of septic waste for wastewater treatment. Private septic systems are also a known minor source of fugitive GHG emissions including methane, carbon dioxide, and nitrous oxide which have not been estimated nor included in the Community GHG inventory.

### Climate Change Adaptation:

In order for septic systems to properly filter wastewater, there must be enough unsaturated soil between the leachfield and the groundwater table. Changes in rainfall volumes and higher ground water levels can impact the effectiveness of leachfields increasing the risk of contamination of surface water.

### Financial Matters:

The City's Local Improvement Policy Consolidation states that abutting property owners will be assessed for the actual cost of Engineering and Project Management in addition to the User Fee Rate, per metre, for the placement of a new sanitary sewer along the property frontage. The City will pay for the remainder of the cost for the installation of the sanitary sewer at intersections, in front of City owned property and alley. The cost of private drain connections from the main sewer to the property line will be set by the contract and charged to the benefitting property in accordance with the provisions of the O. Reg 586/06.

The estimated costs for the installation of sanitary sewer including private drain connections are outlined in attached Schedule 'A'. The abutting lots will be assessed for the costs of the construction based on a rate per meter of frontage and a fixed rate per private drain connection.

The total estimated cost of all works on Joy Road is estimated to be \$1,650,000 (including non recoverable HST) of which approximately \$488,679 (including non recoverable HST) will be recovered from the homeowners for the public portion. The remaining net cost to the City is \$1,161,321 as is detailed in the table below.

Description	Estimated Amount
<b>EXPENSES</b>	
Construction (sanitary sewers, private drain connections, new pavement, boulevard restoration, and contingency)	\$1,355,700.00
Engineering / Project Administration (Incl. Survey, Inspection, Geotechnical, Geomatics & CCTV) (20%)	\$270,400.00
<b>Subtotal</b>	<b>\$1,626,100.00</b>
Non-Recoverable HST	\$23,900.00
<b>Total Expenses</b>	<b>\$1,650,000</b>

<b>REVENUES</b>	
Estimated Property Assessment – Local Improvement Roll (Owner’s Cost includes non recoverable HST )	\$488,679.00
<b>Total Revenues</b>	<b>\$488,679.00</b>
<b>ESTIMATED CITY SHARE</b>	<b>\$1,161,321.00</b>

The Financial Planning Administrator has confirmed that the Local Improvement Program – Infrastructure (Project ID# 7159000) has sufficient funding for the city portion of the work.

**Local Improvement on Private Property – Septic Changeover:**

If property owners participate in the private local improvements, the City would be required to pay the contractor from City’s working capital. A corresponding long-term loan would be paid by the property owner each year until such time as the full cost, inclusive of interest, is repaid. Should all 34 properties participate it is estimated that an additional \$768,400 (including HST) in funding be available for this purpose. The City currently has sufficient working capital to fund the estimated loan in full, however, should City Council extend the terms to other projects, the amount could initially be considered significant.

**Consultations:**

- Adam Mourad – Engineer II
- Wira Vendrasco – Deputy City Solicitor
- Linda Mancina – Financial Planning Administrator
- Karina Richters – Supervisor of Environmental Sustainability & Climate Change
- Rob Vani – Manager of Inspections / Deputy Chief Building Official

**Conclusion:**

Administration recommends initiation of the above referenced Joy Road sanitary sewer local improvement under the provisions of O. Reg. 586/06. Upon this approval administration will send the Notice of Intention to pass Local Improvement Charges By-law including the intention to apply to the Ontario Land Tribunal to the public and affected owners in accordance with section 8 of O. Reg. 586/06. Further, administration recommends the construction of new private drain connections and that the CAO be authorized to sign agreements not to exceed 20 years for the repayment of the works performed on private property.

The proposed local improvement on Joy Road is recommended as it removes approximately 34 residential properties from private septic systems and provides opportunity for development on the street.

**Planning Act Matters:**

N/A

**Approvals:**

Name	Title
Fahd Mikhael	Manager of Design
France Isabelle-Tunks	Executive Director of Engineering / Deputy City Engineer
Chris Nepszy	Commissioner of Infrastructure Services
Shelby Askin Hager	Commissioner of Legal and Legislative Services
Tony Ardovini	Acting Commissioner of Corporate Services/CFO & City Treasurer
Joe Mancina	Chief Administrative Officer

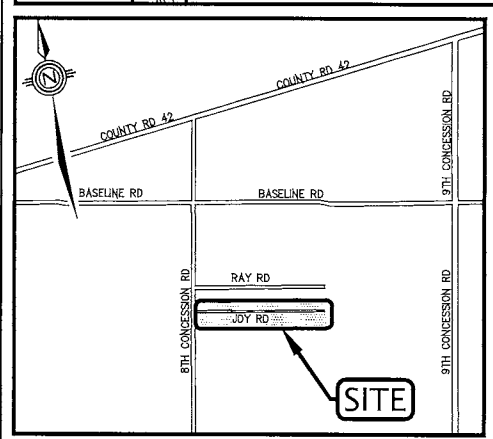
**Notifications:**

Name	Address	Email

**Appendices:**

- 1 Drawing C-3709
- 2 Joy - Memo to CAO
- 3 Schedule A





**LEGEND**

- MH MAN HOLE
- CB STORM CATCH BASIN
- ▨ FULL FRONTAGE ASSESSMENT
- PROPOSED SANITARY SEWER

THE CORPORATION OF THE CITY OF WINDSOR - ENGINEERING DEPARTMENT  
**Proposed Construction Of A Sanitary Sewer For Joy Road  
 East Of 8th Concession Road Under Local Improvements**

KEY PLAN N.T.S.

*Kirk Tamm*  
 Kirk Tamm, City Council Agenda - Monday, May 29, 2023  
 Manager of Geomatics

SCALE: 1:3000	DATE: JANUARY 23	REVISED:
CHKD BY: PJU / IQ	REVISION NO.:	

DWG. NO.  
**C-3709**

**Local Improvement Memo**

**Date:** May 3, 2023

**Subject:** Proposed Construction of Sanitary Sewer and Private Drain Connections on Joy Road from the Eastern Limit to 8<sup>th</sup> Concession Road

---

The following is a report for the construction of sanitary sewers and private drain connections on Joy Road from its eastern limits to the 8<sup>th</sup> Concession Road, prepared under the Local Improvement Policy. This work is proposed to be carried out under the provisions of Ontario Regulation 586/06, made under the Municipal Act 2001 by applying to the Ontario Land Tribunal to undertake the proposed work as local improvement.

A City by-law to undertake the work as a local improvement under Section 5 of Ontario Regulation 586/06 will be recommended to Council for approval, provided that NO OBJECTIONS to the work being undertaken are filed under Section 8 of Ontario Regulation 586/06 within 30 days after the notice of the City's intention to pass the by-law is given to the public and to the affected property owners.

The estimated cost of the local improvement public portion of the work is \$586,761 including design costs and non recoverable HST, for the sanitary sewer and private drain connections. This cost will be assessed against the abutting properties listed in Schedule A, attached.

**Assessment Information:**

The total frontage is 1,198meters from which 20 meters is being deducted as one property fronts on Ray Road, leaving a total abutting frontage of 1,178meters.

The single payment rate per meter of frontage is \$308.00 in accordance with the Local Improvement Policy and is based on the 2022 User Fee Schedule. Residents have the opportunity to select a one time payment option, an annual special charges for ten (10) years at 5.92% interest payment option, or an annual special charges for Twenty (20) year at 8.25% interest payment option for the work in the municipal right of way. The property owners would also be provided with the opportunity to utilize the twenty (20) year rate for work required on their private property to connect to the new sewer when constructed pending Council approval.

The total estimated project cost, including design, construction and non recoverable HST, within the public right of way is \$1,650,000 with \$488,679 expected to be recovered from residents for work in the

public right of way which leaves approximately \$1,161,321 to be paid by the city. For work on private property an estimated total including HST of \$768,400 may need to be funded from the City’s working capital and would be fully recovered if all properties were to accept the twenty (20) year special charges offer. The estimated lifetime of the complete work is not less than twenty (20) years.

<b>Schedule A</b>	
<b>REGISTERED PLAN</b>	<b>LOTS</b>
Concession 8 PT	4635-5190
<b>ASSESSMENT ROLL NUMBERS OF AFFECTED PROPERTIES</b>	
090-020-01000-0000	090-020-02300-0000
090-020-01100-0000	090-020-02400-0000
090-020-01200-0000	090-020-02500-0000
090-020-01303-0000	090-020-02600-0000
090-020-01304-0000	090-020-02700-0000
090-020-01305-0000	090-020-02800-0000
090-020-01306-0000	090-020-02900-0000
090-020-01307-0000	090-020-03000-0000
090-020-01400-0000	090-020-03100-0000
090-020-01500-0000	090-020-03200-0000
090-020-01600-0000	090-020-03300-0000
090-020-01700-0000	090-020-03400-0000
090-020-01800-0000	090-020-03500-0000
090-020-01900-0000	090-020-03600-0000
090-020-02000-0000	090-020-03700-0000
090-020-02100-0000	090-020-03800-0000
090-020-02200-0000	090-020-03900-0000

## SCHEDULE "A"

### CONSTRUCTION OF SANITARY SEWER AND PRIVATE DRAIN CONNECTIONS (PDC) ON:

#### JOY ROAD FROM ITS EASTERN LIMITS TO 8<sup>TH</sup> CONCESSION ROAD

#### Ontario Regulation 586/06 Local Improvement Special Charges – Cost Estimation

DESCRIPTION	TOTAL ESTIMATED LOCAL IMPROVEMENT COST *	OWNER'S COST *	CITY'S COST	COMMUTED COST PER PDC**	ANNUAL COST PER PDC'S	COMMUTED COST PER METRE OF ASSESSABLE FRONTAGE	ANNUAL COST PER METRE ASSESSABLE FRONTAGE
Construction of sanitary sewers and private drain connections only on Joy Road from its eastern Limits to 8 <sup>th</sup> Concession Road	\$586,761	\$488,679	\$98,082	\$3,500	\$473.74***	\$308.00**	\$41.69***
					\$363.14****		\$31.96****

Total estimated cost of all work is \$1,650,000

- \* Local Improvement components only (includes NRT)
- \*\* Estimated single payment option based off of the 2022 approved User Fee Schedule and includes all construction costs (with contingency), engineering, field survey, geomatics, CCTV and NRT.
- \*\*\* 5.92% interest rate is applied over a ten (10) year annual payment period.
- \*\*\*\* 8.25% interest rate is applied over a twenty (20) year annual payment period.



**Subject: Local Improvement (City Initiated) - Proposed Sanitary Sewer on Ray Road from the Eastern Limit to 8th Concession Road - Ward 9**

**Reference:**

Date to Council: May 29, 2023

Author: Isak Quakenbush

Engineer II

(519) 255-6257 Ext. 6407

[iquakenbush@citywindsor.ca](mailto:iquakenbush@citywindsor.ca)

Design - Engineering

Report Date: March 23, 2023

Clerk's File #: SL2023

To: Mayor and Members of City Council

**Recommendation:**

- I. THAT Council **APPROVE** the construction of a sanitary sewer and private drain connections on Ray Road from its eastern limit to 8th Concession Road as shown on attached Drawing C-3708 as a local improvement under the provisions of O. Reg. 586/06 under the Municipal Act, and that Notice of Intention to pass Local Improvement Charges By-Law **BE GIVEN** to the public and affected owners, including the intention to apply to the Ontario Land Tribunal under section 8 of O. Reg. 586/06 for approval to undertake the work as a local improvement, in accordance with the attached report from the Commissioner of Infrastructure Services; and,
- II. THAT 30 days after giving Notice to residents of Intention to Pass a Local Improvement By-Law, Council **PASS** a By-Law for the construction of sanitary sewer and private drain connections on Ray Road from the eastern limit to 8th Concession Road as a local improvement in accordance with Section 5 of O. Reg. 586/06, unless any affected owner files an objection with the Clerk; and,
- III. THAT approximately \$1,757,000 (including HST) **BE FUNDED** from Project ID #7159000 – Local Improvement Sanitary; and,



- IV. THAT Council **APPROVE** as a local improvement works on private property under the provisions of Part III of O. Reg. 586/06 under the Municipal Act, for the decommissioning of private septic systems and construction of sanitary private drain connections on private property, to be completed by the property owners. This applies to the properties abutting Ray Road from the eastern limit to 8th Concession Road when property owners request and consent to this work and that Notice of Intention to pass Local Improvement Charges By-law **BE GIVEN** to the public and affected owners in accordance with section 36.6 of O. Reg. 586/06; and,
- V. THAT for local improvement works on private property, the Chief Administration Officer and City Clerk **BE AUTHORIZED** to sign agreements, not to exceed 20 years, with property owners that consent to their lots being specially charged to raise the cost of the work related to decommissioning of private septic systems and construction of sanitary private drain connections on private property abutting Ray Road from the eastern limit to 8th Concession Road which agreement shall be satisfactory in form to the Commissioner of Legal & Legislative Services, in technical content to the Commissioner of Infrastructure Services and in financial content to the Commissioner of Corporate Services CFO/City Treasurer; and,
- VI. THAT for works on private property, Council **PASS** by-laws as required for the decommissioning of private septic systems and construction of sanitary private drain connections on private property abutting Ray Road from the eastern limit to 8th Concession Road as a local improvement in accordance with Part III of O. Reg. 586/06 under the Municipal Act; and at an interest rate deemed appropriate by Administration.

### **Executive Summary:**

N/A

### **Background:**

Ray Road has been approved by Council as identified by Administration as being a priority for the construction of a sanitary sewer for the following reasons:

- No existing sanitary sewer on Ray Road.
- High level of benefit from an environmental standpoint due to the number of private septic systems that can be decommissioned following the work.
- Suitable outlet exists without the need to oversize sewers.

- Construction of a sanitary sewer on Ray Road may provide development opportunities through property severances and/or development of vacant lots.

Ray Road is 5.8 meters wide and is classified as a local residential road. Ray Road has no curb and gutter, street lights, sidewalks or sanitary sewer.

At its meeting of June 24, 2020 Council passed updates to the “Local Improvement Policy Consolidation” (2020 Policy).

Regarding sewers, the new 2020 Policy states where:

- A storm and/or sanitary sewer does not exist; and,
- Abutting property owners have requested in writing a storm and/or sanitary sewer be installed as a local improvement; or,
- The City initiates the installation of a storm and/or sanitary sewer as a local improvement.

The abutting property owners will be assessed for:

- The approved cost, per metre, for the construction of a sanitary sewer and/or a storm sewer along the property frontage.
- The full cost for the construction of a private drain connection and cleanout extending from the centre line of the right of way to the property line of the benefitting property.
- Reasonable engineering and administration fees.

The City will pay:

- The remainder of the cost of sewers at intersections, in front of City owned property/alleys and road drainage. The City will also pay the balance of the cost for the price of the storm sewers.

## **Discussion:**

Construction of new sanitary sewers on roadways where residents and/or businesses are utilizing private septic systems has been a long-standing goal of the City. Private septic systems can cause environmental contamination of watercourses by delivering health endangering contaminants through overflows. The proposed sanitary sewer on Ray Road will outlet to the existing 975mm sanitary sewer on 8<sup>th</sup> Concession Road. No sewers need to be oversized or extended outside the footprint of the subject block of Ray Road.

Zoning By-law 85-18 which governs in this area has no requirement for sewers to be constructed prior to development of a residential property. Lots have been developed as recently as 2021 operating on permitted private septic systems.

Sections 1.20 and 1.21 (in Schedule A) of the City of Windsor’s Property Standards By-law 9-2019 state that all sewage shall be discharged directly into a municipal sewage system, where one is available. Further, a property shall be deemed to be serviced by

an available City sewer system if the sewer system is within 30.0 meters of any said property abutting municipal rights-of-way. In the event a City sewer system becomes available, the property owner will have (1) year, or such other time period as may be approved by Council Resolution, to connect to the available sewer and decommission the private sewage system per section 1.23. The availability of the sewer will be determined by the City Engineer.

A search of permit records found that lots 4550 8<sup>th</sup> Concession Road, as well as, 4575 and 4585 Ray Road are currently connected to the municipal sanitary sewer on 8<sup>th</sup> Concession Road and thus will not be charged as part of this Local Improvement project.

Lot 4865 fronts on both Ray and Joy Road, however, the larger frontage is on Ray Road and will be charged under this project. If in the future this lot is severed the new lot fronting on Joy Road will be charged at that time.

### **Private Septic System Changeover on Private Property:**

This work may involve internal plumbing changes and new private drain connections on private property and decommissioning of the septic system. A building permit issued by the Chief Building Official will be required to connect the existing plumbing system to the new private drain connection and decommission the private septic system.

In accordance with Schedule A, section 1.23 of Property Standards by-law 9-2019, in order to decommission private septic systems of any kind they shall be pumped dry and the contents disposed of at a suitable disposal site and a receipt of the disposal fee shall be submitted to the Officer. The tanks, treatment units or dry wells shall be disposed of to the satisfaction of the Officer, cavities shall be filled with sand or other suitable material and the ground graded to match existing grades. Existing building drain(s) not being reused shall be removed from the foundation wall and the foundation wall shall be repaired and made impervious to water.

Part III of O. Reg. 586/06 allows a property owner to raise the cost of undertaking works as local improvements on private property by requesting that the municipality impose special charges on the lots of consenting property owners upon which all or part of the works are or will be located. This allows 100 % of the cost of the work on private property to be assessed to the property owner and the costs to be repaid as a municipal local improvement charge.

The upfront capital costs to the property owners will be spread out over time, however, the total cost will increase with the addition of interest charges. The City would facilitate the collection of annual payments from the homeowners by way of a charge added to the final property tax bill. The charge would be supported through a local improvement charges by-law and agreements with the consenting property owners.

Council Resolution CR136/2020 was adopted at the April 27, 2020 meeting of City Council, and reads:

***THAT a 20-year payment option for property owners to repay special charges for drainage and local improvements BE IMPLEMENTED at interest rates deemed appropriate by administration.***

Offering the 20-year rate for works in the public right-of-way or on private property will result in a higher interest rate and increased costs. It is not recommended however remains available as an option to residents.

Only those properties that specifically request and consent to be included in the private local improvement will be included. Those not wishing to be included will be required to fund and complete their private septic system changeover within one (1) year, or longer if approved by Council Resolution, of receiving notice from the City that the sanitary mainline sewer is available in accordance with Property Standards by-law 9-2019.

Further, property owners with septic systems less than 10 years old will be given either 3 years to connect once made available or the difference between the age of their septic system and the 10-year timeframe, whichever is greater. The two properties on Ray Road which may qualify for additional time are, 4815 and 5045.

#### **Process for Private Local Improvement Infrastructure on Private Property:**

- A property owner required to connect to the proposed sanitary sewer on Ray Road would have the option to enter into an agreement with the City to raise the cost of decommissioning their private septic system and construction of sanitary private drain connection on private property and request that the costs be recovered by imposing special charges on their lot. Such an owner could submit a request which must include:
  - Municipal address and roll number of the property.
  - Legal name of the owner(s) of the property.
  - A statement that the owner consents to their lot being specially charged.
  - A copy of an estimate from a contractor to undertake the works.
  - If the lot is intended to be subdivided, the proposed method of apportioning special charges among the proposed new lots.
- The City would prepare an agreement with the consenting property owners to raise all of the costs of the work.
- The agreement would include:
  - The estimated cost of the work based on the quote provided by the property owner.
  - The estimated lifetime of the work.
  - The amount of special charges for each lot to be specially charged.
  - The manner in which cost overrun or underrun is to be dealt with, if the actual cost of the work differs from the estimated cost of the work.
  - When the special charges for the lot are to be paid.

- The property owner(s) would be specially charged for 100% of the actual cost of the work plus the City's cost of advertising, giving notices and interest on borrowing.
- The property owner(s) would be required to sign the agreement.
- The City Clerk would determine the sufficiency of the agreement and certifies the same.
- A person who has signed an agreement may withdraw his or her name from the agreement by filing a written withdrawal with the clerk before the clerk has certified the sufficiency of the agreement, but not after.
- The City would pass a by-law to undertake the works as a local improvement and give notice to the public of its intention to pass the by-law.
- Once the work has been completed, the property owner would supply the City with the final invoice from the contractor.
- The City would prepare a local improvement roll in accordance with section 36.10 of O. Reg. 586/06 and give notice of the local improvement roll to the owners to be specially charged.
- The City Treasurer would certify the local improvement roll and the City would pass a special charges by-law in accordance with sections 36.11 and 36.14 of O. Reg. 586/06 respectively.
- The City would then pay the contractor directly and the special charges would be put on the property owner's taxes over the approved number of years (not to exceed 20 years). Annual charges would include an amount for interest at a rate that is considered appropriate.
- At any time during the required repayment term, the property owner may request a payout value. This value would reflect all remaining amounts to be paid in regards to the principal and any interest amount outstanding.

If any resident objections, administration recommends that the City apply to the Ontario Land Tribunal (OLT) for approval to undertake the construction of the sanitary sewer and private drain connections on Ray Road from its eastern limit to 8<sup>th</sup> Concession Road as a local improvement.

If within thirty (30) days of the notices regarding the construction of sanitary sewers are given, and no objections to the work being undertaken are filed under section 8 of O. Reg. 586/06, the municipality will be deemed to have received OLT's approval. If any objections are filed with the Clerk, the Clerk will forward those objections to the Tribunal, together with the application. A hearing will then be scheduled as soon as reasonably possible.

Administration recommends offering the following payment options for the local improvement works:

#### Public



- One time payment
- Special charges period of ten (10) years at 5.92%
- Special charges period of twenty (20) years at 8.25%

#### Private

- Special charges period of twenty (20) years at 8.25%

Collection would start following the completion of the work after determining the true costs.

### **Risk Analysis:**

Construction of a sanitary sewer on Ray Road will result in the elimination of private septic systems from approximately 36 residential properties. Private septic systems contribute to water quality issues within the City's watershed and ecosystem through the release of contaminants by infiltration and overflows. Should this project not proceed, the subject properties will continue to contaminate local watercourses.

Other associated risks to the Corporation resulting from undertaking a local improvement project include risks typical of a construction project, such as bodily injury, property damage, and matters arising from violations of the Occupational Health and Safety Act. These risks will be transferred to the successful proponent through the contract that the City and the successful bidder enter into. As part of the contract with the successful bidder, there will be sufficient insurances in place to cover the Corporation for the potential damage and claims that may arise from their work during construction or within the maintenance period.

### **Climate Change Risks**

#### **Climate Change Mitigation:**

Construction will result in Greenhouse gas (GHG) emissions that are accounted for within the annual Community GHG emissions inventory. However, construction emissions in general will be offset by improved drivability, functionality of the infrastructure, and the elimination of trucking of septic waste for wastewater treatment. Septic systems are also a known minor source of fugitive GHG emissions including methane, carbon dioxide, and nitrous oxide which have not been estimated nor included in the Community GHG inventory.

#### **Climate Change Adaptation:**

In order for septic systems to properly filter wastewater, there must be enough unsaturated soil between the leachfield and the groundwater table. Changes in rainfall volumes and higher ground water levels can impact the effectiveness of leachfields increasing the risk of contamination of surface water.

## Financial Matters:

The City's Local Improvement Policy Consolidation states that abutting property owners will be assessed for the actual cost of Engineering and Project Management in addition to the User Fee Rate, per metre, for the placement of a new sanitary sewer along the property frontage. The City will pay for the remainder of the cost for the installation of the sanitary sewer at intersections, in front of City owned property and alley. The cost of private drain connections from the main sewer to the property line will be set by the contract and charged to the benefitting property in accordance with the provisions of the O. Reg 586/06.

The estimated costs for the installation of sanitary sewer including private drain connections are outlined in attached Schedule 'A'. The abutting lots will be assessed for the costs of the construction based on a rate per meter of frontage and a fixed rate per private drain connection.

The total estimated cost of the work on Ray Road is estimated to be approximately \$1,757,000 (including HST) of which approximately \$500,500 (including non recoverable HST) will be recovered from the homeowners for the public portion. The remaining net cost to the City is \$1,256,500 as is detailed in the table below. The following table outlines the proposed project budget:

Description	Estimated Amount
<b>EXPENSES</b>	
Construction (sanitary sewers, private drain connections, new pavement, boulevard restoration, and contingency)	\$1,443,100.00
Engineering / Project Administration (Incl. Survey, Inspection, Geotechnical, Geomatics & CCTV) (20%)	\$288,500.00
<b>Subtotal</b>	<b>\$1,731,600.00</b>
Non-Recoverable HST	\$25,400.00
<b>Total Expenses</b>	<b>\$1,757,000.00</b>
<b>REVENUES</b>	
Estimated Property Assessment – Local Improvement Roll	\$500,500.00

(Owners' Cost, includes non recoverable HST)	
<b>Total Revenues</b>	<b>\$500,500.00</b>
<b>ESTIMATED CITY SHARE</b>	<b>\$1,256,500.00</b>

The Financial Planning Administrator has confirmed that the Local Improvement Program – Infrastructure (Project ID# 7159000) has sufficient funding for the city portion of the work.

**Local Improvement on Private Property – Septic Changeover:**

If property owners participate in the private local improvements, the City would be required to pay the contractor from City's working capital. A corresponding long-term loan would be paid by the property owner each year until such time as the full cost, inclusive of interest, is repaid. Should all 36 properties participate it is estimated that an additional \$813,600 (including HST) in funding be available for this purpose. The City currently has sufficient working capital to fund the estimated loan in full, however, should City Council extend the terms to other projects, the amount could initially be considered significant.

**Consultations:**

- Adam Mourad – Engineer II
- Wira Vendrasco – Deputy City Solicitor
- Linda Mancina – Financial Planning Administrator
- Karina Richters – Supervisor of Environmental Sustainability & Climate Change
- Rob Vani – Manager of Inspections / Deputy Chief Building Official

**Conclusion:**

Administration recommends the initiation of the above referenced Ray Road sanitary sewer local improvement under the provisions of O. Reg. 586/06. Upon this approval administration will send the Notice of Intention to pass Local Improvement Charges By-law including the intention to apply to the Ontario Land Tribunal to the public and affected owners in accordance with section 8 of O. Reg. 586/06. Further, administration recommends construction of new private drain connections and that the CAO be authorized to sign agreements not to exceed 20 years for the repayment of the works performed on private property.

The proposed local improvement on Ray Road is recommended as it removes approximately 36 residential properties from private septic systems and provides opportunity for development on the street.

**Planning Act Matters:**

N/A

**Approvals:**

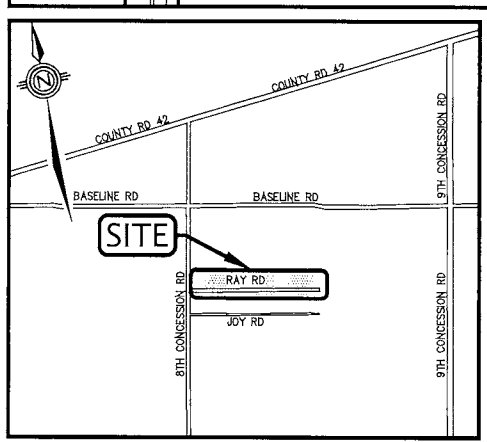
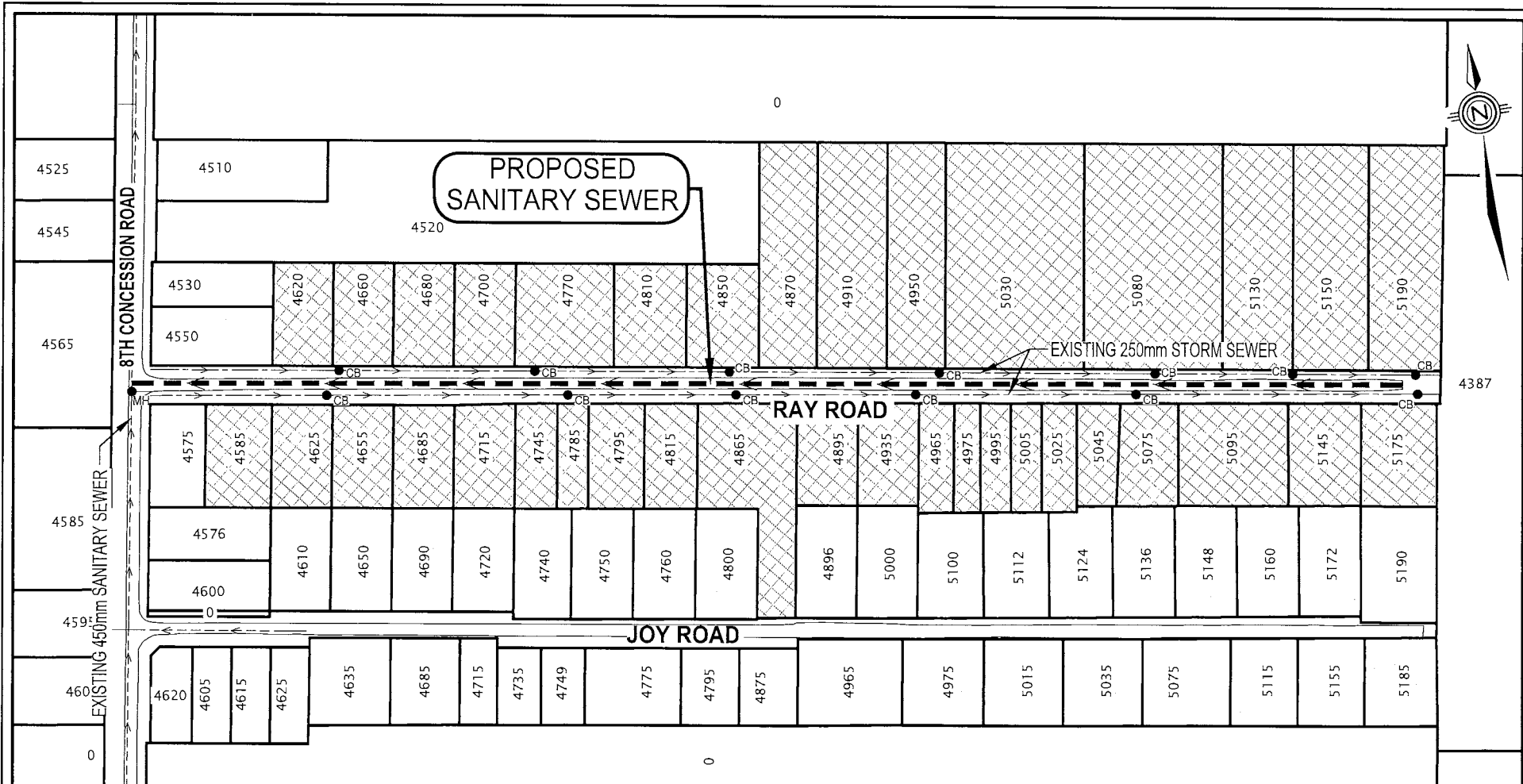
<b>Name</b>	<b>Title</b>
Fahd Mikhael	Manager of Design
France Isabelle-Tunks	Executive Director of Engineering / Deputy City Engineer
Chris Nepszy	Commissioner of Infrastructure Services
Shelby Askin Hager	Commissioner of Legal and Legislative Services
Tony Ardovini	Acting Commissioner of Corporate Services/CFO & City Treasurer
Joe Mancina	Chief Administrative Officer

**Notifications:**

<b>Name</b>	<b>Address</b>	<b>Email</b>
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**Appendices:**

- 1 Drawing C-3708
- 2 Ray - Memo to CAO
- 3 Schedule A




**LEGEND**

- MH MAN HOLE
- CB STORM CATCH BASIN
- ▨ FULL FRONTAGE ASSESSMENT
- - - PROPOSED SANITARY SEWER

THE CORPORATION OF THE CITY OF WINDSOR - ENGINEERING DEPARTMENT

**Proposed Construction Of A Sanitary Sewer For Ray Road East Of 8th Concession Road Under Local Improvements**

 Kirk Tamm, Manager of Geomatics	SCALE: 1:3000	DATE: JANUARY 23	REVISED:	DWG. NO. <b>C-3708</b>
	20/10/23 GP	CHKD BY: PJU / IQ	REVISION NO.:	



**Local Improvement Memo**

**Date:** May 3, 2023

**Subject:** Proposed Construction of Sanitary Sewer and Private Drain Connections on Ray Road from the Eastern Limit to 8<sup>th</sup> Concession Road

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The following is a report for the construction of sanitary sewers and private drain connections on Ray Road from its eastern limits to the 8<sup>th</sup> Concession Road, prepared under the Local Improvement Policy. This work is proposed to be carried out under the provisions of Ontario Regulation 586/06, made under the Municipal Act 2001 by applying to the Ontario Land Tribunal to undertake the proposed work as local improvement.

A City by-law to undertake the work as a local improvement under Section 5 of the Ontario Regulation 586/06 will be recommended to the Council for approval; provided that NO OBJECTIONS to the work are filed, per section 8 of the Ontario Regulation 586/06, within 30 days after the notice of the City's intention to pass the by-law is given to the public and to affected property owners.

The estimated cost of the local improvement portion of the work is \$660,240 including design and non recoverable HST, for the sanitary sewer and private drain connections. A portion of which will be assessed against the abutting properties as detailed in Schedule A attached.

**Assessment Information:**

The total frontage is 1,216 meters all of which will be assessable to the abutting property owners.

The single payment rate per meter of frontage is \$308.00 in accordance with the Local Improvement Policy and is based on the 2022 User Fee Schedule. Residents have the opportunity to select a one time payment option, an annual special charges for ten (10) years at 5.92% interest payment option, or an annual special charges for Twenty (20) year at 8.25% interest payment option for the work in the municipal right of way. The property owners would also be provided with the opportunity to utilize the twenty (20) year rate for work required on their private property to connect to the new sewer when constructed pending Council approval.

The total estimated project cost, including design, construction and non recoverable HST, within the public right of way is \$1,757,000 with \$500,500 expected to be recovered from residents for work in the public right of way which leaves approximately \$1,256,500 to be paid by the city. For work on private

property an estimated total including HST of \$813,600 may need to be funded from the City’s working capital and would be fully recovered if all properties were to accept the twenty (20) year special charges offer. The estimated lifetime of the complete work is not less than twenty (20) years.

<b>Schedule A</b>	
<b>REGISTERED PLAN</b>	<b>LOTS</b>
Concession 8 PT	45620-5190
<b>ASSESSMENT ROLL NUMBERS OF AFFECTED PROPERTIES</b>	
090-020-00103-0000	090-020-06002-0000
090-020-04400-0000	090-020-06100-0000
090-020-04500-0000	090-020-06200-0000
090-020-04600-0000	090-020-06300-0000
090-020-04700-0000	090-020-06400-0000
090-020-04800-0000	090-020-06500-0000
090-020-04900-0000	090-020-06600-0000
090-020-05000-0000	090-020-06700-0000
090-020-05100-0000	090-020-06800-0000
090-020-05200-0000	090-020-06900-0000
090-020-05300-0000	090-020-07000-0000
090-020-05400-0000	090-020-07100-0000
090-020-05500-0000	090-020-07200-0000
090-020-05600-0000	090-020-07300-0000
090-020-05700-0000	090-020-07400-0000
090-020-05800-0000	090-020-07500-0000
090-020-05900-0000	090-020-07610-0000
090-020-06001-0000	090-020-07800-0000

## SCHEDULE "A"

### CONSTRUCTION OF SANITARY SEWER AND PRIVATE DRAIN CONNECTIONS (PDC) ON:

#### RAY ROAD FROM ITS EASTERN LIMITS TO 8<sup>TH</sup> CONCESSION ROAD

#### Ontario Regulation 586/06 Local Improvement Special Charges – Cost Estimation

DESCRIPTION	TOTAL ESTIMATED LOCAL IMPROVEMENT COST *	OWNER'S COST *	CITY'S COST	COMMUTED COST PER PDC**	ANNUAL COST PER PDC	COMMUTED COST PER METRE OF ASSESSABLE FRONTAGE**	ANNUAL COST PER METRE ASSESABLE FRONTAGE
Construction of sanitary sewers and private drain connections only on Ray Road from its eastern Limits to 8 <sup>th</sup> Concession Road	\$660,250	\$500,500	\$159,750	\$3,500	\$473.74***	\$308.00	\$41.69***
					\$363.14****		\$31.96****

Total estimated cost of all work is \$1,757,000.

- \* Local Improvement components only (includes NRT).
- \*\* Estimated single payment option based off of the 2022 approved User Fee Schedule and includes all construction costs (with contingency), engineering, field survey, geomatics, CCTV and NRT.
- \*\*\* 5.92% interest rate is applied over a ten (10) year annual payment period.
- \*\*\*\* 8.25% interest rate is applied over a twenty (20) year annual payment period.



**Subject: 2022 Year-End Operating Budget Variance Report - City Wide**

**Reference:**

Date to Council: May 29, 2023

Author: David Soave

Manager, Operating Budget Development & Control

519-255-6100 Ext. 1911

dsoave@citywindsor.ca

Financial Planning

Report Date: April 18, 2023

Clerk's File #: AF/14148

**To:** Mayor and Members of City Council

**Recommendation:**

1. THAT Council **RECEIVE FOR INFORMATION** the 2022 Year-End Operating Budget Variance Report.
2. THAT the final 2022 Property Tax Levy Operating Budget surplus of \$632,250 **BE TRANSFERRED** to the Budget Stabilization Reserve Fund.
3. THAT in order to avoid the need to re-budget for various items, Council **APPROVE** \$3,814,444 in Budget Carry-Forwards as detailed in Appendix C.
4. THAT Council **APPROVE** the balancing of and transfers from Capital Project Closeouts as detailed in Appendix D.
5. THAT Council **APPROVE** the attached Development Charges 2022 Income Statement Schedule as detailed in Appendix E.
6. THAT Council **APPROVE** the attached Development Charge Reserve Fund Statement – Listing of Credits as detailed in Appendix F.
7. That Council **SEND A FORMAL REQUEST** for additional judicial resources for the Provincial Offences Court to ensure continued equal and timely access to justice.
8. THAT Council **APPROVE** the following housekeeping items and various transfers to/(from) the various reserve accounts/funds:
  - a. \$1,586,506 to Fund 180 (Building Permit Reserve)
  - b. \$81,711 to Account 1756 (Reserve for Tree Planting)
  - c. \$5,300 to Account 1755 (Reserve for Fire Education)

- d. (\$2,370) from Fund 194 (Building Permit Fee Contra Reserve)
- e. (\$68,864) from Fund 114-128 (Development Charge Reserves)
- f. (\$75,465) from Account 1788 (Driver Simulation Training)
- g. (\$120,353) from Account 1784 (Succession Planning Reserve)
- h. (\$437,535) from Fund 160 (Capital Expenditure Reserve)
- i. (\$791,659) from Account 1762 (Municipal Elections Reserve)

**Executive Summary:**

The Corporation has ended the 2022 fiscal year with an overall operating surplus of \$632,250 or 0.1% of the gross budget, once the \$2.7M corporate contingency is included. It is recommended that the surplus be transferred to the Budget Stabilization Reserve (BSR). Given the year-end results, and the need to fund approximately \$8 million in COVID-19 related expenditures, the corporate contingency amount of \$2.7 million was required to assist in offsetting the \$2,067,750 budget shortfall and therefore, was not fully transferred to the BSR at year-end. It is noted that these results are still subject to finalization of the annual external audit, which is currently underway by the City’s external auditors KPMG.

The 2022 year-end financial implications of the City’s response to the COVID-19 Pandemic are summarized in the following chart.

**Summary of 2022 COVID Related Variance (Millions)**

	2021 Year-End (Actual)	2022 2nd Quarter (Estimate)	2022 3rd Quarter (Estimate)	2022 Year-End (Actual)
Forgone Revenue	(\$35.6)	(\$16.4)	(\$11.7)	(\$14.5)
Additional Expenses	(\$35.7)	(\$24.4)	(\$24.9)	(\$14.4)
<b>Total COVID Impact</b>	<b>(\$71.3)</b>	<b>(\$40.8)</b>	<b>(\$36.6)</b>	<b>(\$28.9)</b>
Less:				
Reduced (Mitigated) Expenditures	\$15.0	\$6.8	\$5.0	\$3.8
Provincial / Federal Grants	\$53.7	\$18.6	\$18.9	\$17.1
<b>COVID Deficit to be Offset</b>	<b>(\$2.6)</b>	<b>(\$15.4)</b>	<b>(\$12.7)</b>	<b>(\$8.0)</b>

Forgone revenues totalling (\$14.5M), when combined with additional costs resulting from the COVID pandemic of (\$14.4M), result in a total financial impact to the City in 2022 of (\$28.9M). This amount has been offset by reduced expenditures, resulting from mitigation measures taken by the City of \$3.8M as well as from grant funding from senior levels of government totalling \$17.1M, thereby resulting in a 2022 pandemic related financial impact of (\$8.0) for City Departments.



## **Background:**

Annual operating budgets for all City departments are set at the beginning of the calendar year based on Council direction. Professional estimates, the current legislative environment, macroeconomic trends (such as currency fluctuations, commodity prices, unemployment figures, inflationary trends, and business investment, etc.) and other local information available at the time are significant inputs to the operating budget recommended to City Council by administration.

For 2022, the significant unanticipated variable continued to be the impact of the COVID-19 global pandemic. Since January 2020, the pandemic has spread around the world causing significant uncertainty, and impacting human behaviour and the world's economy. As a result, many of the City's operations were suspended, altered, continued with restrictions, or increased to meet the demands resulting from the pandemic in 2022. The largest impact to budget variances in 2022 was the increased inflationary impacts as a result of the economy recovering from the pandemic. This report to Council provides 2022 year-end results on the COVID-19 financial challenges and other Non-COVID related Y/E variances for each area.

All departments monitor revenues and expenditures on an ongoing basis and undertake projections through to the end of the year to ensure they remain at, or as close to, their approved budget as possible. This assists in mitigating all material variances as effectively as possible. As is typical with most forecasts, accuracy tends to increase as the year progresses and more information and data becomes available.

In addition to the City's operating budget, which is primarily funded by the property tax levy, certain expenditures are funded by specific non-property tax levy sources such as Legislated Building Permits, On/Off Street Parking Operations and the Sewer Surcharge Operating Fund. The discussion section of this report provides additional detail for the year-end variances for all departments.

## **Discussion:**

### ***Property Tax Supported Variance***

**Table A** below provides a summary of the budgets and year-end variances for City Departments, Agencies, Boards & Committees for 2022. The year-end variances have been sorted from largest deficit to largest surplus.

The Corporation ended the 2022 fiscal year with an operating surplus of \$632,250. This figure is net of budget carryovers totalling \$3,814,444 and includes the previously noted \$2.7M corporate contingency amount, which was not fully transferred to the budget stabilization reserve as in previous years. Administration recommends transferring the \$632,250 operating surplus to the Budget Stabilization Reserve Fund (BSR).

**Table A: 2022 Corporate Variance Summary**

	2022 Gross Budget	2022 Net Budget	Year-End COVID Variance	Year-End Non-COVID Variance	Year-End Overall Variance	% of Gross Budget
Fire & Rescue	\$52,491,089	\$50,538,358	(\$363,423)	(\$3,101,393)	(\$3,464,816)	(6.6%)
Public Works	\$58,680,331	\$29,038,896	(\$378,050)	(\$2,557,870)	(\$2,935,920)	(5.0%)
Housing & Children Services *	\$129,200,728	\$27,582,506	\$160,443	(\$1,567,404)	(\$1,406,961)	(1.1%)
Transit Windsor	\$39,317,934	\$16,421,543	(\$889,820)	(\$158,596)	(\$1,048,416)	(2.7%)
Council Services	\$6,585,297	\$3,382,297	(\$315,986)	(\$79,088)	(\$395,074)	(6.0%)
Parks & Facilities	\$36,841,100	\$27,573,238	(\$126,475)	(\$200,378)	(\$326,853)	(0.9%)
Taxation	\$3,475,392	\$604,831	\$0	(\$268,259)	(\$268,259)	(7.7%)
Engineering	\$7,913,993	\$2,575,065	(\$101,714)	(\$142,144)	(\$243,858)	(3.1%)
Purchasing, Risk & POA	\$12,422,984	\$3,458,819	(\$79,209)	(\$119,833)	(\$199,042)	(1.6%)
Building Services	\$7,871,886	\$2,029,125	(\$75,000)	(\$38,227)	(\$113,227)	(1.4%)
Communications	\$4,058,175	\$3,342,673	(\$148,800)	\$36,659	(\$112,141)	(2.8%)
Asset Planning	\$1,875,527	\$864,607	\$0	(\$35,651)	(\$35,651)	(1.9%)
Information Technology	\$9,076,667	\$7,367,292	\$0	(\$31,070)	(\$31,070)	(0.3%)
Mayor's Office	\$505,705	\$505,705	\$0	\$0	\$0	0.0%
Economic Development	\$1,364,556	\$1,364,556	\$0	\$0	\$0	0.0%
Library Services	\$9,284,880	\$8,319,985	\$24,000	(\$24,000)	\$0	0.0%
Pollution Control	\$21,337,790	\$0	\$0	\$0	\$0	0.0%
Recreation & Culture	\$25,738,985	\$13,577,045	(\$1,189,800)	\$1,192,933	\$3,133	0.0%
Human Resources	\$7,252,526	\$6,333,184	(\$107,439)	\$111,448	\$4,009	0.1%
Accounting	\$3,162,235	\$2,329,132	\$0	\$55,004	\$55,004	1.7%
Financial Planning	\$3,971,534	\$2,846,297	\$0	\$100,336	\$100,336	2.5%
CAO's Office	\$1,103,044	\$1,103,044	\$0	\$160,731	\$160,731	14.6%
City Council	\$1,050,834	\$875,193	\$164,560	\$0	\$164,560	15.7%
Security & Special Activities	\$3,701,829	\$1,186,543	(\$22,576)	\$365,858	\$343,282	9.3%
Legal Services	\$3,672,157	\$3,360,201	\$0	\$398,605	\$398,605	10.9%
Planning & Development	\$4,109,297	\$3,175,026	\$0	\$622,677	\$622,677	15.2%
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Employment & Social Services	\$101,037,567	\$7,589,312	\$45,187	\$1,222,317	\$1,267,504	1.3%
Corporate Accounts	\$167,712,718	\$84,554,440	(\$4,626,777)	\$9,923,987	\$5,297,210	3.2%
<b>Sub-Total: City Departments</b>	<b>\$751,338,087</b>	<b>\$320,360,992</b>	<b>(\$8,054,306)</b>	<b>\$6,950,837</b>	<b>(\$1,103,469)</b>	<b>(0.1%)</b>
Agencies	\$20,858,415	\$20,757,817	\$0	\$1,114,860	\$1,114,860	5.3%
Police Services	\$115,019,577	\$96,977,437	\$0	\$620,859	\$620,859	0.5%
<b>Sub-Total: ABC's</b>	<b>\$135,877,992</b>	<b>\$117,735,254</b>	<b>\$0</b>	<b>\$1,735,719</b>	<b>\$1,735,719</b>	<b>1.3%</b>
<b>Total: Municipal</b>	<b>\$887,216,079</b>	<b>\$438,096,246</b>	<b>(\$8,054,306)</b>	<b>\$8,686,556</b>	<b>\$632,250</b>	<b>0.1%</b>

**Table B** provides a five-year historical picture of the City's year-end operating variances for the Corporation, as well as the percentage variance to the annual gross budget inclusive of the budget stabilization contingency account.

**Table B: 5-Year Historical Year-End Operating Variance**

<i>Year</i>	<i>2018</i>	<i>2019</i>	<i>2020</i>	<i>2021</i>	<i>2022</i>
<i>Variance Surplus / Deficit</i>	\$2,466,375	\$1,954,982	\$5,805,949	\$2,491,344	\$632,250
<i>As a % of Gross Budget</i>	0.27%	0.21%	0.61%	0.29%	0.07%

### ***Operational & Economic Statistics***

**Appendix B** includes a list of relevant operational and economic statistics (extracted from various sources) that have been presented in previous variance reports to Council. The data is provided as background information and is depicted graphically for the current quarter, along with each of the preceding nine years for ease of reference and comparison purposes. It is important to note that many of the operational and economic statistics are showing significant variances as compared to historical trends because of the COVID pandemic. It is expected that these measures will return to more historical levels as we recover from the pandemic over the next few years. Administration will continue to monitor and report on these statistics as part of the regular variance reporting to Council.

### ***Budget Carry-Forwards***

**Appendix C** includes a list of the recommended budget carry-forwards that relate to 2022. These are budgeted items that, due to timing, were committed but not expended in 2022 and as a result, the related budgets for those items have been carried forward into 2023. These expenditure line items are expected to be paid out in 2023 or beyond.

### ***Capital Closeouts***

**Appendix D** contains a summary of capital projects that were either closed, completed or consolidated during 2022. The Corporation does not budget for any variance with respect to capital closeouts. Surplus balances normally offset deficits in other projects provided that consistent funding guidelines are being followed. Usual practice calls for surpluses to be returned back to the original funding source(s) and deficits drawn from their original funding source, where such funds are available. If funding is not available, alternate funding sources are identified and reported to City Council.

### ***Development Charge Reserve Income Statements***

The final two appendices (**Appendix E & Appendix F**) provide City Council with detailed revenues and expenses for all of the development charge reserves in 2022, as required by the Development Charges Act, along with a listing of outstanding development charge credits at year-end.

### ***Revenue Loss in Provincial Offences Division (POA)***

The Provincial Offences Division (POA) experienced a (\$798k) revenue shortfall in 2022, following a (\$2.1m) revenue shortfall in 2021. A large portion of this reduction in revenue can be attributed to less court time due to dwindling Judicial resources. Over the last few years court time has significantly decreased due to a lack of Judicial resources to preside in court leading to a decrease in the volume of matters heard in a year. This caused delays in the conviction of offences and the payment of the fines. In 2023, Judicial Resources continue to decrease and court time has been significantly reduced once again. Communication with the Local Administrative Justice of the Peace have indicated that there will continue to be a lack of Judicial resources. No timeframe has been provided as to when the resources will be back to regular staffing levels and no other solutions have been implemented to deal with the backlog of matters. POA is seeking further direction from City Council to assist with the necessary advocacy to move forward with solutions to ensure equal and timely access to Justice for the public. There is also a risk that as matters remain outstanding past 18 months without hearing, there will be an increase in charges being thrown out resulting in even further revenue loss.

The decrease in revenue can also be attributed to a significant decline over the last three years in offences filed in POA by ticketing agencies. Although our ticket volumes increased by 8.9% year over year, this increase is largely due to Red Light Camera (RLC) Offences that made up 23.5% of overall offences filed. We note that RLC offences have not brought in the amount of revenue expected (2022 shortfall \$77,177). Although the program started in January of 2022 each camera had staggered start dates and we also experienced equipment issues during parts of the year where cameras were not operational for short periods of time which contributed to this shortfall. Ticketing volumes by policing agencies has affected revenue generated and will continue to do so in the future if this trend continues. It should be noted that policing agencies control the number of tickets issued based on operational resources and this is beyond the operating departments' control.

### ***Miscellaneous Housekeeping Transfer To/From Reserves***

Throughout the course of the year, costs related to certain initiatives are captured in operating accounts/funds and then transferred at year-end to/from various specific reserves consistent with past practice. The following miscellaneous housekeeping transfers have occurred and a summary is provided below in **Table C**.

**Table C: 2022 Summary of Transfers (To)/From Reserve Accounts/Funds**

<b>RESERVE FUND / ACCOUNT</b>	<b>AMOUNT</b>
Fund 180 - Building Permit Reserve	\$1,586,506
Account 1756 - Reserve for Tree Planting	\$81,711
Account 1755 - Reserve for Fire Education	\$5,300
Fund 194 - Building Permit Fee Contra Reserve	(\$2,370)
Fund 114-128 - Development Charge Reserves	(\$68,864)
Account 1788 - Driver Simulation Training	(\$75,465)
Account 1784 - Succession Planning Reserve	(\$120,353)
Fund 160 - Capital Expenditure Reserve	(\$437,535)
Account 1762 - Municipal Elections Reserve	(\$791,659)

**Risk Analysis:**

The largest risk by far this year has been the implications of the COVID 19 Pandemic and its impact on City operations.

As the situation continues to change daily due to COVID 19, it is extremely difficult to provide any degree of certainty as to the full financial impacts to the Corporation going forward into 2023 and beyond

There remain many variables, including:

1. The length of the crisis. It is still unknown when the restrictions will be fully lifted or if additional restrictions will need to be reinstated. There remain significant uncertainties as to the recovery from the COVID 19 crisis.
2. The length of the transition period for things to return to “normal”. In some cases, partial seasons may be lost even if all restrictions are lifted.
3. The residents’ hesitation to return to their normal activities may further delay the financial recovery for the City.
4. The additional requirements and regulations that the City and others must follow as we eventually return to a normal state.
5. The amount of additional senior level government funding that will be made available to municipalities to offset the financial burden of the COVID Pandemic in 2023 and future budget years specifically as it relates to Homelessness, and Long Term Care areas.

As usual in a normal year, there are a number of other potential risks that can impact the year-end financial results as follows:



1. The Net Tax Additions/Reductions account is extremely difficult to project with certainty. There are still some significant appeals in progress and any variances in this account will vary dramatically based on the outcomes and timing of the settlements. There may also be unique pressures resulting from the pandemic that the City may need to fund going forward.
2. Current macro and micro economic conditions such as changes to local unemployment rates, volatility of energy costs, commodity prices and interest rates, as well as supply and demand for products and services. Inflationary increases in 2022 hit 6.8% on an annualized basis. This has become a significant risk that is being monitored and will be reported in the next variance report to Council.
3. Seasonal variability with respect to revenues (e.g. Recreation Fees) and expenses (e.g. winter control).
4. Potential increases in staffing costs due to factors such as sick call replacement, modified duties (particularly in mandated or 24/7 operational areas), WSIB, joint job evaluation or other arbitration decisions, and health benefit usage (Green Shield). Some of these costs may be covered by corporate provisions/reserves.
5. Potential increase to unavoidable expenditures such as unavoidable repairs and maintenance, along with related purchases of materials and supplies, legal expenses, streetlight maintenance, etc.
6. The significant use of estimates, historical knowledge and judgement in developing budgets and projecting actual expenses for the year implies that actual year-end revenues and expenditures may differ significantly from quarterly projections. One way to mitigate this risk and help to offset any unexpected or one-time variances is by way of the annual \$2.7 million corporate contingency account.

## **Climate Change Risks**

### **Climate Change Mitigation:**

Climate Change Mitigation initiatives are budgeted throughout the corporation and any variances form part of the departmental and ABC variance descriptions.

### **Climate Change Adaptation:**

Climate Change Adaptation initiatives are budgeted throughout the corporation and any variances form part of the departmental and ABC variance descriptions.

### **Financial Matters:**

Refer to **Appendix A** for detailed descriptions to support the departmental year-end variances separated between COVID 19 and Non COVID 19 impacts, along with any mitigating measures.

**Consultations:**

All City Departments provided comments to augment and clarify the analysis performed by the Financial Planning Department.

**Conclusion:**

Overall, the Corporation of the City of Windsor ended the 2022 fiscal year with an operating surplus of \$632,250, once the \$2.7M corporate contingency is included. Administration is recommending that the entire amount be transferred to the Budget Stabilization Reserve Fund.

**Planning Act Matters:**

N/A

**Approvals:**

Name	Title
David Soave	Manager, Operating Budget Development & Control
Tony Ardovini	Commissioner, Corporate Services, Chief Financial Officer & City Treasurer (A)
Joe Mancina	Chief Administrative Officer

**Notifications:**

Name	Address	Email

**Appendices:**

- 1 Appendix A - 2022 Operating Budget Variance
- 2 Appendix B - 2022 Operational & Economic Statistics
- 3 Appendix C - 2022 Budget Carry-Forwards
- 4 Appendix D - 2022 Capital Project Close-Outs for Year-End
- 5 Appendix E - 2022 Development Charges Reserve Funds Income Statement
- 6 Appendix F - 2022 Statement of Activity - Development Charge Credits

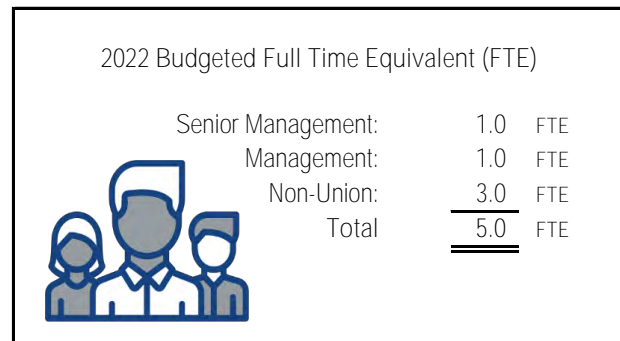
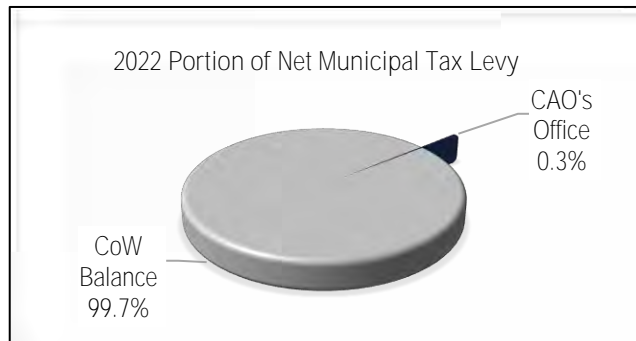
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<b>Sub-Total: City Departments</b>	<b>\$751,338,087</b>	<b>\$320,360,992</b>	<b>(\$8,054,306)</b>	<b>\$6,950,837</b>	<b>(\$1,103,469)</b>	<b>(0.1%)</b>
Agencies	\$20,858,415	\$20,757,817	\$0	\$1,114,860	\$1,114,860	5.3%
Police Services	\$115,019,577	\$96,977,437	\$0	\$620,859	\$620,859	0.5%
<b>Sub-Total: ABC's</b>	<b>\$135,877,992</b>	<b>\$117,735,254</b>	<b>\$0</b>	<b>\$1,735,719</b>	<b>\$1,735,719</b>	<b>1.3%</b>
<b>Total: Municipal</b>	<b>\$887,216,079</b>	<b>\$438,096,246</b>	<b>(\$8,054,306)</b>	<b>\$8,686,556</b>	<b>\$632,250</b>	<b>0.1%</b>

### CAO'S OFFICE

#### DEPARTMENTAL OVERVIEW

The Chief Administrative Officer (CAO) works closely with the Mayor and City Council, as well as City Administration through its senior leaders, to ensure Council's goals and objectives are achieved. This is realized through strategic leadership to the Corporation, managing the daily operations of service delivery, and leading ongoing improvements with a goal of greater efficiency.

Financial Summary	2019	2020	2021	2022
Annual Revenue Budget	(\$30,000)	\$0	\$0	\$0
Annual Expense Budget	\$1,315,018	\$1,336,637	\$1,106,545	\$1,103,044
Annual Net Budget	\$1,285,018	\$1,336,637	\$1,106,545	\$1,103,044
Annual Net Variance	\$123,090	\$114,810	\$3,656	\$160,731
Variance as a % of Gross Budget	9.4%	8.6%	0.3%	14.6%



#### VARIANCE SUMMARY

Description	COVID Variance	NON-COVID Variance	OVERALL Variance
Salary Gapping	\$0	\$160,731	\$160,731
Net Total	\$0	\$160,731	\$160,731

#### VARIANCE DESCRIPTION

The total departmental year-end variance is: \$160,731 Surplus

The CAO Office has ended the year in a surplus of \$160,731 due to salary gapping.

### CITY COUNCIL

#### DEPARTMENTAL OVERVIEW

*Ontario Municipalities are governed by municipal councils. The job of municipal councils is to pass resolutions and by-laws governing municipal services, finances and the various regulatory frameworks. These functions are performed based on the delegated authority contained within the Municipal Act and other legislation and regulations. In Windsor, City Council is composed of the Mayor (Head of Council) and 10 Councillors (1 for each of the 10 Wards).*

Financial Summary	2019	2020	2021	2022
Annual Revenue Budget	(\$277,165)	(\$185,000)	(\$156,991)	(\$175,641)
Annual Expense Budget	\$1,008,389	\$1,031,469	\$1,029,184	\$1,050,834
Annual Net Budget	\$731,224	\$846,469	\$872,193	\$875,193
Annual Net Variance	(\$8,275)	\$48,836	\$57,963	\$164,560
Variance as a % of Gross Budget	(0.8%)	4.7%	5.6%	15.7%

#### VARIANCE SUMMARY

Description	COVID Variance	NON-COVID Variance	OVERALL Variance
Miscellaneous Expenses	\$164,560	\$0	\$164,560
Net Total	\$164,560	\$0	\$164,560

#### VARIANCE DESCRIPTION

*The total departmental year-end variance is:* \$164,560      Surplus

##### Miscellaneous Expenses: \$164,560

City Council ended the year with an overall surplus of \$164,560, which was entirely related to the ongoing pandemic. Approximately \$32,993 of the surplus was attributed to the continuance of online Council meetings. There was a travel surplus of \$32,566 as there has been less travel due to COVID-19. There is a surplus in Administrative Expenses of \$56,328 related to office supplies, computer and telephone. The balance of the surplus, approximately \$42,673 was attributed to the lack of meetings by the various Committees of Council.



### MAYOR'S OFFICE

#### DEPARTMENTAL OVERVIEW

*The Mayor is the Head of City Council the Chief Executive Officer (CEO) of the Corporation of the City of Windsor. As Head of Council he presides over all meetings of Council. The Mayor ensures that the laws governing the Municipality are properly executed and enforced. The Mayor has primary responsibility for seeing that the policies of the Municipality are implemented, and he works closely with Council to ensure that this occurs.*

*As CEO, the Mayor has responsibility for all actions taken on behalf of the municipal corporation. Based on the approval of Council, the Mayor has responsibility for directing municipal spending priorities in accordance with local needs and preferences, and oversees the Municipality's administration to ensure that all actions taken by administration are consistent with Council policies.*

*The Mayor has a staff of contract employees hired directly by the Mayor to facilitate the operations of the Mayor's Office.*

Financial Summary	2019	2020	2021	2022
Annual Revenue Budget	\$0	\$0	\$0	\$0
Annual Expense Budget	\$905,325	\$905,325	\$1,455,705	\$505,705
Annual Net Budget	\$905,325	\$905,325	\$1,455,705	\$505,705
Annual Net Variance	\$0	\$0	\$0	\$0 *
Variance as a % of Gross Budget	0.0%	0.0%	0.0%	0.0%

\* Projected

#### VARIANCE DESCRIPTION

*The total departmental year-end variance is:* \$0

Prior to the budget carry-forward of \$1,016,472 the Mayor's Office budget for 2022 reflected a surplus of the same amount, which is generally related to the accumulated surplus carried forward from previous years based on Council approval.

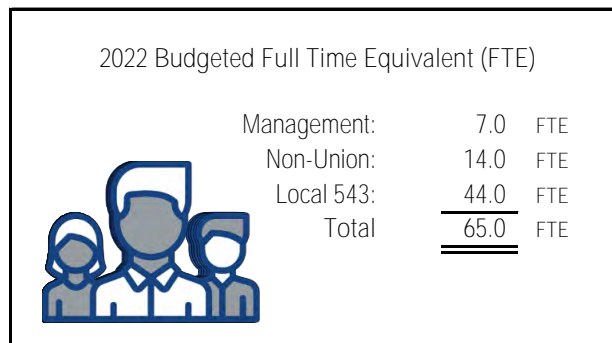
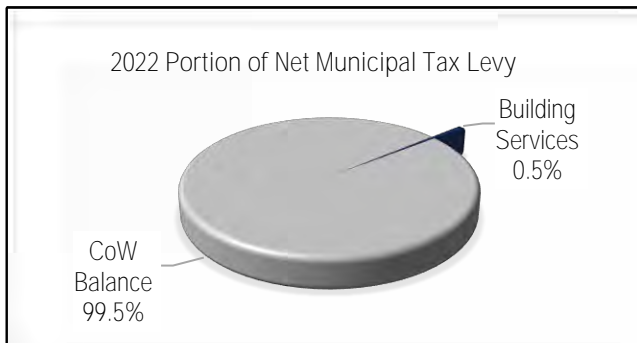
**BUILDING SERVICES**

DEPARTMENTAL OVERVIEW

Building Services is responsible for the application and enforcement of the Ontario Building Code and property related Municipal Bylaws. This includes issuing permits and performing inspections for all construction projects, and investigating and enforcing maintenance & land use Bylaws for all private properties.

Financial Summary	2019	2020	2021	2022
Annual Revenue Budget	n/a	n/a	(\$5,779,256)	(\$5,842,761)
Annual Expense Budget	n/a	n/a	\$7,752,491	\$7,871,886
Annual Net Budget	n/a	n/a	\$1,973,235	\$2,029,125
Annual Net Variance	n/a	n/a	\$61,833	(\$113,227)
Variance as a % of Gross Budget	n/a	n/a	0.8%	(1.4%)

Historical amounts are not available due to realignment of departments.



VARIANCE SUMMARY

Description	COVID Variance	NON-COVID Variance	OVERALL Variance
Staff Gapping	\$0	\$290,250	\$290,250
Revenue Shortfall	(\$75,000)	(\$313,317)	(\$388,317)
Miscellaneous Expense Savings	\$0	(\$15,160)	(\$15,160)
<b>Net Total</b>	<b>(\$75,000)</b>	<b>(\$38,227)</b>	<b>(\$113,227)</b>

## BUILDING SERVICES

### VARIANCE DESCRIPTION

*The total departmental year-end variance is:* (\$113,227) Deficit

#### Staff Gapping: \$290,250

The delayed hiring of several positions in the Building Department and Transportation Planning were a key factor contributing to the staff gapping surplus. In addition, some positions experienced timing issues and other setbacks as well as unexpected staff turnover during the year. On the other hand the department was able to fill three heavy workload positions to help out with the backlog of work due to the prior year staff gapping. The Building By-law division incurred a deficit of (\$50,183) in training in order to prepare two Building By-Law Officers to be in place for when the Rental Residential License is implemented.

#### Revenue Deficit: (\$388,317)

The Building By-Law Division incurred a revenue shortfall by year-end totalling (\$371,113). Fees collected by By-law relates to the enforcement of property standards, residential rental property conditions and the upkeep of vacant buildings. The pandemic was a major factor in the revenue shortfall for the first 4 months of the year due to the provincial lockdown impacting enforcement activity, suspension of the court system and the Covid-19 impact on landlords and tenants alike, of which City staff attempted to accommodate given the circumstances. Out of this portion of the revenue shortfall, (\$75,000) can be directly linked to the Covid-19 pandemic. The Transportation Planning Division ended the year in an overall deficit position of (\$17,204), made up of an deficit totalling (\$61,200) which was offset by the Bird e-scooter project which generated a surplus of \$43,996 for the year.

#### Miscellaneous Expense Deficit: (\$15,160)

The Building Services Department and Transportation Planning combined for a overall miscellaneous expense deficit of (\$15,160) made up primarily by an increase in bank charges and advertising which was offset by surplus funds related to reduced travel and training.

### MITIGATING STEPS

Administration has made concerted efforts to hold the line where possible on discretionary expenses within its control including delaying of staff recruitments while navigating the challenging situation of the past year and striving to maintain a respectable and safe level of service.

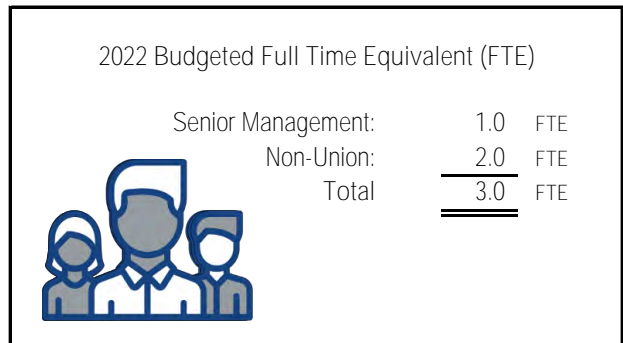
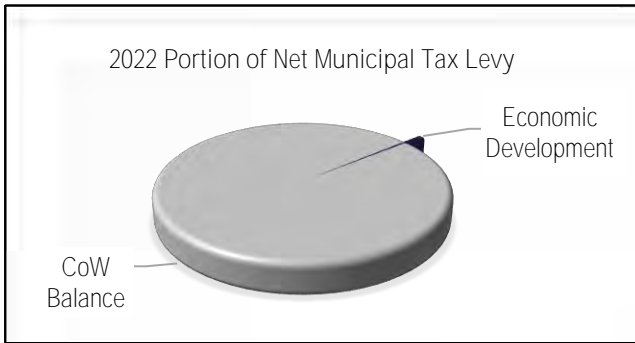
### ECONOMIC DEVELOPMENT

#### DEPARTMENTAL OVERVIEW

Economic Development is responsible for attracting new business development to the region and helping retain existing businesses that foster a vibrant, economically diverse city.

Financial Summary	2019	2020	2021	2022
Annual Revenue Budget	n/a	n/a	n/a	\$0
Annual Expense Budget	n/a	n/a	n/a	\$1,364,556
Annual Net Budget	n/a	n/a	n/a	\$1,364,556
Annual Net Variance	n/a	n/a	n/a	\$0
Variance as a % of Gross Budget	n/a	n/a	n/a	0.0%

Historical amounts are not available due to creation of department in 2022.



#### VARIANCE DESCRIPTION

The total departmental year-end variance is: \$0

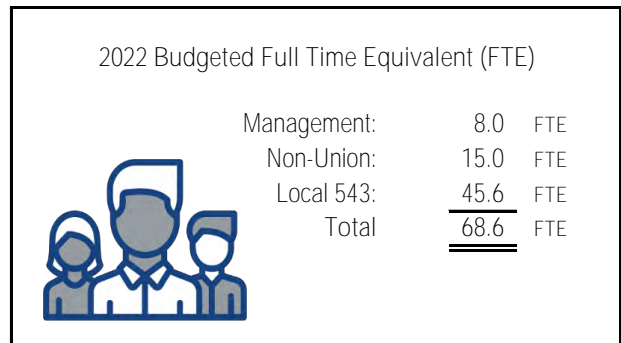
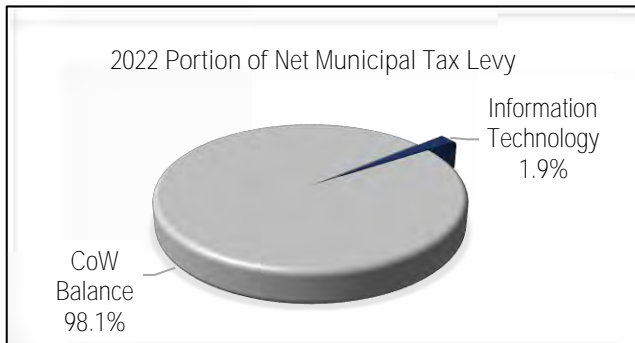
The Economic Development Office is a newly created department and therefore, while there were savings in 2022, the surplus realized at year end was carried forward to the following year in an effort to assist in the department's start-up costs.

### INFORMATION TECHNOLOGY

#### DEPARTMENTAL OVERVIEW

Provides technology planning, support and operations, which enables City services, and drives efficiencies. Committed to providing innovative, reliable, responsive and secure solutions that align business, process and technology. Provides and supports the systems, applications, computers, networks, data, internet access, security and policies that are critical to the delivery of City services.

Financial Summary	2019	2020	2021	2022
Annual Revenue Budget	(\$1,415,439)	(\$1,275,439)	(\$1,362,554)	(\$1,709,375)
Annual Expense Budget	\$8,260,494	\$8,224,564	\$8,702,573	\$9,076,667
Annual Net Budget	\$6,845,055	\$6,949,125	\$7,340,019	\$7,367,292
Annual Net Variance	\$17,909	\$32,736	\$179,778	(\$31,070)
Variance as a % of Gross Budget	0.2%	0.4%	2.1%	(0.3%)



#### VARIANCE SUMMARY

Description	COVID Variance	NON-COVID Variance	OVERALL Variance
Salary Related	\$0	(\$130,000)	(\$130,000)
Connectivity Savings	\$0	\$46,810	\$46,810
Various Miscellaneous	\$0	\$52,120	\$52,120
<b>Net Total</b>	<b>\$0</b>	<b>(\$31,070)</b>	<b>(\$31,070)</b>

#### VARIANCE DESCRIPTION

The total departmental year-end variance is: (\$31,070)      Deficit



## INFORMATION TECHNOLOGY

Salary Related: (\$130,000)

As a result of a recent Joint Job Evaluation (JJE) decision, there was an unanticipated deficit of approximately (\$145,000) related to retro payments. In addition, approximately (\$100,000) in retro payments / signing bonus resulting from the collective agreement settlement contributed to a salary shortfall at year end. This deficit was partially mitigated by intermittent vacancies and overall salary gapping of approximately \$115,000 which resulted in an overall deficit of (\$130,000). It should be noted that deficits related to job evaluations and collective agreement settlements are offset by the corporate contingency provisions that exist for these purposes.

Connectivity Savings: \$46,810

A reduction in connectivity costs, resulting from newly negotiated contracts, have contributed to a surplus which was partially offset by the additional cost of integrating MS Teams with the corporate phone system.

Various Miscellaneous: \$52,120

A surplus in various miscellaneous line items within the department contributed to the overall year-end variance.

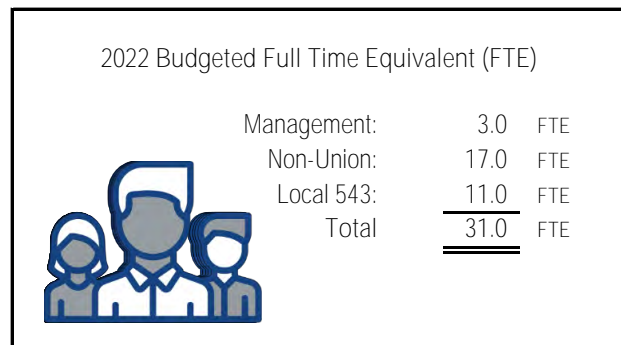
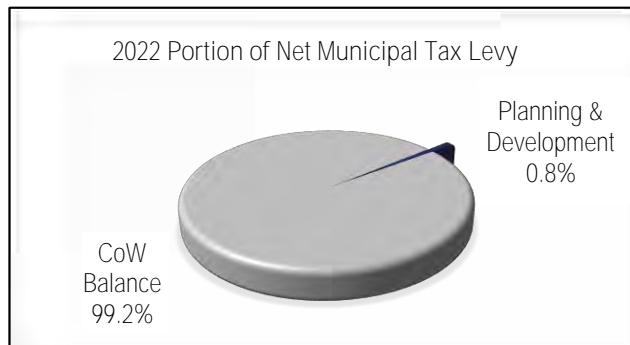
PLANNING DEVELOPMENT

DEPARTMENTAL OVERVIEW

Planning Services is responsible for the preparation and implementation of plans regarding land use and development including the Official Plan & Zoning By-law. The division reviews, processes and makes recommendations to Council on land development applications as set out in the Planning Act of Ontario.

Financial Summary	2019	2020	2021	2022
Annual Revenue Budget	n/a	n/a	(\$897,846)	(\$934,271)
Annual Expense Budget	n/a	n/a	\$4,059,564	\$4,109,297
Annual Net Budget	n/a	n/a	\$3,161,718	\$3,175,026
Annual Net Variance	n/a	n/a	\$793,151	\$622,677
Variance as a % of Gross Budget	n/a	n/a	19.5%	15.2%

Historical amounts are not available due to realignment of departments.



VARIANCE SUMMARY

Description	COVID Variance	NON-COVID Variance	OVERALL Variance
Staff Gapping	\$0	\$102,471	\$102,471
Revenue Surplus	\$0	\$513,648	\$513,648
Miscellaneous Expense Savings	\$0	\$6,558	\$6,558
<b>Net Total</b>	<b>\$0</b>	<b>\$622,677</b>	<b>\$622,677</b>

## PLANNING DEVELOPMENT

### VARIANCE DESCRIPTION

*The total departmental year-end variance is:* \$622,677      Surplus

Staff Gapping: \$102,471

Staff gapping is one of the factors that contributed to the overall surplus within the Planning Development Department. Over the course of the year, recruitments for several positions due to high staff turnover and unavoidable hiring delays contributed to the current surplus.

Revenue Surplus: \$513,648

The Planning area ended the year with a revenue surplus of \$513,648 in the area of Development Applications.

Miscellaneous Expense Savings: \$6,558

The Planning Development Department achieved an overall savings in miscellaneous expenses totalling \$6,558 for the year. The majority of the savings was due to reduced Travel, Conferences and Training of \$25,071 as well as \$21,235 in Office Supplies, Postage and Printing expenses and the remaining \$20,282 in various Operating expenses. The savings helped offset the (\$15,300) deficit in Advertising as well as (\$44,730) for Other Professional Services External used for Surveyors.

### MITIGATING STEPS

Administration has made concerted efforts to hold the line where possible on discretionary expenses within its control including delaying of staff recruitments while navigating the challenging situation of the past year and striving to maintain a respectable and safe level of service.

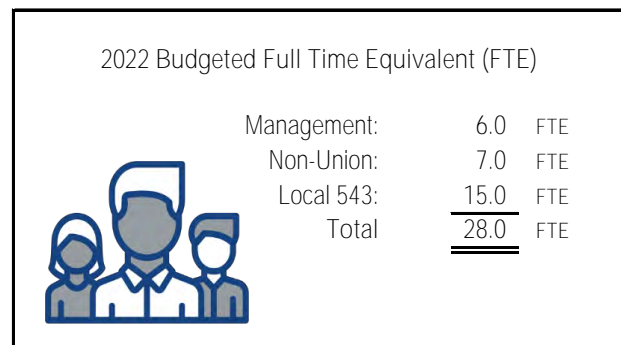
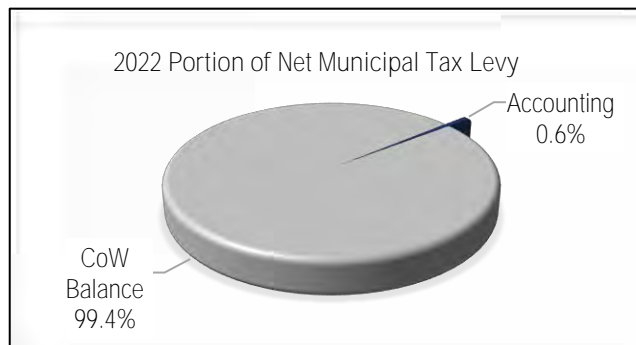
### ACCOUNTING

#### DEPARTMENTAL OVERVIEW

The Accounting department provides accounts payable, accounts receivable, accounting and payroll services to the organization.

Financial Summary	2019	2020	2021	2022
Annual Revenue Budget	n/a	n/a	n/a	(\$833,103)
Annual Expense Budget	n/a	n/a	n/a	\$3,162,235
Annual Net Budget	n/a	n/a	n/a	\$2,329,132
Annual Net Variance	n/a	n/a	n/a	\$55,004
Variance as a % of Gross Budget	n/a	n/a	n/a	1.7%

Historical amounts are not available due to realignment of departments.



#### VARIANCE SUMMARY

Description	COVID Variance	NON-COVID Variance	OVERALL Variance
Salaries	\$0	\$55,004	\$55,004
Net Total	\$0	\$55,004	\$55,004

#### VARIANCE DESCRIPTION

The total departmental year-end variance is: \$55,004      Surplus

Salaries: \$55,004

A 2022 year-end surplus of \$55,004 in the Financial Accounting department is a result of staff gapping.

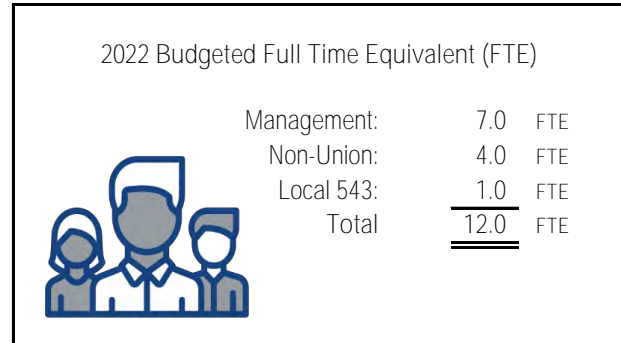
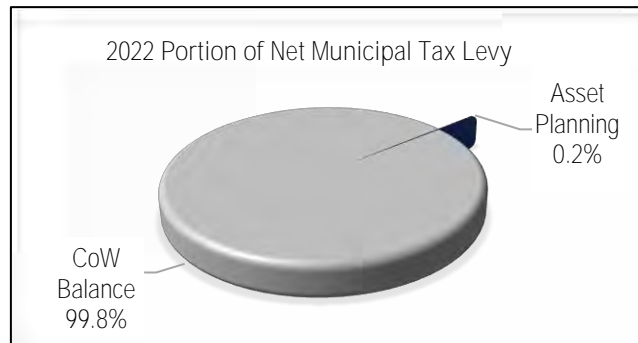
### ASSET PLANNING

#### DEPARTMENTAL OVERVIEW

The Asset Planning department provides asset planning, capital budget development and monitoring, corporate energy management services and capital grant funding programs to the organization.

Financial Summary	2019	2020	2021	2022
Annual Revenue Budget	n/a	n/a	n/a	(\$1,010,920)
Annual Expense Budget	n/a	n/a	n/a	\$1,875,527
Annual Net Budget	n/a	n/a	n/a	\$864,607
Annual Net Variance	n/a	n/a	n/a	(\$35,651)
Variance as a % of Gross Budget	n/a	n/a	n/a	(1.9%)

Historical amounts are not available due to realignment of departments.



#### VARIANCE SUMMARY

Description	COVID Variance	NON-COVID Variance	OVERALL Variance
Salaries	\$0	(\$35,651)	(\$35,651)
Net Total	\$0	(\$35,651)	(\$35,651)

#### VARIANCE DESCRIPTION

The total departmental year-end variance is: (\$35,651)      Deficit

Salaries: (\$35,651)

A 2022 year-end deficit of (\$35,651) in the Asset Planning department is a result of a staff contract to support heavy workload.



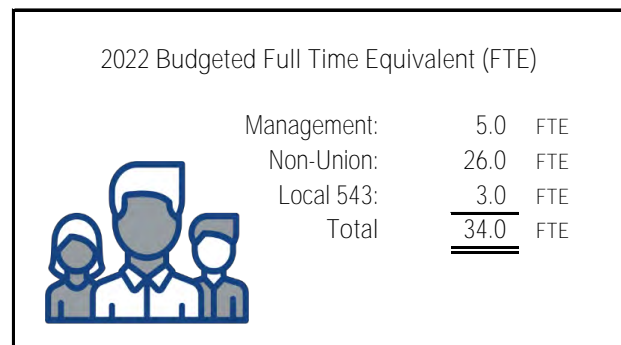
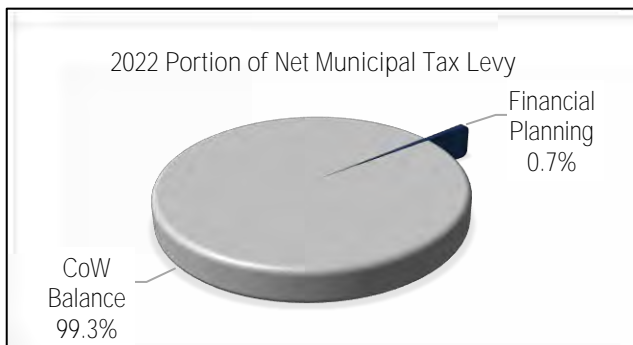
### FINANCIAL PLANNING

#### DEPARTMENTAL OVERVIEW

The Financial Planning department provides operating budget development and monitoring services along with performance measurement and overall financial planning leadership for the Corporation and Council.

Financial Summary	2019	2020	2021	2022
Annual Revenue Budget	n/a	n/a	n/a	(\$1,125,237)
Annual Expense Budget	n/a	n/a	n/a	\$3,971,534
Annual Net Budget	n/a	n/a	n/a	\$2,846,297
Annual Net Variance	n/a	n/a	n/a	\$100,336
Variance as a % of Gross Budget	n/a	n/a	n/a	2.5%

Historical amounts are not available due to realignment of departments.



#### VARIANCE SUMMARY

Description	COVID Variance	NON-COVID Variance	OVERALL Variance
Salaries	\$0	\$111,705	\$111,705
Various Miscellaneous	\$0	(\$11,369)	(\$11,369)
Net Total	\$0	\$100,336	\$100,336

#### VARIANCE DESCRIPTION

The total departmental year-end variance is: \$100,336      Surplus

Salaries: \$111,705

A 2022 year-end surplus \$111,705 in the Financial Planning department is a result of staff gapping.

Various Miscellaneous: (\$11,369)

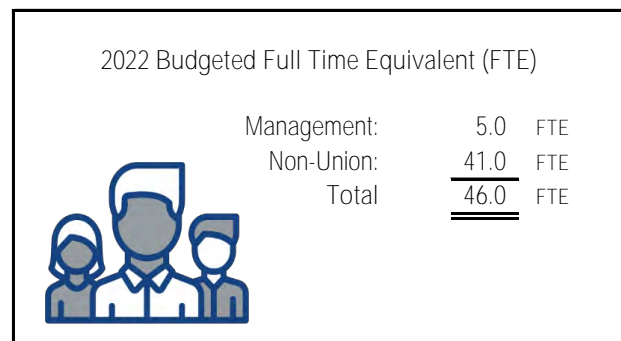
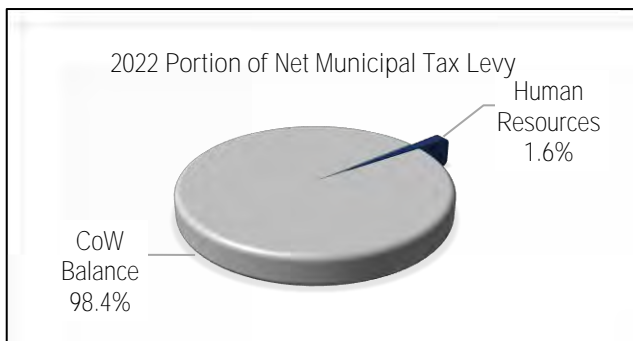
A 2022 year end deficit of (\$11,369) in Financial Planning is a result of various miscellaneous items

### HUMAN RESOURCES

#### DEPARTMENTAL OVERVIEW

The Human Resources Department provides various services such as recruitment, compensation management, benefit administration, health and safety initiatives, and employee relations. As an equal opportunity employer, the City's HR Department also endeavours to provide succession management, professional skills development, and mental health initiatives to our corporate employees and retirees.

Financial Summary	2019	2020	2021	2022
Annual Revenue Budget	(\$1,031,013)	(\$663,879)	(\$408,842)	(\$919,342)
Annual Expense Budget	\$6,440,414	\$6,296,537	\$6,556,998	\$7,252,526
<b>Annual Net Budget</b>	<b>\$5,409,401</b>	<b>\$5,632,658</b>	<b>\$6,148,156</b>	<b>\$6,333,184</b>
Annual Net Variance	\$141,250	\$36,310	\$6,783	\$4,009
Variance as a % of Gross Budget	2.2%	0.6%	0.1%	0.1%



#### VARIANCE SUMMARY

Description	COVID Variance	NON-COVID Variance	OVERALL Variance
Employment and Consulting Services	\$0	\$82,356	\$82,356
Health and Safety	(\$107,439)	\$75,143	(\$32,296)
Employment Service Centre	\$0	\$28,412	\$28,412
Employee Relations	\$0	(\$35,340)	(\$35,340)
Diversity and Inclusion	\$0	\$14,818	\$14,818
HR Administration	\$0	(\$53,942)	(\$53,942)
<b>Net Total</b>	<b>(\$107,439)</b>	<b>\$111,448</b>	<b>\$4,009</b>

## HUMAN RESOURCES

### VARIANCE DESCRIPTION

*The total departmental year-end variance is:* \$4,009      Surplus

#### Employment and Consulting Services \$82,356

Employment and Consulting Services has ended the year with a surplus of \$82,356 mainly due to salary gapping in the Workforce Planning Specialist position which remained vacant for the majority of 2022.

#### Health and Safety (\$32,296)

Health and Safety has experienced a COVID deficit due to a heavy-workload Disability Management Specialist position, of which 50% of the time worked was attributed to COVID related activities. Various Health and Safety employees also worked over-time due to the availability of the COVID Helpline throughout 2022. The department also has a non-COVID related surplus due to vacancies in the Health and Safety Co-ordinator positions.

#### Employment Service Centre \$28,412

The Employment Service Centre department is ending the year in a \$28,412 surplus due to salary gapping in the Controls and Systems Analyst position.

#### Employee Relations (\$35,340)

Employee Relations has ended 2022 in a (\$35,340) deficit due the associated costs of the on-going negotiations with the various unions which included increased business meeting expenses, room rental expenses and a heavy-workload position for a portion of the year.

#### Human Resources Administration (\$53,942)

HR Administration is in a deficit of (\$53,941) due to a leave of absence and the need to replace this position, which in turn resulted in increased salary expense over and above the budgeted salary for this position.

#### Diversity and Inclusion \$14,818

Diversity and Inclusion ended the year in a small surplus of \$14,818 due to less than expected closed captioning expenses - these expenses are variable from year to year. The department also did not have an intern this year.

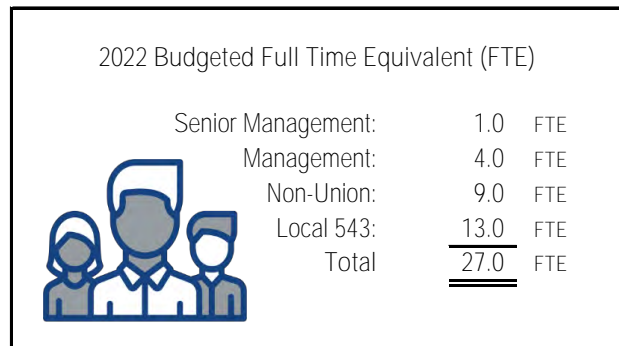
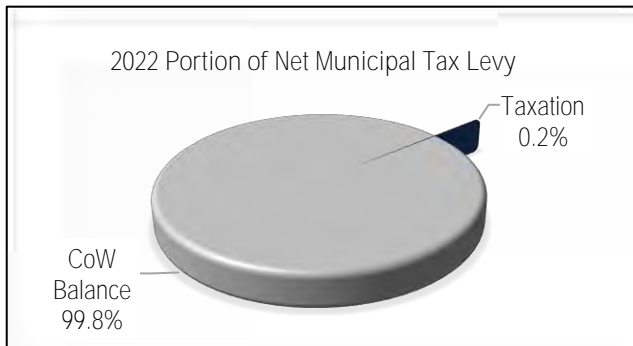
### TAXATION

#### DEPARTMENTAL OVERVIEW

The Taxation department provides property billing and tax collection services, cash management and leadership on corporate financial projects.

Financial Summary	2019	2020	2021	2022
Annual Revenue Budget	n/a	n/a	n/a	(\$2,870,561)
Annual Expense Budget	n/a	n/a	n/a	\$3,475,392
Annual Net Budget	n/a	n/a	n/a	\$604,831
Annual Net Variance	n/a	n/a	n/a	(\$268,259)
Variance as a % of Gross Budget	n/a	n/a	n/a	(7.7%)

Historical amounts are not available due to realignment of departments.



#### VARIANCE SUMMARY

Description	COVID Variance	NON-COVID Variance	OVERALL Variance
External Revenues	\$0	(\$413,893)	(\$413,893)
Salaries	\$0	\$52,904	\$52,904
Consulting	\$0	\$72,845	\$72,845
Various Miscellaneous	\$0	\$19,885	\$19,885
Net Total	\$0	(\$268,259)	(\$268,259)

#### VARIANCE DESCRIPTION

The total departmental year-end variance is: (\$268,259)      Deficit

External Revenue: (\$413,893)

A 2022 year-end deficit of (\$413,893) in net external revenues within the Taxation Department is due to deficits relating to Tax Lien Registrations, Letters of Default, User Fees-External, Dial-up Fees, Ownership changes, returned cheques, Collection-WUC and other external revenue items.

## TAXATION

Salaries: \$52,904

A year-end surplus of \$52,904 in the Taxation department is a result of staff gapping.

Consulting: \$72,845

A year-end surplus of \$72,845 in the Taxation department is due to lower spend in tax related consulting services.

Various Miscellaneous: \$19,885

A year-end deficit of \$19,885 in the Taxation department is a result of various miscellaneous items.



### COUNCIL SERVICES

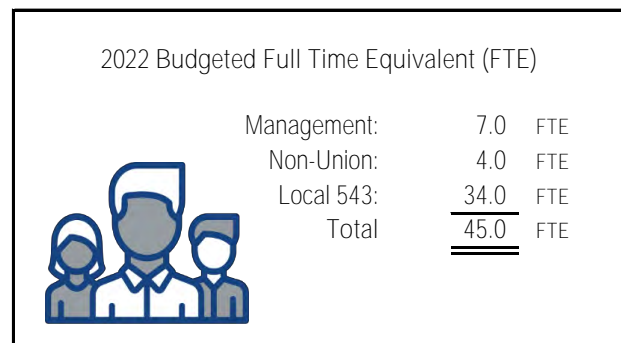
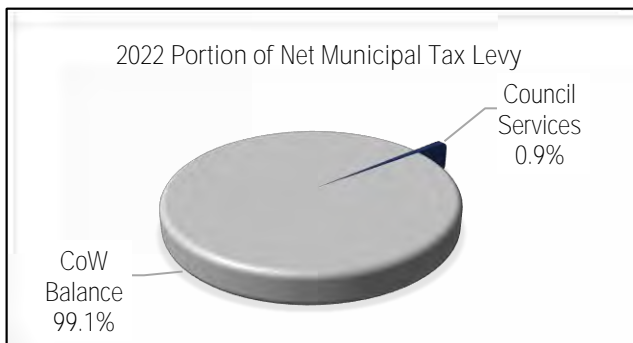
#### DEPARTMENTAL OVERVIEW

*The City Clerk's Office administers the city's legislative process including Elections, Council and Committee meetings, and the maintenance of public records, as a service to City Council, Administration and the citizens of the City of Windsor.*

*Licensing & By-Law Enforcement oversees several categories of business licenses and enforcement of the licensing and various regulatory by-laws to ensure compliance and public health and safety. For example, public vehicles, hospitality, lodging, dirty yards etc. Coordinate licensing hearings for the Windsor Licensing Commission. Also acts as gaming regulator for the AGCO/OLG i.e. bingo, raffles.*

Financial Summary	2019	2020	2021	2022
Annual Revenue Budget	n/a	n/a	(\$2,983,945)	(\$3,203,000)
Annual Expense Budget	n/a	n/a	\$6,732,357	\$6,585,297
<b>Annual Net Budget</b>	<b>n/a</b>	<b>n/a</b>	<b>\$3,748,412</b>	<b>\$3,382,297</b>
Annual Net Variance	n/a	n/a	(\$484,420)	(\$395,074)
Variance as a % of Gross Budget	n/a	n/a	(7.2%)	(6.0%)

*Historical amounts are not available due to realignment of departments.*



#### VARIANCE SUMMARY

Description	COVID Variance	NON-COVID Variance	OVERALL Variance
Salary Allocations / Gapping	\$0	\$304,528	\$304,528
Vital Stats Revenue	\$0	\$62,770	\$62,770
Dog License Revenue	\$18,475	\$0	\$18,475
Business License Revenue	(\$160,638)	\$0	(\$160,638)
Repeat Offender Fee Revenue	\$0	(\$446,386)	(\$446,386)
Lottery License Bingo Revenue	(\$197,939)	\$0	(\$197,939)
Miscellaneous Expense	\$24,116	\$0	\$24,116
<b>Net Total</b>	<b>(\$315,986)</b>	<b>(\$79,088)</b>	<b>(\$395,074)</b>

#### VARIANCE DESCRIPTION

## COUNCIL SERVICES

The total departmental year-end variance is: (\$395,074) Deficit

Salary Allocations / Gapping: \$304,528

A surplus of \$304,528 within the Council Services, By-Law and Licencing and Gaming departments related to salary gapping which occurred in 2022: \$22,328 in Council Services, \$208,094 in By-Law Enforcement and \$177,011 in Licencing and Gaming. These surpluses have evolved for a variety of reasons including the permanent incumbents taking temporary positions elsewhere and unfilled vacancies for a portion of the year. There was a (\$102,905) deficit in Council/Community Services which was due to sick leave pay, temporary replacements and overlap with training.

Vital Stats Revenue: \$62,770

The revenues from marriage licenses and civil ceremonies had a surplus of \$41,720, this variance can be attributed to couples now planning their marriages and wedding ceremonies. A surplus in Death Registration revenue of \$21,050 was realized in 2022. Death Registration revenue is difficult to predict and therefore varies from year to year.

Dog License Revenue: \$18,475

The licencing division incurred a surplus of \$18,475 in Dog Licenses Revenue due to the increased demand for pets during the pandemic.

Business License Revenue: (\$160,638)

The Licencing division has a deficit of (\$160,638) in Business License Revenue due to an increase in business closures and a decrease in new business openings, which can be attributed directly to the COVID-19 Pandemic. In addition, City Council adopted Council CR50/2022 which approved a business licence extension for all classes associated with the February 2022 deadline by 4 months to mitigate the impact on municipally licensed business caused by the COVID-19 pandemic. This has had a direct impact on the collection of late penalties and licence fees that required follow up for 2022.

Repeat Offender Fee Revenue: (\$446,386)

**The By-Law Enforcement department has a deficit of (\$446,386) in revenue generated from the Division's Repeat Offender Fee for land maintenance matters.** This fee was originally adopted by City Council in 2019 as a deterrent to repeat offenders and as such, the estimated revenue was a projection based on the previous year's issued invoices. Less invoices are projected to be issued than originally estimated resulting from better compliance, which coincides with the original intent of the fee.

Lottery License Bingo Revenue: (\$197,939)

The Licencing division has a deficit of (\$197,939) related to bingo sites based on periodic COVID-19 closures and reduced operating capacities of 50% from January to March 2022. Bingo Halls began to operate at full capacity in April 2022 and although Bingo events and revenues have increased as a result, but there is still a revenue shortfall for the year.

Miscellaneous Expense: \$24,116

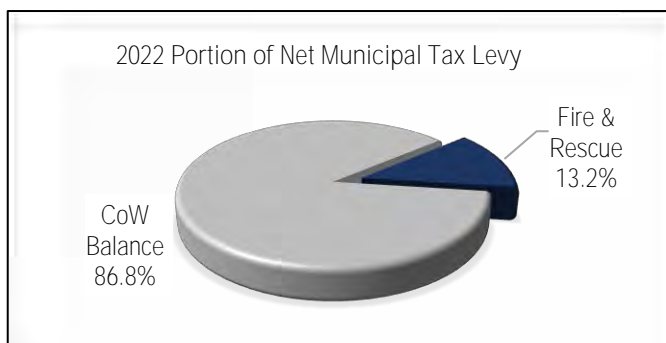
An overall savings of \$24,116 is a direct result of resources not being utilized during the COVID-19 pandemic, such as travel, advertising and office supplies

**FIRE & RESCUE**


DEPARTMENTAL OVERVIEW

Services to the community include public education, code enforcement, fire plans examination, emergency dispatch, emergency response and fire cause determination. Along with structure fires, firefighters respond to a broad range of emergency incidents including vehicle fires, motor vehicle collisions, medical related emergencies, technical rescue incidents and hazardous materials incidents.

Financial Summary	2019	2020	2021	2022
Annual Revenue Budget	(\$1,098,503)	(\$1,481,166)	(\$1,518,324)	(\$1,952,731)
Annual Expense Budget	\$51,711,505	\$51,947,069	\$52,177,165	\$52,491,089
<b>Annual Net Budget</b>	<b>\$50,613,002</b>	<b>\$50,465,903</b>	<b>\$50,658,841</b>	<b>\$50,538,358</b>
Annual Net Variance	(\$87,219)	(\$553,373)	(\$812,297)	(\$3,464,816)
Variance as a % of Gross Budget	(0.2%)	(1.1%)	(1.6%)	(6.6%)



2022 Budgeted Full Time Equivalent (FTE)



Management:	3.0	FTE
Non-Union:	2.0	FTE
WFA:	300.0	FTE
<b>Total</b>	<b>305.0</b>	<b>FTE</b>

VARIANCE SUMMARY

Description	COVID Variance	NON-COVID Variance	OVERALL Variance
Net Salary Variance	(\$300,000)	(\$2,957,738)	(\$3,257,738)
Apparatus Fleet Maintenance & Repair	\$0	(\$140,444)	(\$140,444)
Fuel	\$0	(\$117,066)	(\$117,066)
COVID Related Expenses	(\$63,423)	\$0	(\$63,423)
Mass Notification System	\$0	(\$32,969)	(\$32,969)
Miscellaneous Surplus Accounts	\$0	\$146,824	\$146,824
<b>Net Total</b>	<b>(\$363,423)</b>	<b>(\$3,101,393)</b>	<b>(\$3,464,816)</b>

## FIRE & RESCUE

### VARIANCE DESCRIPTION

The total departmental year-end variance is: (\$3,464,816) Deficit

#### Net Salary Variance: (\$3,257,738)

Net Salary variance for WFRS is a deficit of (\$3,257,738). Major contributor is overtime pressures due to a sharp increase in WSIB claims, Covid related absences at (\$300,000) and 2 holiday payouts (\$450,000). Fire & Rescue division and Emergency **Communication division received overtime pay in lieu of the NDTR and Queen's Memorial holidays. WFRS leadership brought an In-Camera report 193/2022 recommending to strengthen staff over complement in Fire and Rescue division in order to reduce overtime pressures and bring the cost down, because straight time pay is 50% cheaper than paying overtime. Council approved this via CR502/2022. Deployment of over complement staff began in mid April 2023.**

#### Fleet Maintenance and Repair: (\$140,444)

Truck Unit #4033 was damaged in an incident on January 6, 2022. The truck was transported to the manufacturer in Ohio for complete inspection & damage assessment/repair who gave an estimate of \$160,000 US. The claim was put to the insurance with a non-deductible portion of (\$100,000) CDN which creates majority of this variance. The remainder of (\$40,444) is inflationary in nature resulting from early in the year lack of availability and later industry wide price increases.

#### Fuel: (\$117,066)

The actual average fuel pricing for the year 2022 was much higher than anticipated when the budget was set. Administration is bringing forward a 2023 budget issue addressing year end shortfall in fuel pricing budgets corporately.

#### Covid Related Expenses: (\$63,423)

Total COVID related expense of (\$63,423) is the hiring of 3rd Assistant Deputy Fire Chief on a temporary basis. This allows for a dedicated personnel to attend the needs of frontline firefighting staff, consisting of development of ongoing COVID-19 policies, overseeing the implementation of the new procedures and ongoing daily review of incident run reports.

#### Mass Notification System: (\$32,969)

WFRS entered into a 5-year agreement with Everbridge for a Mass Notification system approved by 2020 Operating Budget, BI#2020-0354. The budget issue was approved on the basis that WFRS would enter into a four-way partnership between WFRS and three community partners. Three partners were verbally committed when the 5 year agreement with Everbridge (system provider) was signed. Actual agreement with partners was signed with only one partner creating a (\$32,969) shortfall in cost recovery. The process of obtaining additional partners is ongoing.

#### Miscellaneous Surplus Accounts: \$146,824

A surplus of \$146,824 is achieved in WFRS by departments minimizing any discretionary expenditures where possible to mitigate department's overall deficit position. This surplus also consists of omitted year-end transfers to selected reserve accounts which is not recommended on an ongoing basis. These transfers are designed to fund future required purchases that may be of significant dollar value and do mitigate one-time negative operating impacts.

### MITIGATING STEPS

The Fire and Rescue Services division will continue to mitigate overtime variance through limited options at the department's disposal in order to maintain approved service levels.

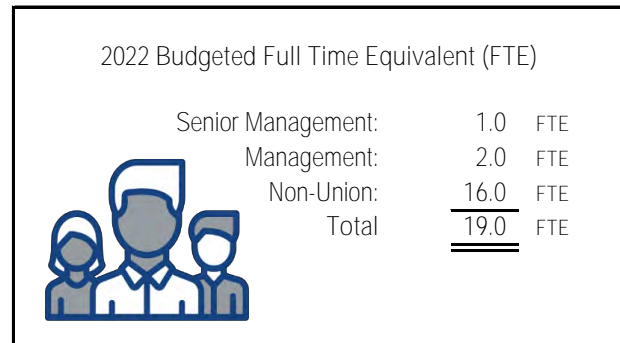
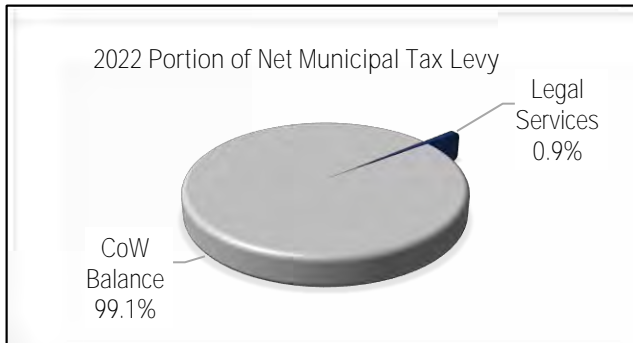
### LEGAL SERVICES

#### DEPARTMENTAL OVERVIEW

The Legal Department provides legal services in connection with administrative tribunal/court litigation, contracts and agreements, expropriations, labour/employment matters, real estate transactions and leases.

Financial Summary	2019	2020	2021	2022
Annual Revenue Budget	n/a	n/a	n/a	(\$311,956)
Annual Expense Budget	n/a	n/a	n/a	\$3,672,157
Annual Net Budget	n/a	n/a	n/a	\$3,360,201
Annual Net Variance	n/a	n/a	n/a	\$398,605
Variance as a % of Gross Budget	n/a	n/a	n/a	10.9%

Historical amounts are not available due to realignment of departments.



#### VARIANCE SUMMARY

Description	COVID Variance	NON-COVID Variance	OVERALL Variance
Salary Gapping	\$0	\$105,836	\$105,836
Real Estate Division	\$0	\$360,258	\$360,258
Professional Services	\$0	(\$35,636)	(\$35,636)
Misc. Expense	\$0	(\$31,853)	(\$31,853)
Net Total	\$0	\$398,605	\$398,605



**LEGAL SERVICES**

## VARIANCE DESCRIPTION

*The total departmental year-end variance is:* \$398,605      *Surplus*

Salary Gapping: Surplus \$105,836

Legal had a surplus of \$105,836 related to salary gapping in 2022. The surplus has evolved for a variety of reasons including permanent incumbents taking temporary positions elsewhere and unfilled vacancies for a portion of the year.

Real Estate Transaction Revenue: Surplus \$360,258

Real Estate has a one time surplus of \$360,258 due to proceeds received from the sale of a property that was recorded as revenue for the Real Estate department per In Camera Council Report. This was to offset high anticipated sale related costs. Real Estate has now determined that there will be no further costs and the net proceeds of \$360,258 have resulted in the 2022 surplus.

Professional Services: Deficit (\$35,636)

A deficit of (\$35,636) was incurred in Professional Services including external counsel services due to large litigation files processed in 2022.

Misc. Admin Expenses: Deficit (\$31,853)

Legal had a deficit (\$31,853) related to a number of miscellaneous administrative expenses, such as computers, publications, courier, training, that have historically been over budget, which will be addressed in the 2024 budget cycle.

## MITIGATING STEPS

The Legal Department will continue to monitor variances going forward and take any reasonable steps to reduce or eliminate variances while mitigating any negative impact on service levels.

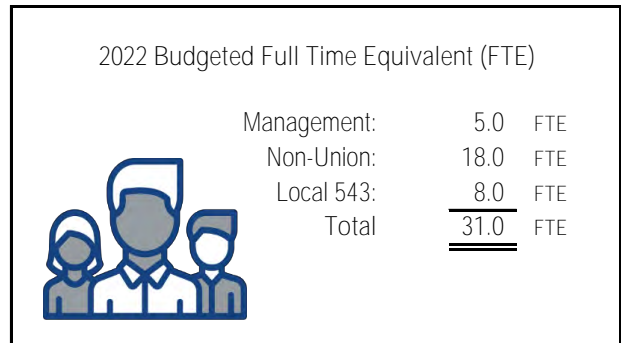
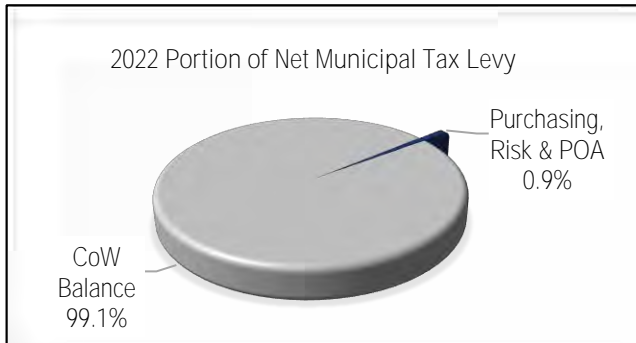
### PURCHASING, RISK & POA

#### DEPARTMENTAL OVERVIEW

*Purchasing procures goods and services. Risk Management manages personal injury, property loss claims, and insurance. The Provincial Offences administers POA Court and prosecutes offences.*

Financial Summary	2019	2020	2021	2022
Annual Revenue Budget	n/a	n/a	n/a	(\$8,964,165)
Annual Expense Budget	n/a	n/a	n/a	\$12,422,984
<b>Annual Net Budget</b>	<b>n/a</b>	<b>n/a</b>	<b>n/a</b>	<b>\$3,458,819</b>
Annual Net Variance	n/a	n/a	n/a	(\$199,042)
Variance as a % of Gross Budget	n/a	n/a	n/a	(1.6%)

*Historical amounts are not available due to realignment of departments.*



PURCHASING, RISK & POA

VARIANCE SUMMARY

Description	COVID Variance	NON-COVID Variance	OVERALL Variance
Provincial Offences Division	(\$100,000)	(\$241,491)	(\$341,491)
Salary Gapping	\$0	\$121,658	\$121,658
Miscellaneous Expense	\$20,791	\$0	\$20,791
<b>Net Total</b>	<b>(\$79,209)</b>	<b>(\$119,833)</b>	<b>(\$199,042)</b>

VARIANCE DESCRIPTION

The total departmental year-end variance is: (\$199,042) Deficit

Provincial Offences Division: (\$341,491)

The Provincial Offences Division (POA) experienced lower than budgeted revenue in 2022. A portion of this reduction in revenue can be attributed to less court time due to dwindling Judicial resources. Over the last few years court time has significantly decreased due to a lack of Judicial resources to preside in court leading to a decreased of the volume of matters heard in a year. This caused delays in the conviction of offences and the payment of the fines. The decrease in revenue can also be attributed to a significant decline over the last three years in offences filed in POA by ticketing agencies. Although our ticket volumes increased by 8.9% year over year, this increase is largely due to Red Light Camera (RLC) Offences that made up 23.5% of overall offences filed. Lower ticketing volumes by policing agencies has affected revenue generated and will continue to do so in the future if this trend continues. It should be noted that policing agencies control the number of tickets issued based on operational resources and this is **beyond the operating departments' control**.

Salary Gapping: \$121,658

A total surplus of \$121,658 within the Purchasing, Risk and Provincial Offences departments related to salary gapping occurred in 2022. This surplus are due to a variety of reasons including the permanent incumbents taking temporary positions elsewhere and not being replaced.

Miscellaneous Expenses \$20,791

A surplus of \$20,791 occurred within the Purchasing, Risk and Provincial Offences departments for miscellaneous expenses. A portion of this savings can be attributed to staff using less resources due to work from home for the first 4 months of the year, such as travel expenses, office supplies, publications and conference registrations.

MITIGATING STEPS

POA will continue to monitor variances going forward and take any reasonable steps to reduce or eliminate variances while mitigating any negative impact on service levels.

### COMMUNICATIONS

#### DEPARTMENTAL OVERVIEW


The Communications Department is the primary point of contact for communication and customer service, internally and externally including the 211/311 Contact Centre, for the City of Windsor.

Financial Summary	2019	2020	2021	2022
Annual Revenue Budget	(\$726,688)	(\$722,783)	(\$722,465)	(\$715,502)
Annual Expense Budget	\$3,673,781	\$3,826,234	\$3,914,452	\$4,058,175
Annual Net Budget	\$2,947,093	\$3,103,451	\$3,191,987	\$3,342,673
Annual Net Variance			(\$68,774)	(\$112,141)
Variance as a % of Gross Budget			(1.8%)	(2.8%)



2022 Budgeted Full Time Equivalent (FTE)

Management:	4.0	FTE
Non-Union:	8.0	FTE
Local 543:	16.5	FTE
Total	<u>28.5</u>	FTE



#### VARIANCE SUMMARY

Description	COVID Variance	NON-COVID Variance	OVERALL Variance
211 RSP Provincial Funding		\$62,936	\$62,936
Salary	(\$148,800)	(\$81,567)	(\$230,367)
Misc. Expenses	\$0	\$55,290	\$55,290
Net Total	(\$148,800)	\$36,659	(\$112,141)

## COMMUNICATIONS

### VARIANCE DESCRIPTION

*The total departmental year-end variance is:* (\$112,141)      Deficit

Salary: (\$230,367)

An overall salary deficit of \$230,367 attributed to part time staff working full time hours due to increased demand and the hiring of extra temporary staff to support Call Centre services during the pandemic.

211 Regional Service Provider (RSP) Provincial Funding: \$62,936

A surplus of \$62,936 results from 211 RSP Funding, This surplus is due to a change in contracted funding received 2022.

Miscellaneous Expenses: \$55,290

The Communications Department had an overall savings of \$55,290. The expenditure surplus is related to mitigating measures in administrative accounts such as travel expenses, furniture & furnishings, machinery & equipment.



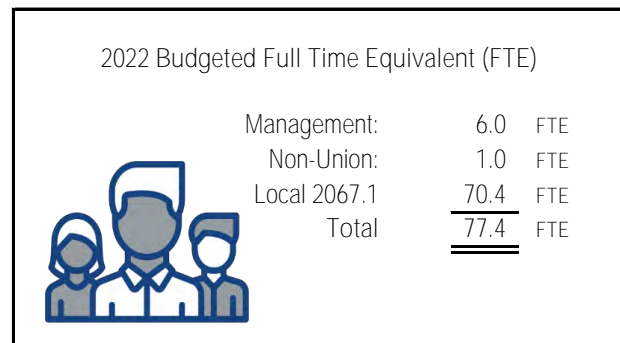
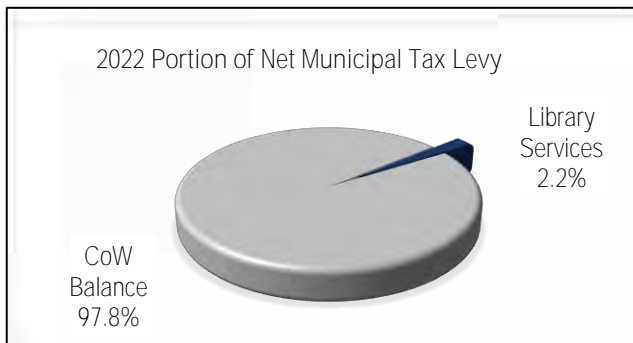
### LIBRARY SERVICES

#### DEPARTMENTAL OVERVIEW

The Windsor Public Library consists of 10 library branches of varying sizes that provide a physical space where people can gather, attend programs, gain access to the internet and access the libraries' collections.

Financial Summary	2019	2020	2021	2022
Annual Revenue Budget	(\$1,251,871)	(\$1,071,621)	(\$1,032,621)	(\$964,895)
Annual Expense Budget	\$9,271,926	\$9,276,250	\$9,302,368	\$9,284,880
<b>Annual Net Budget</b>	<b>\$8,020,055</b>	<b>\$8,204,629</b>	<b>\$8,269,747</b>	<b>\$8,319,985</b>
* Annual Net Variance	\$278,838	\$658,270	\$799,040	\$461,895 *
Variance as a % of Gross Budget	3.0%	7.1%	8.6%	5.0%

\* As per the Library Act, the Windsor Public Library's annual surplus is transferred to their reserve.



#### VARIANCE SUMMARY

Description	COVID Variance	NON-COVID Variance	OVERALL Variance
Salary & Benefits	\$104,000	\$663,000	\$767,000
Miscellaneous Expenses	\$10,000	(\$71,105)	(\$61,105)
Revenue	(\$90,000)	(\$1,000)	(\$91,000)
Building Expenses	\$0	(\$153,000)	(\$153,000)
Surplus Transfer to Reserve	\$0	(\$461,895)	(\$461,895)
<b>Net Total</b>	<b>\$24,000</b>	<b>(\$24,000)</b>	<b>\$0</b>

## LIBRARY SERVICES

### VARIANCE DESCRIPTION

*The total departmental year-end variance is:* \$0

Salary Gapping: \$767,000

Salary and Benefits have a total of a \$767,000 surplus due to the following: Early 2022, modified and limited in-person services were offered at all the branches (curbside service only for some branches). Less programs were able to be offered for half of the year due to COVID restrictions as well; therefore, not as many temporary staff were needed. Staff gapping also occurred due to delays in hiring temporary and permanent staff, which increased the surplus. Additional surpluses not related to COVID-19 pandemic or staff gapping, is attributed to historical surpluses in the salary and benefits accounts.

Miscellaneous Expenses: (\$61,105)

A deficit of approximately (\$61,105) of miscellaneous expenses is due to rising inflationary operating costs.

Revenue: (\$91,000)

A loss of (\$91,000) of late fees and rental revenues are directly attributed to COVID as WPL did not collect late fees because of COVID. Branches were not allowed to rent out rooms due to COVID restrictions for over half of the year, which resulted in minimal rental income.

Building and Property Expenses: (\$153,000)

Building and property expenses resulted in a deficit with the majority of the variance attributable to one-time unavoidable and unbudgeted costs associated with art removal from the Paul Martin Building and storage (17%), upgraded building automation systems and security (20%), the purchase of a new maintenance van (38%) and the maintenance and installation of new HVAC systems (25%). The cost of the van will be recovered from WPL's reserve once it is received in 2023.

Surplus Transfer to Reserve: (\$461,895)

It should be noted that the WPL's financial position at the end of each fiscal year is not included with all other City departments to calculate the final City surplus/deficit. Although the WPL's financial statements are consolidated with the City's, the WPL, as per the Libraries Act, is a stand alone entity with its own audited financial statements, which include an accumulated surplus or deficit. Although the City provides the WPL with operational support consistent with other departments, the overall surplus or deficit is reported within the financial results of the WPL and is not reported in the overall position of the City at year end, however, it is being provided here for information purposes.

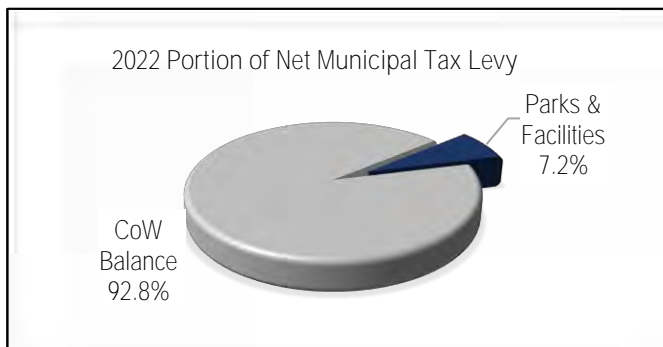
**PARKS & FACILITIES**

DEPARTMENTAL OVERVIEW


*Parks is responsible for 205 parks, with over 2,500 acres of parkland, 175 km of hard surface trails, 300,000 sqft of horticultural beds, 2300 self watering planters, and 90,000 City owned trees within the urban forest, the Ojibway Nature Centre and the most species diverse parks in Canada. Also responsible for designing and creating unique park experiences and supporting numerous special events.*

*Facilities provides building maintenance and operations, caretaking, security, planning, building construction & renovations, project management, lease administration, and asset management. Committed to supporting the corporation and community by providing safe, clean, well-maintained facilities in a responsive and effective manner.*

Financial Summary	2019	2020	2021	2022
Annual Revenue Budget	(\$13,313,211)	(\$13,513,046)	(\$11,523,724)	(\$9,267,862)
Annual Expense Budget	\$40,059,107	\$41,450,753	\$40,045,445	\$36,841,100
<b>Annual Net Budget</b>	<b>\$26,745,896</b>	<b>\$27,937,707</b>	<b>\$28,521,721</b>	<b>\$27,573,238</b>
Annual Net Variance	(\$419,133)	\$240,604	\$37,321	(\$326,853)
Variance as a % of Gross Budget	(1.0%)	0.6%	0.1%	(0.9%)



2022 Budgeted Full Time Equivalent (FTE)



Senior Management:	1.0	FTE
Management:	25.0	FTE
Non-Union:	8.0	FTE
Local 543:	55.1	FTE
Local 82:	100.4	FTE
<b>Total</b>	<b>189.5</b>	<b>FTE</b>

**PARKS & FACILITIES**

VARIANCE SUMMARY

Description	COVID Variance	NON-COVID Variance	OVERALL Variance
<b>PARKS</b>			
Salary Gapping	\$0	\$317,907	\$317,907
Cost Recoveries	\$0	\$218,129	\$218,129
Temporary Staffing Costs	\$0	(\$479,299)	(\$479,299)
Inflationary Cost Pressures	\$0	(\$210,695)	(\$210,695)
Parks Vandalism	\$0	(\$26,710)	(\$26,710)
Revenue Reductions	(\$68,891)	\$0	(\$68,891)
COVID-19 Incremental Costs	(\$65,884)	\$0	(\$65,884)
<b>Total Parks</b>	<b>(\$134,775)</b>	<b>(\$180,668)</b>	<b>(\$315,443)</b>
<b>FACILITIES</b>			
Maintenance Services	(\$1,581)	(\$553,423)	(\$555,004)
Salaries & Overtime	\$0	\$398,711	\$398,711
Cost Recovery	\$90,487	\$187,789	\$278,276
Administrative	\$0	(\$60,743)	(\$60,743)
Facilities Vandalism	\$0	(\$45,285)	(\$45,285)
Maint. Material & Supplies	(\$80,606)	\$53,241	(\$27,365)
<b>Total Facilities</b>	<b>\$8,300</b>	<b>(\$19,710)</b>	<b>(\$11,410)</b>
<b>Net Total</b>	<b>(\$126,475)</b>	<b>(\$200,378)</b>	<b>(\$326,853)</b>

VARIANCE DESCRIPTION

The total departmental year-end variance is: (\$326,853) Deficit

**PARKS**

Salary Gapping \$317,907 Surplus

There are labour savings of \$317,907 in the year from the staff attrition and the delay in the recruitment for vacant positions in the Parks Operations and Forestry divisions. As a result, there have been savings from staff retirements, leave of absences, long term disabilities and employees transitioning to other departments that have not yet been replaced. In order to maintain service levels temporary staffing were utilized to address any gaps in permanent workforce that occur from vacant positions.

This year the Local 82 collective agreement was ratified and the wage rate increases are expected to have an impact on labour costs in 2022. However, for this year only, any variance that is a result of the Local 82 contract settlement will be offset corporately by a provision set up within the corporate accounts.

Cost Recovery \$218,129 Surplus

Parks has received funding of \$218,129 for Canada Summer Jobs program to support expenditures related to student employment and offset temporary staffing expenditures. Due to the uncertainty of the grant approval, this funding was not included in the Operating Budget.

**PARKS & FACILITIES**Temporary Staffing Costs (\$479,299) Deficit

The temporary salary costs have increased over budget as a result of staffing resources that were required for TFT workers. The deficit of (\$382,183) was a result of the requirement to maintain service levels and perform work and bridge the salary gapping from full time vacant positions as highlighted previously. The additional costs related to student employment is expected to be partially offset by the Canada Summer Job program grant funding detailed earlier in this report. Included in this deficit is the allocation of an employee in the Parks administration division working on the Work Force Management payroll system implementation, which resulted in an annual deficit of (\$97,116).

Inflationary Cost Pressure (\$210,695) Deficit

As a result of current inflationary trends and market fluctuations in the costs of infrastructure materials and fuel expenditures there was a budget variance of (\$210,695) deficit. Parks administration continued to monitor the continued escalation in prices of supplies and materials used in the parkland maintenance and attempting to mitigate costs in order to maintain current service levels and reduce the budget variances where possible.

Parks Vandalism (\$26,710) Deficit

As a result of vandalism that occurred in parkland there is a deficit variance of (\$26,710). These costs are required to remove graffiti, address damages to washroom located in parks throughout the City, and make repairs to various park amenities such as playground, fencing, splash pads in addition to general restoration that have been damaged. The repairs are required immediately as they often have offensive materials and create unsafe conditions for public users that can't be delayed or deferred and are often in response to 311 calls received.

Revenue Reductions (\$68,891) Deficit

As a result of COVID-19 pandemic Parks is reporting reduced revenues for services provided to the public for rental space and various user fees related to the Ojibway Nature Centre and natural areas programming. As required by provincial legislation, restrictions were mandated at the commencement of pandemic and Parks administration responded by adjusting the provision of services which has resulted in reduced revenues of (\$68,891). The pandemic resulted in the closure of the Ojibway Nature Centre for the first quarter of the year. The Ojibway Nature Center reopened in April with programming at reduced levels. This materially impacted the rental revenue for rooms, concessions and programming related to user fees.

COVID-19 Incremental Costs (\$65,884) Deficit

As a result of the continued COVID-19 pandemic, enhanced cleaning measures are required to ensure that park amenities are cleaned on a frequent basis for areas of high contact that were used by the public. Additional cleaning protocols were adopted in March 2020 at the commencement of pandemic by the Parks and Facilities department for all city buildings and park amenities that were still in use by the public or City employees as required. Additional temporary staffing and vehicle costs to ensure that the enhanced cleaning schedules were maintained for bathrooms located in parks and amenities with higher volumes in the spring, summer and fall periods yielded a deficit of (\$79,8786). As a result of the reduced volume of programming activity of Ojibway Nature Centre concession costs resulted in a \$13,902 savings to the offset the incremental costs for COVID for Parks.

**MITIGATING STEPS**

Parks will continue to monitor variances experienced within this fiscal year and take any reasonable steps to reduce or eliminate variances while mitigating any negative impact on service levels going forward.



**PARKS & FACILITIES***FACILITIES*Maintenance Services (\$555,004) Deficit

Facilities is reporting a deficit variance of (\$555,004) in Maintenance Services at the end of 2022. During the year, Facilities incurred contracted services expenses at various parks facilities and city buildings that were not included in the regular preventative maintenance Operating Budget. These include the HVAC repairs at Fire Halls, Adventure Bay slide alterations, and roof repairs at Windsor Water World. In addition, current inflationary pressure is impacting the costs of contracted services this year. Various vendors have increased their pricing for services and materials due to the overall labour and material cost inflation.

The costs of equipment rentals that Facilities staff use to perform maintenance work also increased this year. Facilities does not own any lift equipment that is required when changing light bulbs or performing maintenance on lighting in parks or structures near City facilities. As the City expands its parks and facilities portfolio, rental costs will continue to increase and put additional pressures on Facilities Operating Budget.

Salary/ Wages Related Expenses \$398,711 Surplus

A number of budgeted positions were vacant during the year including Caretakers, Operating Engineers, Facility person and Electrician due to retirement, reassignment, or departing from the corporation. Most of these positions were actively being recruited and most have been filled by the end of the year. The surplus from position gapping is partially offset by the corporate permanent salary gapping allocation of \$39K. Note that L82 & L543 collective agreements were ratified during the year and the wage rates increase also had an impact on labour costs. In 2022 the variances resulting from the union contract settlements will be offset corporately by a provision within the corporate accounts.

Cost Recovery \$278,276 Surplus

Facilities Division is reporting a surplus of \$278,276 for cost recoveries at the end of 2022. The main reasons for the surplus variance are the COVID Enhanced Cleaning Services provided to the Provincial Courts at the Windsor Justice Facility and the insurance payout for the claim relating to the flood damages at WFCU in 2021. In addition, Facilities has been providing more recoverable work to other departments that allow the department to recoup some of the costs incurred.

Administrative (\$60,743) Deficit

Facilities Division is reporting a deficit of (\$60,743) for Administrative activities as at December 31, 2022. The settlements of the recent L82 & L543 collective agreements included a signing bonus for the regular full time and regular part time L82 & L543 employees. The signing bonus had a financial impact of \$81K on Facilities year end variance that was not budgeted. This was partially offset by savings in other administrative budgets such as training and workers compensation.

Facilities Vandalism (\$45,285) Deficit

Facilities is reporting a deficit variance of (\$45,285) caused by various facilities vandalism repairs and replacement in 2022. Numerous acts of vandalism against city facilities and properties have required repair work by Facilities skilled trades throughout the year to repair or replace damaged city properties due to vandalizing acts. These damages include broken Plexi glass panels at a skating rink, broken glass for the display case at a park, tempering of the heating and cooling equipment at a city building. One single vandalizing incident resulted in costs of \$20K.

## PARKS & FACILITIES

### Maintenance Material & Supplies (\$27,365) Deficit

Facilities is reporting a deficit of (\$27,365) in Maintenance Materials and Supplies as at December 31, 2022. The deficit variance was mainly due to the corporate COVID PPE purchases via the online purchasing portal and upgraded HVAC filters to meet the higher COVID safety standards at various facilities. In addition, the inflationary pressure observed in the year contributed to the higher costs in purchased materials and supplies. Facilities will continue to monitor the variances due to vendor price escalations and take necessary actions to mitigate or reduce variances while maintaining current service levels.

The increased COVID materials and supplies costs were partially offset by the savings from decreased operational level at Adventure Bay inside of Windsor International Aquatic Training Centre. Adventure Bay was closed to the public for the first half of 2022, and opened at a reduced hours starting in mid-summer. The pandemic closure and re-opening at reduced hours at Adventure Bay have reduced its chemical usage and housekeeping supplies.

### MITIGATING STEPS

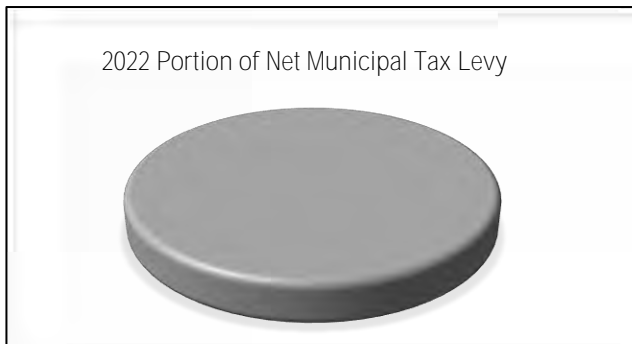
Facilities Operations Department will continue to monitor variances going forward and take any reasonable steps to reduce or

RECREATION & CULTURE


DEPARTMENTAL OVERVIEW

Recreation services builds vibrant, healthy, active and connected communities by providing facilities (arenas, pools, community centres) and programs that allow residents to participate in recreational activities. The Culture division provides programs, events and services that express the City's cultural identity, celebrates traditions and improves the quality of life for Windsor residents.

Financial Summary	2019	2020	2021	2022
Annual Revenue Budget	(\$11,704,711)	(\$12,014,378)	(\$11,949,514)	(\$12,161,940)
Annual Expense Budget	\$24,647,287	\$25,364,844	\$24,992,464	\$25,738,985
Annual Net Budget	\$12,942,576	\$13,350,466	\$13,042,950	\$13,577,045
Annual Net Variance	(\$81,695)	(\$1,362,395)	(\$157,936)	\$3,133
Variance as a % of Gross Budget	(0.3%)	(5.4%)	(0.6%)	0.0%



2022 Budgeted Full Time Equivalent (FTE)



Management:	21.0	FTE
Non-Union:	10.0	FTE
Local 543:	35.7	FTE
Local 82:	20.5	FTE
Total	<u>87.2</u>	FTE

VARIANCE SUMMARY

Description	COVID Variance	NON-COVID Variance	OVERALL Variance
Salary and Wages	\$1,577,700	\$963,783	\$2,541,483
Programming and User Fee Revenue	(\$2,846,100)		(\$2,846,100)
Avoided Costs	\$78,600	\$229,150	\$307,750
Net Total	(\$1,189,800)	\$1,192,933	\$3,133

## RECREATION & CULTURE

### VARIANCE DESCRIPTION

*The total departmental year-end variance is:* \$3,133      Surplus

The Recreation & Culture Department has experienced a year-end surplus variance totalling \$3,133. The surplus is a result of Recreation and Culture experiencing revenue losses due to COVID-19 of \$2.8M in concession sales, commissions, sales of goods & services, advertising, membership, rental and programming revenue. Recreation and Culture was able to mitigate expenditures in the amount \$2.8M. The department reduced salary and wages costs by \$2.5M, including \$964k in non-COVID savings as a result of vacancies and staff turnover combined with unbudgeted salary recoveries (ie. Childcare). It also reduced operational costs such as advertising and contracted services, by \$307k. These mitigated expenditures assisted in offsetting the loss of revenues resulting a total projected surplus of \$3,133 for the department.

Recreation and Culture continues to face challenges from the impacts COVID-19, experiencing significant staff shortages which are a contributing factor in the delay of implementing full programming at all Recreation and Culture facilities along with reduced operating hours.

Please note that the Recreation and Culture Department shares full-time Local 82 staffing with the Parks Department however, these budgets are fixed. Where one Department has a surplus in this account, the other Department will have a deficit to offset.

### MITIGATING STEPS

The department will monitor variances throughout 2023 and take any reasonable steps to reduce or eliminate variances while mitigating any negative impact on service levels.

### SECURITY & SPECIAL ACTIVITIES

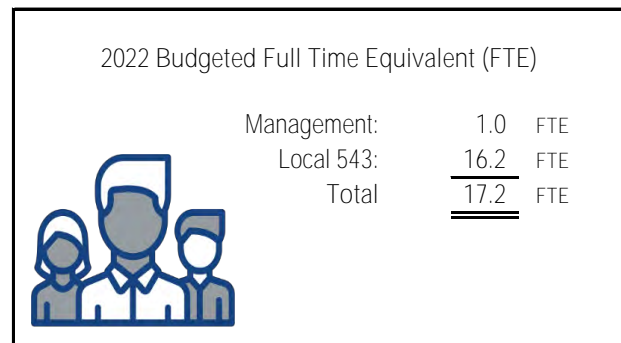
#### DEPARTMENTAL OVERVIEW

The Security and Special Activities Unit exists to provide facilities management services to the City Hall Square campus and proactive and reactive security measures to the Corporation at large working synergistically with existing agencies, departments and tenants.

Financial Summary	2019	2020	2021	2022
Annual Revenue Budget	n/a	n/a	n/a	(\$2,515,286)
Annual Expense Budget	n/a	n/a	n/a	\$3,701,829
Annual Net Budget	n/a	n/a	n/a	\$1,186,543
Annual Net Variance	n/a	n/a	n/a	\$343,282
Variance as a % of Gross Budget	n/a	n/a	n/a	9.3%

\* Projected

Historical amounts are not available due to creation of department in 2022.



#### VARIANCE SUMMARY

Description	COVID Variance	NON-COVID Variance	OVERALL Variance
Maint. Mtl & Housekeeping Supplies	\$0	(\$16,733)	(\$16,733)
Contracted Services	(\$55,938)	(\$34,731)	(\$90,669)
Salary Gapping	\$0	\$105,976	\$105,976
Cost Recoveries	\$33,362	\$311,346	\$344,708
<b>Net Total</b>	<b>(\$22,576)</b>	<b>\$365,858</b>	<b>\$343,282</b>

#### VARIANCE DESCRIPTION

The total departmental year-end variance is: \$343,282      Surplus



**SECURITY & SPECIAL ACTIVITIES**

The Security, Special Activities, City Hall Campus (SAC) Department  
The SAC Department is reporting a surplus variance as at December 31, 2022.

Maintenance Materials and Equipment (\$16,733)

SAC Department was established in February 2022. In addition to the existing scope of facility management in the City Hall Square Campus, the department added Security and Special Activities to its department scope. Office and events equipment were purchased to meet the operational needs of the new SAC Coordinator position that was created to assist the growing responsibilities of the department. In September 2022, SAC hosted an outdoor public screening of the funeral of Her Majesty Queen Elizabeth II with a short notice in the extreme weather, which required the department to acquire various security and event equipment to quickly set up a sheltered areas for the outdoor public screening.

Contracted Services (\$90,669)

At the end of 2022, SAC Department is reporting a deficit of (\$90,669) in Contracted Services. The main contributing factor of the deficit variance is the major costs related to the replacement of the drive and the transformer of the passing elevator at the 400 CHS during the year. The installation of the new duress system and security cameras to increase the security measures at the 400 CHS also contributed the increase in Contracted Service costs for the campus. At 350 CHS, new car charging stations were installed and various repairs were done on the concrete stairs and skateboard guards.

Furthermore, until the mandate of the extra COVID security screening services were eliminated in the mid year, there were contracted security guards to provide screening at the entrances of the 400 CHS building.

Salary Gapping \$105,976

SAC Department has a number of vacant regular part time positions that the department is actively trying to fill. The two RPT Operating Engineers 4th Class positions and the two RPT Facility Person positions have been vacant for the majority of the year as the part time nature of these roles make it difficult to recruit and retain talent. Also a number of part time caretakers were vacant partially during the year due to retirement, reassignment, or open positions that are yet to be filled. This results in a salary gapping savings of \$105,976. The savings are partially offset by the corporate permanent gapping allocation, the newly created SAC Coordinator position not included in the 2022 operating budget, the signing bonus for L543 staff and the overtime expenses from added coverage due to the vacant positions.

Cost Recovery \$344,708

SAC Department is reporting a surplus of \$344,708 in cost recoveries. In 2022, SAC has received unbudgeted monthly revenues for providing COVID enhanced cleaning at 400 CHS and a lump sum true up payment for prior years' operating expenditures from Services Canada. Services Ontario and Social Services also adjusted their month rent payment for the usage of 400 CHS space

**MITIGATING STEPS**

SAC Department will continue to monitor variances going forward and take any reasonable steps to reduce or eliminate variances while mitigating any negative impact on service levels.

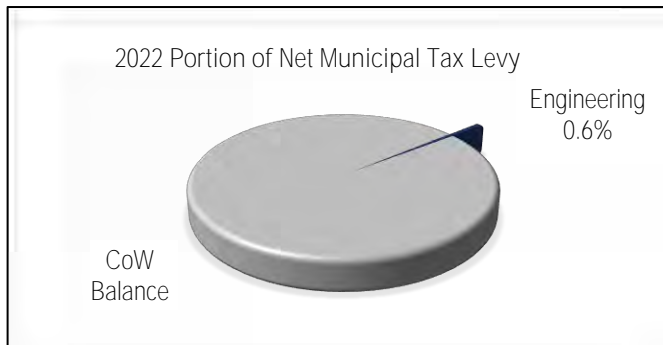
**ENGINEERING**

DEPARTMENTAL OVERVIEW


Engineering is responsible for; project management of municipal infrastructure projects, new buildings and non-building projects; development services; right-of-way permits; GIS system, and CAD services.

Financial Summary	2019	2020	2021	2022
Annual Revenue Budget	n/a	n/a	n/a	(\$5,338,928)
Annual Expense Budget	n/a	n/a	n/a	\$7,913,993
Annual Net Budget	n/a	n/a	n/a	\$2,575,065
Annual Net Variance	n/a	n/a	n/a	(\$243,858)
Variance as a % of Gross Budget	n/a	n/a	n/a	(3.1%)

Historical amounts are not available due to realignment of departments.



2022 Budgeted Full Time Equivalent (FTE)



Senior Management:	1.0	FTE
Management:	10.0	FTE
Non-Union:	27.0	FTE
Local 543:	24.0	FTE
<b>Total</b>	<b>62.0</b>	<b>FTE</b>

VARIANCE SUMMARY

Description	COVID Variance	NON-COVID Variance	OVERALL Variance
Salaries & WA Recoveries	\$0	(\$194,881)	(\$194,881)
Minor Capital	\$0	(\$17,880)	(\$17,880)
Miscellaneous Line Items	\$0	(\$6,953)	(\$6,953)
Bank Charges	\$0	(\$38,577)	(\$38,577)
Licenses & Permits	(\$101,714)	\$73,332	(\$28,382)
Other Gen. Rev./User Fees/GIS User Fees	\$0	\$42,815	\$42,815
<b>Net Total</b>	<b>(\$101,714)</b>	<b>(\$142,144)</b>	<b>(\$243,858)</b>

## ENGINEERING

### VARIANCE DESCRIPTION

The total departmental year-end variance is: (\$243,858) Deficit

The Engineering department is reporting a year-end deficit of (\$243,858).

Salaries/ Work Auth Recoveries: (\$194,881)

The department is reporting a year end net deficit of (\$194,881) in Salaries and Work Auth Recoveries due to Joint Job Evaluation (JJE) decisions, retro payments and the negotiated signing bonus resulting from the collective agreement settlement contributed to a salary shortfall at year end. Further, contributing to this deficit is the payout for the National Day of Truth and Reconciliation holiday, as well as, staff entry at higher steps levels than originally budgeted. It should be noted that deficits related to job evaluations and collective agreement settlements are offset within the Corporate Accounts by the contingency provisions that exist for these purposes.

Minor Capital: (\$17,880)

The deficit is due to unanticipated costs for facility improvements related to staff complement.

Miscellaneous Line Items: (\$6,953)

This deficit is due to mainly an unanticipated increase in field inspections as a result of an increase subdivision development.

Bank Charges: (\$38,577)

Further contributing is a deficit of (\$38,577) in bank charges. This item has traditionally been in a deficit as credit card payments are on the rise and these payment methods incur additional banking fees for the department.

Licenses & Permits: (\$28,382)

There is a Covid Variance due to Sidewalk Cafe permits being waived for 2022. As previously reported to Council through the 2021 & 2022 budget reports, this resulted in a COVID-related deficit of approximately (\$101,714) based on the level of interest that occurred in 2020-2022. Other permits such as driveways and sewers have resulted in a surplus of \$73,332.

Other General Revenue / User Fees / GIS User Fees: \$42,815

Other General Revenue and User Fees resulted in a surplus of \$42,815. This is based on current fees issued as a result of increases in construction activities.

**POLLUTION CONTROL**

DEPARTMENTAL OVERVIEW

*Pollution Control manages and oversees 49 pumping stations, 2 wastewater treatment plants (treatment of wastewater from Windsor and surrounding municipalities) & the biosolid processing facility.*


Financial Summary	2019	2020	2021	2022
Annual Revenue Budget	n/a	n/a	n/a	(\$21,337,790)
Annual Expense Budget	n/a	n/a	n/a	\$21,337,790
Annual Net Budget	n/a	n/a	n/a	\$0
Annual Net Variance	n/a	n/a	n/a	n/a
Variance as a % of Gross Budget	n/a	n/a	n/a	n/a

*Historical amounts are not available due to realignment of departments.*

**2022 Portion of Net Municipal Levy**

n/a

2022 Budgeted Full Time Equivalent (FTE)



Management:	9.0	FTE
Non-Union:	3.0	FTE
Local 543:	8.7	FTE
Local 82:	44.0	FTE
<b>Total</b>	<b>64.7</b>	<b>FTE</b>

VARIANCE DESCRIPTION

The Pollution Control Department does not have a municipal levy component within their budget and therefore, no variance is projected for municipal levy purposes.

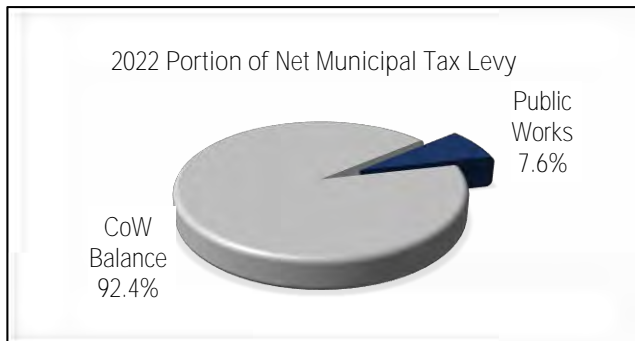
Please see the Sewer Surcharge submission for details related to the Pollution Control variance.

### PUBLIC WORKS


#### DEPARTMENTAL OVERVIEW

The Roads and Infrastructure Services area provides a variety of services related to the planning, design, construction, operation and maintenance of roadways, sanitary and storm sewers, traffic control (signals & signs) and the City's fleet of vehicles. Services also include the City's street lighting, municipal parking and seasonal maintenance including snow clearing. Environmental Services ensures that all residential and municipal waste, recyclables and yard waste are collected in a manner consistent with current standards, Council approved service levels, and environmental requirements.

Financial Summary	2019	2020	2021	2022
Annual Revenue Budget	(\$28,785,172)	(\$30,629,406)	(\$27,330,228)	(\$29,641,435)
Annual Expense Budget	\$55,964,369	\$59,855,262	\$56,609,038	\$58,680,331
<b>Annual Net Budget</b>	<b>\$27,179,197</b>	<b>\$29,225,856</b>	<b>\$29,278,810</b>	<b>\$29,038,896</b>
Annual Net Variance	\$46,727	(\$1,407,608)	(\$2,606,219)	(\$2,935,920)
Variance as a % of Gross Budget	0.1%	(2.4%)	(4.6%)	(5.0%)



2022 Budgeted Full Time Equivalent (FTE)



Management:	32.0	FTE
Non-Union:	19.0	FTE
Local 543:	83.0	FTE
Local 82:	83.2	FTE
<b>Total</b>	<b>217.2</b>	<b>FTE</b>

#### VARIANCE SUMMARY

Description	COVID Variance	NON-COVID Variance	OVERALL Variance
<b>Salary and Wage – All Staff and Students</b>	\$0	\$754,192	\$754,192
WSIB	\$0	\$97,603	\$97,603
Immaterial Line-by-Line	(\$28,760)	\$97,003	\$68,243
Fuel	\$0	(\$94,854)	(\$94,854)
Equipment Rentals, Purchases, and Repairs	\$0	(\$185,332)	(\$185,332)
Overtime	\$0	(\$216,879)	(\$216,879)
Winter Control	\$0	(\$278,760)	(\$278,760)
Materials / Parts	\$0	(\$281,374)	(\$281,374)
Landfill Tipping Fees	\$0	(\$341,874)	(\$341,874)
Accident Repairs	\$0	(\$374,856)	(\$374,856)
Revenue - All Divisions	(\$349,290)	(\$549,508)	(\$898,798)
Contracted Services	\$0	(\$1,183,231)	(\$1,183,231)
<b>Net Total</b>	<b>(\$378,050)</b>	<b>(\$2,557,870)</b>	<b>(\$2,935,920)</b>



**PUBLIC WORKS**

## VARIANCE DESCRIPTION

*The total departmental year-end variance is:* (\$2,935,920) Deficit

Salary and Wage: \$754,192

PW Operations has finished 2022 with an overall surplus of \$754,192 related to salary and wage costs. This surplus in salary and wage costs is the net total of the surpluses and deficits related to salary and wage gapping due to a number of vacancies across the department resulting from retirements, long term disability, staff appointments into new positions and the hiring of extra staff to accommodate heavy work load situations where required. The salary and wage variances are not considered to be pandemic related.

WSIB: \$97,603

PW Operations has finished 2022 with an overall surplus of \$97,603 related to reduced WSIB costs for the year related to injuries and pensions in all Divisions. PW Operations plans to submit a budget reduction for Council consideration for 2024 related to WSIB costs. This variance is not considered to be pandemic related.

Immaterial Line-By-Line: \$68,243

Overall immaterial line-by-line variances result in a surplus of \$68,243 for 2022 which includes an overall surplus of \$97,003 not considered to be pandemic related, and a deficit of (\$28,760) related to immaterial purchases of operating and other supplies directly related to the pandemic.

Fuel: (\$94,854)

PW Operations has finished 2022 with an overall deficit of (\$94,854) related to all fuel types. This net deficit is the sum of the pricing deficits and consumption surpluses for the year. A 2023 operating budget issue has been approved by Council to make necessary adjustments to the consumption related budgets for fuel, which should mitigate material consumption variances in future years. The fuel variance is not considered to be pandemic related.

Equipment Rentals: (\$185,332)

PW Operations has finished 2022 with an overall deficit of (\$185,332) related to equipment rentals largely due to the use of sewer surcharge funded equipment in the levy funded operations in 2022. Equipment related variances are not considered to be pandemic related.

Overtime: (\$216,879)

PW Operations has finished 2022 with an overall deficit of (\$216,879) related to overtime as a result of the vacancies across the department as well as increased work done to support capital programs outside of the normal work day hours. A portion of the overall overtime deficit related to capital programs is offset with revenue for capital recoveries.

Winter Control: (\$278,760)

PW Operations has finished 2022 with an overall deficit of (\$278,760) related to the winter control service.

Materials and Parts: (\$281,374)

PW Operation has finished 2022 with an overall deficit of (\$281,374) related to materials and vehicle/equipment parts across the department, not attributable to the ongoing pandemic. Various material and part costs were higher than anticipated for the year with some of the additional cost offset by revenue surpluses related to recoverable work performed for capital programs as well as additional Fleet recoveries for repairs and maintenance of vehicles and equipment not included in the dedicated corporate fleet. Council approved several budget issues for 2023 that will increase the materials and parts budgets in several Divisions going forward, which should help mitigate future material variances experienced.

### PUBLIC WORKS

#### Landfill Tipping Fees: (\$341,874)

PW Operations has finished 2022 with a deficit of (\$341,874) related to increased landfill tipping fees for increased tonnage in 2022. A 2023 budget adjustment was approved by Council to increase the landfill tipping fee budget by 5,000 tonnes, which is expected to mitigate future material deficits related to landfill tipping fees, not related to the ongoing pandemic.

#### Accident Repairs: (\$374,856)

PW Operations has finished 2022 with a deficit of (\$374,856) related to the net accident repair costs for streetlights, signals, signs, and right-of-way repairs such as guard rails and fencing. Accident repair costs are not related to the pandemic. Council approved a budget issue for 2023 that will slightly increase accident repair budgets in Traffic and Maintenance going forward which will help reduce future variances experienced.

#### Revenue: (\$898,798)

PW Operations has finished 2022 with an overall revenue deficit of (\$898,798) of which approximately (\$349,290) can be directly attributable to the pandemic related to lost Parking Enforcement revenue for tickets. A deficit of (\$549,508) has also been realized related to non-COVID revenue collection; specifically, related to non-recoverable services provided throughout the year such as 311 call response and various services provided for community events such as open streets. A revenue deficit has also been realized related to reduced parking ticket revenue not related to the pandemic, but related to reduced contractor staff available to enforce throughout 2022. In addition, staff recovery revenue was lower than budgeted in the Technical Support and Field Services Divisions as a result of the annual position gapping.

#### Contracted Services: (\$1,183,231)

PW Operations has finished 2022 with a net deficit of (\$1,183,231) related to all contracted services across Public Works. The overall net deficit is not related to the pandemic. There are several surpluses realized for the year including surpluses related to reduced parking enforcement services due to staff shortages, reduced Fleet outside service costs, reduced cost for the clean the city service, reduced cost for yard waste collection, reduced cost for leachate, and reduced costs for traffic maintenance. Offsetting the surpluses realized are several deficits including deficits for increased residential garbage collection and disposal services due to increased tonnage, increased streetlight maintenance costs due to the aging infrastructure and cost to maintain, increased locating costs for signals and streetlights in the first year of bringing the service in house, and increased costs for road/alley/sidewalk maintenance services. Council approved several budget issues for 2023 that will increase contracted services budgets in several Divisions going forward, which should help mitigate future variances experienced.

### MITIGATING STEPS

Public Works Administration monitors budgets closely and mitigates variances within the Department if feasible.

### TRANSIT WINDSOR


#### DEPARTMENTAL OVERVIEW

Transit Services provides residents of and visitors to the City with a variety of transit options that allow for mobility throughout the City for various purposes (employment, school, health care, shopping, etc.).

Financial Summary	2019	2020	2021	2022
Annual Revenue Budget	(\$21,635,263)	(\$21,175,090)	(\$21,264,650)	(\$22,896,391)
Annual Expense Budget	\$36,061,034	\$36,294,433	\$36,851,094	\$39,317,934
Annual Net Budget	\$14,425,771	\$15,119,343	\$15,586,444	\$16,421,543
Annual Net Variance	\$123,288	\$658,202	\$792,839	(\$1,048,416)
Variance as a % of Gross Budget	0.3%	1.8%	2.2%	(2.7%)



2022 Budgeted Full Time Equivalent (FTE)



Management:	23.0	FTE
Non-Union:	7.0	FTE
Hourly	251.0	FTE
Total	<u>281.0</u>	FTE

#### VARIANCE SUMMARY

Description	COVID Variance	NON-COVID Variance	OVERALL Variance
Transit Windsor Revenue	(\$5,485,784)	(\$1,159,940)	(\$6,645,724)
Commissions Revenue	(\$99,626)	\$100,000	\$374
Advertising Revenue	\$40,050	(\$30,000)	\$10,050
Other Professional Service External	(\$16,414)	\$58,900	\$42,486
Other Operating, Minor Apparatus, Vehicle Rental	(\$36,442)	\$4,989	(\$31,453)
Travel, Training, Conference	\$6,444	\$3,170	\$9,614
Facility Operations- Labour Internal	\$51,354	(\$12,311)	\$39,043
Advertising Expenses	\$38,672	\$0	\$38,672
Vehicle Maintenance and Parts	(\$977,242)	\$72,499	(\$904,743)
Program Supplies	\$135,468	(\$23,952)	\$111,516
Commission Expenses	\$60,591	\$0	\$60,591
Fees and Service Charges Expense	\$265,758	\$30,000	\$295,758
Motor Fuel and Oil and Lubricants	\$1,078,397	(\$1,660,548)	(\$582,151)
Salary and Wages and Overtime	(\$723,226)	\$2,498,340	\$1,775,114
Workmen's Compensation	\$0	(\$25,562)	(\$25,562)
Other Minor Transit Windsor Variances	\$0	(\$14,181)	(\$14,181)
Government Funding Safe Restart	\$4,772,180	\$0	\$4,772,180
Net Total	(\$889,820)	(\$158,596)	(\$1,048,416)

**TRANSIT WINDSOR**

## VARIANCE DESCRIPTION

*The total departmental year-end variance is:* (\$1,048,416)      Deficit

Transit Windsor ended 2022 with an overall deficit of (\$1,048,416) after allocating the balance of \$4,772,180 of the Safe Restart Grant Funding (Phase 3&4), to the Transit Windsor operating budget. Safe Restart funding was provided by the Government of Ontario to mitigate the impacts of the COVID-19 Pandemic. Of the total deficit, (\$889,820) is related to COVID impacts, while (\$158,898) is related to Non-COVID Impacts.

It should be noted that, as per the Safe Restart Funding guidelines, actual revenues and expenses are being compared to the 2020 (Pre-COVID) Operating Budget. The City variance compares 2022 actuals to the 2022 Operating Budget. The COVID variance is based on Safe Restart guidelines and hence while determining the City variance, it has resulted in higher non COVID variance in various accounts.

Transit Revenue: (\$6,645,724)

During 2022, Transit Windsor operated at an enhanced Saturday service level from January 1 to September 3 2022, and returned to full service (with the exception of the Tunnel Bus) on Sept. 4, 2022. The Tunnel Bus resumed operations on November 27, 2022. During 2022, Transit continued to experience lower ridership, hence the fares collected were substantially reduced from expected levels. The tuition-based pass program at the University of Windsor (U-Pass) was also suspended until Sept., 2022, resulting in no revenue being received from that program. This has resulted in a significant loss of revenue for Transit leading to a year-end deficit of (\$6,645,724) in the Transit Revenue account. All except for (\$1,159,940) was due to COVID-19. The reason for non-COVID is due to Safe Restart guidelines stated above.

Commissions Revenue: \$374

Commission Revenue was reduced to \$0.00 for the 2022 budget, due to the permanent closure of Greyhound Canada. The requirement of the Safe Restart program to compare the current actuals to the 2020 budget, which showed a projection of \$100,000, has resulted in a Non-COVID surplus variance of \$100,000 and a COVID deficit variance of (\$99,626), with an overall year end variance of \$374 for 2022. The minimal surplus of \$374 is attributable to quarterly payments from Metro Catering that were generated at WITT and posted to this account. This will not be flowing through this account in 2023.

Advertising Revenue: \$10,050:

The year end variance for Advertising is a surplus of \$10,050. Due to the requirement of the Safe Restart program to compare the current actuals to the 2020 budget, there is a projected Non-COVID deficit variance of (\$30,000) and a surplus COVID variance of \$40,050. Transit Windsor receives advertising revenue from Street seen Media monthly, for advertising space on Transit Windsor's buses and shelters. The annual revenue received for these items were higher than budget the new contract with them resulting in a COVID surplus of \$40,050. This revenue increase has been brought forward in the 2023 Operating budget.

Other Professional Services External: \$42,486

This account finished the year with a surplus of \$42,486. The COVID deficit variance of (\$16,414) can be attributed mainly to additional security which was required at the Windsor International Transit Terminal (WITT) from January to September 2022, while the Non-COVID surplus variance of \$58,900 is due to the difference between the 2022 and 2020 budgets (Safe Restart guidelines).

**TRANSIT WINDSOR**Other Operating Supplies and Vehicle Rental: (\$31,453)

Due to COVID, increased cleaning has resulted in an overall increase to the Operating Supplies and Minor Apparatus expense accounts. There was an increase in vehicle rental costs, also COVID related. Hence the total year-end COVID related deficit in this category is (\$39,064). The year end Non-COVID surplus variance is \$4,989 in the Operating and Other Supplies account. The overall result is a deficit of (\$31,453) in this category.

Travel, Training, Conference: \$9,614:

There has been a reduction to travel, training, and conference spending due to COVID. This has resulted in a year end surplus of \$6,444 related to COVID-19 and \$3,170 Non-COVID related. Overall, the year end surplus for this category is \$9,614. The Non-COVID surplus is due to the difference between the 2022 and 2020 budgets (Safe Restart guidelines).

Facility Operations-Labour INTERNAL: \$39,043

Due to reduced use of facilities in early 2022, caretaking and general facility maintenance expenses were reduced. This has resulted in a year end surplus of \$51,354 attributable to COVID-19. The Non-COVID deficit is variance of (\$12,311). The overall result is a surplus of \$39,043 in this category.

Advertising Expenses: \$38,672

Due to COVID-19, Transit Windsor continued reduced advertising through the first part of 2022. As Transit returned to full service in Sep 2022, regular advertising resumed for the remainder of the year to encourage increased ridership. The year end surplus of \$38,672 is entirely COVID related.

Vehicle Maintenance and Parts: (\$904,743)

The vehicle maintenance and parts accounts ended up in a year end deficit of (\$904,743). The COVID deficit of (\$977,242) is largely due to the cost of driver safety barriers which were installed in the buses. The Non COVID surplus of \$72,499 can be attributed to the difference between the 2022 and 2020 budgets for this category, as per Safe Restart guidelines as previously discussed.

Program Supplies and Computer Software expenses: \$111,516

Due to COVID-19, the required inventory of Smart Cards and special event tickets has been significantly less, resulting in a projected year end COVID related surplus of \$135,468. Offsetting this surplus was increase in computer software expenses of (\$23,952). The total impact of these expenses resulted in a COVID surplus of \$135,468 and non COVID deficit of (\$23,952). The non COVID variance will be monitored and addressed in the operating budget process/budget reallocations.

Commissions Expense: \$60,591

Transit Windsor pays commissions to third party vendors for the sale of passes and tickets. Reduced levels of ridership mainly in the first three quarters of 2022 have contributed to the year end surplus of \$60,591, attributable to COVID-19.

Fees and Service Charge Expenses: \$295,758

Due to COVID-19 and the resulting border restrictions the Tunnel Bus service resumed only on Nov 27, 2022. The savings in tunnel toll charges resulted in a year end COVID surplus variance of \$265,758. The balance of the surplus is a Non-COVID variance of \$30,000, caused by the Safe Restart Funding requirement to compare 2022 actuals to 2020 budget amounts, as stated above.



**TRANSIT WINDSOR**Motor Fuels and Oil and Lubricants: (\$582,151)

Due to reduced services until August 2022, the fuel and oil and lubricant accounts ended up in surplus of \$1,078,397 due to COVID-19. The Non-COVID impact due to increased prices for fuel, oil, and lubricants in 2022 is a deficit of (\$1,660,548). Overall, the year end deficit is (\$582,151) for these expenses.

Salary, Wages and Overtime: \$1,775,114

2022 continued to be challenging for Transit, resulting in a decision to operate at reduced service levels until August 2022. The Tunnel started operations only on Nov 27, 2022 and there was no special events service offered in 2022.

The reduction in service required fewer buses to be on the road and therefore fewer operators required to provide the service. However with additional COVID-19 bus cleaning and disinfecting, along with additional janitorial requirements, the operators were redeployed to assist with these tasks. As a result, Transit experienced a surplus in the salary, wages and overtime accounts. Transit ended 2022 with a \$1,775,114 overall surplus in the salary, wage and overtime accounts. This comprised on COVID deficit of (\$723,226) and non COVID deficit of surplus of \$2,498,340. The non-COVID activity, such as employees being off of work without pay for other reasons not related to COVID-19 and Safe Restart guidelines as stated above.

Workers Compensation : (\$25,562)

**Transit Windsor's workers compensation expense varies based on the required compensation claims. Transit ended 2022 with a deficit of (\$25,562). This deficit is not related to COVID-19 impacts.**

Other Minor Transit Windsor Variances :(\$14,181)

Transit Windsor had various expense and revenue accounts that ran a variance during 2022. The majority of the individual accounts included in this total ended 2022 with less than a \$50,000 variance. In total, a deficit of (14,181) was considered non COVID-19 related.

Government Funding and Handi Transit (COVID): \$4,772,180

Transit Windsor was able to allocate \$4,695,180 to the operating budget from the Safe Restart Phase 3 and 4 funding provided through the Federal and Provincial governments in order to mitigate all the pandemic-related deficits experienced during 2022. The Safe Restart submission for City of Windsor includes Handi-Transit. In 2022, Handi Transit reported a surplus of \$77,000 which **reduced the City's draw from the Safe Restart Reserve. The actual expenses for the City is \$4,772,180. Hence the difference was recovered from Handi Transit.**

**MITIGATING STEPS**

Transit Windsor has worked hard in 2022 to continue to provide transit service amidst numerous challenges. Lower ridership in the first three quarters has led to both reduced revenues and expenses in 2022. However, since resuming full service on September 1, 2022, ridership has rebounded to near normal levels (90%+). Therefore, Transit Windsor finished strong in Q4 2022.

### EMPLOYMENT & SOCIAL SERVICES


#### DEPARTMENTAL OVERVIEW

Employment & Social Services provides basic financial, social and employment assistance for individuals who are in temporary financial need in Windsor, Essex County and Pelee Island.

Financial Summary	2019	2020	2021	2022
Annual Revenue Budget	(\$109,838,509)	(\$108,882,445)	(\$108,913,554)	(\$93,448,255)
Annual Expense Budget	\$117,503,235	\$116,969,007	\$116,559,418	\$101,037,567
Annual Net Budget	\$7,664,726	\$8,086,562	\$7,645,864	\$7,589,312
Annual Net Variance	\$346,682	\$1,673,697	\$1,568,805	\$1,267,504
Variance as a % of Gross Budget	0.3%	1.4%	1.3%	1.3%



2022 Budgeted Full Time Equivalent (FTE)



Senior Management:	1.0	FTE
Management:	18.0	FTE
Non-Union	5.0	FTE
Local 543	190.0	FTE
<b>Total</b>	<b>214.0</b>	<b>FTE</b>

#### VARIANCE SUMMARY

Description	COVID Variance	NON-COVID Variance	OVERALL Variance
CDHO & Social Policy & Planning	\$0	\$22,403	\$22,403
Ontario Works (OW) Program Delivery:	\$45,187	\$1,198,410	\$1,243,597
Salary and Benefit (OW)	\$45,187	\$780,845	\$826,032
Employment Related Costs (OW)	\$0	\$383,620	\$383,620
Other Miscellaneous Expenses (OW)	\$0	\$33,945	\$33,945
Other Employment Services	\$0	\$11,578	\$11,578
100% Municipal Assistance	\$0	(\$10,074)	(\$10,074)
<b>Net Total</b>	<b>\$45,187</b>	<b>\$1,222,317</b>	<b>\$1,267,504</b>

## EMPLOYMENT & SOCIAL SERVICES

### VARIANCE DESCRIPTION

*The total departmental year-end variance is:* \$1,267,504      Surplus

Human & Health Services Office - \$22,403

The Human & Health Services Office year-end surplus of \$22,403 is mainly attributable to additional salary recoveries for increased staff time dedicated to Homelessness programs.

Ontario Works (OW) Program Delivery - \$1,243,597

Ontario Works Program Delivery ended the year with a net City surplus of \$1,243,597 comprised of the following: Staffing costs are lower than budget by \$826,032 resulting mainly from gapping. COVID-19 related salary surplus accounts for \$45,187. Lower Employment Related Expenses (ERE) added \$383,620 to the surplus. OW caseload sizes were below the pre-pandemic levels during the year and as a result the number of bus passes and employment supports were below historical averages. The surplus of \$33,945 in other miscellaneous accounts such as Office Supply, Postage, and Internal Program Support, resulted from incorporating more efficient, cost-saving business processes.

Other Employment Services - \$11,578

Other Employment Services, which include Employment Ontario Programs funded by Ministry of Labour, Immigration, Training and Skills Development, ended the year with a minor surplus of \$11,587 as a result of salary gapping.

100% Municipal Assistance and OW Financial Assistance - (\$10,074)

The nominal deficit of (\$10,074) is the result of discretionary benefit costs being higher than expected.

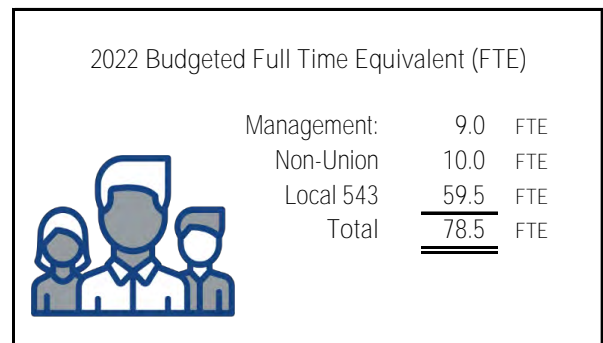
**HOUSING & CHILDREN SERVICES**

DEPARTMENTAL OVERVIEW

Social Housing administers program requirements and funding for 7,800 units including over 34 social housing providers in Windsor and Essex County. The division administers various programs related to homelessness and works with residents in Emergency Shelters and Housing with Supports Homes to ensure basic needs are met and provides assistance with transition back into the community.

The City of Windsor is the Consolidated Municipal Service Manager (CMSM) for Children's Services in Windsor and Essex County. CMSMs are the designated child care and early years service system managers responsible for planning and managing licensed child care services and EarlyON Child and Family Centres in their communities.

Financial Summary	2019	2020	2021	2022
Annual Revenue Budget	(\$97,771,797)	(\$97,404,344)	(\$91,607,808)	(\$101,618,222)
Annual Expense Budget	\$121,414,027	\$121,172,301	\$116,465,816	\$129,200,728
Annual Net Budget	\$23,642,230	\$23,767,957	\$24,858,008	\$27,582,506
Annual Net Variance	\$50,377	\$1,664,625	\$43,423	(\$1,406,961)
Variance as a % of Gross Budget	0.0%	1.4%	0.0%	(1.1%)



VARIANCE SUMMARY

Description	COVID Variance	NON-COVID Variance	OVERALL Variance
WEHC Additional Expenditures and Revenue Loss	\$0	(\$2,525,145)	(\$2,525,145)
Non-Profit Lower Subsidy Payments	\$0	\$961,115	\$961,115
Federal Block Funding Loss	\$0	(\$567,941)	(\$567,941)
Housing Serv. / WEHC County Rev. Increase	\$0	\$112,295	\$112,295
Housing Services Administration	\$0	\$155,470	\$155,470
Homelessness Prevention Plan (HPP)	\$0	\$7,291	\$7,291
Covid-19 Expenditures (Homelessness & Childcare)	\$10,284,146	\$0	\$10,284,146
Covid-19 Revenue (Homelessness & Childcare)	(\$10,284,146)	\$0	(\$10,284,146)
Emergency Preparedness	\$0	(\$133,120)	(\$133,120)
Children's Services	\$0	\$283,925	\$283,925
Pathway to Potential Surplus	\$160,443	\$138,706	\$299,149
<b>Net Total</b>	<b>\$160,443</b>	<b>(\$1,567,404)</b>	<b>(\$1,406,961)</b>

**HOUSING & CHILDREN SERVICES**

## VARIANCE DESCRIPTION

The total departmental year-end variance is: (\$1,406,961) Deficit

As detailed below, a combined year-end City deficit of (\$1,406,961) was realized for Housing and Children's Services and Windsor Essex Community Housing Corporation (WECHC).

Housing Services and WECHC combined realized a net city deficit of (\$1,864,206).

WECHC incurred a net city subsidy deficit of (\$2,525,145) as a result of increased maintenance and unit restoration costs in the portfolio. General Revenue (rent and other income) has increased (vs budget) but this is outweighed by cost increases experienced in maintenance and repairs as a result of both increasing vacancy repairs as well as increased supplier/contractor pricing. WECHC also experienced a significant increase in costs as a result of a large number of one-time insurance loss events in 2022.

Adding to this deficit was a net City deficit of (\$567,941) due to the loss of Federal Block Funding from the Federal government for both WECHC and Non Profit Housing. Offsetting these deficits is a net city subsidy surplus of \$961,115 due to lower mandated subsidy payments being required by service providers in 2022, as well as from the reconciliation of service provider fiscal year-end reports. A net city surplus of \$112,295 due to higher than budgeted County revenue and \$155,470 due to staff gapping also offsets the overall deficit for Housing and WECHC.

The Homelessness Prevention Plan (HPP) budget ended the year with a small City surplus of \$7,291. In 2022, a City budget carryover of \$500,000 was requested to offset anticipated 2023 budget pressures in the HPP budget.

COVID-19 expenditures related to Homelessness and Childcare provincial/federal programs was fully offset by Federal and Provincial Covid-19 funding to support service providers in continuing to deliver critical services, purchase protective equipment, hire additional staff, enhance cleaning and infection prevention, and increase shelter capacity.

Emergency Preparedness realized a net city deficit of (\$133,120) primarily related to the emergency evacuation of an privately-owned apartment building at 1616 Ouellette Avenue and temporary emergency shelter that was operated by Administration and partnering agencies to support displaced residents for three weeks.

**Children's Services** ended the year with a City surplus of \$283,925. Child Care programs realized a net city surplus of \$99,111 due to Children's Services staying within the Province's Municipal contribution requirement. Adding to the Child Care surplus is a \$69,915 net city surplus due to county revenue being higher than budgeted. In addition, EarlyON programs realized a net city surplus of \$114,899 as a result of EarlyON centres operating at reduced hours at the beginning of 2022 due to the pandemic and cost recoveries for staff being seconded to other areas during this period.

Pathway to Potential (P2P) ended the year with a City surplus of \$299,149 primarily due to the ripple effect of COVID-19 and gradual return to **pre-COVID utilization of transit, recreation, culture and art programs**. Although the City's Recreation Department has resumed programming, the slow return to recreational activities by P2P-eligible families is leading to a surplus. Pathway to Potential, in partnership with the Recreation and Communication Departments continues to promote the low-income discount through a multimodal media campaign to **ensure families are aware in addition to Recreation's new Centralized Registration and Intake Line**. Recreation expanded access to summer day camp programming to seven locations and P2P doubled the number of weeks eligible families can benefit. Additionally, Adventure Bay reopened during the summer and P2P sponsored a special summer and fall membership rate for eligible families after a two year hiatus. Transit Windsor was operating at a reduced service level earlier this year which resulted in lower ridership and resumed to their full-service level in September. Demand for affordable bus passes has not returned to pre-pandemic amounts. Transit Windsor and P2P continue to work together to increase awareness of the Affordable Pass Program (APP) through new awareness campaigns. Any P2P Recreation or APP saving being projected in Housing & Children's Services, will be offset by corresponding revenue losses in Recreation and Transit departments.

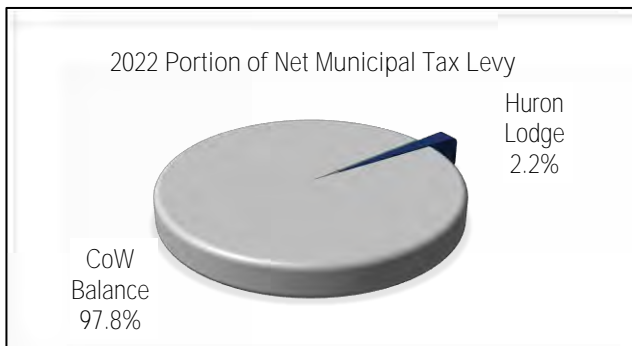


### HURON LODGE


#### DEPARTMENTAL OVERVIEW

Huron Lodge is a long-term care facility committed to providing compassionate, quality care in a home-like setting for those who require 24-hour nursing and personal care.

Financial Summary	2019	2020	2021	2022
Annual Revenue Budget	(\$16,508,537)	(\$16,950,506)	(\$18,004,118)	(\$18,059,248)
Annual Expense Budget	\$23,995,061	\$24,747,809	\$26,132,683	\$26,521,327
Annual Net Budget	\$7,486,524	\$7,797,303	\$8,128,565	\$8,462,079
Annual Net Variance	\$2,296	\$1,033,330	\$522,202	\$1,060,768
Variance as a % of Gross Budget	0.0%	4.2%	2.0%	4.0%



2022 Budgeted Full Time Equivalent (FTE)



Management:	9.0	FTE
Non-Union	4.0	FTE
ONA:	23.0	FTE
Local 543	188.7	FTE
<b>Total</b>	<b>224.7</b>	<b>FTE</b>

#### VARIANCE SUMMARY

Description	COVID Variance	NON-COVID Variance	OVERALL Variance
Ministry of Long-Term Care Funding	1,997,691	\$3,424,143	\$5,421,834
Equipment Purchases	(\$66,401)	(\$187,862)	(\$254,263)
Purchased Service	(\$401,511)	\$5,625	(\$395,886)
Accommodation Revenue	(\$331,385)	(\$82,185)	(\$413,570)
Maintenance Building & Equipment	(\$240,288)	(\$308,399)	(\$548,687)
Supplies and PPE	(\$186,633)	(\$399,145)	(\$585,778)
Salary	(\$794,901)	(\$1,367,982)	(\$2,162,883)
<b>Net Total</b>	<b>(\$23,428)</b>	<b>\$1,084,195</b>	<b>\$1,060,768</b>

## HURON LODGE

### VARIANCE DESCRIPTION

*The total departmental year-end variance is:* \$1,060,768      Surplus

Ministry of Long-Term Care (MLTC) Funding: \$5,421,834

Huron Lodge ended the year with a surplus in the Ministry of Long-Term Care (MLTC) funding account primarily due to Non-COVID-19 provincial funding programs which include \$2,001,173 for Staffing and Training to increase direct care staffing hours, \$1,093,613 for the PSW wage enhancement and Temporary Retention Incentive for Nurses and \$131,458 to support the implementation of medication safety equipment and \$197,899 in per diem funding increases. Additionally, COVID-19 funding in the amount of \$1,997,691 was received for incremental costs, infection prevention control staff and training and lost resident revenue due to the pandemic and minor capital. The corresponding deficits in the expense categories are described below.

Equipment Purchases : (\$254,263)

The majority of this deficit (\$187,862) is due to Non-COVID-19 related expenditures which are fully funded for nursing and medication safety equipment. COVID-19 equipment purchases to aid in the infection control, facilitate isolation and to operate under COVID-19 legislation totaled (\$66,401).

Purchased Services: (\$395,886)

Huron Lodge incurred additional costs for purchased services due to COVID-19 in the form of additional caretaking services for infection prevention and control and security services for COVID-19 testing and adherence activities in the amount of (\$401,511). A small Non-COVID-19 surplus due to gapping in spiritual care services brings the overall negative variance to (\$395,886) for purchased services.

Accommodation Revenue: (\$413,570)

The majority of this variance (\$331,385) was due to a reduction in revenue coming from the residents for their accommodations due to the COVID-19 pandemic which the MLTC provided the home funding for and forms part of the COVID-19 surplus funding received in the MLTC funding category. The Non-COVID-19 negative variance of (\$82,185) is due to the delay in expected annual rent rate increases for the past 2 years and occupancy. Huron Lodge is admitting residents who are frailer with conditions that are more severe. As such, admission assessments are multifaceted requiring more resources and time to mitigate risks associated with integrating new residents into the current home's population. In addition, the home is discharging residents more frequently. This means there are more empty bed days in the home influencing the occupancy rates and accommodation revenue received.

Building and Equipment Maintenance : (\$548,687)

Non-COVID-19 related major emergency repairs to the chillers in order to maintain the legislated air conditioning requirements of the Act in the amount of (\$192,933). Other significant HVAC repairs and costs associated with the planned electrical outages due to Cabana Rd construction caused negative variances of (\$40,939) and (\$29,923) respectively. Huron Lodge also had some flooring replaced that was beyond the state of repair totaling (\$44,604). Also adding to the deficit are COVID-19 related costs of (\$240,288) funded from the MTLC for COVID prevention and containment minor capital equipment and modifications to the building for social distancing.

Supplies and Personal Protective Equipment (PPE): (\$585,778)

In order to prevent the spread of COVID-19 and adhere to the additional COVID-19 legislation, additional supplies relating to PPE, and sanitizing agents and paper products to protect all staff, residents and visitors of Huron Lodge totalled (\$186,633). These COVID-19 expenditures are funded from the COVID-19 funding. The Non-COVID-19 negative variance of (\$399,145) in supplies for the home is due to the unpredictable increases in various food and paper supplies.

## HURON LODGE

### Salary Accounts: (\$2,162,883)

The deficit of (\$1,367,982) in salaries is comprised of unbudgeted Non-COVID-19 Salary expenditures related to increasing staffing levels to meet the resident direct care hour targets set by the MLTC. Huron Lodge is working with Human Resources and Finance departments to fill the positions necessary to meet the MLTC targets and adjust the budget accordingly as approved by S172/2021 CR35/2022 CAO297/2023. Other unbudgeted Non-COVID-19 salary expenditures include the personal support worker wage enhancement and the temporary retention incentive for registered nurses. These are mandatory shift premiums and bonuses imposed and fully funded by the MLTC. The COVID-19 deficit in salaries amounts to (\$794,901) and is related to the deployed staff from other departments assisting with screening and COVID testing and additional shifts for infection prevention and control, which are offset with COVID-19 funding from the MLTC.

### MITIGATING STEPS

The department is actively working with Human Resources to fill the positions that have been in added in order to use the new Staffing Supplement Funding and meet the targets set out by the province.

Huron Lodge continues to closely monitor expenses and identify, as much as possible, areas for savings. The process of comparing prices for PPE and other required supplies is ongoing with the support from Purchasing and Facilities. The department uses employees who are on modified duties to the full extent of their capabilities.

At any time, the MLTC may increase restrictions which will likely result in negative variances in various expense categories. Huron Lodge continues to provide the most up-to-date expense data to the MLTC which historically has triggered additional funding beyond the initial cash-flow for COVID-19 funding.

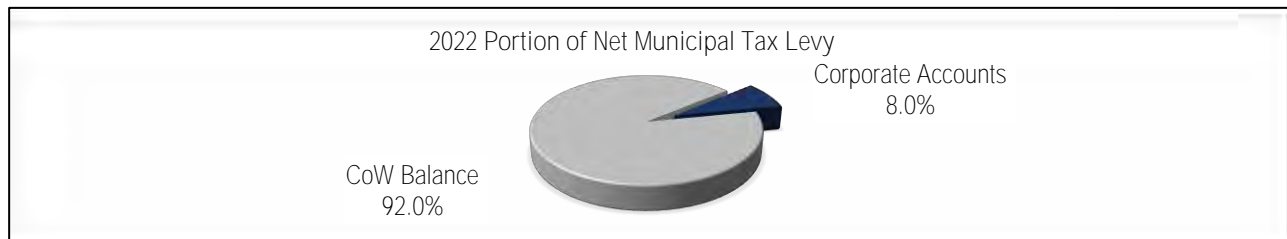
The MLTC increased the Accommodation rates in October of 2022. As such, the department is not expecting Non-COVID-19 variances in the Accommodation Revenue category in 2023 should occupancy not be compromised.

### CORPORATE ACCOUNTS

#### DEPARTMENTAL OVERVIEW

The Corporate Accounts encompass a number of financial revenue and expense accounts which are not directly attributable to specific departments of the Corporation. The budgets contained in this section relate to expenditures incurred or revenues generated that impact on the Corporation as a whole as opposed to a specific department.

Financial Summary	2019	2020	2021	2022
Annual Revenue Budget	(\$216,031,073)	(\$217,748,697)	(\$131,127,456)	(\$135,372,275)
Annual Expense Budget	\$237,806,759	\$242,097,940	\$162,129,721	\$219,926,715
Annual Net Budget	\$21,775,686	\$24,349,243	\$31,002,265	\$84,554,440
Annual Net Variance	\$1,682,005	\$3,648,165	\$2,491,934	\$5,297,210
Variance as a % of Gross Budget	0.7%	1.5%	1.5%	2.4%



#### VARIANCE SUMMARY

Description	COVID Variance	NON-COVID Variance	OVERALL Variance
Corporate Salary & Wage Provision	\$0	\$4,864,683	\$4,864,683
Budget Stabilization Reserve Transfer	\$0	\$2,700,000	\$2,700,000
Interest Revenue		\$2,460,308	\$2,460,308
Capital Interest Income	\$0	\$964,106	\$964,106
Fringe Benefits	\$0	\$2,929	\$2,929
Other Miscellaneous	\$0	(\$967)	(\$967)
Corporate Utilities	\$0	(\$106,430)	(\$106,430)
Property Tax Levy	(\$141,675)	\$0	(\$141,675)
Other Funding Sources Recoveries	\$0	(\$960,642)	(\$960,642)
YQG & Windsor-Detroit Tunnel Dividends	(\$2,000,000)	\$0	(\$2,000,000)
Casino Revenue	(\$2,485,102)	\$0	(\$2,485,102)
Net Total	(\$4,626,777)	\$9,923,987	\$5,297,210

**CORPORATE ACCOUNTS**

VARIANCE DESCRIPTION

*The total departmental year-end variance is:* \$5,297,210      Surplus

Corporate Salary & Wage Provision: \$4,864,683

The Corporate Salary & Wage Provision account includes corporate provisions and accruals for various collective agreements and personnel related matters. This account has ended the year with a surplus of \$4,864,683. Annual corporate provisions for job evaluation (JJE) increases, unanticipated WSIB costs, overtime for eligible non-union members, and a general contingency provision contributed to a surplus of \$1,664,683. It should be noted that this surplus is offset by various deficits experienced across various line items in departmental budgets. In addition, \$2,200,000 of the surplus is related to a corporate provision for unsettled contracts related to the Non-Union and CUPE employee groups along with a \$1,000,000 provision for retroactive payment for the 2021 National Day of Truth & Reconciliation. Both of these provisions result in surplus funding that offsets the equivalent deficits experienced within the departmental budgets for the same purpose.

Budget Stabilization Reserve Transfer: \$2,700,000

This corporate contingency totalling \$2,700,000 was not transferred to the Budget Stabilization Reserve (BSR) in 2022 in order to offset overall deficits experienced by the Corporation.

Interest Revenue: \$2,460,308

A \$2.46M surplus in interest revenue is due to the timing impacts of a rising interest rates environment on liquid holdings and the renewal of maturities.

Capital Interest Income: \$964,106

**A year-end surplus of \$964,106 is mainly due to increasing interest rates resulting from the Bank of Canada's rate increases in 2022.**

Fringe Benefits \$2,929

Although Fringe Benefits ended 2022 in deficit of approximately (\$1.5) million, the deficit was mitigated by a transfer from the Fringe Stabilization Reserve.

GreenShield (\$1,484,013): The deficit in the Greenshield account is due to the gap between the budget and premium costs as the Green Shield Benefits Budget has not been increased in several years. The decision to take on the risk was made as a result of the healthy surpluses received in the previous few years which has offset the variance between the budget and the premiums costs. In 2022, the surplus did not materialize as it has in the previous few years, which resulted in a deficit.

Group Life Insurance \$1,103,335: Group Life Insurance ended 2022 in a \$1,103,335 surplus due to the less than average death claims, which resulted in a large surplus cheque at year-end.

Short Term Disability (Transit Windsor) (\$354,781): The deficit of (354,781) is due to the larger number and more lengthy claims in 2022. Since 2020 the monthly average cost of claims has risen significantly from an average of \$55,000 over the last two years to \$80,000 in 2022, which would include COVID-19 claims.

Long Term Disability Payments \$94,699: A surplus of \$94,699 is due to the unpredictability of the number of employees who are expected to be approved for LTD in a given year, the amount of their LTD benefit and the length of time they are claiming the benefit.

Payroll Fringe Accounts (\$1,053,510): The Payroll Fringe Accounts which include CPP, EI, EHT and Sick Leave Gratuity ended the year in a total deficit of (\$1,053,510) due to multiple negotiated payouts that were budgeted for elsewhere within the corporate salary and wage account.

OMERS \$213,186: This variance represents less than a 1% surplus of the \$24,750,000 budget, which is not material.



## CORPORATE ACCOUNTS

Transfer To/From Fringe Reserve \$1,484,013: A transfer from the Fringe Benefit Stabilization Reserve was necessary to offset the large variance in the overall Fringe Benefit Accounts.

Other Miscellaneous: (\$967)

A year-end deficit of (\$967) is a result of various miscellaneous items within the Corporate Accounts budget.

Corporate Utilities: (\$106,430)

A deficit of (\$324,990) related to Corporate Utilities was driven by a combination of the return to pre-pandemic consumption levels and rate pressures, this is offset by a \$218,560 surplus in Utilities related to Roseland

Electricity: \$204,710

A year end surplus of \$204,710 in Electricity was driven by the return to pre-pandemic consumption levels offset by lower than anticipated rates.

Water: (\$557,467)

A year end deficit of (\$557,467) in Water was driven by the return to pre-pandemic consumption levels and rate pressures

Natural Gas: (\$526,400)

A year end deficit of (\$526,400) in Natural was due to rate pressures.

District Energy: \$554,167

A year end surplus of \$554,167 in District Energy was driven by higher budgeted rates vs actuals

Roseland: \$218,560

A surplus of \$218,560 has resulted in Utilities costs related to Roseland

Property Tax Levy: (\$141,675)

A year-end deficit of (\$141,675) has resulted in the Institutional Levy due to Heads & Beds

Other Funding Sources Recoveries: (\$960,642)

**This deficit represents an offset to various surpluses within the "Other Funding Sources" such as the Off Street Parking Reserve, Sewer Surcharge Reserve, Building Permit Reserve and Provincially Funded Programs. This represents a deficit for accounting purposes only.**

YOG and Windsor Detroit Border Link Dividends: (\$2,000,000)

Cross border and air travel have been severely restricted during the recovery stage of the pandemic, resulting in significant revenue losses for tunnel tolls and airport operations. As a result, a (\$2M) deficit in dividends from these entities has been realized for 2022.

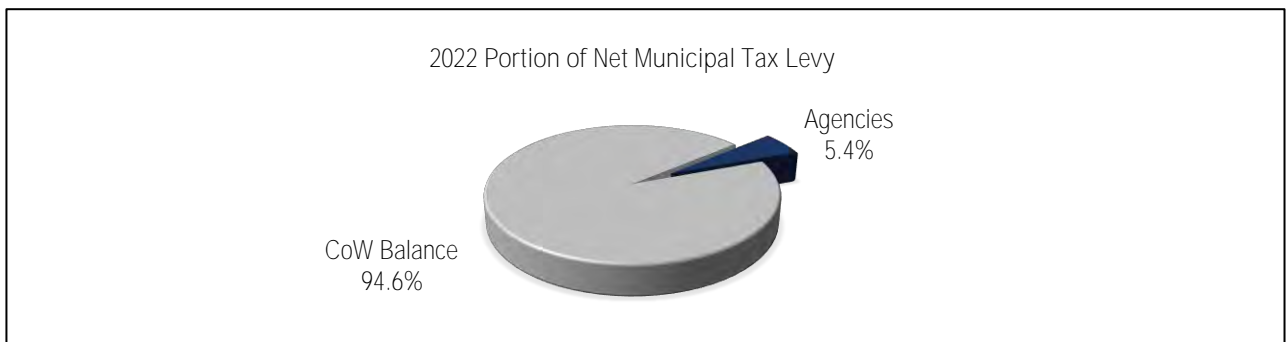
Casino Revenue: (\$2,485,102)

A year end deficit of (\$2,485,102) is due to Ceasars Windsor's post pandemic recovery

### AGENCIES

#### DEPARTMENTAL OVERVIEW

Financial Summary	2019	2020	2021	2022
Annual Revenue Budget	(\$100,598)	(\$100,598)	(\$100,598)	(\$100,598)
Annual Expense Budget	\$19,420,107	\$19,996,396	\$20,558,892	\$20,858,415
<b>Annual Net Budget</b>	<b>\$19,319,509</b>	<b>\$19,895,798</b>	<b>\$20,458,294</b>	<b>\$20,757,817</b>
Annual Net Variance	\$376,627	\$1,056,508	\$167,535	\$1,114,860
Variance as a % of Gross Budget	1.9%	5.3%	0.8%	5.3%



#### VARIANCE SUMMARY

Description	COVID Variance	NON-COVID Variance	OVERALL Variance
EMS / Land Ambulance	\$0	\$33,724	\$33,724
Essex Region Conservation Authority	\$0	(\$1,820)	(\$1,820)
Windsor Essex County Health Unit	\$0	\$1,082,956	\$1,082,956
<b>Net Total</b>	<b>\$0</b>	<b>\$1,114,860</b>	<b>\$1,114,860</b>

#### VARIANCE DESCRIPTION

The total departmental year-end variance is: \$1,114,860 Surplus

##### EMS / Land Ambulance: \$33,724 Surplus

A year-end surplus of \$33,724. This represents the City's share of the 2021 adjustment of \$96,010 resulting from an increase in Provincial funding. The County of Essex has communicated that a deficit of (\$98,568) for 2022 offset by the \$36,282 in costs to EMS that were incurred as a result of the Convoy protest that the Federal Government has reimbursed.

##### Essex Region Conservation Authority (ERCA): (\$1,820) Deficit

The Essex Region Conservation Authority's budget was approved subsequent to the City's budget being approved and has resulted in a (\$1,820) deficit.

## AGENCIES

Windsor Essex County Health Unit (WECHU): \$1,082,956 Surplus

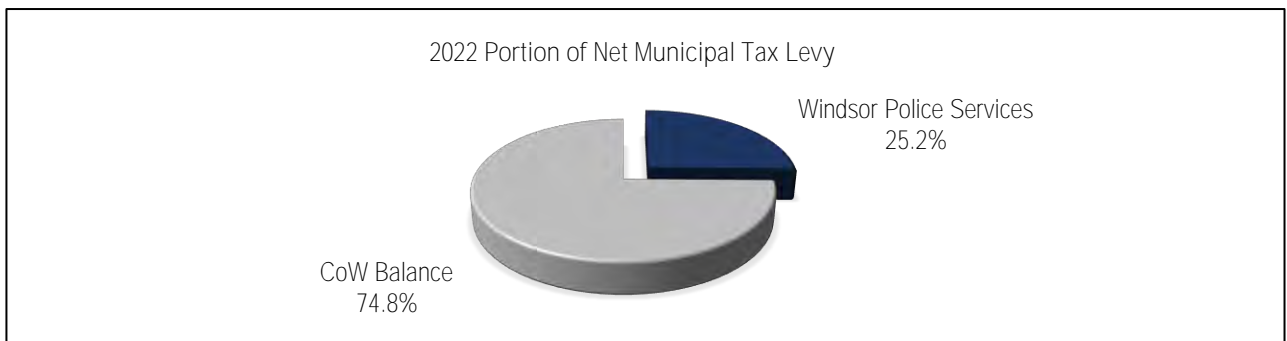
A year-end surplus of \$1,082,956. This represents the \$686,373 for 2021 Mitigation Funding as approved by the Ministry of Health and \$396,583 in estimated 2022 Mitigation Funding from the Ministry of Health.

### WINDSOR POLICE SERVICES

#### DEPARTMENTAL OVERVIEW

The Windsor Police Service (WPS) provides crime prevention, law enforcement, assistance to victims of crime, public order maintenance and emergency response. WPS operates in accordance with principles that ensure the safety and security of all persons and property, safeguarding the fundamental rights guaranteed by the Canadian Charter of Rights and Freedoms and the Human Rights Code.

Financial Summary	2019	2020	2021	2022
Annual Revenue Budget	(\$17,775,338)	(\$17,364,207)	(\$17,384,673)	(\$18,042,140)
Annual Expense Budget	\$106,512,992	\$109,490,813	\$111,317,082	\$115,019,577
Annual Net Budget	\$88,737,654	\$92,126,606	\$93,932,409	\$96,977,437
Annual Net Variance	(\$480,124)	\$571,091	\$1,530,708	\$620,859
Variance as a % of Gross Budget	(0.5%)	0.5%	1.4%	0.5%



#### VARIANCE SUMMARY

Description	COVID Variance	NON-COVID Variance	OVERALL Variance
Salary Gapping	\$0	\$170,859	\$170,859
CSP Grant Funding	\$0	\$450,000	\$450,000
Net Total	\$0	\$620,859	\$620,859

#### VARIANCE DESCRIPTION

The total departmental year-end variance is: \$620,859      Surplus

Personnel Costs: \$170,859

A year-end surplus of \$170,859 was realized as a result of staff salary gapping.

CSP Grant Funding: \$450,000

A one-time increase in CSP grant funding provided a \$450K grant revenue surplus during 2022.

**BUILDING PERMIT RESERVE**

VARIANCE SUMMARY

Description	COVID Variance	NON-COVID Variance	OVERALL Variance
Indirect Costs	\$0	(\$572,473)	(\$572,473)
Staff Gapping	\$0	\$460,968	\$460,968
Permit Revenue Surplus	\$0	\$1,673,857	\$1,673,857
Miscellaneous Expenses Deficit	\$0	\$26,525	\$26,525
<b>Net Total</b>	<b>\$0</b>	<b>\$1,588,877</b>	<b>\$1,588,877</b>

VARIANCE DESCRIPTION

The total departmental year-end variance is: \$1,588,877      Surplus

Indirect Costs: (\$572,476)

Administration of the Building Department at year end had an operating surplus of \$2,076,350 within the Building Services portion of the budget (direct costs). However, after the allocation of indirect costs (beyond Building Services control) for the year 2022 totalling \$572,473, the overall transfer from the building permit reserve was a net surplus of \$1,588,877. The surplus transfer will go towards the Building Reserve fund that currently has a balance of \$999,254.

Staff Gapping: \$460,968

Staff gapping dollars contributed significantly to the operating surplus portion of the variance due to the delayed hiring of several positions and staff turnover during the year.

Permit Revenue: \$1,673,857

Building permit revenue at year end was in a surplus position of \$1,673,857. Administration is not able to confirm whether the COVID-19 pandemic had any material impact on permit activity throughout the year as activity remained quite busy. Larger building construction projects provided the bulk of the fee revenue.

Miscellaneous Expenses: \$26,525

The surplus in Miscellaneous expenses was mainly due to the savings in Training and Travel and other operating expenses helped offset the deficit in bank service processing fees due to the higher than budgeted Permit revenue.

MITIGATING STEPS

Administration will be making concerted efforts to hold the line where possible on discretionary spending within its control including



**ON-OFF STREET PARKING RESERVE**

VARIANCE SUMMARY

Description	COVID Variance	NON-COVID Variance	OVERALL Variance
Professional Services	(\$9,535)	\$131,492	\$121,657
Salary Gapping - Wages and Fringe	\$0	\$84,473	\$84,473
Miscellaneous Operating Supplies and Services	\$0	\$64,151	\$64,151
Equipment	\$0	\$56,450	\$56,450
Immaterial Line-By-Line	\$0	\$40,477	\$40,477
Overtime	\$0	\$32,176	\$32,176
Building & Equipment Maintenance	\$0	\$31,952	\$31,952
WSIB	\$0	\$20,922	\$20,922
Revenue - Daily, Monthly	(\$936,263)	(\$133,752)	(\$1,070,015)
<b>Net Total</b>	<b>(\$945,798)</b>	<b>\$328,341</b>	<b>(\$617,757)</b>

VARIANCE DESCRIPTION

The final departmental year-end variance is: (\$617,757) Deficit

Budgeted Transfer to Reserve	Actual Transfer to Reserve	Year-End Deficit
\$1,601,668	\$984,211	(\$617,457)

The On-Off Street Parking Division has finished 2022 with an overall COVID related net deficit of (\$945,798) and an overall surplus related to a reduced transfer to the On-Off Street Parking reserve of \$617,457 as a result of the net NON-COVID variances for the year.

Due to COVID, an overall revenue deficit of (\$936,263) was realized for the year related to revenue from all sources in garages, lots, and at meters due to continuing reduced parking. In addition, there is a final deficit of (\$9,535) related to additional security services required as a result of the pandemic in 2022.

In addition to the deficit realized related to the pandemic, On-Off Street Parking also had several expense and revenue variances netting a surplus of \$328,341 related to professional services, building and equipment maintenance, operating supplies and services, salary gapping, machinery and equipment, overtime, WSIB, revenue from all sources in garages, lots, and at meters, and other immaterial line-by-line variances not directly attributable to the ongoing pandemic. Several of these variances are directly attributable to the parking garages, specifically, reduced use of parking garages on weekends resulting in a reduction of overtime, off duty Police costs, and maintenance.

MITIGATING STEPS

The majority of the variance issue in the On-Off Street Parking Division is directly related to the ongoing pandemic. Administration will review the ongoing variances experienced to determine if budget adjustments should be made during the 2024 budget development process.

**SEWER SURCHARGE RESERVE**

VARIANCE SUMMARY

Description	COVID Variance	NON-COVID Variance	OVERALL Variance
PW Operations			
<b>Salary, Wage, Fringe – All Staff and Students</b>	\$0	\$314,468	\$314,468
Equipment Rental Costs	\$0	\$168,286	\$168,286
Immaterial Line-By-Line	\$0	\$62,253	\$62,253
WSIB	\$0	\$60,283	\$60,283
Taxes	\$0	\$33,000	\$33,000
Vehicle Repairs	\$0	(\$68,377)	(\$68,377)
Tools and Equipment	\$0	(\$110,231)	(\$110,231)
Materials	\$0	(\$235,560)	(\$235,560)
Contracted Services	\$0	(\$387,845)	(\$387,845)
<b>Sub-Total: PW Operations</b>	<b>\$0</b>	<b>(\$163,723)</b>	<b>(\$163,723)</b>
Pollution Control			
Revenues	\$0	\$503,644	\$503,644
Vehicle Rental - Internal & GPS	\$0	(\$55,151)	(\$55,151)
Utilities	\$0	(\$157,766)	(\$157,766)
Synagro Contract	\$0	\$154,450	\$154,450
Chemicals, Fuel, Oils, and Lubricants	\$0	(\$637,498)	(\$637,498)
Taxes	\$0	(\$75,708)	(\$75,708)
Salaries & Wages	\$0	\$366,978	\$366,978
Maintenance Parts & Materials	\$0	(\$202,136)	(\$202,136)
Miscellaneous	\$0	\$38,082	\$38,082
<b>Sub-Total: Pollution Control</b>	<b>\$0</b>	<b>(\$65,105)</b>	<b>(\$65,105)</b>
Other Sewer Surcharge Related Items			
General Expenses	\$0	\$45,723	\$45,723
Surcharge Revenues	\$0	\$915,723	\$915,723
<b>Sub-Total: Other</b>	<b>\$0</b>	<b>\$961,446</b>	<b>\$961,446</b>
<b>Net Total</b>	<b>\$0</b>	<b>\$732,618</b>	<b>\$732,618</b>

VARIANCE DESCRIPTION

The final departmental year-end variance is:

\$732,618

Surplus

**SEWER SURCHARGE RESERVE**PW Operations

The Public Works Operations Department has finished 2022 with an overall deficit of (\$163,723) related to their sewer surcharge funded operations. The material causes of this variance are outlined below.

Salary, Wage, and Fringe: \$314,468

PW Operations has finished 2022 with an overall surplus of \$314,468 related to salary, wage, and fringe costs. The surplus in salary and wage costs is the net total of the surpluses and deficits related to salary and wage gapping due to a number of vacancies across the department resulting from retirements, long term disability, staff appointments into new positions and the hiring of extra staff to accommodate heavy work load situations where required. This variance is not considered to be pandemic related.

Equipment Rental Costs: \$168,286

PW Operations has finished 2022 with an overall surplus of \$168,286 related to sewer surcharge funded equipment costs due to the reallocation of equipment usage to levy funded operations throughout the year. This variance is not considered to be pandemic related.

WSIB: \$60,283

PW Operations has finished 2022 with an overall surplus of \$60,283 related to sewer surcharge funded WSIB costs for the year related to injuries and pensions in all Divisions. PW Operations plans to submit a budget reduction for Council consideration for 2024 related to WSIB costs. This variance is not considered to be pandemic related.

Immaterial Line-By-Line: \$62,253

Overall immaterial line-by-line variances result in a surplus of \$62,253 for 2022.

Municipal Taxes: \$33,000

PW Operations has finished 2022 with a surplus of \$33,000 related to municipal tax charges for property now deemed to be tax exempt for 2021 onward. A 2023 budget issue has been approved by Council, which will reduce the tax budget related to this property. This variance is not pandemic related.

Equipment Repairs: (\$68,377)

PW Operations has finished 2022 with a deficit of (\$68,377) related to several large repairs required on sewer surcharge funded equipment that is owned by the Maintenance Division. This variance is not pandemic related.

Tools and Equipment: (\$110,231)

PW Operations has finished 2022 with an overall deficit of (\$110,231) related to sewer surcharge funded tool and equipment purchases for tools and equipment purchased in response to operational needs throughout the year. This variance is not pandemic related.

Materials: (\$235,560)

PW Operation has finished 2022 with an overall deficit of (\$235,560) related to increased pricing for materials purchased for the sewer surcharge funded services across the department including roadside ditching, manhole repairs, municipal drain cleaning, sewer repairs, interceptor inspections, and flood control. This variance is not attributable to the pandemic.

Contracted Services: (\$387,845)

PW Operations has finished 2022 with an overall deficit of (\$387,845) related to contracted services for all sewer surcharge funded services including roadside ditching, manhole repairs, municipal drain cleaning, sewer repairs, and flood control. This variance is not attributable to the pandemic.

Pollution Control

Pollution Control is reporting an estimated deficit of (\$65,105) from its Sewer Surcharge funded operations.

## SEWER SURCHARGE RESERVE

Revenues: \$503,644

The department is reporting a surplus of \$503,644 in Revenues. The majority of this surplus is from Sewage Treatment recoveries from 3rd parties. The budgets on Sewer Treatment Recoveries have not been updated for several years even though rates have been increasing. This appears to be a potential budget issue for a revenue increase in 2024.

Vehicle Rentals: (\$55,151)

Pollution Control has a deficit of \$55,151 in Internal Vehicle Rentals and GPS charges. Pollution Control currently uses 5 Loaner Vehicles from 2020. No budget exists for these vehicles. However, this is an internal expense with the offsetting revenue for these additional vehicle rentals being captured in Fleet. As a result of the variance, a Budget issue was brought forward in the 2023 Operating Budget.

Synagro Contract: \$154,450

There were decreases in volumes sent to the Pelletizer Facility resulting in a surplus on the contract of \$154,450. However, the Synagro Technologies contract may be amended in 2023 to include quarterly inflation of contract price. This amendment would result in a retroactive payment for prior years' inflation which is estimated to result in a (\$250,000) deficit. Regardless, a budget issue was bought forward in the 2023 Operating budget to address this projected deficit due to higher inflation on contract price going forward.

Utilities: (\$157,766)

Utilities have caused a deficit of (\$157,766). This is mostly due to the Pelletizer Facility. Although decreases in volumes were sent to the facility, an increase in rate of electricity and natural gas was higher than what was originally anticipated.

Chemicals, Fuel, Oils, and Lubricants (\$637,498):

Chemicals, Fuel, Oils, and Lubricants are in deficit of (\$637,498). It's expected that costs will continue to increase in 2023. The cost of oil and natural gas has increased significantly. The cost of chemicals, which have substantial inputs from oil and natural gas, has subsequently increased. There has been a consistent deficit in these accounts over the last 5 years. Costs have consistently increased and are expected to continue going into 2023. A Budget issue was brought forward in the 2023 Operating Budget to address the projected deficits in the future.

Taxes: (\$75,708)

Taxes were increased in the 2022 budget. There is still a deficit of (\$75,708) at year-end. A budget issue was bought forward in the 2023 Operating Budget to address this.

Salaries and Wages: \$366,978

There is an overall surplus of \$366,978 in 2022 related to salary and wage for all staff due to gapping and vacancies across the department.

Maintenance Parts & Materials: (\$202,136)

There is an overall deficit of (\$202,136) in 2022 related to minor capital items such as Maintenance Parts & Materials.

Miscellaneous: \$38,082

The department is reporting a surplus of \$38,082 of miscellaneous items. These expenses are mainly for cleaning, house-keeping, and first aid safety supplies.

## SEWER SURCHARGE RESERVE

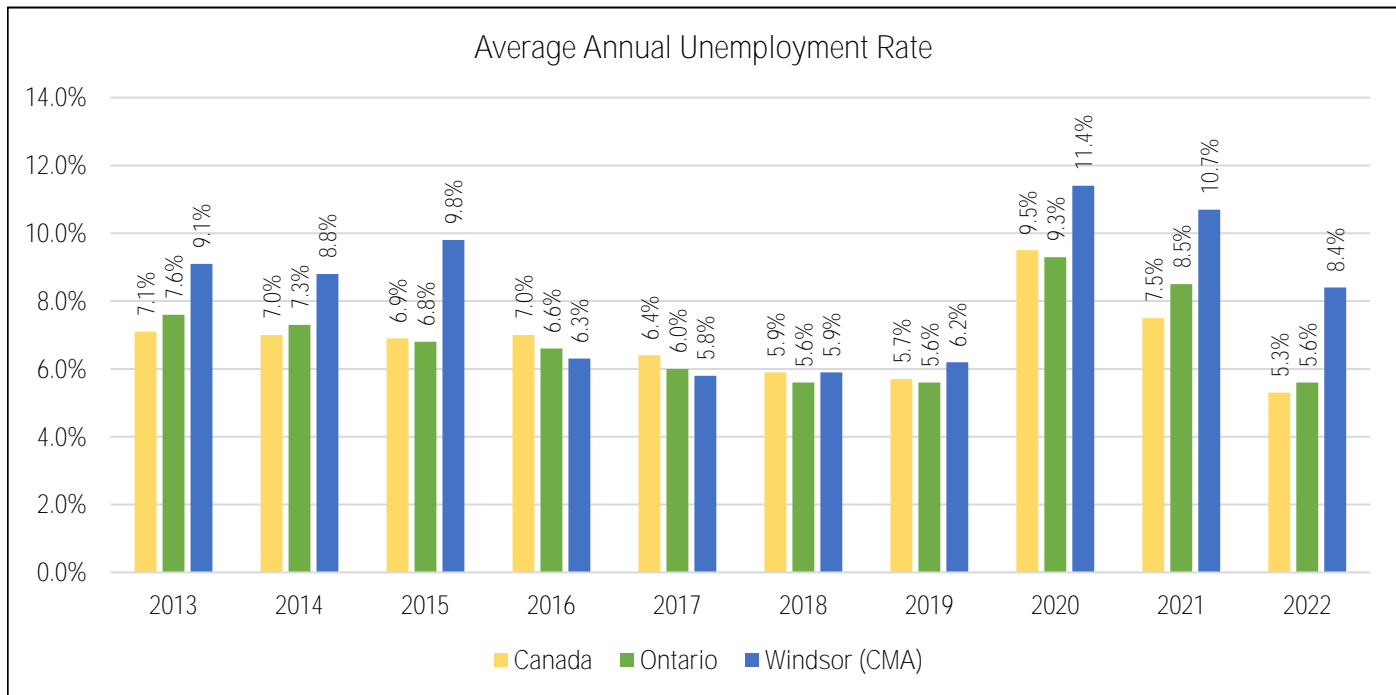
### Other Sewer Surcharge Related Items

Other Sewer Surcharge-related revenue and expenses are in a surplus of \$961,446 for 2022. Additional items increased the Revenue surplus to \$45,724. This overall surplus was due to a surplus in Appeals Refunds of \$57,127 and Transfer to Capital \$150,00, which were offset with deficits in Operating expenses of \$161,403 mostly due to Sewer Repair and Replacement costs.

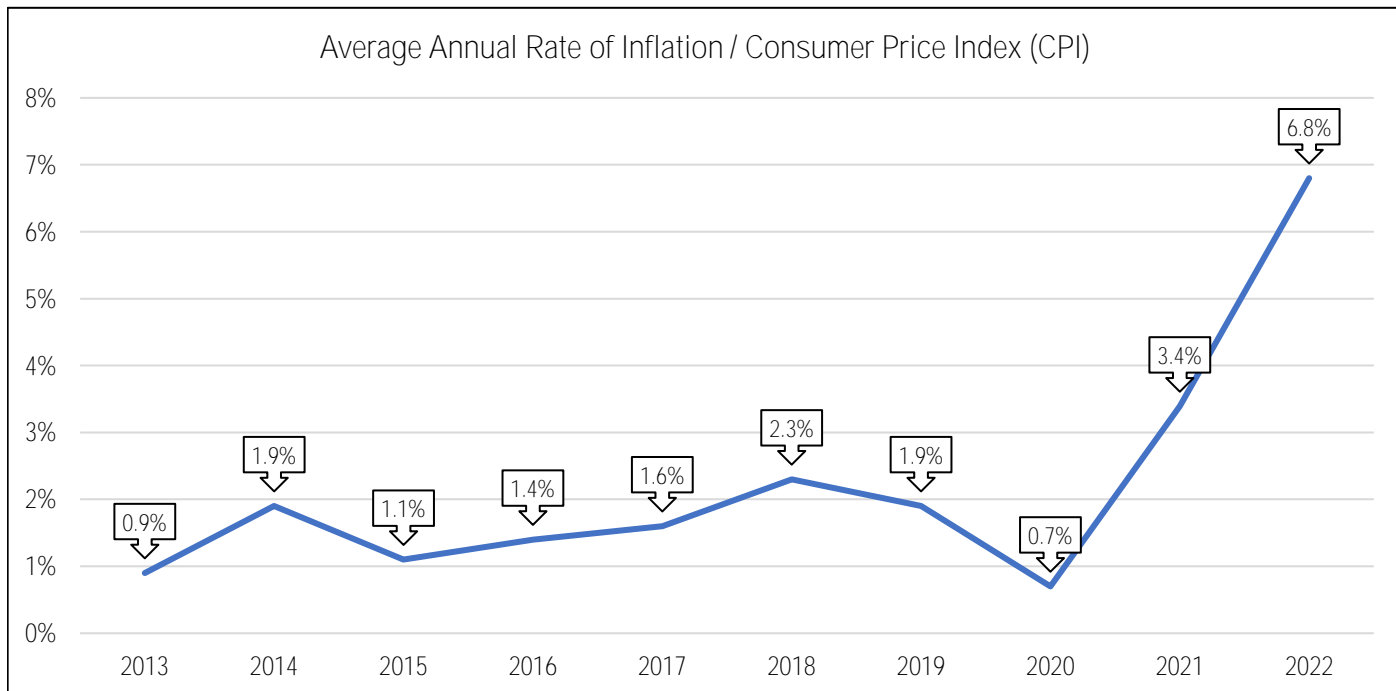
Sewer Surcharge Revenues are in a surplus of \$915,723. Changes in consumption patterns from the estimated consumption used in setting the rates resulted in higher revenue than budget.



ECONOMIC STATISTICS

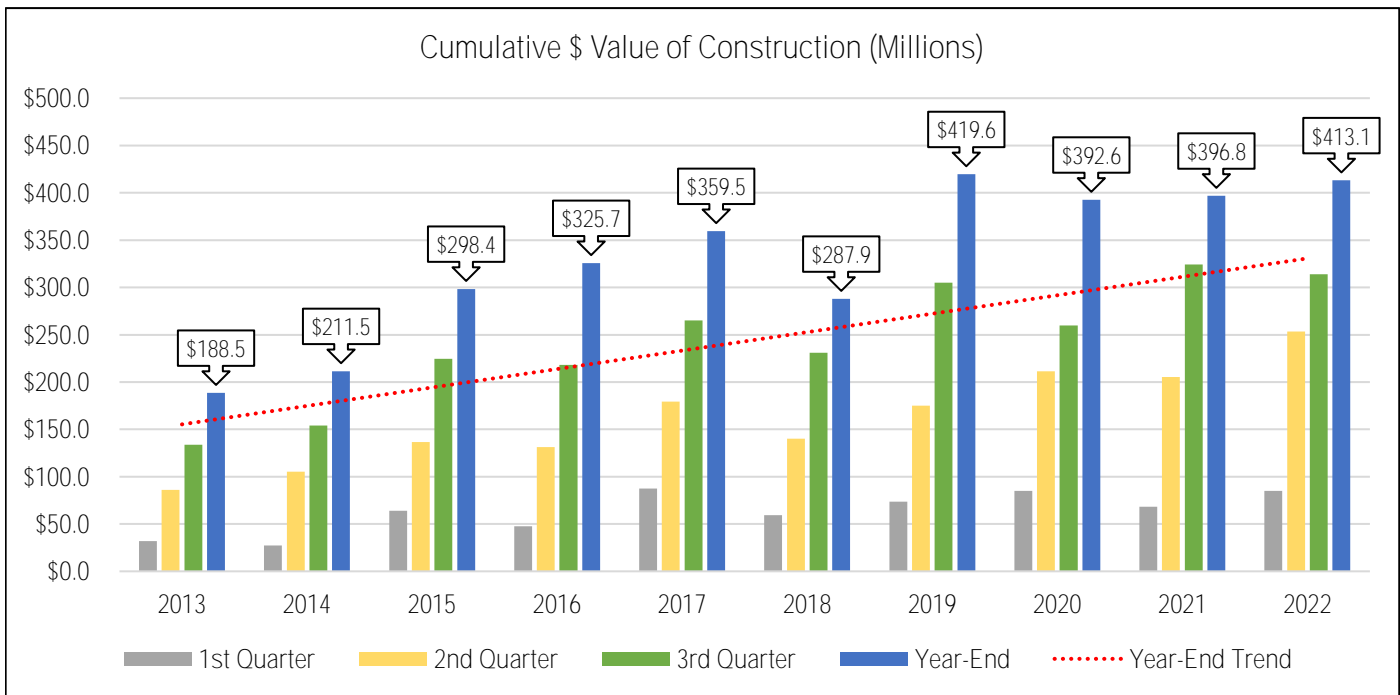
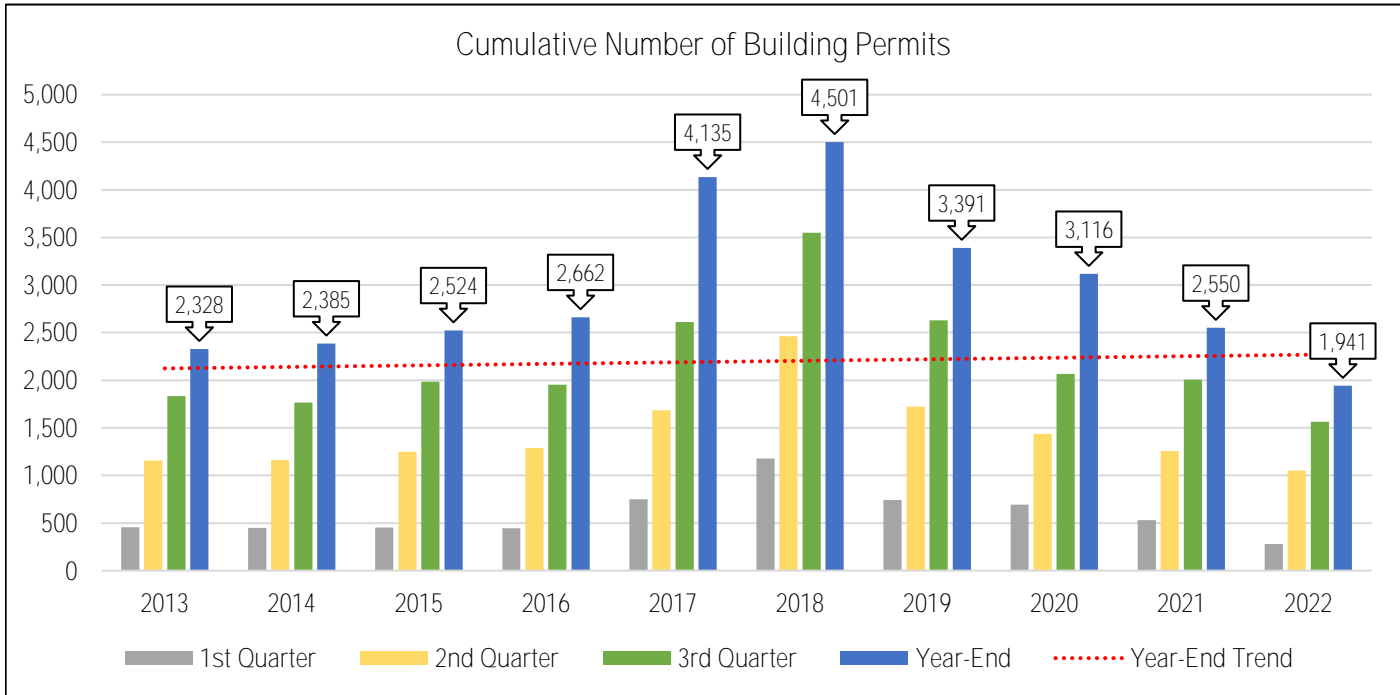


Source: Statistics Canada (3-Month Moving Average, Unadjusted)

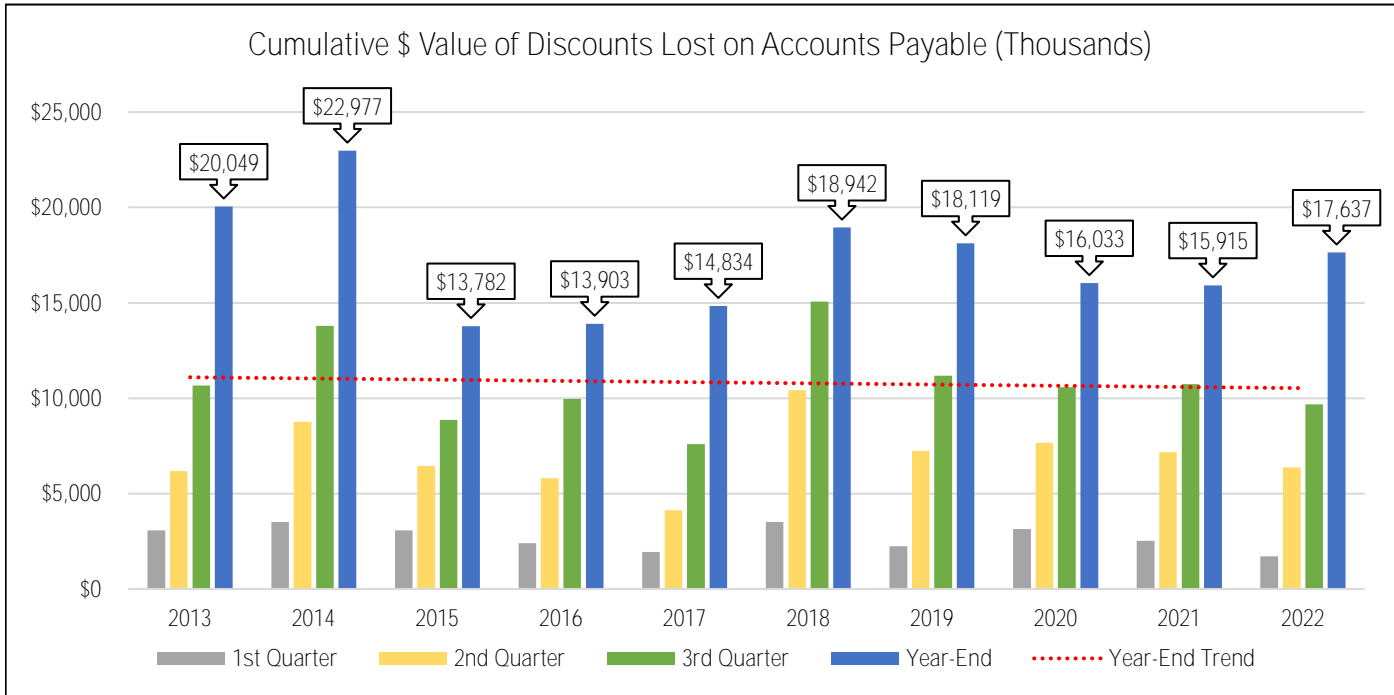


Source: Statistics Canada (All Items, Unadjusted)

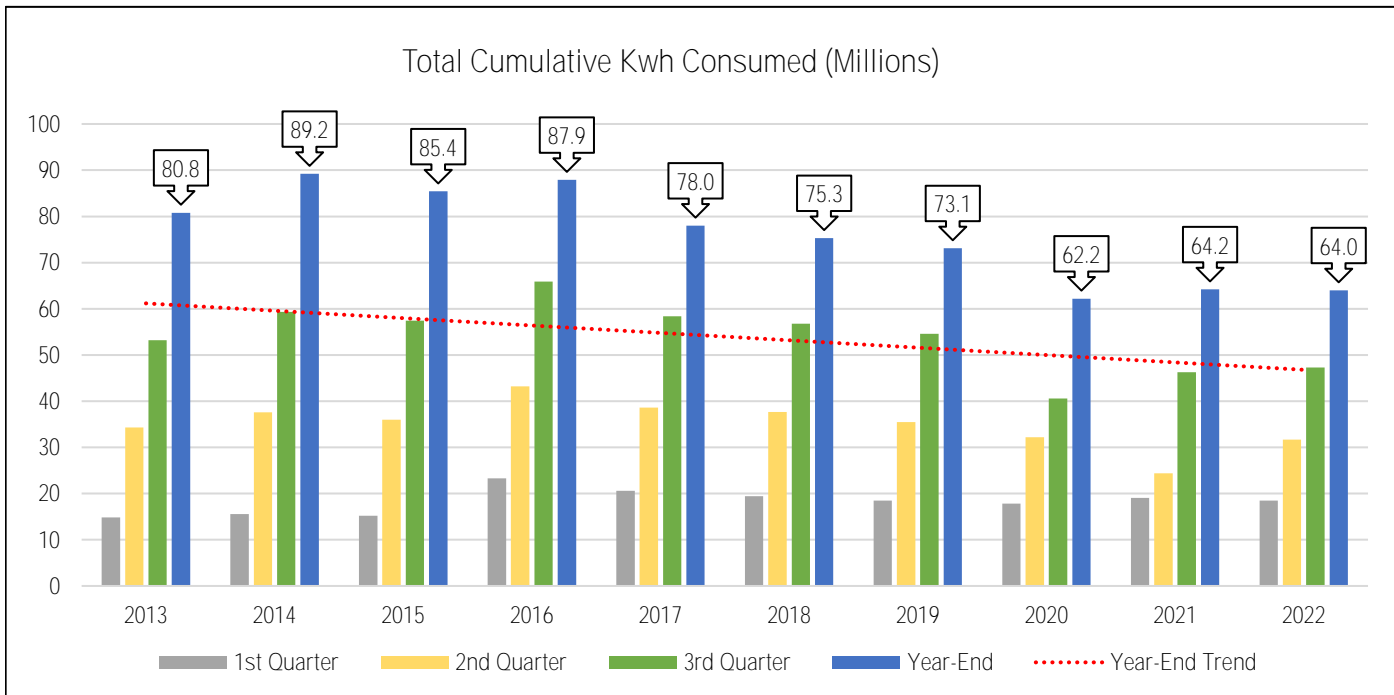
BUILDING SERVICES



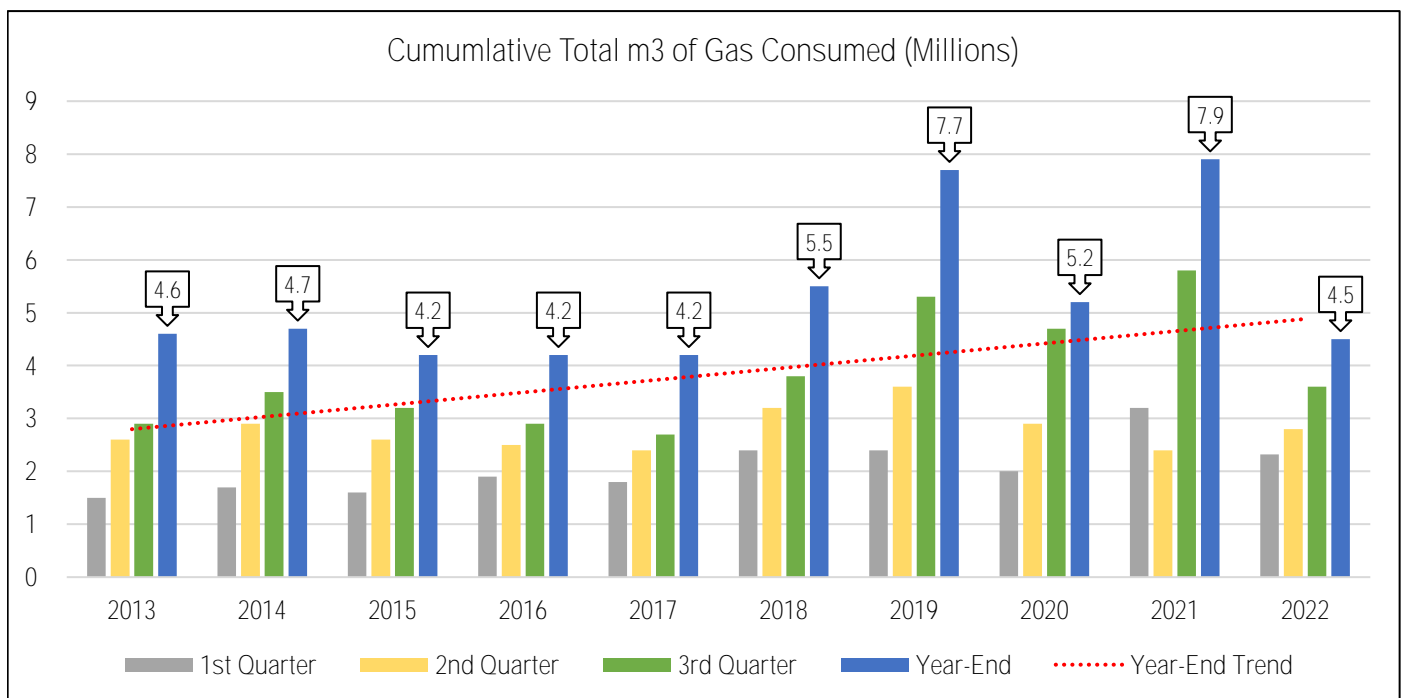
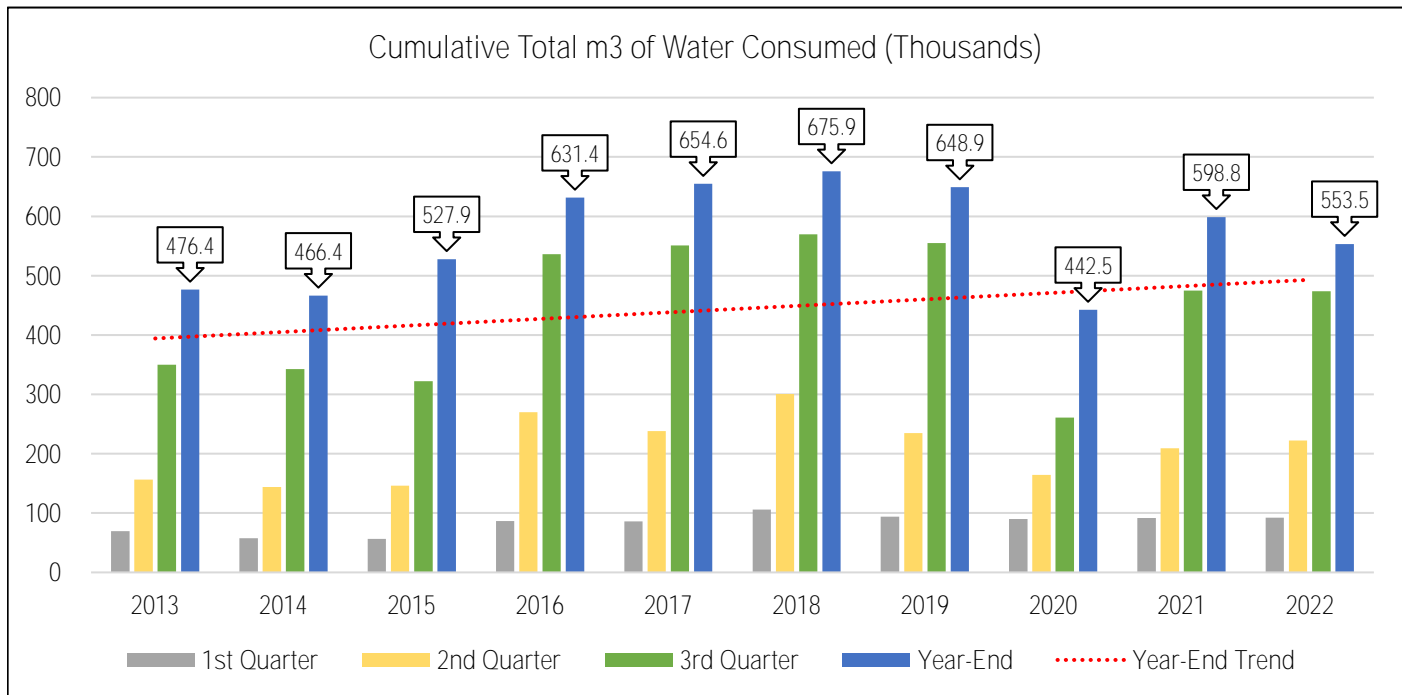
ACCOUNTING



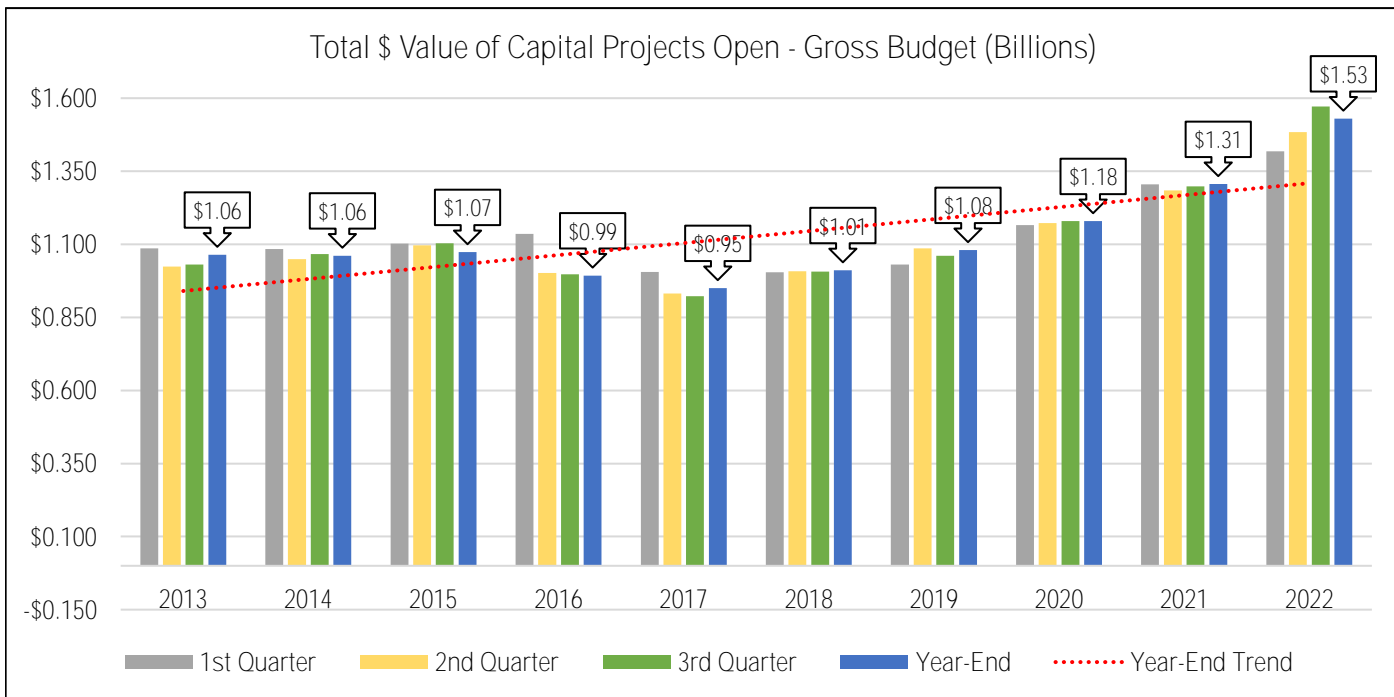
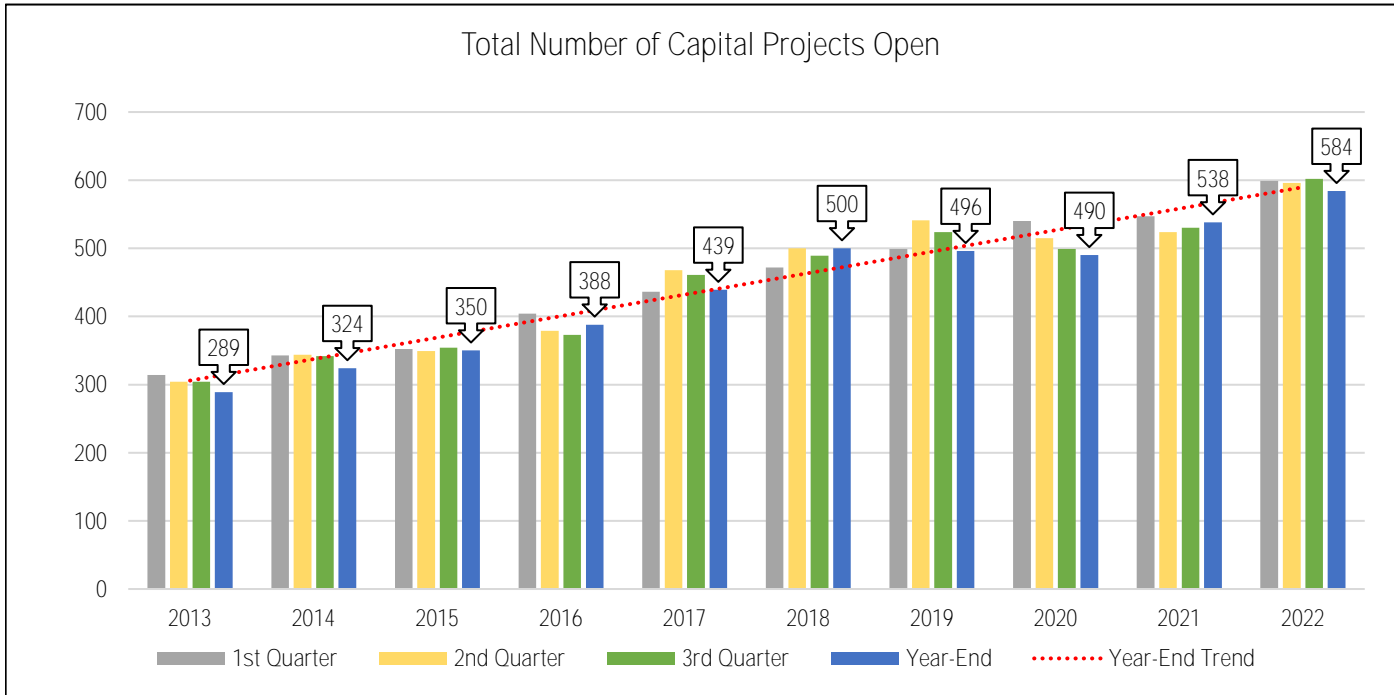
ASSET PLANNING



ASSET PLANNING

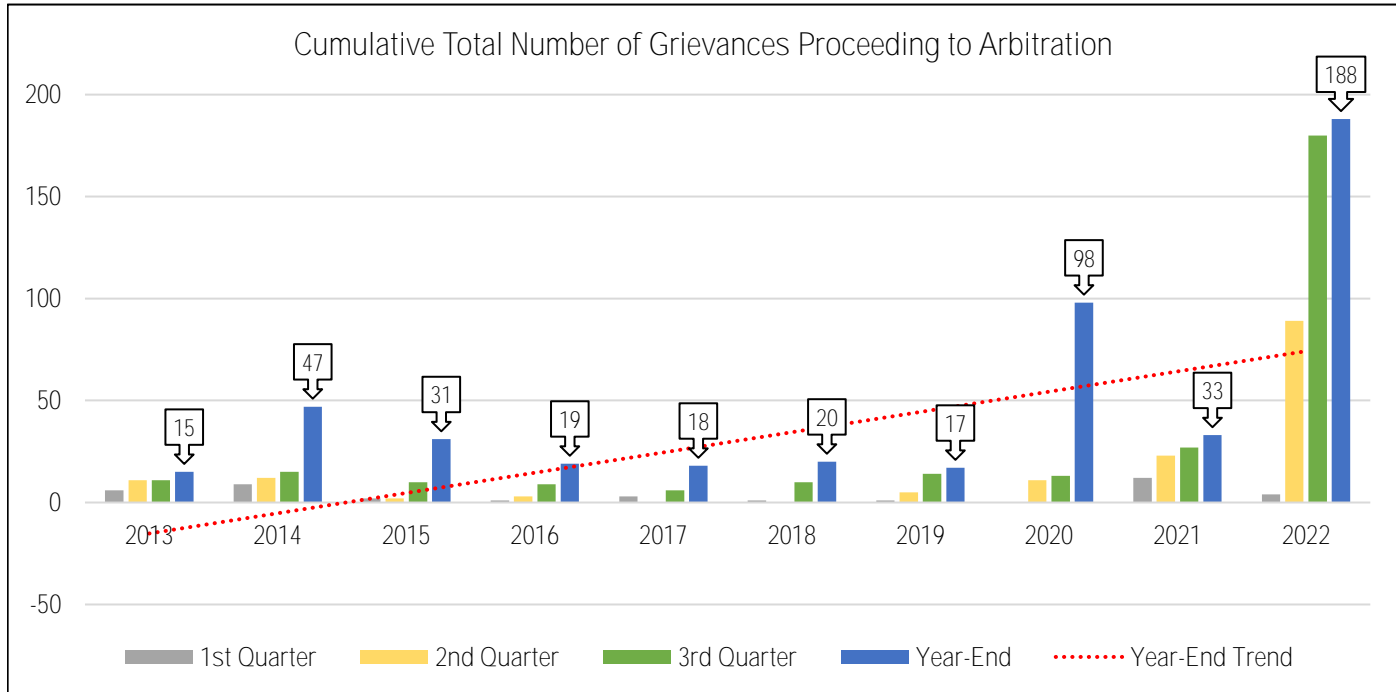


ASSET PLANNING

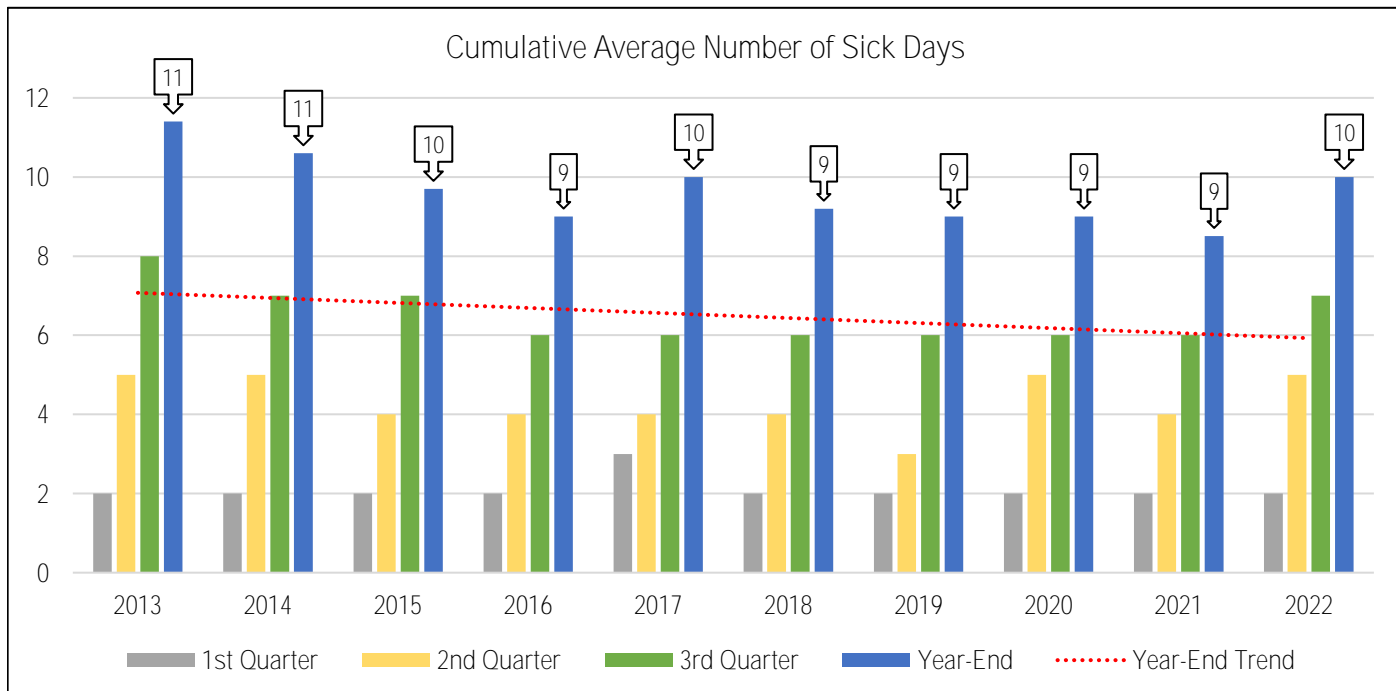




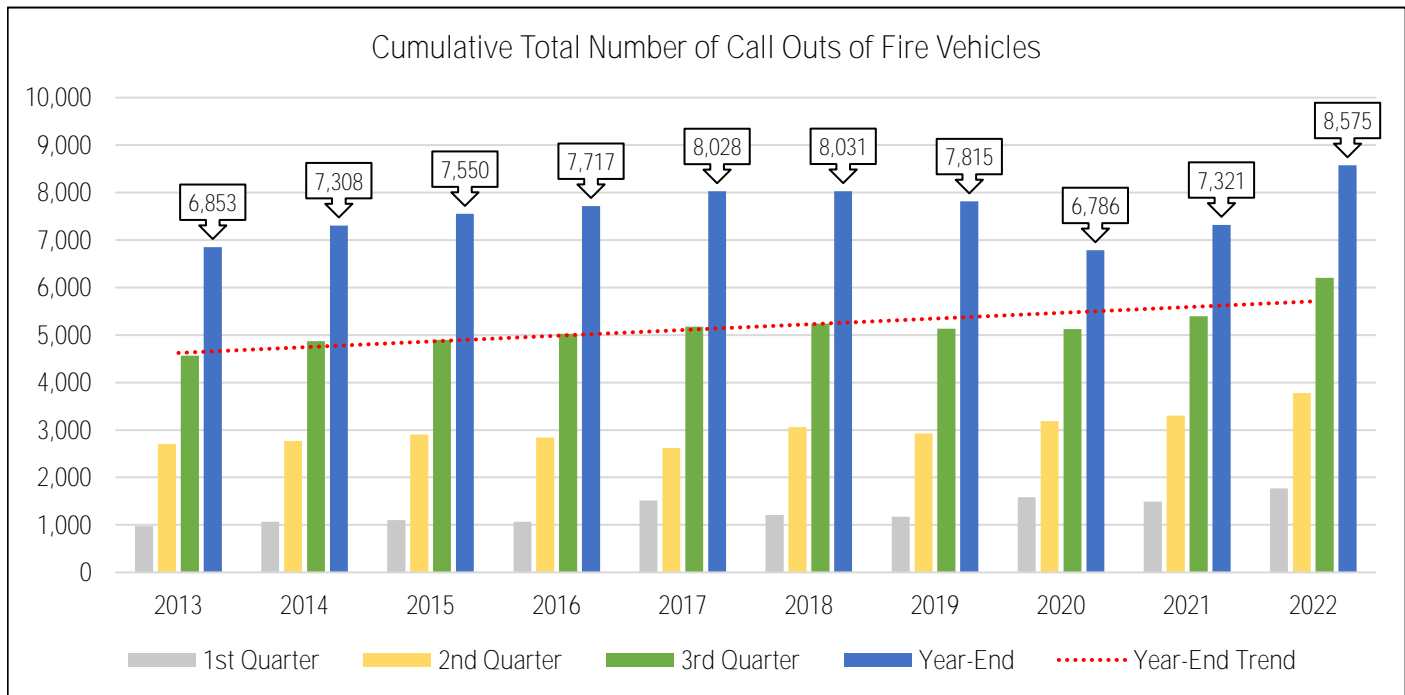
HUMAN RESOURCES



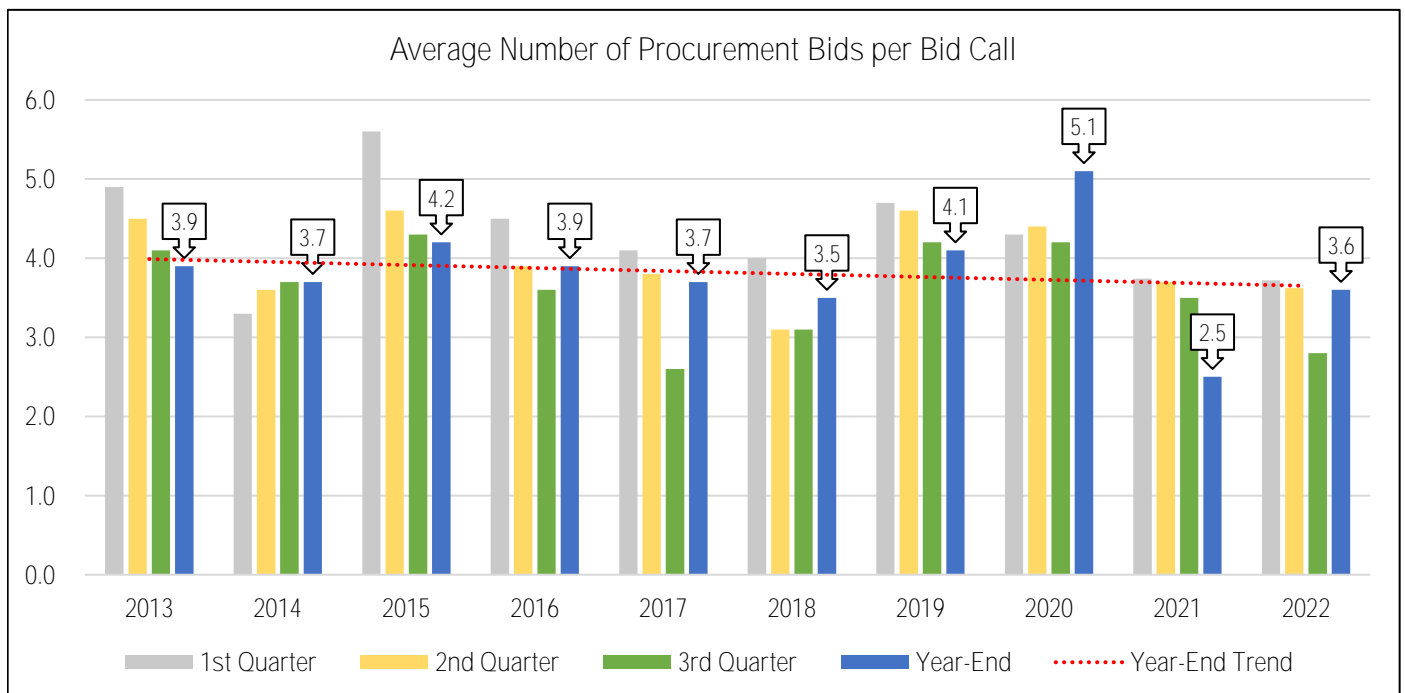
Note: In 2020, 64 of 98 grievances are attributed to Transit Windsor.



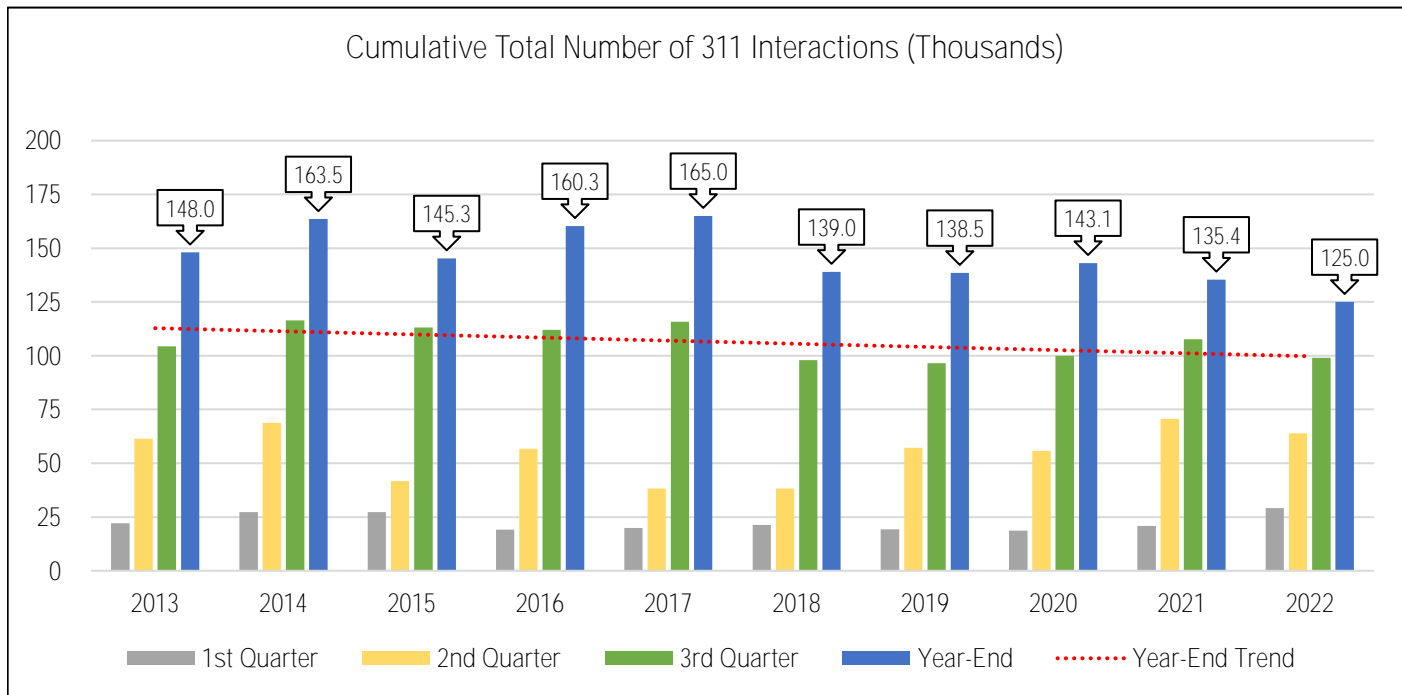
FIRE & RESCUE



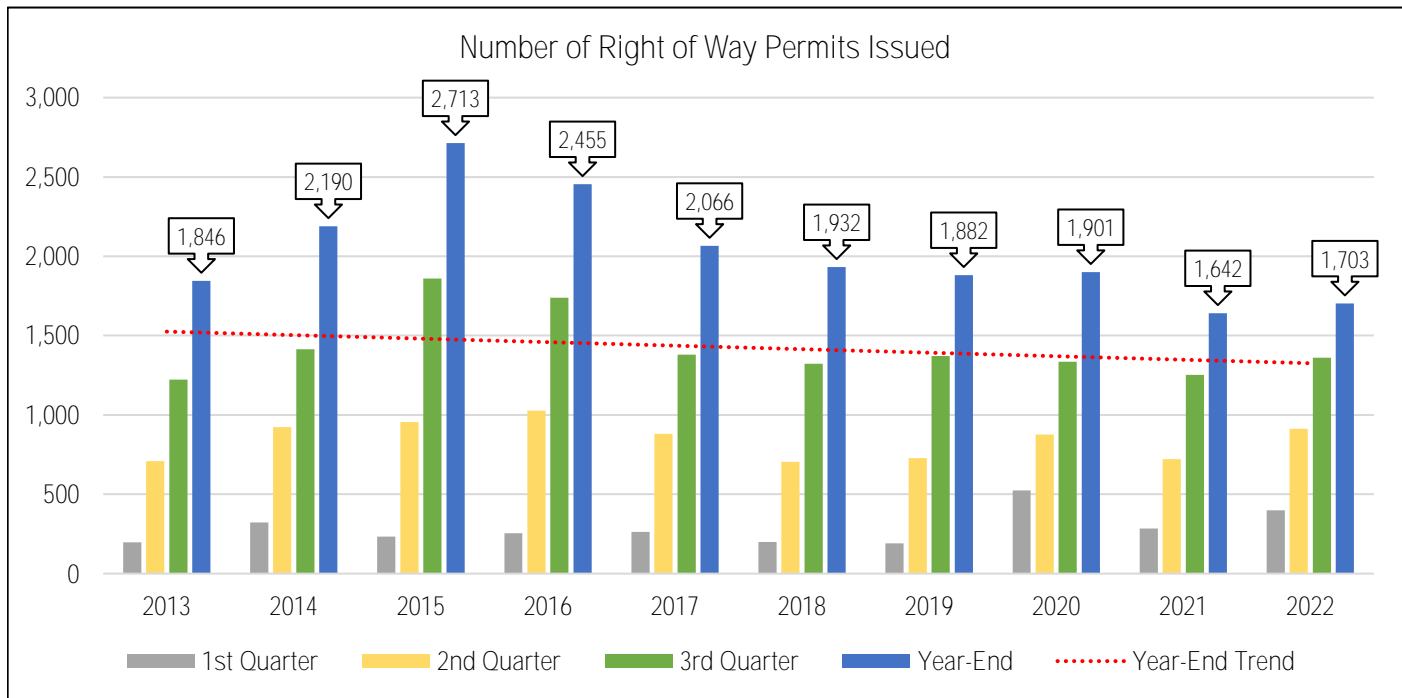
PURCHASING, RISK & POA



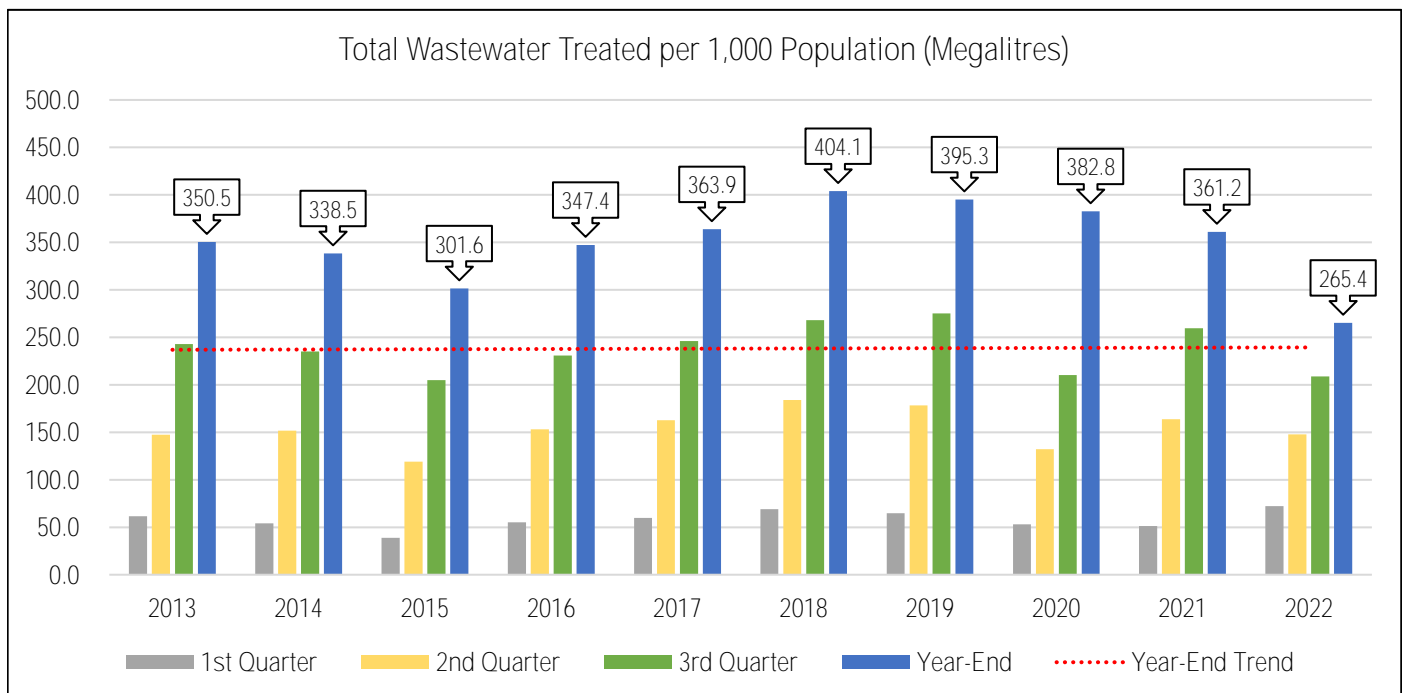
COMMUNICATIONS



ENGINEERING

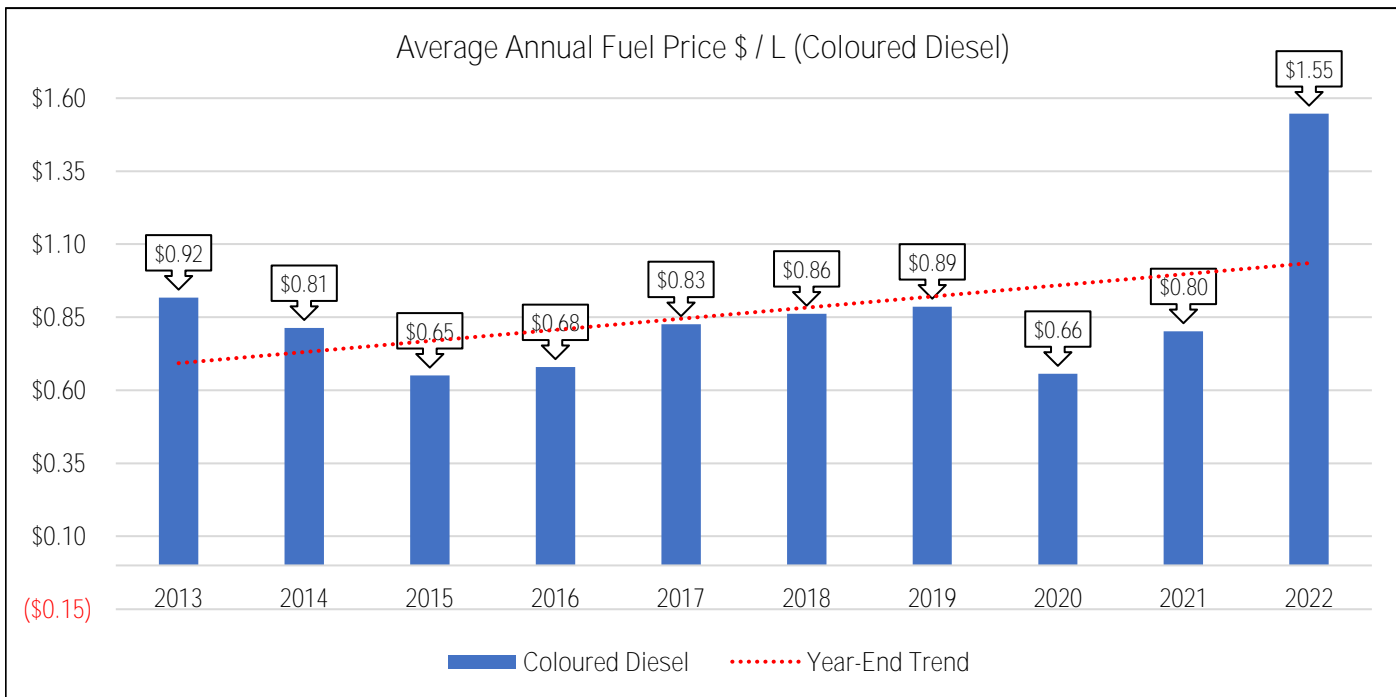
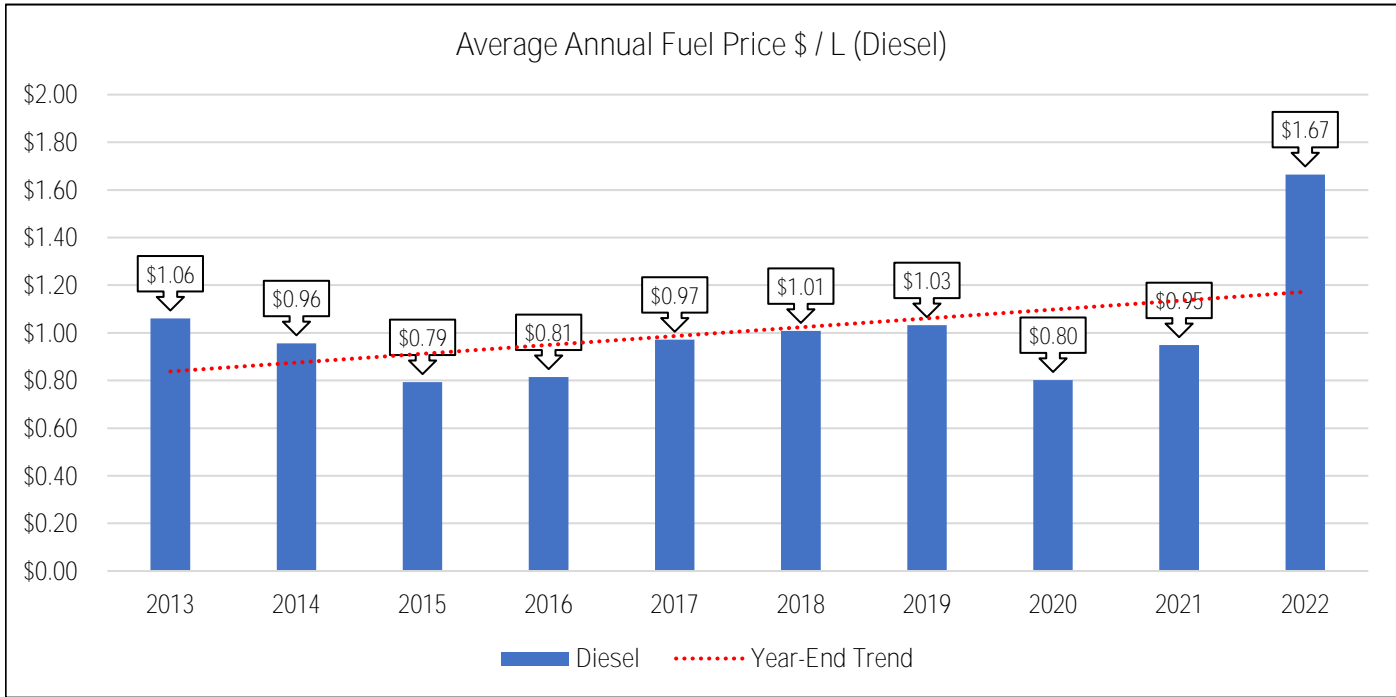


POLLUTION CONTROL



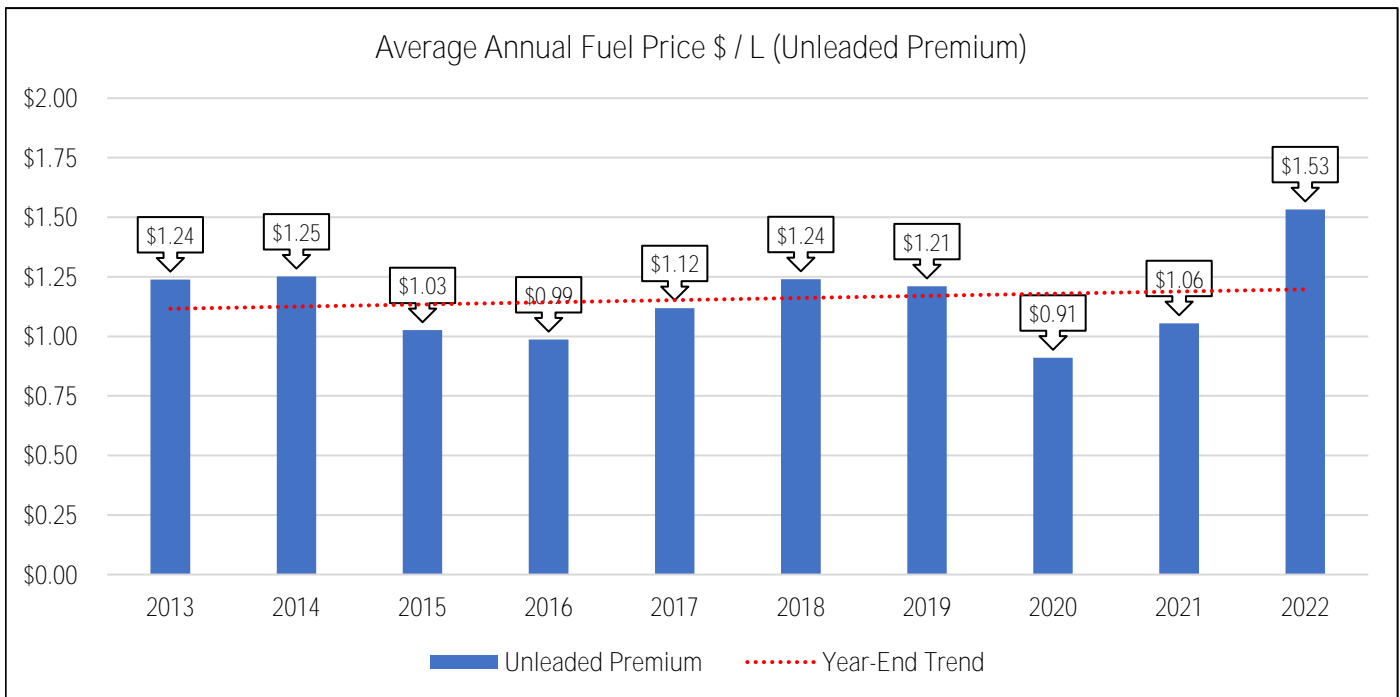
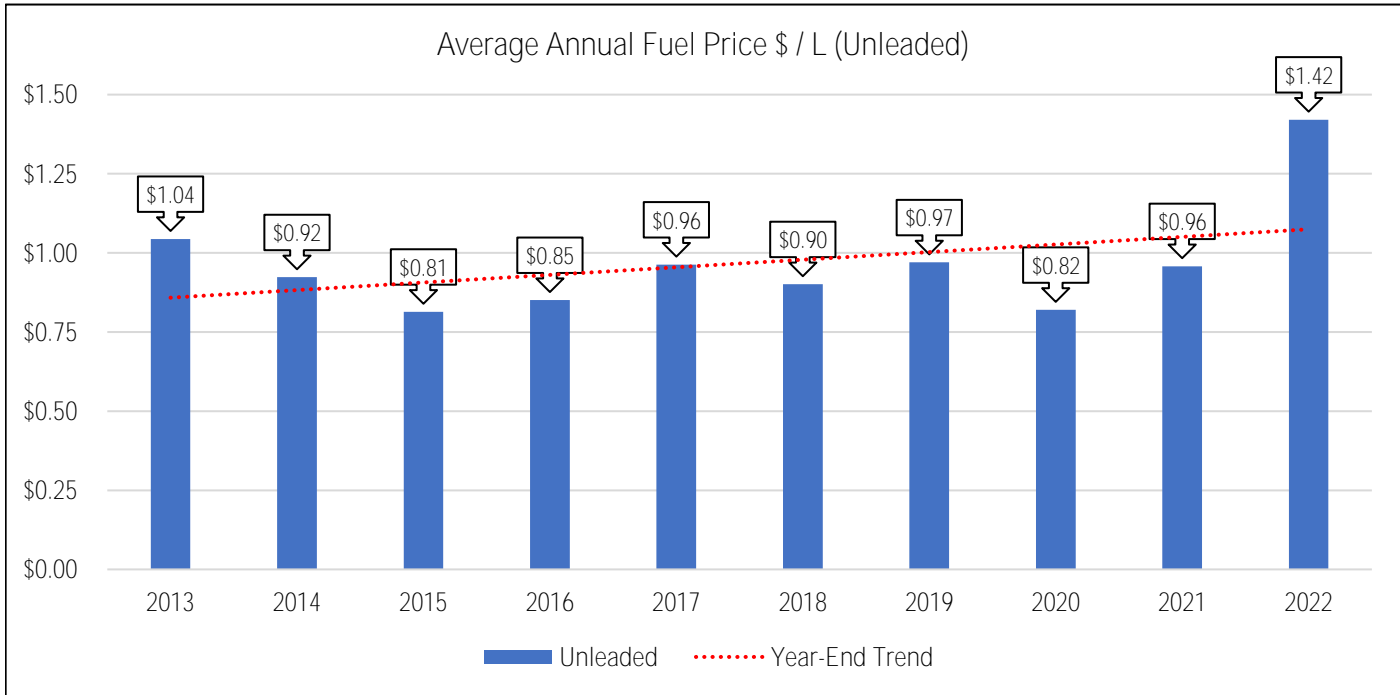
Fluctuations are partially due to changes in precipitation patterns as additional water is treated during heavy storms due to combined sewers.

PUBLIC WORKS

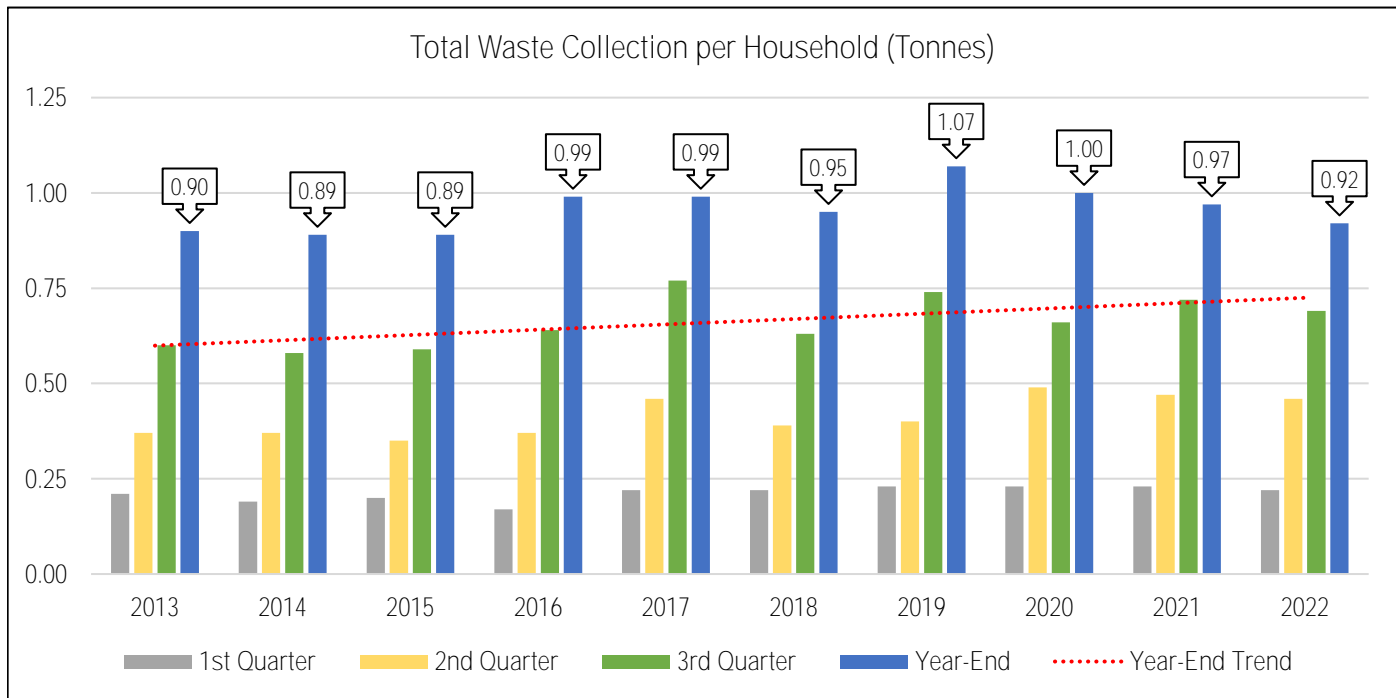




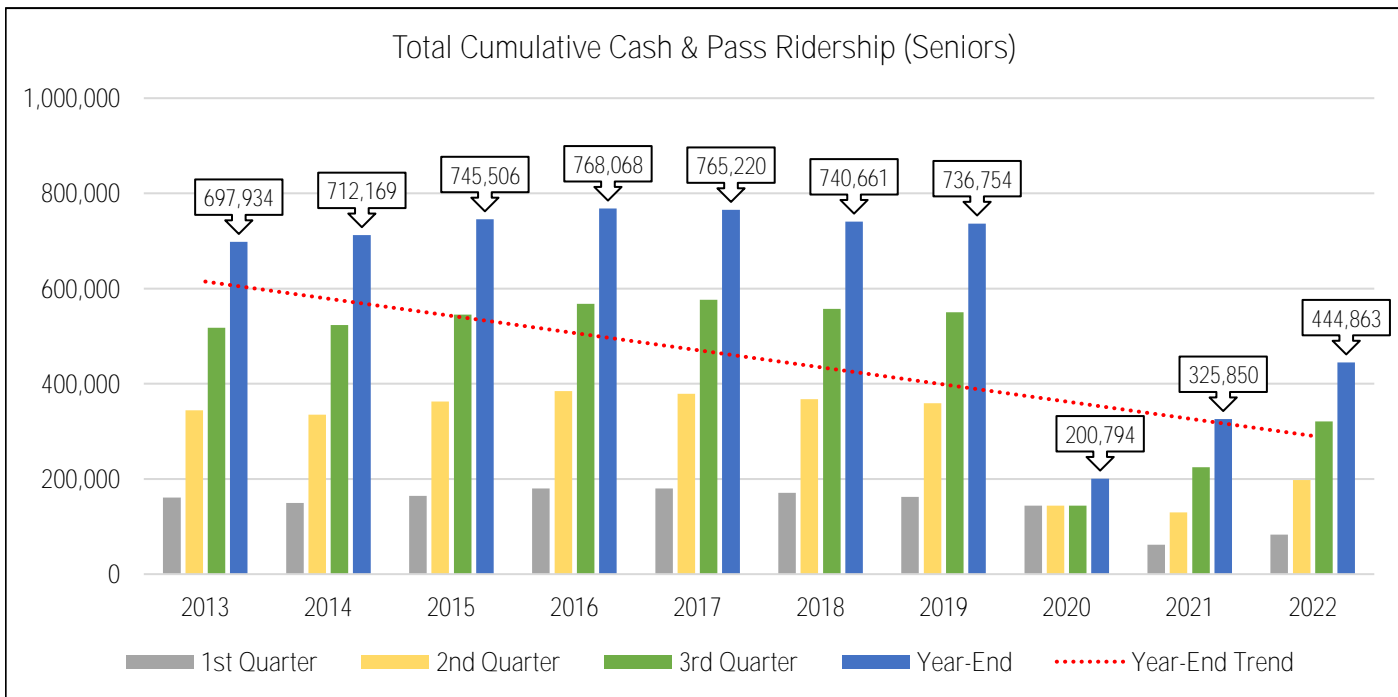
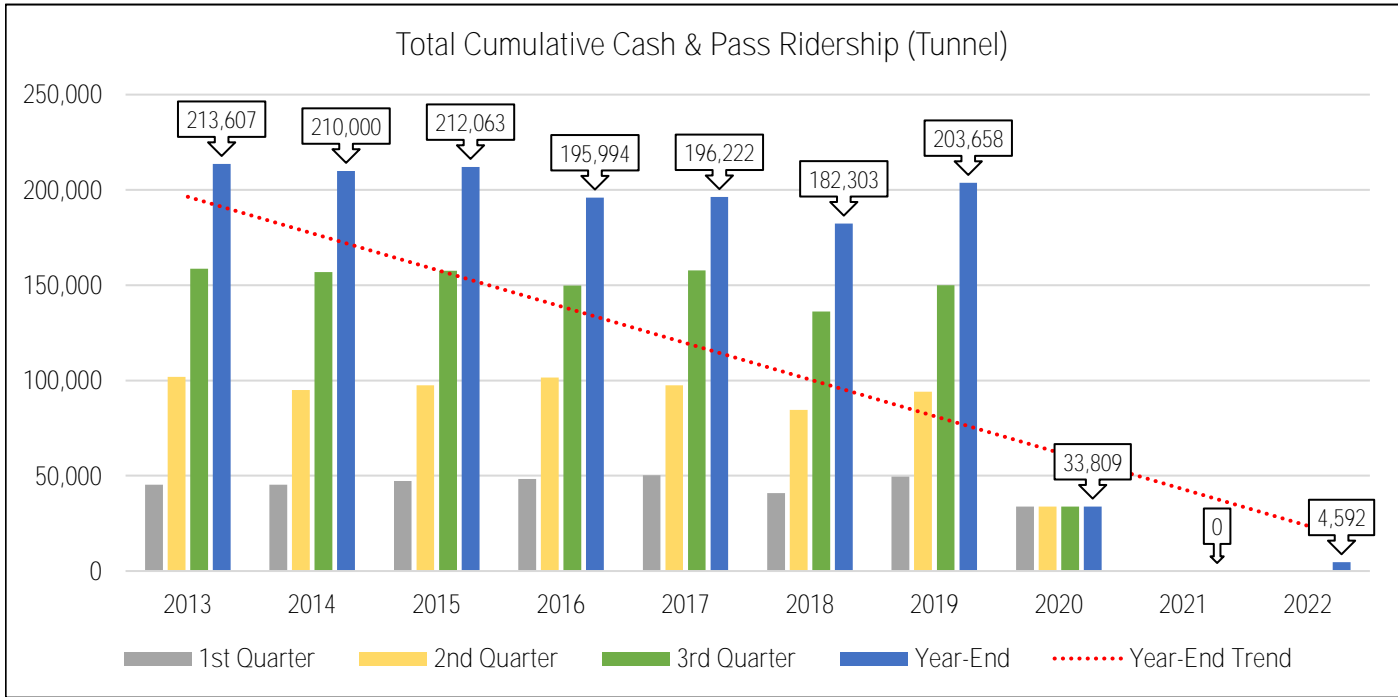
PUBLIC WORKS



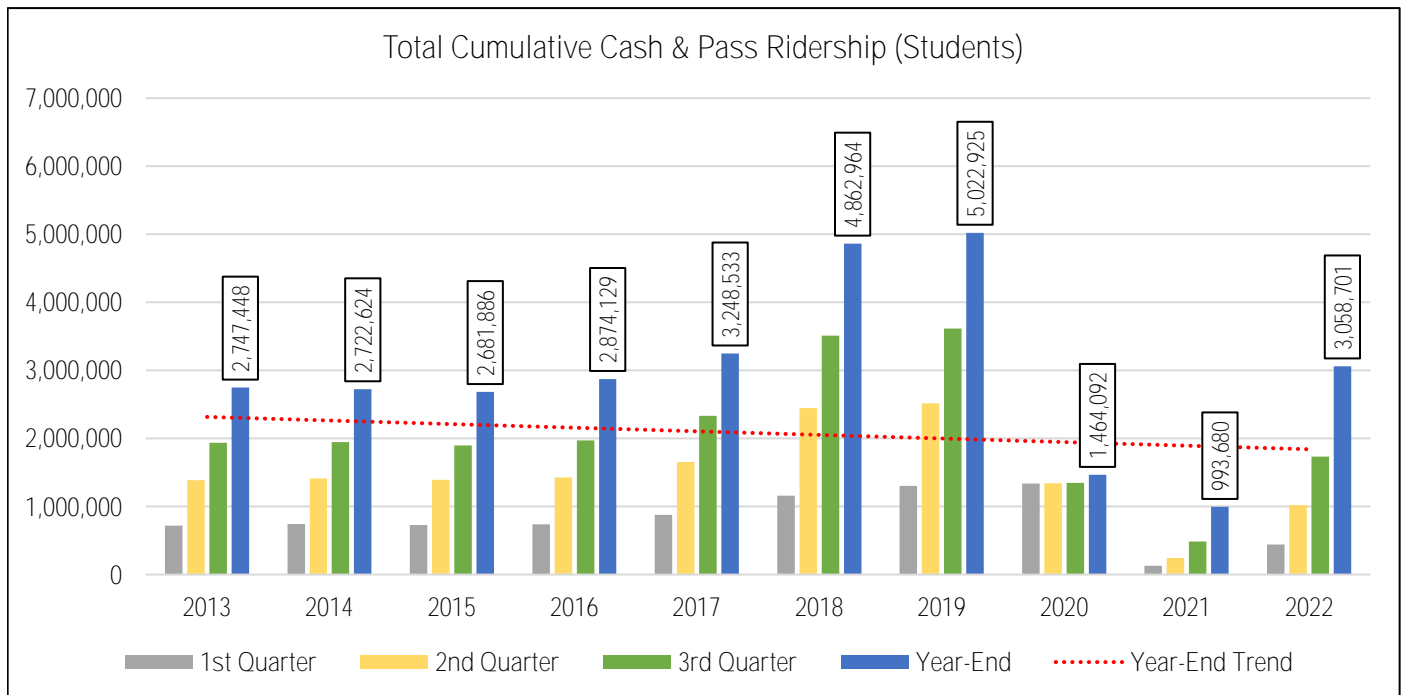
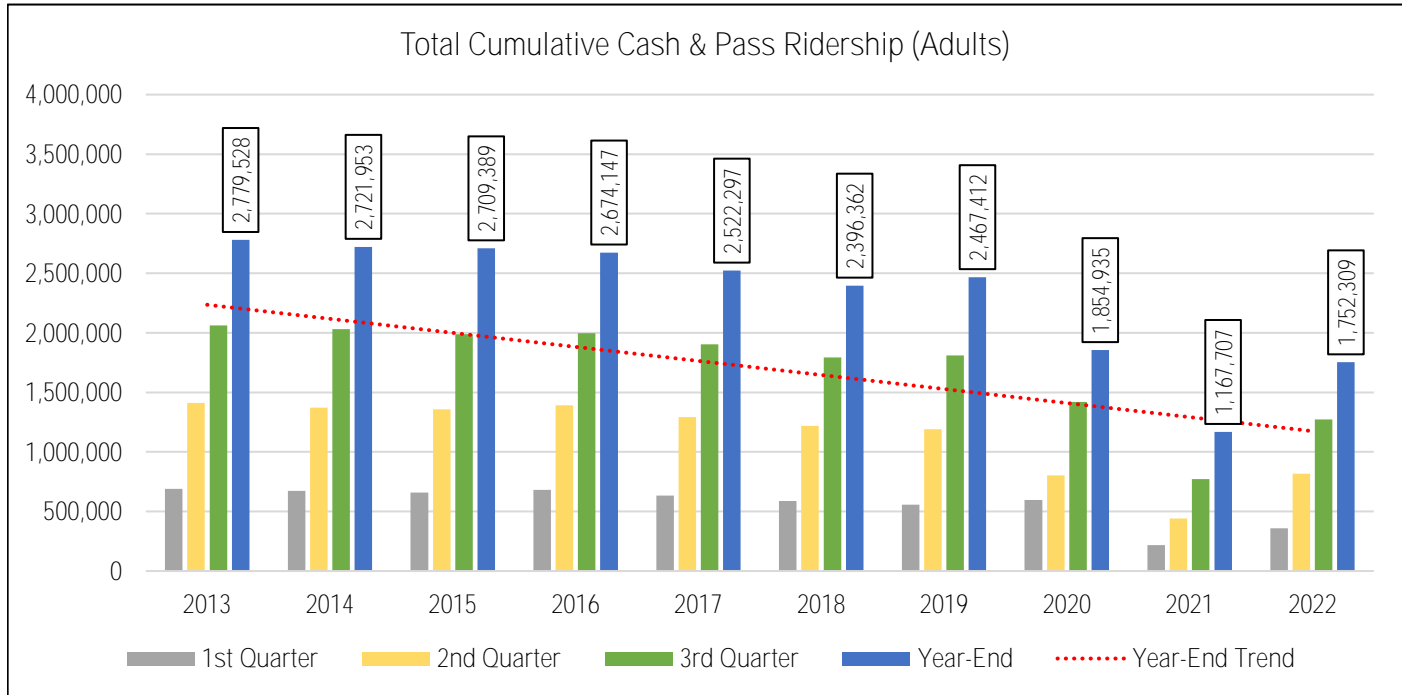
PUBLIC WORKS



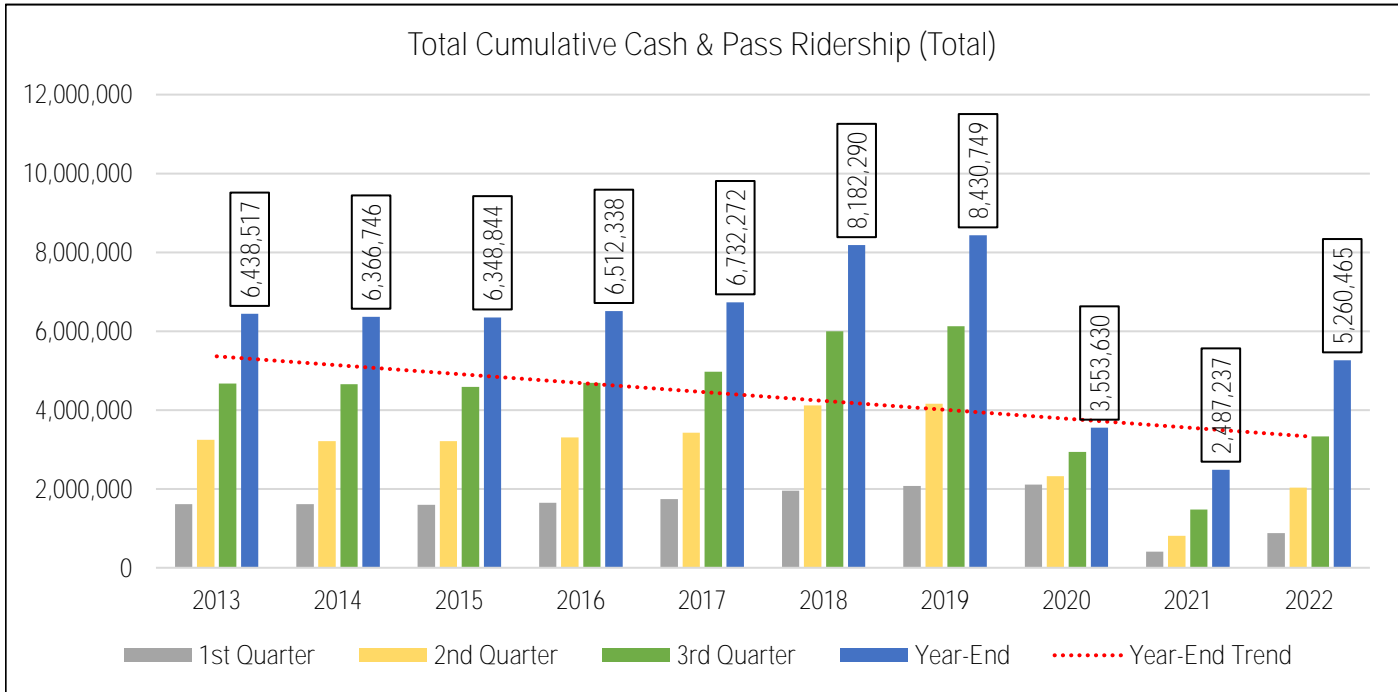
TRANSIT WINDSOR



TRANSIT WINDSOR

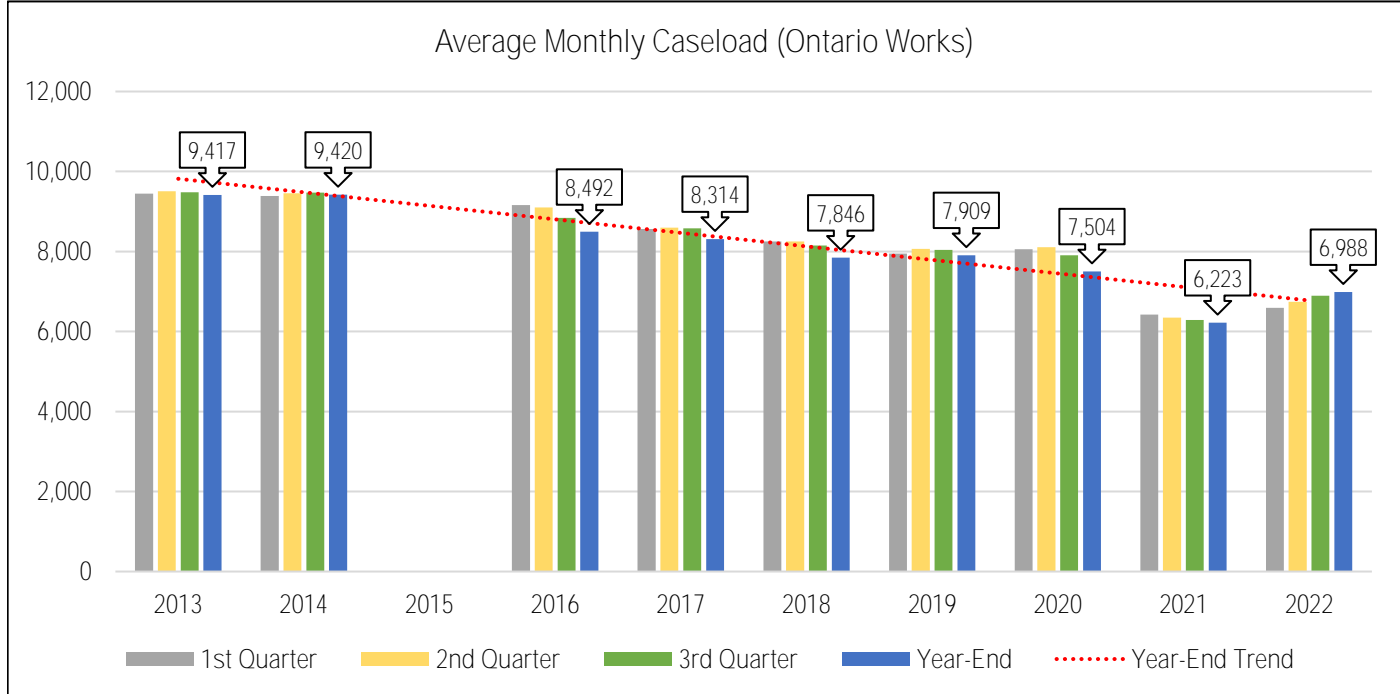


TRANSIT WINDSOR

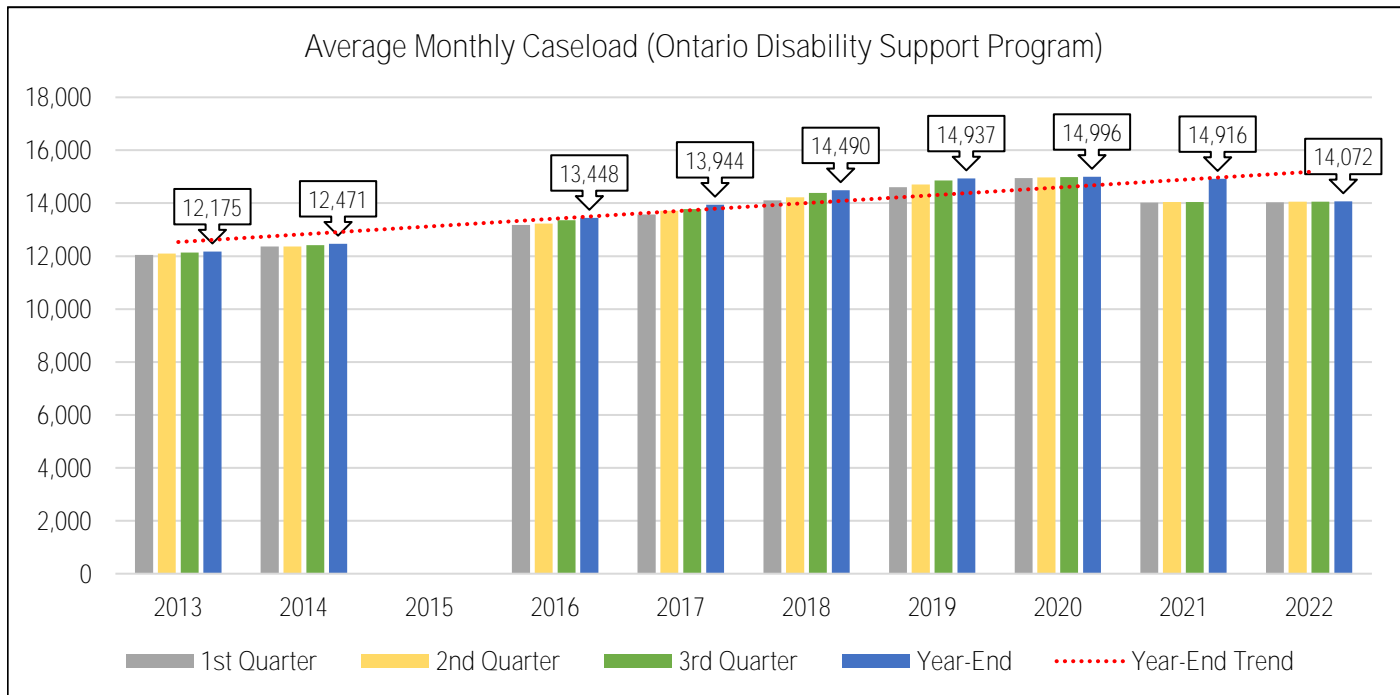




EMPLOYMENT & SOCIAL SERVICES

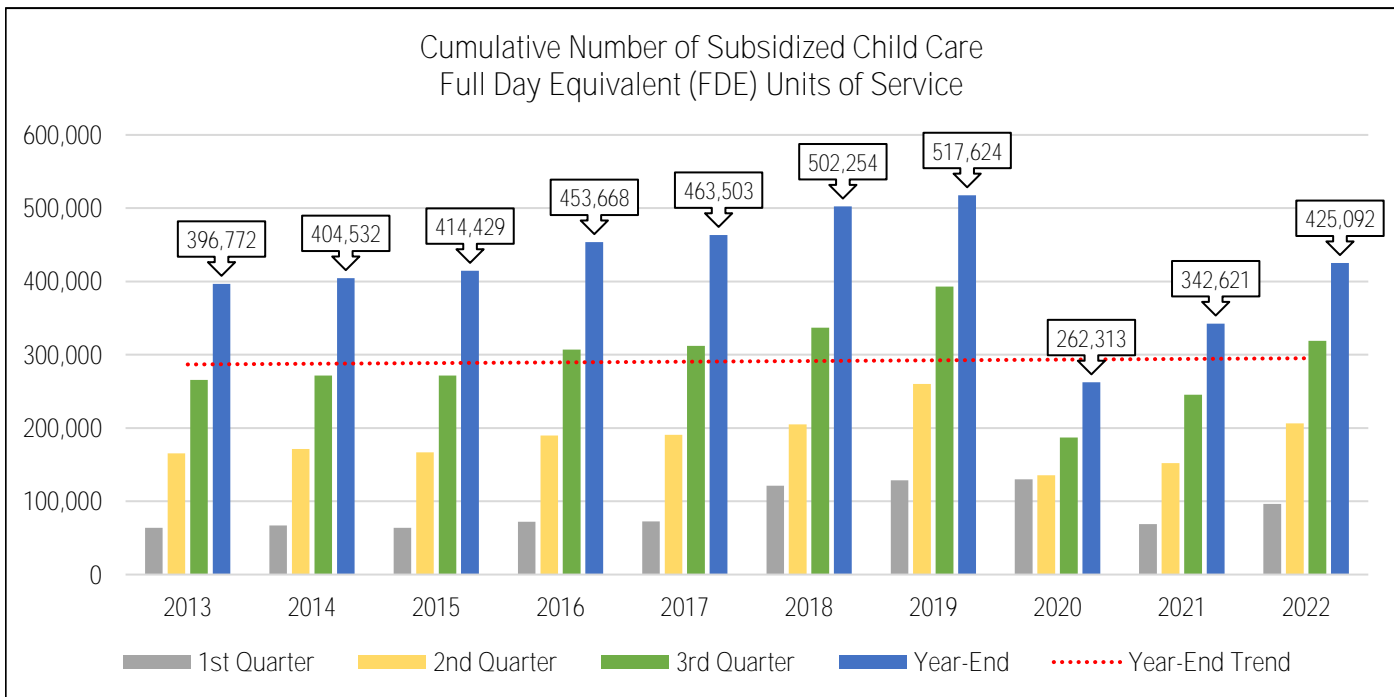
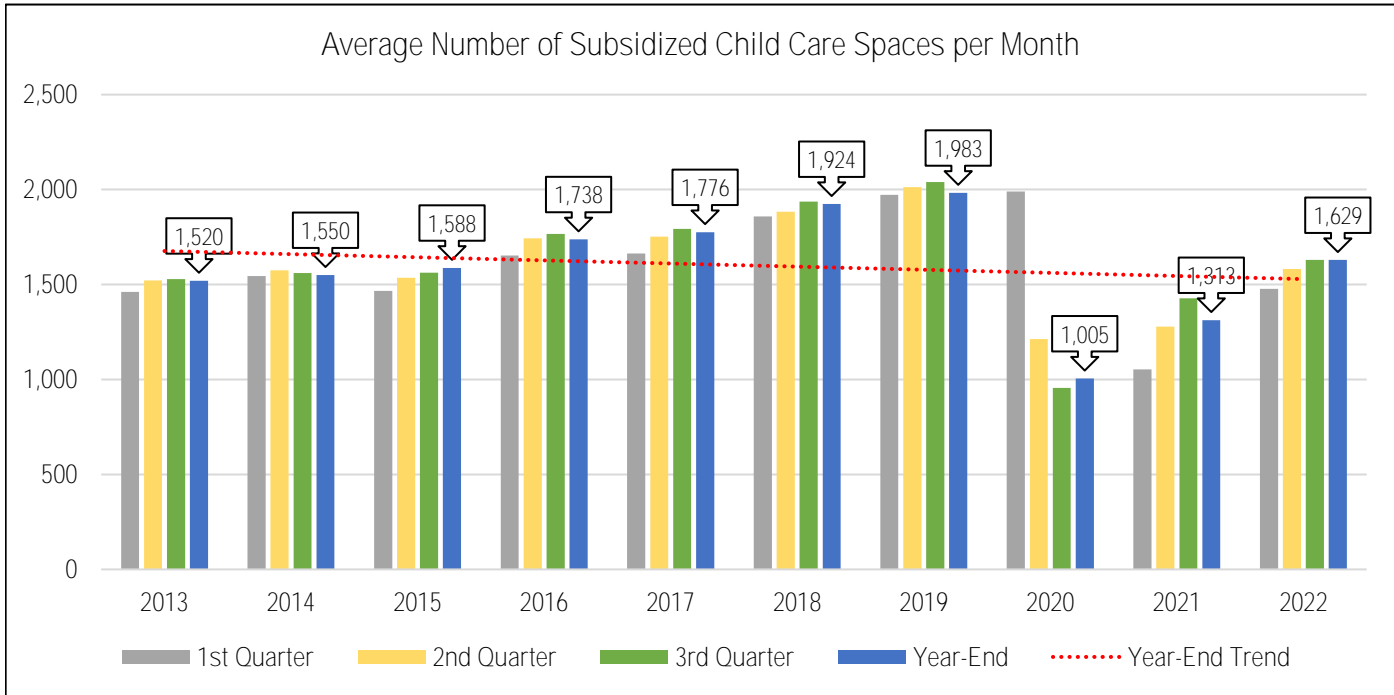


Please note that due to the Provincial OW database change in October 2014, 2015 OW caseload figures are not directly comparable to previous years as the methodology used to calculate the caseload has also changed.

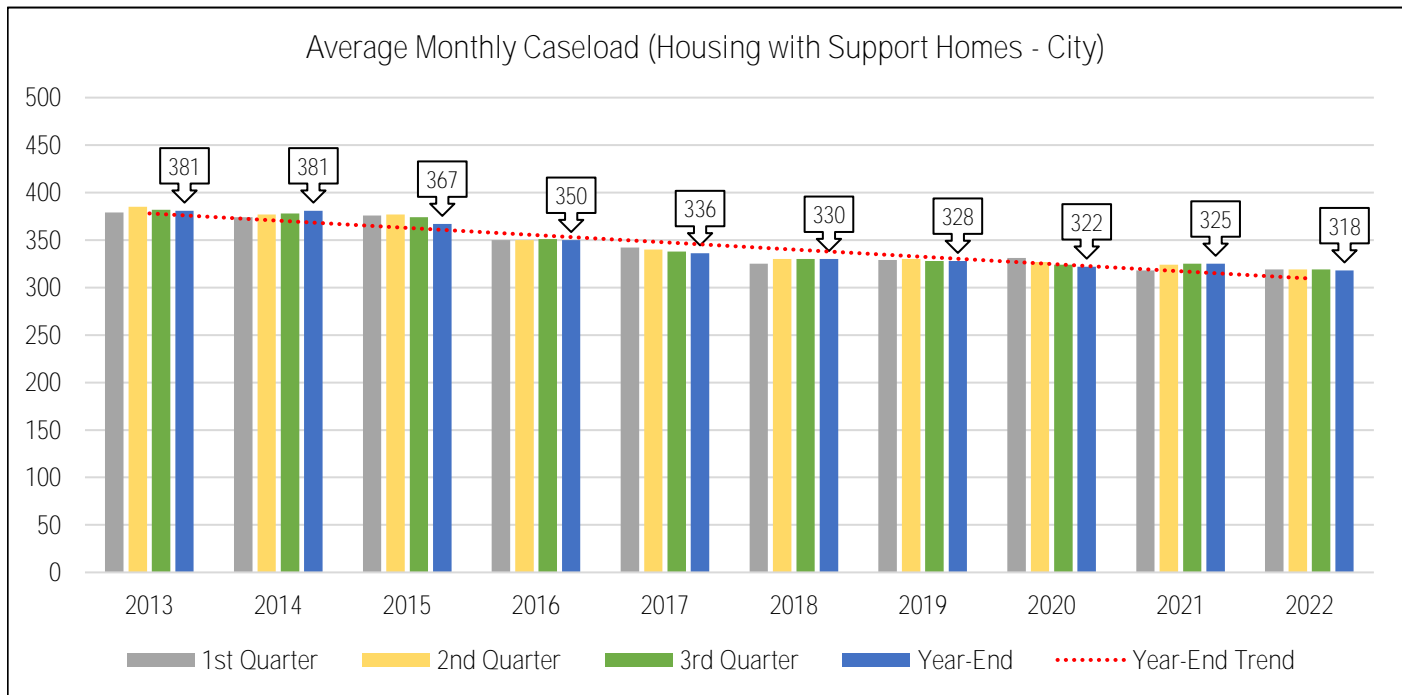


Please note that due to the Provincial ODSP database change in October 2014, 2015 ODSP caseload figures are not directly comparable to previous years as the methodology used to calculate the caseload has also changed.

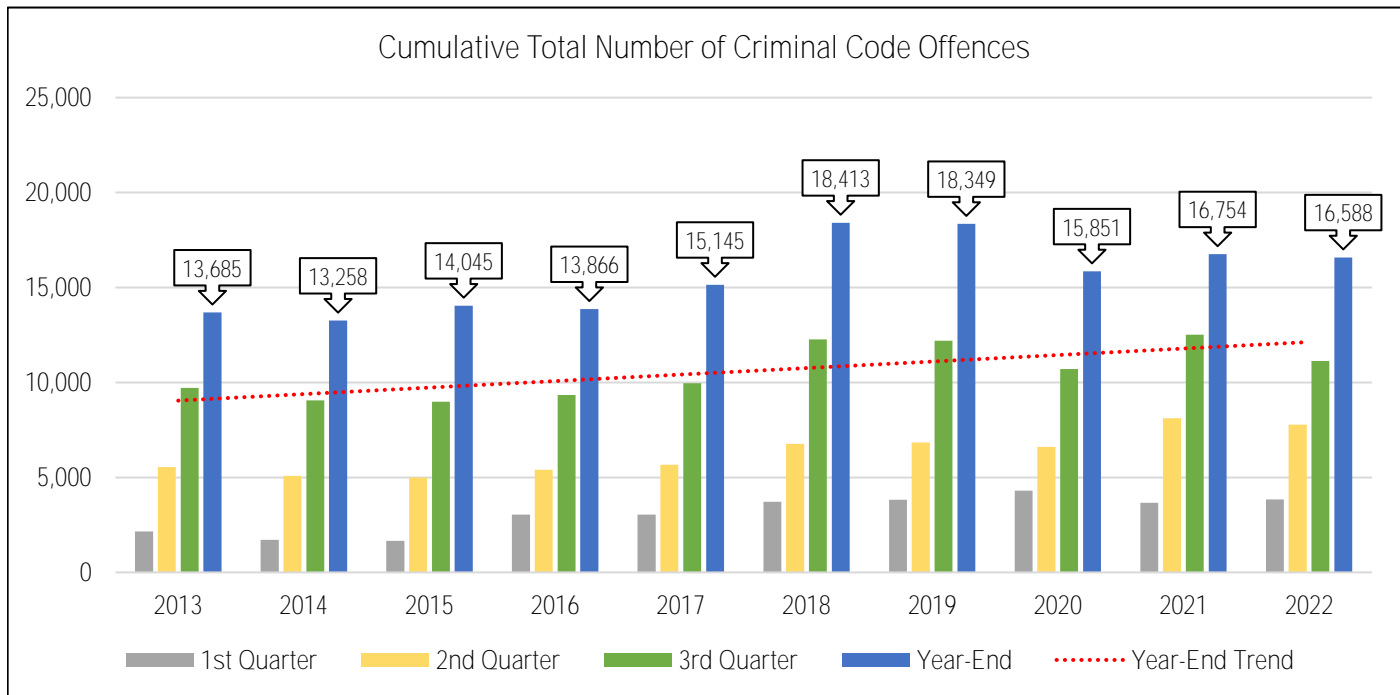
HOUSING & CHILDREN SERVICES



HOUSING & CHILDREN SERVICES



WINDSOR POLICE SERVICES



Department	Description	Total
CAO's Office	Economic Development	\$60,000
CAO's Office	Staff Appreciation and Recognition (STAR)	\$700
CAO's Office	Consulting Services	\$49,145
City Council	International Relations Committee	\$69,128
City Council	Windsor Accessibility Advisory Committee	\$6,226
Mayor's Office	Mayor's Office Year-End Balance (Community Relations)	\$107,866
Mayor's Office	Mayor's Office Year-End Balance (Economic Development)	\$382,701
Mayor's Office	Mayor's Office Year-End Balance (Departmental)	\$508,218
Mayor's Office	Mayor's Office Year-End Balance (Youth Advisory)	\$17,687
Economic Development	Economic Development Year-End Balance (Departmental)	\$695,078
Asset Planning	Environmental Sustainability & Climate Change	\$60,700
Human Resources	Corporate Training	\$26,000
Human Resources	Audiogram Program	\$35,000
Human Resources	In-Cab evaluations	\$38,500
Human Resources	Pay Equity Consultant	\$24,995
Human Resources	Annual Corporate Keynote Event	\$22,000
Human Resources	Mental Health Initiatives	\$300,000
Taxation	Temp Funding for Customer Service Clerk	\$55,926
Taxation	Consulting Services - Property Tax & Assessment Policy	\$94,000
Council Services	By-Law Enforcement Officer's "Body Armour"	\$14,968
Fire & Rescue	WFRS System Administrator position approved on BI 2022-0027	\$46,627
Communications & Customer Service	One Time Funding to Pilot a Customer Contact Centre Administrator Position (approved on BI 2022-0155)	\$106,126
Security & Special Activities	Corporate Security Plan Risk Assessment (CR585/2020)	\$179,000
Public Works	Non-TCA Equipment purchase	\$12,000
Public Works	Temporary position for Traffic approved on BI 2022-0048	\$76,050
Employment & Social Services	Physician Recruitment	\$52,238
Housing & Children Services	Homelessness Initiative	\$500,000
Housing & Children Services	Inflation budget pressures Windsor Essex Housing Corporation	\$45,350
Windsor Police Services	Windsor Police Services Board - Legislative Changes	\$48,000
Corporate Accounts	Corporate Software	\$64,490
Corporate Accounts	2022-2023 Internal Audit Plan	\$115,725
<b>TOTAL BUDGET CARRY-FORWARDS</b>		<b>\$3,814,444</b>



**Section A: Projects Balanced & Closed via Transfer to Other Projects / Chartfield**

Item	Project ID	Department / Program	Service Area	Project Name	Lead	Surplus / (Deficit)	Fund/Project	Funding Source / Transfer	Project Variance Comments
1	7182001	Facilities Operations	Community Services	Generator/Fuel Storage Upgrade	D. Thachuk	-		F169	Holdback released. Project can be closed due to \$0 balance.
2	7221050	Corporate Asset Planning	Corporate Services	Capital Reserve Replnsh Alloc.	M. Dennis	-		F169	Project opened in error for 2022 Capital Budget. FIN-009-15 funds to be tracked under Account 1750.
3	7211055	WPL	Agencies & Boards	WPL Ground Signs	K. Pope	-		F030	Project closed with \$0 balance funded from WPL Operating.
<b>Total Fund 007:</b>						-			

**Section B: Projects Balanced & Closed via Transfer to/from Original Funding Source**

Item	Project ID	Department / Program	Service Area	Project Name	Lead	Surplus / (Deficit)	Fund/Project	Funding Source / Transfer	Project Variance Comments
<b>Total to Various Reserves:</b>									

ACCT #	ACCOUNT DESCRIPTION	FUND 107	FUND 108	FUND 109	FUND 110	FUND 111	FUND 112	FUND 113	FUND 114	FUND 115	FUND 116	FUND 117
		DEV. CHG - POLLUTION CONTROL	DEV. CHG - SSPD ROADS & RELATED	DEV. CHG - SSPD SANITARY SEWER	DEV. CHG - SSPD STORM SEWER & MUN DRAINS	DEV. CHG - SSPD WATER	DEV. CHG - CITY WIDE ENG STUDIES	DEV. CHG - WASTE DIVERSION	DEV. CHGS. - PARKING	DEV. CHGS. - ROADS & RELATED	DEV. CHGS. - SANITARY/ POLLUTION	DEV. CHGS. - STORM & DRAINS
AVAILABLE AT BEGINNING OF YEAR SURPLUS (DEFICIT)		1,237,094	-	-	-	-	71,014	53,080	149,070	9,149,027	596,363	4,150,897
<b>REVENUES:</b>												
6540	Investment Income - Other	32,791					1,966	3182	4,722	433,486	33,480	113,880
6660	Developer Contributions	40,265					11,586	78,041	37,852	7,889,233	606,591	685,101
7052	TRANSFER From Capital Projects											
7055	TRANSFER From Current Funds											
TOTAL REVENUE		73,056	-	-	-	-	13,552	81,223	42,574	8,322,719	640,071	798,981
<b>EXPENSES:</b>												
2950	Other Prof Services-External											
2951	INTERNAL Service Salary Allocn	813					47	35	98	6,012	392	2,728
4240	TRANSFER to Current Fund											
4245	TRANSFER to Capital Fund						-	0	-	1,000,000	-	1,000,000
4250	TRANSFER to Reserve Account											
4255	TRANSFER to Reserve Fund											
4540	Bank Charges						76	504	227	47,841	3,625	2,586
TOTAL EXPENSES		813	-	-	-	-	123	539	325	1,053,853	4,017	1,005,314
AVAILABLE AT YEAR END SURPLUS (DEFICIT)		1,309,337	-	-	-	-	84,443	133,764	191,319	16,417,893	1,232,417	3,944,564
A/C #4245	TRANSFER TO CAPITAL, BY PROJECT DETAIL:											
Project #	Project Description											
7045018	TW Customer Service Requiremts											
7069034	Municipal Pool Refurbishment											
7069035	Recreation Facility Refurbishm											
7076102	Sandwich South Lands Servicing											1,000,000
7145000	Materials Acquisition-DC reqst											
7171077	Banwell Road Improvements									500,000		
7219012	Corp Facility Equip Maint Prgm											
7221005	2022 Fleet Addn's and Upgrades											
7221024	Lanspeary Park Improvements											
7221037	7th Concnsn-CR 42 E/W Arterial									500,000		
TOTAL TRANSFER TO CAPITAL, BY PROJECT DETAIL		-	-	-	-	-	-	-	-	1,000,000	-	1,000,000

		FUND 118	FUND 121	FUND 122	FUND 123	FUND 124	FUND 125	FUND 126	FUND 127	FUND 128	TOTAL
ACCT #	ACCOUNT DESCRIPTION	DEV. CHGS. - WATER/ WUC	DEV. CHGS. - GENERAL GOV'T	DEV. CHGS. - LIBRARY	DEV. CHGS. - FIRE	DEV. CHGS. - POLICE	DEV. CHGS. - INDOOR RECREATION	DEV. CHGS. - PARK DEVEL.	DEV. CHGS. - TRANSIT	DEV. CHGS. - PW/ BUILD/ EQUIP/ FLEET	DEV CHARGE RESERVE FUNDS
AVAILABLE AT BEGINNING OF YEAR SURPLUS (DEFICIT)		2,796,209	4,990	58,884	167,792	174,075	67,325	359,894	166,239	263,367	19,465,318
<u>REVENUES:</u>											
6540	Investment Income - Other	105,377	449	1,086	10,602	7,799	2,453	9,610	7,849	4,005	772,737
6660	Developer Contributions	1,336,523	3,456	96,145	248,983	131,537	97,061	44,769	187,972	91,139	11,586,254
7052	TRANSFER From Capital Projects										-
7055	TRANSFER From Current Funds										-
TOTAL REVENUE		1,441,900	3,905	97,231	259,585	139,336	99,514	54,379	195,821	95,144	12,358,991
<u>EXPENSES:</u>											
2950	Other Prof Services-External	7,001									7,001
2951	INTERNAL Service Salary Allocn	1,838	3	39	110	114	44	237	109	173	12,792
4240	TRANSFER to Current Fund										-
4245	TRANSFER to Capital Fund	-	-	125,000	-	-	95,000	22,500	51,000	210,876	2,504,376
4250	TRANSFER to Reserve Account										-
4255	TRANSFER to Reserve Fund										-
4540	Bank Charges	8,269	-	612	1,628	845	593	256	1,215	586	68,863
TOTAL EXPENSES		17,108	3	125,651	1,738	959	95,637	22,993	52,324	211,635	2,593,032
AVAILABLE AT YEAR END SURPLUS (DEFICIT)		4,221,001	8,892	30,464	425,639	312,452	71,202	391,280	309,736	146,876	29,231,277
A/C #4245	TRANSFER TO CAPITAL, BY PROJECT DETAIL:										
Project #	Project Description										
7045018	TW Customer Service Requiremts								51,000		51,000
7069034	Municipal Pool Refurbishment						67,200				67,200
7069035	Recreation Facility Refurbishm						5,000				5,000
7076102	Sandwich South Lands Servicing										1,000,000
7145000	Materials Acquisition-DC reqst			125,000							125,000
7171077	Banwell Road Improvements										500,000
7219012	Corp Facility Equip Maint Prgm						22,800				22,800
7221005	2022 Fleet Addn's and Upgrades									210,876	210,876
7221024	Lanspeary Park Improvements							22,500			22,500
7221037	7th Concnsn-CR 42 E/W Arterial										500,000
TOTAL TRANSFER TO CAPITAL, BY PROJECT DETAIL		-	-	125,000	-	-	95,000	22,500	51,000	210,876	2,504,376

**LISTING OF OUTSTANDING CREDITS**

<b>CREDIT HOLDER</b>	<b>APPLICABLE DC RESERVE FUND</b>	<b>Credit Balance (as at January 1, 2022)</b>	<b>Additional Credits Granted During Year</b>	<b>Credits Used by Holder During Year</b>	<b>Credit Balance (as at December 31, 2022)</b>
1223244 Ontario Limited	115 - Roads & Related	\$1,282,218.50	\$ -	\$ -	\$1,282,218.50
South Windsor Development Company	117 - Storm & Drains	\$360,827.50	\$ -	\$ -	\$360,827.50

**TOTAL OUTSTANDING CREDITS:**

**\$1,643,046.00**

**Subject: Award of RFP#9-23 Asset Management Plan Consultant Proposal - Citywide**

**Reference:**

Date to Council: May 29, 2023

Author: Marie Gil

Manager, Asset Planning

mgil@citywindsor.ca

519-255-6100 ext.6140

Asset Planning

Report Date: 2023-04-19

Clerk's File #: SPL/14581

To: Mayor and Members of City Council

**Recommendation:**

- I. **THAT** City Council **AWARD** RFP 9-23, Asset Management Plan Consultant, to GM BluePlan Engineering Limited for the provision of consulting services related to the development and delivery of the City's 2024 and 2025 Asset Management Plans; and
- II. **THAT** the Chief Administrative Officer and the City Clerk **BE AUTHORIZED** to execute an agreement with GM BluePlan Engineering Limited for the provision of services, to an upset limit of \$370,805 (excluding HST), satisfactory in legal form to the Commissioner, Legal & Legislative Services, in technical content to the Senior Manager of Asset Planning, and in financial content to the Commissioner, Corporate Services CFO/Chief Financial Officer; and
- III. **THAT** Council **PRE-APPROVE** and **AUTHORIZE** administration to use the identified provisional amounts available from Capital project #7131117 – Asset Management Service Design, to an upset limit of \$77,000 (excluding HST) to ensure complete implementation and execution of the above noted project; and
- IV. **THAT** the Purchasing Manager **BE AUTHORIZED** to issue Purchase Orders for any amendment(s) as may be required, provided that the amendment(s) are within approved budget amounts, satisfactory in financial content to the Commissioner, Corporate Services CFO/City Treasurer, and in technical content to the Senior Manager of Asset Planning; and
- V. **THAT** Administration **BE AUTHORIZED** to issue any change order(s) for any amendment(s) as may be required, provided that the amendment(s) are within approved budget amounts, satisfactory in financial content to the Commissioner,



Corporate Services CFO/City Treasurer, and in technical content to the Senior Manager of Asset Planning; and

- VI. **THAT** the Chief Administrative Officer and City Clerk **BE AUTHORIZED** to execute any amendment(s) as may be required, provided that the amendment(s) are within approved budget amounts, satisfactory in financial content to the Commissioner, Corporate Services CFO/City Treasurer; in legal form to the Commissioner, Legal & Legislative Services; and in technical content to the Senior Manager of Asset Planning.

**Executive Summary:**

N/A

**Background:**

Ontario Regulation 588/17, Asset Management Planning for Municipal Infrastructure requires municipalities to have an Asset Management Plan (AMP). There are several key compliance dates under O. Reg. 588/17 regarding Asset Management Plans which are briefly stated below:

1. July 1, 2022 – Municipalities are required to have an Asset Management Plan which covers, at a minimum, core assets, as defined by O.Reg. 588/17, s1 (a-e). The AMP must include current levels of service and the cost of lifecycle activities to sustain levels of service. In addition, population and employment forecasts and a discussion of growth impacts must be included. *NOTE: this requirement was achieved in 2019 with City Council's approval of the 2019 Asset Management Plan.*
2. July 1, 2024 – Municipalities are required to have an Asset Management Plan which covers all assets, including those from organizations which have their financial statements consolidated with the municipality. The AMP must include current levels of service and the cost of lifecycle activities to sustain levels of service. In addition, population and employment forecasts and a discussion of growth impacts must be included.
3. July 1, 2025 – Building on the AMP for all assets as required in 2024, municipalities are required to understand their proposed levels of service for all assets over the next 10 years and the cost of lifecycle activities to achieve this. A financial strategy addressing shortfalls as well as discussion of how growth assumptions will impact lifecycle costs and financial strategies must be discussed.

Building on the development of the 2019 Asset Management Plan, the Asset Planning department is working to meet O. Reg. 588/17 requirements for 2024 and 2025.

**Discussion:**

In February 2023, Asset Planning issued a Request for Proposal (RFP) for support from an experienced proponent for assistance in the development and delivery of the City's

2024 and 2025 Asset Management Plans to meet the upcoming requirements of O.Reg. 588/17 in July 2024 and July 2025, respectively. The RFP requires that the consultant work closely with Asset Planning staff to develop the 2024 and 2025 Asset Management Plans. This will involve many workshops with city staff across all departments and will also involve working with various Agencies, Boards and Committees (ABC's) of the City. The goal of this project is to provide the City with clear and concise Corporate Asset Management Plans that meet the 2024 and 2025 requirements and provides for the development of the foundational processes and documentation that will allow the City to continue building on this work in-house to meet all future regulatory requirements.

Key deliverables of the proposed work include:

1. Review, update and gap analysis of the State of Local Infrastructure section of the AMP for all asset categories;
2. Review, update and gap analysis of the Current Levels of Service (LOS) and Current Performance for all asset categories identified in the City's 2024 AMP, along with the provision of recommendations for new LOS parameters;
3. Development of Proposed Levels of Service (PLOS) for all asset categories identified in the City's 2025 AMP and assessment of future demand for all asset categories based on population growth and projected economic activity;
4. Review, update and gap analysis of the lifecycle activities, climate change risks and opportunities (in consideration of Windsor's Climate Change Adaptation Plan and Corporate Climate Action Plan) for each asset category;
5. Development of a process for the incorporation of the City's ABCs into the 2024 and 2025 AMPs;
6. Development of a Financial Strategy to support the expenditure required to maintain the current level of service to Windsor's community and stakeholders (and any additional requirements of O. Reg. 588/17) over a 20-year horizon, while considering risk and the cumulative infrastructure deficit.

To meet the deadlines prescribed in O. Reg. 588/17 the 2024 AMP will be presented to Council before July 1, 2024, and the 2025 AMP will be presented to Council before July 1, 2025.

As per RFP #9-23 and in accordance with the Purchasing by-law, *GM BluePlan Engineering Limited* (GM BluePlan) was the successful proponent.

### **Risk Analysis:**

Ontario Regulation 588/17 requires that the City publishes a Corporate Asset Management Plan in respect of all the municipality's assets, as they relate to the City's current Levels of Service on or before July 01, 2024 (O. Reg. 588/17, s 5); and as they relate to the City's Proposed Levels of Service in accompaniment of Corporate financial

strategy on or before July 01, 2025 (O. Reg. 588/17, s 6). Not entering into this agreement may put the City at risk of not being in compliance with O. Reg. 588/17.

### **Climate Change Risks**

#### **Climate Change Mitigation:**

There is no climate change mitigation risk with awarding this RFP. Climate change mitigation opportunities will be explored in the 2024 and 2025 Asset Management Plans as the City continues to renew and enhance our infrastructure.

#### **Climate Change Adaptation:**

There is no climate change adaptation risk with awarding this RFP. Climate change impacts will affect the built infrastructure in Windsor, and this will be incorporated into the development of the 2024 and 2025 Asset Management Plans.

#### **Financial Matters:**

As per RFP #9-23 and in accordance with the Purchasing by-law, GM BluePlan was the successful proponent. Therefore, it is recommended that GM BluePlan be awarded contract in the amount of \$370,805.00 plus HST.

Given the longer-term (2-year) nature of this contract and the corporate-wide involvement and collaboration required in the development of the updated 2024 and 2025 AMPs, it is being recommended that a contingency amount equal to 15% of the overall contract hours be considered. This provisional budget amount will allow for provisional hours to be set aside in order to address any additional work that may be identified as the project proceeds.

The proposed budget for this project is as follows:

<b>Expense</b>	<b>Budget Amount</b>
Consulting Services (RFP# 9-23)	\$370,805.00
Provisional Hours	\$77,000.00
Non Recoverable HST	\$7,881.37
<b>TOTAL Expenses</b>	<b>\$455,686.37</b>

Capital project #7131117 – Asset Management Service Design was established to ensure ongoing work related to corporate asset planning and asset management activities are undertaken and completed as required. The project has an available balance of \$568,011 as of April 30<sup>th</sup>, 2023, which is sufficient to cover the costs noted above. It is recommended that funding for the award of the RFP come from this project.

**Consultations:**

Jackie Sisco, Senior Buyer

**Conclusion:**

Of the proposals submitted for RFP#9-23 and in accordance with the City of Windsor's Purchasing By-Law, Administration recommends award to the highest scoring proposal submitted by *GM BluePlan Engineering Limited* to provide consulting services related to the 2024 and 2025 Asset Management Plans in accordance with O.Reg. 588/17.

**Approvals:**

Name	Title
Natasha Gabbana	Senior Manager, Asset Planning
Muhammad Masri	Financial Planning Administrator
Alex Vucinic	Purchasing Manager
Shelby Askin Hager	Commissioner, Legal & Legislative Services
Tony Ardovini	Commissioner, Corporate Services/CFO City Treasurer (A)
Joe Mancina	Chief Administrative Officer

**Notifications:**

Name	Address	Email
GM BluePlan Engineering Limited	1266 South Service Road Hamilton, ON L8E 5R9	<a href="mailto:Richard.pinder@gmblueplan.ca">Richard.pinder@gmblueplan.ca</a>
Jacobs Consultancy Canada Inc.	72 Victoria Street South, Suite 300 Kitchener, ON N2G 4Y9	<a href="mailto:catherine.simpson@jacobs.com">catherine.simpson@jacobs.com</a>
Roth IAMS Ltd.	207 – 1075 North Service Rd W. Oakville, ON L6M 2G2	<a href="mailto:bill.roth@rothiams.com">bill.roth@rothiams.com</a>

**Appendices:**



**Subject: Windsor as a Potential Host Community for First Nation Evacuees – City Wide**

**Reference:**

Date to Council: May 29, 2023  
Author: Emily Bertram  
Emergency Planning Officer/Alternate CEMC  
ebertram@citywindsor.ca  
519-253-3016 Ext. 3754  
Windsor Fire & Rescue Services

Author: Sumar Jasey  
Emergency Planning Officer  
sjasey@citywindsor.ca  
519-255-5200 Ext. 5239  
Human & Health Services  
Housing and Children's Services

Report Date: May 12, 2023  
Clerk's File #: SF2023 & SS2023

To: Mayor and Members of City Council

**Recommendation:**

**THAT** the report from the Emergency Planning Officer/alternate Community Emergency Management Coordinator (CEMC) of Windsor Fire & Rescue Services (WFRS) and the Emergency Planning Officer of Human & Health Services regarding Windsor as a potential host community for First Nation evacuees **BE RECEIVED** for information; and further

**THAT** Administration **BE APPROVED** to provide various services and supports for First Nation evacuees that may be requested by Emergency Management Ontario (EMO), the Canadian Red Cross (CRC), and/or the Canadian Disaster Response Organization (CDRO), who are the designated leads for this emergency response in Windsor; and further

**THAT** City Council **AUTHORIZE** Administration to incur whatever expenses are necessary in order to provide services for First Nation evacuees, provided all such expenses **BE FULLY RECOVERED** by the Indigenous Services Canada (ISC), plus an additional 10% administration fee to be paid by ISC to the City; and further



**THAT** the Chief Administrative Officer and City Clerk **BE APPROVED** to enter into an agreement with ISC, and any amendments or extensions as needed, in order to submit claims for recovery of costs incurred by various City departments in providing services for First Nation evacuees, to be satisfactory in form to the City Solicitor, in financial content to the City Treasurer, and in technical content to the Fire Chief/CEMC and to the Commissioner, Human & Health Services; and further

**THAT** the Chief Administrative Officer and City Clerk **BE APPROVED** to enter into any other agreements necessary in order to provide services for First Nation evacuees, to be satisfactory in form to the City Solicitor, in financial content to the City Treasurer, and in technical content to the Fire Chief/CEMC and to the Commissioner, Human & Health Services.

**Executive Summary:**

N/A

**Background:**

First Nation's (FN) in northern Ontario are seasonally affected by overland flooding and wildland fire beginning in the spring which can pose significant threat to life safety for individuals residing in these communities. EMO in consultation with FN Chiefs, ISC, and the Ministry of Northern Development, Mines, Natural Resources and Forestry provide flood and wildland fire threat analysis, to determine the evacuation window to the community. Communities that are evacuated require temporary relocation in one of fifteen host communities in Ontario until such time it is deemed safe for their return. The University of Windsor is one of fifteen host communities in Ontario utilizing the provincial host model with non-governmental organizational support.

EMO uses different models to support evacuations. The primary model establishes a municipality as the host and all responsibility for command and planning lies with the municipality. The secondary model sees EMO as the host and responsible for on-site command and coordination. Additional support is accessed through NGO's and some municipal support.

As of May 12, 2023, precautionary evacuations have occurred in three FN communities, and 2,171 people have been temporarily relocated to nine of the host communities.

**Discussion:**

In order to prepare for the potential relocation of FN evacuees to Windsor, EMO has planned to implement the secondary provincial hosting model; utilizing non-governmental organizational support and agreements with the University of Windsor to provide accommodations and related-services for up to 170 evacuees. The CRC and CDRO will provide basic needs and other needed supports for the evacuees.

EMO, which is the designated Incident Commander (IC) for this response, has facilitated the planning process and identified key community partners, including the City of Windsor, which may be requested to provide additional supports for the evacuees. Representatives from various City departments including Transit Windsor, Recreation, Human & Health Services, Corporate Communications, WFRS and Windsor Police Service have participated in planning meetings, including a training exercise at the University of Windsor on April 4, 2023.

WFRS' Emergency Planning Officer/alternate CEMC will continue to participate in ongoing meetings with EMO and the lead agencies, and will serve as the Liaison Officer with the various City departments that may be requested to provide additional services for the evacuees.

### **Risk Analysis:**

Since Windsor is the most southern host community in Ontario, it is likely to be the last option utilized by EMO for FN evacuees, which mitigates the risk of Windsor being activated as a host community.

If Windsor is selected as a host community, evacuees may begin arriving quickly with limited advance notice; however, the University of Windsor has requested 72-hours notice.

If City-operated services are provided to support the evacuees, costs can be fully recovered through ISC. This process is further explained in the Financial Matters section.

### **Climate Change Risks**

#### **Climate Change Mitigation:**

N/A

#### **Climate Change Adaptation:**

N/A

### **Financial Matters:**

In consultation with ISC, the City of Windsor may submit a request to be reimbursed for all expenses incurred in support of the evacuees, plus 10% for administrative costs. This will require the City of Windsor to enter into an agreement with ISC and submit required financial reports. The City's expenses will be tracked by a designated chartfield (class 14314).

**Consultations:**

Jennifer Tanner, Manager Homelessness and Housing Support  
Kate Tracey, Senior Legal Counsel  
Linda Higgins, Manager of Intergovernmental Subsidies, Human Services Integration  
Monika Schneider, Financial Planning Administrator

**Conclusion:**

There is a need to support First Nation communities who have been displaced from their homes due to seasonal flooding and wildland fires. EMO has identified Windsor as one of fifteen potential host communities, therefore, various City of Windsor departments may be called upon to provide additional services for the evacuees that cannot be reasonably delivered by the lead agencies. All efforts will be made to recover costs incurred by the City.

**Planning Act Matters:**

N/A

**Approvals:**

Name	Title
Linda Higgins	Manager of Intergovernmental Subsidy and Financial Administration
Emily Bertram	Emergency Planning Officer/alternate CEMC, Windsor Fire & Rescue Services
Stephen Laforet	Fire Chief/CEMC, Windsor Fire & Rescue Services
Andrew Daher	Commissioner, Human & Health Services
Shelby Askin Hager	Commissioner, Legal & Legislative Services
Tony Ardovini	Commissioner, Corporate Services/Chief Financial Officer/City Treasurer (A)
Joe Mancina	Chief Administrative Officer

**Notifications:**

<b>Name</b>	<b>Address</b>	<b>Email</b>
Holly Robert, Field Officer, Emergency Management Ontario	25 Morton Shulman Ave, Toronto, ON M3M 0B1	holly.robert@ontario.ca
James McGinlay, Residence Facilities, University of Windsor	401 Sunset Ave, Windsor, ON N9B 3P4	jamesmc@uwindsor.ca
Tatjana Radovanovic, Senior Director of Emergency Operations, Canadian Red Cross	400 Cooper Street, Suite 8000, Ottawa, ON K2P 2H8	tatjana.radovanovic@redcross.ca
Jim Montgomery, Founder & CEO, Canadian Disaster Response Organization	1000 Innovation Drive, Suite 500, Ottawa, ON K2K 3E7	jim.montgomery@cdro.ca
Mike Duval, Manager of Transportation, Transit Windsor	3700 North Service Rd E, Windsor, ON N8W 5X2	mduval@citywindsor.ca
Jen Knights, Executive Director of Recreation & Culture	2450 McDougall, Windsor, ON N8X 3N6	jknight@citywindsor.ca
Paolo Di Carlo, Staff Sergeant, Windsor Police Service	150 Goyeau St, Windsor, ON N9A 6J5	pdicarlo@windsorpolice.ca

**Appendices:**

N/A

**Item No. 12.2**



**Committee Matters: SCM 135/2023**

**Subject: Minutes of the City Hall Square Plaza Project Steering Committee of its meeting held April 21, 2023**



**City Hall Square Plaza Project Steering Committee  
Meeting held April 21, 2023**

A meeting of the City Hall Square Plaza Project Steering Committee is held this day commencing at 10:00 o'clock a.m. in Room 522b, there being present the following members:

Councillor Renaldo Agostino, Chair  
Councillor Angelo Marignani  
Councillor Jim Morrison

***Guests in attendance***

Cindi Rowan, Director Landscape Architecture Studio – FORREC regarding *Item 5.0*  
Caroline Taylor, member of the public

***Also present are the following resource personnel:***

Jelena Payne, Commissioner, Economic Development & Innovation  
Ray Mensour, Commissioner Community Services  
Stefan Fediuk, Project Administrator  
Onorio Colucci, Acting Chief Administrative Officer  
France Isabelle-Tunks, Executive Director Engineer, Deputy City Engineer  
Natalie Gabbana, Senior Manager of Asset Planning  
Michelle Staadegaard, Manager Culture & Events  
Mary Rodgers, Corporate Marketing & Communications Marketing  
Karen Kadour, Committee Coordinator

**1. Call to Order**

The Committee Coordinator calls the meeting to order at 10:03 o'clock a.m. and the Committee considers the Agenda being Schedule A attached hereto, matters which are dealt with as follows:

**2. Election of Chair**

The Committee Coordinator calls for nominations from the floor for the position of Chair. Councillor Angelo Marignani nominates Councillor Renaldo Agostino, seconded by Councillor Jim Morrison. The Committee Coordinator calls for further nominations from the floor. Seeing none, the Committee Coordinator asks Councillor Renaldo Agostino if

he accepts the position of Chair. Councillor Renaldo Agostino accepts and assumes the Chair.

**3. Declaration of Conflict**

None disclosed.

**4. Adoption of the Minutes**

Moved by Councillor Angelo Marignani, seconded by Councillor Jim Morrison,  
That the minutes of the City Hall Square Plaza Project Steering Committee of its  
meeting held August 12, 2021 **BE ADOPTED** as presented.  
Carried.

**5. Presentation – Windsor Civic Esplanade Final Report – Volume 2  
Concept Master Plan – April, 2023 (attached as Appendix A)**

Cindi Rowan, Director Landscape Architecture Studio – FORREC provides an  
overview of the Concept Master Plan for the Windsor Civic Esplanade as follows:

- FORREC Vision – A new Place for Civic Life in the City of Windsor
- Analysis and studies
- Public and stakeholder engagement
- Site history and inspiration
- Indigenous history
- The Underground Railroad
- Colonial and military history
- Design considerations and key design elements
- *Preferred Option – “Light the Path”*
- *Sections 4&5: City Beacon & Riverside Drive Crossing* – Two options in the Light the Path concept create a new City Beacon. One as a bridge and the second as a grade-level crossing. Both offer a dramatic overlook that enjoys the spectacular view of the river and Detroit skyline, accessed by grand stairways and glass elevators for a fully accessible route across Riverside Drive, presented as a gateway between the Esplanade and to the Windsor Riverfront Trail including, Rotary Plaza and Festival Plaza.

*Tower of Freedom monument in Riverside Plaza* – The monument commemorates the Underground Railroad link between Windsor and Detroit. The Light the Path concept depicts the outline of the former barracks in its original location as the central feature of City Hall Square, illuminating the role of the Underground Railroad and Black Freedom Seekers in the history of the site and the development of the City.

- *Section 3: Arts Park* – Offers a series of flexible spaces that can be used individually to display permanent or evolving art installations.
- *Section 2: Charles Clark Square* – A small stage with a canopy and tiered planters invite performances while providing sheltered seating. A food truck area features covered seating and cafe tables. Outdoor workspaces with solar canopies serve employees, entrepreneurs and students alike.
- *Section 1: City Hall Square* – In the forefront of City Hall, the outline of the former military barracks and Black Refugee housing continue the story of the Underground Railroad. Provided are an event space, which holds a video screen to display community events, a pavilion for food, greenspace, as well as a splash pad to encourage interactivity and help cool the area. Also located in this section are the Francophone Monument, the facade of the former city hall which will hold up the video screen.

*A Temporary Ice Rink* relocates the former Charles Clark Square rink, will be in the form of a skate trail with a center island to allow for a seasonal winter display. *South side of City Hall* – will be transformed into a pedestrian-oriented area with a common grade. The south side will also find accommodation for a relocated Councillor parking area.

A question and answer period follows the presentation.

In response to a question asked by Councillor Jim Morrison regarding if the ice feature will be a short term goal, Jelena Payne responds that two projects have been merged together as directed by Council and Administration and recommending the option to place the ice feature in front of City Hall.

Councillor Jim Morrison asks if the ice feature will run a longer season. Ray Mensour responds that it will be similar to what is done in Charles Clark Square, i.e. mid-December to mid-March.

The Chair inquires if the temporary rink will be flexible in the future and will the building provide a substantial amount of shade.

Cindi Rowan responds that they do ice rinks in a number of their global projects and discovered that artificial ice has made extraordinary strides in the quality and skate ability of it. She adds that there is a substantial investment required to put in “real” ice and reiterates that artificial ice has been improved a great deal.

In response to a question asked by the Chair regarding if a switch to real ice can be considered in the future, Cindi Rowan responds she will take this to Custom Ice and will report back.

Ray Mensour concurs with Cindi Rowan that it will be a significant investment to have a refrigerated ice surface. It is not practical to put synthetic ice over what is refrigerated, but adds they could expand the overall area with synthetic ice.

Councillor Jim Morrison refers to the pathway down to the riverfront and asks if there are any recommendations at this stage, i.e. a bridge.

Jelena Payne responds that they are not recommending anything at this time, and adds that future decisions will be brought back to Council as opportunities and funding presents themselves.

Councillor Angelo Marignani alludes to the Tower of Freedom monument and the Gateway to Freedom monument (in Detroit) and suggests that when this project is complete, to have a celebration with the City of Detroit.

Moved by Councillor Angelo Marignani, seconded by Councillor Morrison,  
That the Presentation provided by Cindi Rowan, Director Landscape Architecture Studio – FORREC entitled “Windsor Civic Esplanade Final Report – Volume 2, Concept Master Plan – April 2023 **BE RECEIVED.**

Carried.

Ray Mensour reports that the tentative date for the temporary ice rink will be October 2024.

Councillor Angelo Marignani asks if any Federal or Provincial grants are available for the Plaza Project. Jelena Payne responds that it depends upon what aspect of the Plan that is being implemented.

## 6.1 Project Update

Moved by Councillor Jim Morrison, seconded by Councillor Angelo Marignani,  
That Items I., III., IV., V. and VI. noted as recommendations in the Report of the Project Manager dated April 21, 2023 entitled “City Hall Square Plaza and Civic Esplanade Project” **BE RECEIVED**, and further that Item II: *Light The Path Concept* **BE APPROVED.**

Carried.

## 6.2 City Hall Square Plaza

Moved by Councillor Angelo Marignani, seconded by Councillor Jim Morrison,  
That the minutes of the City Hall Square Plaza Project Executive Committee of its meetings held April 14, 2022, October 13, 2022, November 10, 2022, January 11, 2023 and February 8, 2023 **BE RECEIVED.**

Carried.

Stefan Fediuk advises that a final stakeholder meeting will be held in early May, 2023. A summary of the responses from the stakeholders will be provided to City Council.

Jelena Payne adds that an update to close the loop will be provided at the stakeholders meeting.

**7. Other Business**

None.

**8. Date of Next Meeting**

Jelena Payne states that the Steering Committee was struck to bring this work to fruition in terms of the Concept Plan and recommends this proceed to Council. She adds that one more meeting of the Steering Committee will be held and following that will be disbanded.

**9. Adjournment**

There being no further business, the meeting is adjourned at 10:56 o'clock a.m.