

City Council Meeting

Date: Monday, February 12, 2024

Time: 10:00 o'clock a.m.

Location: Council Chambers, 1st 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.	ORDER OF BUSINESS
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2.	CALL TO ORDER - Playing of the National Anthem
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READING OF LAND ACKNOWLEDGEMENT

We [] 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.	DISCLOSURE OF PECUNIARY INTEREST AND THE GENERAL NATURE THEREOF
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4.	ADOPTION OF THE MINUTES
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5.	NOTICE OF PROCLAMATIONS
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Proclamations

“Eating Disorders Awareness Week (EDAW)” – February 1 – 7, 2024

“World Thinking Day” – February 22, 2024

Flag Raising Ceremony

“International Mother Language Day (IMLD)” – February 21, 2024

Illumination

“Eating Disorders Awareness Week (EDAW)” – February 1 – 7, 2024

“World Thinking Day” – February 22, 2024

6.	COMMITTEE OF THE WHOLE
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7. COMMUNICATIONS INFORMATION PACKAGE (This includes both Correspondence and Communication Reports)

7.1 Correspondence 7.1.1. through 7.1.2. **(CMC 3/2024)**

7.2 Corporate Wellness Program – City Wide **(CM 3/2024)**

8. CONSENT AGENDA

8.1. Cellular Devices Policy Update - City Wide **(C 191/2024)**

8.2 Overhead Bridge Crane Replacement at the Little River Pollution Control Plant - City Wide **(C 11/2024)**

CONSENT COMMITTEE REPORTS

8.3. Sandwich CIP Application Report, 3549 Peter Street; Owners: Roseland Homes LTD (c/o Evanz Minas) **(SCM 11/2024) & (S 164/2023)**

8.4. Closure of part of east/west alley located between Leonard Road and George Avenue, Ward 5, SAA-7136 **(SCM 10/2024) & (S 167/2023)**

8.5. Downtown CIP/Demolition Control By-law Exemption Report-527 Marentette Ave; Owner: Fouad Badour **(SCM 9/2024) & (S 165/2023)**

9. REQUEST FOR DEFERRALS, REFERRALS AND/OR WITHDRAWALS

9.1. Application for Approval of the Conversion of an existing Non-Residential Building at 1500 Ouellette Avenue to a Residential and Commercial Plan of Condominium; Applicant - Ryan Michael Solcz Prof. Corp; File No. CDM-004/22 [CDM/6939]; Ward 3 **(SCM 8/2024) & (S 62/2023)**

Clerk's Note: The Applicant's request for withdrawal of their application was approved at the January 8, 2024 meeting of the Development & Heritage Standing Committee.

10. PRESENTATIONS AND DELEGATIONS

11. REGULAR BUSINESS ITEMS (Non-Consent Items)

11.1. Temporary Patios on Private Property – Application and Approval Process – City Wide **(C 146/2023)**

11.2. Declaration of Improved Property Municipally Known as 451 Tecumseh Road West Surplus and Authority to Offer Same for Sale – Ward 3 **(C 5/2024)**

- 11.3. Proposed Expropriation of Land for the Lauzon Parkway/County Road 42 Improvement Project - Ward 9 (C 14/2024)
- 11.4. Sprucewood Avenue Drain Provisional By-Law for Repair and Improvement - Ward 1 (C 6/2024)

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)

13. BY-LAWS (First and Second Reading)

- 13.1 **By-law 24-2024** A BY-LAW TO AMEND BY-LAW NUMBER 20-2007 BEING A BY-LAW TO DESIGNATE THE "OLDE SANDWICH TOWNE COMMUNITY PLANNING STUDY AREA" AS AN AREA OF DEMOLITION CONTROL. Authorized by CR30/2024 dated January 15, 2024.
- 13.2 **By-law 25-2024** A BY-LAW TO ADOPT AMENDMENT NO. 173 TO THE OFFICIAL PLAN OF THE CITY OF WINDSOR. Authorized by CR486/2023 dated November 27, 2023.
- 13.3 **By-law 26-2024** A BY-LAW TO FURTHER AMEND BY-LAW NUMBER 8600 CITED AS THE "CITY OF WINDSOR ZONING BY-LAW". Authorized by CR486/2023 dated November 27, 2023.
- 13.4 **By-law 27-2024** A BY-LAW TO ADOPT AMENDMENT NO. 174 TO THE OFFICIAL PLAN OF THE CITY OF WINDSOR. Authorized by CR487/2023 dated November 27, 2023.
- 13.5 **By-law 28-2024** A BY-LAW TO FURTHER AMEND BY-LAW NUMBER 8600 CITED AS THE "CITY OF WINDSOR ZONING BY-LAW". Authorized by CR487/2023 dated November 27, 2023.
- 13.6 **By-law 29-2024** A BY-LAW TO FURTHER AMEND BY-LAW NUMBER 8600 CITED AS THE "CITY OF WINDSOR ZONING BY-LAW". Authorized by B/L 327-2004 dated October 4, 2004, OMB Decision/Order 1695 dated June 13, 2006.
- 13.7 **By-law 30-2024** A BY-LAW TO ASSUME FOR SUBSEQUENT CLOSURE THE 3.66 METRE NORTH/SOUTH ALLEY LOCATED NORTH OF TAYLOR AVENUE AND NEXT EAST OF CAMPBELL AVENUE, CITY OF WINDSOR. Authorized by CR437/2023 dated October 30, 2023.

- 13.8 **By-law 31-2024** A BY-LAW TO CLOSE, STOP UP AND CONVEY THE 3.66 METRE NORTH/SOUTH ALLEY LOCATED NORTH OF TAYLOR AVENUE AND NEXT EAST OF CAMPBELL AVENUE, CITY OF WINDSOR. Authorized by CR437/2023 dated October 30, 2023.
- 13.9 **By-law 32-2024** A BY-LAW TO ESTABLISH LANDS AS A PUBLIC HIGHWAY KNOWN AS GRAND MARAIS ROAD EAST IN THE CITY OF WINDSOR. Authorized by CR76/2011 dated February 28, 2011.
- 13.10 **By-law 33-2024** A BY-LAW TO AMEND BY-LAW NUMBER 15-2010 BEING A BY-LAW TO APPOINT CHIEF BUILDING OFFICIAL, DEPUTY CHIEF BUILDING OFFICIALS AND INSPECTORS TO ENFORCE THE BUILDING CODE ACT AND REGULATIONS IN WINDSOR. Authorized by By-law 98-2011, Section 27.1 (l) (i) dated June 7, 2011.
- 13.11 **By-law 34-2024** A BY-LAW TO PROVIDE THAT PART-LOT CONTROL SHALL NOT APPLY TO CERTAIN LAND THAT IS WITHIN REGISTERED PLANS 1014 and 989 IN THE CITY OF WINDSOR. Authorized by By-law 139-2013 dated August 26, 2013.
- 13.12 **By-law 35-2024** A PROVISIONAL BY-LAW TO PROVIDE FOR A DRAINAGE WORKS IN THE CITY OF WINDSOR IN THE COUNTY OF ESSEX FOR THE IMPROVEMENT OF THE SPRUCEWOOD AVENUE DRAIN. See Item No. 11.4. (First and Second Reading Only on Friday, February 12, 2024)
- 13.13 **By-law 36-2024** A BY-LAW TO CONFIRM PROCEEDINGS OF THE COUNCIL OF THE CORPORATION OF THE CITY OF WINDSOR AT ITS MEETING HELD ON THE 12th day of February, 2024.

14. MOVE BACK INTO FORMAL SESSION

15. NOTICES OF MOTION

16. THIRD AND FINAL READING OF THE BY-LAWS

By-laws 24-2024 through 34-2024 and 36-2024 inclusive

17. PETITIONS

18. QUESTION PERIOD

- 18.1 Summary of Outstanding Council Questions as of January 25, 2024 **(SCM 22/2024)**
- 18.2 Outstanding Council Directives as of January 31, 2024 **(SCM 23/2024)**

19. STATEMENTS BY MEMBERS

20. UPCOMING MEETINGS

Development & Heritage Standing Committee
Monday, February 5, 2024
4:30 p.m., Council Chambers

Community Services Standing Committee
Wednesday, February 7, 2024
9:00 a.m., Council Chambers

Windsor Accessibility Advisory Committee
Tuesday, February 20, 2024
10:00 a.m., via Zoom video conference

City Council Meeting
Monday, February 26, 2024
10:00 a.m., Council Chambers

Environment, Transportation & Public Safety Standing Committee
Wednesday, February 28, 2024
4:30 p.m., Council Chambers

21. ADJOURNMENT



Correspondence Report: CMC 3/2024

ATTACHMENTS

Subject: Correspondence for Monday, February 12, 2024

No.	Sender	Subject
7.1.1	Minister of Housing, Infrastructure and Communities	<p>Letter regarding the status of Windsor’s application to the Federal Housing Accelerator Fund</p> <p>Commissioner, Economic Development Commissioner, Finance and City Treasurer Commissioner, Infrastructure Services and City Engineer (Interim) City Planner Deputy City Planner GH/14271 Note & File</p>
7.1.2	City of Greater Sudbury	<p>Motion passed December 5, 2023 – Amendment to the <i>Occupational Health and Safety Act</i> to Clarify the Definition of “Employer”.</p> <p>Commissioner, Human & Health Services Commissioner, Corporate Services Commissioner, Infrastructure Services and City Engineer (Interim) City Solicitor Executive Director of Human Resources MMA/14716 Council Direction requested, otherwise Note & File</p>

Minister of Housing,
Infrastructure
and Communities



Ministre du Logement,
de l'Infrastructure
et des Collectivités

Ottawa, Canada K1P 0B6

Mayor Drew Dilkens
The City of Windsor
Via electronic mail mayoro@citywindsor.ca

January 31, 2024

Mayor Dilkens,

I hope you are well.

I am writing to inform you, regrettably, that I will not be approving Windsor's application to the federal Housing Accelerator Fund.

I am grateful for the opportunity to have had the chance to meet regarding the application and for the collaboration between our teams throughout the process. However, in light of the recent decision by Council to stop short of the best practices we published to encourage cities to increase their ambition in their applications to the fund, and in the presence of applications from neighbouring cities that are determined to meet those standards, I cannot approve Windsor's application.

I watched Windsor City Council's meeting on January 22nd, 2024, with great interest as I knew my team had worked with yours in drafting a suitable motion to respond to my recommendations that would improve Windsor's HAF application.

I understand that my team reviewed the initial draft motion your office prepared, and put forward an alternative, which aligned more closely with the motions successful HAF recipients, like the City of London, have adopted. The motion that Windsor City Council passed was less ambitious than what our teams had discussed over the course of a handful of meetings and several email exchanges, so I expect my decision on this application will not come as a surprise.

The economic boom that is happening in Windsor right now is inspiring, and demonstrates Canada's enormous potential for economic growth in the years ahead. This growth is supported in no small part by significant federal investments in the region, such as the Gordie Howe International Bridge and the NextStart electric vehicle battery plant. These projects help to create good jobs for the people of Windsor, and they are attracting new residents who will be part of its historic revitalization.

Unique housing challenges come with this extraordinary economic renewal. As Councillor Costante noted during Council's recent meeting, there are over 6000 people on a waiting

list for affordable housing in the community. In addition, Windsor has record low vacancy rates, which is driving up the price of rent.

It's clear that Windsor needs to build more homes. Despite a 2023 housing target of permitting 953 units, the City only permitted 346. This represents only 36% of its target.

It is incumbent upon all of us to do everything we can to address the housing crisis. There are things that communities can do that we know will increase the number of approvals, and reduce timelines and costs for home building. Ending exclusionary zoning is one of them. Legalizing four units as of right, and four storeys as of right, are ways that experts have indicated that we can facilitate more home construction. Ontario's Housing Affordability Task Force published a report which made these very recommendations. Windsor has decided not to move forward with these measures at this time.

The Housing Accelerator Fund has generated an extremely competitive application process. There are municipalities in this country who have opted to end exclusionary zoning, and municipal governments who have made bold decisions to improve housing availability in their communities. With more than 500 applications, and a finite amount of cash in the fund, only the most ambitious communities will receive funding.

Choosing not to implement the best practices we have outlined or to adopt the recommendations of Ontario's Housing Affordability Task Force is well within the decision making power of City Council. However, there is no obligation on the federal government to support proposals that do not meet the very high standard set by other applicants to the same fund, who have chosen to adopt the measures included in those documents.

Despite my decision not to approve Windsor's Housing Accelerator Fund, our team remains willing to work to support home construction in Windsor through other programs, and build upon recent housing investments totalling \$131 Million, including an incredible affordable housing project at Meadowbrook Lane, which I had the opportunity to visit personally during my last visit to the City.

I sincerely hope to be able to work with you again in the future, with better results on future funding programs.

Sincerely,



The Honourable Sean Fraser, P.C., M.P.
Minister of Housing, Infrastructure and Communities



December 12, 2023

The Honorable Doug Ford
Premier of Ontario
Legislative Building
Queen's Park
Toronto ON
M7A 1A1

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200 BRADY STREET
SUDBURY ON P3A 5P3

CP 5000 SUCC A
200, RUE BRADY
SUDBURY ON P3A 5P3

705.671.2489

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Re: Amendment to the Occupational Health and Safety Act to Clarify the Definition of "Employer"

Premier Ford,

The following resolution was passed by Council of the City of Greater Sudbury on December 5, 2023:

CC2023-303: WHEREAS in 2015 the City of Greater Sudbury (the "City") entered into a contract with a contractor experienced in road construction projects to complete a project on Elgin Street in the City's downtown core;

AND WHEREAS the contract provided that the contractor would be the constructor for the project as that term is defined in the Occupational Health and Safety Act (the "Act");

AND WHEREAS an employee of the constructor operating a grader on the project struck and killed a pedestrian;

AND WHEREAS the City was charged with offences under the Act as the constructor and the employer;

AND WHEREAS after being acquitted at trial and on appeal, the Ontario Court of Appeal, in a decision issued on April 23, 2021, found the City to be liable for contraventions of the Construction Regulations as an employer as it employed quality control inspectors to monitor the quality of work on the project from time-to-time;

AND WHEREAS the Supreme Court of Canada, in a decision issued on November 10, 2023, was evenly divided 4-4 on the issue resulting in dismissal of the City's appeal;

AND WHEREAS the consequence of this decision is that municipalities in Ontario, as well as all other owners of property in the province, who wish to undertake construction, are subject to being charged and convicted as an employer for offences in relation to project sites for which they have no control

and have, in accordance with the Act, contracted with an entity to assume plenary oversight and authority over the work on such site as the constructor; AND WHEREAS the potential of an owner being charged as an employer as that term is defined in the Act in circumstances where it has engaged a constructor disregards and renders meaningless the owner-constructor provisions contained in the Act and presents an unacceptable level of increased risk and confusion for owners and contractors throughout the province;

AND WHEREAS the City believes that the safety of workers is paramount however the safety of workers on construction projects in Ontario is not increased by placing liability on parties that do not have control of and are not responsible for the conduct of the work on such sites;

NOW THEREFORE BE IT RESOLVED THAT the Council for the City of Greater Sudbury requests that the province amend the Occupational Health and Safety Act to clarify the definition of "employer" to exclude owners that have contracted with a constructor for a project;

AND BE IT FURTHER RESOLVED THAT this motion be provided to the Honourable Doug Ford, Premier of Ontario, the Honourable David Piccini, Minister of Labour, Immigration, Training and Skills Development, the Honourable Paul Calandra, Minister of Municipal Affairs and Housing, France Gelin, MPP for Nickel Belt, Jamie West, MPP for Sudbury, the Association of Municipalities of Ontario, the Federation of Northern Ontario Municipalities, Ontario's Big City Mayors, Mayors and Regional Chairs of Ontario, Northern Ontario Large Urban Mayors, the Council of Ontario Construction Associations, the Ontario Chamber of Commerce and all Ontario municipalities.

Yours truly,



Brigitte Sobush
Manager of Clerk's Services/Deputy City Clerk

- c. Members of City Council
Eric Labelle, City Solicitor and Clerk

December 12, 2023

Sent Via Email

Ontario's Big City Mayors
Michelle Baker, Executive Director
6-2400 Dundas St. W
Mississauga ON L5K 2R8
michelle@obcm.ca

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200 BRADY STREET
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Re: Amendment to the Occupational Health and Safety Act to Clarify the Definition of "Employer"

Ms. Baker,

The following resolution was passed by Council of the City of Greater Sudbury on December 5, 2023:

CC2023-303: WHEREAS in 2015 the City of Greater Sudbury (the "City") entered into a contract with a contractor experienced in road construction projects to complete a project on Elgin Street in the City's downtown core;

AND WHEREAS the contract provided that the contractor would be the constructor for the project as that term is defined in the Occupational Health and Safety Act (the "Act");

AND WHEREAS an employee of the constructor operating a grader on the project struck and killed a pedestrian;

AND WHEREAS the City was charged with offences under the Act as the constructor and the employer;

AND WHEREAS after being acquitted at trial and on appeal, the Ontario Court of Appeal, in a decision issued on April 23, 2021, found the City to be liable for contraventions of the Construction Regulations as an employer as it employed quality control inspectors to monitor the quality of work on the project from time-to-time;

AND WHEREAS the Supreme Court of Canada, in a decision issued on November 10, 2023, was evenly divided 4-4 on the issue resulting in dismissal of the City's appeal;

AND WHEREAS the consequence of this decision is that municipalities in Ontario, as well as all other owners of property in the province, who wish to undertake construction, are subject to being charged and convicted as an employer for offences in relation to project sites for which they have no control

and have, in accordance with the Act, contracted with an entity to assume plenary oversight and authority over the work on such site as the constructor; AND WHEREAS the potential of an owner being charged as an employer as that term is defined in the Act in circumstances where it has engaged a constructor disregards and renders meaningless the owner-constructor provisions contained in the Act and presents an unacceptable level of increased risk and confusion for owners and contractors throughout the province;

AND WHEREAS the City believes that the safety of workers is paramount however the safety of workers on construction projects in Ontario is not increased by placing liability on parties that do not have control of and are not responsible for the conduct of the work on such sites;

NOW THEREFORE BE IT RESOLVED THAT the Council for the City of Greater Sudbury requests that the province amend the Occupational Health and Safety Act to clarify the definition of "employer" to exclude owners that have contracted with a constructor for a project;

AND BE IT FURTHER RESOLVED THAT this motion be provided to the Honourable Doug Ford, Premier of Ontario, the Honourable David Piccini, Minister of Labour, Immigration, Training and Skills Development, the Honourable Paul Calandra, Minister of Municipal Affairs and Housing, France Gelin, MPP for Nickel Belt, Jamie West, MPP for Sudbury, the Association of Municipalities of Ontario, the Federation of Northern Ontario Municipalities, Ontario's Big City Mayors, Mayors and Regional Chairs of Ontario, Northern Ontario Large Urban Mayors, the Council of Ontario Construction Associations, the Ontario Chamber of Commerce and all Ontario municipalities.

Yours truly,



Brigitte Sobush
Manager of Clerk's Services/Deputy City Clerk

- c. Members of City Council
Eric Labelle, City Solicitor and Clerk

December 12, 2023

Sent Via Email

Association of Municipalities of Ontario
200 University Ave. Suite 801
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resolutions@amo.on.ca

PO BOX 5000 SIN A
200 BRADY STREET
SUDBURY ON P3A 5P3

Re: Amendment to the Occupational Health and Safety Act to Clarify the Definition of "Employer"

CP 5000 SUCC A
200, RUE BRADY
SUDBURY ON P3A 5P3

The following resolution was passed by Council of the City of Greater Sudbury on December 5, 2023:

705.671.2489

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CC2023-303: WHEREAS in 2015 the City of Greater Sudbury (the "City") entered into a contract with a contractor experienced in road construction projects to complete a project on Elgin Street in the City's downtown core;

AND WHEREAS the contract provided that the contractor would be the constructor for the project as that term is defined in the Occupational Health and Safety Act (the "Act");

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AND WHEREAS the City was charged with offences under the Act as the constructor and the employer;

AND WHEREAS after being acquitted at trial and on appeal, the Ontario Court of Appeal, in a decision issued on April 23, 2021, found the City to be liable for contraventions of the Construction Regulations as an employer as it employed quality control inspectors to monitor the quality of work on the project from time-to-time;

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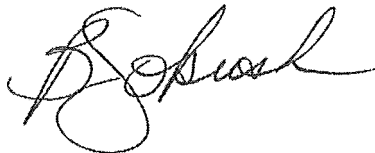
constructor disregards and renders meaningless the owner-constructor provisions contained in the Act and presents an unacceptable level of increased risk and confusion for owners and contractors throughout the province;

AND WHEREAS the City believes that the safety of workers is paramount however the safety of workers on construction projects in Ontario is not increased by placing liability on parties that do not have control of and are not responsible for the conduct of the work on such sites;

NOW THEREFORE BE IT RESOLVED THAT the Council for the City of Greater Sudbury requests that the province amend the Occupational Health and Safety Act to clarify the definition of "employer" to exclude owners that have contracted with a constructor for a project;

AND BE IT FURTHER RESOLVED THAT this motion be provided to the Honourable Doug Ford, Premier of Ontario, the Honourable David Piccini, Minister of Labour, Immigration, Training and Skills Development, the Honourable Paul Calandra, Minister of Municipal Affairs and Housing, France Gelin, MPP for Nickel Belt, Jamie West, MPP for Sudbury, the Association of Municipalities of Ontario, the Federation of Northern Ontario Municipalities, Ontario's Big City Mayors, Mayors and Regional Chairs of Ontario, Northern Ontario Large Urban Mayors, the Council of Ontario Construction Associations, the Ontario Chamber of Commerce and all Ontario municipalities.

Yours truly,



Brigitte Sobush
Manager of Clerk's Services/Deputy City Clerk

- c. Members of City Council
Eric Labelle, City Solicitor and Clerk

December 12, 2023

Sent Via Email

Council of Ontario Construction Associations
Ian Cunningham, President
icunningham@cooca.on.ca

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200 BRADY STREET
SUDBURY ON P3A 5P3

CP 5000 SUCC A
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Re: Amendment to the Occupational Health and Safety Act to Clarify the Definition of "Employer"

Mr. Cunningham,

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AND WHEREAS the contract provided that the contractor would be the constructor for the project as that term is defined in the Occupational Health and Safety Act (the "Act");

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AND WHEREAS the Supreme Court of Canada, in a decision issued on November 10, 2023, was evenly divided 4-4 on the issue resulting in dismissal of the City's appeal;

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Yours truly,



Brigitte Sobush
Manager of Clerk's Services/Deputy City Clerk

- c. Members of City Council
Eric Labelle, City Solicitor and Clerk

December 12, 2023

France Gelinas
Member of Parliament for Nickel Belt
Room 316, Main Legislative Building
Queen's Park
Toronto ON M7A 1A5

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CP 5000 SUCC A
200, RUE BRADY
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Re: Amendment to the Occupational Health and Safety Act to Clarify the Definition of "Employer"

Ms. Gelinas,

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AND BE IT FURTHER RESOLVED THAT this motion be provided to the Honourable Doug Ford, Premier of Ontario, the Honourable David Piccini, Minister of Labour, Immigration, Training and Skills Development, the Honourable Paul Calandra, Minister of Municipal Affairs and Housing, France Gelinas, MPP for Nickel Belt, Jamie West, MPP for Sudbury, the Association of Municipalities of Ontario, the Federation of Northern Ontario Municipalities, Ontario's Big City Mayors, Mayors and Regional Chairs of Ontario, Northern Ontario Large Urban Mayors, the Council of Ontario Construction Associations, the Ontario Chamber of Commerce and all Ontario municipalities.

Yours truly,



Brigitte Sobush
Manager of Clerk's Services/Deputy City Clerk

- c. Members of City Council
Eric Labelle, City Solicitor and Clerk

December 12, 2023

Jamie West
Member of Parliament for Sudbury
Room 347, Main Legislative Building
Queen's Park
Toronto ON M7A 1A8

PO BOX 5000 STN A
200 BRADY STREET
SUDBURY ON P3A 5P3

CP 5000 SUCC A
200, RUE BRADY
SUDBURY ON P3A 5P3

705.671.2489

www.greatersudbury.ca
www.grandsudbury.ca

Re: Amendment to the Occupational Health and Safety Act to Clarify the Definition of "Employer"

Mr. West,

The following resolution was passed by Council of the City of Greater Sudbury on December 5, 2023:

CC2023-303: WHEREAS in 2015 the City of Greater Sudbury (the "City") entered into a contract with a contractor experienced in road construction projects to complete a project on Elgin Street in the City's downtown core;

AND WHEREAS the contract provided that the contractor would be the constructor for the project as that term is defined in the Occupational Health and Safety Act (the "Act");

AND WHEREAS an employee of the constructor operating a grader on the project struck and killed a pedestrian;

AND WHEREAS the City was charged with offences under the Act as the constructor and the employer;

AND WHEREAS after being acquitted at trial and on appeal, the Ontario Court of Appeal, in a decision issued on April 23, 2021, found the City to be liable for contraventions of the Construction Regulations as an employer as it employed quality control inspectors to monitor the quality of work on the project from time-to-time;

AND WHEREAS the Supreme Court of Canada, in a decision issued on November 10, 2023, was evenly divided 4-4 on the issue resulting in dismissal of the City's appeal;

AND WHEREAS the consequence of this decision is that municipalities in Ontario, as well as all other owners of property in the province, who wish to undertake construction, are subject to being charged and convicted as an employer for offences in relation to project sites for which they have no control and have, in accordance with the Act, contracted with an entity to assume plenary oversight and authority over the work on such site as the constructor;


AND WHEREAS the potential of an owner being charged as an employer as that term is defined in the Act in circumstances where it has engaged a constructor disregards and renders meaningless the owner-constructor provisions contained in the Act and presents an unacceptable level of increased risk and confusion for owners and contractors throughout the province;

AND WHEREAS the City believes that the safety of workers is paramount however the safety of workers on construction projects in Ontario is not increased by placing liability on parties that do not have control of and are not responsible for the conduct of the work on such sites;

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Yours truly,



Brigitte Sobush
Manager of Clerk's Services/Deputy City Clerk

- c. Members of City Council
Eric Labelle, City Solicitor and Clerk

December 12, 2023

Sent Via Email

Mayors and Regional Chairs of Ontario
chair@regionofwaterloo.ca

Re: Amendment to the Occupational Health and Safety Act to Clarify the Definition of "Employer"

Chair Redman,

The following resolution was passed by Council of the City of Greater Sudbury on December 5, 2023:

CC2023-303: WHEREAS in 2015 the City of Greater Sudbury (the "City") entered into a contract with a contractor experienced in road construction projects to complete a project on Elgin Street in the City's downtown core;

AND WHEREAS the contract provided that the contractor would be the constructor for the project as that term is defined in the Occupational Health and Safety Act (the "Act");

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Yours truly,



Brigitte Sobush
Manager of Clerk's Services/Deputy City Clerk

- c. Members of City Council
Eric Labelle, City Solicitor and Clerk

December 12, 2023

The Honorable Paul Calandra
Minister of Municipal Affairs and Housing
Ministry of Legislative Affairs
Main Legislative Building, Room 223
111 Wellesley St. W
Toronto ON M7A 1A8

PO BOX 5000 STN A
200 BRADY STREET
SUDBURY ON P3A 5P3

CP 5000 SUCC A
200, RUE BRADY
SUDBURY ON P3A 5P3

705.671.2489

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www.grandsudbury.ca

Re: Amendment to the Occupational Health and Safety Act to Clarify the Definition of "Employer"

Minister Calandra,

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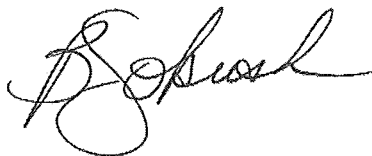
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Yours truly,



Brigitte Sobush
Manager of Clerk's Services/Deputy City Clerk

- c. Members of City Council
Eric Labelle, City Solicitor and Clerk

December 12, 2023

The Honorable David Piccini
Minister of Labour, Immigration, Training and Skills Development
14th Floor, 400 University Avenue
Toronto ON M7A 1T7

PO BOX 5000 STN A
200 BRADY STREET
SUDBURY ON P3A 5P3

CP 5000 SUCC A
200, RUE BRADY
SUDBURY ON P3A 5P3

705.671.2489

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Re: Amendment to the Occupational Health and Safety Act to Clarify the Definition of "Employer"

Minister Piccini,

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Yours truly,



Brigitte Sobush
Manager of Clerk's Services/Deputy City Clerk

- c. Members of City Council
Eric Labelle, City Solicitor and Clerk

December 12, 2023

Sent Via Email

Northern Ontario Large Urban Mayors
Mayor Peter Chirico, North Bay
Mayor Matthew Shoemaker, Sault Ste Marie
Mayor Michelle Boileau, Timmins
Mayor Ken Boshcoff, Thunder Bay

PO BOX 5000 STN A
200 BRADY STREET
SUDBURY ON P3A 5P3

CP 5000 SUCC A
200, RUE BRADY
SUDBURY ON P3A 5P3

705.671.2489

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Re: Amendment to the Occupational Health and Safety Act to Clarify the Definition of "Employer"

Mayors,

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Yours truly,



Brigitte Sobush
Manager of Clerk's Services/Deputy City Clerk

- c. Members of City Council
Eric Labelle, City Solicitor and Clerk

December 12, 2023

Ontario Chamber of Commerce
180 Dundas Street West, Suite 2105
Toronto, ON
M5G 1Z8

PO BOX 5000 STN A
200 BRADY STREET
SUDBURY ON P3A 5P3

CP 5000 SUCCA
200, RUE BRADY
SUDBURY ON P3A 5P3

Re: Amendment to the Occupational Health and Safety Act to Clarify the Definition of
“Employer”

The following resolution was passed by Council of the City of Greater Sudbury on
December 5, 2023:

705.671.2489

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www.grandsudbury.ca

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Yours truly,



Brigitte Sobush
Manager of Clerk's Services/Deputy City Clerk

- c. Members of City Council
Eric Labelle, City Solicitor and Clerk

December 12, 2023

Sent Via Email

Federation of Northern Ontario Municipalities
615 Hardy Street
North Bay ON P1B 8S2
Fonom.info@gmail.com

PO BOX 5000 STN A
200 BRADY STREET
SUDBURY ON P3A 5P3

CP 5000 SUCCA
200, RUE BRADY
SUDBURY ON P3A 5P3

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Yours truly,

A handwritten signature in black ink, appearing to read 'Brigitte Sobush', written in a cursive style.

Brigitte Sobush
Manager of Clerk's Services/Deputy City Clerk

- c. Members of City Council
Eric Labelle, City Solicitor and Clerk

December 12, 2023

Sent Via Email

Municipalities of Ontario

Re: Amendment to the Occupational Health and Safety Act to Clarify the Definition of “Employer”

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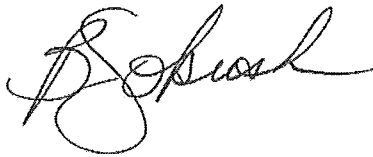
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www.grandsudbury.ca

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Yours truly,

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Brigitte Sobush
Manager of Clerk's Services/Deputy City Clerk

- c. Members of City Council
Eric Labelle, City Solicitor and Clerk

**Subject: Corporate Wellness Program - City Wide****Reference:**

Date to Council: February 12, 2024

Author: Vincenza Mihalo, Executive Director of Human Resources
519-255-6515, ext. 6259; vmihalo@citywindsor.ca

Human Resources

Report Date: January 10, 2024

Clerk's File #: MH2024

To: Mayor and Members of City Council

Recommendation:

THAT City Council **RECEIVE** the attached report for information, detailing the activities and progression of the Corporation of the City of Windsor's Wellness Program.

Executive Summary:

N/A

Background:

The Corporation recognizes the benefit of providing a healthy workplace for its employees by taking a holistic approach to a healthy workplace. The goal of the Wellness program is to provide opportunities for our employees, retirees and family members to educate themselves on a variety of topics and initiatives that will encourage healthy choices both at work and in their personal lives. The program encourages and supports increased levels of personal wellness, and strives to promote, encourage and offer wellness activities across all employee groups.

Both a Steering Committee and Working Committee are maintained to oversee and guide the program development and implementation consistent with the identified objectives. The Steering Committee and Working Committee work in partnership with other corporate or departmental initiatives, programs and events as appropriate to promote employee wellness across the Corporation. Each of the committees includes employees who volunteer their time and effort to promote the benefits of wellness to their fellow employees.

The Steering Committee is made up of a multifaceted collaboration of representatives from the Employee Family Assistant Program, Benefits Provider, Staff Appreciation and Recognition (STAR) Committee, Civic Association for Non-Union Employees, (C.A.N.U.E.), Ontario Nurses' Association (O.N.A.), Canadian Union of Public Employees (C.U.P.E.) Local 543, Canadian Union of Public Employees (C.U.P.E.) Local

82, Retiree Representative, Communication Services, Police Association, Windsor Fire and Rescue Services, Recreation & Culture, Windsor Public Library Services and Transit Windsor. The Working Committee is comprised of identified union and non-union representatives from various City Departments.

The Wellness Program has been in existence since 2008. Initially, a full-time staff of the Windsor Essex County Health Unit (WECHU) assisted the City in the development, growth and maintenance of this program. A strong foundation was developed. In May of 2016, an Ergonomist and Wellness Specialist was hired and a portion of this position is to oversee the program internally and continue to make a difference to the active and healthy lifestyles of the Corporation of the City of Windsor staff to assist in our employee's health – mentally, socially and physically. Various programs and initiatives approved by the Wellness Steering Committee such as the following are administered:

- Dedicated monthly programs for example, March is Nutrition Month; May is Mental Health Month; October is Healthy Workplace Month
- Kiosks strategically placed throughout the workplace and in various locations containing health, wellness and safety information
- Lunch and learn sessions
- Targeted healthy learning workshops (both full day or half day)
- Wellness events such as bringing a dietician on site to assist with healthy meal preparations
- Flu clinics
- Health screenings
- An employee website dedicated to wellness
- Challenge events

This strong commitment and dedication to workplace wellness has been recognized by the Windsor Essex County Health Unit which has afforded the Corporation a number of honours, such as achieving the Platinum Gord Smith Healthy Workplace Award (highest honours you can receive as a workplace and recognized as being a Gord Smith Healthy Workplace Award winner for over 15 years).

Discussion:

The Wellness Committee approaches wellness with a holistic focus. Wellness Program highlights include:

- On-going maintenance of a City of Windsor Wellness Website, designed to help provide health and wellness resources to City of Windsor employees, retirees,

and their family members. Site visit statistics show that the website continues to be a popular resource.

- Development and execution of various healthy eating at work initiatives.
 - In March, the Workplace Wellness Program supports the Dietitians of Canada Nutrition Month campaign to encourage employees to unlock the potential of food. Since 2018, March has been proclaimed Nutrition Month.
- Continued success in organizing an annual Mental Health Forum.
 - Workshops are held throughout the month of May to provide employees the opportunity to become knowledgeable on various mental health topics. Since 2017, May has been proclaimed Mental Health Month.
- A Downtown Core Wellness Partnership Committee was formed in June 2016. Walking on Wellness Wednesdays started to encourage employees of Caesars Windsor and the City of Windsor to take a healthy fitness break during their workday. Since then, an annual Mental Health Month kick-off event has developed in partnership with CMHA. In 2023 we were happy to welcome more partners than ever including members from the University of Windsor, St. Clair College, Windsor Police Services, Windsor Fire, Windsor Public Library and CMHA all joining together for a 1km walk downtown Windsor to 'show their soles' in support of the CMHA Sole Focus Project, which supports and assists with Mental Health.
- Each June, a focus on staying active is promoted. Celebrating Bike Month (in line with Bill 13 Ontario Bike Month) and Parks & Recreation Month.
 - The Windsor Workplace Wellness program recognizes the month of June by encouraging the use of bicycles as a means of transportation and promoting employees to be active outdoors. Since 2017, June has been proclaimed Bike Month.
- Throughout the year in partnership with Corporate Training, information on various financial wellness topics are highlighted.
- Regular communication and awareness to highlight health prevention and the importance of an active lifestyle.
 - A Healthy Eating at Work Guideline and a Workplace Physical Activity Guideline have been developed and communicated to employees.
 - An Ultimate Challenge (September/October) continues to be organized annually allowing employees to participate in a little friendly competition and encourage healthy lifestyle changes.
 - Health Screenings and Flu Clinics (November) have been organized for the past 15 years and remains to be an important initiative offered to employees to provide them a chance to receive flu shots and fundamental

personal health information (ie. blood pressure, glucose and cholesterol readings, Body Mass Index (BMI), waist circumference checks). Consultation with our benefits providers is also available.

- On-going messaging around the available resources offered by the Employee Family Assistance Program (EFAP) is communicated.

As part of the overall Healthy Workplace vision, the Wellness Program continues to strive to promote and offer wellness initiatives throughout the entire year to keep the momentum of wellness top of mind. We welcome our employees to peruse the attached Workplace Wellness 2024 Work Plan and participate in the many ongoing events of 2024.

Risk Analysis:

A Corporate Wellness Program takes an active role in helping employees improve their overall health. Focusing on health improvement can lead employees to embrace wellness, gain motivation to become healthier and ultimately be happier, more productive employees.

- Employees who have participated in past health screening events have been made aware of personal health concerns they did not know about.
- Employees' credit increasing their physical activity levels and drinking more water as a direct result of joining the Ultimate Challenge.
- Offering on-site flu clinics helps the Corporation mitigate risk by making it easier for employees to receive a flu shot and encouraging them to get their shot early in the flu season.
- Employees have reported gaining valuable information on various mental health topics to assist in managing potential stressors.

Climate Change Risks

Climate Change Mitigation:

Encouraging employees, their family members and retirees to incorporate active transportation, such as riding a bike, walking, running or in-line skating, into their daily lives simultaneously promotes healthier lifestyles and climate change mitigation. These efforts have many positive effects, from lowering the rate of road accidents to improving air quality. The Wellness Program encourages employees to use active transportation to get to and from work and has included information about this initiative on the wellness website. This includes links to Transit Windsor services, maps identifying bicycle commuting routes and trails; available bike security options at work and a list of locations where the City of Windsor has opened its showers and change rooms to all employees (free-of-charge).

Climate Change Adaptation:

Climate change has the potential to negatively impact the health and well-being of City of Windsor employees. From climate anxiety, to bodily harm caused by extreme heat events, to the increased risk of asthma attacks due to poorer air quality, to the increased risk of diseases carried by ticks and mosquitos. The Wellness Program recognizes these hazards and looks for opportunities to share ways of coping.

Financial Matters:

There are salary costs associated with administering the program and costs to run the program that are reported annually to Council through the budget process. The budget to run the wellness program is currently at \$17,000 with a number of dedicated employees volunteering their time to the programs' success.

Consultations:

Julie Ryckman, Occupational Health & Safety and Wellness Manager

Sarah Fox, Ergonomics & Wellness Specialist

Wellness Steering Committee Members

Barbara Lamoure, Environmental & Sustainability Coordinator

Conclusion:

The Corporation continues to succeed in its service and delivery of wellness initiatives. Continuous improvement strategies are evaluated regularly to look at ways to assist our employees' performance and total well being and provide them with resources to maintain a balanced healthy lifestyle and have a positive effect on morale and productivity. The Workplace Wellness Program pivoted as needed to assist employees to navigate the challenges faced during the pandemic and the program continues to shift to ensure the right support is offered to the increasing priority workers are placing on their health since the wake of the pandemic. More attention to meet the needs of the remote workforce, a greater focus on the availability of mental health resources, and a concentration on health management strategies to help employees prevent, manage and improve chronic diseases are key areas. The Workplace Wellness Program Work Plan for 2024 is now available and is attached for your information. The Wellness Program is excited to bring forward a variety of tools, challenges and workshops designed to further support, educate and encourage healthy choices both at work and in the personal lives of our employees, retirees and their family members.

Planning Act Matters:

N/A

Approvals:

Name	Title
Vincenza Mihalo	Executive Director, Human Resources
Dana Paladino	Commissioner, Corporate Services (A)
Joe Mancina	Chief Administrative Officer

Notifications:

Name	Address	Email

Appendices:

- 1 Appendix A - Workplace Wellness 2024 Work Plan

WORKPLACE WELLNESS

2024 Work Plan



Investing in improving the overall health
and well-being of our employees, retirees
and their family members.

Contact: wellness@citywindsor.ca



PHYSICAL HEALTH



Be Active & Take Care of Yourself

Encouraging employees, family members and retirees to take steps to move more and fuel their body for health, healing and energy.

- Choose to Improve (January)
- Chronic Health Focus (February)
- Healthy Eating (March)
- Organ & Tissue Health (April)

MENTAL HEALTH



Mental Well-being & Self Awareness

Supporting our community's health journey by offering resources, training and tools to build a positive sense of personal well-being.

- Mental Health Month (May)
- Stay Active (June)
- Self Awareness (July)
- Financial Wellness (August)

SOCIAL HEALTH



Connect & Keep Learning

Social connections can be a key component to overall health. Offering opportunities to engage and strengthen relationships to improve health and well-being.

- Social Well-being (Sept)
- Healthy Workplace Month (Oct)
- Health Check-Up (Nov)
- Reflect & Recharge (Dec)

WELLNESS RESOURCES

Links to all resources below are available on the City of Windsor wellness website (found on dashboard)



Wellness Website
information on a variety
of wellness topics



STAR - staff
appreciation
and recognition



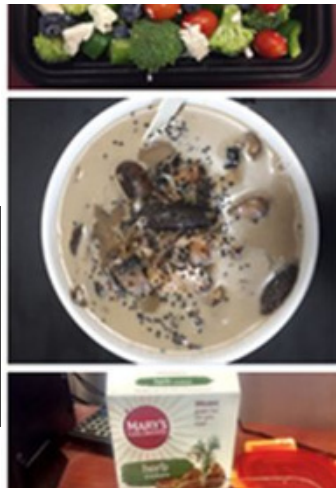
Wellness Hubs
Locations throughout the
City where wellness
information is displayed
and distributed



Benefits - details
about pension
information and
your health
benefits



Employee Family
Assistance Program (EFAP)
- Confidential counselling
for you and your family.



Discount programs -
including the Employee
Fitness Membership
Discount



Staff Development
Opportunities - personal
& professional
development
opportunities for our
workforce



Wellness Passport
2024 - participate
in 5 workplace wellness
initiatives for a
chance to win
"A Wellness Day-Off"

2024 WELLNESS WORK PLAN

Striving to take action to improve our community's physical, mental and social wellbeing

BE ACTIVE & TAKE CARE OF YOURSELF

January	February	March	April
<p><i>Choose to Improve</i></p> <p><i>Roll out of the 2024 Wellness Work Plan</i></p>	<p><i>Chronic Health Focus</i></p>	<p><i>Healthy Eating</i></p> <p><i>Nutrition Month 30 Day Nutrition Challenge Hats on for Healthcare</i></p>	<p><i>Organ & Tissue Health</i></p> <p><i>Organ Donor Month</i></p>

MENTAL WELL-BEING & SELF-AWARENESS

May	June	July	August
<p><i>Mental Health Month</i></p> <p><i>National Mental Health Week Mayor's Walk Wellness Step Challenge</i></p>	<p><i>Stay Active</i></p> <p><i>Recognizing Bike Month and Recreation & Parks Month</i></p>	<p><i>Self-Awareness</i></p> <p><i>Water Wellness Challenge</i></p>	<p><i>Financial Wellness</i></p>

CONNECT & KEEP LEARNING

September	October	November	December
<p><i>Social Well-Being Inspiration</i></p> <p><i>Ultimate Challenge Suicide Awareness Month</i></p>	<p><i>Healthy Workplace Month</i></p>	<p><i>Health Check-Up</i></p> <p><i>Employee Appreciation Month Annual Wellness Event - Health Screening & Flu Clinics</i></p>	<p><i>Reflect & Recharge</i></p> <p><i>Annual Wellness Feedback Survey</i></p>

*** Stay tuned for regular monthly updates highlighting additional initiatives aligned with the themes outlined above*

Wellness Passport 2024

Participate in 5 Workplace Wellness Initiatives throughout 2024 and email a copy of the completed wellness passport to wellness@citywindsor.ca before December 13, 2024 to be entered into a draw for your chance to win "A WELLNESS DAY-OFF"



WINDSOR WORKPLACE WELLNESS



A personal wellness journey is about creating new habits and making changes to improve your overall lifestyle. The entire approach to your journey is completely unique to you. YOU get to decide what habits, practices and methods work best with your lifestyle and values to help you achieve those goals.

The City of Windsor Wellness Program is overseen by a Steering Committee comprised of City of Windsor Union and Non-Union representatives, as well as key external agencies.

A Working Committee, comprised of a smaller subset of individuals from the Steering Committee and other City departments, has also been established. The Working Committee is responsible for ensuring that the wellness program, approved by the Steering Committee, is rolled out to employees, retirees and family members, in an effective and efficient manner.

The committees strive to provide supports, resources and tools to help guide you to improve your own wellness journey.

Sincerely,

Wellness Committees

wellness@citywindsor.ca



Council Report: C 191/2023

Subject: Cellular Devices Policy Update - City Wide

Reference:

Date to Council: February 12, 2024
Author: Andrew Drouillard
Program Manager - Corporate Projects
519-255-6100 Ext 6616
adrouillard@citywindsor.ca
Information Technology
Report Date: December 29, 2023
Clerk's File #: AE2024

To: Mayor and Members of City Council

Recommendation:

THAT the update of the Cellular Devices Policy attached as Appendix A **BE APPROVED**.

Executive Summary:

N/A

Background:

The current Cellular Devices Policy (Policy) was approved by Council January 5, 2015 (CR6/2015), replacing the previous Wireless Devices Policy. The Policy was created to provide governance, consistency, and standards with regards to the acquiring and administration of cellular devices.

Discussion:

During its regular review, administration updated the Policy (attached as Appendix A) to reflect changes in the way cellular devices, and their associated wireless services, are being used and administered. A summary of the updates made to the Policy are as follows:

1. Policy, Purpose, and Scope Sections
 - Broadening of the language to include the administration of wireless services, based on the increased importance of cellular data usage and changes in the way rate plans are managed.
 - Inclusion of agencies, boards, and commissions whose cellular devices are administered under the Corporation's Wireless Services Agreement.

2. Responsibility Section

- Restructuring of the section to align with the recommended format in the updated policy template.
- Assigning authority for setting guidelines for cellular device purchasing to Executive Directors and allowing Managers to approve the purchase of devices within these guidelines, based on the increased number of cellular devices within each department.
- Adding a reference to a Cellular Devices Procedure, which will document the process for administering cellular devices in a coordinated and uniform manner.

3. Governing Rules and Regulations Section

- Addition of definition for unique devices, which covers mobile services-enabled devices outside of the usual complement of issued models due to specific needs, such as rugged laptops for work sites.
- Reference to the need for users to be aware of their consumption of mobile data affects the Corporation's shared pool and a list of practices that can be employed to reduce consumption and avoid additional charges.

Risk Analysis:

There are no significant risks associated with this report's recommendation. Regular reviews and updates of corporate policies help to mitigate the risk of policies falling out-of-date and failing to cover changes within their scope. The policy continues to mitigate security and financial risks by providing standards in line with our security framework and guidelines for the addition and approval of new devices.

Climate Change Risks

Climate Change Mitigation:

N/A

Climate Change Adaptation:

N/A

Financial Matters:

There are no costs directly associated with the Policy. The guidelines and approval authorities set out in the Policy help ensure that the issuance of cellular devices are based on business needs and that mobile services are administered in a cost-efficient manner.

Consultations:

Name	Title
Sanra Vandeputte	P.C. Support Analyst
Steve Francia	Technical Support Analyst
Matt Pavelich	Manager of Administration
Joe Parent	Manager of Administration
Linda Mancina	Manager of Administration
Valerie Robinson	Manager of Administration
Marco Aquino	Manager of Administration
Mike Cholubko	Manager, End User Support
Chantelle Bernard	Manager, Technology Infrastructure
Josh Higgins	Deputy CIO / Enterprise Systems
Aftab Ahmad	CIO / Executive Director, IT

Conclusion:

The updates to the Policy reflect the current state of cellular devices and mobile services within the Corporation.

Planning Act Matters:

N/A

Approvals:

Name	Title
Aftab Ahmad	CIO/Executive Director of Information Technology
Jelena Payne	Commissioner, Economic Development
Joe Mancina	Chief Administrative Officer

Notifications:

Name	Address	Email

Appendices:

- 1 Policy Update - Draft

THE CORPORATION OF THE CITY OF WINDSOR POLICY

Service Area:	Economic Development & Innovation	Policy No.:	
Department:	Information Technology	Approval Date:	
Division:	Technology Infrastructure	Approved By:	
		Effective Date:	
Subject:	Cellular Devices Policy	Procedure Ref.:	
Review Date:		<i>Pages:</i>	Replaces: CR554/2017
Prepared By:	Andrew Drouillard		Date: September 18, 2017

1. POLICY

- 1.1. This policy outlines the authorization and administration of cellular devices.
- 1.2. This policy outlines the requirements regarding acceptable usage of mobile services.

2. PURPOSE

- 2.1. This policy provides a uniform approach to determining which positions are issued cellular devices and which type of cellular device is most appropriate for the role.
- 2.2. This policy defines the approval authority for the purchasing and issuing of cellular devices.
- 2.3. This policy outlines the responsibilities of cellular device stakeholders.
- 2.4. This policy implements controls governing the administration of cellular devices.

3. SCOPE

- 3.1. This policy applies to all cellular devices (as defined in section 5.1) associated with a rate plan under the City's corporate mobile services provider account(s).
- 3.2. This policy applies to all to members of City Council and employees of the City of Windsor, and its agencies, boards, and commissions, which have been issued a cellular device.
- 3.3. This policy focuses on the unique aspects of administering and governing the use of cellular devices and associated mobile services.
- 3.4. This policy outlines rules and regulations governing the acceptable use of mobile services, while the acceptable use of cellular devices, as a type of corporate hardware, is outlined in the Acceptable Use Policy, Respectful Workplace Policy, and Code of Conduct for Members of Council and Local Boards.

4. RESPONSIBILITY

4.1. City Council

- 4.1.1. Approve the purchase and issuance of cellular devices to City Council members, as part of their standard equipment.

4.2. Mayor

- 4.2.1. Approve the purchase and issuance of cellular devices to the Chief Administrative Officer (CAO).

4.3. Chief Administrative Officer

- 4.3.1. Approve the purchase and issuance of cellular devices to the Corporate Leadership Team (CLT).

4.4. Corporate Leadership Team

- 4.4.1. Approve the purchase and issuance of cellular devices to Executive Directors (ED).

4.5. Executive Directors

- 4.5.1. Ensure this policy is adhered to within their department.
- 4.5.2. Set guidelines for acceptable models of cellular devices for purchase and issuance within their department.
- 4.5.3. Ensure the purchase and issuance of cellular devices conforms to the Purchasing By-law and that budget funds are available for associated ongoing expenses.
- 4.5.4. Appoint an employee to act as a cellular device coordinator (CDC) for their department.

4.6. Chief Information Officer

- 4.6.1. Ensure the Corporation's use and management of cellular devices remains up to date with advances in technology and usage needs.
- 4.6.2. Coordinate contracts for the provision of cellular devices and mobile services.

4.7. Managers

- 4.7.1. Identify the type of device to be purchased and issued for a position or business process, in accordance with the Needs Assessment attached as Appendix A.
- 4.7.2. Approve the purchase of cellular devices for their employees within the guidelines for acceptable devices, as set by the department's ED.
- 4.7.3. Ensure cellular device users reporting to them reimburse the City for any additional charges incurred due to personal use.

4.8. Manager, End User Support

- 4.8.1. Review and update this policy at least once every 5 years.
- 4.8.2. Coordinate the purchase and issuance of cellular modems, tablets, and unique devices for the Corporation.
- 4.8.3. Ensure a password/device lockout is set on all cellular devices that have data network access to protect any corporate data that may be present on the device.
- 4.8.4. Monitor corporate data pools for potential data leaks or abuse and to ensure rate plans are meeting current usage needs.
- 4.8.5. Ensure adequate set-up, training, and support services are provided.

4.9. **Cellular Device Coordinators**

- 4.9.1. Obtain Manager approval for the purchase and issuance of cellular devices for employees in their area.
- 4.9.2. Coordinate the purchasing, upgrading, reassigning, and replacing of pagers, cell phones, and smartphones for their departments, as per the Cellular Devices Procedure.
- 4.9.3. Ensure purchased devices are provided to the Help Desk for set-up.
- 4.9.4. Coordinate mobile services subscriptions for pagers, cell phones, and smartphones, as per the Cellular Devices Procedure.
- 4.9.5. Ensure mobile device users are aware of this policy and their responsibilities under it, upon issuance of a cellular device.
- 4.9.6. Manage billing issues.
- 4.9.7. Maintain an accurate inventory of cellular device users and cost centre account information for their departments.

4.10. **Phone Editors**

- 4.10.1. Maintain the listing of phone numbers in the Intranet Phone Directory, for their department.

4.11. **Cellular Device Users**

- 4.11.1. Adhere to this policy and all other corporate policies pertaining to the use of cellular devices.
- 4.11.2. Notify the Information Technology (IT) department immediately if a device is lost, damaged or stolen, by contacting the Help Desk.
- 4.11.3. Reimburse the City for any additional charges incurred due to personal use.
- 4.11.4. Monitor personal data usage to help prevent data leaks and overage charges.

5. **GOVERNING RULES AND REGULATIONS**

5.1. Definitions

- 5.1.1. **Cellular device** refers to a wireless telecommunications device with an associated rate plan charged by a telecommunications provider, including cellular modems, cell phones, pagers, smartphones, tablets, and other unique devices.
- 5.1.2. **Cellular Device Coordinator** refers to the employee appointed by an ED to administer the purchase and issuance of cellular devices within a department.
- 5.1.3. **Cellular modem** refers to a device that plugs into the USB port of a laptop or tablet, providing cellular data network access.
- 5.1.4. **Cell phone** refers to a mobile phone that has voice communication and texting capabilities but does not have data usage capabilities.
- 5.1.5. **Mobile services** refer to communication services included in rate plans, such as airtime minutes, mobile data, texting, etc.
- 5.1.6. **Pager** refers to a mobile device that can only receive text messages.
- 5.1.7. **Phone editor** refers to the employee responsible for maintaining phone numbers in the Intranet Phone Directory, in a department.

- 5.1.8. **Purchase and issuance** is inclusive of cases, chargers, rate plans and additional features associated with a cellular device.
- 5.1.9. **Smartphone** refers to a device with voice communication, texting, emailing and data network access.
- 5.1.10. **Tablet** refers to a tablet with built-in SIM card functionality to access the cellular data network without requiring a cellular modem.
- 5.1.11. **Unique device** refers to a device that falls outside of the usual complement of issued models due to specific needs related to its intended use, such as rugged design for use on construction sites.
- 5.2. Cellular Device Needs
 - 5.2.1. The issuance of cellular devices and associated mobile services must be based on the business needs of a position and the type of communication required, as outlined in the Needs Assessment, attached as Appendix A.
 - 5.2.2. The procurement of any unique device that has an associated cellular contract must be coordinated with the Manager, End User Support.
- 5.3. Acceptable Use of Mobile Services
 - 5.3.1. Cellular device users should be aware of how their usage affects billing and the corporation's shared data pools and should employ the following practices to mitigate additional charges:
 - 5.3.1.1. Connecting to the corporate Wi-Fi while at work and other trusted networks, whenever possible.
 - 5.3.1.2. Avoiding the downloading of large apps, updates, or files when not connected to Wi-Fi.
 - 5.3.1.3. Turning off data roaming when travelling, unless necessary.
 - 5.3.1.4. Setting up an alert that notifies the user when they have used 3GB of data within the billing period.
 - 5.3.1.5. Reviewing their data usage at the end of each billing cycle to monitor for any unusual usage patterns that might be an indicator of data leakage.
 - 5.3.2. Any abuse of cellular devices, or this policy, will result in privileges being revoked and may result in further discipline, determined by the nature of the abuse.

6. RECORDS, FORMS AND ATTACHMENTS

- 6.1. Records and forms pertaining to this policy will be managed in accordance with the City of Windsor records management practices.
- 6.2. Attachments:
 - 6.2.1. Appendix A – Needs Assessment.
- 6.3. Referenced documents:
 - 6.3.1. Acceptable Use Policy – CR554/2017
 - 6.3.2. Respectful Workplace Policy – CR192/2019
 - 6.3.3. Code of Conduct for Members of Council – CR180/2011
 - 6.3.4. Purchasing By-law 93-2012
 - 6.3.5. Cellular Devices Procedure.

APPENDIX A – NEEDS ASSESSMENT

Business Conditions To be Considered	Pager	Cell Phone	Smartphone	Cellular Modem, Tablet, or Unique Device
1. Required to be on call or on other business and needs to be alerted	✓			
2. Working at multiple offices, required to be on call, on emergency response, or on other business that requires immediate access at all times		✓		
3. Working in situations in which isolation from other municipal staff and potentially personal safety may be threatened		✓		
4. Spending a considerable amount of time (20 – 40% as a broad guideline) away from work area and job function requiring immediate contact via telephone		✓		
5. Spending a considerable amount of time (20 – 40% as a broad guideline) away from work area and job function requiring immediate contact via electronic mail			✓	
6. Spending a considerable amount of time (20 – 40% as a broad guideline) away from work area and job function requiring immediate contact via both telephone and electronic mail			✓	
7. Mobile worker that requires specialized software, or an application that is not feasible to use with a Smartphone				✓



Subject: Award of RFT 138-23; Overhead Bridge Crane Replacement at the Little River Pollution Control Plant (LRPCP) – City Wide

Reference:

Date to Council: February 12, 2024
Author: Isak Quakenbush
Pollution Control Project Engineer
(519) 253-7111 Ext. 3226
iquakenbush@citywindsor.ca
Infrastructure Services
Pollution Control
Report Date: January 22, 2024
Clerk's File #: SW/14729

To: Mayor and Members of City Council

Recommendation:

I. THAT Council AWARD the following Tender:

TENDER NO.:	RFT 138-23
TENDERER:	Integral Pro Incorporated 267 Woodridge Drive Tecumseh, ON, N8N 3A3
TOTAL TENDER PRICE:	\$278,351 (plus HST); and,

- II. THAT the Chief Administrative Officer and City Clerk BE AUTHORIZED to sign a contract with the above tenderer, satisfactory in technical content to the City Engineer, in form to the City Solicitor, and in financial content to the City Treasurer; and,**
- III. THAT Council ENDORSE the transfer of \$300,000 from the Pollution Control Reserve (Fund 208) to project 7169004 LRPCP General Repair Costs.**

Background:

The existing 7.5 ton overhead crane is original to the Little River facility constructed in 1962 and was sized to accommodate the diesel generators that have been moved into a separate Generator Building. Extended down time of the existing crane is an issue due to lack of available parts. The crane is critical to maintenance of the raw sewage

pumps at LRPCP as it is the only means to safely remove a pump or motor to affect repairs. The crane has become unserviceable and is has reached end of life condition.

Discussion:

The scope of RFT 138-23, which closed on January 5th, 2024, includes, removal of the existing 7.5 ton crane and runway rails, supply and installation of a new 5 ton overhead bridge crane and runway rails, and the commissioning.

The new 5 ton crane is sufficient to perform the current and future required lifts. The reduction in capacity and new technology will also allow for an increased lifting height. This crane is critical to the continued operation of the LRPCP Plant and servicing of the Raw Sewage Pumps.

Risk Analysis:

There are minimal risks to the replacement of the overhead bridge crane.

Not replacing the crane poses a significant risk by potentially violating the Amended Environmental Compliance Approval (ECA #4681-BT3L39) issued January 29, 2021. The violation would be not having taken all reasonable measures to maintain plant operations as per the ECA. If a pump is out of service and could not be pulled for repair for an extended period of time there could be extreme consequences if a large rainfall event occurs. The plant would not be able to operate at maximum capacity which could result in sewer backup and basement flooding.

Climate Change Risks

Climate Change Mitigation:

The recommendation does not materially impact upon Climate Change Mitigation.

Climate Change Adaptation:

The recommendation does not materially impact upon Climate Change Adaptation.

Financial Matters:

The table on the following page provides a financial summary of the Overhead Bridge Crane Replacement Project at LRPCP.

EXPENSES	
RFT 138-23 Overhead Bridge Crane Replacement	\$278,351
HST Non-Recoverable Estimated	\$4,899
Contingency	\$16,750
TOTAL EXPENSES	\$300,000
REVENUES	
Transfer from Pollution Control Reserve Fund 208 to Project ID 7169004 (LRPCP General Repair Costs)	\$300,000
TOTAL REVENUE	\$ 300,000

The LRPCP General Repair Costs project has a current balance of \$57,002 in available funding. This transfer from the Pollution Control Reserve (Fund 208) is necessary to fund the crane replacement. The Pollution Control Reserve has approximately \$800,000 in uncommitted funding which can be utilized to fund the \$300,000 transfer to the LRPCP General Repair Costs project ID. Any remaining unused funds from the transfer will be utilized for any other general repairs related to the LRPCP. The chartfield where this purchase will be charged is 007-5410-9998-02942-7169004.

Consultations:

Mark DiPasquale, Financial Planning Administrator

Alex Vucinic, Manager Purchasing and Risk Management

Michael Dennis, Manager of Capital Projects & Reserves

Conclusion:

Administration recommends that City Council approve the financing and execution of the contract to replace the overhead bridge crane at the Little River Pollution Control Plant.

Planning Act Matters:

N/A

Approvals:

Name	Title
Mark Di Pasquale	Financial Planning Administrator
Ed Valdez	Manager of Process Engineering and Maintenance
Jake Renaud	Executive Director, Pollution Control

Name	Title
Mark Winterton	Commissioner of Infrastructure / City Engineer (I)
Wira Vendrasco	City Solicitor (A)
Dana Paladino	Commissioner of Corporate Services (I)
Janice Guthrie	Commissioner of Finance and City Treasurer
Joe Mancina	Chief Administrative Officer

Notifications:

Name	Address	Email

Appendices:



Committee Matters: SCM 11/2024

Subject: Sandwich CIP Application Report, 3549 Peter Street; Owners: Roseland Homes LTD (c/o Evanz Minas)

Moved by: Councillor Mark McKenzie
Seconded by: Councillor Angelo Marignani

Decision Number: **DHSC 585**

- I. THAT the request for incentives under the Sandwich Incentive Program made by the registered owner Roseland Homes LTD (C/O: Evanz Minas) of the property located at 3549 Peter Street, **BE APPROVED** for the following programs:
 - 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 (+/- \$4,034.8 per year);
- II. 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 City Treasurer as to financial implication;
- III. THAT funds to a 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* (Project 7076176) once the work is completed;
- IV. THAT grants **BE PAID** to Roseland Homes LTD upon completion of the one (1) story four (4)-unit single family dwelling from the *Sandwich Community Development Plan Fund* (Account 7076176) to the satisfaction of the City Planner and Chief Building Official; and,

- V. THAT grants approved **SHALL LAPSE** if the applicant has not completed the work and fulfilled the conditions within 2 years of the approval date. Extensions **SHALL BE** given at the discretion of the City Planner.

Carried.

Report Number: S 164/2023
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 January 8, 2024.
3. To view the stream of this Standing Committee meeting, please refer to:
<https://csg001-harmony.sliq.net/00310/Harmony/en/PowerBrowser/PowerBrowserV2/20240108/-1/9457>

Subject: Sandwich CIP Application Report, 3549 Peter Street; Owners: Roseland Homes LTD (c/o Evanz Minas)

Reference:

Date to Council: January 8, 2024
Author: Author: Kevin Alexander, MCIP RPP
Senior Planner Special Projects
519-255-6543 x6732
kalexander@citywindsor.ca

Nathan Li
Planning Assistant
519-255-6543 x6438
nli@citywindsor.ca

Planning & Building Services
Report Date: November 28, 2023
Clerk's File #: SPL2023

To: Mayor and Members of City Council

Recommendation:

- I. **THAT** the request for incentives under the Sandwich Incentive Program made by the registered owner Roseland Homes LTD (C/O: Evanz Minas) of the property located at 3549 Peter Street, **BE APPROVED** for the following programs:
 - 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 (+/- \$4,034.8 per year);
- II. **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 City Treasurer as to financial implication;
- III. **THAT** funds to a 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 (Project 7076176) once the work is completed;

- IV. **THAT** grants **BE PAID** to Roseland Homes LTD upon completion of the one (1) story four (4)-unit single family dwelling from the *Sandwich Community Development Plan Fund* (Account 7076176) to the satisfaction of the City Planner and Chief Building Official; and,
- V. **THAT** grants approved **SHALL LAPSE** if the applicant has not completed the work and fulfilled the conditions within 2 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 Sandwich Heritage Conservation District Plan (By-law 22-2009), 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 following Incentive Programs from the Sandwich Incentive Program:

- a) Commercial/Mixed Use Building Facade Grant Program
- b) Revitalization Grant Program
- c) Commercial Core Feasibility Grant Program
- d) Development Charge Grant Program
- e) Development and Building fees Grant Program
- f) Neighbourhood Residential Rehabilitation 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).

Discussion:

The Building Department issued an order to repair the single-detached dwelling located at 3549 Peter Street on August 13, 2020.

On August 20th, 2020, the single-detached dwelling located at 3549 Peter Street experienced significant fire damage. In May 2021, another severe fire caused enough

damage to warrant a review for an emergency order to waive Demolition Control bylaw 20-2007.

The Office of the Chief Building Official, pursuant to Building Code Act S. 15.10(1), determined that the condition of the fire damaged building posed an immediate danger to public health or safety. The owner was ordered to remove the immediate danger by demolishing the building pursuant to the emergency powers under BCA S. 15.10(3) and S. 15.4(1) for failing to comply with violation VY 2020-265796.

On October 5, 2023, a Sandwich CIP grant application with Site Plan and Elevation Design was submitted for the purpose of constructing a one (1) story four (4) unit multi-residential dwelling located at 3549 Peter Street (See Appendix 'A' for location map). The property will require a minor variance for relief from the required minimum lot width of 18 metres.

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.

One of the general requirements of Section 10.3 q) of the Sandwich CIP requires that approval of any application for the financial incentive program is based on the compatibility of the proposed use with the vision and goals of the CIP, the Sandwich Community Planning Study (CPS), and the Olde Sandwich Towne Supplemental Development and Urban Design Guidelines (Sandwich Urban Design Guidelines) and any other guidelines applicable to the CIP area. The following identifies how this particular development addresses section 10.3 (q) of the CIP.

Sandwich Vision and Design Guidelines

The Sandwich CIP and CPS

The construction of the proposed building located at 3549 Peter Street is consistent with the Vision and Goals for Sandwich Town.

Sandwich CIP Urban Design Guidelines

The proposed development is in keeping with the Sandwich Urban Design Guidelines, in terms of siting and scale, use of materials, proportion, height and built form, profile and selection of materials.

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. The application requires variances through the Committee of Adjustment (COA) for relief from the required minimum lot width of 18 m. The Building Permit drawings have not been submitted and fees will need to be determined in the future. Recommendation III of the report will include a maximum amount of \$20,000 to ensure that all fees are captured. Based on the information we have at the time of this report the following fees are required:

- Minor Variance Application Fee—\$2,499.00
- Building Permit Fee—to be determined
- Demolition Permit Fee—to be determined
- Public Works Permit Fees—to be determined
- Parkland Dedication Fee—to be determined

TOTAL: To Be Determined

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. Grant payments will cease when the total grant along with all other grants and loans provided equals the cost of rehabilitating the lands and buildings, or after 10 years, whichever comes first.

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.

The confirmed current value assessment of the subject property located at 3549 Peter Street is \$17,400. The owner currently pays annual total property taxes of \$337.50 (based upon 2023 tax levies). The municipal portion, to which the grant would apply, is \$307.93. The Applicant estimates that construction will cost around \$250,000. However, some of the proposed costs that will 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 \$340,000. 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 Current Value Assessment 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 (\$5,764 annually).

Estimated Revitalization Tax Increment Grant for 3135 Peter		
Annual Pre Development Municipal Taxes	Annual Estimate Post Development Municipal Tax <u>Increase</u>	Annual Estimate Value of Grant (70% of the municipal increase)
\$337.5	\$5,764	\$4,034.80

Assumptions

Current Property Value Assessment (2023 – Residential)	\$17,400
Estimate Total Post Development Assessment (2023 – Residential)	\$340,000

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* will not be paid until all work is completed and inspected by Administration as per the Site Plan and Elevation Drawings, and Building Permit. The *Revitalization Grant* will not be paid 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 creation of a new dwelling affects climate change as new materials will have to be brought in, which causes emissions. However, the rehabilitation of the site contributes to the revitalization of the Sandwich Town Neighbourhood limiting vehicular travel and promoting walking and other alternative modes of transportation, thereby contributing to a complete community. The construction of the new building will utilize modern building methods, which will conform to the Ontario Building Code concerning safety and energy efficiency.

Utilizing an existing site in a built-up area of the City also promotes efficiency on the existing infrastructure network by not promoting development on greenfield land.

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 \$685,379.89 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, funds will be transferred from the CIP Reserve Fund 226 to the *Sandwich Community Development Plan Fund* (project 7076176) to disperse the maximum amount of \$20,000 for the *Development and Building Fees Grant Program* identified in this report.

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.

Eligible Incentive Programs

Grant

<i>Development and Building Fees Grant</i>	\$20,000
<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>	
<i>Revitalization Grant</i>	\$40,348
<i>*\$4,034.80 per year between years 1 to 10</i>	
Total	\$60,348

Except for the *Revitalization Grant*, the owner will be reimbursed through the project *Sandwich Community Development Plan Fund (project 7076176)*. The *Revitalization Grant* is funded through the municipal portion of the annual tax levy. The applicant must pay the property taxes in full annually and will subsequently receive a grant for the difference between the pre and post development municipal taxes.

Consultations:

The owner of the property located at 3549 Peter Street have been consulted regarding grants related to the improvements outlined in this report. Carolyn Nelson, Manager of Property Valuation & Administration, Taxation & Financial Projects, Jose Mejalli, Assessment Manager Officer, and Josie Gualtieri, Financial Planning Administrator were consulted with respect to the *Sandwich CIP Revitalization Grant Program*. Planning & Building Department staff were consulted regarding Fees with respect to the *Building & Development Fees Program*

Conclusion:

The existing lot has sufficient area to allow the owner Roseland Homes LTD to construct a one (1) story four (4) unit dwelling, thereby meeting the intent while also providing an opportunity to attract new residents to the neighbourhood by increasing the number of residential units through the redevelopment of a vacant 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. Administration recommends approval of the application request for CIP grants through the Sandwich CIP Incentive Program for the property located at 3549 Peter Street.

Approvals:

Name	Title
Kevin Alexander	Senior Planner – Special Projects
Josie Gualtieri	Financial Planning Administrator
John Revell	Chief Building Official
Neil Robertson	City Planner (A)
Wira Vendrasco	City Solicitor (A)
Lorie Gregg	Deputy Treasurer, Taxation, Treasury & Financial Projects
Janice Guthrie	Commissioner, Finance and City Treasurer
Jelena Payne	Commissioner, Economic Development
Joe Mancina	Chief Administrative Officer

Notifications:

Name	Email
Roseland Homes LTD	info@roselandhomesltd.com

Appendices:

- 1 Appendix 'A' - Location Map & Existing Condition
- 2 Appendix 'B' - Proposed Development

Appendix 'A' – Location Map and Existing Condition



LOCATION MAP : 3549 PETER STREET



SUBJECT PROPERTY

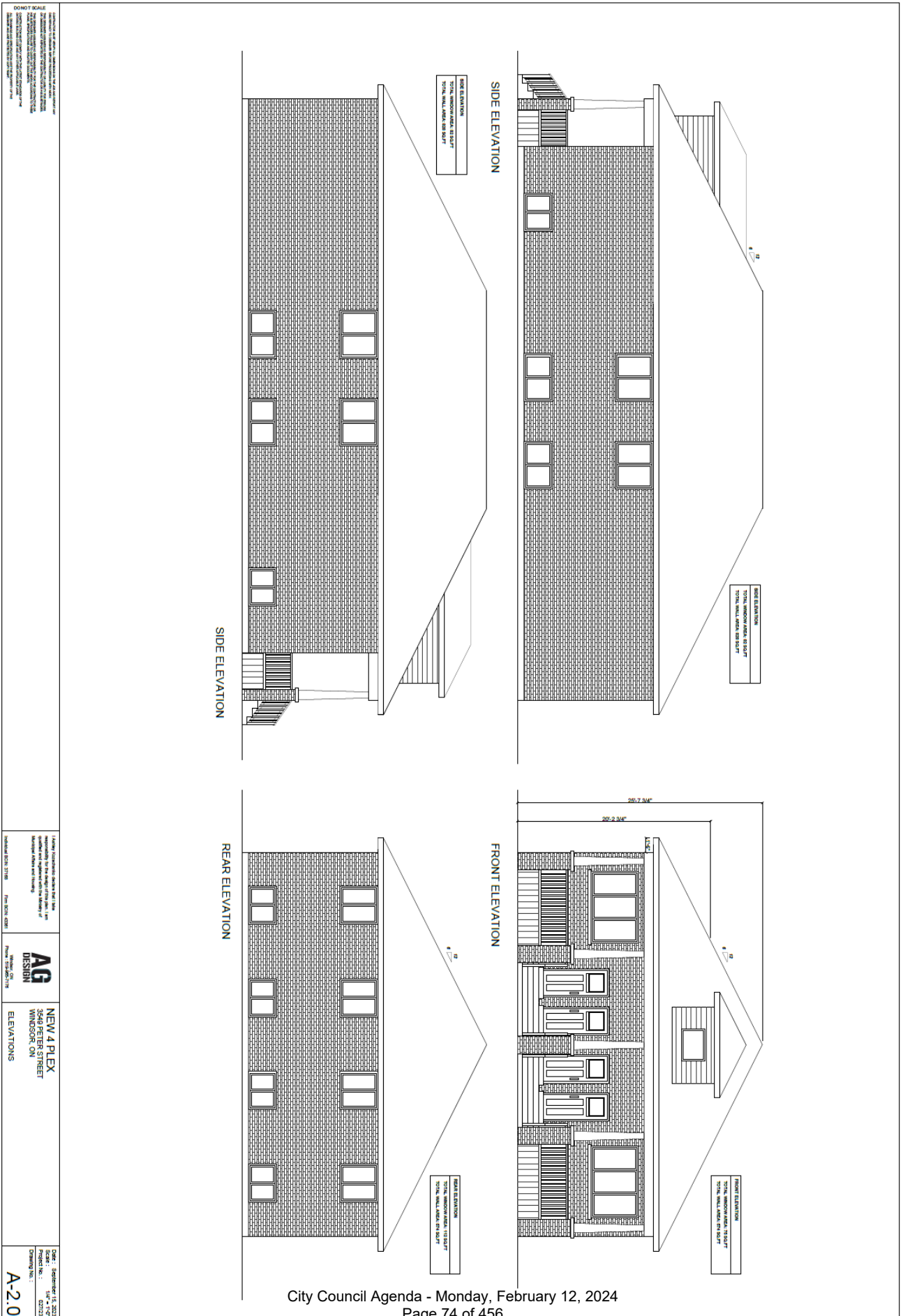


Appendix 'A' – Location Map and Existing Condition



2021 Google Street View of property looking east.

Appendix 'B' – Proposed Development





Subject: Closure of part of east/west alley located between Leonard Road and George Avenue, Ward 5, SAA-7136

Moved by: Councillor Kieran McKenzie

Seconded by: Councillor Mark McKenzie

Decision Number: **DHSC 584**

- I. THAT the 34.42 metre portion of the 5.49-metre-wide east/west alley located between Leonard Road and George Avenue, abutting the property known municipally as 2321 George Avenue (legally described as Lot 89 & Part of Block B, Plan 1088; Part of Block A, Plan 1238), and shown on Drawing No. CC-1841 (*attached* hereto as Appendix “A”), and hereinafter referred to as the “subject alley”, **BE ASSUMED** for subsequent closure;

- II. THAT the subject alley **BE CLOSED AND CONVEYED** to the owner of the abutting property known municipally 3995 Tecumseh Road East (legally described as Lots 92 to 93 and Part of Lot 90 & Block B, Plan 1088; Part of Block A, Plan 1238) and as necessary, in a manner deemed appropriate by the City Planner, subject to the following:
 - a. 3.0-metre-wide easement, measured 1.50 metres from either side of the following utility infrastructure, 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 accommodate existing buried facilities;
 - ii. ENWIN Utilities Ltd. to accommodate existing 16kV primary, 120/240V and 347/600V overhead secondary hydro distribution pole line; and
 - iii. MNSi. to accommodate existing overhead infrastructure.

 - b. 6.0-metre-wide easement, measured 3.00 metres from either side of the following utility infrastructure, subject to there being accepted in the City’s standard form and in accordance with the City’s standard practice, be granted to:
 - i. The Corporation of the City of Windsor to accommodate existing 250.0 millimetre PVC sanitary sewer.

- III. THAT Conveyance Cost **BE SET** as follows:
- a. For alley conveyed to abutting lands zoned CD2.1, \$20.00 per square foot without easements plus HST (if applicable) and proportionate share of the survey costs as invoiced to The Corporation of the City of Windsor by an Ontario Land Surveyor, and \$10.00 per square foot with easements plus HST (if applicable) and proportionate share of the survey costs as invoiced to The Corporation of the City of Windsor by an Ontario Land Surveyor.
 - b. For alley conveyed to abutting lands zoned RD1.2 is assessed at \$1.00 plus HST (if applicable), deed preparation fee and proportionate share of the survey costs as invoiced to the City by an Ontario Land Surveyor.
- IV. THAT The City Planner **BE REQUESTED** to supply the appropriate legal description, in accordance with Drawing No. CC-1841, *attached* hereto as Appendix "A".
- V. THAT The City Solicitor **BE REQUESTED** to prepare the necessary by-law(s).
- VI. 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.
- VII. THAT the matter **BE COMPLETED** electronically pursuant to By-law Number 366-2003.
Carried.

Report Number: S 167/2023
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 11.2 from the Development & Heritage Standing Committee held on January 8, 2024.
3. To view the stream of this Standing Committee meeting, please refer to:
<https://csg001-harmony.sliq.net/00310/Harmony/en/PowerBrowser/PowerBrowserV2/20240108/-1/9457>

Subject: Closure of part of east/west alley located between Leonard Road and George Avenue, Ward 5, SAA-7136

Reference:

Date to Council: January 8, 2024
Author: Brian Nagata, MCIP, RPP
Planner II - Development Review
(519) 255-6543 ext. 6181

Planning & Building Services
Report Date: December 6, 2023
Clerk's File #: SAA2023

To: Mayor and Members of City Council

Recommendation:

- I. THAT the 34.42 metre portion of the 5.49-metre-wide east/west alley located between Leonard Road and George Avenue, abutting the property known municipally as 2321 George Avenue (legally described as Lot 89 & Part of Block B, Plan 1088; Part of Block A, Plan 1238), and shown on Drawing No. CC-1841 (*attached* hereto as Appendix "A"), and hereinafter referred to as the "subject alley", **BE ASSUMED** for subsequent closure;
- II. THAT the subject alley **BE CLOSED AND CONVEYED** to the owner of the abutting property known municipally 3995 Tecumseh Road East (legally described as Lots 92 to 93 and Part of Lot 90 & Block B, Plan 1088; Part of Block A, Plan 1238) and as necessary, in a manner deemed appropriate by the City Planner, subject to the following:
 - a. 3.0-metre-wide easement, measured 1.50 metres from either side of the following utility infrastructure, 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 accommodate existing buried facilities;
 - ii. ENWIN Utilities Ltd. to accommodate existing 16kV primary, 120/240V and 347/600V overhead secondary hydro distribution pole line; and
 - iii. MNSi. to accommodate existing overhead infrastructure.
 - b. 6.0-metre-wide easement, measured 3.00 metres from either side of the following utility infrastructure, subject to there being accepted in the City's

standard form and in accordance with the City's standard practice, be granted to:

- i. The Corporation of the City of Windsor to accommodate existing 250.0 millimetre PVC sanitary sewer.

III. THAT Conveyance Cost **BE SET** as follows:

- a. For alley conveyed to abutting lands zoned CD2.1, \$20.00 per square foot without easements plus HST (if applicable) and proportionate share of the survey costs as invoiced to The Corporation of the City of Windsor by an Ontario Land Surveyor, and \$10.00 per square foot with easements plus HST (if applicable) and proportionate share of the survey costs as invoiced to The Corporation of the City of Windsor by an Ontario Land Surveyor.
- b. For alley conveyed to abutting lands zoned RD1.2 is assessed at \$1.00 plus HST (if applicable), deed preparation fee and proportionate share of the survey costs as invoiced to the City by an Ontario Land Surveyor.

IV. THAT The City Planner **BE REQUESTED** to supply the appropriate legal description, in accordance with Drawing No. CC-1841, *attached* hereto as Appendix "A".

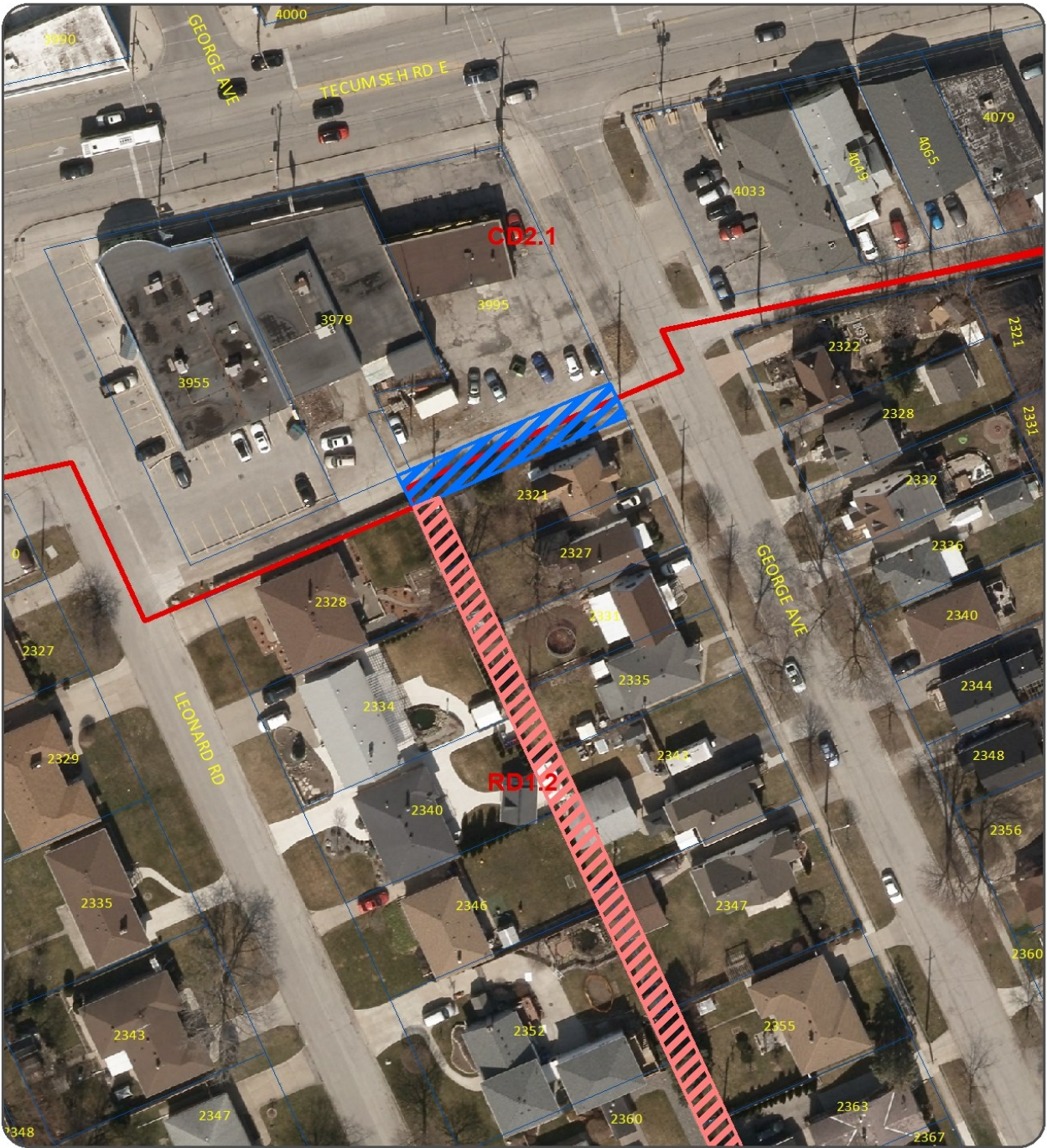
V. THAT The City Solicitor **BE REQUESTED** to prepare the necessary by-law(s).

VI. 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.

VII. THAT the matter **BE COMPLETED** electronically pursuant to By-law Number 366-2003

Executive Summary:

N/A



STREET & ALLEY CLOSING (SAA/7136)

1:750

APPLICANT : 5030537 ONTARIO INC.



 REQUEST FOR CLOSURE

 PREVIOUSLY CLOSED ALLEY

PLANNING DEPARTMENT - PLANNING POLICY

DATE: SEPTEMBER, 2023

Background:

The applicant, Odaye Hayo, representative of 5030537 Ontario Inc., owner of the property known municipally as 3995 Tecumseh Road East (the subject property), applied to close the 34.42 metre portion of the 5.49-metre-wide east/west alley located between Leonard Road and George Avenue (the alley), and shown on Drawing No. CC-1841 attached hereto as Appendix "A", and also shown on the aerial photo attached hereto as Appendix "B".

The east/west alley was opened by The Corporation of the Township of Sandwich East on October 14, 1952 by Instrument No.'s SE48844 and SE48845.

The alley is maintained and composed primarily of asphalt bordered by grass, vegetation and gravel to the south. The gravel portion of the alley makes up part of a driveway serving the single unit dwelling at 2321 George Avenue. The driveway has been in place since at least 1969 (1969 City of Windsor Aerial Photo). The alley contains utility poles with overhead wires supported by guy wires and anchors, as well as a fence belonging to 2328 Leonard Road. The alley includes a curb cut off of George Avenue. There are no Encroachment Agreements on record for the use of the alley.

The applicant wishes to close the alley for the purpose of enclosing the subject property to alleviate ongoing criminal activity stemming from the alley.

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 alley serves as a tertiary means of vehicular access to the subject property, which is occupied by an Existing Automobile Repair Garage.
- b. The alley **indirectly** serves as a secondary means of vehicular access to the rear parking area at 3979 Tecumseh Road East, which is occupied by a commercial building.
 - The portion of the east/west alley not being recommended for closure serves as a direct means of vehicular access to the rear parking area on this property.

2. *Does the subject alley serve properties fronting on heavily traveled streets i.e. major arterial routes?*
 - a. The subject property fronts Tecumseh Road East, a designated Class II Arterial Road on *Schedule F: Roads and Bikeways* to the City of Windsor *Official Plan*.

3. *Does the subject alley contain sewers, and must the alley remain accessible for servicing?*
 - a. There is a 250.0 millimetre PVC sanitary sewer located within the alley.
 - The Public Works Department has confirmed that they have no objection to the recommended closure on the condition that an easement is granted to The Corporation of the City of Windsor for access to maintain and repair the sanitary sewer.
 - The granting of this easement is included as a condition of closure under Recommendation II of this report.

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 alley does not serve as the only vehicular means of access to any rear parking areas or garages.

5. *Does the subject alley contain Fire Department connections that are deemed to be necessary for firefighting access?*
 - a. The alley does not contain any Fire Department connections.

6. *Does the subject alley lie within a Holding zone or 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?*
 - a. The alley does not lie within a Holding zone or other similar undeveloped areas.

Based on the above, the Planning Department deems the alley “indispensable”.

Notwithstanding the alley being deemed indispensable, the Planning Department is recommending that it be closed and conveyed to the owner of the subject property for the following reason:

- The aforesaid factors that deem the alley indispensable stem solely from the subject property’s use of the alley.

The standard manner of conveyance of offering abutting property owners first right to purchase their half of the alley is not possible in this situation. The conveyance of the south half of the alley to 2321 George Avenue will eliminate the tertiary means of vehicular access to the subject property.

It is our recommendation that, upon closure, the owner of the subject property be given a chance to acquire the alley. Hence the recommendation is to close and convey the alley to the owner of the subject property.

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 an alley conveyed to abutting lands zoned CD2.1 is assessed at \$20.00 per square foot without easements plus HST (if applicable) and proportionate share of the survey costs as invoiced to The Corporation of the City of Windsor by an Ontario Land Surveyor, and \$10.00 per square foot with easements plus HST (if applicable) 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 an alley conveyed to abutting lands zoned RD1.2 is assessed at \$1.00 plus HST (if applicable), 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".

Environmental Services

Environmental Services noted that they believe there is private garbage collection in the east/west alley.

The applicant, via November 15, 2023 email, confirmed that their private garbage collection service accesses the subject property directly from George Avenue.

The portion of the east/west alley abutting 3979 Tecumseh Road East is not being recommended for closure. The applicant noted in the aforesaid email that they have invited the owner of 3979 Tecumseh Road East to use their refuse bin.

Private garbage collection services for 3955 Tecumseh Road East access the property directly from Leonard Road.

Public Works - Right-of-Way

Public Works - Right-of-Way confirmed that the driveway approach to the alley will need to be removed and boulevard reinstated to City of Windsor standards as a condition of conveyance if the purchaser does not intend to use the access. This includes the graveled portion serving 2321 George Avenue. They further noted that if the purchaser does intend to use the access, they must obtain a permit to bring the driveway approach into compliance with City of Windsor Standard Engineering Drawing AS-204. 2321 George Avenue would also be required to obtain a permit if they wish to retain or establish a driveway approach off of George Avenue. The retention of the existing driveway approach will require 2321 George Avenue to purchase the portion of the alley encroached on by their gravel driveway.

The applicant, during the Planning Department's November 22, 2023 site visit, verbally confirmed that they do not intend to use the driveway approach if they are successful in purchasing the alley. They further noted that they do not have an issue with restoring the boulevard to City of Windsor standards.

The Legal Department on previous alley closure applications indicated that the closure and conveyance of alleys should not be conditional on works being undertaken within the public right-of-way. This consequently means that the restoration of the boulevard will need to be dealt with independently from the alley closure process by the respective Municipal Department.

The owner of 2321 George Avenue, Steven Zavitz, via November 29, 2023 phone conversation with the Planning Department, confirmed that he has no interest in purchasing the alley or obtaining a permit to retain or establish a driveway. Steven further noted that he will abandon his driveway and rely on on-street parking if the alley closure is approved.

Public Works - Traffic

Public Works - Traffic through their comments noted that the recommended closure will create a dead end, which will have the potential to increase/invite additional camping and public mischief. They also noted that it could also impact parking access to 3979 Tecumseh Road East. They finally noted that it is believed that criminal activity can be better combated by fencing and as such the alley should remain open.

Windsor Police through their comments noted that they have no concerns or objections with the recommended closure to prevent the occurrence of illegal activity (as noted by the applicant). They further noted that while their incident response records do not indicate any notable criminal activity, closure of the alley will nonetheless help to control access into this less observable space which will assist to deter problematic activity

from taking place. They lastly noted that closure will not create problems for police to otherwise gain access for emergency incident response or vehicle patrol purposes within the immediate area, as there will still be other options available to the police for such purposes.

The portion of the east/west alley abutting 3979 Tecumseh Road East is not being recommended for closure.

Transportation Planning

Transportation Planning through their comments noted that the recommended closure will create a dead end that will subsequently impact the movements of 3979 Tecumseh Road East, since there is no left turn from Leonard Road to Tecumseh Road East. Therefore, they recommend that the alley should remain open.

The closure will add an additional 0.55 kilometres of travel distance for vehicles to get from 3979 Tecumseh Road East to the signalized intersection at George Avenue and Tecumseh Road East.

Notice of this application was issued to property owners abutting the alley by regular mail on September 20, 2023, with no objections being received as of the date of writing this report.

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 alley shown on attached Appendix "A", subject to easements in favour of Bell Canada, ENWIN Utilities Ltd., MNSi and The Corporation of the City of Windsor as in Recommendation II of this report.

The closed alley is to be conveyed to the owner of the subject property as in Recommendation II of this report.

Planning Act Matters:

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

Greg Atkinson, MCIP, RPP
Manager of Development

Neil Robertson, MCIP, RPP
Acting City Planner

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

JP

JM

Approvals:

Name	Title
Greg Atkinson	Manager of Development/Deputy City Planner
Neil Robertson	Acting City Planner / Executive Director, Planning & Development Services
Kate Tracey	Senior Legal Council, Legal Services & Real Estate
Jelena Payne	Commissioner, Economic Development & Innovation
Joe Mancina	Chief Administration Officer

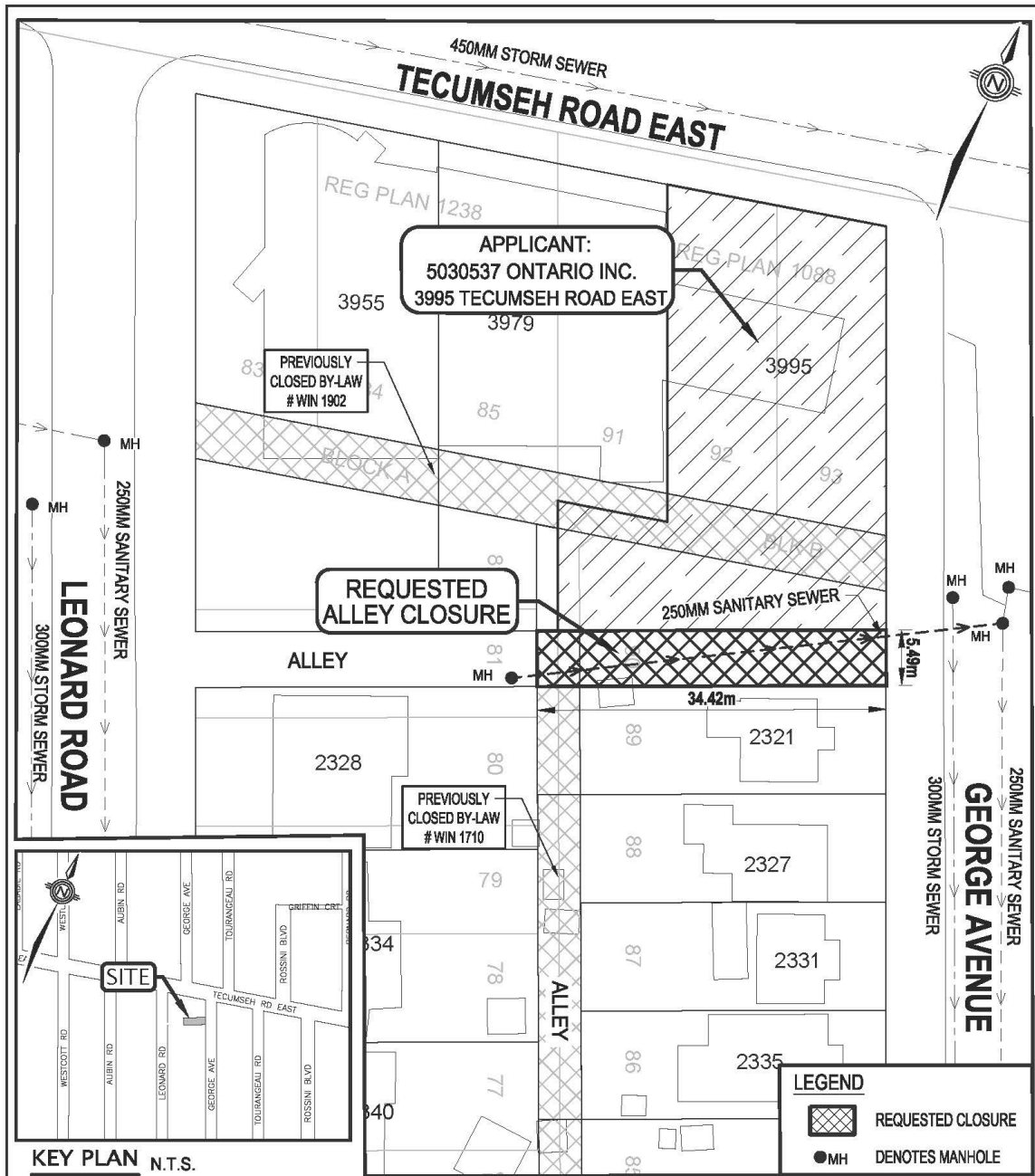
Notifications:

Name	Address	Email
Ward 5 Councillor Ed Sleiman	350 City Hall Square West, Suite 220 Windsor, Ontario N9A 6S1	esleiman@citywindsor.ca
List of mailing labels for property owners abutting alley issued to Clerks office		

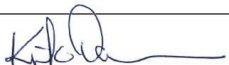
Appendices:

- 1 Appendix A - Drawing No. CC-1841
- 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

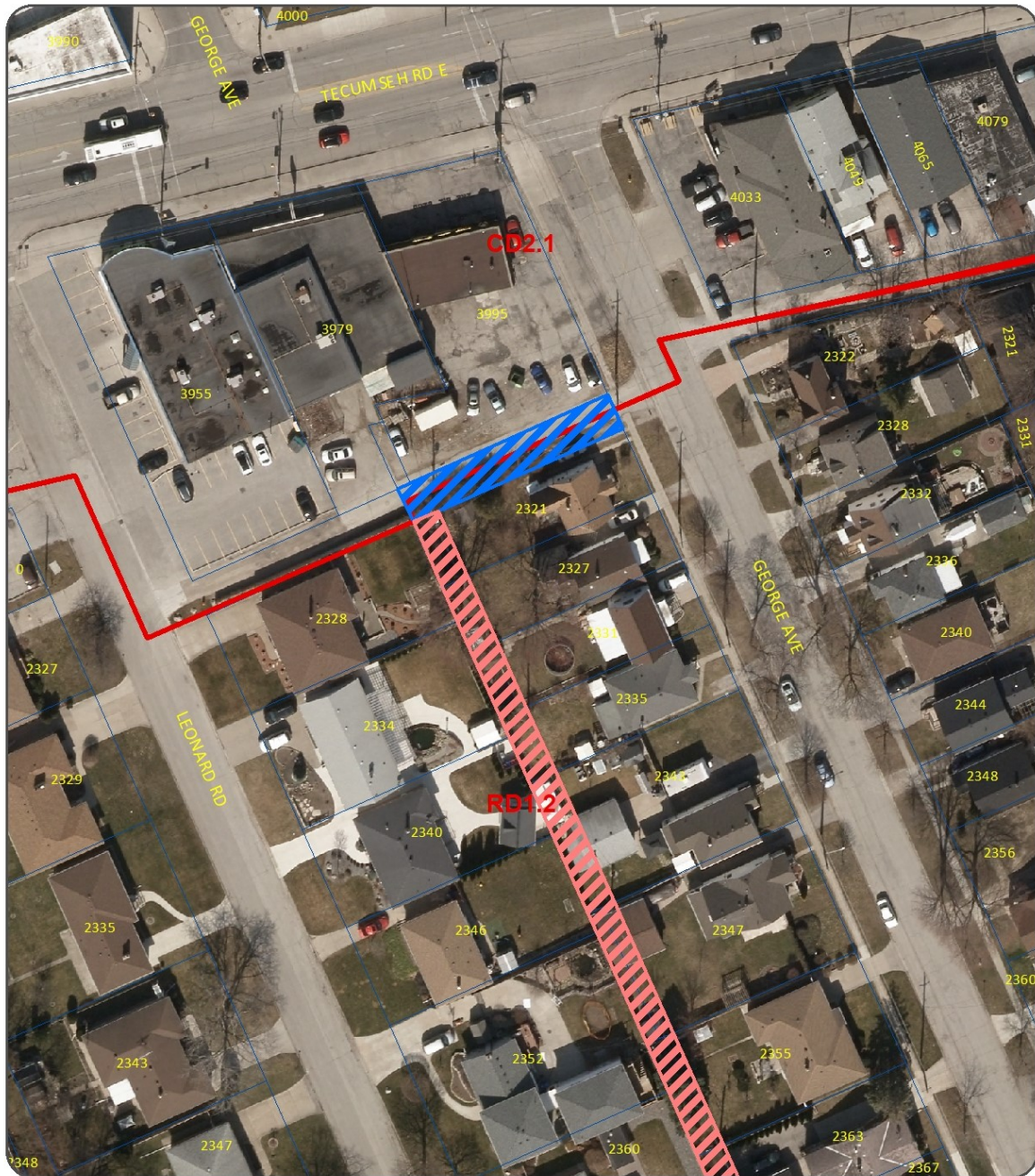
APPENDIX "A"
Drawing No. CC-1841



THE CORPORATION OF THE CITY OF WINDSOR - ENGINEERING DEPARTMENT
Proposed East/West Partial Alley Closure between George Avenue & Leonard Road;
South of Tecumseh Road East

 Kirk Tamm, Manager of Geomatics	SCALE: 1:500	DATE: NOV 2023	REVISED: —	DWG. NO. CC-1841
	DWN BY: UT	CHKD BY: PJU / MM	REVISION NO.: —	

APPENDIX "B" EIS Drawing - Aerial Photo



STREET & ALLEY CLOSING (SAA/7136)

1:750

APPLICANT : 5030537 ONTARIO INC.

 REQUEST FOR CLOSURE

 PREVIOUSLY CLOSED ALLEY



PLANNING DEPARTMENT - PLANNING POLICY

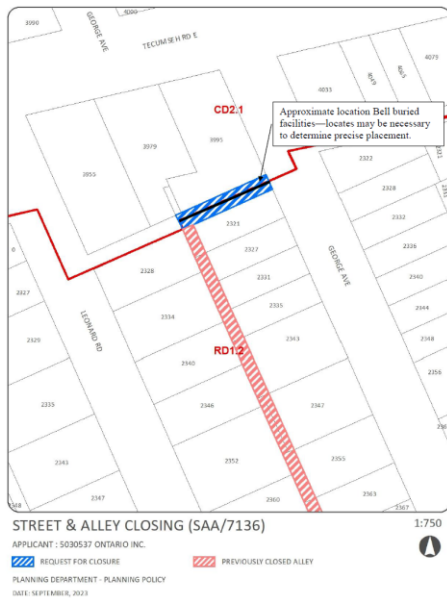
DATE: SEPTEMBER, 2023

APPENDIX “C” Consultations with Municipal Departments and Utility Companies

BELL CANADA WSP

Bell Canada requests a 3.0 m easement, to measure 1.5 m on either side of the existing buried facilities; or an easement over the entire closure area.

[Charleyne Hall - Bell Canada External Liaison, Right of Way & Indigenous Relation]



COGECO CABLE SYSTEMS INC.

No comments provided

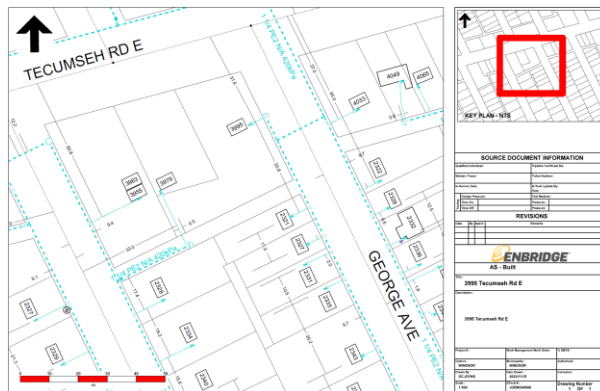
ENBRIDGE GAS

After reviewing the provided drawing at alley behind 3995 Tecumseh Rd E. 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]



ENVIRONMENTAL SERVICES

This request will not affect operations at Environmental Services, however I do want to note that we believe there is private alley collection in this alley. It is recommended that all abutting businesses be notified of the request (if they have not already been).

[Anne-Marie Albidone - Manager, Environmental Services]

ENWIN UTILITIES - HYDRO

No Objection to alley closing within the requested section shown, however, an easement named to ENWIN Utilities Ltd. is required upon closing for the whole width and length of the entire alley to accommodate the existing 16kV primary, 120/240V and 347/600V overhead secondary hydro distribution pole line.

Please be advised of the overhead 27.6kV, 3-phase power lines on the northern and eastern limit of the property along Wyandotte St E and George Ave

Please be advised of the overhead 16kV, 1-phase power line on the southern limit of the property along the properties back alley.

Please be advised of the overhead 120/240V secondary conductor along the eastern and southern limit of the property.

Please be advised of the overhead 347/600V secondary conductor along the southern limit of the property.

Prior to working in these areas, we suggest notifying your contractor and referring to the Occupational Health and Safety Act and Regulations for Construction Projects to confirm clearance requirements during construction and demolition. Also, we suggest referring to the Ontario Building Code for required clearances for New Building Construction.

[Nillavon Balachandran - Hydro Engineering Technologist]

ENWIN UTILITIES - WATER

Water Engineering has no objections.

[Bruce Ogg - Water Project Review Officer]

LEGAL DEPARTMENT

It looks like a sanitary sewer line runs under this portion of the alley.

For the portion of the subject alley zoned CD2.1 abutting 3995 Tecumseh Rd E, \$20.00/sq. ft. without easements or \$10.00/sq. ft. with easements.

For the portion of the subject alley zoned RD1.2, it can be sold to the abutting owner to the south at a cost of \$1.00 plus deed preparation fee and proportionate share of the survey as invoiced to The Corporation of the City of Windsor by an Ontario Land Surveyor.

For Survey costs, please contact an Ontario Land Surveyor for a quote.

[Stephanie Santos - Coordinator of Real Estate Services]

MNSi

MNSi will require an Aerial Easement across the West end of this closure as shown on the sketch below along the pole line.

[Dave Hartleib - Outside Plant Manager]

**PARKS & FACILITIES**

Parks Design & Development, Forestry and Natural Areas has no concern on this Liaison.

[Sherif Barsom - Landscape Architect]

PLANNING DEPARTMENT

No comments provided

PLANNING DEPARTMENT - LANDSCAPE ARCHITECT

There are no objections to the closure from a landscape architectural or urban design perspective.

However, it appears that the proposed closure may affect the access and serviceability to some of the commercial businesses situated within this block of Tecumseh Rd East.

[Stefan Fediuk - Landscape Architect]

PUBLIC WORKS - ENGINEERING

The proposed alley closure is approximately 5.3 m (17.5 feet) wide and composed of asphalt. There is a municipal sanitary sewer located in the alley; an easement would be required for the sanitary sewer. There are no manholes within the proposed alley closure. There are guy-wires, a wooden hydro pole, and overhead wires located within the alley; an easement would be required for utilities. There is a driveway approach on the east side of the proposed closure. The driveway approach to the alley will be the responsibility of the new owner(s) to remove and reinstate curbs and sidewalk as per City of Windsor standards as part of the alley closure process. Should the abutting owners use this access, they will be required to obtain a permit to maintain the approach as per AS-204. The gravel driveway for 2321 George is currently located in the subject alley without approval. If the alley is closed, the property owner at 2321 George could apply to construct a new driveway approach off George Avenue. This subject alley has some usefulness by CR146-2005; however, we have no objections to the closure subject to the easement.

[Lea Marshall - Technologist I]

PUBLIC WORKS - TRAFFIC

The east/west alley currently provides access to parking for 3 properties including the applicant. Closing the east portion of the alley will create a dead end, which will have the potential to increase invite additional camping and public mischief. This could also impact parking access to 3979 Tecumseh Road East. It is the believed that criminal activity can be better combated by fencing. It is recommended that the east/west alley remain open.

[Mike Spagnuolo - Signal Systems Analyst]

ROGERS COMMUNICATIONS

No comments provided

TELUS COMMUNICATIONS

TELUS has no underground infrastructure in the area of your proposed work.

[Meghna Patel - Permit Coordinator]

TRANSPORTATION PLANNING

The east/west alley currently provides access to parking for 3 properties including the applicant. Closing the east portion of the alley will create a dead end. This would impact the movements of 3979 Tecumseh Rd E, since there is no left turn from Leonard Road to Tecumseh Road. It is recommended that the east/west alley remain open.

[Siddharth Dhiman - Transportation Planner I]

TRANSIT WINDSOR

Transit Windsor has no objections to this development.

[Jason Scott - Supervisor, Planning]

WINDSOR FIRE

No comments provided

WINDSOR POLICE

The Windsor Police Service has no concerns or objections with the closure of this section of east-west alley located immediately behind 3995 Tecumseh Road East to prevent the occurrence of illegal activity (as noted by the applicant). While our incident response records do not indicate any notable criminal activity, closure will nonetheless help to control access into this less observable space to help deter problematic activity from taking place. Closure will not create problems for police to otherwise gain access for emergency incident response or vehicle patrol purposes within the immediate area, as there will still be other options available to the police for such purposes. The end result from this closure will hopefully mitigate problems going forward.

[Barry Horrobin - Director of Planning & Physical Resources]

APPENDIX "D"
Site Photos (November 22, 2023)



Figure 1 - Looking south towards George Ave driveway approach to Alley (2321 George Ave on right)



Figure 2 - Looking west towards Leonard Rd from Alley (2321 George Ave on left)



Figure 3 - Looking east towards George Ave from Alley (3995 Tecumseh Rd E on left)



Figure 4 - Looking west towards Leonard Rd from Alley (3955 Tecumseh Rd E on right)



Figure 5 - Looking south at guy wires and anchors in Alley (2321 George Ave on left)



Figure 6 - Looking north towards 3979 Tecumseh Rd E from Alley



Figure 7 - Looking west towards Leonard Rd from Alley (2328 Leonard Rd on left)



Figure 8 - Looking west towards 2321 George Ave driveway and driveway approach partially in Alley



Figure 9 - Looking north towards 2321 George Ave driveway approach and Alley driveway approach

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.



Committee Matters: SCM 9/2024

**Subject: Downtown CIP/Demolition Control By-law Exemption Report-527
Marentette Ave; Owner: Fouad Badour**

Moved by: Councillor Angelo Marignani
Seconded by: Councillor Fred Francis

Decision Number: **DHSC 583**

- I. THAT the Chief Building Official **BE AUTHORIZED** to issue a demolition permit to the registered owner Fouad Badour for the single unit dwelling located at 527 Marentette Avenue to facilitate the construction of a two (2) story eight (8) unit dwelling.
- 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:
 - a. The redevelopment identified in Appendix 'B' be substantially complete within two (2) years following the issuance of the demolition permit;
 - b. 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 Twenty Thousand Dollars (\$20,000) on the collectors roll of the property;
- IV. THAT the City Solicitor **BE DIRECTED** to register a notice of Condition #2 in the land registry office against the property in the event that the redevelopment is not substantially complete within two (2) years following the commencement of the demolition.
- V. THAT the request made by Fouad Badour for the proposed development at 0, 507, 527 Marentette Avenue, to participate in:

- a. the Building/Property Improvement Tax Increment Grant Program **BE APPROVED** for 100% of the municipal portion of the tax increment resulting from the proposed development for up to five (5) years or until 100% of the eligible costs are repaid pursuant to the Downtown Windsor Enhancement Strategy and Community Improvement Plan;
 - b. the New Residential Development Grant Program **BE APPROVED** for \$20,000 towards eligible costs of eight (8) new residential units (\$2,500 per new residential units) pursuant to the Downtown Windsor Enhancement Strategy and Community Improvement Plan.
- VI. THAT Administration **BE DIRECTED** to prepare the agreements between the City and Fouad Badour to implement the Building/Property Improvement Tax Increment Grant Programs at 0, 507, 527 Marentette Avenue in accordance with all applicable policies, requirements, and provisions contained within the Downtown Windsor Enhancement Strategy and Community Improvement Plan.
- VII. THAT the CAO and City Clerk **BE AUTHORIZED** to sign the Building/Property Improvement Tax Increment Grant Program agreements at 0, 507, 527 Marentette Avenue to the satisfaction of the City Planner as to content, the City Solicitor as to legal form, and the City Treasurer as to financial implications.
- VIII. THAT the City Treasurer **BE AUTHORIZED** to issue payment of \$20,000 for grants under the New Residential Development Grant Program for 0, 507, 527 Marentette Avenue to Fouad Badour upon completion of the eight (8) new residential units subject to the satisfaction of the City Planner and Chief Building Official.
- IX. THAT Grant funds in the amount of \$20,000 under the New Residential Development Grant Program **BE TRANSFERRED** from the CIP Reserve Fund 226 to the City Centre Community Development Planning Fund (Project #7011022) when work is completed.
- X. THAT the approval to participate in the Building/Property Improvement Tax Increment Grant Program **EXPIRE** if the grant agreement is not signed by applicant within one year following Council approval. The City Planner may extend the deadline for up to one year upon request from the applicant.

- XI. THAT should the new residential units not be completed in two (2) years, City Council **AUTHORIZE** that the funds under the New Residential Development Grant Program be uncommitted and made available for other applications.

Carried.

Report Number: S 165/2023
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 11.1 from the Development & Heritage Standing Committee held on January 8, 2024.
3. To view the stream of this Standing Committee meeting, please refer to:
<https://csg001-harmony.sliq.net/00310/Harmony/en/PowerBrowser/PowerBrowserV2/20240108/-1/9457>

Subject: Downtown CIP Grant Applications/Demolition Control By-law Exemption Request made by Fouad Badour (Owner) for 0, 507, 527 Marentette Avenue, Ward 3

Reference:

Date to Council: January 8, 2024

Author: Laura Strahl
Planner III - Special Projects
519-255-6543 ext. 6396
lstrahl@citywindsor.ca

Tracy Tang
Planner II - Revitalization & Policy Initiatives
519-255-6543 ext. 6449
ttang@citywindsor.ca

Nathan Li
Planning Assistant
519-255-6543 ex
Planning & Building Services
Report Date: 2023-12-05
Clerk's File #: SPL2023

To: Mayor and Members of City Council

Recommendation:

- I. **THAT** the Chief Building Official **BE AUTHORIZED** to issue a demolition permit to the registered owner Fouad Badour for the single unit dwelling located at 527 Marentette Avenue to facilitate the construction of a two (2) story eight (8) unit dwelling.
- 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' 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 Twenty Thousand Dollars (\$20,000) on the collectors roll of the property;
- IV. **THAT** the City Solicitor **BE DIRECTED** to register a notice of Condition #2 in the land registry office against the property in the event that the redevelopment is not substantially complete within two (2) years following the commencement of the demolition.
- V. **THAT** the request made by Fouad Badour for the proposed development at 0, 507, 527 Marentette Avenue, to participate in:
 - i. the Building/Property Improvement Tax Increment Grant Program **BE APPROVED** for 100% of the municipal portion of the tax increment resulting from the proposed development for up to five (5) years or until 100% of the eligible costs are repaid pursuant to the Downtown Windsor Enhancement Strategy and Community Improvement Plan;
 - ii. the New Residential Development Grant Program **BE APPROVED** for \$20,000 towards eligible costs of eight (8) new residential units (\$2,500 per new residential units) pursuant to the Downtown Windsor Enhancement Strategy and Community Improvement Plan.
- VI. THAT Administration **BE DIRECTED** to prepare the agreements between the City and Fouad Badour to implement the Building/Property Improvement Tax Increment Grant Programs at 0, 507, 527 Marentette Avenue in accordance with all applicable policies, requirements, and provisions contained within the Downtown Windsor Enhancement Strategy and Community Improvement Plan.
- VII. THAT the CAO and City Clerk **BE AUTHORIZED** to sign the Building/Property Improvement Tax Increment Grant Program agreements at 0, 507, 527 Marentette Avenue to the satisfaction of the City Planner as to content, the City Solicitor as to legal form, and the City Treasurer as to financial implications.
- VIII. THAT the City Treasurer **BE AUTHORIZED** to issue payment of \$20,000 for grants under the New Residential Development Grant Program for 0, 507, 527 Marentette Avenue to Fouad Badour upon completion of the eight (8) new residential units subject to the satisfaction of the City Planner and Chief Building Official.
- IX. Grant funds in the amount of \$20,000 under the New Residential Development Grant Program **BE TRANSFERRED** from the CIP Reserve Fund 226 to the City Centre Community Development Planning Fund (Project #7011022) when work is completed.
- X. THAT the approval to participate in the Building/Property Improvement Tax Increment Grant Program **EXPIRE** if the grant agreement is not signed by

applicant within one year following Council approval. The City Planner may extend the deadline for up to one year upon request from the applicant.

- XI. THAT should the new residential units not be completed in two (2) years, City Council **AUTHORIZE** that the funds under the New Residential Development Grant Program be uncommitted and made available for other applications.

Executive Summary:

N/A

Background:

Property Location:

527 Marentette

Description: LT 3 PL 519 WINDSOR ; WINDSOR

0 Marentette

Description: PT LT 2 PL 519 DESIGNATED AS PART 1, PLAN 12R-26615 CITY OF WINDSOR

507 Marentette

Description: LT 1 PL 519 WINDSOR ; WINDSOR

The subject report makes recommendations for grants under the Downtown CIP and exemption under Demolition Control By-law 131-2017.

On October 23, 2023, a Downtown CIP grant application was submitted for the purpose of constructing a two-story, eight-unit dwelling located at 0, 507, 527 Marentette Avenue (See Appendix A for location map). The owner also applied for an exemption from Demolition Control By-law 131-2017 to demolish the existing single unit dwelling located at 527 Marentette Avenue.

The property is located within the Downtown Community Improvement Plan (Downtown CIP) area (outside of the CBD and any BIAs). The property is also located within Schedule H of the Demolition Control By-law 131-2017.

Downtown CIP

The Downtown Windsor Community Improvement Plan (Downtown CIP) was approved by City Council on September 29, 2017 and an adopting by-law was passed by City Council on October 16, 2017.

The Downtown CIP provides financial incentives to encourage new residential development, retail investment, facade improvements, and building/property improvements.

Fouad Badour, owner of the properties located at 527, 0, 507 Marentette Avenue, has applied for financial incentives under the Building/Property Improvement Tax Increment Grant Program and the New Residential Development Grant Program. The applicant is

proposing to construct a new two-story eight-unit dwelling located at 527, 0, 507 Marentette Avenue (See Appendix B).

Demolition Control By-law 131-2017

Demolition Control By-law 131-2017 was approved by City Council on August 28, 2017 to encourage orderly development and prevent speculative demolition of residential dwellings in the vicinity of traditional commercial streets.

The owner applied for an exemption from Demolition Control By-law 131-2017 to demolish the existing single unit dwelling located at 527 Marentette Avenue which would facilitate their redevelopment plans for the property.

Discussion:

Downtown CIP

Building/Property Improvement Tax Increment Grant Program:

This program is intended to provide economic incentive for the development, rehabilitation and redevelopment of properties in Downtown Windsor. The program provides an annual grant equal to 100% of the increase in municipal property taxes for five years, after the project is completed and reassessed to help offset the costs of rehabilitating and redeveloping properties, as long as such development results in an increase in assessment and therefore an increase in property taxes. Grants are only paid after completion of a development and subject to meeting all the requirements within the Downtown Windsor Enhancement Strategy and Community Improvement Plan.

The proposed redevelopment on the property will increase the assessed value and therefore increase municipal taxes. This project qualifies for the Building/Property Improvement Tax Increment Grant and the Financial Matters section of this report discusses the estimated grant amount.

New Residential Development Grant Program:

The New Residential Development Grant Program is intended to provide an incentive to stimulate residential development within Downtown Windsor. The program will consist of a grant whereby property owners will be eligible to receive a grant to \$2,500 for every new residential unit, up to a maximum of \$50,000 per property.

The owner proposes to construct eight new residential units, therefore the project will reach the maximum grant of \$20,000 under the program.

Exemption to Demolition Control By-law 131-2017

Section 3 of the Demolition Control By-Law 131-2017 states that *"...no person shall demolish the whole or any part of any residential property in the control area described*

in Section 2 hereof unless the person is the holder of a demolition permit issued by Council under the provisions of this by-law.” The decision to issue (or not to issue) a demolition permit is at City Council’s sole discretion.

Section 5 of the Demolition Control By-Law 131-2017 states that “...*Council shall, on an application for a demolition permit, issue a demolition permit where a building permit has been issued to erect a new building on the site of the residential property sought to be demolished.*” Section 7 states that a demolition permit may be issued with the following conditions:

- (a) That the applicant for the demolition permit construct and substantially complete the new building to be erected on the site of the residential property to be demolished by not later than such date as may be determined by Council, provided, however, that such date is not less than two years from the day demolition of the existing residential property is commenced;*

- (b) That, on failure to complete the new building within the time specified in the permit issued, the Clerk shall be entitled to enter on the collectors roll, to be collected in like manner as municipal taxes, such sum of money as may be determined by Council but not in any case to exceed the sum of Twenty Thousand Dollars (\$20,000.00) for each dwelling unit contained in the residential property in respect of which the demolition permit is issued, and such sum shall, until payment thereof, be a lien or charge upon the land in respect of which the permit to demolish the residential property is issued;*

- (c) That notice of conditions in this section 7 be registered in the land registry office against the land to which it applies.*

Section 11.11 of the City’s Official Plan requires the filing of redevelopment plan as a condition of approval for a demolition permit for areas subject to Demolition Control By-Laws. Section 11.11.1.2 requires that “*Redevelopment plans shall include plans for:*

- (a) Replacement Buildings;*
- (b) Replacement of Demolished dwelling units and;*
- (c) Landscaped open space.”*

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 Wyandotte St E between McDougall Avenue and Gladstone Avenue.

The subject property is located at 527 Marentette Avenue. A one-storey single unit residential detached dwelling constructed in approximately 1910 is on the property. The

parcel is 282 square metres in size and it is not listed on the Municipal Heritage Register.

The proposed drawings (Appendix B) show a two-storey eight-unit dwelling. The four upper-floor units will have five bedrooms and two bathrooms in each unit, while the four lower-level units will have two bedrooms and one bathroom in each unit. The application and drawings are consistent with the requirements of Sections 11.11 regarding a Redevelopment Plan.

Risk Analysis:

Downtown CIP

There is low risk associated with the approval of the subject Downtown CIP grant applications. An agreement between the City and owner will be prepared to ensure the Building/Property Improvement Tax Increment Grant Program requirements and provisions of the Downtown Windsor Enhancement Strategy and Community Improvement are met. The New Residential Development Grant will only be paid after the work is complete to the satisfaction of the City Planner.

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 Downtown 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.

Exemption to Demolition Control By-law 131-2017

There is low risk associated with approval of the requested demolition. The proposed redevelopment will be subject to a Zoning By-law review, and the building permit review process will take into consideration the plan's compliance with the Ontario Building Code and other relevant legislation. The owner has demonstrated there is a redevelopment plan for the property and, should Council decide to approve their request, is expected to construct the new dwelling within the two-year time frame set out in the recommendations section.

A building permit is required for the new construction, and any new construction approval must conform to the Ontario Building Code. Inspections will be undertaken as part of the permit issuance process for new development.

If the new dwelling is not substantially complete within two years of demolition permit issuance, a penalty in the amount of \$20,000 will be added to the tax roll of the property.

Climate Change Risks

Climate Change Mitigation:

The demolition of the existing single unit dwelling affects climate change, because the existing structure will not be re-used and will likely end up in a land fill. However, the proposed residential redevelopment implements Environmental Master Plan Objective C1: Encourage in-fill and higher density in existing built areas. The proposal will increase the residential density and will make efficient use of the property within an area that has excellent access to public transit and other amenities. The rehabilitation of the site contributes to the revitalization and densification of the Downtown Neighbourhood, thereby contributing to a complete community. The construction of the new building will utilize modern building methods, which will conform to the Ontario Building Code concerning safety and energy efficiency.

Utilizing an existing site in a built-up area of the City also promotes efficiency on the existing infrastructure network by not promoting development on greenfield land.

Climate Change Adaptation:

As temperatures increase and when considering the Urban Heat Island effect for the City of Windsor, the property appears to be located near 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:

New Residential Development Grant Program:

As mentioned in the discussion section of the report the proposed redevelopment is eligible for \$20,000 under the New Residential Development Grant Program.

CIP Reserve Fund 226 holds the funds for all active CIPs in the City. As CIP grant applications are approved, the approved grant amount is transferred to the capital project account (City Centre Community Development Planning Fund (Project #7011022) to be kept as committed funds, until the grant is ready to be paid out. The current uncommitted balance in the CIP reserve fund is \$685,379.89 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.

If approved, funds will be transferred from the CIP reserve fund to the City Centre Community Development Planning Fund (Project #7011022) to disperse the maximum amount of \$20,000 for the *New Residential Development Grant Program* identified in this report when all work is completed.

Building/Property Improvement Tax Increment Grant Program:

The program provides an annual grant equal to 100% of the increase in municipal property taxes for five (5) years, with the possibility of a five (5) year extension, up to a total of ten (10) years if the project is considered a Catalyst Project; a designated heritage property, projects where at least 20% of the residential units are considered affordable or the project is certified LEED bronze. The subject property is not eligible for a five-year extension.

It is estimated that the redevelopment will result in municipal taxes of \$12,506 a year. It should also be noted that the estimates used for purposes of this report are very preliminary and subject to further refinement of the design plans and ultimately subject to MPAC’s assessment.

The proponent indicates the estimate costs for the projects \$1,693,200. The Planning Act stipulates that the grants under a CIP cannot be more than the eligible costs. The total estimated grant amount of \$77,190 (including the \$20,000 under the New Residential Development Grant Program) is 4.6% of the estimate eligible costs.

Estimated Building/Property Improvement Tax Increment Grant for 0, 507, 527 Marentette		
Annual Pre Development Municipal Taxes	Annual Estimate Post Development Municipal Tax <u>Increase</u>	Total Estimate Grant Over Five Years
\$1,068	\$11,438	\$57,190

Assumptions

Current Property Value Assessment (2023 – Residential) \$59,800

Estimate Total Post Development Assessment (2023 – Residential) \$700,000

Because the Grant Program does not cancel taxes, the applicant must pay the full amount of property taxes annually and will subsequently receive a grant for the difference between the pre and post-development municipal taxes. The City will retain the amount of pre-development (base) municipal taxes throughout the lifespan of the grant program; however will be foregoing any incremental property taxes which could otherwise be used to offset future budget pressures.

Consultations:

The owner of the properties located at 0, 507, 527 Marentette Avenue has been consulted regarding grants related to the improvements outlined in this report, as well as the application for exemption from Demolition Control By-law 131-2017 and the requirement of a Redevelopment Plan.

Carolyn Nelson, Manager of Property Valuation & Administration, Taxation & Financial Projects was consulted with respect to the Downtown CIP Building/Property Improvement Tax Increment Grant Program.

Josie Gualtieri, Financial Planning Administrator was also consulted regarding the Downtown CIP.

Conclusion:

The demolition of the existing residential dwelling located at 527 Marentette Avenue will facilitate the construction of a two-storey eight-unit dwelling, thereby meeting the intent of Demolition Control By-law 131-2017. The proposed redevelopment will be subject to Building Department review, constitutes orderly development, and the requested demolition is not considered speculative.

Staff recommends that the application for the New Residential Development Grant Program and Building/Property Improvement Tax Increment Grant for five (5) years be approved.

Administration also recommends that Council grant the requested demolition permit application submitted by the owner of 527 Marentette Avenue, and that a condition be imposed requiring the redevelopment to be substantially complete within two years of demolition permit issuance.

Planning Act Matters:

N/A

Approvals:

Name	Title
Josie Gualtieri	Financial Planning Administrator
John Revell	Chief Building Official
Neil Robertson	City Planner (A)
Wira Vendrasco	City Solicitor (A)

Carolyn Nelson	Manager, Property Valuation & Administration, Taxation, Treasury & Financial Projects
Lori Gregg	Deputy Treasure, Taxation, Treasury & Financial Planning
Janice Guthrie	Commissioner, Finance and City Treasurer
Jelena Payne	Commissioner, Economic Development
Joe Mancina	Chief Administrative Officer

Notifications:

Name
Fouad Badour

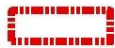
Appendices:

- 1 Appendix 'A' - Location Map and Existing Condition
- 2 Appendix 'B' - Proposed Development

Appendix 'A' – Location Map and Existing Condition



LOCATION MAP : 507-527 MARENTETTE AVENUE



SUBJECT PROPERTY



Appendix 'A' – Location Map and Existing Condition



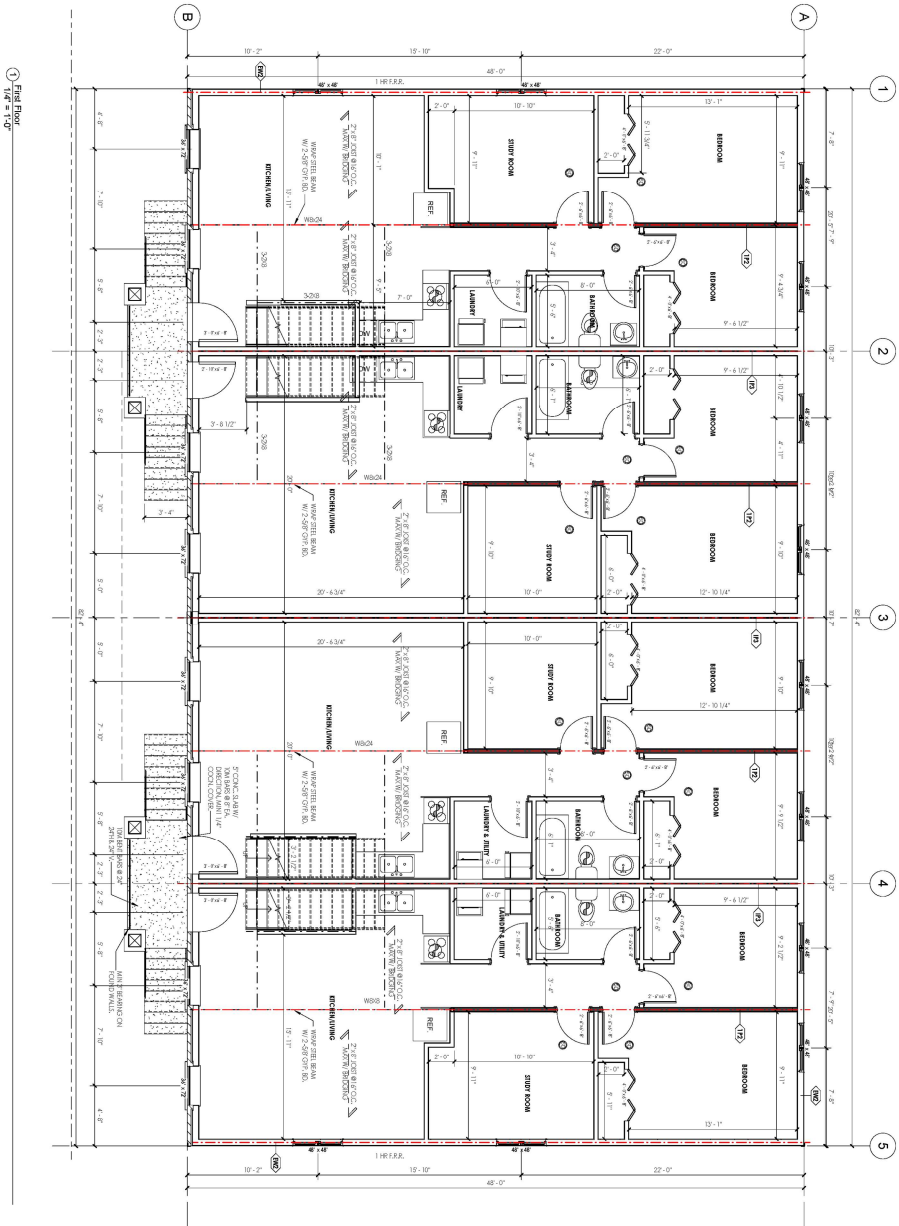
November 2023 Google Street View of property looking west.

Appendix 'A' – Location Map and Existing Condition



December 2020 Google Street View of property looking west.

Appendix 'B' - Proposed Development



www.5777development.ca

5777 DEVELOPMENT
 5777 MARINETTE
 WINDSOR ON

8 UNIT DEVELOPMENT
 527 Marquette Windsor ON
 First Floor Plan

No.	Description	Date
1	Revision	2022-08-25

Project number: 2206
 Date: August 2022
 Drawn by: V.J.P.
 Checked by: M.B.


A2


1/4" = 1'-0"

Appendix 'B' - Proposed Development

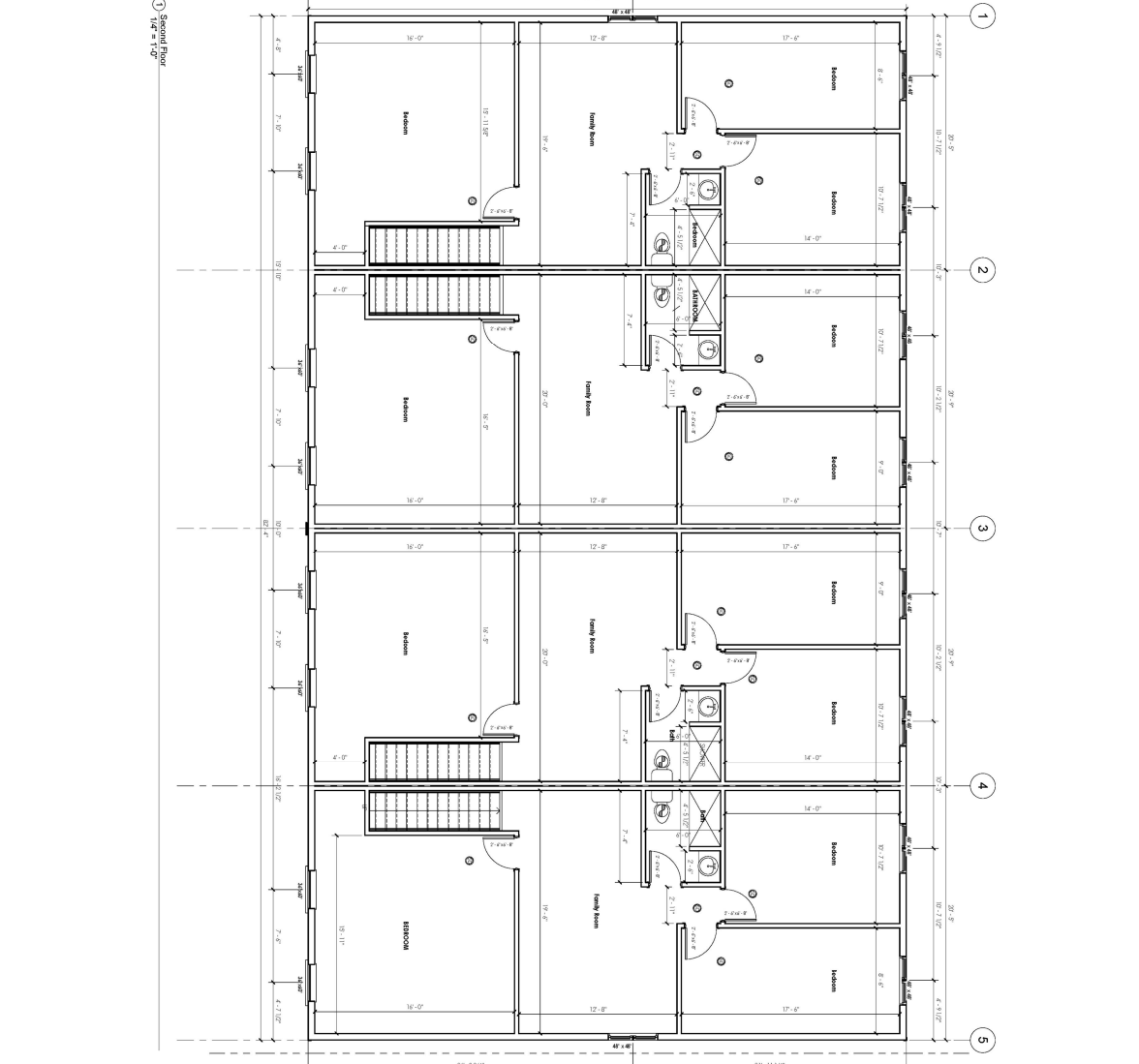
8 UNIT DEVELOPMENT
527 Marenhette Windsor ON
Second Floor Plan

No.	Description	Total
1	Residence 801 (1 Unit)	2052x2832
2	Residence 802 (1 Unit)	2052x2832
3	Residence 803 (1 Unit)	2052x2832
4	Residence 804 (1 Unit)	2052x2832
5	Residence 805 (1 Unit)	2052x2832
6	Residence 806 (1 Unit)	2052x2832
7	Residence 807 (1 Unit)	2052x2832
8	Residence 808 (1 Unit)	2052x2832
9	Residence 809 (1 Unit)	2052x2832
10	Residence 810 (1 Unit)	2052x2832
11	Residence 811 (1 Unit)	2052x2832
12	Residence 812 (1 Unit)	2052x2832
13	Residence 813 (1 Unit)	2052x2832
14	Residence 814 (1 Unit)	2052x2832
15	Residence 815 (1 Unit)	2052x2832
16	Residence 816 (1 Unit)	2052x2832
17	Residence 817 (1 Unit)	2052x2832
18	Residence 818 (1 Unit)	2052x2832
19	Residence 819 (1 Unit)	2052x2832
20	Residence 820 (1 Unit)	2052x2832



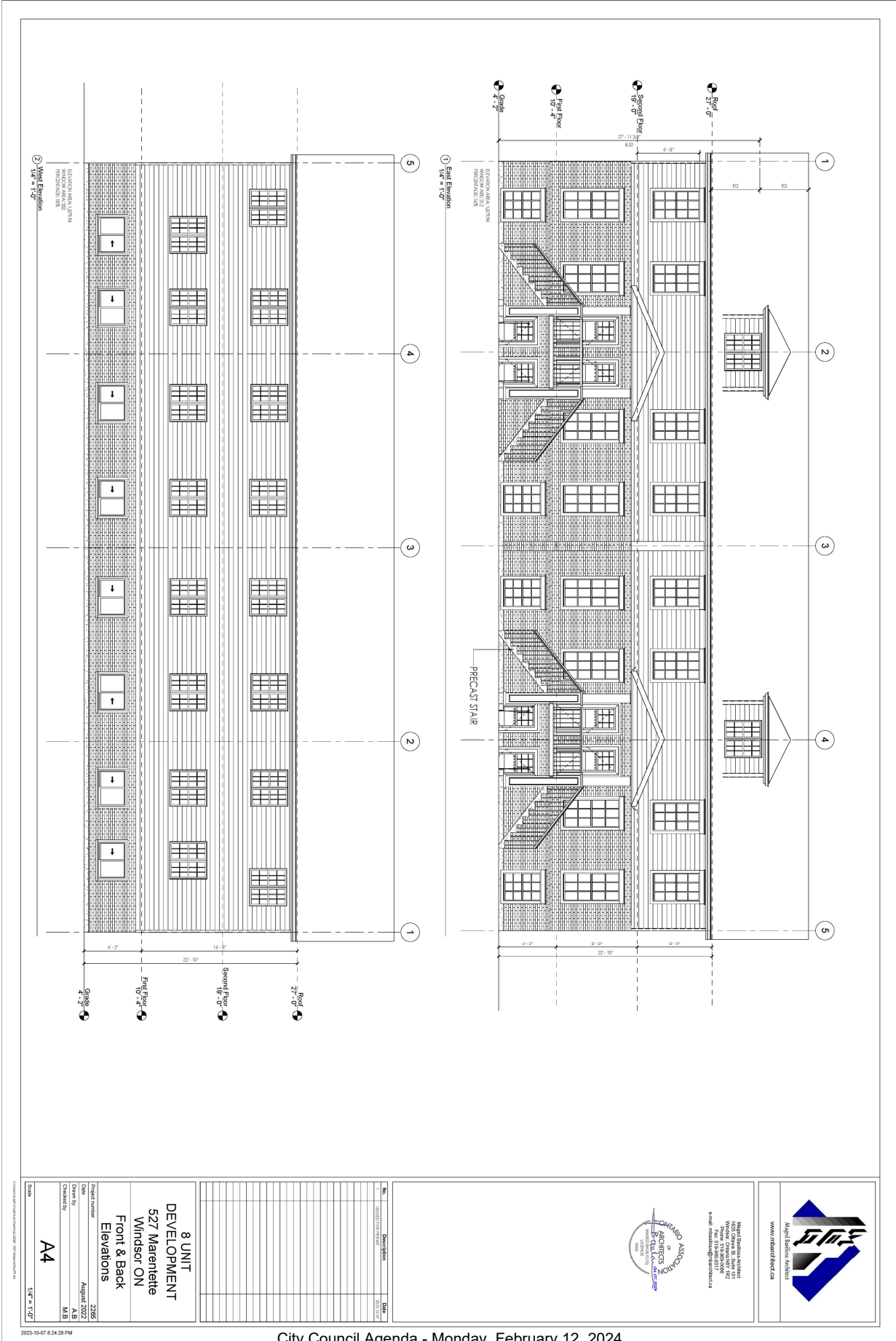


1 Second Floor
1/4" = 1'-0"



City Council Agenda - Monday, February 12, 2024
Page 116 of 456

Appendix 'B' - Proposed Development




8 UNIT DEVELOPMENT
527 Marquette Windsor ON
Front & Back Elevations

Project Number: 2205
Date: August 2022
Drawn By: A.B
Checked By: M.B

A4

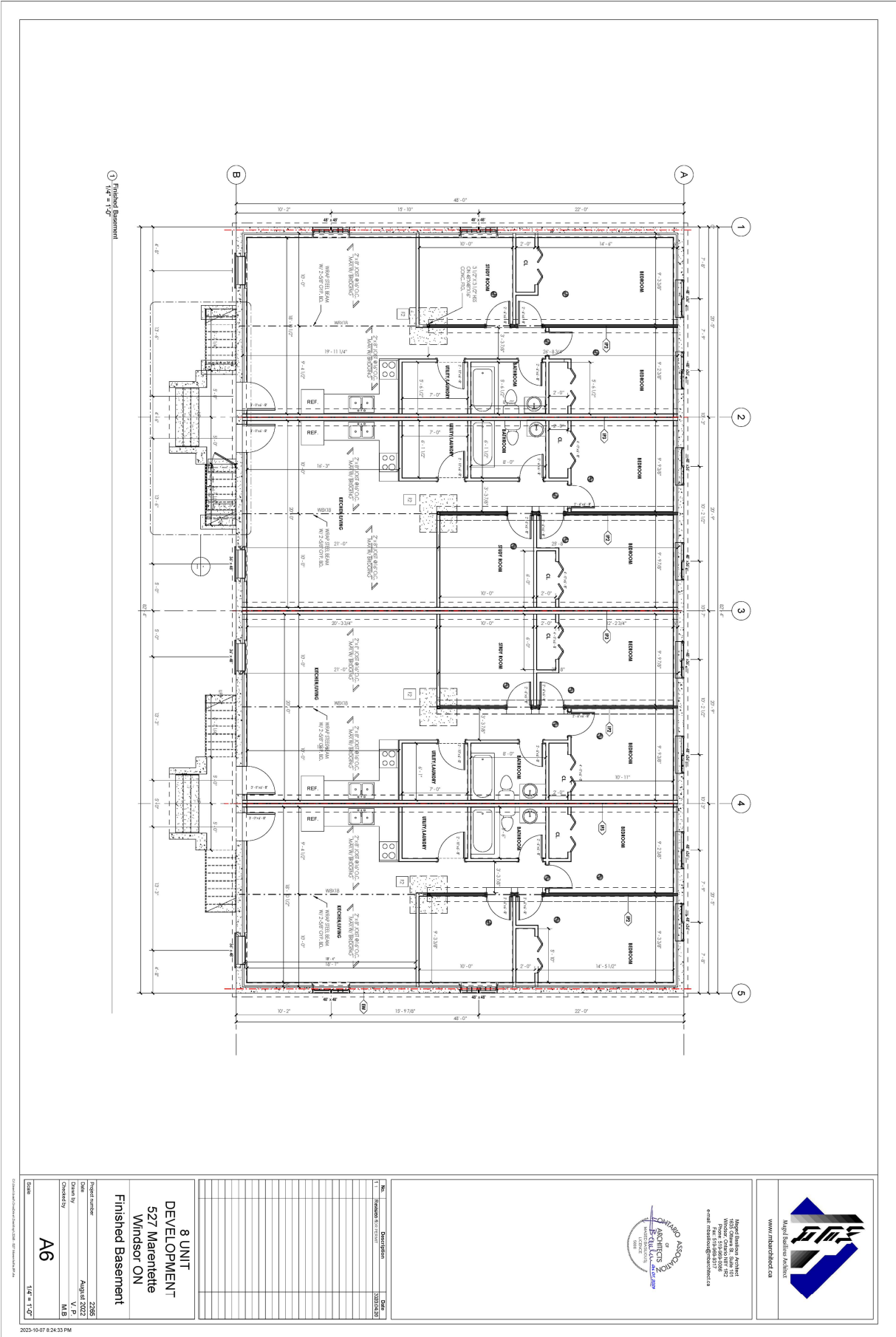
1/4" = 1'-0"



Windsor Regional Association of Architects & Architects in Training
www.wraa.ca

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Appendix 'B' - Proposed Development



8 UNIT DEVELOPMENT
527 Marquette
Windsor ON
Finished Basement
 Project Number: 2205
 Drawn by: August V. B.
 Checked by: M. B.
A6
 Scale: 1/4" = 1'-0"

No.	Description	Date
1	Revised for City Council	2024/02/05

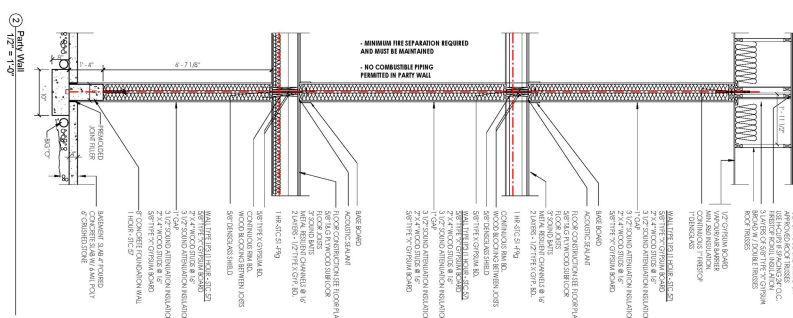
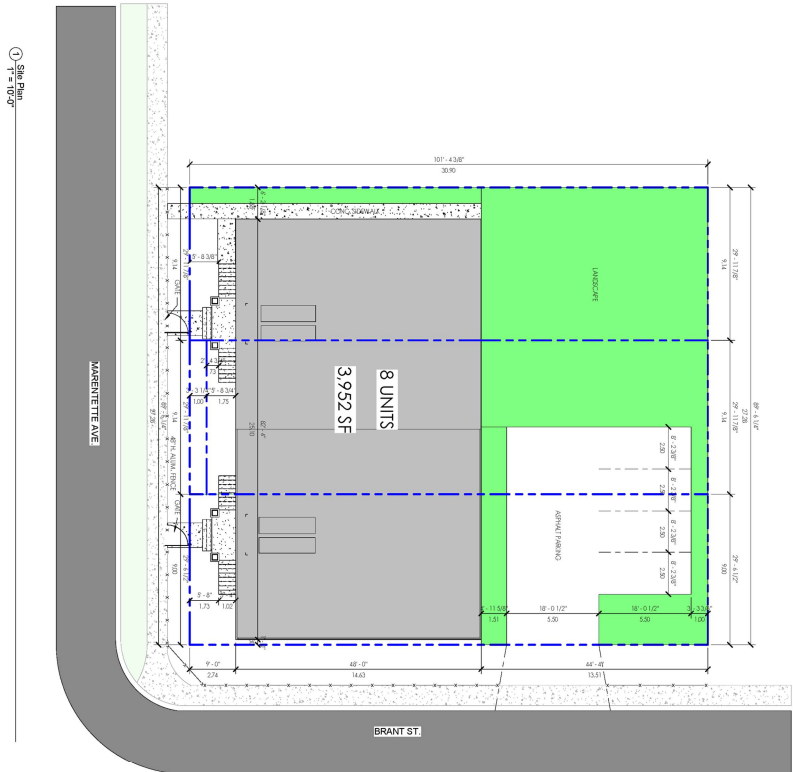
CENTRO OF ARCHITECTS & ENGINEERS
 1000 University Ave. Suite 200
 Windsor, ON N9A 7K5
 Phone: 519-253-8888
 Fax: 519-253-8889
 Email: info@centroa.com


Major Ontario Architect
 Member Ontario Architectural Association
 License No. 123456789
 Email: info@centroa.com

www.mrbentford.ca
 Major Building Analysis


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Appendix 'B' - Proposed Development





Mayor: Scott Brison
www.windsor.on.ca



Association of Municipalities of Ontario

Maple Building Services
Windsor, Ontario N9A 6K2
Tel: 519-253-7777
Email: info@maplebuilding.ca

8 UNIT DEVELOPMENT
527 Marentette
Windsor ON

Site Plan

Project Number	2206
Date	August 2022
Drawn by	M. B.
Checked by	M. B.
Scale	As Indicated

No.	Description	Date
1	ISSUED FOR REVIEW	2022-07-14

2023-10-07 8:24:34 PM



Committee Matters: SCM 8/2024

Subject: Application for Approval of the Conversion of an existing Non-Residential Building at 1500 Ouellette Avenue to a Residential and Commercial Plan of Condominium; Applicant - Ryan Michael Solcz Prof. Corp; File No. CDM-004/22 [CDM/6939]; Ward 3

Moved by: Councillor Fred Francis
Seconded by: Councillor Mark McKenzie

Decision Number: **DHSC 582**

THAT the report of the Senior Planner – Subdivisions dated May 12, 2023 entitled “Application for Approval of the Conversion of an existing Non-Residential Building at 1500 Ouellette Avenue to a Residential and Commercial Plan of Condominium; Applicant - Ryan Michael Solcz Prof. Corp; File No. CDM-004/22 [CDM/6939]; Ward 3” **BE WITHDRAWN.**

Carried.

Report Number: S 62/2023
Clerk’s File: Z/14543

Clerk’s Note:

1. The recommendation of the Development & Heritage Standing Committee and Administration are the same.
2. Please refer to Item 3.1 from the Development & Heritage Standing Committee held on January 8, 2024.
3. To view the stream of this Standing Committee meeting, please refer to:
<https://csg001-harmony.sliq.net/00310/Harmony/en/PowerBrowser/PowerBrowserV2/20240108/-1/9457>

Subject: Application for Approval of the Conversion of an existing Non-Residential Building at 1500 Ouellette Avenue to a Residential and Commercial Plan of Condominium; Applicant - Ryan Michael Solcz Prof. Corp; File No. CDM-004/22 [CDM/6939]; Ward 3

Reference:

Date to Council: August 1, 2023
Author: Justina Nwaesei, MCIP, RPP
Senior Planner - Subdivisions
519-255-6543, ext. 6165
jnwaesei@citywindsor.ca

Planning & Building Services
Report Date: May 12, 2023
Clerk's File #: Z/14543

To: Mayor and Members of City Council

Recommendation:

I THAT the application of Ryan Michael Solcz Prof. Corp for approval of a Plan of Condominium to permit the conversion of a four-storey office building to a condominium tenure with 10 dwelling units (3rd and 4th floors), 2 commercial units (1st and 2nd floors), 31 underground parking units and 21 surface parking units, as shown on the attached Map Nos. CDM-004/22-1, CDM-004/22-2 & CDM-004/22-3, for a property legally described as Pt Lots 14 to 17 (incl.), Block 9, Plan 358, City of Windsor, known municipally as 1500 Ouellette Avenue, **BE APPROVED** subject to the following:

- A. The Owner(s) shall enter into a condominium agreement to provide for the following together with all items contained in the Consultation section of this report;
- B. The draft plan approval shall lapse on _____ (3 years from the date of approval);
- C. The Owner(s) shall agree to comply with and remedy all site/building defects and deficiencies, including submission of applicable certificates, as contained in the:
 - 1. Structural Integrity Report dated November 2022, prepared by Haddad, Morgan and Associates Ltd., with all corrections and improvements to be cleared as completed by a Professional Engineer or Professional Architect retained by the owner;
- D. Upon completion of the interior renovation work under Permit No. 2022 127256 000 00 authorizing residential uses on the 3rd & 4th floor, the Owner(s) shall agree to remedy any site and/or building defects and deficiencies as noted in the

1. Building Department's Work Order at final inspection. All corrections and improvements shall be to the satisfaction of the City's Chief Building Official;
 2. Fire & Rescue's Inspection Report. All corrections and improvements shall be to the satisfaction of the City's Fire Chief.
- E. The Owner(s) shall agree to comply with, and address, any requirements identified in the Building Department's comments of March 7, 2023, as included in Appendix "A" of this report and, as indicated below, to the satisfaction of the City's Chief Building Official:
1. Asphalt pavement of the above grade parking area
 - Remove deteriorated asphalt pavement, implement top and soffit concrete delamination repairs and install new water proofing membrane before reinstatement of the asphalt pavement.
 2. Basement level overhead door trench cover is deteriorated
 - Replace basement overhead door trench cover.
 3. Some localized cracking in the exterior EIFS system and concrete block above the overhead door in basement level on west wall
 - Repair cracks in the exterior EFIS system cladding along with the crack in the west wall concrete block wall.
- F. The Owner(s) shall agree to comply with, and address, any requirements identified in the Public Works Department – Engineering Development, Projects & Right-of-Way, comments dated March 14, 2023 (in Appendix "A"), as indicated below, to the satisfaction of the City Engineer or designate:
1. Installation of a Sanitary Sampling Manhole at the property line of the subject land, accessible to the City Engineer; and
 2. Gratuitously convey a 6.1 m x 6.1 m corner cut-off at the intersection of Ouellette Avenue and Shepherd Street East, prior to final condominium approval, in accordance with City of Windsor Standard Drawing AS-230;
- G. The Owner(s) shall agree to remedy all safety and security deficiencies identified in the Windsor Police Services' comments dated March 6, 2023 (in Appendix "A"), as indicated below, to the satisfaction of the Director of Planning & Physical Resources, Windsor Police Services.
1. Confirm that exterior doors have locks installed on them that are of higher security and cannot be easily duplicated (for example MEDECO or PRIMUS), to establish proper building entry security for all tenants.
 2. Reduce the garage door delay to be no more than approximately 10 – 15 seconds, allowing adequate time for vehicle passage yet limiting ease of illegal entry capability. Furthermore, educate ALL underground parking garage users to remain within view of the door each time they enter and exit before leaving the site or proceeding to their parking space, to visually confirm nobody has entered inappropriately.

3. Remove the graffiti tag on the sign situated at the vehicular entrance to the property off Dufferin Place (east side) identifying the site as "Private Parking", as such markings portray disorder that reduces feelings of safety for users.
 4. Install a one-way viewing port within the entry door for each of the residential units, to allow residents to quickly view visitors prior to opening their door.
 5. Secure the undesignated exterior space on the east side of the building that is visually shrouded and discreetly positioned to ensure trespassers cannot easily gain access and then remain for undefined periods. Among measures to achieve this would be fencing the space in, using a fence type that still allows visibility, and installing motion-activated floodlights that will quickly detect and deter access by trespassers.
 6. Confirm there is adequate lighting for all exterior areas and the underground parking garage by completing the following:
 - (a) Illuminate the exterior surface parking spaces to a minimum lighting level of at least 1.50 foot-candles, using full cut off style lighting (to eliminate glare) in order to establish and maintain conditions that will promote and sustain feelings of safety for users. LED fixtures are highly recommended as they produce a clean, bright, white luminosity that will enhance visibility and witnessing potential. In this regard, fixtures should possess colour temperatures of 4000 degrees Kelvin (4000K), with a corresponding minimum colour rendering index (CRI) value of 70;
 - (b) Provide illumination levels of at least 4.5 foot-candles for the exterior common entry points to the building (front and side/back doors) to optimize safe conditions; also, provide a minimum level of at least 3.5 foot-candles at the overhead door leading into the underground parking garage;
 - (c) Provide a minimum illumination level of at least 2.5 foot-candles for the underground parking garage;
 - (d) Illuminate any abutting walkways/sidewalks on site with, at least, 1.80 foot-candles;
 - (e) Submit a photometric plan showing all anticipated lighting improvements for approval by Windsor Police Director of Planning and the City's Landscape Architect prior to corrective works being implemented.
- H. The owner shall agree to address the requirements identified in the comments from the Corporation's Landscape Architect's March 9, 2023 comments (in Appendix 'A'), as indicated below, to the satisfaction of the Corporation's Landscape Architect:
1. The Owner is to remove one permanent ground sign to comply with Sign Bylaw section 6.6.3.
 2. The Owner is to apply for a variance to the Sign Bylaw where the remaining sign does not comply with the Regulations for Group 2 Permanent Ground Signs in section 6.6.
 3. If the business directory sign is to be retained, then in addition to a variance, the Owner will require an Encroachment Agreement with the City for this sign.

4. Provide a total Outdoor Lighting Photometric Plan and Manufacturers' Product Data Sheets for each light fixture proposed verifying 'Full Cut Off' (night sky Friendly), prepared by a qualified lighting consultant (i.e. lighting engineer, landscape architect, etc.), in accordance with the City Guidelines found in CR228/2005 Lighting Intensity Standards Study, for review to the satisfaction of the City's Landscape Architect in consultation with Police Services prior to issuance of Approval, with the following minimum and maximum illumination levels measured in foot-candles (Fc):
 - a. uncovered parking areas 0.5 min./4.0 max. (1.2 optimal),
 - b. walkways 0.5 min./2.0 max. (1.2 optimal),
 - c. building entrances 3.5 min./8.0 max. (4.5 optimal),
 - d. loading and garbage storage areas 1.0 min./2.5 max. (1.2 optimal).
 5. Provide Full cut-off lighting (per CR 228/2005) with lens parallel to the ground, not tilted. As situated, the existing light fixtures create glare to dwelling units of neighbouring building(s) and passing traffic both vehicular and pedestrian in nature.
 6. Parkland Conveyance in accordance with s.42 of the Planning Act.
- I. The owner shall agree to address the requirements identified in the April 5, 2023 comments from the Corporation's Diversity & Accessibility Officer (in Appendix 'A'), as indicated below, to the satisfaction of the Corporation's Chief Building Official and the Diversity and Accessibility Officer:
1. Require at minimum 2 barrier free entrances to building. One of the barrier-free entrances shall be the principal entrance to the building and the other one should be off one of the primary parking areas.
 2. Every barrier-free entrance shall be equipped with an accessible power door operator. Such power door openers shall be mounted according to the specifications set out in the Ontario Building Code. The main entrance had this already installed and in working order so please ensure the other barrier-free entrance also has this.
 3. If there are steps at a barrier free entrance a ramp must be provided in accordance with legislation and to the satisfaction of the Chief Building Official and the Accessibility Officer.
 4. If a *barrier-free* entrance incorporates a vestibule (like the primary entrance in this case), a door leading from the vestibule into the *floor area* shall be equipped with a power door operator.
 5. There shall be signage placed at any non-accessible entrances that directs persons to a barrier free entrance.
 6. Accessible Parking and Access Aisles shall also be provided in accordance with the Diversity & Accessibility Officer's comments found in Appendix A attached to this report. The number and type of accessible parking spaces is to be calculated separately for each off-street parking facility. The accessible spaces may be distributed among the off-street parking facilities to provide equivalent or greater accessibility in terms of distance to an accessible entrance or user convenience.
- J. The Owner(s) shall agree to comply with 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, and in effect for buildings and complexes with a common lobby, common indoor or sheltered space, in a form satisfactory to Canada Post Corporation;

- K. The Owner(s) shall agree to comply with Enbridge Gas Inc.'s (operating as Union Gas) request that as a condition of final condominium approval that the owner/developer provide to Union the necessary easements and/or agreements required by Union for the provision of gas services for this project, in a form satisfactory to Enbridge Gas Inc.;
- L. The Owner(s) shall agree to comply with the following conditions of approval to the satisfaction of Bell Canada:
1. The Owner acknowledges and agrees to convey any easement(s) as deemed necessary by Bell Canada to service this new development. The Owner further agrees and acknowledges to convey such easements at no cost to Bell Canada.
 2. The Owner agrees that should any conflict arise with existing Bell Canada facilities where a current and valid easement exists within the subject area, the Owner shall be responsible for the relocation of any such facilities or easements at their own cost.

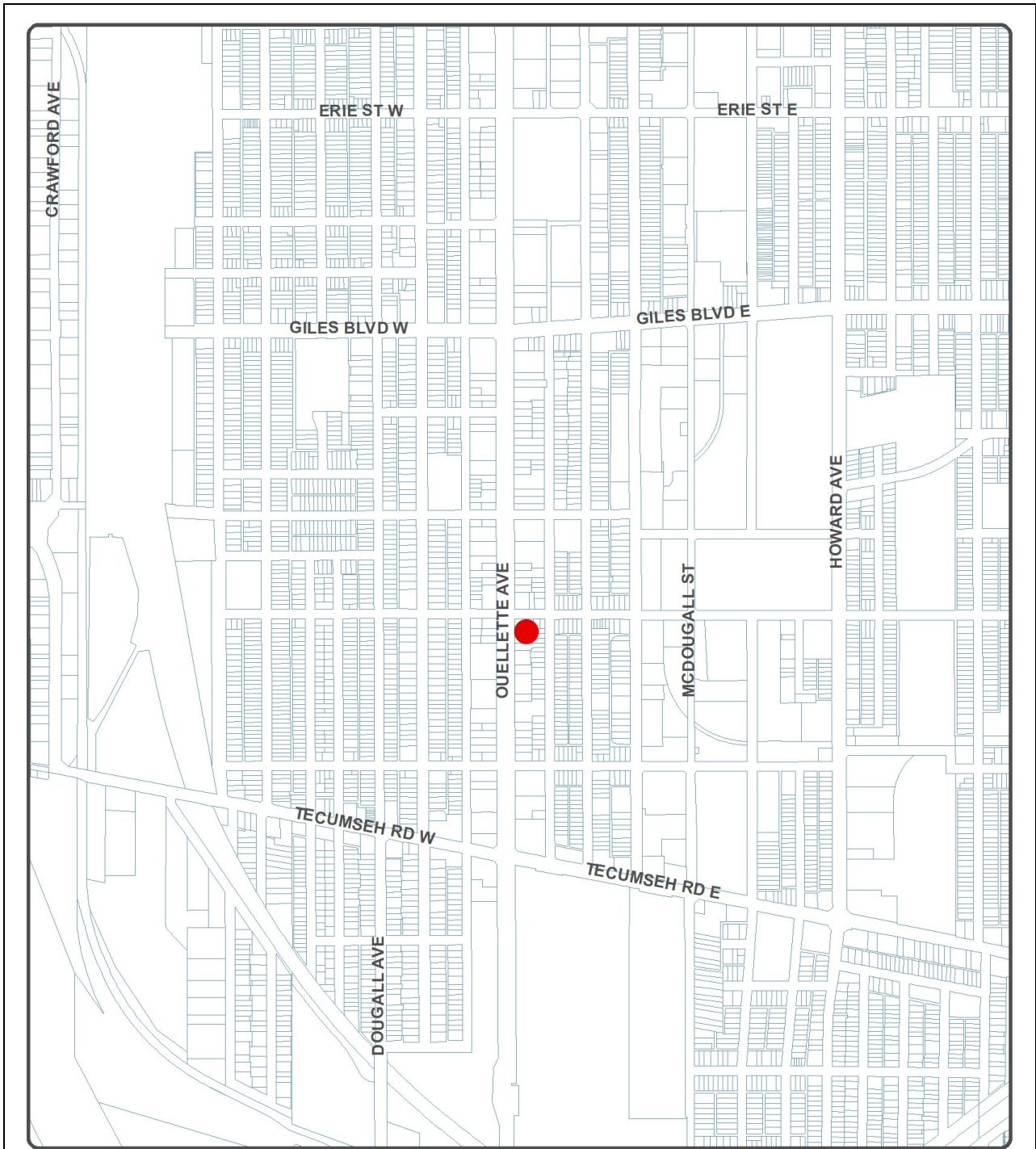
II THAT the Final Approval of the Plan of Condominium **SHALL NOT** be considered until all of the required works or undertakings identified in "Recommendation I of this report have been completed to the satisfaction of the respective agencies and departments, and a Condominium Agreement has been registered against the subject lands.

Executive Summary:

N/A

Background:

KEY MAP



KEY MAP - CDM-004/22, CDM-6939

 SUBJECT LANDS



APPLICATION INFORMATION:

LOCATION: South side of Shepherd Street between Ouellette Avenue and Dufferin Place, known municipally as 1500 Ouellette Avenue.

WARD: 3 **PLANNING DISTRICT: SOUTH CENTRAL** **ZDM: 7**

APPLICANT: Ryan Michael Solcz Pro. Corp (c/o Ryan Michael Solcz)

AUTHORIZED AGENT: SAME AS APPLICANT

REGISTERED OWNER: 6274444 Ontario Ltd. (c/o Michael Cervi)

ONTARIO LAND SURVEYOR: VERHAEGEN LAND SURVEYORS (C/O ROY SIMONE)

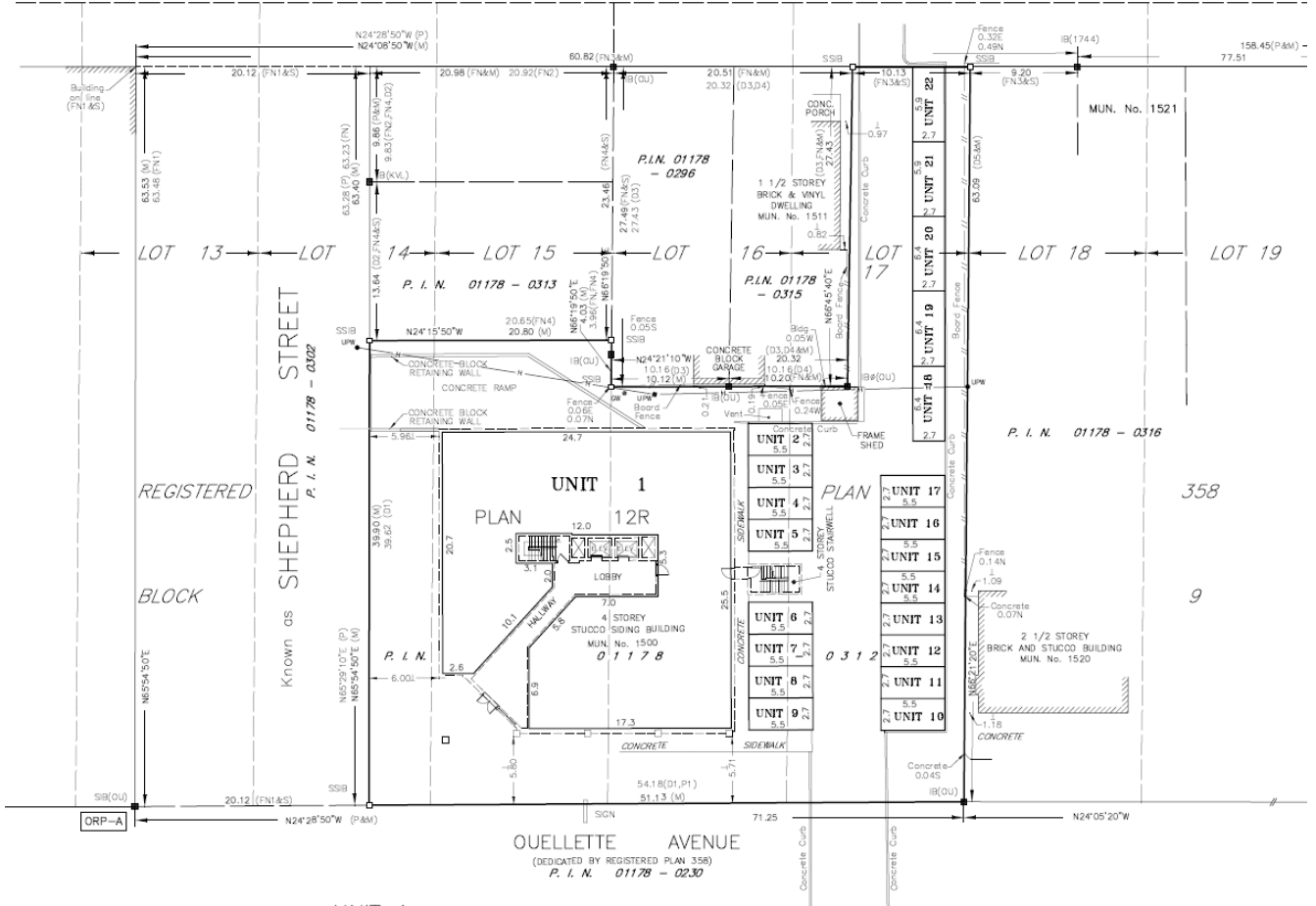
PROPOSAL: The applicant is applying for approval of a plan of condominium for the conversion of a four-storey office building to a condominium building containing 10 dwelling units and 2 commercial units.

Permit No. 2022 127256 000 00, issued August 2022, approved interior renovation of the third and fourth floors of the existing office building to change the use of both floors from commercial to residential (10 dwelling units total); The existing commercial use (office use) on the main floor and second floor will remain.

The building was built in 1989 - 1991. The draft plan shows 31 underground parking spaces (in the basement) and 21 surface parking spaces, resulting in 52 parking spaces total.

Committee of Adjustment Order A-036/22 approved (i) deficient building setbacks from interior lot lines and (ii) deficient parking area separation from walls with habitable room windows on the property.

PLAN OF CONDOMINIUM: SEE NEXT PAGE



UNIT 1 - COMMERCIAL
UNITS 2 to 15 (inclusive)- SURFACE PARKING
LEVEL 1

"METRIC" DISTANCES AND COORDINATES ARE IN METRES AND CEILING DIVIDING BY 0.3048

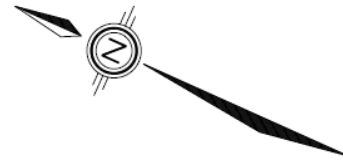
SITE INFORMATION

LEVEL	NUMBER OF RESIDENTIAL UNITS PER LEVEL	NUMBER OF COMMERCIAL UNITS PER LEVEL	NUMBER OF PARKING UNITS	NUMBER OF SURFACE PARKING UNITS
LEVEL A			31	
LEVEL 1		1		21
LEVEL 2		1		
LEVEL 3	5			
LEVEL 4	5			
TOTAL	10	2	31	21

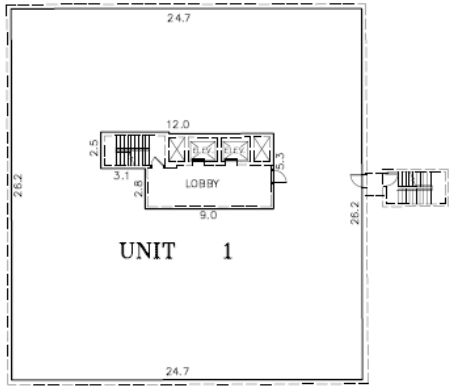
ADDITIONAL INFORMATION REQUIRED UNDER THE CONDOMINIUM ACT, 1998 AND SECTION 51 (17) OF THE PLANNING ACT, 1990.

- A) ON DRAFT PLAN
- B) ON DRAFT PLAN
- C) ON DRAFT PLAN
- D) RESIDENTIAL/COMMERCIAL/PARKING/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

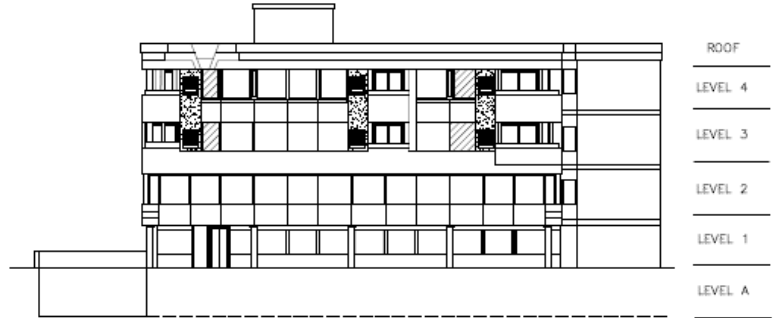
SITE AREA
0.220 HECTARES / 0.544 ACRES
10 RESIDENTIAL UNITS
DENSITY
45.5 RESIDENTIAL UNITS PER HECTARE
18.38 RESIDENTIAL UNITS PER ACRE



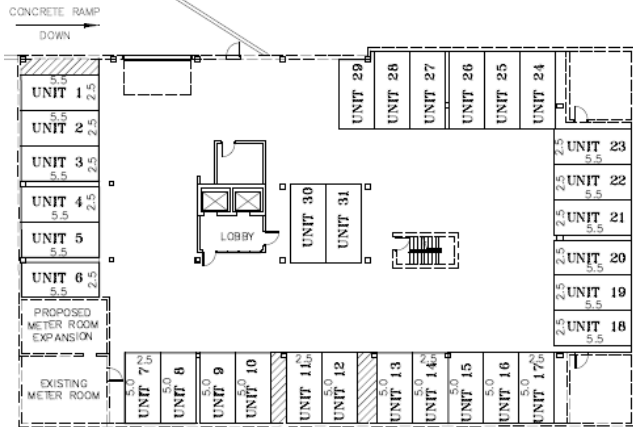
Map No. CDM-004/22-2



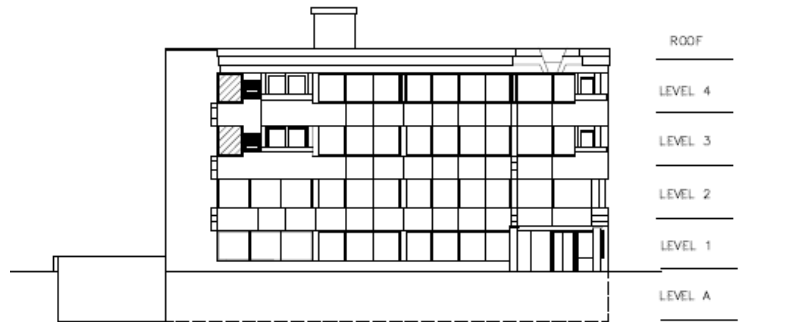
UNIT 1 – COMMERCIAL
LEVEL 2



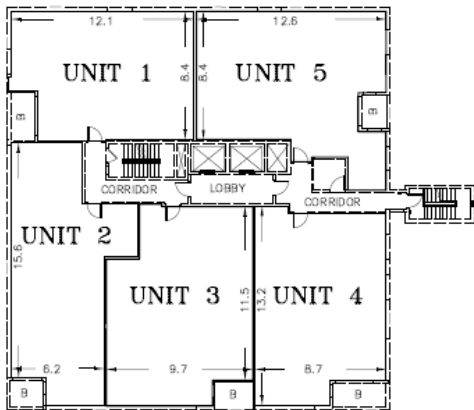
WEST ELEVATION



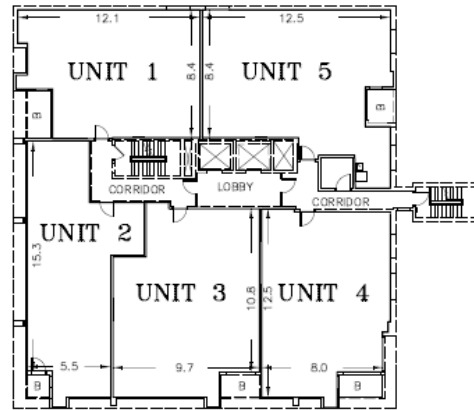
UNITS 1 to 31 (inclusive) - PARKING
LEVEL A



NORTH ELEVATION



UNITS 1 to 5 (inclusive)
LEVEL 3



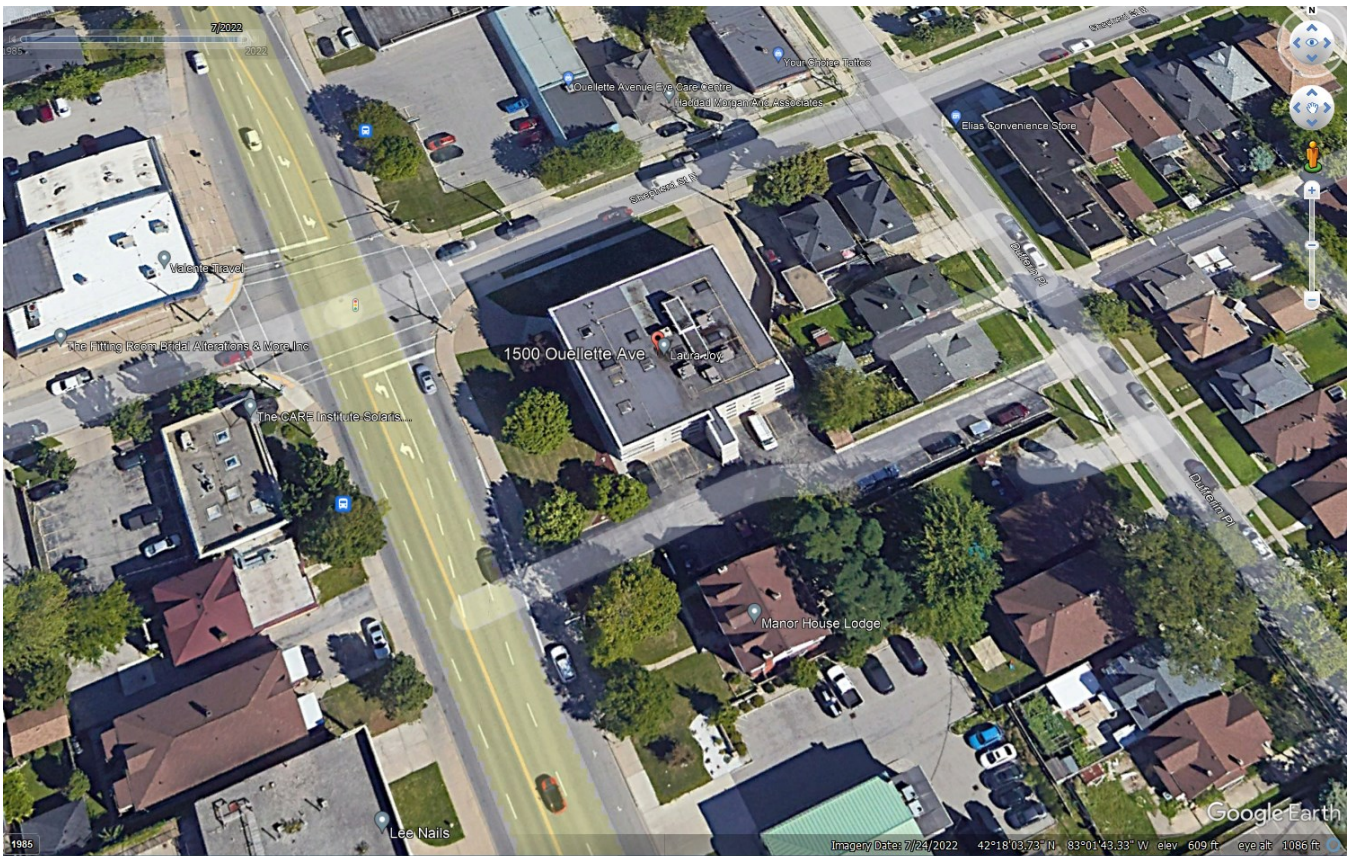
UNITS 1 to 5 (inclusive)
LEVEL 4

Map No. CDM-004/22-3

SITE INFORMATION:

OFFICIAL PLAN	ZONING	CURRENT USE	AVAILABLE PARKING
Mixed Use Corridor	Commercial District 3.5 (CD3.5), plus S.20(1)49	Office Building <i>(under renovation to change to a Combined Use building with 10 Residential Dwelling Units and 2 Commercial Units)</i>	Total 52 spaces on site (31 underground and 21 surface parking)
FRONTAGE	DEPTH	AREA	PARKING @ 1.25 SPACES PER DWELLING UNIT [12 SPACES REQ'D FOR 10 DWELLING UNITS]; AND 1 SPACE PER 45 M² GFA OF BUSINESS OFFICE SPACE [28 SPACES REQ'D FOR 1300 M ² (+/-) GFA]
51.13 m (Ouellette Ave.)	Irregular	0.220 hectares (0.544 acres)	Total parking provided on-site = 52 spaces
39.90 m (Shepherd St. E)			
10.13 m (Dufferin Pl.)			
<i>All measurements are approximate.</i>			

NEIGHBOURHOOD CHARACTERISTICS:



Source: 2022 Google Aerial Photo

The subject property is within a mixed-use area of the city, and has three (3) frontages (one on the east side of Ouellette Avenue, another on the west side of Dufferin Place and a third on the south side of Shepherd Street East). The surrounding uses are comprised of the following:

East side – Dufferin Place ROW, single detached dwellings, combined use (residential and commercial) building;

North side – Shepherd Street East ROW, single detached dwellings, duplex dwelling(s), medical office (eye care centre), business office, personal service shop;

West side – Ouellette Avenue ROW, medical offices, multiple dwelling, and combined use (residential & commercial) building; and

South side - immediately abutting the site is a lodging house (Manor Lodge), next is a medical office (dental centre), followed by an apartment building, more commercial uses further south along Ouellette Avenue frontage and low profile residential uses further south along Dufferin Place frontage.

A site visit took place on May 10, 2023. Site photos are attached as Appendix E to this report.

TRAFFIC, ACCESS AND PARKING:

The building has pedestrian access (concrete sidewalk) off Ouellette & Shepherd intersection. The building also has underground parking area access off Shepherd Street E. and surface parking access off Ouellette Avenue and Dufferin Place.

RELATIONSHIP TO MUNICIPAL SERVICES:

The City's records show that there is an existing 750mm diameter brick pipe combined sewer within Ouellette Avenue R.O.W., a 375mm diameter brick pipe combined sewer within Dufferin Place R.O.W. and a 1050mm diameter RCP Storm sewer located on Shepherd Street East R.O.W., all available to service the subject property.

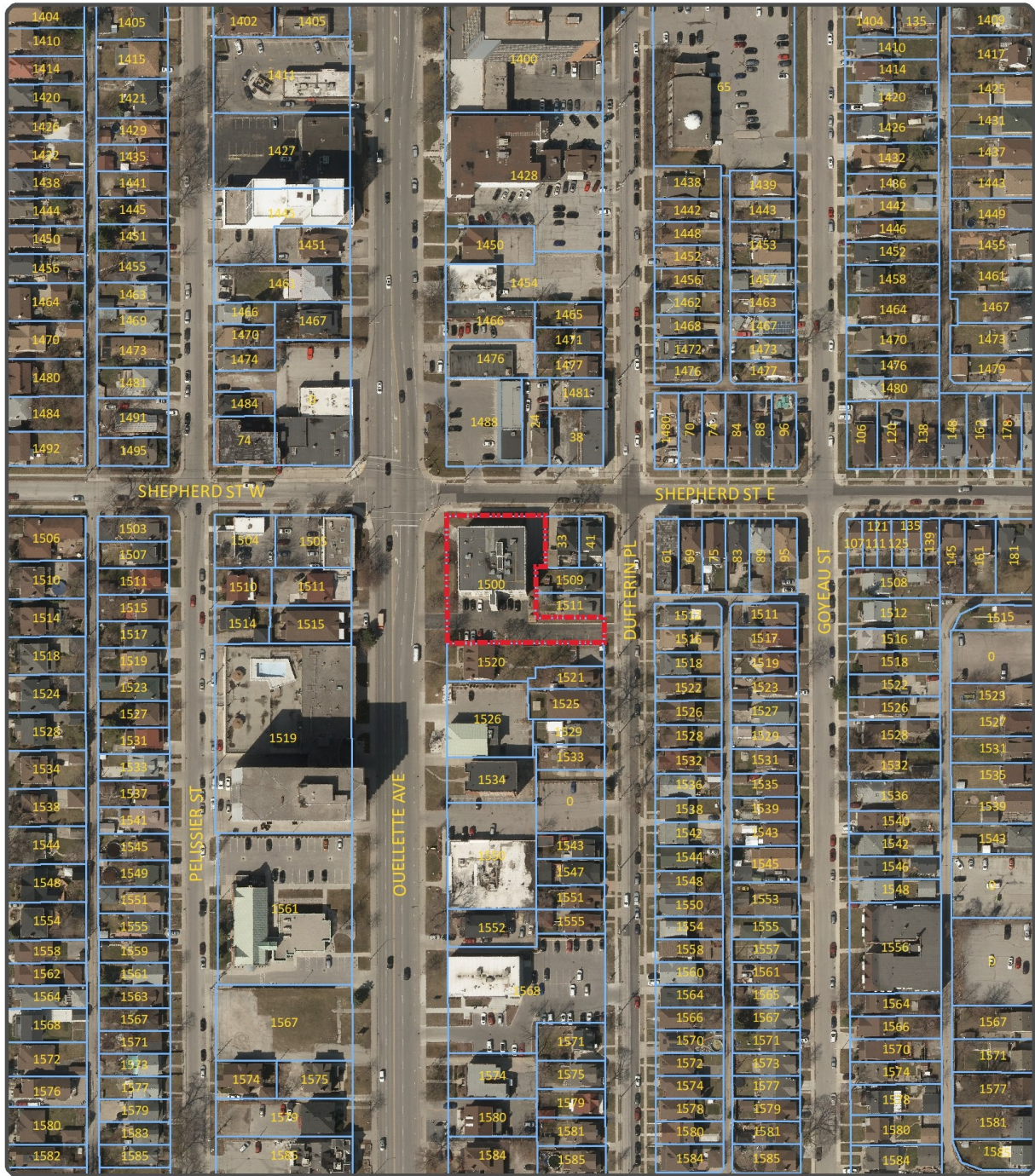
Municipal watermains, fire hydrants and LED streetlights are available on abutting rights-of way and in the subject area.

There are concrete sidewalks, curbs & gutters on both sides of the abutting rights-of-way.

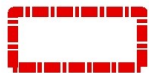
Three municipal roadways abut the subject property and are classified as follows in the City of Windsor Official Plan:

- Ouellette Avenue – Class II Arterial Road;
- Shepherd Street East – Local Road; and
- Dufferin Place - Local Road

The closest existing transit routes to the subject property are with the Transway 1A & Transway 1C, which run along Ouellette Avenue. The closest existing bus stops to this property are located across the street on Ouellette at Shepherd Northeast & Southwest Corners providing direct transit service to the subject property.



AERIAL MAP - CDM-004/22, CDM-6939



SUBJECT LANDS



Source: EIS

Discussion:

PLANNING ANALYSIS:

OFFICIAL PLAN:

The subject property is designated “Mixed Use Corridor” in the City of Windsor Official Plan. An interior renovation permit (Permit No. 2022 127256 000 00) was issued August 2022 for the change of the existing four-storey office building to a combined use building by converting the 3rd and 4th floors to residential use (10 dwelling units). The combined use building is a form of Mixed Use development that is permitted in the “Mixed Use Corridor” designation and will remain permitted if the application for condominium conversion is approved.

Notwithstanding the ongoing interior renovations to the existing office building, the applicant’s request is best characterized as a non-residential conversion. The City of Windsor has established the following policies in section 11.5.5 of the Official Plan for evaluation of non-residential conversions; (see Appendix B for more relevant excerpts from the OP).

Section 11.5.5.1: Council will evaluate a plan of condominium for the conversion of an existing non-residential building or structure to a residential condominium according to the following criteria:

- (a) The proposal satisfies the general intent of policy 11.5.3.1;
- (b) The appropriateness of allowing the residential use in the area as provided for in the Land Use chapter of this Plan;
- (c) The application of site plan control; and
- (d) The structural integrity of the building and the condition of the common elements as ascertained by a professional engineer.

EVALUATION OF 11.5.5.1(a) - THE PROPOSAL SATISFIES THE GENERAL INTENT OF POLICY 11.5.3.1:

Policy 11.5.3.1 (new Development evaluation criteria) of the OP can be found in Appendix B attached to this report. Various municipal departments and external agencies have evaluated the applicant’s request in accordance with policy 11.5.3.1 and 11.5.5.1. Comments received can be found in Appendix A attached to this report. Below is a summary of the evaluation of the applicant’s request per policy 11.5.3.1:

- (a) **Provincial legislation, policies and applicable guidelines; satisfied.** Provincial Policy Statement 2020 promotes and encourages residential intensification, and increase in housing types and tenures to address on going housing crisis in Ontario.
- (b) **Provision of adequate infrastructure services, amenities and community facilities and services; satisfied.** The building is in an established mixed-use area of the city with adequate municipal services as discussed earlier in this report under Neighbourhood Characteristics – “Relationship to Municipal Services”.
- (c) **Impact upon the transportation system and adjacent land uses; satisfied.** There are existing buildings containing residential and commercial uses in the subject area and the land use designation encourages such buildings. The future condominium owners and tenants could improve ridership for transit Windsor. Residential uses help nearby businesses, so this proposed development would positively impact adjacent commercial uses.
- (d) **Impact upon any natural features or functions on the site or in the surrounding area; satisfied.** No impact identified.

(e) **The condominium is considered to be necessary, timely and in the public interest;** Yes. Conversion of a non-residential building to a plan of residential & commercial condominium is beneficial in solving housing crisis; therefore, it is in the public interest.

(f) **The condominium is designed within the parameters of the Urban Design chapter of this Plan, Volume II: Secondary Plans & Special Policy Areas and other relevant standards and guidelines;** satisfied. There is a 1989 site plan approval for the existing building.

(g) **The condominium, the condominium units, and the common elements are suitable for their intended purpose;** satisfied or will be satisfied prior to final approval.

(h) **The condominium, the condominium units, and the common elements meet the requirements of the Zoning By-law, and other municipal by-laws;** meets zoning by-law per Zoning Coordinator's comments in Appendix A attached. Will meet other municipal by-laws, such as sign by-law, prior to final approval.

(i) **The interrelationship between the design of the proposed plan of condominium and site plan control matters relating to any development on the land;** satisfied. The plan of condominium is being created within an existing building that was subject of a site plan approval and agreement in 1989. The City's Landscape Architect's comment in Appendix A attached to this report confirms that in 2020, the landscaping was restored and improved upon, and in general, the overall landscaped areas of the site are in very good condition.

EVALUATION OF 11.5.5.1 (b) - THE APPROPRIATENESS OF ALLOWING THE RESIDENTIAL USE IN THE AREA AS PROVIDED FOR IN THE LAND USE CHAPTER OF THIS PLAN:

The Land Use designation is Mixed Use Corridor, which permits medium and high profile residential uses as stand-alone buildings or part of a commercial-residential mixed-use building.

EVALUATION OF 11.5.5.1 (c) - THE APPLICATION OF SITE PLAN CONTROL:

As noted already in this report, the subject property was subject of a site plan approval in 1989 (SPC-043/89). The City's Site Plan Approval Officer's comment in Appendix A attached to this report confirms that Site Plan Approval is not required for the proposed Plan of Condominium. It should be noted that the Building Permit issued for the creation of the 10 residential units on the 3rd and 4th floor of the existing building was for interior renovation.

EVALUATION OF 11.5.5.1 (d) - THE STRUCTURAL INTEGRITY OF THE BUILDING AND THE CONDITION OF THE COMMON ELEMENTS AS ASCERTAINED BY A PROFESSIONAL ENGINEER:

The applicant submitted a Structural Integrity Report dated November 2022, prepared by Haddad, Morgan and Associates Ltd., with recommended corrections and improvements. This report recommends that all the recommended corrections and improvements in the Structural Integrity report be cleared as completed by a Professional Engineer or Professional Architect retained by the owner. Comments have been prepared by the appropriate individuals and municipal divisions regarding items such as structural integrity of the building and property standard compliance, landscaping, the appropriateness of the site, and safety issues related to the building and safety of future residents. Comments on these items are contained in this report and have been included in the recommendations section of this report.

ZONING BY-LAW

The property is zoned Commercial District 3.5 (CD 3.5) in By-law 8600. The CD3.5 zoning category permits dwelling units in a combined use building with some permitted commercial uses. The CD3.5 zoning also permits a stand-alone multiple dwelling building (See attached

Appendix C for a complete list of uses permitted in the CD3.5 zoning district. The existing apartment building is permitted under this zoning category. A special zoning provision in section 20(1)49 of By-law 8600, also applies to the easterly 26m of the subject land, along the west side of Dufferin Place ROW. Section 20(1)49 permits the maximum building height of 9.0 metres and the maximum floor area ratio of 1.5.

TABLE 24.20.5.1 - REQUIRED PARKING SPACE, Zoning By-law 8600, confirms the required minimum number of parking spaces for Dwelling Units in a Combined Use Building is 1.25 for each dwelling unit; and Business Office is 1 for each 45m² GFA (Gross Floor Area). Based on the above, 12 parking spaces minimum are required for the 10 dwelling units and 28 parking spaces minimum are required for the 1300 m² (approx.) GFA of Business Office in the building. The minimum parking required for the property is 40 spaces. Existing number of parking spaces is 52 [31 underground parking spaces and 21 surface parking spaces]. Therefore, the current number of parking spaces available on this site meets the “parking space/unit ratio” necessary under Section 24.20 - Parking Space Provisions of By-law 8600.

Section 24.22.1 - REQUIRED VISITOR PARKING SPACES, Zoning By-law 8600, requires a minimum of 15 percent of parking spaces to be marked as visitor parking, for Dwelling Units in a Combined Use Building. 15% of 52 parking spaces is 7.8spaces; therefore, 7 visitor parking spaces minimum are required for the subject property.

TABLE 24.24.1 – REQUIRED ACCESSIBLE PARKING SPACES, Zoning By-law 8600, confirms that, for 26 to 100 parking spaces, the minimum number of Type A accessible parking required is 2 percent of parking spaces (that is 2% of 52spaces = 1) and the minimum number of Type B parking spaces required is 2 percent of parking spaces (that is 2% of 52spaces = 1). Note Type ‘A’ has 3.5m x 5.5m minimum size and Type ‘B’ has 2.5m x 5.5m minimum size. There are currently two Type ‘A’ (3.5m x 5.5m) underground accessible parking spaces on site.

However, it is recommended that the applicant provide Accessible Parking and Access Aisles that meet the specifications as set out in the Integrated Accessibility Standards under the AODA (Accessibility for Ontarians with Disability Act).

PARKLAND CONVEYANCE/PAYMENT-IN-LIEU:

The City’s records show that the requirement for parkland conveyance/cash-in-lieu thereof, was not addressed for this property at the time the building permit was issued in 1989 (refer to By-law 429/2001, attached as Appendix D to this report). This report contains provision regarding compliance with the Planning Act and By-law 12780 with respect to Parkland Conveyance.

ACCESSIBILITY:

The Corporation’s Diversity and Accessibility Officer has provided comments, found in attached Appendix A to this report, to address accessibility for future tenants and visitors on the property.

The recommendations in this report contain conditions for approval of the draft plan of condominium from accessibility perspective, per the Diversity and Accessibility Officer.

BUILDING AND FIRE INSPECTIONS:

A final inspection of the work authorized by Permit No. 2022 127256 000 00, issued August 2022, for interior renovation of the third and fourth floors of the existing office building for conversion from office use to residential use (10 dwelling units total) will be conducted by Building Department staff when the subject work is completed and the developer requests a final inspection. Any site/building defects and deficiencies noted at the time of final inspection(s) shall be remedied to the satisfaction of the Chief Building Official.

On April 20, 2023 a fire inspection of the subject building was conducted; see notes below:

“The construction has not been completed. They are still working under the building permit. There were a few things that needed to be done to pass the fire inspection. The owner is working on those while he waits for the construction to be finished. As per our procedure, owners are given 30 days to complete items on the order. I will re-inspect at that point to ensure compliance.”

Note: Clearance shall be required from the Chief Building Official and the Chief Fire Prevention Officer, prior to Final Plan approval.

Risk Analysis: N/A

Climate Change Mitigation and Adaptation:

This application is mainly about a change in tenure, so there is no Climate Change impact. The change in the use of the building from commercial to combined use (residential and commercial) building is already approved by permit.

Financial Matters:

TAXATION IMPLICATIONS:

Unrelated to consideration of planning issues, there are tax implications that Council has requested on previous condominium conversion applications to be included as part of Administration’s reports. The estimated potential assessment implications are as shown in the table below:

2022-Tax class		Full rate	Municipal only
CT (Commercial Occupied)		0.04305320	0.03425320
RT (Residential)		0.01853760	0.01700760
	Assessment	Full Taxes	Municipal Only
Pre-Dev - CT	\$ 2,395,000	\$ 103,112	\$ 82,036
Total-Pre-Dev - CT	\$ 2,395,000	\$ 103,112	\$ 82,036
Post-Dev - CT	\$ 1,027,582	\$ 44,241	\$ 35,198
Post-Dev - CT-Surface	\$ 19,041	\$ 820	\$ 652
Post-Dev - CT-Underground	\$ 25,424	\$ 1,095	\$ 871
Post-Dev - RT	\$ 1,400,000	\$ 25,953	\$ 23,811
Total Post-Dev	\$ 2,472,047	\$ 72,108	\$ 60,532
Increase	\$ 77,047	\$ 31,005	\$ 21,505

There is an estimated increase of \$77,047 in tax assessment for the proposed condominium building on the subject property, resulting in increased tax revenue annually of \$31,005 of which \$21,505 is the municipal portion. This is an estimate only and dependant on MPAC’s assessment on the type of registration-(Condo vs Apartment style), value and use. Upon completion, MPAC will assess the registered use, value and provide the respective tax class to the Municipality.

Consultations:

Comments received from municipal departments, service units and external agencies are included in the attached Appendix A.

Notice of Public meeting was provided by advertisement in the Windsor Star.

Conclusion:

The application has been processed and evaluated considering the Ontario Planning Act and Condominium Act, City of Windsor Official Plan policies and comments received from municipal staff and outside agencies. Administration is recommending that the draft plan be approved based upon the relevant legislation and policies of the Official Plan.

Approval is to be granted subject to a number of conditions including the satisfactory completion of the improvements and corrections to the property related to the dwelling units, safety, security and amenity features, as identified in the Recommendation and Consultation sections of this report. All physical improvements to the site and building are to be completed prior to final approval by the City and registration of the condominium plan.

Planning Act Matters:

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

Michael Cooke, MCIP, RPP

Manager of Planning Policy / Deputy
City Planner

Thom Hunt, MCIP, RPP

City Planner / Executive Director,
Planning & Development

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

JP

JM

Approvals:

Name	Title
Michael Cooke	Manager of Planning Policy / Deputy City Planner
Thom Hunt	City Planner / Executive Director, Planning & Development
Wira Vendrasco	Deputy City Solicitor, Legal Services & Real Estate
Jelena Payne	Commissioner of Economic Development & Innovation
Joe Mancina	Chief Administrative Officer

Notifications:

Name	Address	Email
Ryan Michael Solcz Prof. Corp. c/o Ryan Michael Solcz	201-1500 Ouellette Avenue Windsor ON, N8X 1C7	ryan@solczlaw.com
647444 Ontario Ltd. c/o Michael Cervi	201-1500 Ouellette Avenue Windsor ON, N8X 1C7	mcervi@bellnet.ca
Verhaegen Land Surveyors c/o Roy Simone	944 Ottawa Street, Windsor ON, N8X 2E1	rsimone@vshbbsurveyor.com

Appendices:

- 1 APPENDIX A – Municipal Departments and External Agencies Comments
- 2 APPENDIX B - Excerpts from City of Windsor Official Plan
- 3 APPENDIX C - Excerpts from Zoning By-law 8600
- 4 APPENDIX D - By-law 429/2001 (amended By-law 12780)
- 5 APPENDIX E - Site Photos

APPENDIX A – COMMENTS (From Municipal Department & External Agencies)

BRUNO DESANDO – CANADA POST

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

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

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

Should the description of the project change, I would appreciate an update in order to assess the impact of the change on mail service. If you have any questions or concerns regarding these conditions, please contact me. I appreciate the opportunity to comment on this project.

KAREN KOSKI – WINDSOR FIRE & RESCUE

I attended on April 20th and conducted the fire inspection. The construction has not been completed. They are still working under the building permit. There were a few things that needed to be done to pass the fire inspection. The owner is working on those while he waits for the construction to be finished. As per our procedure, owners are given 30 days to complete items on the order. I will re-inspect at that point to ensure compliance.

GORD JOYNSON – ENBRIDGE GAS

After reviewing the provided drawing at 1500 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:

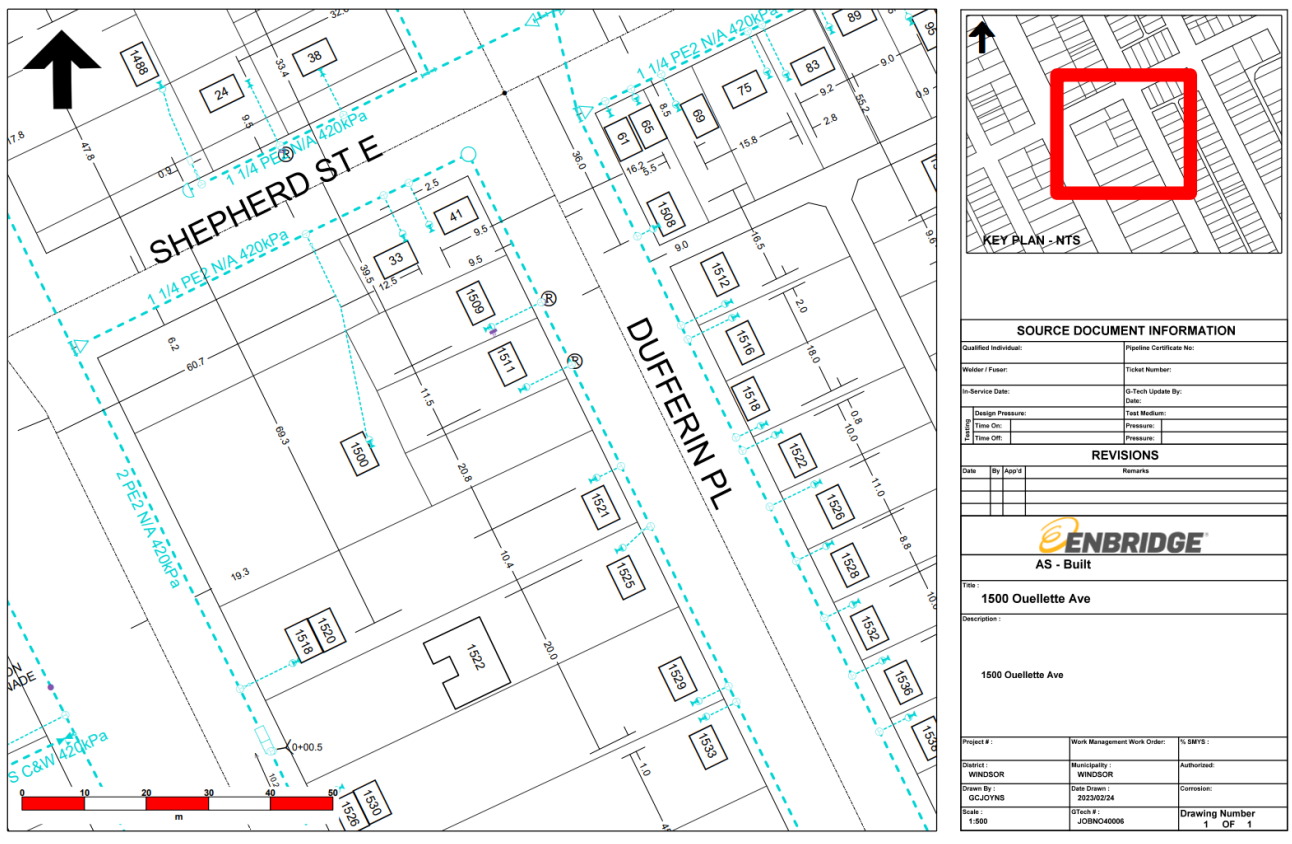
- 1. The shown piping locations are approximate and for information purposes only**
- 2. The drawings are not to scale**
- 3. This drawing does not replace field locates. Please contact Ontario One Call for onsite locates prior to excavating, digging, etc**

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.



KELLY BUCHANAN – ENBRIDGE GAS

Thank you for your correspondence with regards to draft plan of approval for the above noted project.

It is Enbridge Gas Inc.'s (operating as Union Gas) request that as a condition of final approval that the owner/developer provide to Union the necessary easements and/or agreements required by Union for the provision of gas services for this project, in a form satisfactory to Enbridge.

Should you require any further information, please contact the undersigned.

JACQUELINE CABRAL – SITE PLAN CONTROL

Site Plan is not applicable for this proposed development pursuant to the Planning Act and City of Windsor By-law 1-2004.

JASON SCOTT – TRANSIT WINDSOR

Transit Windsor has no objections to this development. The closest existing transit routes to this property are with the Transway 1A & Transway 1C. The closest existing bus stops to this property are located across the street on Ouellette at Shepherd Northeast & Southwest Corners providing direct transit service to this property. This will be maintained with our City Council approved Transit Master Plan.

KRISTINA TANG – HERITAGE PLANNING

The building is existing. There is no built heritage nor archaeological comments.

JOSE MEJALLI – ASSESSMENT MANAGEMENT OFFICER

Please see estimated potential assessment implications as follows:

Assessment Impact estimate		
1500 Ouellette Ave		
040 540 06000		
Level 4- 5 x 700- new condo units	3500	sq.ft
Level 3- 5 x 700- new condo units	3500	sq.ft
Level 2- 1 unit- Commercial	5600	sq.ft
Level 1- 1 unit- Commercial	5600	sq.ft
Level 1- Surface parking spaces	21	
Level A-Underground- parking spaces	31	
Current commercial space/sq.ft	92	sq.ft

2022-Tax class		Full rate	Municipal only
CT		0.04305320	0.03425320
RT		0.01853760	0.01700760
	Assessment	Full Taxes	Municipal Only
Pre-Dev - CT	\$ 2,395,000	\$ 103,112	\$ 82,036
Total-Pre-Dev - CT	\$ 2,395,000	\$ 103,112	\$ 82,036
Post-Dev - CT	\$ 1,027,582	\$ 44,241	\$ 35,198
Post-Dev - CT-Surface	\$ 19,041	\$ 820	\$ 652
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Post-Dev - RT	\$ 1,400,000	\$ 25,953	\$ 23,811
Total Post-Dev	\$ 2,472,047	\$ 72,108	\$ 60,532
Increase	77,047	\$ 31,005	\$ 21,505

Estimated increase in assessment of \$77,047 resulting in increased tax revenue annually of \$31,005 of which \$21,505 is the municipal portion.

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BARRY HORROBIN – WINDSOR POLICE

BACKGROUND

The Windsor Police Service has no objection to the proposed plan of condominium application for the property located at 1500 Ouellette Avenue (file CDM-004/22) to convert the existing four-storey office building to condominium tenure to create ten (10) dwelling units and two (2) commercial units. Support of the application is however subject to the applicant adequately addressing and correcting all safety and security issues/deficiencies identified in this inspection report prior to a rezoning being granted.

The inspection is in accordance with sections 11.5.3.1 and 11.5.5.1 of the Official Plan pertaining to condominium conversions based on certain conditions and criteria. Specifically, this report addresses the need for the applicant to provide adequate physical amenities and/or modifications that will ensure an adequate level of safety and security for all building users, based on the principles of Crime Prevention Through Environmental Design (CPTED) as stipulated by the Windsor Police Service.

RESULTS OF SITE INSPECTION

The safety and security inspection for the subject property was carried out in consultation with the onsite property owner/agent on Thursday March 2nd, 2023 with the following findings:

POSITIVE SAFETY & SECURITY FEATURES of NOTE

It is important to make mention the building exhibits a number of well thought out measures that will promote and maintain safety and security, most notably:

- Building provides tenants with CCTV technology to permit viewing of activity in a proactive manner that will help prevent problematic activity and also facilitate report of suspicious persons, etc.
- Individual residential units possess high quality, programmable electronic locks and secured vestibules on each floor to maintain access control.
- Stairwells are well maintained with proper illumination to provide visibility.
- Soft landscaping elements on the property were observed to be well maintained such that they do not pose a safety risk.
- The main tenant board outside the front (primary) entrance will be configured so as not to directly identify resident's actual unit location – this is a sound measure for preventing criminals from targeting individuals to victimize.
- Owner plans to provide several visitor parking spaces within the existing outside lot to accommodate safe, convenient parking for all visitors.

ISSUES REQUIRING ATTENTION & CORRECTION

1. It is unclear if main exterior doors (both front and side/rear) used for common building entry by tenants are secured with just simple locks, whereby the keys are easily duplicable at a local hardware store, or not. This potentially leaves the building vulnerable to unauthorized access by non-residents, breaching building

security space.

Recommendation: The applicant needs to confirm that exterior door locks doors need to have locks installed on them that are of higher security and cannot be easily duplicated (for example MEDECO or PRIMUS) to establish proper building entry security for all tenants.

2. The overhead door leading to/from the underground parking garage stays open too long, resulting in an elevated risk for unauthorized individuals to easily, and very discreetly, gain physical access into the building. Such access facilitates criminal behavior and needs to be deterred.

Recommendation: The door delay should be reduced to be no more than approximately 10 – 15 seconds, allowing adequate time for vehicle passage yet limiting ease of illegal entry capability. Furthermore, ALL u/g parking garage users should be educated to remain within view of the door each time they enter and exit before leaving the site or proceeding to their parking space, to visually confirm nobody has entered inappropriately.

3. There is a sign situated at the vehicular entrance to the property off Dufferin Place (east side) identifying the site as having "Private Parking" only. This sign was observed to be covered in graffiti.

Recommendation: The graffiti tag on this sign needs to be removed, as such markings portray disorder that reduces feelings of safety for users.

4. Each outer door leading into the residential units require the ability of the tenant to visually screen visitors before opening their door. Notwithstanding other measures in place to help screen visitors, something is still needed for when a person arrives at an individual residence.

Recommendation: Each of the residential units needs to have a one-way viewing port installed within the entry door to allow residents to quickly view visitors prior to opening their door.

5. There is an undesignated exterior space on the east side of the building that is visually shrouded and discreetly positioned. Its current physical condition exhibits signs of trespassing and loitering, thereby reducing security by facilitating easy access by unauthorized individuals that is unsafe.

Recommendation: This space needs to be secured in some fashion to ensure trespassers cannot easily gain access and then remain for undefined periods. Among measures to achieve this would be fencing the space in, using a fence type that still allows visibility, and installing motion-activated floodlights that will quickly detect and deter access by trespassers.

6. Lighting for the property appears to be generally good but it is not clear if illumination levels meet recognized industry standards for establishing proper levels of safety and security. The owner needs to confirm there is adequate lighting for all exterior areas and the underground parking garage.

Recommendations:

- Exterior surface parking spaces need to be properly illuminated to a minimum lighting level of at least 1.50 foot-candles, using full cut off style lighting (to eliminate glare) in order to establish and maintain conditions that will promote and sustain feelings of safety for users. LED fixtures are highly recommended as they produce a clean, bright, white luminosity that will enhance visibility and witnessing potential. In this regard, fixtures should possess colour temperatures of 4000 degrees Kelvin (4000K), with a corresponding minimum colour rendering index (CRI) value of 70.
- The exterior common entry points to the building (front and side/back doors) need to have illumination levels of at least 4.5 foot-candles to optimize safe conditions. A minimum level of at least 3.5 foot-candles is required at the overhead door leading into the underground parking garage.
- The underground parking garage needs to have a sustained minimum illumination level of at least 2.5 foot-candles.
- Any abutting walkways/sidewalks on site need to be illuminated to at least 1.80 foot-candles.
- A **photometric plan** showing all anticipated lighting improvements is required for approval by Windsor Police Director of Planning and the City's Landscape Architect prior to corrective works being undertaken.

SUMMARY

The current physical condition of the property is generally very good, notwithstanding the ongoing construction activity that is taking place; however the safety deficiencies noted in this report are important and warrant correction prior to approval of the change in status to condominium.

As a point of reference, the subject address does generate a modest quantity of calls requiring police response and intervention on an annual basis. This may increase with the addition of residential units but is not anticipated to be a concern. A review of the police incident history at the property has been made for the past five full years and is summarized below. The data reveals just a few calls and were primarily for such incidents as suspicious persons, trouble unknown, break and enter, and delivery of summons & subpoenas.

YEAR	1500 Ouellette Avenue
2018	3
2019	4
2020	9
2021	6
2022	4
Average	5.2 incidents per year

Therefore our recommendation would be to grant approval of the application subject to the successful resolution of all safety and security deficiencies noted. This would be confirmed in a follow up inspection after the applicant makes all necessary corrections.



KARINA RICHTERS – ENVIRONMENTAL SUSTAINABILITY & CLIMATE CHANGE

No comments from the Environmental Sustainability and Climate Change team.

JUAN CORVALAN - BELL CANADA

We have reviewed the circulation regarding the above noted application. The following paragraphs are to be included as a condition of approval:

“The Owner acknowledges and agrees to convey any easement(s) as deemed necessary by Bell Canada to service this new development. The Owner further agrees and acknowledges to convey such easements at no cost to Bell Canada.

The Owner agrees that should any conflict arise with existing Bell Canada facilities where a current and valid easement exists within the subject area, the Owner shall be responsible for the relocation of any such facilities or easements at their own cost."

Upon receipt of this comment letter, the Owner is to provide Bell Canada with servicing plans/CUP at their earliest convenience to planninganddevelopment@bell.ca to confirm the provision of communication/telecommunication infrastructure needed to service the development.

It shall be noted that it is the responsibility of the Owner to provide entrance/service duct(s) from Bell Canada's existing network infrastructure to service this development. In the event that no such network infrastructure exists, in accordance with the Bell Canada Act, the Owner may be required to pay for the extension of such network infrastructure.

If the Owner elects not to pay for the above noted connection, Bell Canada may decide not to provide service to this development.

To ensure that we are able to continue to actively participate in the planning process and provide detailed provisioning comments, we note that we would be pleased to receive circulations on all applications received by the Municipality and/or recirculations.

We note that WSP operates Bell Canada's development tracking system, which includes the intake and processing of municipal circulations. However, **all responses to circulations and requests for information, such as requests for clearance, will come directly from Bell Canada, and not from WSP.** WSP is not responsible for the provision of comments or other responses.

Barbara Rusan – Building Department

The Building Code Act, Section 8.(1) & 10. (1) requires that a building permit be issued by the Chief Building Official for construction, repairs/renovations, change of use or demolition of a building.

On August 8, 2022, the Office of the Chief Building Official issued permits (CPBC #2022-127256 & 2022-138400) for conversion of existing offices on the third and fourth floor to ten (10) residential units – As of Feb. 27/22, occupancy approval has not been granted.

Building department has reviewed defects and the corrections noted in The Structural Integrity Report prepared by Haddad, Morgan and Associates Ltd. (William Tape Ph.D., P.E., P.Eng.), dated November 2022. (as provided by the Planning Department.

Repairs noted below must be completed as a condition of final approval and registration:

Conditions:

1. Asphalt pavement of the above grade parking area

- Remove deteriorated asphalt pavement, implement top and soffit concrete delamination repairs and install new water proofing membrane before reinstatement of the asphalt pavement – **Building permit required.**
2. Basement level overhead door trench cover is deteriorated
 - Replace basement overhead door trench cover – **Building permit required.**
 3. Some localized cracking in the exterior EIFS system and concrete block above the overhead door in basement level on west wall
 - Repair cracks in the exterior EIFS system cladding along with the crack in the west wall concrete block wall - **Building permit required.**

Due to the limited Ontario Building Code related information received in the Structural Integrity Report prepared by Haddad, Morgan and Associates Ltd., review of the required repairs 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 required repairs prior to building permit application submission.

The City of Windsor Building Department can be reach by phoning 519-255-6267 or, through email at buildingdept@citywindsor.ca

STEFAN FEDIUK

Pursuant to the application (CDM 004/22) for a draft plan of Condominium Approval to permit the conversion of an existing four-storey office building to condominium status at 1500 Ouellette Avenue, please note the following items to be addressed by the applicant prior to final approval of the condominium:

A) LANDSCAPING

In September of 1989 the property was subject to Site Plan Control (SPC-043/89) at which time landscaping was a requirement for approval. In 2020, the landscaping was restored and improved upon. In general the overall landscaped areas of the site are in very good condition. **Therefore no further landscape improvements are required.**

B) SITE AMENITIES AND SIGNAGE

There are no site amenities on the property other than existing signage and the constrained site does not allow new site amenities to be added.

There are two ground signs located in relationship to the property. One immediately south of the parking lot entrance to Ouellette Avenue, and a taller business directory sign oriented to Ouellette Avenue in front of the building. The change of use would result in the allowable signage to fall into a Group 2 Residential and Commercial uses (Table 2.1 (a) of the Sign Bylaw). Such signs fall under the Sign Bylaw Section 6.6; Regulations for Permanent Ground Signs.

Group 2 uses allow for only 1 Permanent Ground sign per lot with a total sign face area of 1.0m² and a maximum height of 1.5 metres. The sign located south of the main access from Ouellette Avenue may comply with the height but exceeds the total sign

face area allowed. The larger business directory sign is not in compliance and encroaches into the municipal right of way.

Recommended:

1. **The Owner will need to consider removing one sign to comply with Sign Bylaw 6.6.3.**
2. **The Owner will require to apply for a variance to the Sign Bylaw where the remaining sign does not comply with the Regulations for Group 2 Permanent Ground Signs in Section 6.6.**
3. **If the business directory sign is to be retained, then in addition to a variance, the Owner will require an Encroachment Agreement with the City.**

C) LIGHTING

Outdoor lighting of the parking and circulation areas is insufficient and substandard.

1. Provide a **total Outdoor Lighting Photometric Plan and Manufacturers' Product Data Sheets** for each light fixture proposed verifying 'Full Cut Off' (night sky Friendly), prepared by a qualified lighting consultant (i.e. lighting engineer, landscape architect, etc.), in accordance with the City Guidelines found in CR228/2005 Lighting Intensity Standards Study, for review to the satisfaction of the City's Landscape Architect in consultation with Police Services prior to issuance of **Approval** with the following minimum and maximum illumination levels measured in foot-candles (Fc):
 - 1.1. uncovered parking areas 0.5 min./4.0 max. (1.2 optimal),
 - 1.2. walkways 0.5 min./2.0 max. (1.2 optimal),
 - 1.3. building entrances 3.5 min./8.0 max. (4.5 optimal),
 - 1.4. loading and garbage storage areas 1.0 min./2.5 max. (1.2 optimal).
2. Provide Full cut-off lighting (per CR 228/2005) requires that lens be parallel to the ground, not tilted. As situated the existing light fixtures create glare to dwelling units of neighbouring building(s) and passing traffic both vehicular and pedestrian in nature.

D) PARKLAND CONVEYANCE

4. Fulfillment of General Provision **Parkland Conveyance** as per the Planning Act Section 42 (1) at a rate of 2% for Commercial and Industrial uses and 5% for all other uses. As per the Planning Act Section 42 (6), Payment in the form of cash-in-lieu may be acceptable where land is not required by the City for parks or other recreational purposes (i.e. public greenspace, bikeways, trails, streetscape development etc.) to be determined at the time of issuance of a permit by the Building Department.

ZAID ZWAYYED – ZONING COORDINATOR

- The Proposed use is permitted.
- There is no work or alteration to the existing parking area
- Existing deficiencies in the loading space, bicycle spaces and visitor spaces are not required to be made up per section 24.10.15.1.
- There is a sufficient amount of parking spaces to the satisfaction of section 24 requirements.
- The proposal complies with the requirements of ZBL/8600.

CLARE AMICARELLI – TRANSPORTATION PLANNING

- Ouellette Avenue is classified as a Class II Arterial Road according to the Official Plan with a required right-of-way width of 38.2 metres. The current right-of-way along the frontage of the subject property is sufficient, therefore, no conveyance is required.
- Shepherd Street East is classified as a Local Road according to the Official Plan with a required right-of-way width of 20 metres. The current right-of-way along the frontage of the subject property is sufficient, therefore, no conveyance is required.
- Dufferin Place is classified as a Local Road according to the Official Plan with a required right-of-way width of 20 metres. The current right-of-way along the frontage of the subject property is sufficient, therefore, no conveyance is required.
- A corner cut off of 6.1 metres is required at the intersection of Ouellette Ave and Shepherd St E per AS-230.
- 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, provided adequate clearances are achieved and maintained. ENWIN has existing overhead pole lines along the east limits with 120/208 volt and 120/240 volt secondary hydro distribution.

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 50mm water service for the existing building.

AMY KUREK – ENGINEERING

We have reviewed the application for plan of condominium to permit the conversion of floors 3 and 4 into 10 residential condominium units and have the following comments:

Sewers

The site may be serviced by a 750mm Brick Combined Sewer or 375mm Brick combined sewer located in the Dufferin Place right-of-way and a 1050mm Reinforced concrete storm sewer located within Shepherd Street E 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.

Due to the presence of commercial units within the building, the applicant is required to provide a new sampling manhole at the property line, if one does not already exist.

Right-of-Way

Ouellette Avenue is classified as a class 2 arterial road according to the Official Plan requiring a 38.2 m right-of-way; the current right-of-way width is 38.2 therefore no land conveyance is required. Shepherd Street East is classified as a local road according to the Official Plan; the current right-of-way width is 20.10 therefore no land conveyance is required. Dufferin Place is classified as a local road according to the Official Plan; the current right-of-way width is 20.10 therefore no land conveyance is required. A corner cut-off of 6.1 x 6.1 metres is required at the intersection of Ouellette Ave and Shepherd St E per AS-230

There is currently raised curbing located in the right-of-way at both existing access off Ouellette Avenue and Dufferin Place that will need to be removed and access as per AS-204 will need to be constructed. A site plan including the sign located on the Ouellette Avenue side of the property is required to determine if the sign is encroaching within the right of way; if the sign is encroaching appropriate agreements will be required or removal.

In summary we have no objection to the proposed plan of subdivision, subject to the following requirements:

Corner Cut-Off – The owner(s) agrees, prior to the issuance of a construction permit, to gratuitously convey a 6.1 m x 6.1 m corner cut-off at the intersection of Ouellette Ave and Shepherd St E in accordance with City of Windsor Standard Drawing AS-230.

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

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

DIVERSITY AND ACCESSIBILITY - GAYLE JONES

In addition to complying with any necessary legislation and regulations made thereunder including but not limited to the Ontario Building Code, the Highway Traffic Act , and the AODA my conditions are as follows:

1. Require at minimum 2 barrier free entrances to building. One of the barrier-free entrances shall be the principal entrance to the building and the other one should be off of one of the primary parking areas.
2. Every barrier-free entrance shall be equipped with an accessible power door operator. Such power door openers shall be mounted according to the specifications set out in the Ontario Building Code. The main entrance had this already installed and in working order so please ensure the other barrier-free entrance also has this.
3. If there are steps at a barrier free entrance a ramp must be provided in accordance with legislation and to the satisfaction of the Chief Building Official and the Accessibility Officer.
4. If a *barrier-free* entrance incorporates a vestibule (like the primary entrance in this case), a door leading from the vestibule into the *floor area* shall be equipped with a power door operator.
5. There shall be signage placed at any non-accessible entrances that directs persons to a barrier free entrance.

Some examples of the type of signage being requested :



6. Accessible Parking and Access Aisles

Since more than one off-street parking facility is provided on the site, the number and type of accessible parking spaces is to be calculated separately for each off-street parking facility. The accessible spaces may be distributed among the off-street parking facilities to provide equivalent or greater accessibility in terms of distance to an accessible entrance or user convenience.

Four per cent of the total number of parking spaces for the use of persons with disabilities, where there are between 13 and 100 parking spaces in accordance with the following ratio, rounding up to the nearest whole number:

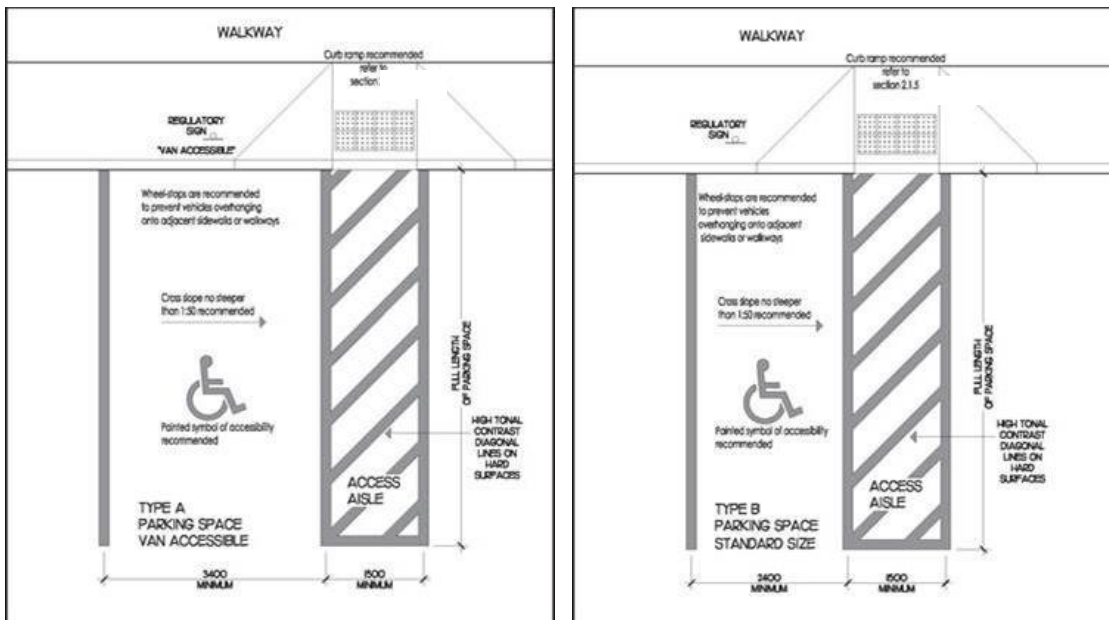
- i. Where an even number of parking spaces for the use of persons with disabilities are provided in accordance with the requirements of this paragraph, an equal number of parking spaces that meet the requirements of a Type A parking space and a Type B parking space must be provided.
- ii. Where an odd number of parking spaces for the use of persons with disabilities are provided in accordance with the requirements of this paragraph, the number

of parking spaces must be divided equally between parking spaces that meet the requirements of a Type A parking space and a Type B parking space, but the additional parking space, the odd-numbered space, may be a Type B parking space.

Type A spaces consist of wider parking spaces which accommodate larger vehicles such as vans that are equipped with transfer ramps and has signs that identifies the spaces as “VAN ACCESSIBLE”. An Accessible Permit is required to use these spaces;

Type B spaces are standard accessible parking spaces. An Accessible Permit is required to use these spaces;

--Both with access aisles that meet the specifications as set out in the Integrated Accessibility Standards under the AODA.



7. It is preferable that the designated accessible parking spaces be the nearest parking space or spaces to the principal entrance of the main building, however if this is not possible or feasible the designated accessible parking spaces can be the nearest space(s) to a secondary entrance. Please ensure appropriate curb ramps are provided (i.e.- to the access aisles)
8. Any Conditions tied to these comments should be to the approval of the Chief Building Official and the Diversity and Accessibility Officer.

- (e) The owner agrees to the conveyance of land and provision of easements as required by the municipality;
- (f) The fulfilment of any financial requirement to the City;
- (g) The owner agrees to the conveyance of lands for public open space purposes or payments-in-lieu thereof in accordance with the Open Space policies of this Plan.
- (h) The owner agrees to enter into a condominium agreement with the Corporation of the City of Windsor and to complete all required improvements and/or corrections to the satisfaction of the municipality prior to the registration of the final plan of condominium.

11.5.5 Non-Residential Conversion Policies

EVALUATION
CRITERIA

11.5.5.1 Council will evaluate a plan of condominium for the conversion of an existing non-residential building or structure to a residential condominium according to the following criteria:

- (a) The proposal satisfies the general intent of policy 11.5.3.1;
- (b) The appropriateness of allowing the residential use in the area as provided for in the Land Use chapter of this Plan;
- (c) The application of site plan control; and
- (d) The structural integrity of the building and the condition of the common elements as ascertained by a professional engineer.

CONDITIONS OF
APPROVAL

11.5.5.2 Council may attach such conditions as it deems appropriate to the approval of a plan of condominium. The applicant may be required to satisfy these conditions within a specific time period, failing which, draft plan approval may be withdrawn.

11.6 Zoning

A municipality can regulate the use and development of lands, buildings and other structures under the zoning provisions of the *Planning Act*.

11.6.1 Objectives

ZONING

11.6.1.1 To provide for the establishment of a zoning by-law.

EXEMPTIONS

11.5.2.8 Council may exempt a plan of condominium from some or all of the provisions of the Planning Act which apply to plans of condominium in accordance with the Condominium Act. Applications for exemptions may be considered by Council if:

- (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 does not contain any occupied residential rental units.

11.5.3 New Development Policies

*EVALUATION
CRITERIA*

11.5.3.1 Council will evaluate a plan of condominium for a proposed new development or building that was intended for residential use but that was not previously occupied according to the following criteria:

- (a) Provincial legislation, policies and applicable guidelines;
- (b) Provision of adequate infrastructure services, amenities and community facilities and services;
- (c) Impact upon the transportation system and adjacent land uses;
- (d) Impact upon any natural features or functions on the site or in the surrounding area;
- (e) The condominium is considered to be necessary, timely and in the public interest;
- (f) The condominium is designed within the parameters of the Urban Design chapter of this Plan, Volume II: Secondary Plans & Special Policy Areas and other relevant standards and guidelines;
- (g) The condominium, the condominium units, and the common elements are suitable for their intended purpose;
- (h) The condominium, the condominium units, and the common elements meet the requirements of the Zoning By-law, and other municipal by-laws; and

- (i) The interrelationship between the design of the proposed plan of condominium and site plan control matters relating to any development on the land. (Added by OPA #66-11/05/07-B/L209-2007)

CONDITIONS OF APPROVAL

11.5.3.2 Council may attach such conditions as it deems appropriate to the approval of a plan of condominium. The applicant may be required to satisfy these conditions within a specific time period, failing which, draft plan approval may be withdrawn.

11.5.4 Rental Housing Conversion to Condominium Policies

(added by OPA#63, June 21, 2007, B/L 100/2007)

Rental housing conversion to condominium refers to the change in tenure of a rental housing property to condominium status.

NOTIFICATION

11.5.4.1

Prior to the consideration of a condominium application by Council or any of its subcommittees, the following notification shall be given:

- (a) The owner shall notify all current tenants to provide them with the details of the application. The notice is to be mailed by first class mail within 60 days of the time the application is deemed to be complete by the Planning Department. Furthermore, a copy of the notice is to be submitted to the Manager of Development for approval prior to mailing;
- (b) At the time the notice referenced in (a) is mailed, the owner shall post copies of the notice at locations within the subject building that are highly visible to tenants, including but not limited to: entrances, mail rooms and elevator lobbies; and
- (c) The owner shall notify all prospective tenants that an application has been submitted to convert the building(s) subject of the application to condominium. Such notice shall be given prior to the signing of a lease or the occupancy of a rental unit.

AFFORDABILITY

11.5.4.2

City Council shall ensure that the conversion of rental housing to condominium status will not have an adverse impact on the supply of rental housing in the City, particularly as it relates to affordable housing. For the purpose of this Plan, the definition of affordability shall be consistent with the definition contained in the Provincial Policy Statement (March 2005) being:

- (a) The definition of affordable rental housing is the least expensive of:

APPENDIX C – Excerpts from Zoning By-law 8600

16.5 COMMERCIAL DISTRICT 3.5 (CD3.5)

16.5.1 PERMITTED USES

- | | |
|-----------------------------------|--|
| <i>Business Office</i> | <i>Personal Service Shop</i> |
| <i>Child Care Centre</i> | <i>Place of Entertainment and Recreation</i> |
| <i>Commercial School</i> | <i>Place of Worship</i> |
| <i>Food Outlet - Take-Out</i> | <i>Professional Studio</i> |
| <i>Hotel</i> | <i>Public Hall</i> |
| <i>Medical Office</i> | <i>Repair Shop - Light</i> |
| <i>Medical Appliance Facility</i> | <i>Restaurant</i> |
| <i>Micro-Brewery</i> | <i>Retail Store</i> |

Dwelling Units in a Combined Use Building with any of the above uses

Double Duplex Dwelling

Duplex Dwelling

Lodging House

Multiple Dwelling

Residential Care Facility

Semi-Detached Dwelling

Townhome Dwelling

Existing Funeral Establishment

Existing Gas Bar

Existing Service Station

Restaurant with Drive-through existing before November 1, 2004

Any use accessory to any of the above uses, including a *Caretaker's Residence*. An *Outdoor Storage Yard* is prohibited.

16.5.5 PROVISIONS

- | | | |
|-----|--|---|
| .1 | Lot Frontage – minimum | 15.0 m |
| .2 | Lot Area – minimum | |
| | For a <i>building</i> containing only non-residential uses | 400.0 m ² |
| .4 | Building Height – maximum | Equal to the length of the longest <i>exterior lot line</i> |
| .8 | Landscaped Open Space Yard – minimum | 30.0% of <i>lot area</i> |
| .10 | Gross Floor Area | |
| | Within the same <i>building</i> , for a <i>Retail Store</i> , <i>Personal Service Shop</i> , <i>Repair Shop – Light</i> , or any combination thereof | 250.0 m ² |
| .11 | Gross Floor Area Ratio – maximum | 3.0 |
| .15 | For a <i>Combined Use Building</i> , all <i>dwelling units</i> , not including entrances thereto, shall be located above the non-residential uses | |
| .17 | Exposed flat concrete block walls or exposed flat concrete walls, whether painted or unpainted, are prohibited. | |

Commercial District 3.5 (CD3.5) continued on next page

16.5 COMMERCIAL DISTRICT 3.5 (CD3.5) – continued**16.5.5 PROVISIONS (continued)**

- .20 Building Setback – minimum
- a) From an *exterior lot line*: 6.0 m
 - b) From an *exterior lot line* abutting Pelissier Street or Dufferin Place for that part of the building having a *building height* of more than 12.0 m: 18.0 m
 - c) From an *interior lot line* where a habitable room window faces the *interior lot line* for that part of the *building* having a *building height* of 12.0 m or less: 6.0 m
 - d) From an *interior lot line* where a habitable room window faces the *interior lot line* for that part of the *building* having a *building height* of more than 12.0 m: 11.0 m
 - e) From an *interior lot line* where a habitable room window does not face the *interior lot line* for that part of the *building* having a *building height* of 12.0 m or less: 3.0 m
 - f) From an *interior lot line* where a habitable room window does not face the *interior lot line* for that part of the *building* having a *building height* of more than 12.0 m: 25.0% of building height
- .50 Any new *building* or *structure* shall be erected on a *through lot*, except that where a lot is not a *through lot*, one *accessory building* or one accessory structure having a maximum *gross floor area* of 40.0 m² may be erected on such lot.
- .60 Dwelling Unit Density – maximum *dwelling units* per hectare
- a) Lot Frontage less than 30.0 m: 100
 - b) Lot Frontage 30.0 m or more: 230
 - c) Where both the *landscaped open space yard* is greater than 40% of the *lot area* and the *lot frontage* is more than 30.0 metres, the maximum *dwelling units* per hectare may be increased by 15%.
- .70 Notwithstanding Sections 16.5.5.1 to 16.5.5.60, a *Double Duplex Dwelling*, *Duplex Dwelling*, *Semi-Detached Dwelling* or *Townhome Dwelling* shall comply with the provisions of Section 11.2.5.

Art Gallery	1 for each 45 m ² GFA
Automatic Car Wash	0
Automobile Repair Garage	1 for each 45 m ² GFA
Automobile Sales Lot	1 for each 45 m ² GFA
Bake Shop	1 for each 22.5 m ² GFA
Bakery	1 for each 45m ² GFA for the first 2,700 m ² GFA and 1 for each additional 180 m ²
Billiard Hall	1 for each 22.5 m ² GFA
Bingo Hall	1 for each 22.5 m ² GFA
Bowling Alley	4 per alley
Building Material Recycling Centre	1 for each 45 m ² GFA
Business Office	1 for each 45 m ² GFA
Church (including a Church Hall)	1 for each 5.5 m ² GFA uses as a church, chapel or sanctuary AND 1 for each 36 m ² GFA not used as a church, chapel or sanctuary
Club	1 for each 22.5 m ² GFA
Coin Operated Car Wash	0
College Student Residence	1 for each 4 beds
Collision Shop	1 for each 45 m ² GFA
Combined Use Building – Dwelling Units	1.25 for each dwelling unit
Commercial School	2.5 for each classroom or teaching area AND 1 for each 22.5 m ² of GFA of cafeteria, auditorium, gymnasium and other area of assembly
Confectionary	1 for each 45 m ² GFA for the first 2,700 m ² GFA AND 1 for each additional 180 m ²
Confectioner’s Shop	1 for each 22.5 m ² GFA
Contractor’s Office	1 for each 45 m ² GFA used as a business office AND 1 for each 200 m ² GFA used as a warehouse
Convenience Store	1 for each 22.5 m ² GFA
Convent or Monastery	1 for each 4 beds
Correctional Facility	1 for each 2 beds
Day Nursery	1.5 for each classroom or teaching area
Double-duplex Dwelling	4
Drive-through Food Outlet	1 for each 22.5 m ² GFA
Drive-through Restaurant	1 for each 7.5 m ² GFA
Duplex Dwelling	2
TABLE 24.20.5.1 - REQUIRED PARKING SPACES	
USE	PARKING RATE - MINIMUM
Elementary School	1.5 for each classroom or teaching area
Entertainment Lounge	1 for each 7.5 m ² GFA

Motor Vehicle Salvage Operation	1 for each 45 m ² GFA for the first 2,700 m ² GFA AND 1 for each additional 180 m ²
Multiple Dwelling containing a maximum of 4 Dwelling units	1 for each dwelling unit
Multiple Dwelling containing a minimum of 5 Dwelling units	1.25 for each dwelling unit
Museum	1 for each 45 m ² GFA
Outdoor Market	0
Pawnshop	1 for each 22.5 m ² GFA
Personal Service Shop	1 for each 22.5 m ² GFA
Pharmacy	1 for each 22.5 m ² GFA
Place of Entertainment and Recreation	1 for each 36 m ² GFA
Power Generation Plant	1 for each 200 m ² GFA
Professional Studio	1 for each 45 m ² GFA
Public Hall	1 for each 7.5 m ² GFA
Residential Care Facility	1 for each 4 beds
Restaurant	1 for each 7.5 m ² GFA
Retail Store	1 for each 22.5 m ² GFA
Secondary School	1.5 for each classroom or teaching area AND 1 For each 22.5 m ² of GFA of cafeteria , auditorium, gymnasium and other area of assembly
Self-storage Facility	2
Semi-Detached Dwelling	1 for each dwelling unit
Service Station	1 for each 45 m ² GFA
Shelter	1 for each 6 beds
Single –unit Dwelling	1
Stacked Dwelling Unit	1 for each dwelling unit
Take-Out Food Outlet	1 for each 22.5 m ² GFA
Temporary Outdoor Vendor’s Site	0
Theatre	1 for each 6 seats
Tourist Home	1 for each guest room AND 1 for each 22.5 m ² GFA used for a restaurant, convention hall, meeting room and other places of assembly
TABLE 24.20.5.1 - REQUIRED PARKING SPACES	
USE	PARKING RATE - MINIMUM
Townhome Dwelling having an attached garage or carport	1 for each dwelling unit
Townhome Dwelling without an attached garage or carport	1.25 for each dwelling unit

24.22.1 REQUIRED VISITOR PARKING SPACES

- .1 For a Townhome Dwelling without an attached garage or carport, Multiple Dwelling with a minimum of five dwelling units, or Dwelling Units in a Combined Use Building, a minimum of 15 percent of parking spaces shall be marked as visitor parking.
- .5 If the calculation of the number of visitor parking spaces results in a number containing a fraction, the number shall be rounded DOWN to the nearest whole number, but in no case shall there be less than one visitor parking space and one required parking space.

24.22.10 SIZE OF VISITOR PARKING SPACE

- .1 Each visitor parking space shall have a minimum length of 5.5 metres and a minimum width of 2.5 metres, except where one side of the parking space is flanked by a wall or fence, each visitor parking space shall have a minimum length of 5.5 metres and a minimum width of 3.5 metres.

24.24 ACCESSIBLE PARKING SPACE PROVISIONS [ZNG/4046]

(AMENDED by B/L 48-2014, April 15, 2014)

24.24.1 REQUIRED ACCESSIBLE PARKING SPACES

- .1 There shall be provided accessible parking spaces as shown in Table 24.24.1:

TABLE 24.24.1 – REQUIRED ACCESSIBLE PARKING SPACES		
TOTAL NUMBER OF PARKING SPACES IN PARKING AREA	REQUIRED NUMBER OF ACCESSIBLE PARKING SPACES – MINIMUM	
	TYPE A	TYPE B
1 to 25	1 space	0
26 to 100	2 percent of parking spaces	2 percent of parking spaces
101 to 200	1.5 percent of parking spaces	0.5 space plus 1.5 percent of parking spaces
201 to 1,000	0.5 space plus 1 percent of parking spaces	1 space plus 1 percent of parking spaces
1,001 or more	5 spaces plus 0.5 percent of parking spaces	5.5 spaces plus 0.5 percent of parking spaces

- .2 If the calculation of the number of required Type A and Type B accessible parking spaces results in a number containing a fraction, the number shall be rounded up to the nearest whole number:

24.24.10 SIZE OF ACCESSIBLE PARKING SPACE

- .1 A Type A accessible parking space shall have a minimum width of 3.5 metres and a minimum length of 5.5 metres.
- .2 A Type B accessible parking space shall have a minimum width of 2.5 metres and a minimum length of 5.5 metres.

24.24.15 ACCESS AISLES

- .1 An access aisle, that is the space between or beside accessible parking spaces that allows persons with disabilities to get in and out their vehicles, shall be

APPENDIX 'D' – By-law 429-2001 (amended By-law 12780)

BY - LAW NUMBER 429-2001

A BY-LAW TO AMEND BY-LAW NUMBER 12780,
BEING A BY-LAW TO PROVIDE FOR THE
CONVEYANCE OF LAND OR THE PAYMENT OF
MONEY IN LIEU OF LAND TO THE MUNICIPALITY FOR
PARKS OR OTHER PUBLIC RECREATIONAL PURPOSES

Passed the 26th day of November, 2001.

WHEREAS it is deemed expedient to further amend By-law Number 12780 passed the 6th day of January, 1997;

THEREFORE the Council of the Corporation of the City of Windsor enacts as follows:

1. That By-law Number 12780 is amended as follows:

(1) That Section 1 be amended by adding the following thereto:

"(i) "Senior Property Agent" means the Senior Property Agent for the Corporation from time to time."

(2) That the following be added as Section 2.1 and Section 2.2 as follows:

"2.1 As a condition of development or redevelopment of land for commercial or industrial purposes, the owner shall convey to the Corporation for park or other public recreational purposes an amount of land not exceeding two percent (2%) of the land proposed for development or redevelopment.

2.2 In the event that the land is to be developed or redeveloped for more than one purpose, then the provisions of this by-law shall apply to each such purpose in the same proportion as the purpose for which the lands are to be developed or redeveloped."

(3) That the following be added as Section 3.1:

"3.1 Notwithstanding Section 2.1 the Council may require the payment of money equal to the value of the land otherwise required to be conveyed under this by-law and, for the purpose of determining the amount of such payment, the value of the land shall be determined as of the day before the day of the issuance of a building permit in respect of the development or redevelopment, or, where more than one building

APPENDIX 'D' – By-law 429-2001 (amended By-law 12780)

permit is required for the development or redevelopment, as of the day before the issuance of the first permit."

- (4) That Section 4.1 be deleted and the following substituted therefore:

"4.1 Where an owner disputes the money equal to the land referred to in Section 3, 3.1, 4 or 4.2, the following shall apply:

- (a) Where the land has been the subject of an arms-length transaction of purchase and sale within the preceding twelve months, the sale price shall be deemed the value of the land.
- (b) An owner may provide an appraisal of the land, satisfactory to the Senior Property Agent, that has been prepared by an appraiser accredited with the Appraisal Institute of Canada ; or
- (c) The owner may apply to the Ontario Municipal Board for a determination of the value of the land."

- (5) That the following be added as Section 4.2:

"4.2 For the purposes of Section 2.1 the money equal to the value of the land, required to be paid under Section 3.1 shall be determined by the Senior Property Agent."

2. That this by-law shall come into force and take effect on January 1, 2002.

MICHAEL HURST, MAYOR

JOHN SKOROBOHACZ, CITY CLERK

First Reading - November 26, 2001
Second Reading - November 26, 2001
Third Reading - November 26, 2001

APPENDIX E - SITE PHOTOS (taken May 10, 2023)



Photo 1: Ouellette Avenue Vehicular Entrance



Photo 2: Ouellette Avenue View

APPENDIX E - SITE PHOTOS (taken May 10, 2023)



Photo 3: View from Ouellette & Shepherd intersection



Photo 4: Close View of main pedestrian entrance off Ouellette & Shepherd

APPENDIX E - SITE PHOTOS (taken May 10, 2023)



Photo 5: View of north wall and access to underground parking along Shepherd St.



Photo 6: Close view of access to underground parking along Shepherd St.



Photo 7: Close view of rear vehicular access & neighbouring houses along Dufferin Place



Subject: Temporary Patios on Private Property – Application and Approval Process – City Wide

Reference:

Date to Council: February 12, 2024
Author: Rania Toufeili
Executive Initiatives Coordinator, Office of the CAO
519-255-6100 ext. 6479
rtoufeili@citywindsor.ca
Economic Development & Innovation
Report Date: October 5, 2023
Clerk's File #: ACLB2023

To: Mayor and Members of City Council

Recommendation:

THAT City Council **APPROVE** Administration's recommended process to allow temporary patios on private properties; and further,

THAT the 2024 City of Windsor User Fee Schedule **BE AMENDED** to include the application fee for processing Temporary Patio on Private Property applications as outlined in this report.

Executive Summary:

N/A

Background:

Throughout the COVID-19 pandemic, approval of temporary outdoor patios and patio extensions was given under the authority of the Alcohol and Gaming Commission of Ontario (AGCO) Registrar. Effective January 1st 2023, the Ontario government amended Ontario Regulation 746/21 under the *Liquor Licence and Control Act, 2019* to benefit businesses in the long-term and create opportunity for growth in the hospitality industry. Bars, restaurants and other licensed establishments can now create or extend temporary patios, subject to approval by their municipality or band council.

Therefore, as of January 1st 2023, the AGCO will no longer accept applications or issue liquor licenses for temporary seasonal patio expansions on private property without municipal approvals. As a result, if municipalities determine they wish to allow temporary patios on private property, they are responsible to create the necessary process to secure approval.

Given the short timeframe between the Liquor Licence and Control Act amendment and the start of patio season, the City of Windsor and various other municipalities in Ontario looked to create an interim process to promptly allow patios to operate in 2023 in advance of developing their own new long-term guidelines.

Administration brought forward report C49/2023 (**Appendix 1**) in April 2023 to outline a temporary 2023 review and approval process using the existing Liquor License Clearance Letter process with slight modifications.

In 2023 (from May 1st to October 1st) there was a total of 10 application submissions. It is likely that there is a larger number of non-compliant temporary patios on private property across Windsor, as some businesses may have carried their seasonal patio operations forward from the pandemic period without being fully aware of new AGCO requirements. Furthermore, resource constraints prevent undertaking proactive City inspections to determine where non-compliant patios may be operating. As businesses become more aware of the AGCO and City requirements, it is expected that the number of temporary patios on private property will increase.

As directed through CR162/2023, a new permanent process for the review and approval of temporary patios on private property is brought forward for Council's consideration and approval.

Discussion:

Design and Requirements for Temporary Patios

Design Criteria

A number of design criteria were developed based on technical guidelines and best practices of other municipalities in order to achieve safe design, and limit impacts on surrounding neighbourhoods.

The following design criteria are being recommended and will be implemented:

- *Allowable Size:* maximum of 15% of indoor occupancy load.
- *Setback:* 30-meter setback from the patio to all residential buildings or receptors.
- *Parking Requirements:* Accessible parking spaces and any required residential spaces must remain on site. If existing parking spaces or drive aisles are being used for the temporary patio, it shall occupy no more than the greater of 4 parking spaces, or 33% of the provided parking space for the use. Furthermore, alternative parking arrangements may be submitted for review.
- *Fencing/screening requirements:* The temporary patio must be defined by a railing or similar boundary.

In order for the City to review the application's compliance with the design criteria and requirements, a fully dimensioned and labelled property map and floor plans will be required. These documents must clearly illustrate the patio location, size, seating capacity and orientation of tables and chairs, location and design of railing or similar

boundary, setbacks from property limits and the patio. These submission requirements will be comparable to those required by the AGCO as shown in **Appendix 2**. Furthermore, if the applicant is not the owner of the property, they must submit a letter from the property owner confirming permission for the installation and operation of the temporary patio.

Every effort will be made to work with establishments to secure approval for temporary patios and support local businesses. Each temporary patio situation will be unique given the various property layouts and locations throughout the city. The professional expertise of staff within the respective departments reviewing these applications will be critical in achieving the best design to limit any negative impact on surrounding neighbourhoods. As per other similar applications processes in the City, such as Building Permits and Special Events Resource Team (SERT) applications, if business owners are not able to comply with the prescribed requirements and design criteria, their application will be denied for the year in which they are applying.

Additional structures such as tents, platforms, stages, decks, etc. are not addressed under the Temporary Patio application process and will require a separate building permit application submission and approval prior to installation.

Patio Operational Requirements

According to the Province, temporary patios may only operate for a maximum of eight months per calendar year. Temporary patios are permitted from March 15 until no later than November 15 (maximum 8 months), after which the area must be returned to its original form. This time frame was selected to allow operation from the St. Patrick's holiday to when cooler weather and snowfall would be expected to start.

Applicants will need to reapply for their temporary patio annually, subject to the annual application fee. Annual applications are necessary to ensure that the proposed patio meets the continuously changing provincial legislation and standards, City by-law requirements and associated policies or procedures.

Accessibility must be maintained throughout the temporary patio and business per the Accessibility for Ontarians with Disabilities Act (AODA). Recreation or Entertainment uses are not permitted on any temporary patio.

In order to comply with the noise by-law and minimize disruptions to surrounding neighbourhoods, any type of music, speakers or amplified sounds are not permitted on any temporary patio. In addition to the exclusion of speakers and amplified sounds originating from the outdoor patio itself, doors of any size must not be left in a propped open position at any time, such that loud music/sounds originating from inside the establishment are then projected to the exterior of the property and beyond.

Once businesses have received municipal approval for a temporary outdoor patio, business owner/operators are responsible to notify the Alcohol and Gaming Commission of Ontario (AGCO) prior to selling and serving alcohol on the patio, and ensure compliance with all relevant permissions, including those of the Ontario Building Code, municipal policies and by-laws, and the property owner. The Patio will be required to

meet all safety, accessibility, operation and functioning requirements, as well as requirements in respect of serving alcohol in accordance with Applicable Law.

A full list of requirements for temporary patios on private properties is provided throughout the draft application in **Appendix 3**.

Enforcement

Temporary patios will be inspected in response to complaints made to the City through various channels, including 311. By-law officers will attend if complaints are related to compliance with existing by-laws, or the requirements of temporary patio on private properties process.

At the time of annual application submissions, historical patios will be reviewed for prior complaints and compliance with City requirements to determine if they have impacted surrounding neighbourhoods. Complaints will factor into the future acceptance of an application. Administration will consult with Windsor Police Services on all temporary patios that were approved for the previous year to determine if there have been any complaints or concerns that could affect future approvals of a specific property.

The City of Windsor will retain the authority to inspect all temporary patios and require adjustments to the temporary patio to address compliance with these guidelines and other applicable municipal and provincial regulations. Furthermore, the City of Windsor reserves the right to inspect and revoke any temporary patio approval at any time.

The AGCO will continue to maintain enforcement of alcohol related matters such as consumption and over-service.

Application and Review Process

Requests for temporary patios on private properties can be submitted through the MyWindsor application. Applicants will be required to complete the application form and submit all required documentation. During the application submission process applicants will be prompted and required to pay the full non-refundable application fee.

The City will review the applications for completeness within two business days of submission. Once the application is deemed complete, the application will be processed within five business days. Applications will go through an internal review to ensure compliance with municipal standards and applicable by-laws. The temporary patio requests will be circulated to the Planning, Building and Licensing Departments for comment.

A Building Inspector and Fire Inspector will conduct a site visit to confirm that the assembled patio matches the patio design submitted, and complies with applicable codes and statutes. The on-site review is required to be conducted prior to patio opening and includes verification of maximum occupant load for the space, unobstructed emergency response access, barrier free access, minimum lighting requirements, use of heaters, and railing/enclosure to delineate space.

A letter permitting the patio will be provided once the inter-departmental review is complete and departments approve, and all required on-site inspections have passed. Applicants can submit their approval letter to the AGCO to begin operating the temporary patio.

Administration proposes a \$570.00 + HST annual administrative fee for the review of temporary patios on private property. The cost is broken down in the Financial Matters section of this report. Applicants will be required to re-apply and submit payment for seasonal patios annually. The application fee collected will be applied to the costs associated with the application processing and inspection activities necessary to process the application. Annual applications are necessary to ensure that the proposed patio meets the continuously changing provincial legislation and standards, City by-law requirements and associated policies or procedures.

Risk Analysis:

Effective January 1, 2023, the Province amended legislation to allocate responsibility to review and approve temporary patios on private property to municipalities. In order to mitigate the risk from temporary patios the City has included an indemnity clause in the application form. This will also be part of the approval permit between the City and the applicant:

The applicant assumes all the risks and responsibilities associated with the temporary patio and shall at all times defend, indemnify and save harmless the City, its officers, servants and agents from and against all loss or damage, and from and against all actions, suits, claims and demands whatsoever which may be made or brought against the City, its officers, servants and agents by reason or in consequence of the temporary patio by the applicant, its servants, agents or employees.

Written approval from the property owner is also required for temporary patio applications in which the applicant is not the property owner.

Furthermore, Administration may impose terms and conditions on approvals issued on a case-by-case basis to mitigate risks identified during departmental review of the applications, or reject the application where such risks may not be sufficiently mitigated. Additionally, the City retains the authority to inspect and revoke any patio approvals if any new risks are presented in any specific instance.

Climate Change Risks

Climate Change Mitigation:

N/A

Climate Change Adaptation:

N/A

Financial Matters:

The City will be collecting an annual fee of \$570.00 + HST associated with the administrative work required to review the temporary patio applications. This fee will

help in cost recovery associated with staff time for reviews, circulation and on-site inspections. The fee will be charged on an annual basis, as departments will need to review any changes to existing professional practices and legislation before approving, and an annual on-site inspection is required.

Table 1 shows the cost breakdown justification for this fee.

Table 1 – Fee Structure for Temporary Patio on Private Property Applications

Item	Cost
Fire Inspection Fee	\$ 150.00
Building Inspection Fee	\$ 100.00
Building Application Fee	\$ 25.00
Building Review and Circulation Fee	\$ 220.00
Planning Review Fee	\$ 75.00
<i>TOTAL (excluding 13% HST)</i>	<i>\$ 570.00</i>
TOTAL (including 13% HST)	\$ 644.10

Budget issue 2024-0151 adds the user fee to the user fee schedule for Planning’s \$75 and Building \$220. The Fire and Building inspection fee are already part of the user fee schedule as the fee already existing. All fees included in Table 1 are subject to any future changes or increases to the user fee schedule as part of the 2024 Operating Budget process.

From May 1 to Oct 1 the City only received 10 applications, with the number of applications expected to increase in the coming years as the program expands and business owners become more aware of AGCO requirements.

Consultations:

Craig Robertson, Deputy License Commissioner and Acting Senior Manager of Policy, Gaming, Licensing and By-Law Enforcement

Neil Robertson, Deputy City Planner - Growth

Rob Vani, Deputy Chief Building Official/Inspections

Barbara Rusan, Deputy Chief Building Official/Policy and Regulatory Services

Alex Vucinic, Manager of Purchasing and Risk Management

Mark Nazarewich, Senior Legal Council, Legal and Legislative Services

Sandra Bradt, Executive Initiatives Coordinator, Economic Development and Innovation

Josie Gualtieri, Financial Planning Administrator, Financial Planning

Jonathan Wilker, Deputy Fire Chief

Barry Horrobin, Director of Planning & Physical Resources, Windsor Police Services

Alena Sleziak, Manager of Customer Contact Center 311, Communications and Customer Service

Conclusion:

During the pandemic, temporary patios on private properties were allowed as a means to comply with physical distancing restrictions while supporting local businesses and addressing economic concerns. These patios have gained popularity, helped local businesses, and created opportunity for growth even once pandemic restrictions were lifted.

Prior to January 1st 2023, the Alcohol and Gaming Commission of Ontario (AGCO) was responsible to review and approve temporary patios. The province has since changed the legislation and now the City must provide an approval to businesses that wish to operate a temporary patio on their private property. City Council previously approved an interim process and directed that Administration bring forward a more permanent process prior to the end of the year. Administration supports adopting the process as outlined in this report to support local businesses and address consumer demand.

Planning Act Matters:

N/A

Approvals:

Name	Title
Rania Toufeili	Executive Initiatives Coordinator, Office of the CAO
Neil Robertson	Acting City Planner/ Manager of Urban Design
John Revell	Chief Building Official
Mark Nazarewich	Senior Legal Counsel
Janice Guthrie	Commissioner of Finance, Chief Financial Officer/City Treasurer
Jelena Payne	Commissioner, Economic Development & Innovation
Joe Mancina	Chief Administrative Officer

Notifications:

Name	Address	Email

Appendices:

- 1 Report C 49/2023 - Approval Process for Temporary Patios on Private Properties
- 2 AGCO Floor Plan Guide
- 3 DRAFT Temporary Patio Application

**Subject: Approval Process for Temporary Patios on Private Properties
2023 – City Wide**

Reference:

Date to Council: 2023-04-11
Author: Rania Toufeili
Executive Initiatives Coordinator, Office of the CAO
519-255-6100 ext. 6479
rtoufeili@citywindsor.ca

Report Date: 2023-03-24
Clerk's File #:

To: Mayor and Members of City Council

Recommendation:

THAT the report from the Executive Initiatives Coordinator regarding 2023 Temporary Patios on Private Property **BE RECEIVED** for information; and further,

THAT City Council **APPROVE** Administration's recommendation for an interim process to allow temporary patios on private properties in 2023 through the existing Liquor License Clearance Letter process; and further,

THAT City Council **APPROVE** the administrative fee for processing temporary patio approvals on private property, which is equal to the administrative fee for Liquor License Clearance Letters; and further,

THAT City Council **AUTHORIZE** the Chief Building Official, or his designates, to approve compliant applications for temporary patios on private properties for the 2023 season through Liquor License Clearance Letter process; and further,

THAT City Council **DIRECT** Administration to develop a process and fee structure to allow temporary patios on private property in the future to ensure compliance with legislation and regulations, and mitigate any risks to the Corporation of the City of Windsor; and further,

THAT Administration **SUBMIT** a process to approve temporary patios on private property for City Council's consideration by the end of 2023.

Executive Summary:

N/A

Background:

Throughout the COVID-19 pandemic, the Alcohol and Gaming Commission of Ontario Registrar (AGCO) changed guidelines and relaxed existing legislation related to outdoor dining on private property to help businesses recover from the economic effects of COVID-19. On June 8, 2020 the Province amended regulations under the Liquor Licence Act and waived fees to permit licenced establishments to temporarily add or extend patios adjacent to their premises without AGCO approval.

Effective January 1st 2023, the Ontario government amended Ontario Regulation 746/21 under the *Liquor Licence and Control Act, 2019* to benefit businesses and create opportunity for growth in the hospitality industry. Bars, restaurants and other licensed establishments are now able to create or extend temporary patios, subject to approval by their municipality or band council.

Throughout the pandemic, approval of all temporary outdoor patios and extensions was under the authority of the AGCO Registrar. As a result, the City has not issued any liquor license clearance letters from 2020-2022 for temporary patios on private property. Effective January 1, 2023, the AGCO will no longer be accepting applications or issuing liquor licenses for temporary seasonal patio expansions on private property without municipal approvals. As the season approaches, businesses are requesting approval to establish temporary patios, placing pressure on municipalities to determine how they will evaluate and review the requests.

Discussion:

Currently, there are three possible situations for a temporary patio request within the City:

1. *Sidewalk Cafes or Patios in the Right-of-Way.*

These patios are in the public right-of-way and may encroach onto the sidewalk or in the boulevard. The Engineering department has an established review process, permit process and guidelines to address requests for patios in the right-of-way.

2. *Patios for Special Events:*

The City may receive requests for a short-term patio in the right-of-way for a special event, typically 2-4 days in duration. These requests are reviewed and processed by the City's Special Events and Resources Team (SERT), through the Culture and Events department, to ensure compliance with municipal standards and reviews from various departments.

3. *Temporary Patios on Private Properties:*

These types of patios were introduced by the Province as part of the pandemic response to help businesses comply with physical distancing measures while maintaining revenue. Effective January 1st 2023, the City is now responsible for approving these types of requests. No permanent process exists within the City for these approvals, however Administration is working to develop a simple and

streamlined approach to ensure a timely response to requests. For 2023 a temporary process through the Building department is proposed.

2023 Temporary Patios on Private Property Applications

To promptly address new requests from bar and restaurant operators for temporary patios on private property in 2023, the City proposes to process and review requests through the existing Liquor License Clearance Letter application process through the Building Department.

Requests for temporary patios on private properties can be submitted through the MyWindsor application.

Within the City's approved Schedule of Fees, there is a current \$297.50 + HST administrative fee associated with the review of Liquor License patio extension applications. This fee will be charged to applicants for the temporary private property patios.

Applications will go through an internal review to ensure compliance with municipal standards and applicable by-laws. The temporary patio requests will be circulated to the Planning, Right-of-Way and Licensing Departments for comment. Departments will have a 24-hour window to complete their review and return comments to Building. Once reviews are complete, the applicant will be provided with a response. If approved, they will receive a temporary patio approval letter.

Once the patio is built out, a Building Inspector will conduct a site visit to confirm that it complies with applicable codes and statutes. This review includes maximum occupant load for the space, unobstructed emergency response access, barrier free access, minimum lighting requirements, use of heaters, and railing/enclosure to delineate space.

According to the Province, temporary patios may only operate for a maximum of eight months per calendar year. Under this short-term process, temporary private property patios in Windsor will be allowed to operate from the date of approval until November 1st 2023.

Developing a Permanent Process for the Review of Temporary Patios on Private Property

With the change in legislation, many municipalities are looking to create an official and permanent process for the review and approval of temporary patios. Similar to the approach being taken in Burlington and Toronto, Windsor is proposing the short-term measure above while pursuing more long-term solutions that comply with municipal standards, by-laws and provincial rules, similar to what exists for Sidewalk Cafes or Patios in the Right-of-Way.

The proposed interim process for 2023 will be used to inform the development of a new long-term City process with appropriate user fees. The number and nature of requests will provide an indication of what can be expected in future years and allow for information gathering, and to identify challenges and mitigation strategies.

Administration will bring forward a report recommending a permanent process and user fees to address temporary patios on private properties going forward for Council's consideration in the fourth quarter of 2023.

Risk Analysis:

Effective January 1, 2023, it has become the City's responsibility to approve temporary patios on private property. It is important that the City develop a procedure for processing these requests in a timely manner to mitigate the risk of extensions being built without proper inspections or approvals, and in non-compliance to City requirements.

As part of the interim process, Administration may impose terms and conditions on approvals issued on a case-by-case basis to mitigate risks identified during departmental review of the applications, or reject the application where such risks may not be sufficiently mitigated.

The requirement for the city to approve requests for temporary patios on private property was not anticipated nor planned for. This interim process is an added responsibility to Building and other departments and its development may take some time. However, Administration recognizes the time sensitive nature of the approvals and the risks that any delays will have on businesses and will prioritize the work to mitigate this risk.

Climate Change Risks

Climate Change Mitigation:

N/A

Climate Change Adaptation:

N/A

Financial Matters:

The City will be collecting the standard fee of \$297.50 + HST associated with the administrative work required to review Liquor Licenses. This is the current cost that is incurred by an applicant when submitting an application through Building for review, therefore no financial changes are required.

Once a new permanent process is created to review and approve temporary patios on private properties. Administration will determine what fee is appropriate to recover operating costs and present this to Council with the new process.

Consultations:

Craig Robertson, Deputy License Commissioner and Acting Senior Manager of Policy, Gaming, Licensing and By-Law Enforcement

Neil Robertson, Manager of Urban Design, Deputy City Planner

Adam Pillon, Manager of Right-of-Way

France Isabelle-Tunks, Deputy City Engineer

Rob Vani, Manager of Inspections, Deputy Chief Building Official

Kristina Savi-Mascaro, Deputy City Solicitor, Purchasing, Risk Management and POA

Sandra Bradt, Executive Initiatives Coordinator, Economic Development

Tony Ardovini, Deputy City Treasurer, Financial Planning

Jonathan Wilker – Deputy Fire Chief

Conclusion:

The pandemic response resulted in an increase in temporary patios on private properties to comply with physical distancing restrictions and address economic concerns. During the pandemic, the Province allowed bars, restaurants and other licensed establishments to create or extend temporary patios without the need for AGCO approval and these establishments were very well received. As the legislation has changed to require municipal approval, the city has received several inquiries from business owners hoping to continue the practice in 2023.

Administration proposes to use the existing Liquor License Clearance Letter process, with slight modifications, for the review and approval of temporary patios on private properties throughout 2023. In the fourth quarter of 2023, Administration will bring forward a report to Council with a permanent process that can be used to review and approve temporary patios on private properties.

Planning Act Matters:

N/A

Approvals:

Name	Title
Rania Toufeili	Executive Initiatives Coordinator, Office of the CAO
Thom Hunt	City Planner/Executive Director of Planning & Development
John Revell	Chief Building Official
Chris Nepszy	Commissioner, Infrastructure Services
Shelby Askin-Hager	Commissioner, Legal and Legislative Services
Joe Mancina	Commissioner, Corporate Services, Chief Financial Officer
Jelena Payne	Commissioner, Economic Development & Innovation
Onorio Colucci	Chief Administrative Officer

Notifications:

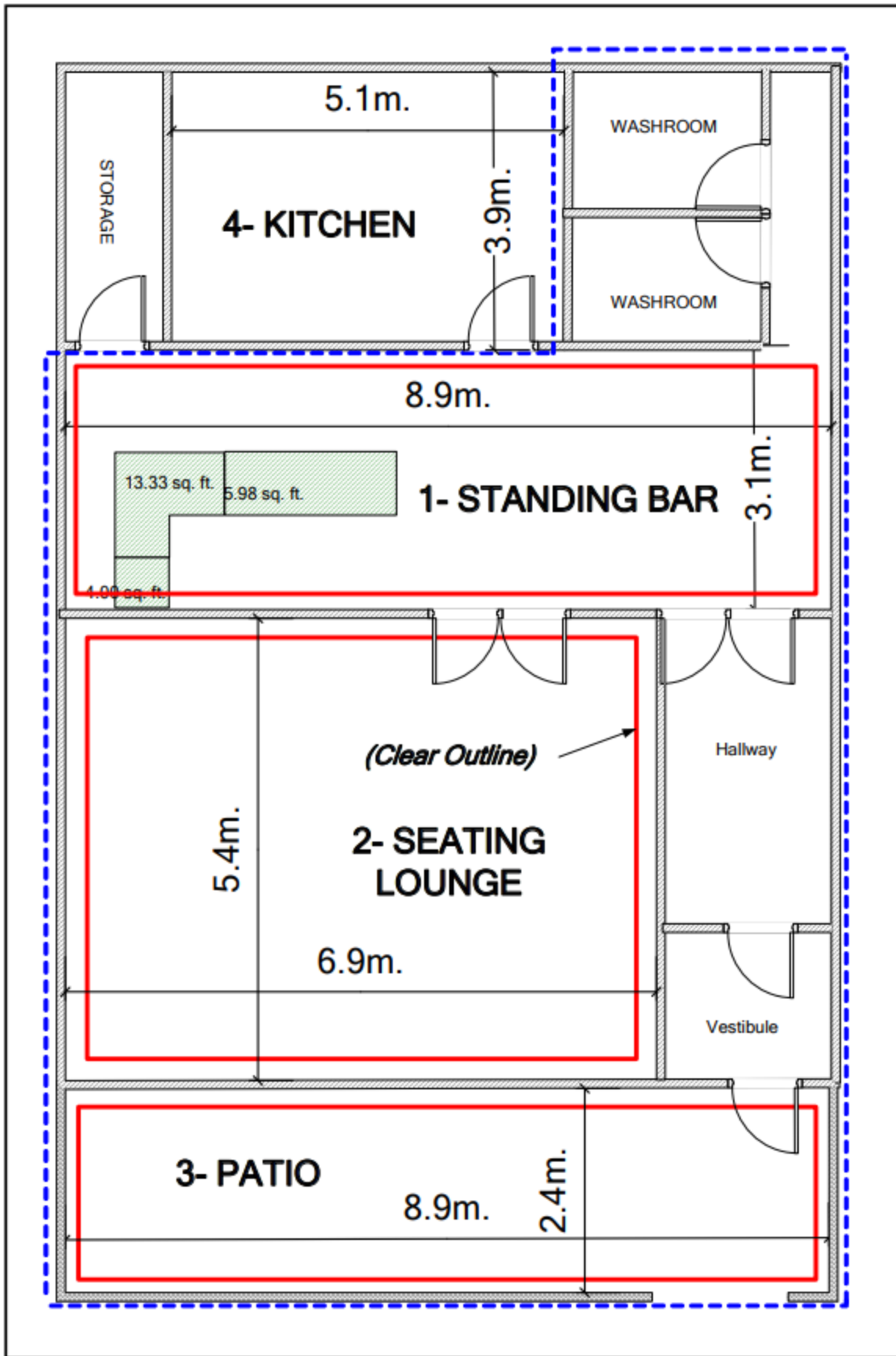
Name	Address	Email

Appendices:

Appendix A – Floor Plan Guide

Floor plans must be submitted with new Liquor Sales Licence applications and alteration applications. **Proposed licensed areas shown on your floor plans must match the areas listed on your application form.**

Sample floor plan:



Floor plan requirements:

1. Must be to scale, and show dimensions (length and width).
2. Proposed licensed areas must be clearly outlined.

3. Floor plan must show layout of the entire premises.
4. If you wish to license ancillary areas (i.e. Washrooms, Hallways, Stairwells, etc.) with no increase in overall occupancy, the areas must be clearly outlined in a different color.

Capacity Calculations:

1. A **separate capacity** is required for each proposed licensed area, except ancillary areas.
2. There are three methods of assigning a capacity to your premises, **either**:
 1. capacity is assigned by the building department; or
 2. capacity is assigned by the fire department; or
 3. capacity is calculated by an architect or professional engineer.
3. If neither the building nor fire department will assign a capacity to the proposed licensed areas, you must submit floor plans that show capacity calculations completed by an architect or professional engineer in accordance with the *Liquor Licence and Control Act, 2019* and its regulations. These floor plans must be stamped and signed by the architect or professional engineer.
4. Licensed areas must be readily distinguishable from areas to which the licence does not apply.

Sample Application Form Chart:

Floor Level	Exact Location and Description	Indoors or Outdoors	Tiered Seating Yes/No	Estimated capacity
Basement	Southwest Section – Dining Area	Indoors	Yes No	58
Main Floor	South Section – Patio	Outdoors	Yes No	33
Main Floor	South Section – Seating Lounge	Indoors	Yes No	80

Sample Floor Plan — Text Version

First Section:

- In this example, the kitchen area is sandwiched in the middle with a storage space on the left and two washrooms on the right.
- The storage space is outlined or marked with a border and shows entrance-exit door. The space is labelled “Storage”.
- The kitchen area is outlined or marked with a border and the width and height dimensions (example, 5.1m width by 3.9m height) are shown using directional arrows. Entrance-exit door is outlined. This area is labelled “4-Kitchen”.
- Washroom 1 and Washroom 2, shows entrance-exit doors. Each washroom is outlined or marked with a border and labelled “Washroom”.
- A final defining border marks the entire area for this first section and encompasses the storage space, kitchen and washrooms.

Second Section:

- The standing bar area shows the width and height dimensions (example, 8.9m width by 3.1m height) using directional arrows. The area is marked as “1-Standing Bar”.
- The standing bar itself is defined by a shape and the dimensions of each segment is shown in square feet.
- A red border outlines the entire area for this second section.

Third Section:

- The seating lounge area is clearly outlined or marked with a red border and shows entrance-exit doors. The height and width dimensions (example, 5.4m height by 6.9m width) are shown using directional arrows. The area is marked as “2-Seating Lounge”.
- In this example, the hallway is located to the right of the seating lounge and is outlined or marked with a border and labelled “hallway”. The entrance-exit doors on one end are outlined. A door on the other end leading to a vestibule is outlined. The vestibule is marked with a border and labelled “vestibule”. A door leading to the patio is outlined.
- A final defining border marks the entire area for this third section and encompasses the seating lounge, hallway and vestibule.

Fourth Section:

- The patio area is clearly outlined or marked with a red border and shows the entrance door connecting to the vestibule. The width and height dimensions (example, 8.9m width by 2.4m height) are shown using directional arrows. The area is marked as “3-Patio”.

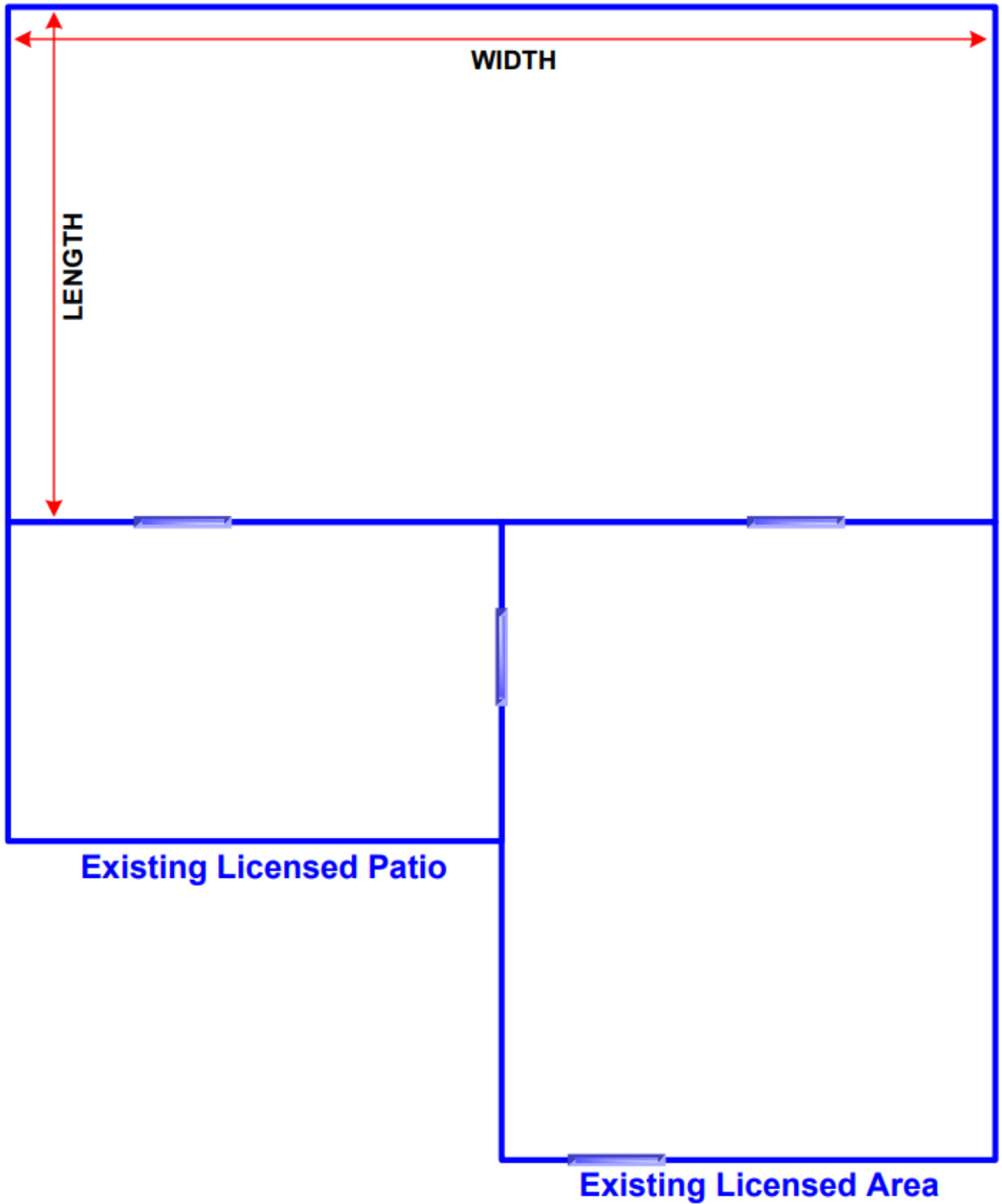
Finally, a defining outside border encompasses all four sections: Kitchen, Standing Bar, Seating Lounge and Patio.

Appendix B – Calculating the Dimensions of a Proposed Extended Licensed Area

The following is an example of sketch showing the proposed extended area in relation to the existing licensed area(s)

Formula for Maximum Capacity of Extension: Length x Width (metres) divided by 1.11 (metres)

Proposed Temporary Extension



Temporary Patio on Private Property Application Form

Please submit this form along with the required attachments to XXXX@citywindsor.ca.

The application fee for a temporary patio on private property is \$XXX.XX

Applicant Name: _____

Applicant Signature: _____

Application Date: _____

Page 1 of 3

Applicant Information

Date (YYYY MM DD):

Applicant Name:

Applicant Address:

Applicant Phone Number:

Applicant Email Address:

Name of Establishment:

Address of Establishment:

Liquor License Number:

Liquor License Expiry Date:

Required Attachments

Please check submitted documents (Reference the attached checklist for details about these requirements):

- Property Map (Site Plan)
- Floor Plans
- Landlord Approval (Required for applications if the applicant is not the property owner)

Acknowledgments

Please check off the boxes to indicate an understanding and compliance with the following requirements:

- The applicant has read and is in agreement with the application requirements (As listed under the Applicant Checklist and Important Information sections of this form).
- The establishment's business and liquor license is valid.
- The applicant assumes all the risks and responsibilities associated with the temporary patio and shall at all times defend, indemnify and save harmless the City, its officers, servants and agents from and against all loss or damage, and from and against all actions, suits, claims and demands whatsoever which may be made or brought against the City, its officers, servants and agents by reason or in consequence of the temporary patio by the applicant, its servants, agents or employees.

Applicant Name: _____

Applicant Signature: _____

Application Date: _____

Page 2 of 3

APPLICATION REQUIREMENTS

APPLICANT CHECKLIST

ATTACHEMENTS REQUIRED AT APPLICATION SUBMISSION

The following files must be attached with the application form submission:

Property Map (Site Plan):

- Fully dimensioned Site Plan identifying the size and location of the proposed outdoor patio on private property.
- Label the location of any parking spaces to be removed for the temporary patio.
- Identify any accessible parking spaces.
- Identify distances from property lines.
- Indicate adjacent residential uses.
- Include Fire Access routes, garbage areas, fire hydrants, fire connections.
- Please note: temporary tents are NOT part of this application process. All temporary tents require a separate building permit prior to erecting.

Floor Plans:

Include a floor plan that shows the seating capacity of the restaurant and any existing and proposed seating capacity for the temporary patio.

Landlord Approval (Required for applications if the applicant is not the property owner):

Include written approval from the land owner and/or landlord granting permission for the installing and operation of the temporary patio. Please note that proof of ownership **will be required** at submission, and additional search charges may apply.

Applicant Name: _____

Applicant Signature: _____

Application Date: _____

Page 3 of 3

IMPORTANT INFORMATION

Design Criteria

- *Allowable Size:* maximum of 50% of indoor occupancy load.
- *Setback:* 30-meter setback from all residential buildings or receptors.
- *Parking Requirements:* Accessible parking spaces and any required residential spaces must remain on site. If existing parking spaces or drive aisles are being used for the temporary patio, it shall occupy no more than the greater of 4 parking spaces, or 33% of the provided parking space for the use. Furthermore, alternative parking arrangements may be submitted for review.
- *Fencing/screening requirements:* The temporary patio must be defined by a railing or similar.

Requirements

1. The proposed temporary patio must be adjacent to your business.
2. Accessibility must be maintained to and throughout the temporary patio and business per the Accessibility for Ontarians with Disabilities Act (AODA).
3. No garbage routes or fire routes can be blocked by a patio.
4. **Amplified** music/sound and recreation or entertainment uses are not permitted on any temporary patio.
5. If additional structures are incorporated (tents, platforms, stages, decks, etc.) a Building Permit will be required.
6. Temporary patios must not extend in front of adjacent tenant spaces, or beyond the business frontage without permission from the affected adjacent property owner.
7. A minimum setback of 1.2 metres is required where a patio is adjacent to vehicle movement areas.
8. Access between the patio and the restaurant shall not be obstructed by vehicular drive aisles.
9. Once you have received approval for a temporary outdoor patio, business owner/operators are responsible to notify the Alcohol and Gaming Commission of Ontario (AGCO) prior to selling and serving alcohol on your patio, and ensure compliance with all relevant permissions including those of the Ontario Building Code, and their landlord.
10. Fire Department connections and hydrants must be unobstructed.
11. Temporary patios are permitted from March 15 until no later than November 15 (maximum 8 months), after which the area must be returned to its original form.
12. All provincial and public health guidelines must be maintained.
13. All other municipal and Provincial Regulations will continue to apply.
14. The City of Windsor is authorized to inspect all temporary patios and require adjustments to the temporary patio to address compliance with these guidelines and other applicable municipal and provincial regulations.
15. The City of Windsor reserves the right to inspect and revoke any temporary patio approval.
16. The Patio shall meet all safety, accessibility, operation and functioning requirements, as well as requirements in respect of serving alcohol in accordance with Applicable Law.

Subject: Declaration of Improved Property Municipally Known as 451 Tecumseh Road West Surplus and Authority to Offer Same for Sale – Ward 3

Reference:

Date to Council: February 12, 2024
Author: Stephanie Allen Santos
Coordinator of Real Estate Services
519-255-6100 ext. 6420
ssantos@citywindsor.ca
Legal Services, Real Estate & Risk Management
Report Date: January 10, 2024
Clerk's File #: APM2024

To: Mayor and Members of City Council

Recommendation:

- I. THAT the following City of Windsor (the “**City**”) improved parcel of land **BE DECLARED** surplus:
 - Municipal address: **451 Tecumseh Road West** – improved property situate on the south side of Tecumseh Road West, west of York Street.
 - Legal Description: Part Lot 1 on Registered Plan 925 Sandwich West; Part Lot 2 on Registered Plan 925 Sandwich West; Part Lot 3 on Registered Plan 925 Sandwich West as in R881473; Windsor, save and except a 15’ x 15’ daylight corner to be retained by the City, to be further described on a Plan of Reference to be registered
 - Approximate Lot size: 82 feet (29.85 m) x irregular
 - Approximate Lot area: 7,928 sq ft (736.54 m²) (hereinafter the “**Subject Parcel**”); and,

- II. THAT the Manager of Real Estate Services **BE AUTHORIZED** to offer the Subject Parcel identified in Recommendation I for sale on the Multiple Listing Service (“**MLS**”) at a price to be determined by the Manager of Real Estate Services commensurate with an independent appraisal.

Background:

The Subject Parcel located at 451 Tecumseh Road West was a former Petrofina Gas/Repair Station built in 1957. It was purchased by the City in the late 1970's as part of a land assembly to improve Tecumseh Road West traffic flow at the Canadian Pacific Railway and Essex Terminal Railway. Although land was assembled, improvements to Tecumseh Road West did not proceed and most of the lands acquired were subsequently sold.

Due to expected ground contamination and environmental concerns at the Subject Parcel as a result of almost sixty-five years of petro sales, automotive repairs and related uses, Administration proceeded with Phase I and Phase II Environmental Testing. It was determined there was no ground contamination or environmental concerns.

While not a designated heritage building, the Subject Parcel is listed on the Windsor Municipal Heritage Register.

The Subject Parcel was leased to 551749 Ontario Limited, operating as Oil Gard (the "Former Operator") from 1983 until June 30, 2022. The Subject Parcel has been vacant since the lease terminated.

By-Law 52-2014 establishes a policy for the disposal of Land. Section 5.1.2 of Schedule "A" attached to By-Law 52-2014 requires that City-owned lands be declared surplus and that Administration seek authority to sell the lands:

5.1.2 Notification of the intention to declare Land surplus and the authority to offer the Surplus Land for sale will be printed in the "Civic Corner" of the Windsor Star.

Discussion:

The lease with the Former Operator concluded in 2022, however, Administration decided not to list the Subject Parcel for sale until further environmental investigations were conducted. Phase I and Phase II Environmental assessments were completed and no further investigations were recommended by the consultant.

The Subject Parcel was circulated to determine whether there is a municipal use for same. No municipal use was identified.

Public Works noted the need to retain 0.8m (2.62 feet) of front footage on Tecumseh Road West as Schedule X requires the width of that section of Tecumseh Road West to be 27m (88.58 feet). After review, Transportation Planning agreed to waive the need to retain 0.8m (2.62 feet) of land conveyance on Tecumseh Road, as it was unlikely that the 0.8m could be obtained from the other properties on the south side of Tecumseh Road. Transportation Planning will require the retention of a 4.6m x 4.6m (15 feet x 15 feet) corner cut-off at the intersection of Tecumseh Road West and York Street. As a result of the corner cut-off conveyance, the current ground sign will be encroaching into the right-of-way. This will be a consideration in any future agreement of purchase and sale.

Should the Recommendations be approved, Real Estate staff will list the property for sale on MLS at a price determined by the Manager of Real Estate Services,

commensurate with an independent appraisal. Should Administration successfully negotiate an acceptable offer, a report will be brought to Council or under Delegation of Authority, as appropriate, seeking authority to sell the Subject Parcel.

Risk Analysis:

There are potential liability issues should someone be injured on the land. Additionally, maintenance of the land drains scarce municipal resources. Selling the Subject Parcel will remove any associated liability issues and maintenance costs for the City.

Climate Change Risks

Climate Change Mitigation:

Declaring the Subject Parcel surplus does not pose a climate change risk.

Climate Change Adaptation:

Redevelopment of the Subject Parcel should include climate change considerations.

Financial Matters:

N/A

Consultations:

Fire Department: Michael Coste, Fire Prevention Officer
Windsor Police Services: Barry Horrobin, Director of Planning & Physical Resources
Public Works: responses consolidated by Rania Toufeili
Planning Department: Laura Strahl, Planner III
Housing and Children Services: Tina Moore, Coordinator Housing Admin & Development (no longer in this Department)

Conclusion:

Declaring the Subject Parcel surplus, and authorizing the Manager of Real Estate Services to offer the property for sale on MLS, will allow for the orderly sale of the land that is not required for any municipal purpose.

Approvals

Name	Title
Stephanie Allen Santos	Coordinator of Real Estate Services
Denise Wright	Manager of Real Estate Services
Wira Vendrasco	Acting City Solicitor
Dana Paladino	Acting Commissioner, Corporate Services

Name	Title
Joe Mancina	Chief Administrative Officer

Appendices:

- 1 Aerial Image of Subject Parcel

Appendix A

Aerial Image of Subject Parcel





Subject: Proposed Expropriation of Land for the Lauzon Parkway/County Road 42 Improvement Project - Ward 9

Reference:

Date to Council: February 12, 2024
Author: Aaron Farough
Senior Legal Counsel
519- 255-6100 x 6850
afarough@citywindsor.ca
Legal Services, Real Estate & Risk Management
Report Date: January 26, 2024
Clerk's File #: APM2024

To: Mayor and Members of City Council

Recommendation:

Usually, administration makes a recommendation on the issue before Council. However, in the case of an expropriation, the sole decision is to be made by City Council on whether or not to proceed. Should Council wish to proceed, the following wording could be used:

“THAT Council of the City of Windsor, acting as approving authority pursuant to the Expropriations Act hereby resolves **TO EXPROPRIATE** the lands described in Appendix “A” attached hereto and **AUTHORIZES** the CAO and the City Clerk to execute the necessary Expropriation Plan and register the same on title, as well as the Certificate of Approval and all other documents necessary to approve, certify and put the expropriation into effect;”

In the event Council, sitting as the approving authority, approves the proposed expropriation it should then, in its regular capacity, authorize administration to carry out the steps necessary for the City, as the expropriating authority, to carry out the expropriation as follows:

“THAT the City Solicitor **BE AUTHORIZED** to file a Plan of Expropriation, proceed with a Certificate of Approval to be executed by the City Clerk and Chief Administrative Officer and all other documents necessary to complete the expropriation and to make offers of compensation under section 25 of the *Expropriations Act* consistent with the City's appraisal of the lands.”

Executive Summary:

N/A

Background:

In April 2023, City Council authorized the City Solicitor to commence the process for the expropriation of the lands, as listed on Appendix “A”, required for the purposes of the Lauzon/County Road 42 intersection improvements.

Since the service of the notices, as well as the publication of the expropriation notice in the *Windsor Star*, none of the owners have requested an inquiry within the time provided under the Expropriations Act.

Discussion:

The lands proposed to be expropriated are essential to the improvement and realignment of the Lauzon Road and County Road 42 intersection project. In expropriation cases, City Council sits as an “approving authority” to determine, under Section 8(1) of the Act, whether to approve the taking, approve the taking with modifications, or not to take the land at all.

Risk Analysis:

Without these lands, the planned improvements and realignment of the Lauzon Parkway / County Road 42 intersection will not be possible.

Climate Change Risks

Climate Change Mitigation:

N/A

Climate Change Adaptation:

N/A

Financial Matters:

Council has previously approved the pre-commitment of funds for the land acquisition and detailed design works in the 2023 and 2024 Capital budgets for Project EDG-001-11 – Lauzon Parkway & County Rd. 42 Infrastructure Improvements (7197000). The cost of acquiring the lands can be accommodated within the funding available within Project ID 7197000.

Consultations:

Ryan Langlois, Water & Wastewater Engineer
Patrick Winters, Manager of Development

Denise Wright, Manager of Real Estate Services
Stephanie Santos, Coordinator of Real Estate Services
Rosa Maria Scalia, Financial Planning Administrator
Kathy Buis, Financial Planning Administrator

Michael Dennis, Manager, Strategic Budget Development & Control
 Natasha Gabbana, Senior Manager of Asset Planning

Conclusion:

Acting as the approving authority, City Council may make whatever decision it feels appropriate. If it desires to proceed with the expropriation of the lands, wording has been provided in the Recommendation.

Approvals:

Name	Title
Aaron Farough	Senior Legal Counsel
Wira Vendrasco	Acting City Solicitor
Dana Paladino	Acting Commissioner, Corporate Services
Stacey McGuire	Executive Director, Engineering / Deputy City Engineer
Mark Winterton	Acting Commissioner, Infrastructure Services
Janice Guthrie	Commissioner, Finance and City Treasurer
Joe Mancina	Chief Administrative Officer

Notifications:

Name	Address	Email

Appendices:

- 1 Lands to be Expropriated
- 2 Excerpt of Plan 12R-29558

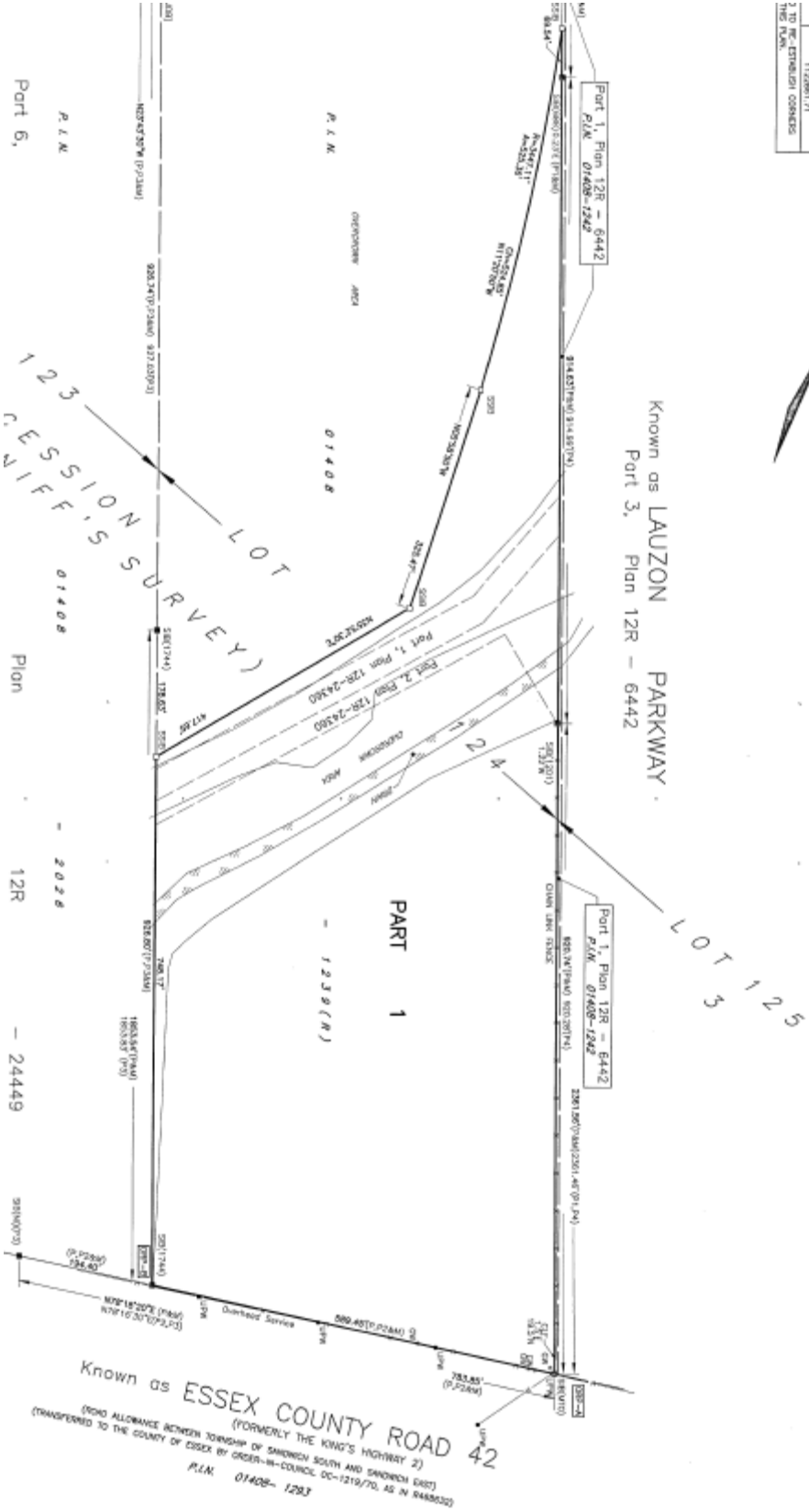
APPENDIX "A"

LANDS PROPOSED TO BE EXPROPRIATED

<p align="center">Municipal Address & Interested Parties</p>	<p align="center">Land to be Expropriated</p>	<p align="center">Type of Acquisition</p>
<p>0 County Road 42</p> <ol style="list-style-type: none"> 1. Mabel Theresa St. Louis; 2. Patricia Rosemary St. Louis; 3. The Estate of Mary Agnes St. Louis; 4. The Estate of Peter Frederick St. Louis; 5. The Francis J. St. Louis Family Trust; 6. Karen St. Louis; 7. Mark St. Louis 8. Nancy St. Louis 9. Linda Harrison 10. Invenergy Renewables Canada Development ULC 	<p>A 14.361 acre parcel along the southern boundary of Part of Lot 124 (McNiff), Concession 3, Sandwich East, formerly Lot 123 (Iradell), Concession 3, designated as Part 1 on Plan 12R29558 on Plan 12R-, being Part of PIN 01408-1239 (R)</p>	<p>Partial Taking Fee Simple</p>

APPENDIX "B"
EXCERPT OF PLAN 12R-29558

DATE: 11/01/2023	COMPILED BY: J. W. ...
SCALE: AS SHOWN	DATE: 11/01/2023
PROJECT: ...	PROJECT: ...
DATE: 11/01/2023	DATE: 11/01/2023
DATE: 11/01/2023	DATE: 11/01/2023





Subject: Sprucewood Avenue Drain Provisional By-Law for Repair and Improvement - Ward 1

Reference:

Date to Council: January 29, 2024
 Author: Tom Graziano
 Engineer III/Drainage Superintendent
 (519) 255-6257, Ext. 6490
tgraziano@citywindsor.ca
 Development - Engineering
 Report Date: January 11, 2024
 Clerk's File #: SW2024

To: Mayor and Members of City Council

Recommendation:

- I. THAT Council **ADOPT** the Engineer's Drainage Report completed by Rood Engineering Inc. dated December 12th, 2023 (attached), for the Repair and Improvement to the Sprucewood Avenue Drain, and give Provisional By-law ____-2023 a first and second reading in accordance with Section 45(1) of the Drainage Act, R.S.O 1990;
- II. THAT Council **DIRECT** the Clerk to set a date for the first sitting of the Court of Revision and distribute the Provisional By-law and the Notice of the Court of Revision, in accordance with Sections 46(2) and 46(3) of the Drainage Act, R.S.O. 1990;

Executive Summary:

N/A

Background:

The Sprucewood Avenue Drain is a municipal drain within the City of Windsor. It is comprised of an open drain generally located along Sprucewood Avenue, Maplewood Drive and Ironwood Drive and flows northwest along the southerly side of Ironwood Drive, southwest along the easterly side of Maplewood Drive, and then northwesterly along the northerly side of Sprucewood Avenue, outletting into the Detroit River.

The owner of the property at 0 Maplewood Drive (Roll No. 080-850-01624) had submitted a Section 78 Request for Drainage Improvement to install a new driveway and driveway culvert as part of developing the property (Figure 1).

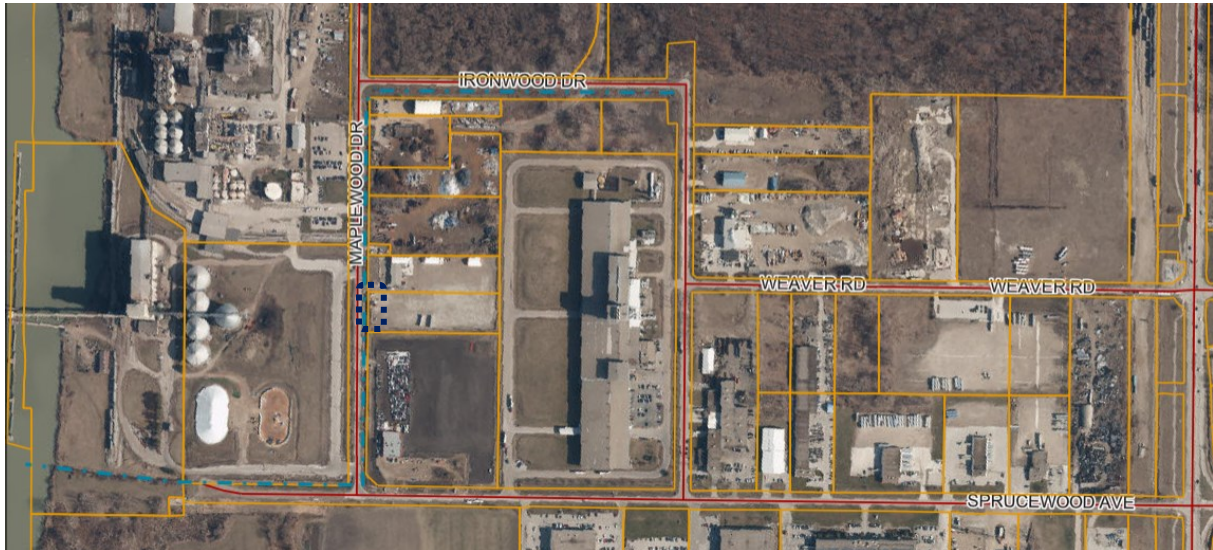


Figure 1: Area for Consideration

On August 1, 2023, CAO 212/2023 approved the following:

“THAT Rood Engineering Inc. BE APPOINTED as Drainage Engineer to prepare an engineer’s report under Section 78 of the Drainage Act for improvements to the Sprucewood Avenue Drain.”

Discussion:

The Engineer’s Report addresses the request to install two culverts over the Sprucewood Avenue Drain. Council Resolutions CR388/2007 and CR64/2015 confirm that the municipality would absorb all municipal drain maintenance costs through the general tax levy, except for private access structures and “special benefit” works benefiting individual properties, as authorized by the Province of Ontario through the City of Windsor Act, 1968. The portions of the costs associated with the proposed private access structure(s) are for the sole benefit of the property owner and will not be funded through the general levy.

The owner of the property at 0 Maplewood Drive has agreed to pay all costs associated with the private access driveway, and therefore no costs shall be borne to the upstream property owners or the City of Windsor. A copy of the engineer’s report entitled, “Sprucewood Avenue Drain - Truck Terminal & Replacement Bridges”, dated December 12th, 2023 is attached in the appendices.

In accordance with Section 45 of the Drainage Act, at the meeting to consider the engineer’s report (Council Meeting), the report may be adopted by by-law when such by-law is given two readings by Council. The report shall then be deemed to be adopted and the by-law shall be known as a provisional by-law. Council shall then within 30 days after adoption of the drainage report, send a copy of the provisional by-law and Notice of the Court of Revision meeting to all affected landowners listed in the schedule of assessment. The notice shall inform each landowner of their right to appeal their drainage assessment and/or allowances to a Court of Revision by giving notice to the City Clerk not later than 10 days prior to the first sitting of the Court of Revision.

Following the Court of Revision and the expiration of the appeal period, the by-law may be passed by giving third and final reading of the by-law by Council.

Risk Analysis:

There are no identified risks to the Corporation in adopting the recommendation at this time. Adoption of the recommendation will ensure that the development remains compliant with Drainage Act and that the conveyance capacity of the proposed culvert is confirmed by an engineer.

Climate Change Risks:

Climate Change Mitigation:

The recommendation does not materially impact upon Climate Change Mitigation.

Climate Change Adaptation:

The recommendation does not materially impact upon Climate Change Adaptation.

Financial Matters:

The property owner(s) will hire the consultant and contractor and pay directly for all costs, inherent with the authoring of the Drainage Report and the construction of the associated works.

Consultations:

Aaron Farough, Senior Legal Counsel, Legal & Real Estate

Kathy Buis, Financial Planning Administrator

Conclusion:

Administration recommends that City Council approve the Provisional By-law to adopt the Drainage Report for repairs and improvements to be made to a portion of the Sprucewood Avenue Drain in the City of Windsor, dated December 12th, 2023, in accordance with Section 45 and 58 of the Drainage Act with all costs payable by the property owner.

Planning Act Matters:

N/A

Approvals:

Name	Title
Patrick Winters	Manager of Development

Name	Title
Stacey McGuire	Executive Director of Engineering / Deputy City Engineer
Mark Winterton	Commissioner of Infrastructure / City Engineer
Wira Vendrasco	City Solicitor
Dana Palladino	Commissioner of Corporate Services
Lorie Gregg	On behalf of Commissioner of Finance / City Treasurer
Joe Mancina	Chief Administrative Officer

Notifications:

Name	Address	Email
Rood Engineering Inc.	9 Nelson Street, Leamington, ON N8H 1G6	gerard@roodengineering.ca
1000251697 Ontario Inc. c/o Gill Iqbal	1221 North Service Road East, Oakville, ON L6H 1A7	
James Bryant, Director, Watershed Management Services, Essex Region Conservation Authority	360 Fairview Ave W, Essex, ON N8M 1Y6	jbryant@erca.org

Appendices:

- 1 Drainage Report for Sprucewood Avenue Drain - Truck Terminal & Replacement Bridges", dated December 12, 2023
- 2 Draft Provisional By-Law for the Sprucewood Avenue Drain

SPRUCEWOOD AVENUE DRAIN

Truck Terminal & Replacement Bridges

Geographic Township of Sandwich South

CITY OF WINDSOR



The City of Windsor
350 City Hall Square West
Windsor, Ontario N9A 6S1
519-255-2489

Rood Engineering Inc.
Consulting Engineers
9 Nelson Street
Leamington, Ontario N8H 1G6
519-322-1621

Project REI2023D011
2023-12-12

December 12th, 2023

Mayor and Municipal Council
The City of Windsor
350 City Hall Square West
Windsor, Ontario
N9A 6S1

Mayor Dilkens and Members of Council:

**SPRUCEWOOD AVE. DRAIN
Truck Terminal Bridge Parcel 850-01624
And Replacement of Upstream Bridge Parcel 850-01627
Geographic Twp. of Sandwich West
Project REI2023D011
City of Windsor, County of Essex**

I. INTRODUCTION

In accordance with the instructions provided by your Chief Administrative Officer Joe Mancina on August 1st, 2023 and received from the City by email dated August 2nd, 2023, from Anna Ciacelli your Deputy City Clerk, we have prepared the following report that provides for a new bridge installation and a replacement bridge along the Maplewood Drive portion of the drain together with ancillary work. The Sprucewood Ave. Drain comprises of an open drain generally located along Sprucewood Avenue, Maplewood Drive and Ironwood Drive and flows northwest along the southerly side of Ironwood Drive, southwest along the easterly side of Maplewood Drive, and then northwesterly along the northerly side of Sprucewood Avenue, outletting into the Detroit River, in the geographic township of Sandwich West, City of Windsor. A plan showing the Sprucewood Ave. Drain, as well as the general location of the bridges along the drain, is included herein as part of the report.

Our appointment and the works relative to the new bridge and replacement bridge installation along the Sprucewood Ave. Drain, proposed under this report, is in accordance with Section 78 of the "Drainage Act, R.S.O. 1990, Chapter D.17, as amended 2021". We have performed all of the necessary survey, investigations, etcetera, for the proposed construction of the bridges and work to the drain, and we report thereon as follows.

II. BACKGROUND

From our review of the information provided from the City's drainage files we have established the following reports that we utilized as reference for carrying out this project:

- | | | | |
|----|-----------------|--|-----------------|
| 1) | June 21st, 1976 | By-Law Number 5463 for City
assessment arising out of
construction of the Sprucewood | City of Windsor |
|----|-----------------|--|-----------------|

	Avenue Drain outlet by Sandwich West	
2) May 11th, 1976	By-Law Number 3594 for adoption of LaFontaine, Cowie, Buratto & Associates Limited, Consulting Engineers report and assessment schedule for Sprucewood Avenue Drain	Township of Sandwich West
3) September 14th, 2021	Sprucewood Avenue Drain - relocation of entranceway at 200 Sprucewood Avenue	Meritech Engineering, Brian Enter, P.Eng.
4) June 12th, 2023	Stormwater Runoff Management 5515 Maplewood Drive – includes analysis of Sprucewood Avenue Drain and Dillon Consulting Engineers 1990 As-built Drawing Maplewood Drive	Meo & Associates Inc., Raffaele Meo, P.Eng.

The 1990 report by Dillon Consulting Engineers provided for general repairs and improvements to the Maplewood Drive portion of the drain and has the latest profile for the grading of the drain.

We arranged with the City to provide us with the updated assessment roll information for the affected parcels. We also reviewed reports for the drain and spoke to the on-site meeting attendees to help in establishing the current watershed limit for the Sprucewood Ave. Drain.

III. PRELIMINARY EXAMINATION AND ON-SITE MEETING

After reviewing all of the drainage information provided by the City, we arranged with the City Drainage Superintendent Tom Graziano, P.Eng., to schedule an on-site meeting for September 18th, 2023 at the Maplewood Drive site next to MN 5565. The following people were in attendance at said meeting: Nadim Mrad (Site Engineer), Jaswinder Gill, Rami Abusafeyeli, Tom Graziano (City Drainage Superintendent), Akila Chinthagumpala (Rood Engineering), and Gerard Rood (Rood Engineering).

Details of the drain work were discussed, and the primary focus is installation of a new access bridge to serve the proposed truck terminal at Parcel 080-850-01624 and a replacement of the bridge to the north for Parcel 080-850-01627. The new bridge location was confirmed and the north property line limit survey IB viewed. The City will require precast concrete block headwalls and daylighting is to be provided at the road entrance to the bridge. Mr. Graziano advised that the pipe will need to be concrete or P.V.C. pipe per the City standards. The cost of the installation of a new bridge is borne 100% by the owners of the parcels that require the access and future maintenance cost to any bridge is also borne by the served parcel in accordance with the 2015 Council Resolution regarding bridges and Special Benefit assessments for municipal drains. There are no grants available for the works. It was discussed that the bridges along the drain upstream and downstream would be surveyed to confirm the drain profile. Once the bridge design requirement is confirmed, a final report is then prepared and submitted to Council and goes

through the Drainage Act process of a Consideration meeting and Court of Revision meeting. Replacement of the bridge to the north of the proposed new bridge was discussed along with possible enclosure of the drain between the two bridges. Mr. Graziano advised that City Planning approval would be required for an enclosure. Subsequent to the meeting the replacement of this second bridge was confirmed by Mr. Mrad and it is to match the existing bridge for access to the parcel and no enclosure between the two bridges is to be provided. Works for both bridges will be included in the drainage report that will be prepared and submitted to the City.

The Drainage Act procedure was discussed including estimated timelines. Requirements of the Department of Fisheries and Oceans (D.F.O.), Ministry of Natural Resources and Forestry (M.N.R.F.), Ministry of Environment, Conservation and Parks (M.E.C.P.), and the Essex Region Conservation Authority (E.R.C.A.) were outlined. The March 15th to July 15th fish timing window was discussed with no work permitted in the drain during the period.

Mr. Rood asked the City and owners to provide information on any drainage changes that they might be aware of. The last report assessed most of the area immediately to the north and east of the drain.

Cost sharing of work to the bridges in municipal drains was discussed. The parcel served by the bridge will bear the cost and the cost of future maintenance to the bridge once the drainage report is adopted and the bridge becomes part of the drainage works in accordance with the 2015 Council Resolution and the City of Windsor Act 1968.

IV. FIELD SURVEY AND INVESTIGATIONS

Following the on-site meeting we arranged for our survey staff to attend at the site and perform a topographic survey, including taking the necessary levels and details to establish the design parameters for the installation of the new and replacement access bridge.

A benchmark was established for installation of the bridges and future maintenance. We also surveyed the drain both upstream and downstream of the proposed new and replacement access bridge and picked up the existing culvert elevations in order to establish a design grade profile for the installation of the new bridges. Cross sections were taken of the Sprucewood Ave. Drain at the general location of the proposed new bridge and the existing bridge to the north, as necessary for us to complete our design calculations, estimates and specifications.

We reviewed the E.R.C.A. and D.F.O. Species at Risk mapping for fish and mussels and the City made initial submissions to the Essex Region Conservation Authority (E.R.C.A.) regarding their requirements for work that would be proposed to be carried out on the Sprucewood Ave. Drain. A response from the Conservation Authority was received by email on August 11th, 2023 and indicated that the City must apply for a permit and follow the standard mitigation requirements and they requested that they be provided with the opportunity to review the drainage report and proposed design before the report is finalized so that any E.R.C.A. comments can be addressed.

The Ministry of Natural Resources & Forestry (M.N.R.F.) Species at Risk former City agreement with M.N.R.F. pursuant to Section 23 of the “Endangered Species Act, 2007” expired as of June

30th, 2015. The former agreements are replaced with new legislation provisions under Ontario Regulation 242/08 administered by the Ministry of Environment, Conservation and Parks (M.E.C.P.), and Section 23.9 allows repairs, maintenance and improvements to be conducted by the City within existing municipal drains. These works are exempt from Sections 9 and 10 of the Endangered Species Act provided that the rules in the regulations are followed. When eligible, the new regulations allow Municipalities to give notice to M.N.R.F. by registering their drainage activities through an online registry system.

For the purposes of establishing the watershed area upstream of the proposed bridge, and determining the pipe size required, we investigated and reviewed the reference information that the City has provided.

Owners are reminded that they have the opportunity to present their concerns to Council regarding the report details at the Consideration meeting and assessment questions at the Court of Revision meeting, along with appeal rights to the Ontario Ministry of Agriculture, Food and Rural Affairs (O.M.A.F.R.A.) Appeals Tribunal and to the Drainage Referee as provided for in the Drainage Act.

The Drainage Act definitions and applicable clarifications are as follows:

“Benefit” means the advantages to any lands, roads, buildings or other structures from the construction, improvement, repair, or maintenance of a drainage works such as will result in a higher market value or increased crop production or improved appearance or better control of surface or subsurface water, or any other advantages relating to the betterment of lands, roads, buildings or other structures.

“Outlet liability” means the part of the cost of the construction, improvement or maintenance of a drainage works that is required to provide such outlet or improved outlet. Lands and roads that use a drainage works as an outlet, or for which, when the drainage works is constructed or improved, an improved outlet is provided either directly or indirectly through the medium of any other drainage works or of a swale, ravine, creek, or watercourse, may be assessed for outlet liability. The assessment for outlet liability shall be based upon the volume and rate of flow of the water artificially caused to flow upon the injured land or road or into the drainage works from the lands and roads liable for such assessments. Every drainage works constructed under this Act shall be continued to a sufficient outlet.

Owners are advised that they have a legal responsibility to convey their drainage to a sufficient outlet. For this reason, they have a share in the cost for upkeep of the drain downstream of their lands and this obligation is reflected in the assessment for Outlet Liability. Owners are reminded that the responsibilities for carrying out maintenance on a Municipal drain rest with the City as set out in the Drainage Act. Any owner can notify the City that the drain requires maintenance and the City has to take action pursuant to the Act. This system is generally reactive and requires the property owners to raise their concerns and issues to the City. Owners are advised of the 1/3 grant available to agricultural lands that qualify for the Farm Property Tax Class and should be aware that the City administers the grant process and reflects any available grant on the final billing to each qualified owner.

Owners may appeal their assessment as set out in the drainage report. They are advised that they should submit their appeal to the Court of Revision 10 days before the scheduled date of

the meeting; however, the Court of Revision can agree to hear appeals presented at the meeting. If owners are still dissatisfied with the report after that meeting, they may submit an appeal to the O.M.A.F.R.A. Appeals Tribunal through the City Clerk within 21 days of the closing of the Court of Revision pursuant to Section 54 of the Drainage Act.

The cost sharing for bridges is based on the 2015 Council Resolution. Each owner has the right for one access across each Municipal drain. The owner generally pays 100% of the cost for the first bridge installation and it becomes part of the drain when included in an engineer's report and is then to be maintained by the drain with costs assessed as set out in the drainage report.

VII. FINDINGS AND RECOMMENDATIONS

We find that the profile included in the 1990 report plan by Dillon Consulting Engineers provides a good fit to the existing profile of the affected portion of the drain. Said report provided for improvements to the open drain that still appear to suit the current conditions of the watershed.

Based on our detailed survey, investigations, examinations, and discussions with the affected Owners and governing Authorities, we would recommend that drain improvement works be carried out as follows:

- a) We recommend that all drain improvements, be carried out in accordance with the requirements established by E.R.C.A. and D.F.O. as set out in the documents within **Appendix "REI-A"** attached to this report.
- b) As this is an existing Municipal drain, and conditions have not changed and there is no information to indicate any new species concerns, the proposed new and replacement access bridge work can be carried out based on the provisions included within the former Agreement that the Municipality had with M.N.R.F. and the mitigation measures included within same. A copy of said mitigation measures is included in **Appendix "REI-B"** within this report as well as a list of special concern species from the N.H.I.C. mapping which the Contractor will have to monitor for and provide mitigation for as needed. We recommend that any work being completed shall be carried out in accordance with the **Schedule "C" Mitigation Plan** of the former agreement as included in **Appendix "REI-B"** for reference by the landowners, the City of Windsor, and the Contractor who will be conducting the works.
- c) We find that portions of the open drain in the work area have significant accumulation of silt and debris and we recommend that these be cleaned out as set out further in this report.
- d) As provided for by Section 18 of the Drainage Act, we recommend that the new bridge and replacement bridge be constructed as outlined further in this report including the specifications and the plans that form part of the report and they will provide equivalent capacity to match adjacent bridges and cause no adverse impact to the drainage works or handling of flows.
- e) The existing drain has some buffer strips and grass areas along the Municipal drain that reduce the amount of erosion and the sediment entering the drain and enhance water quality. We recommend that the existing grass areas and buffer strips be protected as

part of this project and suggest that new buffer strips be constructed by the owners in all areas where no current grass buffer exists.

We recommend that the Sprucewood Ave. Drain be improved with construction of the proposed new and replacement access bridges, in accordance with this report, the attached specifications and the accompanying drawings, and that all works associated with same be carried out pursuant to Section 78 of the “Drainage Act, R.S.O. 1990, Chapter D.17 as amended 2021”.

VIII. ALLOWANCES

We have provided that all of the work will generally be completed from the easterly side of the drain. The Contractor will be required to restore any existing grassed buffer and driveway areas damaged by the work. We recommend that any materials removed from the open drain be spread on the adjacent lands to the east of the drain for disposal by the Contractor, beyond the limits of any existing grass buffer or driveway access. Based on all of the above we find that no allowances for damages are payable pursuant to Sections 29 and 30 of the Drainage Act.

IX. ESTIMATE OF COST

Our estimate of the Total Cost of this work, including all incidental expenses, is the sum of **ONE HUNDRED FIFTY ONE THOUSAND DOLLARS (\$151,000.00)**, made up as follows:

CONSTRUCTION

Item 1)	<u>Bridge 2 to Parcel 080-850-01624</u> ; Excavate drain, completely remove and dispose of the sediment, including any other deleterious material encountered; supply and install 14.64 metres of 2110 X 1345 mm horizontal elliptical class HE II reinforced concrete pipe including Granular ‘B’ backfill, Granular ‘A’ travel surface; excavation, placement, compaction, grading; precast concrete block headwalls with adjacent 1 metre wide 305mm thick quarried limestone on filter cloth slope protection; topsoil placement, seeding and mulching, and restoration and clean up, complete.	Lump Sum	\$	75,700.00
Item 2)	<u>Bridge 1 to Parcel 080-850-01627</u> ; Excavate drain, completely remove and dispose of the existing pipe and end treatments, sediment, including any other deleterious material encountered; supply and install 9.8 metres of 2110 X 1345 mm horizontal elliptical class HE II reinforced concrete pipe including Granular ‘B’ backfill, Granular ‘A’ travel surface; excavation, placement, compaction, grading; precast concrete block headwalls with 1 metre wide adjacent 305mm thick quarried limestone on filter cloth slope protection; topsoil placement, seeding and mulching, and restoration and clean up, complete.	Lump Sum	\$	55,900.00

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Item 3)	Estimated net Harmonized Sales Tax (1.76% H.S.T.) on construction items above.	Lump Sum	\$	2,316.00
Item 4)	Contingency amount for construction.	Lump Sum	\$	1,084.00
TOTAL FOR CONSTRUCTION				\$ 135,000.00

INCIDENTALS

1)	Report, Estimate, & Specifications		\$	3,500.00
2)	Survey, Assistants, Expenses, and Drawings		\$	6,050.00
3)	Duplication Cost of Report and Drawings		\$	500.00
4)	Estimated Cost of Letting Contract		\$	1,000.00
5)	Estimated Cost of Layout and Staking		\$	1,200.00
6)	Estimated Cost of Part-Time Supervision and Inspection During Construction (based on 4 day duration)		\$	2,000.00
7)	Estimated Net H.S.T. on Incidental Items Above (1.76%)		\$	251.00
8)	Estimated Cost of Interim Financing		\$	200.00
9)	Estimated Cost of E.R.C.A. Permit		\$	500.00
9)	Contingency Allowance		\$	799.00
TOTAL FOR INCIDENTALS				\$ 16,000.00
TOTAL FOR CONSTRUCTION (brought forward)				\$ 135,000.00
TOTAL ESTIMATE				\$ 151,000.00

X. DRAWINGS AND SPECIFICATIONS

As part of this report, we have attached design drawings for the construction of the drain improvements. The design drawings show the subject improvement locations and the details of the work, as well as the approximate location within the watershed area. The drain design drawings are attached to the back of this report and are labelled **Appendix “REI-E”**.

Also attached, we have prepared Specifications which set out the required construction details for the drain repair and improvements, which also include Standard Specifications labelled therein as **Appendix “REI-C”**.

XI. SCHEDULE OF ASSESSMENT

We would recommend that the Total Cost for construction of this project, including incidental costs, be charged against the lands served by the new and replacement access bridge in accordance with the attached Schedule of Assessment.

Based on the current A.D.I.P., “lands used for agricultural purposes” may be eligible for a grant in the amount of 1/3 of their total assessment when future maintenance work is carried out on the access bridge. The new policies define “lands used for agricultural purposes” as those lands eligible for the “Farm Property Class Tax Rate”. The City provides this information to the owners. Properties that do not meet the criteria are not eligible for grants. In accordance with same we expect that this project will not be qualified for the grant normally available for agricultural lands for future maintenance. The Ministry, however, is continually reviewing their policy for grants, and we recommend that the City monitor the policies, and make application to the Ministry for any grant should same become available through the A.D.I.P. program or other available funds.

Where a bridge structure has increased top width beyond the standard 6.10 metre (20.0 ft.) top width, all of the increased costs resulting from same are assessed 100% to the Owner, as provided for in the cost sharing set out below.

XII. FUTURE MAINTENANCE

When maintenance work is carried out on the bridges in the future, we recommend that all of the cost be assessed as a Benefit to the abutting parcel served by the access bridge, and the assessments as set out in the current applicable drainage report and by-law Schedule of Assessment in accordance with the 2015 Council Resolution and the City of Windsor Act 1968. The share for Benefit and Outlet Liability shall be as set out in the Bridge Cost Sharing table below.

FUTURE BRIDGE COST SHARING

<u>Bridge</u>	<u>Owners</u>	<u>Benefit to Owner</u>	<u>Outlet Upstream</u>
1	1000274445 Ontario Inc., (080-850-01627),	100.0%	0.0%
2	1000251697 Ontario Inc., (080-850-01624),	100.0%	0.0%

Report – Sprucewood Ave. Drain
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We recommend that the bridge structures as identified herein, be maintained in the future as part of the drainage works. We would also recommend that the bridges, for which the maintenance costs are to be assessed to the parcel served by the bridge, be maintained by the Municipality and that said maintenance would include works to the bridge culvert, bedding, backfill and end treatment. Should concrete, asphalt, or other decorative driveway surfaces over the bridge culvert require removal as part of the maintenance works, these surfaces shall also be repaired or replaced as part of the works. Likewise, if any fencing, gate, decorative walls, guardrails, or other special features exist that will be impacted by the maintenance work, they are also to be removed and restored or replaced as part of the bridge maintenance work. However, the cost of the supply and installation of any surface materials other than Granular "A" material and the cost of removal and restoration or replacement, if necessary, of any special features, shall be totally assessed to the benefiting adjoining Owner(s) served by said access bridge.

We further recommend that the maintenance cost sharing as set out above shall remain as aforesaid until otherwise determined and re-established under the provisions of the "Drainage Act, R.S.O. 1990, Chapter D.17 as amended 2021".

All of which is respectfully submitted.

Rood Engineering Inc.



Gerard Rood, P.Eng.



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att.

Rood Engineering Inc.
Consulting Engineers
9 Nelson Street
LEAMINGTON, Ontario N8H 1G6

SCHEDULE OF ASSESSMENT
SPRUCEWOOD AVENUE DRAIN
Truck Terminal Bridge & Replacement Bridge
City of Windsor

4. PRIVATELY OWNED - NON-AGRICULTURAL LANDS:

Tax Roll No.	Con. or Plan No.	Lot or Part of Lot	Acres Owned	Acres Afft'd	Hectares Afft'd	Owner's Name	Value of Benefit	Value of Outlet	Value of Special Benefit	TOTAL VALUE
080-850-01624	1	47	2.51	2.51	1.015	1000251697 Ontario Inc.	\$ -	\$ -	\$ 86,860.00	\$ 86,860.00
080-850-01627	1	47	2.34	2.34	0.947	1000274445 Ontario Inc.	\$ -	\$ -	\$ 64,140.00	\$ 64,140.00
Total on Privately Owned - Non-Agricultural Lands.....							\$ -	\$ -	\$ 151,000.00	\$ 151,000.00
TOTAL ASSESSMENT				4.85	1.96		\$ -	\$ -	\$ 151,000.00	\$ 151,000.00

1 Hectare = 2.471 Acres
Project No. REI2023D011
December 12th, 2023

SPECIFICATIONS

SPRUCEWOOD AVENUE DRAIN

Geographic Township of Sandwich West

Bridge for Truck Terminal - Parcel 080-850-01624

& Replacement Bridge - Parcel 080-850-01627

CITY OF WINDSOR

I. GENERAL SCOPE OF WORK

The Sprucewood Avenue Drain currently comprises of an open Municipal drain generally located along Sprucewood Avenue, Maplewood Drive and Ironwood Drive and flows northwest along the southerly side of Ironwood Drive, southwest along the easterly side of Maplewood Drive, and then northwesterly along the northerly side of Sprucewood Avenue, outletting into the Detroit River. The bridge sites are located near the midpoint of Maplewood Drive on the easterly side at MN 5565 Maplewood Drive and just to the south. The work under this project generally comprises of construction of a new access bridge serving the 1000251697 Ontario Inc. lands and a replacement bridge for the 1000274445 Ontario Inc. lands at MN 5565. The work on the bridges being constructed includes the removal of the existing structure, end treatments, sediment and vegetation in the drain; the installation of a new bridge to the southwest of the existing bridge that is being replaced; a new replacement bridge at MN 5565; new bridge end treatments comprising of precast concrete block headwalls with adjacent slopes to the walls protected with quarried limestone on filter cloth protection; granular approaches and backfill; and granular transition areas.

All work shall be carried out in accordance with these specifications, the plans forming part of this drainage project, as well as the Standard Details included in **Appendix "REI-C"**. The bridge new construction and replacement bridge shall be of the size, type, depth, etcetera, as is shown in the accompanying drawings, as determined from the Benchmarks, and as may be further laid out at the site at the time of construction. All work carried out under this project shall be completed to the full satisfaction of the City Drainage Superintendent and the Consulting Engineer.

II. E.R.C.A. AND D.F.O. CONSIDERATIONS

The Contractor will be required to implement stringent erosion and sedimentation controls during the course of the work to help minimize the amount of silt and sediment being carried downstream into the Detroit River. It is intended that work on this project be carried out during relatively dry weather to ensure proper site and drain conditions and to avoid conflicts with sediment being deposited into the outlet drainage system. All disturbed areas shall be restored as quickly as possible with grass seeding and mulching installed to ensure a protective cover and to minimize any erosion from the work sites subsequent to construction. The Contractor may be required to provide temporary silt fencing and straw bales as outlined further in these specifications.

All of the work shall be carried out in accordance with any permits or authorizations issued by the Essex Region Conservation Authority (E.R.C.A.) or the Department of Fisheries and Oceans (D.F.O.), copies of which will be provided, if available, and the notes in **Appendix "REI-A"**. The Contractor is advised that no work may be carried out in the existing drain from March 15th to June 30th of any given year because the drain is directly connected to a downstream area that is classified as sensitive to impacts on aquatic life and habitat by E.R.C.A. and D.F.O.

As part of its work, the Contractor will implement the following measures that will ensure that any potential adverse effects on fish and fish habitat will be mitigated:

- a) As per standard requirements, work will not be conducted at times when flows in the drain are elevated due to local rain events, storms, or seasonal floods. Work will be done in the dry.
- b) All disturbed soils on the drain banks and within the channel, including spoil, must be stabilized immediately upon completion of work. The restoration of the site must be completed to a like or better condition to what existed prior to the works. The spoil material must be hauled away and disposed of at a suitable site; or spread an appropriate distance from the top of the drain bank to ensure that it is not washed back into the drain.
- c) To prevent sediment entry into the Drain, in the event of an unexpected rainfall, silt barriers and/or traps must be placed in the channel during the works and until the site has been stabilized. All sediment and erosion control measures are to be in accordance with related Ontario Provincial Standards. It is incumbent on the proponent and their Contractors to ensure that sediment and erosion control measures are functioning properly and are maintained and upgraded as required.
- d) Silt or sand accumulated in the barrier traps must be removed and stabilized on land once the site is stabilized.
- e) All activities including maintenance procedures should be controlled to prevent the entry of petroleum products, debris, rubble, concrete, or other deleterious substances into the water. Vehicular refuelling and maintenance should be conducted away from the water.

III. M.N.R.F. – M.E.C.P. CONSIDERATIONS

The Contractor is to note that this project has gone through the Ministry of Natural Resources and Forestry (M.N.R.F.) screening process by way of a Species at Risk (S.A.R.) review of the Mitigation Plan for Drainage Works (March 2018-17-4938) that the City has prepared to address the Endangered Species Act, 2007, that is now administered by the Ministry of Environment, Conservation and Parks (M.E.C.P.). Section 6.0 of the Mitigation Plan indicates that snake species are a concern for this work area and although turtles are not indicated, they are mobile and could be encountered. The Mitigation Plan includes measures to be followed as outlined in “Section 7.0 Mitigation Measures” of the document and a copy of same as it relates to turtles and snakes is included in **Appendix “REI-B”**. Providing mitigation requirements are implemented, it was concluded that present wildlife Species at Risk will be protected from negative impacts and the works will not contravene Section 9 (species protection) or Section 10 (habitat protection) of the Endangered Species Act, 2007. Based on this information we find that the City can proceed with the eligible repairs, maintenance, and improvements to the drain as they are exempt under Sections 9 and 10 of the Act, provided that they follow the rules within Ontario Regulation 242/08 and the Mitigation Measures in their S.A.R. Mitigation Plan and the Contractor will have to monitor for any of the species shown in the N.H.I.C. mapping list that is included in the Appendix and follow mitigation measures. To address these requirements the City has established comprehensive mitigation measures as well as species identification guides for reference. The results of the review will be provided to the Contractor and copies of the mitigation measures, habitat protection and identification sheets will be included within **Appendix “REI-B”**.

The Contractor is to review **Appendix “REI-B”** in detail and is required to comply, in all regards, with the contents of said M.N.R.F. information, or any future requirements, and follow the special requirements therein included, during construction as well as any N.H.I.C. mapping results of sensitive species that will need to be protected and the Contractor shall take the necessary mitigation steps that are required. The Drainage Superintendent will review the endangered species maps and any concerns will be provided in **Appendix “REI-B”**. Certain species such as

turtles and snakes are mobile and may be encountered during construction. Therefore, the Mitigation Measures in Section 7.0 of the City Plan has been included in **Appendix "REI-B"** in its entirety along with timing window charts for further information and use by the Contractor.

The Contractor shall contact the Drainage Superintendent if an endangered species is encountered during construction. The Contractor shall be responsible for providing the necessary equipment and materials outlined in the **"MITIGATION PLAN"** to address the handling of any endangered species encountered during the course of the construction work. The Contractor shall cooperate fully and assist the Drainage Superintendent or M.N.R.F. – M.E.C.P. staff in the proper handling of the endangered species as outlined in the **"MITIGATION PLAN"**, and as may be further directed by the Drainage Superintendent or the M.N.R.F. – M.E.C.P. staff and shall govern all its operations accordingly.

IV. ACCESS TO WORK

The Contractor is advised that the majority of the work to be carried out on this project extends along the easterly side of Maplewood Drive. The Contractor shall have access for the full width of the roadway abutting the proposed drainage works. The Contractor may utilize the right-of-way as necessary, to permit the completion of all of the work required to be carried out for this project. The Contractor shall also have access into the driveways and abutting lands as necessary to carry out the removal of the existing structure and unsuitable materials and to construct the new access bridge and replacement bridge, as set out on the plans and in these specifications, along with a sufficient area in the vicinity of the bridges to carry out the required construction of the removals and the new structure installations and ancillary work.

The Contractor shall ensure that the traveling public is protected at all times while utilizing the roadway for its access. The Contractor shall provide traffic control, including flag persons when required. Should the Contractor have to close Maplewood Drive for the proposed works, it shall obtain the permission of the City Drainage Superintendent or Consulting Engineer and arrange to provide the necessary notification of detours around the site. The Contractor shall also ensure that all emergency services, school bus companies, etcetera are contacted about the disruption to access at least 48 hours in advance of same. All detour routes shall be established in consultation with the City Works Department.

Throughout the course of the work, it is imperative that the Contractor protect as much landscaping and vegetation as possible when accessing along the drain. This will be of particular concern along the lawn areas of properties. Due to the extent of the work and the area for carrying out the work, the Contractor will be required to carry out all of the necessary steps to direct traffic and provide temporary diversion of traffic around work sites, including provision of all lights, signs, flag persons, and barricades required to protect the safety of the traveling public. Any accesses or areas used in carrying out the works are to be fully restored to their original conditions by the Contractor at its cost, including topsoil placement and lawn restoration as directed by the City Drainage Superintendent and the Consulting Engineer. Restoration shall include but not be limited to all necessary levelling, grading, shaping, topsoil, seeding, mulching, and granular and asphalt placement required to make good any damage caused.

V. REMOVAL OF BRUSH, TREES AND RUBBISH

Where there is any brush, trees or rubbish along the course of the drainage works, including the full width of the work access, all such brush, trees or rubbish shall be close cut and grubbed out, and the whole shall be chipped up for recycling, burned or otherwise satisfactorily disposed of by the Contractor. The brush and trees removed along the course of the work are to be put into piles by the Contractor in locations where they can be safely chipped and disposed of, or burned by it, or hauled away and disposed of by the Contractor to a site to be obtained by it at its expense. Prior to and during the course of any burning operations, the Contractor shall comply with the guidelines prepared by the Air Quality Branch of the Ontario Ministry of the

Environment; and shall ensure that the Environmental Protection Act is not violated. The Contractor will be required to notify the local fire authorities to obtain any permits and cooperate with them in the carrying out of any work. The removal of brush and trees shall be carried out in close consultation with the City Drainage Superintendent or Consulting Engineer to ensure that no decorative trees or shrubs are disturbed by the operations of the Contractor that can be saved. It is the intent of this project to save as many trees and bushes as practical within the roadway allowances and on private lands. Where decorative trees or shrubs are located directly over drainage pipes, the Contractor shall carefully extract same and turn them over to the Owner when requested to do so and shall cooperate with the Owner in the reinstallation of same if required.

The Contractor shall protect all other trees, bushes, and shrubs located along the length of the drainage works except for those trees that are established, in consultation with the City Drainage Superintendent, the Consulting Engineer, and the Owners, to be removed as part of the works. The Contractor shall note that protecting and saving the trees may require the Contractor to carry out hand work around the trees, bushes, and shrubs to complete the necessary final site grading and restoration.

Following the completion of the work, the Contractor is to trim up any broken or damaged limbs on trees which are to remain standing, and it shall dispose of said branches along with other brush, thus leaving the trees in a neat and tidy condition.

The Contractor shall remove all deleterious materials and rubbish along the course of the open drain in the location of the work areas and any such materials located in the bridge structures and enclosures while carrying out its cleaning of same. All such deleterious materials and rubbish shall be loaded up and hauled away by the Contractor to a site to be obtained by it at its cost.

VI. FENCING

Where it is necessary to take down any fence to proceed with the work, the same shall be done by the Contractor across or along that portion of the work where such fence is located. The Contractor will be required to exercise extreme care in the removal of any fencing so as to cause a minimum of damage to same. The Contractor will be required to reinstall any fence that is taken down in order to proceed with the work, and the fence shall be reinstated in a neat and workmanlike manner. The Contractor will not be required to procure any new materials for rebuilding the fence provided that it has used reasonable care in the removal and replacement of same. When any fence is removed by the Contractor, and the Owner thereof deems it advisable and procures new material for replacing the fence so removed, the Contractor shall replace the fence using the new materials and the materials from the present fence shall remain the property of the Owner.

VII. DETAILS OF OPEN DRAIN WORK

The open drain shall be excavated to the lines, levels, grades, and cross-sections as shown on the accompanying drawings, or as may be further established by the City Drainage Superintendent or the Engineer at the time of the work. The drain shall be carefully excavated so as not to disturb the existing banks, rock protection and vegetation, except for those portions of the drain where widening or restoration of a stable drain bank configuration is required. The bottom width of the drain and the sideslopes of the excavation shall conform to the dimensions given on the drawings.

The drain shall be of the size, type, depth, etcetera as shown on the accompanying drawings. When completed, the drain shall have a uniform and even bottom and in no case shall such bottom project above the grade line, as shown on the accompanying drawings, and as determined from the Benchmarks. The finished side slopes of the drain shall be 1.5 metres

horizontal to 1.0 metre vertical or match existing flatter slopes, drain bottom width of 1.2m and profile grade of 0.08%.

The excavated material to be cast onto the adjoining lands shall be well and evenly spread over a sufficient area so that no portion of the excavated earth is more than 100mm in depth. The material shall be kept at least 1.2 metres clear from the finished edge of the drain, care being taken not to fill up any existing tiles, ditches, furrows or drains with the excavated material. The excavated material to be spread upon the lands shall be free from rocks, cobbles, boulders, stumps, rubble, rubbish or other similar material and these materials, if encountered, shall be hauled away by the Contractor and disposed of at a site to be obtained by it at its expense.

Where the drain crosses any lawn, garden, orchard, parking, roadway or driveway areas, the excavated material for the full width of the above-mentioned areas shall be hauled away by the Contractor and disposed of to a site to be obtained by the Contractor at its expense. All work at the disposal site shall be established between the Contractor and the site owner. The Contractor shall be responsible for any permits required and shall provide copies of same to the City and Consulting Engineer when requested and comply with excess soil management regulations.

Where there is any brush or rubbish in the course of the drain, including both side slopes of the drain, all such brush or rubbish shall be close cut and grubbed out. Where there is any brush or rubbish where the earth is to be spread, or on that strip of land between where the earth is to be spread and the edge of the drain, all such brush or rubbish shall be close cut and grubbed out. The whole is to be burned, chipped, or otherwise satisfactorily disposed of by the Contractor.

VIII. DETAILS OF BRIDGE WORK

The Contractor shall provide all material, labour, and equipment to construct the new access bridge and replacement access bridge in the Sprucewood Ave. Drain requiring work, along with removals, disposals, endwall works and other improvements as noted.

The proposed bridges shall be new concrete pipe. The new and replacement access bridge installations shall comprise of precast HE II reinforced concrete pipe. All piping sections shall be connected by the use of bell and gasket joints with proper gaskets in accordance with the manufacturer's recommendation. Each joint shall be wrapped in filter cloth material around the complete circumference to ensure that there will be no soil migration through the joints and into the pipe through said connections.

The bridge new and replacement pipe installations on this project shall be set to the grades as shown on the plans or as otherwise established herein and the City Drainage Superintendent or the Consulting Engineer may make minor changes to the bridge alignment as they deem necessary to suit the site conditions. All work shall be carried out in general accordance with all City of Windsor Standard Specifications and Drawings attached to this report and labelled **Appendix "REI-F"**, and items in the **"STANDARD SPECIFICATIONS FOR ACCESS BRIDGE CONSTRUCTION"** attached to this report and labelled **Appendix "REI-C"** and the City Standard AS-209A detail.

IX. CONCRETE PIPE INSTALLATION

The new concrete pipe to be installed on this project is required to be provided in the longest lengths that are available and shall not be less than 2.44 metres. Where the overall access pipe length exceeds the standard pipe lengths, the Contractor shall connect the pipe sections together by use of the bell and gasket joint installed in accordance with the manufacturer's recommendations. All pipe joints shall be wrapped with a layer of filter cloth around the complete circumference so that it extends a minimum of 100mm beyond the joint on each side of the joint, to ensure a positive seal against soil migration through the joints.

The Contractor shall note that the placement of any new bridge pipe shall be performed totally in the dry and it shall be prepared to take whatever steps are necessary to ensure same, all to the full satisfaction of the City Drainage Superintendent or the Consulting Engineer. As part of the work, the Contractor will be required to clean out the drain along the full length of the pipe and for a distance of 3.05 metres (10 ft.) upstream and downstream of the pipe. The design parameters of the Sprucewood Avenue Drain at the location of the new and replacement access bridge installation consist of a 1.2m (4.0 ft.) bottom width, the 0.08% grade shown on the profile, and 1.5 horizontal to 1.0 vertical sideslopes. The Contractor shall note that the pipe inverts are set at least 10% of the pipe diameter (or the pipe rise) below the drain bottom to provide the embedment required by E.R.C.A. and D.F.O. and to meet the minimum cover requirements for the pipe.

The installation of the complete length of the new bridge pipe, including all appurtenances, shall be completely inspected by the City Drainage Superintendent or the Consulting Engineer's Inspector prior to backfilling any portions of same. Under no circumstance shall the Contractor commence the construction or backfill of the new bridge pipe without the site presence of the City Drainage Superintendent or the Consulting Engineer's Inspector to inspect and approve said installation. The Contractor shall provide a minimum of two (2) working days' notice to the City Drainage Superintendent or the Consulting Engineer prior to commencement of the work. The installation of the new bridge structure is to be performed during normal working hours of the City Drainage Superintendent and the Consulting Engineer from Monday to Friday unless written authorization is provided by them to amend said working hours. For the access bridge installation, once the new reinforced concrete pipe has been satisfactorily set in place, the Contractor shall completely backfill same with compacted 19.5mm granular material Type "A", for the full top width of the access, and the full top width of the drain or the excavated trench, and any approaches to the east and transitions to the west.

All of the driveway approach areas extending from the City roadway to the easterly face of the new bridge pipe shall be backfilled with compacted 19.5mm granular material Type "A", but only after all topsoil material has been completely removed and disposed of, and the minimum thickness of this granular material shall be 305mm (12"). All areas outside of the access driveway shall be backfilled with native material compacted to 96% of Standard Proctor Density and topped with a minimum of 50mm of topsoil and shall be seeded and mulched.

For any hard surface driveway crossings, the top 305mm (12") of the backfill over the pipe below the hard surface treatment shall comprise of 19.5mm granular material Type "A", compacted to a minimum of 100% Standard Proctor Density. The Contractor shall at all times be very careful when performing its backfilling and compaction operations so that no damage is caused to the pipe. To ensure that no damage is caused to the proposed pipe, alternative methods of achieving the required backfill compaction shall be submitted to the Consulting Engineer or the City Drainage Superintendent for their approval prior to the commencement of this work. The Contractor shall restore the asphalt surface by placing a minimum of the existing thickness or a 90mm minimum thickness of Type HL-4 or equivalent Superpave hot mix asphalt. The asphalt shall be supplied and placed in two (2) approximately equal lifts compacted to a value ranging from 92% to 96% of maximum relative density as per O.P.S.S. 310. For existing concrete driveways, the Contractor shall carefully remove the concrete to the nearest expansion joint. The concrete driveway shall be restored to the original length and width that was removed and include 250mm thick, 30MPa concrete, with 6% ±1% air entrainment and 6x6-6/6 welded wire fabric reinforcing installed at the midpoint of the slab. All slab surfaces shall be finished to provide an appearance approximating the finish on the existing concrete driveway abutting the replacement.

The Contractor will be responsible to restore any damage caused to the roadways at its cost. All damaged hard surface roadway areas shall be neatly saw cut and the damaged materials removed and disposed of by the Contractor prior to carrying out any restoration work. The extent of the repairs shall be established in consultation with the City Drainage Superintendent, the Road Authority, and the Consulting Engineer and the repairs shall be completed to their full satisfaction.

The Contractor is to note that any intercepted pipes or tiles along the length of the proposed bridge are to be extended and connected at its cost to the open drain at the end of the new bridge unless otherwise noted in the accompanying drawings.

The Contractor shall also note that the placing of the new access bridge pipe shall be completed so that it totally complies with the parameters established and noted in the Bridge Details and Tables for the new bridge and replacement bridge. The pipe shall be set on an even grade and the placement shall be performed totally in the dry, and the Contractor should be prepared to take whatever steps are necessary to ensure same, all to the full satisfaction of the City Drainage Superintendent or the Consulting Engineer. The Contractor shall also be required to fill the bottom of the trench with a bed of 19.5mm granular material Type "A" backfill, 300mm deep, and no point of the trench bottom shall be within 300mm of the grade line of the bottom of the pipe. The foundation beneath the headwalls shall be as per City of Windsor Standard Drawing AS-209 attached to this report and labelled **Appendix "REI-F"**. Where the bottom of the trench is in unstable soils, such as saturated clays and/or silts or quicksand, the trench shall be deepened to the depth required for granular backfill or whatever other means for securing good foundation, as required by the City Drainage Superintendent or Consulting Engineer. The Contractor is to note that when replacing an access bridge or enclosure pipe, it shall be required to excavate a trench having a width not less than the new pipe outside diameter plus a 600mm working width on both sides of the new pipe to allow for proper installation of granular backfill and compaction of same. The Contractor shall also note that all bridge pipe installations are to be carried out with a minimum of 10% of their diameter or rise embedded below the drain design bottom, as shown and noted on the plan for each of the access bridge installations.

X. REMOVALS

Where existing access bridges and enclosures are to be completely removed and replaced, the Contractor shall be required to excavate and completely extract the existing concrete structure or bridge pipe and the existing endwalls in their entirety, as well as any other deleterious materials that may be encountered in removing same, excluding poured concrete headwalls that are to be reused. The Contractor shall neatly saw cut any concrete or asphalt surfaces over the pipes for a sufficient width to allow for the safe removal of same or go to the nearest expansion joint panel of the concrete driveways. The Contractor shall also be required to completely dispose of all removed materials to a site to be obtained by it at its own expense. The Contractor shall note that when headwalls are shown to be left in place, the Contractor shall protect same and carry out its work for the pipe replacement as noted above and dispose of any debris resulting from the work.

All unsuitable and deleterious materials from the excavation and removal of the existing bridge and enclosure pipes and drain cleaning shall be hauled away and disposed of by the Contractor to a site to be obtained by it at its expense. Likewise, any material excavated to allow for the granular approaches to the bridge, driveway transitions, or installation of new headwalls shall also be hauled away and disposed of by the Contractor.

XI. PRECAST CONCRETE BLOCK OR SLOPED END PROTECTION

Unless otherwise shown or noted, the Contractor is to provide precast concrete block, or sloped quarried limestone on non-woven filter cloth end protection for the access bridges and enclosures being replaced or constructed on this drain.

The Contractor shall install interlocking precast concrete blocks with filter cloth backing for walls on both ends of the bridges requiring same. The blocks shall be minimum 600x600x1200mm in size as available from Underground Specialties - Wolseley, Windsor, Ontario, or equal, and installed as set out in **Appendix "REI-C"** and include minimum 300mm thick by 900mm wide Gran "A" bedding and Gran "A" backfill in accordance with City Standards. Vertical joints shall be staggered by use of half blocks where needed and wingwall deflections when required shall

employ 45-degree angled blocks. Voids between the blocks and the pipe shall be grouted with 30MPa concrete having 6% ±1% air entrainment and extend for the full thickness of the wall and have a smooth uniform finish on the face that blends with the precast blocks. The installation of the endwalls, as well as the backfilling of the pipe where applicable, shall be provided in compliance with Items 1), 3), and 4) of the "**STANDARD SPECIFICATIONS FOR ACCESS BRIDGE CONSTRUCTION**" attached within **Appendix "REI-C"** and the City of Windsor Standard Specifications S-11, dated May 2017, and in total compliance and in all respects with the General Conditions included in said Appendix and the City Standard detail AS-209A.

The Contractor shall submit shop drawings for approval of the wall installation that includes details for a minimum 300mm thick concrete footing that extends from the pipe invert downward. The footing shall extend into the drain banks each side for the required embedment of the blocks and be constructed to ensure that the completed wall will be completely vertical or tipped slightly back towards the driveway. Where the block walls extend more than 1.8 metres in height, the supplier shall provide the Contractor with uni-axial geogrid (SG350 or equivalent) reinforcement for installation to tie the wall back into the granular backfill. The Contractor, in all cases, shall comply with these specifications and upon completion of the stacked precast concrete end protection installation shall restore the adjacent areas to their original conditions. The Contractor shall supply quarried limestone on filter cloth rock protection adjacent to the headwalls at each corner of the bridge. All rock protection shall be 1.0 metres wide and 305mm (12") thick, installed on non-woven filter cloth, and shall be installed in accordance with Item 2) of the "**STANDARD SPECIFICATIONS FOR ACCESS BRIDGE CONSTRUCTION**". The synthetic filter mat to be used shall be non-woven geotextile GMN160 conforming to O.P.S.S. 1860 Class I, as available from Armtec Construction Products through Underground Specialties - Wolseley in Windsor, Ontario or equal. The quarried limestone to be used shall be graded in size from a minimum of 100mm to a maximum of 250mm, and is available from Walker Industries Amherst Quarries, in Amherstburg, Ontario, or equal.

Where sloped end protection is specified, the top 305mm (12") of backfill material over the ends of the access pipe, from the invert of said pipe to the top of the driveway elevation of the access bridge or enclosure, shall be quarried limestone. The quarried limestone shall be provided as shown and detailed on the plans or as indicated in the Standard Specifications in **Appendix "REI-C"** and shall be graded in size from a minimum of 100mm (4") to a maximum of 250mm (10"). The quarried limestone to be placed on the sloped ends of an access bridge or enclosure shall be underlain with a synthetic **non-woven** geotextile filter fabric. The sloped quarried limestone protection is to be rounded as shown on the plan details and shall also extend along the drain side slopes to a point directly in line with the ends of the bridge pipe. The roadside approach to the entrance shall be provided with a minimum 5.0m radius at each end of the driveway entrance. All work shall be completed to the full satisfaction of the City Drainage Superintendent or the Consulting Engineer.

The installation of the sloped quarried limestone end protection, unless otherwise specified herein, shall be provided in total compliance with Item 2), 3), and 4) of the "**STANDARD SPECIFICATIONS FOR ACCESS BRIDGE CONSTRUCTION**". These are attached to the back of these specifications and labelled **Appendix "REI-C"**. The Contractor shall comply in all respects with the General Conditions included in Item 4 and the "**Typical Quarried Limestone End Protection Detail**" also in **Appendix "REI-C"**.

The quarried limestone erosion protection shall be embedded into the sideslopes of the drain a minimum thickness of 305mm and shall be underlain in all cases with non-woven synthetic filter mat. The filter mat shall not only be laid along the flat portion of the erosion protection, but also contoured to the exterior limits of the quarried limestone and the unprotected slope. The width of the erosion protection shall be as established in the accompanying drawings or as otherwise directed by the City Drainage Superintendent or the Consulting Engineer during construction. In placing the erosion protection, the Contractor shall carefully tamp the quarried limestone pieces into place with the use of the excavator bucket so that the erosion protection when completed will be consistent, uniform and tightly laid. In no instance shall the quarried limestone protrude beyond the exterior contour of the unprotected drain sideslopes along either side of said

protection. The synthetic filter mat fabric to be used shall be non-woven geotextile GMN160 conforming to O.P.S.S. 1860 Class I, as available from Armtec Construction Products, or equal. The quarried limestone to be used shall be graded in size from a minimum of 100mm to a maximum of 250mm, and is available from Walker Aggregates Amherst Quarries, in Amherstburg, Ontario, or equal.

XII. GENERAL QUARRIED LIMESTONE EROSION PROTECTION

At all of the swale and furrow locations entering the drain from either side, it is required that general quarried limestone erosion protection and rock chutes be provided on the drain slopes, at the locations indicated or established due to erosion, and to the widths generally shown within the details and notes included in the accompanying drawings. The rock chutes shall be V-shaped and constructed to direct all flows through the centre portion of the rock chute. Where the drain banks are showing erosion or slumping and distress, the Contractor shall provide quarried limestone on filter cloth general erosion protection as outlined below. Protection locations shall be as established in consultation with the City Drainage Superintendent and Consulting Engineer and shall include the areas noted on the profiles.

The quarried limestone erosion protection shall be embedded into the sideslopes of the drain a minimum thickness of 305mm and shall be underlain in all cases with non-woven synthetic filter mat. The filter mat shall not only be laid along the flat portion of the erosion protection, but also contoured to the exterior limits of the quarried limestone and the unprotected slope. The width of the general erosion protection shall be as established in the accompanying drawings or as otherwise directed by the City Drainage Superintendent or the Consulting Engineer during construction. In placing the erosion protection, the Contractor shall carefully tamp the quarried limestone pieces into place with the use of the equipment bucket so that the erosion protection when completed will be consistent, uniform and tightly laid. In no instance shall the quarried limestone protrude beyond the exterior contour of the unprotected drain sideslopes along either side of said protection. The synthetic filter mat to be used shall be non-woven geotextile GMN160 conforming to O.P.S.S. 1860 Class I, as available from Armtec Construction Products, or equal. The quarried limestone to be used shall be graded in size from a minimum of 100mm to a maximum of 250mm, and is available from Walker Aggregates Amherst Quarries, in Amherstburg, Ontario, or equal.

XIII. BENCHMARKS

Also, for use by the Contractor, we have established Benchmarks along the course of the work and especially at the locations where existing access bridges are being replaced or new bridges are being constructed.

For each of the bridge replacements and new bridges, the plans include details illustrating the work to be carried out. For each bridge detail a Benchmark has been indicated and the Elevation has been shown and may be utilized by the Contractor in carrying out its work. The Contractor shall note that in each case a specific design elevation grade has been provided for the invert at each end of the pipe in the table accompanying each detail. The table also sets out the pipe size, materials, and other requirements relative to the installation of the bridge structure. In all cases, the Contractor is to utilize the specified drain grade to set any new pipe installation. The Contractor shall ensure that it takes note of the direction of flow and sets all pipes to assure that all grades flow from east to west and north to south to match the direction of flow within the drain. The Contractor's attention is drawn to the fact that the pipe invert grades established herein provide for the pipes to be set at least 10% of their diameter or pipe rise below the existing drain bottom or the design grade of the drain, whichever is lower.

XIV. ANCILLARY WORK

During the course of any work to the bridges and enclosures along the length of the project, the Contractor will be required to protect or extend any existing tile ends or swales and connect them to the drainage works to maintain the drainage from the adjacent lands. All existing tiles shall be extended utilizing solid Big 'O' "standard tile ends" or equal plastic pipe of the same diameter as the existing tile and shall be installed in accordance with the "**Standard Lateral Tile Detail**" included in the plans, unless otherwise noted. Connections shall be made using a manufacturer's coupling where possible. Wherever possible, tiles shall be extended to outlet beyond the end of any access bridges. When required, openings into new pipes shall be neatly bored, saw cut or burned with a torch to the satisfaction of the City Drainage Superintendent or the Consulting Engineer. All cuts to steel pipes shall be touched up with a thick coat of zinc rich paint (Galvicon or equal) in accordance with the manufacturer's recommendations. For other connections, the Contractor shall utilize a grouted connection. Grouted mortar joints shall be composed of three (3) parts of clean, sharp sand to one (1) part of Portland cement with just sufficient water added to provide a stiff plastic mix, and the mortar connection shall be performed to the full satisfaction of the City Drainage Superintendent or the Consulting Engineer. The mortar joint shall be of a sufficient mass around the full circumference of the joint on the exterior side to ensure a tight, solid seal. The Contractor is to note that any intercepted pipes along the length of the existing bridges and enclosures are to be extended and connected to the open drain unless otherwise noted in the accompanying drawings.

Where the bridge or enclosure installation interferes with the discharge of an existing swale, the Contractor shall re-grade the existing swales to allow for the surface flows to freely enter the drain. Any disturbed grass areas shall be fully restored with topsoil, seed and mulch.

All granular backfill for the bridge and enclosure installations shall be satisfactorily compacted in place to a minimum Standard Proctor Density of 100% by means of mechanical compaction equipment. All other good, clean, native fill material or topsoil to be utilized, where applicable, shall be compacted in place to a minimum Standard Proctor Density of 95%. All of the backfill material, equipment used, and method of compacting the backfill material shall be provided and performed to the full satisfaction of the City Drainage Superintendent or Consulting Engineer.

Where the Contractor removes concrete or asphalt hard surfaces over the pipes, the Contractor shall restore the hard surfaces as previously outlined. The Contractor will be responsible to restore any damage caused to these driveways at its cost. All damaged hard surface driveway areas shall be neatly saw cut and the damaged materials removed and disposed of by the Contractor prior to carrying out any restoration work.

The new reinforced concrete pipe for this installation is to be provided with a minimum depth of cover measured from the top of the pipe of 305mm (12"). If the bridge pipes are placed at their proper elevations, same should be achieved. If the Contractor finds that the minimum cover is not being met, they shall notify the City Drainage Superintendent and the Consulting Engineer immediately so that steps can be taken to rectify the condition prior to the placement of any backfill. The minimum cover requirement is **critical** and must be attained. In order for these new access bridge structures to properly fit the channel parameters, **all of the design grade elevations must be strictly adhered to.**

As a check, all of the above access bridge and enclosure pipe design grade elevations should be confirmed before commencing to the next stage of the access bridge or enclosure installation. The Contractor is also to check that the pipe invert grades are correct by referencing the Benchmark.

Although it is anticipated that the bridge installation at each site shall be undertaken in the dry, the Contractor shall supply and install a temporary straw bale or silt curtain check dam in the drain bottom immediately downstream of each bridge site during the time of construction. The straw bale or silt curtain check dam shall be to the satisfaction of the City Drainage Superintendent or Consulting Engineer and must be removed upon completion of the

construction. The check dam materials may be reused at each site subject to their condition. All costs associated with the supply and installation of this straw bale or silt curtain check dam shall be included in the cost bid for the bridge installation.

XV. TOPSOIL, SEED AND MULCH

The Contractor shall be required to restore all existing grassed areas and drain side slopes damaged by the structure installation, construction or cutting of the drain cross section, by placing topsoil, and then seed and mulch over said areas including any specific areas noted on the bridge details. The Contractor shall be required to provide all the material and to cover the above-mentioned surfaces with approximately 50mm of good, clean, dry topsoil on slopes and 100mm of good, clean, dry topsoil on horizontal surfaces, fine graded and spread in place ready for seeding and mulching. The placing and grading of any topsoil shall be carefully and meticulously carried out in accordance with the City of Windsor Standard Specifications S-34, dated June 2022, or as subsequently amended, or as amended by these specifications and be readied for the seeding and mulching process. The seeding and mulching of all of the above-mentioned areas shall comply in all regards to the City of Windsor Standard Specifications S-14 and S-15, both dated February 2022, or as subsequently amended, or as amended by these specifications. All cleanup and restoration work shall be performed to the full satisfaction of the City Drainage Superintendent or Engineer. When all of the work for this installation has been completed, the Contractor shall ensure that positive drainage is provided to all areas; and shall ensure that the site is left in a neat and workmanlike manner, all to the full satisfaction of the City Drainage Superintendent or Engineer.

XVI. SPECIAL PROVISIONS FOR REPLACEMENT, REPAIR AND IMPROVEMENTS

The Contractor shall provide for the construction and improvements to the access bridges and enclosures along the Sprucewood Avenue Drain, for the structures noted, as follows:

Existing Bridge

When maintenance work is required, the Contractor shall completely remove the existing bridge, any wingwalls and any end protection that currently exists where needed to complete the works. The Contractor will then be required to restore the drain cross section at the former bridge location to match the upstream and downstream drain cross sections. All disturbed areas shall be restored with topsoil, seed and mulch as set out above.

New or Replacement Bridge

The Contractor shall completely remove the existing topsoil and vegetation in the area of the proposed new or replacement bridge and clean out the drain bottom. The Contractor will then be required to install the new reinforced concrete pipe as set out in the chart forming part of the details for the bridge on the plans. The Contractor shall install precast concrete block headwalls on filter cloth protection on each end. The Contractor shall protect any tile outlets on the banks at each end of the structure and divert and extend same as necessary to accommodate the new or replacement bridge. All work shall be carried out in accordance with these specifications and the requirements in **Appendix "REI-C"** and **Appendix "REI-F"**.

XVII. GENERAL CONDITIONS

- a) The City Drainage Superintendent or Consulting Engineer shall have authority to carry out minor changes to the work where such changes do not lessen the efficiency of the work.

- b) The Contractor shall satisfy itself as to the exact location, nature and extent of any existing structure, utility, or other object which it may encounter during the course of the work. The Contractor shall indemnify and save harmless the City of Windsor and the Consulting Engineer and their representatives for any damages which it may cause or sustain during the progress of the work. It shall not hold the City of Windsor or the Consulting Engineer liable for any legal action arising out of any claims brought about by such damage caused by it.
- c) The Contractor shall provide a sufficient number of layout stakes and grade points so that the Drainage Superintendent and Consulting Engineer can review same and check that the work will generally conform to the design and project intent.
- d) The Contractor will be responsible for any damage caused by it to any portion of the City road system, especially to the travelled portion. When excavation work is being carried out and the excavation equipment is placed on the travelled portion of the road, the travelled portion shall be protected by having the excavation equipment placed on satisfactory timber planks or timber pads. If any part of the travelled portion of the road is damaged by the Contractor, the City shall have the right to have the necessary repair work done by its' employees and the cost of all labour and materials used to carry out the repair work shall be deducted from the Contractor's contract and credited to the City. The Contractor, upon completing the works, shall clean all debris and junk, etcetera, from the roadside of the drain, and leave the site in a neat and workmanlike manner. The Contractor shall be responsible for keeping all public roadways utilized for hauling materials free and clear of mud and debris.
- e) The Contractor shall provide all necessary lights, signs, and barricades to protect the public. All work shall be carried out in accordance with the requirements of the Occupational Health and Safety Act, and latest amendments thereto. If traffic control is required on this project, signing is to comply with the M.T.O. Manual of Uniform Traffic Control Devices (M.U.T.C.D.) for Roadway Work Operations and Ontario Traffic Manual Book 7.
- f) During the course of the work the Contractor shall be required to connect existing drainage pipes to the Municipal Drain. In the event that polluted flows are discovered, the Contractor shall delay the connection of the pipe and leave the end exposed and alert the City, the Drainage Superintendent, and the Consulting Engineer so that steps can be taken by the City to address the concern with the owner and the appropriate authorities. Where necessary the Contractor shall cooperate with the City in providing temporary measures to divert the drain or safely barricade same. Should the connection be found acceptable by the authorities, the Contractor shall complete the connection of the drain as provided for in the specifications, at no extra cost to the project.
- g) Following the completion of the work, the Contractor is to trim up any broken or damaged limbs on trees which are to remain standing, and it shall dispose of said branches along with other brush, thus leaving the trees in a neat and tidy condition.
- h) The whole of the work shall be satisfactorily cleaned up, and during the course of the construction, no work shall be left in any untidy or incomplete state before subsequent portions are undertaken.
- i) During the course of the project the Contractor shall deal with any excess soil management from the project in accordance with Ontario Reg 406/19 pursuant to the Environmental Protection Act, R.S.O. 1990, c. E.19 and any subsequent amendments to same.
- j) All driveways, laneways and access bridges, or any other means of access on to the job site shall be fully restored to their former condition at the Contractor's expense. Before authorizing Final Payment, the City Drainage Superintendent and the Consulting Engineer shall inspect the work in order to be sure that the proper restoration has been performed. In the event that the Contractor fails to satisfactorily clean up any portion of these accesses,

the Consulting Engineer shall order such cleanup to be carried out by others and the cost of same be deducted from any monies owing to the Contractor.

k) The Contractor will be required to submit to the City, a Certificate of Good Standing from the Workplace Safety and Insurance Board prior to the commencement of the work and the Contractor will be required to submit to the City, a Certificate of Clearance for the project from the Workplace Safety and Insurance Board before Final Payment is made to the Contractor.

l) The Contractor shall furnish a Performance and Maintenance Bond along with a separate Labour and Material Payment Bond within ten (10) days after notification of the execution of the Agreement by the City. One copy of said bonds shall be bound into each of the executed sets of the Contract. Each Performance and Maintenance Bond and Labour and Material Payment Bond shall be in the amount of 100% of the total Tender Price. All Bonds shall be executed under corporate seal by the Contractor and a surety company, authorized by law to carry out business in the Province of Ontario. The Bonds shall be acceptable to the City in every way and shall guarantee faithful performance of the contract during the period of the contract, including the period of guaranteed maintenance which will be in effect for twelve (12) months after substantial completion of the works.

The Tenderer shall include the cost of bonds in the unit price of the Tender items as no additional payment will be made in this regard.

m) The Contractor shall be required, as part of this Contract, to provide Comprehensive Liability Insurance coverage for not less than \$5,000,000.00 on this project; and shall name the City of Windsor and its' officials and the Consulting Engineer and their staff as additional insured under the policy. The Contractor must submit a copy of this policy to both the City Clerk and the Consulting Engineer prior to the commencement of work.

n) Monthly progress orders for payment shall be furnished the Contractor by the City Drainage Superintendent. Said orders shall be for not more than 90% of the value of the work done and the materials furnished on the site. The paying of the full 90% does not imply that any portion of the work has been accepted. The remaining 10% will be paid 60 days after the final acceptance and completion of the work and payment shall not be authorized until the Contractor provides the following:

i) a Certificate of Clearance for the project from the Workplace Safety and Insurance Board

ii) proof of advertising

The Contractor shall satisfy the Consulting Engineer or City that there are no liens or claims against the work and that all of the requirements as per the Construction Act, 2018 and its' subsequent amendments have been adhered to by the Contractor.

o) In the event that the Specifications, Information to Tenderers, or the Form of Agreement do not apply to a specific condition or circumstance with respect to this project, the applicable section, or sections from the Canadian Construction Documents Committee C.C.D.C.2 shall govern and be used to establish the requirements of the work.

p) Should extra work be required by the City Drainage Superintendent or Consulting Engineer, and it is done on a time and material basis, the actual cost of the work will be paid to the Contractor with a 15% markup on the total actual cost of labour, equipment and materials needed to complete the extra work.

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- q) The Contractor shall provide shop drawings of the proposed wall for precast concrete block headwalls for approval by the City Drainage Superintendent or Engineer prior to construction.

APPENDIX "REI-A"

STANDARD E.R.C.A. AND D.F.O.
MITIGATION REQUIREMENTS

As part of its work, the Contractor will implement the following measures that will ensure that any potential adverse effects on fish and fish habitat will be mitigated:

1. As per standard requirements, work will not be conducted at times when flows in the drain are elevated due to local rain events, storms, or seasonal floods. Work will be done in the dry.
2. All disturbed soils on the drain banks and within the channel, including spoil, must be stabilized immediately upon completion of work. The restoration of the site must be completed to a like or better condition to what existed prior to the works. The spoil material must be hauled away and disposed of at a suitable site, or spread an appropriate distance from the top of the drain bank to ensure that it is not washed back into the drain.
3. To prevent sediment entry into the drain in the event of an unexpected rainfall, silt barriers and/or traps must be placed in the channel during the works and until the site has been stabilized. All sediment and erosion control measures are to be in accordance with the related Ontario Provincial Standards. It is incumbent on the proponent and Contractors to ensure that sediment and erosion control measures are functioning properly and maintained/upgraded as required.
4. Silt or sand accumulated in the barrier traps must be removed and stabilized on land once the site is stabilized.
5. All activities including maintenance procedures should be controlled to prevent the entry of petroleum products, debris, rubble, concrete, or other deleterious substances into the water. Vehicular refuelling and maintenance should be conducted away from the water.
6. Any drain banks trimmed outside of the July 1st to September 15th timing window will require bio-degradable erosion control blankets to be installed to promote re-vegetation and to protect the slope from erosion in the interim.

Measures to Avoid Causing Harm to Fish and Fish Habitat

If you are conducting a project near water, it is your responsibility to ensure you avoid causing [serious harm to fish](#) in compliance with the *Fisheries Act*. The following advice will help you avoid causing harm and comply with the *Act*.

PLEASE NOTE: This advice applies to all project types and replaces all “Operational Statements” previously produced by DFO for different project types in all regions.

Measures

- Time work in water to respect [timing windows](#) to protect fish, including their eggs, juveniles, spawning adults and/or the organisms upon which they feed.
- Minimize duration of in-water work.
- Conduct instream work during periods of low flow, or at low tide, to further reduce the risk to fish and their habitat or to allow work in water to be isolated from flows.
- Schedule work to avoid wet, windy and rainy periods that may increase erosion and sedimentation.

- Design and plan activities and works in waterbody such that loss or disturbance to aquatic habitat is minimized and sensitive spawning habitats are avoided.
- Design and construct approaches to the waterbody such that they are perpendicular to the watercourse to minimize loss or disturbance to riparian vegetation.
- Avoid building structures on meander bends, braided streams, alluvial fans, active floodplains or any other area that is inherently unstable and may result in erosion and scouring of the stream bed or the built structures.
- Undertake all instream activities in isolation of open or flowing water to maintain the natural flow of water downstream and avoid introducing sediment into the watercourse.

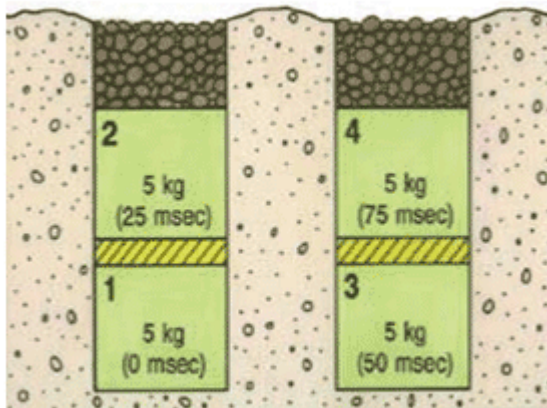
- Plan activities near water such that materials such as paint, primers, blasting abrasives, rust solvents, degreasers, grout, or other chemicals do not enter the watercourse.
- Develop a response plan that is to be implemented immediately in the event of a sediment release or spill of a deleterious substance and keep an emergency spill kit on site.
- Ensure that building material used in a watercourse has been handled and treated in a manner to prevent the release or leaching of substances into the water that may be deleterious to fish.

- Develop and implement an Erosion and Sediment Control Plan for the site that minimizes risk of sedimentation of the waterbody during all phases of the project. Erosion and sediment control measures should be maintained until all disturbed ground has been permanently stabilized, suspended sediment has resettled to the bed of the waterbody or settling basin and runoff water is clear. The plan should, where applicable, include:
 - Installation of effective erosion and sediment control measures before starting work to prevent sediment from entering the water body.
 - Measures for managing water flowing onto the site, as well as water being pumped/diverted from the site such that sediment is filtered out prior to the water entering a waterbody. For example, pumping/diversion of water to a vegetated area, construction of a settling basin or other filtration system.
 - Site isolation measures (e.g., silt boom or silt curtain) for containing suspended sediment where in-water work is required (e.g., dredging, underwater cable installation).
 - Measures for containing and stabilizing waste material (e.g., dredging spoils, construction waste and materials, commercial logging waste, uprooted or cut aquatic plants, accumulated debris) above the high water mark of nearby waterbodies to prevent re-entry.
 - Regular inspection and maintenance of erosion and sediment control measures and structures during the course of construction.
 - Repairs to erosion and sediment control measures and structures if damage occurs.
 - Removal of non-biodegradable erosion and sediment control materials once site is stabilized.
- Clearing of riparian vegetation should be kept to a minimum: use existing trails, roads or cut lines wherever possible to avoid disturbance to the riparian vegetation and prevent soil compaction. When practicable, prune or top the vegetation instead of grubbing/uprooting.
- Minimize the removal of natural woody debris, rocks, sand or other materials from the banks, the shoreline or the bed of the waterbody below the ordinary high water mark. If material is removed from the waterbody, set it aside and return it to the original location once construction activities are completed.
- Immediately stabilize shoreline or banks disturbed by any activity associated with the project to prevent erosion and/or sedimentation, preferably through re-vegetation with native species suitable for the site.
- Restore bed and banks of the waterbody to their original contour and gradient; if the original gradient cannot be restored due to instability, a stable gradient that does not obstruct fish passage should be restored.
- If replacement rock reinforcement/armouring is required to stabilize eroding or exposed areas, then ensure that appropriately-sized, clean rock is used; and that rock is installed at a similar slope to maintain a uniform bank/shoreline and natural stream/shoreline alignment.
- Remove all construction materials from site upon project completion.

- Ensure that all in-water activities, or associated in-water structures, do not interfere with fish passage, constrict the channel width, or reduce flows.
- Retain a qualified environmental professional to ensure applicable permits for relocating fish are obtained and to capture any fish trapped within an isolated/enclosed area at the work site and safely relocate them to an appropriate location in the same waters. Fish may need to be relocated again, should flooding occur on the site.
- Screen any water intakes or outlet pipes to prevent entrainment or impingement of fish. Entrainment occurs when a fish is drawn into a water intake and cannot escape. Impingement occurs when an entrapped fish is held in contact with the intake screen and is unable to free itself.
 - In freshwater, follow these measures for design and installation of intake end of pipe fish screens to protect fish where water is extracted from fish-bearing waters:
 - Screens should be located in areas and depths of water with low concentrations of fish throughout the year.
 - Screens should be located away from natural or artificial structures that may attract fish that are migrating, spawning, or in rearing habitat.
 - The screen face should be oriented in the same direction as the flow.
 - Ensure openings in the guides and seals are less than the opening criteria to make “fish tight”.
 - Screens should be located a minimum of 300 mm (12 in.) above the bottom of the watercourse to prevent entrainment of sediment and aquatic organisms associated with the bottom area.
 - Structural support should be provided to the screen panels to prevent sagging and collapse of the screen.
 - Large cylindrical and box-type screens should have a manifold installed in them to ensure even water velocity distribution across the screen surface. The ends of the structure should be made out of solid materials and the end of the manifold capped.
 - Heavier cages or trash racks can be fabricated out of bar or grating to protect the finer fish screen, especially where there is debris loading (woody material, leaves, algae mats, etc.). A 150 mm (6 in.) spacing between bars is typical.
 - Provision should be made for the removal, inspection, and cleaning of screens.
 - Ensure regular maintenance and repair of cleaning apparatus, seals, and screens is carried out to prevent debris-fouling and impingement of fish.
 - Pumps should be shut down when fish screens are removed for inspection and cleaning.
- Avoid using explosives in or near water. Use of explosives in or near water produces shock waves that can damage a fish swim bladder and rupture internal organs. Blasting vibrations may also kill or damage fish eggs or larvae.
 - If explosives are required as part of a project (e.g., removal of structures such as piers, pilings, footings; removal of obstructions such as beaver dams; or preparation of a river or lake bottom for installation of a structure such as a dam or water intake), the potential for impacts to fish and fish habitat should be minimized by implementing the following measures:

- Time in-water work requiring the use of explosives to prevent disruption of vulnerable fish life stages, including eggs and larvae, by adhering to appropriate fisheries [timing windows](#).
- Isolate the work site to exclude fish from within the blast area by using bubble/air curtains (i.e., a column of bubbled water extending from the substrate to the water surface as generated by forcing large volumes of air through a perforated pipe/hose), cofferdams or aquadams.
- Remove any fish trapped within the isolated area and release unharmed beyond the blast area prior to initiating blasting
- Minimize blast charge weights used and subdivide each charge into a series of smaller charges in blast holes (i.e., decking) with a minimum 25 millisecond (1/1000 seconds) delay between charge detonations (see Figure 1).
- Back-fill blast holes (stemmed) with sand or gravel to grade or to streambed/water interface to confine the blast.
- Place blasting mats over top of holes to minimize scattering of blast debris around the area.
- Do not use ammonium nitrate based explosives in or near water due to the production of toxic by-products.
- Remove all blasting debris and other associated equipment/products from the blast area.

Figure 1: Sample Blasting Arrangement



Per Fig. 1: 20 kg total weight of charge; 25 msecs delay between charges and blast holes; and decking of charges within holes.

- Ensure that machinery arrives on site in a clean condition and is maintained free of fluid leaks, invasive species and noxious weeds.

- Whenever possible, operate machinery on land above the high water mark, on ice, or from a floating barge in a manner that minimizes disturbance to the banks and bed of the waterbody.
- Limit machinery fording of the watercourse to a one-time event (i.e., over and back), and only if no alternative crossing method is available. If repeated crossings of the watercourse are required, construct a temporary crossing structure.
- Use temporary crossing structures or other practices to cross streams or waterbodies with steep and highly erodible (e.g., dominated by organic materials and silts) banks and beds. For fording equipment without a temporary crossing structure, use stream bank and bed protection methods (e.g., swamp mats, pads) if minor rutting is likely to occur during fording.
- Wash, refuel and service machinery and store fuel and other materials for the machinery in such a way as to prevent any deleterious substances from entering the water.

Date modified:
2013-11-25

SECTION II

SPECIFICATIONS

FOR FISH SALVAGE

GENERAL
SECTION 201

The Work shall include the capture, salvage and release of fish that are trapped or stranded as the result of the Contractor's operations, at locations identified in the Fish Salvage Plan, and in co-operation with the Essex Region Conservation Authority (E.R.C.A.).

Fish capture shall be performed prior to dewatering, and in such manner that will minimize the injury to the fish.

MATERIALS
SECTION 202

All materials required for fish capture, salvage and release shall be supplied by the Contractor.

CONSTRUCTION
SECTION 203

The Contractor shall not commence any fish capture, salvage and release work until the Fish Salvage Plan has been accepted by the Consultant and the Conservation Authority. All work shall be performed in accordance with the Fish Salvage Plan unless otherwise determined by the Consultant or the Conservation Authority.

The Contractor shall ensure an ice-free pool is maintained throughout all fish capture and release operations.

All fish shall be captured within the area specified and released at an acceptable location in the downstream water body. Fish shall be captured by electro fishing, netting, seining, trapping, or other method acceptable to the Consultant and/or the Conservation Authority.

MEASUREMENT AND PAYMENT
SECTION 204

Payment for this Work will be included in the price bid for drainage work components or made at the lump sum price bid for "Fish Capture and Release". The lump sum price will be considered full compensation for all labour, materials, equipment, tools, and incidentals necessary to complete the Work to the satisfaction of the Consultant.

STANDARD D.F.O. REQUIRMENTS FOR BRIDGES

In order to comply with the *Fisheries Act*, it is recommended that you incorporate the following measures into your project proposal:

Culverts

- Ensure that fish migration through the culvert is maintained such that the structure will not create a velocity barrier to migrating fish or destabilize the channel downstream
- Embed water crossings as appropriate to ensure fish passage and channel crossing stability

Timing

- If you are conducting in stream work during periods of low flow to further reduce the risk to fish and their habitat no in-stream work or construction activity should occur from March 15th to June 30th
- If the drain is dry, work can proceed at any time of the year

Erosion and Sediment Control

- Install effective erosion and sediment control measures before starting work to prevent sediment from entering the water body
- Conduct regular inspections and maintain erosion and sediment control measures and structures during the course of construction
- Repair erosion and sediment control measures and structures if damage occurs
- Remove non-biodegradable erosion and sediment control materials once site is stabilized

Shoreline Re-vegetation and Stabilization

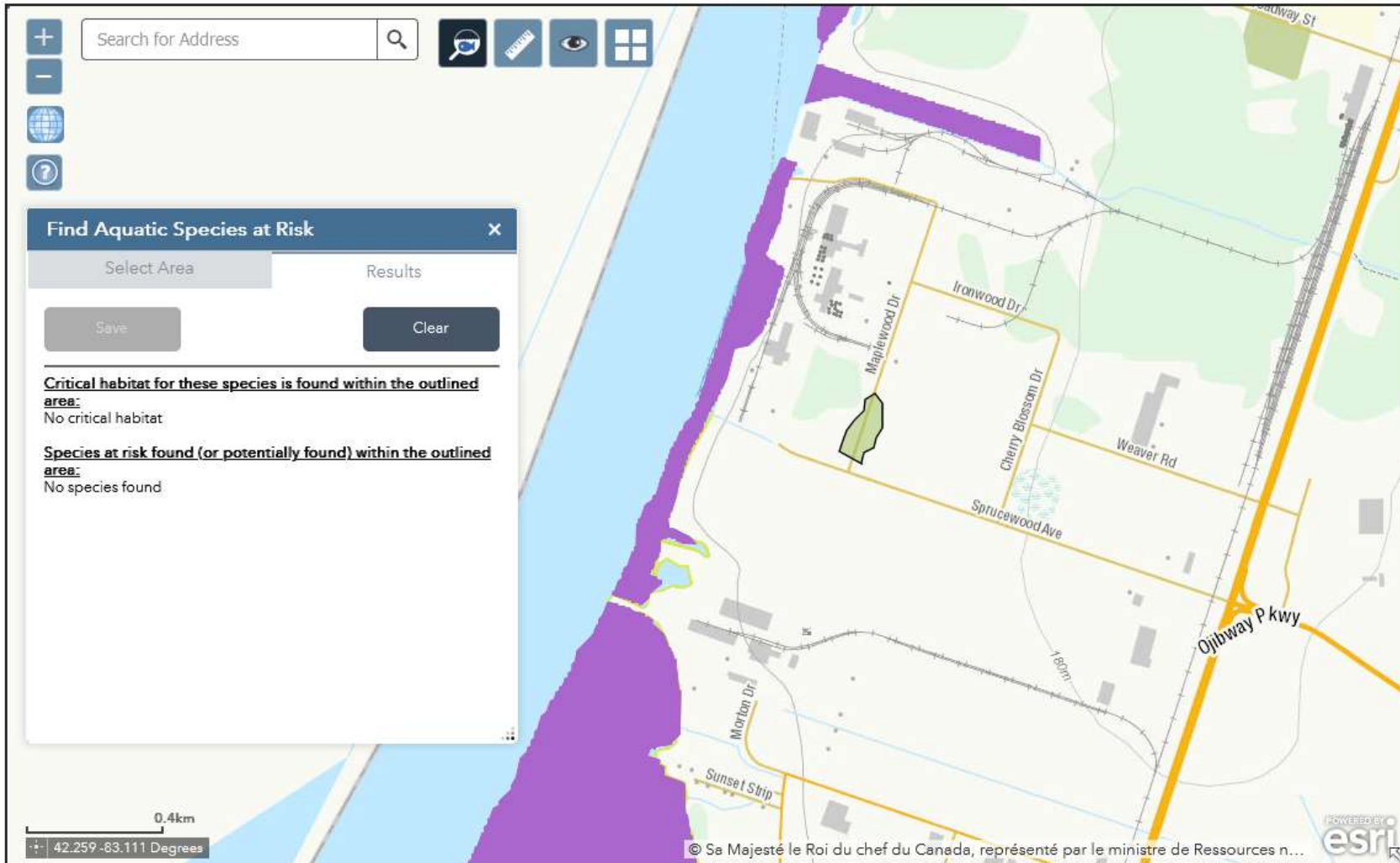
- Clearing of riparian vegetation should be kept to a minimum
- Immediately stabilize shoreline or banks disturbed by any activity associated with the project to prevent erosion and/or sedimentation, preferably through re-vegetation with native species suitable for the site
- If replacement rock reinforcement/armouring is required to stabilize eroding or exposed areas, ensure that appropriately-sized, clean rock is used; and that rock is installed at a similar slope to maintain a uniform bank/shoreline and natural stream/shoreline alignment
- Remove all construction materials from site upon project completion

Operation of Machinery

- Operate machinery in a manner that minimizes disturbance to the banks of the watercourse

Sprucewood Ave. Drain

Windsor – D.F.O. Mapping



APPENDIX "REI-B"

SCHEDULE C
MITIGATION PLAN

The Municipality shall undertake measures to minimize adverse effects on species at risk in accordance with the general conditions described in Part B and taxa-specific conditions described in Part C, and the monitoring and reporting requirements described in Part D of this Mitigation Plan.

PART A. DEFINITIONS

1. Definitions:

1.1. In this Schedule, the following words shall have the following meanings:

"DFO" means Fisheries and Oceans Canada;

"MNR" means the Aylmer District Office of the Ministry of Natural Resources;

"Contact" means to contact the MNR in accordance with the notification/contact schedule provided to the Municipality by the MNR Designated Representative from time to time;

"Holding Tub" means a large, light-coloured container fitted with a non-airtight latching lid approved by the MNR for the temporary storage of captured snakes, turtles, amphibians, birds or eggs;

"Interagency Notification Form" means the form issued by DFO, available at www.dfo-mpo.gc.ca, which is required to be completed when a drain is being maintained or constructed;

"Monitoring and Reporting Form" means the document that must be completed by the Municipality in accordance with Part D to this Schedule and will be provided to the Municipality;

"Ontario Operational Statement" means one of the documents issued by DFO, available at www.dfo-mpo.gc.ca, that sets out the conditions and measures to be incorporated into a project in order to avoid negative impacts to fish and fish habitat in Ontario, as modified from time to time;

"Process Charts" means the charts attached as Part E to this Schedule which describe the steps set out in this Mitigation Plan;

"Seasonal Timing Windows Chart" means the chart attached as Part G to this schedule which describes the Sensitive Periods applicable to each Taxonomic Group;

"Sensitive Area" means a geographic area in the Municipality where additional mitigation measures are required to be undertaken for one or more Taxonomic Groups;

"Sensitive Areas Map" means any one of the maps attached as Part F to this schedule which sets out the applicable Sensitive Areas;

"Sensitive Period" means a time of year set out in the Seasonal Timing Windows Chart during which taxa-specific mitigation measures are required to be undertaken for a Taxonomic Group because of ambient air/water temperatures, water-levels or important life-history stages;

"Taxonomic Group" means the distinct group comprising one or more Species based on their taxonomic relationship and common approaches to mitigating adverse effects (i.e., fish, mussels, turtles, snakes, amphibians, birds or plants); and

"Work Zone" means the geographic area in the Municipality where an Activity in respect of one of the Drainage Works is being conducted.

- 1.2. For greater certainty, any defined terms that are not defined in section 1.1 have the same meanings as in the Agreement.

PART B. GENERAL MEASURES TO MINIMIZE ADVERSE EFFECTS

2. Process Charts

- 2.1. The general steps set out in this Part B are visually described in the Process Charts (Part E).

3. Review of Documentation

- 3.1. Prior to conducting any Activities in respect of the Drainage Works the Municipality shall determine if conditions apply to the place, time or manner in which the Municipality wishes to pursue them by reviewing:
 - (a) the Sensitive Areas Maps (Part F) to determine if the Work Zone for the proposed Activities will occur within a Sensitive Area;
 - (b) the DFO Reference Guide for Fish and Mussel Species at Risk Distribution Maps: A Referral Review Tool for Projects Affecting Aquatic Species at Risk;
 - (c) the Seasonal Timing Windows Chart (Part G) to determine if the proposed Activities will occur during a Sensitive Period for one or more of the Taxonomic Groups; and
 - (d) the Process Charts to determine if prior notification is required;
 - (e) the mitigation measures for each applicable Taxonomic Group in Part C to determine what additional site-specific mitigation measures, if any, are required.
- 3.2. The Municipality shall document the results of the review undertaken in accordance with section 3.1 using the Monitoring and Reporting Form.

4. Sensitive Areas Maps

- 4.1. The Sensitive Areas Maps contain sensitive information about the distribution of species at risk, are provided for the sole purpose of informing this Agreement and are not to be copied or distributed for any other purposes or to any other party without the prior written authorization of the MNR Designated Representative.

5. Prior Notification to Seek Direction

- 5.1. If, after completing the review of documents described in section 3.1, the Municipality determines that the proposed Activities will be undertaken:
 - (a) in a place;
 - (b) at a time; or
 - (c) in a manner,

that requires prior notification in accordance with the Process Charts, the Municipality shall provide prior notification to the MNR in order for the MNR to determine if the Municipality must undertake additional site-specific or Species-specific mitigation

measures to minimize adverse effects on the Species and, if applicable, to identify such measures.

- 5.2. The prior notification under section 5.1 shall include a completed Interagency Notification Form:
 - (a) in respect of maintenance/repair where the proposed Activities are being undertaken pursuant to subsection 3(18) or section 74 of the *Drainage Act*, or
 - (b) in respect of construction/improvement where the proposed Activities are being undertaken pursuant to section 77 or 78 of the *Drainage Act*.
- 5.3. Where an Activity is undertaken in accordance with section 124 of the *Drainage Act* and would otherwise have required prior notification under section 5.1, the Municipality shall Contact the MNR by email prior to the commencement of the Activity, and complete and submit the applicable Interagency Notification Form within one week of the Activity's completion, unless otherwise directed in writing by the MNR Designated Representative.

6. General Mitigation Measures

- 6.1. Notwithstanding that prior notification or additional mitigation measures may be required in accordance with this schedule, in undertaking any Activity at any time in respect of the Drainage Works the Municipality shall:
 - (a) undertake the mitigation measures for sediment control and for erosion control and bank stabilization set out in The Drain Primer (Cliff Evanitski 2008) published by DFO (ISBN 978-0-662-48027-3), unless otherwise authorized in writing by the MNR Designated Representative;
 - (b) use net free, 100% biodegradable erosion control blanket for all erosion control or bank stabilization done in conjunction with their Activities or, if authorized in writing by the MNR Designated Representative, alternative erosion control blankets that provide equal or greater protection to individual Species; and
 - (c) where applicable, follow the guidelines set out in the following Ontario Operational Statements:
 - (i) Beaver Dam Removal;
 - (ii) Bridge Maintenance;
 - (iii) Culvert Maintenance;
 - (iv) Isolated Pond Construction;
 - (v) Maintenance of Riparian Vegetation in Existing Right of Ways; and
 - (vi) Temporary Stream Crossing.

PART C. TAXA-SPECIFIC MEASURES TO MINIMIZE ADVERSE EFFECTS

ADDITIONAL MITIGATION MEASURES FOR FISH SPECIES

7. Activities undertaken in Sensitive Areas for Fish

- 7.1. Subject to section 7.2, where a proposed Activity will occur in a Sensitive Area for a fish Species, the Municipality shall Contact the MNR to seek further direction.
- 7.2. Section 7.1 does not apply where the applicable Drainage Works are:
 - (a) in a naturally dry condition;
 - (b) classified as a Class F drain under DFO's *Class Authorization System for the Maintenance of Agricultural Municipal Drains in Ontario* (ISBN 0-662-72748-7); or
 - (c) a closed drain.

ADDITIONAL MITIGATION MEASURES FOR MUSSEL SPECIES

8. Activities undertaken in Sensitive Areas for Mussels

- 8.1. Subject to section 8.2, where a proposed Activity will occur in a Sensitive Area for a mussel Species, the Municipality shall Contact the MNR to seek further direction.
- 8.2. Section 8.1 does not apply where the applicable Drainage Works are:
 - (a) in a naturally dry condition;
 - (b) classified as a Class F drain in DFO's *Class Authorization System for the Maintenance of Agricultural Municipal Drains in Ontario* (ISBN 0-662-72748-7); or
 - (c) a closed drain.

ADDITIONAL MITIGATION MEASURES FOR TURTLE SPECIES

9. Training and Required On Site Materials for Turtles

- 9.1. The Municipality will ensure any person:
 - (a) involved in the capture, temporary holding, transfer and release of any turtle Species has received training in proper turtle handling procedures; and
 - (b) who undertakes an Activity has a minimum of two Holding Tubs and cotton sacks on site at all times.

10. Activities undertaken in Sensitive Areas and Sensitive Periods for Turtles

- 10.1. Subject to section 10.2, where a proposed Activity will occur in a Sensitive Area for any turtle Species and during a Sensitive Period for that Species, the Municipality shall:
 - (a) not undertake any Activities that include the excavation of sediment or disturbance to banks during the applicable Sensitive Period unless otherwise authorized;
 - (b) undertake Activities in accordance with any additional site-specific measures provided in writing by the MNR Designated Representative;
 - (c) avoid draw-down and de-watering of the Sensitive Area during the applicable Sensitive Period; and

- (d) if authorized by the MNR Designated Representative under (a) above to undertake Activities that include excavation of sediment or disturbance of banks, in addition to any other measures required under (b) above, ensure any person undertaking an Activity has at least two Holding Tubs on site at all times.

10.2. Section 10.1 does not apply where the applicable Drainage Works are:

- (a) in a naturally dry condition;
- (b) classified as a Class F drain in DFO's *Class Authorization System for the Maintenance of Agricultural Municipal Drains in Ontario* (ISBN 0-662-72748-7); or
- (c) a closed drain.

11. Measures for Encounters with Turtles During a Sensitive Period

- 11.1. Where one or more individuals belonging to a turtle Species is encountered in the undertaking of an Activity in any part of a Work Zone (including, but not limited to, a Sensitive Area) during a Sensitive Period for that Species, the Municipality shall:
- (a) capture and transfer all uninjured individuals of that Species into a Holding Tub;
 - (b) capture and transfer all individuals injured as a result of the Activities into a Holding Tub separate from any Holding Tub containing uninjured individuals;
 - (c) ensure that the Holding Tubs with the captured individuals are stored at a cool temperature to prevent freezing until the individuals can be transferred; and
 - (d) immediately Contact the MNR to seek direction and to arrange for the transfer of the individual turtles.

12. Measures for Encounters with Turtles Laying Eggs or Nest Sites

- 12.1. Where one or more individuals belonging to a turtle Species laying eggs, or an active nest site of any turtle Species, is encountered in undertaking an Activity in a Work Zone, the Municipality shall:
- (a) not disturb a turtle encountered laying eggs and not conduct any Activities within 20 metres of the turtle while it is laying eggs;
 - (b) collect any displaced or damaged eggs and capture any injured dispersing juveniles and transfer them to a Holding Tub;
 - (c) store all captured injured individuals and collected eggs out of direct sunlight;
 - (d) immediately Contact the MNR to seek direction and to arrange for the transfer of any injured individuals and eggs;
 - (e) immediately stop any disturbance to the nest site and recover exposed portions with soil or organic material to protect the integrity of the remaining individuals;
 - (f) not drive any equipment over the nest site or conduct any Activities within 5 metres of the nest site;
 - (g) not place any dredged materials removed from the Drainage Works on top of the nest site;
 - (h) mark out the physical location of the nest site for the duration of the project but not by any means that might increase the susceptibility of the nest to predation or poaching; and
 - (i) where there are no collected eggs or captured individuals, record relevant information and Contact the MNR within 72 hours to provide information on the location of the nest site.

13. Measures for Encounters with Turtles Outside of a Sensitive Period

- 13.1. Where one or more individuals belonging to a turtle Species is encountered while undertaking an Activity in any part of a Work Zone (including, but not limited to, a Sensitive Area) but outside of any Sensitive Period for that Species, the Municipality shall:
- (a) briefly stop the Activity for a reasonable period of time to allow any uninjured individual turtles of that Species to leave the Work Zone;
 - (b) where individuals do not leave the Work Zone after the Activity is briefly stopped in accordance with (a) above, capture all uninjured individuals and release them in accordance with section 14.1;
 - (c) where circumstances do not allow for their immediate release, transfer captured uninjured individuals for a maximum of 24 hours into a Holding Tub which shall be stored out of direct sunlight and then release them in accordance with section 14.1;
 - (d) capture and transfer any individuals that have been injured into a Holding Tub separate from any Holding Tub containing uninjured individuals; and
 - (e) store all captured injured individuals out of direct sunlight and immediately Contact the MNR to seek direction and to arrange for their transfer.

14. Release of Captured Individuals Outside of a Sensitive Period

- 14.1. Where uninjured individuals are captured under section 13.1, they shall be released:
- (a) within 24 hours of capture;
 - (b) in an area immediately adjacent to the Drainage Works;
 - (c) in an area that will not be further impacted by the undertaking of any Activity; and
 - (d) not more than 250 metres from the capture site.
- 14.2. Following a release under section 14.1, the Municipality shall Contact the MNR within 72 hours of the release to provide information on the name of the Drainage Works, the location of the encounter and the location of the release site.

15. Measures for Dead Turtles

- 15.1. Where one or more individuals of a turtle Species is killed as a result of an Activity in a Work Zone, or if a person undertaking an Activity finds a deceased individual of a turtle Species within the Work Zone, the Municipality shall:
- (a) place any dead turtles in a Holding Tub outside of direct sunlight; and
 - (b) Contact the MNR within 72 hours to seek direction and to arrange for the transfer of the dead individuals.

ADDITIONAL MITIGATION MEASURES FOR SNAKE SPECIES

16. Training and Required On Site Materials for Snakes

- 16.1. The Municipality will ensure any person:
- (a) involved in the capture, temporary holding, transfer and release of any snake Species has received training in proper snake handling procedures; and
 - (b) who undertakes an Activity has a minimum of two Holding Tubs and cotton sacks on site at all times.

17. Activities undertaken in Sensitive Areas and Sensitive Periods for Snakes

- 17.1. Where a proposed Activity involves physical infrastructure (e.g., culverts, pump houses, etc.) and will occur in a Sensitive Area for any snake Species and during a *Sensitive Period – Hibernation* for that Species, the Municipality shall undertake the Activity outside of the Sensitive Period, unless otherwise authorized by and in accordance with any site-specific measures provided in writing by the MNR Designated Representative.
- 17.2. Where a proposed Activity will occur at or adjacent to a known hibernacula (as identified by the MNR) for any snake Species and during a *Sensitive Period – Staging* for that Species, the Municipality shall:
 - (a) erect effective temporary snake barriers approved by the MNR that will not pose a risk of entanglement for snakes and that shall be secured so that individual snakes may not pass over or under the barrier or between any openings to enter or re-enter the Work Zone;
 - (b) inspect the temporary snake barriers daily during periods when snakes are active, capture any individuals incidentally encountered within the area bounded by the snake barrier and release the captured individuals in accordance with section 21.1; and
 - (c) remove the temporary snake barriers immediately upon completion of the Activity.
- 17.3. Where a proposed Activity that does not involve physical infrastructure will occur in a Sensitive Area for any snake Species and during a *Sensitive Period – Staging* for that Species, the Municipality shall undertake the Activity outside of the Sensitive Period, unless otherwise authorized by and in accordance with any site-specific measures provided in writing by the MNR Designated Representative.

18. Measures for Encounters with Snakes During a Sensitive Period

- 18.1. Where one or more individuals belonging to a snake Species is encountered, or should an active hibernacula be uncovered, while conducting an Activity in any part of a Work Zone (including, but not limited to, a Sensitive Area) during a Sensitive Period for that Species, the Municipality shall:
 - (a) capture and transfer all injured and uninjured individual snakes of that Species into individual light-coloured, drawstring cotton sacks;
 - (b) place all cotton sacks filled with the captured individuals into a Holding Tub;
 - (c) ensure that the Holding Tub with the captured individuals is stored at a cool temperature to protect the snakes from freezing until the individuals can be retrieved or transferred;
 - (d) if an active hibernacula is uncovered, cease all Activities at the hibernacula site; and
 - (e) immediately Contact the MNR to seek direction and to arrange for the transfer and/or retrieval.

19. Measures for Encounters with Snake Nests

- 19.1. Where an active nest of any of the snake Species is encountered and disturbed while undertaking an Activity in any part of a Work Zone, the Municipality shall:
 - (a) collect any displaced or damaged eggs and transfer them to a Holding Tub;
 - (b) capture and transfer all injured dispersing juveniles of that Species into a light-coloured drawstring cotton sack;
 - (c) place all cotton sacks with the captured injured individuals into a Holding Tub;

- (d) ensure that the Holding Tub with the captured injured individuals is stored out of direct sunlight;
- (e) immediately Contact the MNR to seek direction and to arrange for the transfer of the injured individuals;
- (f) immediately stop any disturbance to the nest site and loosely cover exposed portions with soil or organic material to protect the integrity of the remaining individuals;
- (g) not drive any equipment over the nest site or conduct any Activities within 5 metres of the nest site;
- (h) not place any dredged materials removed from the Drainage Works on top of the nest site;
- (i) mark out the physical location of the nest site but not by any means that might increase the susceptibility of the nest to predation or poaching; and
- (j) where there are no collected eggs or captured individuals, Contact the MNR within 72 hours to provide information on the location of the nest site.

20. Measures for Encounters with Snakes Outside of a Sensitive Period

- 20.1. Where one or more individuals belonging to a snake Species is encountered while undertaking an Activity in any part of a Work Zone (including, but not limited to, a Sensitive Area) but outside of any Sensitive Period for that Species, the Municipality shall:
- (a) follow the requirements in section 16;
 - (b) briefly stop the Activity for a reasonable period of time to allow any uninjured individual snakes of that Species to leave the Work Zone;
 - (c) if the individuals do not leave the Work Zone after the Activity is briefly stopped in accordance with (b) above, capture all uninjured individuals and release them in accordance with section 21.1;
 - (d) where circumstances do not allow for the immediate release of captured uninjured individuals, they may be transferred into individual, light-coloured, drawstring cotton sacks before placing them in a Holding Tub which shall be stored out of direct sunlight for a maximum of 24 hours before releasing them in accordance with section 21.1;
 - (e) capture and transfer any individuals injured as a result of conducting the Activities into a Holding Tub separate from any Holding Tub containing uninjured individuals; and
 - (f) store all captured injured individuals out of direct sunlight and immediately Contact the MNR to seek direction and to arrange for their transfer.

21. Release of Captured Individuals Outside of a Sensitive Period

- 21.1. Where uninjured individuals are captured under section 20.1, they shall be released:
- (a) within 24 hours of capture;
 - (b) in an area immediately adjacent to the Drainage Works where there is natural vegetation cover;
 - (c) in an area that will not be further impacted by the undertaking of any Activity; and
 - (d) not more than 250 metres from the capture site.

- 21.2. Following a release under section 21.1, the Municipality shall Contact the MNR within 72 hours of the release to provide information on the name of the Drainage Works, the location of the encounter and the location of the release site.

22. Measures for Dead Snakes

- 22.1. Where one or more individuals belonging to a snake Species is killed as a result of an Activity in a Work Zone, or if a person undertaking an Activity finds a deceased individual of a snake Species within the Work Zone, the Municipality shall:
- (a) collect and transfer any dead individuals into a Holding Tub outside of direct sunlight; and
 - (b) Contact the MNR within 72 hours to seek direction and to arrange for the transfer of the carcasses of the dead individuals.

ADDITIONAL MITIGATION MEASURES FOR HERBACEOUS PLANTS

23. Activities Undertaken in Sensitive Areas for Herbaceous Plants

- 23.1. Where a proposed Activity will occur that involves physical disturbance to vegetated banks or the killing and/or removal of vegetation through chemical or mechanical means in a Sensitive Area for any herbaceous plant Species, the Municipality shall:
- (a) undertake the Activity outside of the Sensitive Period, unless otherwise authorized;
 - (b) limit equipment access and operations to the side of the Drainage Works that will minimize disturbances where any of the plant Species occur;
 - (c) locate temporary storage sites for excavated sediments or bank materials on areas of open soil away from where any of the plant Species are likely to occur;
 - (d) not use any broad spectrum herbicides in Sensitive Areas; and
 - (e) undertake Activities in accordance with any additional site-specific measures provided in writing by the MNR Designated Representative.

ADDITIONAL MITIGATION MEASURES FOR TREE SPECIES

24. Additional Measures for Butternut

- 24.1. Where Butternuts may exist in a Work Zone and may be affected by an Activity, the Municipality shall:
- (a) identify and mark as retainable trees all individual Butternut trees within the Work Zone during work planning site visits unless the individual Butternut has been assessed as a non-retainable tree due to infection by Butternut canker by a person designated by the Minister as a Butternut Health Assessor;
 - (b) retain and avoid disturbance to all individuals identified under (a) above that have been identified as retainable trees or that have not been assessed, unless otherwise authorized in writing by the MNR Designated Representative;
 - (c) conduct Activities by:
 - (i) limiting equipment access and operations to the side of the Drainage Works that will minimize disturbance to where any of the individual Butternut trees occur,
 - (ii) working around trees,

Seasonal Timing Windows Chart

Date Codes Dates	Monthly Intervals: E=Early(days 1-10); M=Middle(days 11-20); L=Late(days 21-31)																										
	Jan	Feb	Mar			Apr			May			Jun			Jul			Aug			Sept			Oct			Nov
Taxa/Common Name																											
Aquatic Species																											
Fish	IF in a Sensitive Area Identified on Maps THEN Prior Notification to the MNR is required (regardless of time of year)																										
Mussels	IF in a Sensitive Area Identified on Maps THEN Prior Notification to the MNR is required (regardless of time of year)																										
Turtles																											
Fowler's Toad																											
Jefferson Salamander																											
Terrestrial Species																											
Snakes - Hibernation																											
Snakes - Staging																											
Butler's Gartersnake - Hibernation																											
Butler's Gartersnake - Staging																											
Herbaceous Plants																											
Birds																											
NOT a Sensitive Time	IF NO Sensitive Areas Identified on Maps THEN NO Prior Notification to the MNR is required																										
Sensitive Time	IF in a Sensitive Area Identified on Maps THEN Prior Notification to the MNR is required																										
On-site Consultation	IF in a Highly Sensitive Area (e.g., a known hibernacula) THEN On-site consultation with the MNR is required																										

Staging refers to the time just after emergence from hibernation in the spring and the aggregation of individuals in the fall just prior to entering into hibernation sites.

NHIC Data

Sprucewood Ave. Drain - Windsor
REI2023D011

2023-09-26

OGF ID	Element Type	Common Name	Scientific Name	SRank	SARO Status	COSEWIC Status	ATLAS NAD83 IDENT	COMMENTS
679494	SPECIES	Wood Thrush	Hylocichla mustelina	S4B	SC	THR	17LG2680	
679494	SPECIES	Eastern Wood-pewee	Contopus virens	S4B	SC	SC	17LG2680	
679494	SPECIES	Snapping Turtle	Chelydra serpentina	S4	SC	SC	17LG2680	
679494	SPECIES	Field Thistle	Cirsium discolor	S3			17LG2680	
679494	SPECIES	Proud Globelet	Patera pennsylvanica	S1	END	END	17LG2680	
679494	SPECIES	Northern Map Turtle	Graptemys geographica	S3	SC	SC	17LG2680	
679494	SPECIES	Swamp Darner	Epiaeschna heros	S3S4			17LG2680	
679494	SPECIES	Cobra Clubtail	Gomphurus vastus	S2			17LG2680	
679494	SPECIES	Saltmarsh Sand-spurrey	Spergularia marina	S1			17LG2680	
679494	SPECIES	Pugnose Minnow	Opsopoeodus emiliae	S2	THR	THR	17LG2680	
679494	SPECIES	Lake Sturgeon (Great Lakes - Upper St. Lawrence River population)	Acipenser fulvescens pop. 3	S2	THR	THR	17LG2680	
679494	SPECIES	Red-headed Woodpecker	Melanerpes erythrocephalus	S3	END	END	17LG2680	
679494	SPECIES	Great Plains Ladies'-tresses	Spiranthes magnicamporum	S3?			17LG2680	
679494	SPECIES	Early-branching Panicgrass	Dichanthelium praecocius	S3			17LG2680	

679494	SPECIES	White Blue-eyed-grass	Sisyrinchium albidum	S1			17LG2680	
679494	SPECIES	Arrowfeather Threawn Grass	Aristida purpurascens	S1			17LG2680	
679494	SPECIES	Field Dodder	Cuscuta campestris	S2			17LG2680	
679494	SPECIES	Dense Blazing-star	Liatris spicata	S2	THR	THR	17LG2680	
679494	SPECIES	Purple Milkweed	Asclepias purpurascens	S1			17LG2680	
679494	SPECIES	Tall Tickseed	Coreopsis tripteris	S1S2			17LG2680	
679494	SPECIES	Tufted Titmouse	Baeolophus bicolor	S3			17LG2680	
679494	SPECIES	Pignut Hickory	Carya glabra	S3			17LG2680	
679494	SPECIES	Chestnut Lamprey - Great Lakes - Upper St. Lawrence populations	Ichthyomyzon castaneus pop. 1	SU	DD	DD	17LG2680	
679494	SPECIES	Butler's Gartersnake	Thamnophis butleri	S2	END	END	17LG2680	

APPENDIX "REI-C"

STANDARD SPECIFICATIONS FOR ACCESS BRIDGE CONSTRUCTION

1. PRECAST CONCRETE BLOCK

After the Contractor has set the endwall foundations and the new culvert in place, it shall completely backfill same and install new precast concrete blocks at the locations and parameters indicated on the drawing. All concrete used for headwalls shall be a minimum of 30 mPa at 28 days and include 6% +/- 1% air entrainment.

1a. PRECAST CONCRETE BLOCK HEADWALLS

Precast concrete blocks shall be interlocking and have a minimum size of 600mmX600mmX1200mm. Half blocks shall be used to offset vertical joints. Cap blocks shall be a minimum of 300mm thick. A foundation comprising minimum 300mm thick poured concrete or precast blocks the depth of the wall and the full bottom width of the drain plus 450mm embedment into each drain bank shall be provided and placed on a firm foundation as noted below. The Contractor shall provide a levelling course comprising a minimum thickness of 150mm Granular "A" compacted to 100% Standard Proctor Density or 20mm clear stone, or a lean concrete as the base for the foundation. The base shall be constructed level and flat to improve the speed of installation. Equipment shall be provided as required and recommended by the block supplier for placing the blocks such as a swift lift device for the blocks and a 75mm eye bolt to place the concrete caps. The headwall shall extend a minimum of 150mm below the invert of the access bridge culvert with the top of the headwall set to match the finished driveway grade, unless a 150mm high curb is specified at the edge of the driveway. To achieve the required top elevation, the bottom course of blocks and footing may require additional embedment into the drain bottom. The Contractor shall provide shop drawings of the proposed wall for approval by the Drainage Superintendent or Engineer prior to construction.

Blocks shall be placed so that all vertical joints are staggered. Excavation voids on the ends of each block course shall be backfilled with 19.5mm granular material Type "A" to support the next course of blocks above. Walls that are more than 3 courses in height shall be battered a minimum of 1 unit horizontal for every 5 units of vertical height. The batter shall be achieved by careful grading of the footing and foundation base, or use of pre-battered base course blocks. Filter cloth as specified below shall be placed behind the blocks to prevent the migration of any fill material through the joints. Backfill material shall be granular as specified below. Where the wall height exceeds 1.8 metres in height, a uni-axial geogrid SG350 or equivalent shall be used to tie back the walls and be installed in accordance with the manufacturer's recommendations. The wall face shall not extend beyond the end of the access bridge culvert. Non-shrink grout shall be used to fill any gaps between the blocks and the access bridge culvert for the full depth of the wall. The grout face shall be finished to match the precast concrete block walls as closely as possible.

2. QUARRIED LIMESTONE ENDWALLS

The backfill over the ends of the culvert shall be set on a slope of 1-½ units horizontal to 1 unit vertical from the bottom of the culvert to the top of each end slope and between the drain banks. The top 305mm (12") in thickness of the backfill over the ends of the bridge culvert shall be quarried limestone. The quarried limestone shall also be placed on a slope of 1-½ units horizontal to 1 unit vertical from the bottom of the culvert to the top of each bank of the drain adjacent each end slope. The quarried limestone shall have a minimum dimension of 100mm (4") and a maximum dimension of 250mm (10"). The end slope protection shall be placed with the quarried limestone pieces carefully tamped into place with the use of a shovel bucket so that, when complete, the end protection shall be consistent, uniform, and tightly laid in place.

Prior to placing the quarried limestone end protection over the granular backfill and on the drain banks, the Contractor shall lay non-woven geotextile filter fabric "GMN160" conforming to O.P.S.S. 1860 Class I or approved equal. The geotextile filter fabric shall extend from the bottom of the culvert to the top of each end slope of the bridge and along both banks of the drain to a point opposite the ends of the culvert. The Contractor shall take extreme care not to damage the geotextile filter fabric when placing the quarried limestone on top of the filter fabric.

3. BRIDGE BACKFILL

After the bridge culvert has been set in place, the Contractor shall backfill the culvert with **Granular "B" material**, O.P.S.S. Form 1010 with the exception of the top 305mm (12") of the backfill. The top 305mm (12") of the backfill for the full width of the excavated area (between each bank of the drain) and for the top width of the driveway, shall be **Granular "A" material**, O.P.S.S. Form 1010. The granular backfill shall be compacted in place to a Standard Proctor Density of 100% by means of mechanical compactors. All of the backfill material, equipment used, and method of compacting the backfill material shall be inspected and approved and meet with the full satisfaction of the Drainage Superintendent and Engineer.

4. GENERAL

Prior to the work commencing, the Drainage Superintendent and Engineer must be notified, and under no circumstances shall work begin without one of them being at the site. Furthermore, the grade setting of the culvert must be checked, confirmed, and approved by the Drainage Superintendent or Engineer prior to continuing on with the bridge installation.

The alignment of the new bridge culvert shall be in the centreline of the existing drain, and the placing of same must be performed totally in the dry.

Prior to the installation of the new access bridge culvert, the existing sediment build-up in the drain bottom must be excavated and completely removed. This must be done not only along the drain where the bridge culvert is to be installed, but also for a distance of 3.05 metres (10 ft.) both upstream and downstream of said new access bridge culvert. When setting the new bridge culvert in place it must be founded on a good undisturbed base. If unsound soil is encountered, it must be totally removed and replaced with 19.5mm granular material Type "A", satisfactorily compacted in place. When doing the excavation work or any other portion of the work relative to the bridge installation, care should be taken not to interfere with, plug up, or damage any existing surface drains, swales, and lateral or main tile ends. Where damage is encountered, repairs to correct same must be performed immediately as part of the work.

The Contractor performing the bridge installation shall satisfy themselves as to the exact location, nature and extent of any existing structure, utility or other object that they may encounter during the course of the work. The Contractor shall indemnify and save harmless the Town, or the Municipality, the Engineer, and their staff from any damages which it may cause or sustain during the progress of the work. It shall not hold them liable for any legal action arising out of any claims brought about by such damage caused by it.

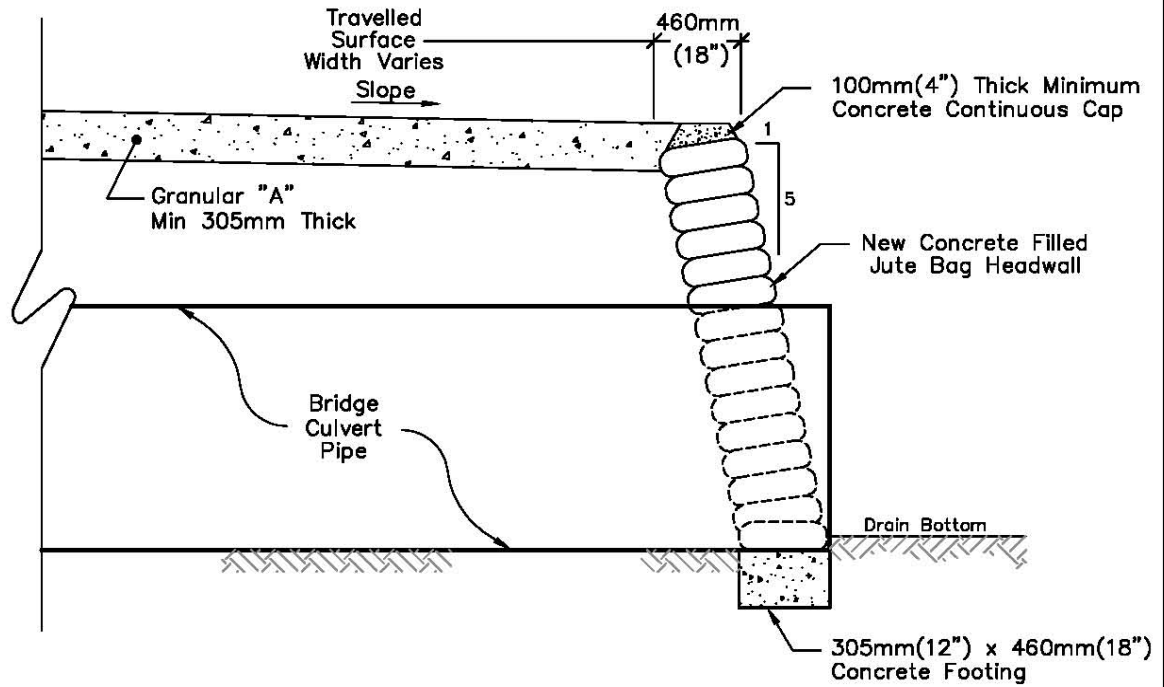
Where applicable, the Contractor constructing the new bridge shall be responsible for any damage caused by them to any portion of the Town/Municipal road right-of-way. They shall take whatever precautions are necessary to cause a minimum of damage to same and must restore the roadway to its original condition upon completion of the works.

When working along a Town/Municipal roadway, the Contractor shall provide all necessary lights, signs, barricades and flag persons as required to protect the public. All work shall be carried out in accordance with the requirements of the Occupational Health and Safety Act, and latest amendments thereto. If traffic control is required on this project, it is to comply with the M.T.O. Traffic Control Manual for Roadway Work Operations and Ontario Traffic Manual Book 7.

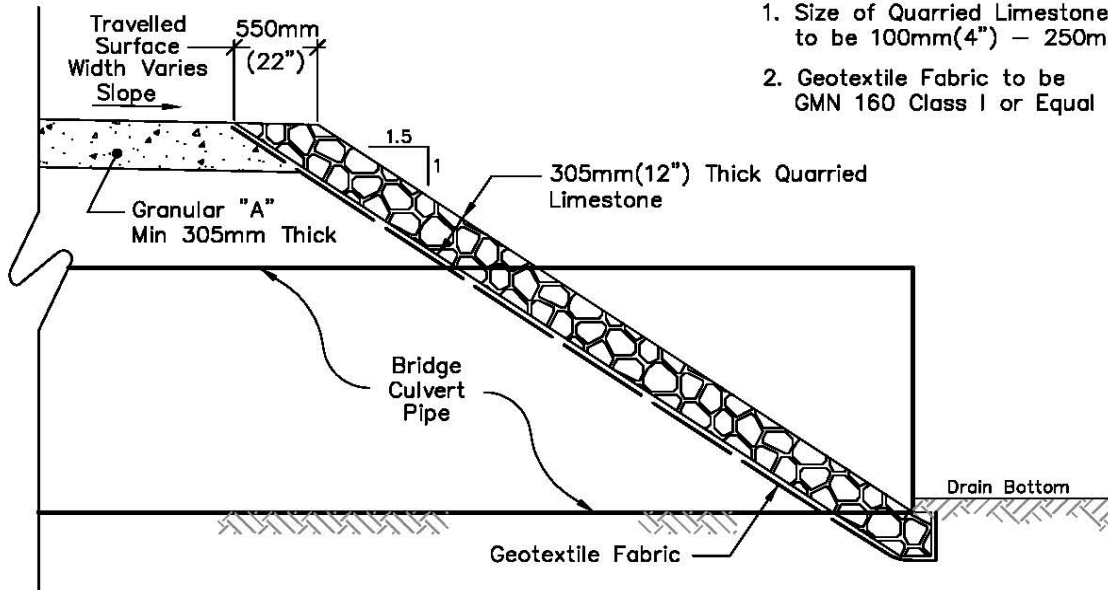
Once the bridge installation has been completed, the drain sideslopes directly adjacent the new headwalls and/or endwalls are to be completely restored including revegetation, where necessary.

All of the work required towards the installation of the bridge shall be performed in a neat and workmanlike manner. The general site shall be restored to its' original condition, and the general area shall be cleaned of all debris and junk, etc. caused by the work.

All of the excavation, installation procedures, and parameters as above mentioned are to be carried out and performed to the full satisfaction of the Drainage Superintendent and Engineer.



Typical Jute Bag Headwall

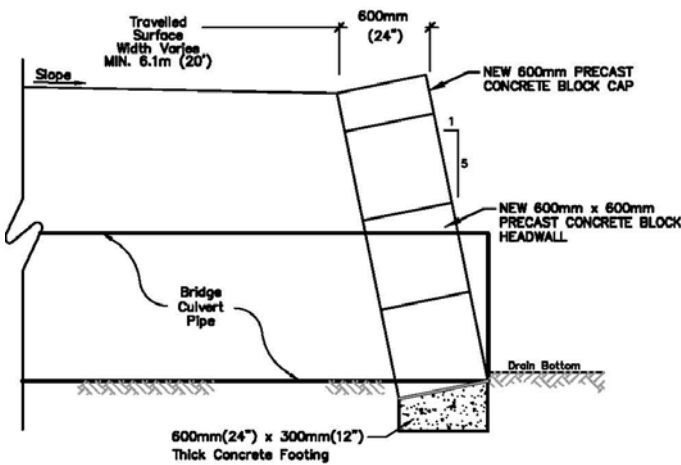
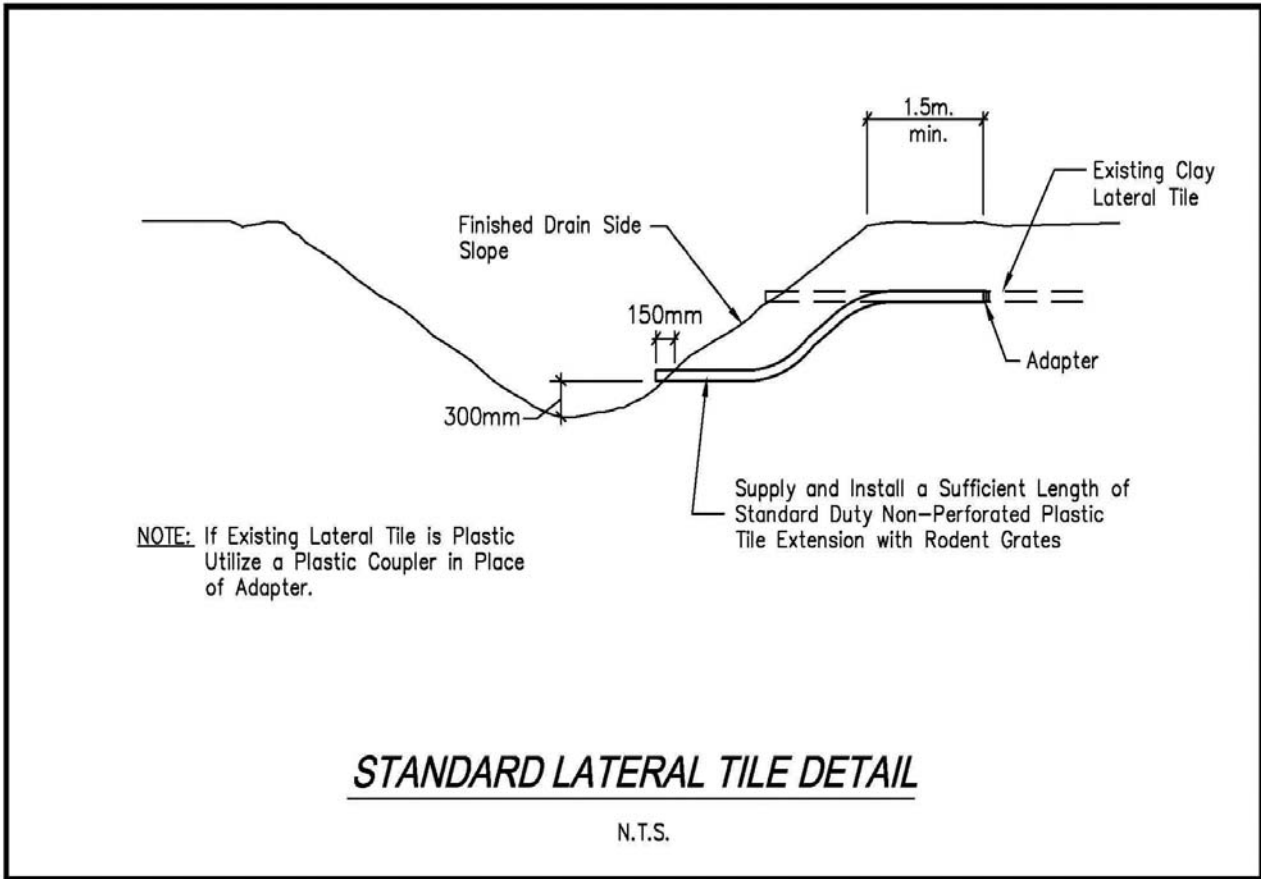


NOTE:

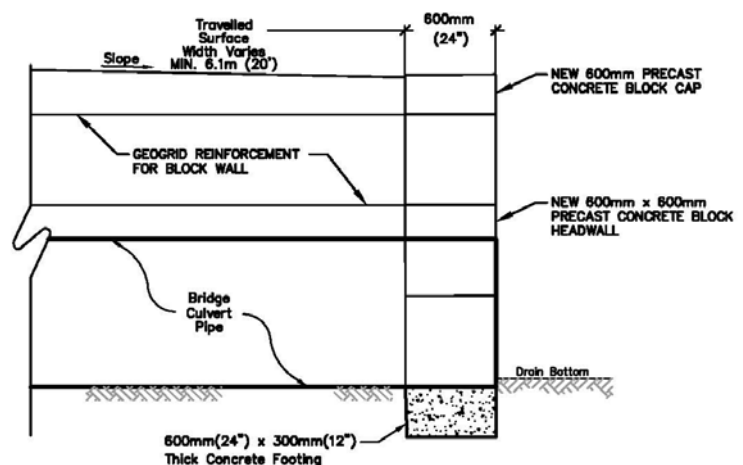
1. Size of Quarried Limestone to be 100mm(4") – 250mm(10")
2. Geotextile Fabric to be GMN 160 Class I or Equal

Typical Quarried Limestone End Protection

Rood Engineering Inc.
Consulting Engineers
 9 Nelson Street
 Leamington, Ontario N8H 1G6
 519-322-1621



TYPICAL PRECAST CONCRETE BLOCK END PROTECTION
Scale = N.T.S.



TYPICAL VERTICAL PRECAST CONCRETE BLOCK END PROTECTION
Scale = N.T.S.

APPENDIX "REI-D"

CITY OF WINDSOR GENERAL CONDITIONS

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GC 1 INTERPRETATION

GC 1.01 Captions

The captions appearing in these general conditions have been inserted as a matter of convenience and for ease of reference only and in no way define, limit or enlarge the scope or meaning of the general conditions or any provision hereof.

GC 1.02 Gender and Singular References

References to the masculine or singular throughout the Contract Documents shall be considered to include the feminine and the plural and vice versa as the context requires.

GC 1.03 Definitions

In the Contract (as hereinafter defined) the following words and expressions shall have the meanings hereby assigned to them except where the context requires otherwise:

<i>"ENGINEER"</i>	the City Engineer or his/her representative placed in responsible charge of the work by the City of Windsor.
<i>"SITE REPRESENTATIVE"</i>	Authorized assistants of the Engineer such as construction inspector, quality control inspectors, maintenance supervisors, who are assigned to inspect the materials and workmanship in whole or in part, entering in the work.
<i>"PLANS"</i>	the official plan, profiles, cross-section and other drawings, or reproductions of the same which show the location, dimensions and details of the work to be done.
<i>"SPECIFICATIONS"</i>	the directions, requirements, etc., pertaining to the method or manner of performing the work and to the qualities of the materials to be furnished for the work.
<i>"PROPOSAL"</i>	the offer of the bidder, filed with the Purchasing Manager.

<i>"CONTRACT"</i>	the agreement entered into between the Contractor and the Corporation of the City of Windsor for the work described therein in accordance with these specifications.
<i>"CONTRACT DOCUMENTS"</i>	consists of the Agreement, Form of Tender, Form of Bond, General Conditions, the Drawings and the Specifications, together with the Schedule of Unit Prices, Instructions to Tenderers, and any modifications thereof, incorporated in the documents before their execution.
<i>"CITY" OR "CORPORATION"</i>	the Corporation of the City of Windsor.
<i>"TENDERER"</i>	a person, firm, or company who submits a tender for these works, which tender is subsequently accepted.
<i>"CONSTRUCTOR"</i>	means, for the purpose of, and within the meaning of the Occupational Health & Safety Act, R.S.O. 1980, C.321 and amendments thereto, the contractor who executes the contract.
<i>"CONTRACTOR"</i>	a person, firm, or company who submits a tender for these works, which tender is subsequently accepted.
<i>"WORKS"</i>	the works described in these tender documents for either or both supply, and installation or construction.
<i>"BASE"</i>	means a layer of material of specified type and thickness placed immediately below the pavement, driving surface, finished grade, curb and gutter or sidewalk.
<i>"CONTRACT TIME"</i>	means the time stipulated in the Contract Documents for Substantial Performance of the Work, including any extension of Contract Time made pursuant to the Contract Documents.
<i>"DAILY WORK RECORDS"</i>	mean daily records kept detailing the number and categories of workers and hours worked or on standby; types and quantities of equipment and number of hours in use or on standby; and description and quantities of material utilized.

<i>"EARTH GRADE"</i>	means the earth surface, whether in cut or fill, as prepared for the Base or Sub-base.
<i>"EQUIPMENT"</i>	means all machinery and equipment used for preparing, fabricating, conveying or erecting the work and normally referred to as construction machinery and equipment.
<i>"EXTRA WORK"</i>	means work not provided for in the Contract as awarded but considered by the Engineer essential to the satisfactory completion of the Contract within its intended scope.
<i>"ADDITIONAL WORK"</i>	means work not provided for in the Contract and not considered by the Engineer to be essential to the satisfactory completion of the Contract within its intended scope.
<i>"HAND TOOLS"</i>	means tools that are commonly called tools or implements of the trade and include small power tools. Individually, a tool will be considered as a Hand Tool where the maximum cost is \$250.00.
<i>"HAUL ROAD"</i>	means any public road excluding the road under contract, which forms part of a materials haul route.
<i>"MAJOR ITEM"</i>	means any tender item that has a value, calculated on the basis of its actual or estimated tender quantity whichever is the larger, multiplied by its tender unit price, which is equal to or greater than the lesser of: <ul style="list-style-type: none"> a) \$100,000. Or b) 5% of the total tender value calculated on the basis of the total of all the estimated tender quantities and the tender unit prices.
<i>"OWNER"</i>	means the party to the Contract for whom the Work is being performed, as identified in the Agreement.
<i>"PAVEMENT"</i>	means a wearing course or courses placed on the Roadway and consisting of asphaltic concrete, portland cement concrete, or plant or road mixed mulch.
<i>"PROFILE GRADE"</i>	means the required elevation of the surface of

	the Base.
<i>"ROAD ALLOWANCE"</i>	means the lands acquired at any time for use as a Highway.
<i>"ROADBED"</i>	means that part of the Work which is designed to support the wearing surface and shoulders of the Roadway.
<i>"ROADWAY"</i>	means that part of the Highway designed or intended for use by vehicular traffic and includes the shoulders.
<i>"SHOULDER"</i>	means that portion of the Roadway between the edge of the wearing surface and the top inside edge of the ditch or fill slope.
<i>"SPECIAL PROVISIONS"</i>	means special directions containing requirements peculiar to the Work.
<i>"STANDARD SPECIFICATION"</i>	means a standard practice required and stipulated by the Owner for performance of the work.
<i>"SUBBASE"</i>	means a layer of material of specified type and thickness between the Subgrade and the Base.
<i>"SUBCONTRACTOR"</i>	means a person, partnership or corporation undertaking the execution of a part of the Work by virtue of an agreement with the Contractor.
<i>"SUPERINTENDENT"</i>	means the Contractor's authorized representative in responsible charge of the Work.
<i>"WORK"</i>	means the total construction and related services required by the Contract Documents.
<i>"WORKING AREA"</i>	means all the lands and easements owned or acquired by the Owner for the construction of the Work.

GC 2 CONTRACT DOCUMENTS

GC 2.01 GENERAL

The works shall be constructed as called for in the specifications and as shown on the Contract Drawings.

GC 2.02 ACCURACY OF DRAWINGS AS TO LOCATIONS OF STRUCTURES AND UTILITIES

- i. The Corporation does not assume any responsibility for the correctness, accuracy or completeness of the Drawings, with respect to the location of existing structures, utilities, services, pipes, catchbasins, manholes, chambers or other objects (man made or natural) above the ground, on the surface and/or accessible from the surface and should the Drawings be found to be incorrect or incomplete, the Contractor shall not have any claim on this account.
- ii. The Corporation does not warrant the exact location of any utility or other subsurface condition that is identified in the Drawings. The Contractor will be responsible for all locates to identify exact locations of any utility or other subsurface condition that is identified within the limits of construction. The Contractor shall not be responsible for any utility or other man-made obstruction that is not identified in the Drawings or described in the specifications, if the presence and/or location of the obstruction could not be identified by site inspection made by the Contractor in accordance with these General Conditions.

GC 2.03 SOUNDINGS, BORINGS & INSPECTION OF SITE

- i. The Tenderer shall be required to carry out all the necessary site investigation to arrive at his Total Tender Price for this Contract and under no circumstances will he, as the Contractor, be entitled to receive any extra payment because he may have neglected to investigate the site or because he may encounter ground conditions which he might have thought were not present. He shall satisfy himself; as to the nature of the soil, the bearing capacity and other physical characteristics as well as the location of various earth and rock strata, ground water level, etc. He shall be entirely responsible for determining all of the necessary information relevant to the construction of the Works and he shall not hold the Corporation liable for any item in this regard. He shall verify all matters concerning access to the work, power supplies, location of existing services, utilities, etc., prior to submission of his Tender. Should the Corporation, prior to asking for tenders, have made a soil investigation, soil engineering report, and environmental audits, copies of the same shall be kept on file at the office of the Engineer, and the Tenderer may at

any time between the hours of 8:30 a.m. and 4:30 p.m. local time, visit the said office of the Engineer on any working day and examine the said soil report. The Tenderer shall note that the said soil report will have been prepared for the purpose of designing the Works, and he shall in no way hold the Corporation liable for any of the contents of the said report. The report shall be intended to be a guide for the Contractor in ascertaining the best possible construction methods to be used by him in carrying out the Contract.

- ii. If any time during the execution of the works, the Engineer shall require the Contractor to make bore holes or to carry out exploratory excavation, such requirement shall be ordered in writing and shall be deemed to be an addition ordered under the provisions of Clause 7.03 hereof, unless provisional sum in respect of such anticipated work shall have been included in the Schedule of Unit Prices.

GC 2.04 DOCUMENTS MUTUALLY EXPLANATORY

The several documents forming the Contract are to be taken as mutually explanatory of the one another, and in case of ambiguities or discrepancies, the same shall be explained and adjusted by the Engineer, who shall thereupon issue to the Contractor instructions directing in what manner the work is to be carried out.

GC 2.05 CUSTODY OF DRAWINGS

- i. The Drawings shall remain in the sole custody of the Engineer but up to six (6) copies thereof shall be furnished to the Contractor free of cost. The Contractor shall provide and make at his own expense any further copies required by him. At the completion of the Contract, the Contractor shall return to the Engineer all drawings provided under the Contract.
- ii. The Contractor shall give adequate notice in writing to the Engineer of any further drawing or specification that may be required for the execution of the Works, or otherwise, under the Contract.
- iii. One copy of the Drawings furnished to the Contractor as aforesaid, shall be kept by the Contractor on Site, and the same shall at all reasonable times, be available for inspection and use by the Engineer, the Engineer's Representative, and by any other person authorized by the Engineer in writing.
- iv. The Engineer shall have full power and authority to supply to the Contractor, from time to time, during the progress of the Works, such further drawings and instructions as shall be necessary for the purpose of

the proper and adequate execution and maintenance of the Works, and the Contractor shall carry out and be bound by the same.

GC 2.06 ORDER OF PRECEDENCE

- i. In the event of any inconsistency or conflict in the contents of the following documents, such documents shall take precedence and govern in the following order:
 - a. Agreement
 - b. Addenda
 - c. Special Provisions
 - d. Contract Drawings
 - e. Supplementary Specifications and Mandatory Procedures and Practices
 - f. Standard Specifications
 - g. Form of Tender
 - h. Supplemental General Conditions
 - i. General Conditions
 - j. Working Drawings

Later dates shall govern within each of the above categories of documents.

- ii. In the event of any conflict among or inconsistency in the information shown on Drawings, the following rules shall apply:
 - a. Dimensions shown in figures on a Drawing shall govern where they differ from dimensions scaled from the same Drawing;
 - b. Drawings of larger scale shall govern over those of smaller scales;
 - c. Detailed Drawings shall govern over general Drawings; and
 - d. Drawings of a later date shall govern over those of an earlier date in the same series.
- iii. In the event of any conflict in the contents of Standard Specifications the following order of precedence shall govern:
 - a. Specifications approved or modified by the Engineer
 - b. City of Windsor Standard Specifications

GC 3 ADMINISTRATION OF CONTRACT

GC 3.01 ENGINEERS AUTHORITY

- i. The Engineer will be the Corporation's representative during the construction and until the issuance of the Completion Certificate or the issuance of the final acceptance certificate whichever is later. All instructions to the Contractor will be issued by the Engineer. The Engineer will have the authority to act on behalf of the Corporation only to the extent provided in the Contract Documents.
- ii. All claims, disputes and other matters in question relating to the performance and the quality of the Work or the interpretation of the Contract Documents shall be initially referred to the Engineer in writing by the Contractor. The Engineer will give a decision in writing within a reasonable time.
- iii. The Engineer will inspect the Work for its conformity with the plans and specifications, and will record the necessary data to establish payment quantities under the schedule of tender quantities and unit prices or to make an assessment of the value of the Work completed in the case of a lump sum price contract.
- iv. The Engineer will determine the amounts owing to the Contractor under the Contract and will issue certificates for payment in such amounts as provided for in Section 7. Measurement and Payment.
- v. The Engineer will, with reasonable promptness, review and take appropriate action upon the Contractor's submissions such as shop drawings, product data, and samples in accordance with the Contract Documents.
- vi. The Engineer will investigate all allegations of a change in the character of the Work made by the Contractor and issue appropriate instructions.
- vii. The Engineer will prepare Change Orders for the Contractor's signature and the Commissioner's approval.
- viii. Upon written application by the Contractor, the Engineer and the Contractor will jointly conduct an inspection of the Work to establish the date of Substantial Performance of the Work and/or the date of Completion of the Work.
- ix. The Engineer will be, in the first instance, the interpreter of the Contract Documents and the judge of the performance thereunder by both parties

to the Contract. Interpretations and decisions of the Engineer shall be consistent with the intent of the Contract Documents.

- x. The Engineer will have the authority to reject work or material which does not conform to the Contract Documents.
- xi. Defective work, whether the result of poor workmanship, use of defective material or damage through carelessness or other act or omission of the Contractor and whether incorporated in the Work or not, which has been rejected by the Engineer as failing to conform to the Contract Documents shall be removed promptly from the Work by the Contractor and replaced or re-executed promptly in accordance with the Contract Documents at no additional cost to the Corporation.
- xii. Any part of the Works destroyed or damaged by such removals, replacements or re-executions shall be made good, promptly, at no additional cost to the Corporation.
- xiii. If, in the opinion of the Engineer, it is not expedient to correct defective work or work not performed in accordance with the Contract Documents, the Corporation may deduct from monies otherwise due to the Contractor the difference in value between the work as performed and that called for by the Contract Documents, the amount of which will be determined in the first instance by the Engineer.
- xiv. In case of default on the part of the Contractor in carrying out the corrections of defective work, the Corporation shall be entitled to employ and pay other persons to carry out the same, and all expenses consequent thereon, or incidental thereto, shall be borne by the Contractor, and shall be recoverable from him by the Corporation, or may be deducted by the Corporation from any monies due, or which may become due, to the Contractor.
- xv. Notwithstanding any inspections made by the Engineer or the issuance of any certificates or the making of any payment by the Corporation, the failure of the Engineer to reject any defective work or Material shall not constitute acceptance of defective work or Material.
- xvi. The Engineer will have the authority to temporarily suspend the Work for such reasonable time as may be necessary to facilitate the checking of any portion of the Contractor's construction layout or the inspection of any portion of the Work. There shall not be any extra compensation for this suspension of work.

GC 3.02 DUTIES AND POWERS OF ENGINEER'S REPRESENTATIVES

- i. The duties of the Site Representative are to monitor and inspect the Works and to test and examine any materials (GC 3.12 & GC 3.13) to be used, or workmanship employed, in connection with the works. The Site Representative shall have no authority to relieve the Contractor of any of his duties or obligations under the Contract.
- ii. The Site Representative will inspect the work for conformity with plans and specifications, and will measure, tabulate and record quantities under the schedule of tender quantities and unit prices.
- iii. In the case of extra work, the Site Representatives will keep records of quantities, materials, labour and equipment as per section GC 7.09.
- iv. The Site Representative will investigate all allegations of a change in character of the Work, made by the Contractor, and will report the details to the Engineer.
- v. The Site Representative will have the authority to reject work or material which does not conform to Contract Specifications.
- vi. The Site Representative will have the authority to temporarily suspend the work for such reasonable time as it may be necessary to facilitate the checking of any portion of Contractor's construction layout or the inspection on any portion of the work. There will be no compensation for the suspension of work.

GC 3.03 WORKING DRAWINGS

- i. The Contractor shall arrange for the preparation of clearly identified and dated Working Drawings as called for by the Contract Documents.
- ii. The Contractor shall submit Working Drawings to the Engineer with reasonable promptness and in orderly sequence so as to not cause delay in the Work. If either the Contractor or the Engineer so requests they shall jointly prepare a schedule fixing the dates for submission and return of Working Drawings. Working Drawings shall be submitted in the form of prints. At the time of submission the Contractor shall notify the Engineer in writing of any deviations from the Contract requirements that exist in the Working Drawings.
- iii. The Engineer will review and return Working Drawings in accordance with an agreed upon schedule, or otherwise, with reasonable promptness so as not to cause delay.

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- iv. The Engineer's review will be to check for conformity to the design concept and for general arrangement only and such review shall not relieve the Contractor of responsibility for errors or omissions in the Working Drawings or of responsibility for meeting all requirements of the Contract Documents unless a deviation on the Working Drawings has been approved in writing by the Engineer.
 - v. The Contractor shall make any changes in Working Drawings which the Engineer may require consistent with the Contract Documents and resubmit unless otherwise directed by the Engineer. When resubmitting, the Contractor shall notify the Engineer in writing of any revisions other than those requested by the Engineer.
 - vi. Work related to the Working Drawings shall not proceed until the Working Drawings have been reviewed by the Engineer.
 - vii. The Contractor shall keep one set of the reviewed Working Drawings, marked as above, at the site at all times.

GC 3.04 RIGHT OF THE ENGINEER TO MODIFY METHODS AND EQUIPMENT

- i. The Contractor shall, when requested in writing, make alterations in the method, equipment or work force at any time the Engineer considers the Contractor's actions to be unsafe, or damaging to either the Work or existing facilities or the environment.
- ii. The Contractor shall alter the sequence of operations on the Contract, when requested in writing, so as to avoid interference with other work.
- iii. Notwithstanding the foregoing, the Contractor shall ensure that all necessary safety precautions and protection are maintained throughout the Work.

GC 3.05 ASSIGNMENT AND SUB-LETTING

- i. The Contractor shall not assign the Contract, or any part thereof, or any benefit or interest therein, or thereunder, without the written consent of the Corporation.
- ii. The Contractor shall, at the request of the Engineer, notify the Engineer in writing of the names of the Sub-Contractors proposed for the principal parts of the Work and for such others as the Engineer may direct and shall not employ any to whom the Engineer may object.
- iii. If the Engineer should object or refuse to accept any Sub-Contractor or manufacturer's product for inclusion in the Work, he shall not be required

to give any reason whatsoever for such objection or refusal. Further, neither the Contractor nor the Sub-Contractor nor any other person shall pursue the matter in any way or at any time subsequently after the Engineer's decision in such matter has been given.

- iv. The Contractor shall preserve and protect the rights of the parties under the Contract with respect to the work to be performed under subcontract and shall:
 - a. enter into agreements with the intended Subcontractors to require them to perform their work in accordance with the Contract Documents; and
 - b. be as fully responsible to the Corporation for acts and omissions of the Contractor's Subcontractors and of persons directly or indirectly employed by them as for acts and omissions of persons directly employed by the Contractor.
- v. Neither a subcontracting, nor the Corporation's consent to a subcontracting by the Contractor, shall be construed to relieve the Contractor from any obligation under the Contract or to impose any liability upon the Corporation. Nothing contained in the Contract Documents shall create a contractual relationship between a Subcontractor and the Corporation.

GC 3.06 WORKING AREA

- i. The Corporation will acquire all property rights which are deemed necessary by the Corporation for the construction of the work including temporary working easements and will indicate the full extent of the working area on the Contract Drawings.
- ii. Should the Contractor require additional temporary right of ways or easements, not shown on the contract drawings, the Contractor shall bear all expenses and charges. The Contractor shall also provide at his own cost, any additional accommodation outside the site required by him for the purpose of the Works.
- iii. The Contractor's sheds, site offices, toilets, other temporary structures and storage areas for material and equipment shall be grouped in a compact manner and maintained in a neat and orderly condition at all times.
- iv. The Contractor shall not enter upon or occupy any private property for any purpose, unless the Contractor has received prior written permission from the property owner.

GC 3.07 REMOVAL OF WORKERS

The Contractor shall employ in and about the execution of the works, only such persons as are careful, skilled and experienced in their several trades and callings, and the Engineer shall be at liberty to object to, and require the Contractor to remove from the works, who in the opinion of the Engineer misconducts himself, or is incompetent or negligent in the proper performance of his duties; and such persons shall not be again employed upon the works without the permission of the Engineer. This clause does not apply to the provisions of the Occupational Health & Safety Act.

GC 3.08 SERVICE OF NOTICE ON CONTRACTOR

- i. Any notice to be given to the Contractor under the terms of the Contract, shall be served by sending the same by post, or leaving the same at the Contractor's principal place of business, (or in the event of the Contractor being a Company, to or at its registered office).
- ii. Any notice, given to the Corporation under the terms of the Contract, shall be served by sending the same by registered mail to the Engineer of the Corporation of the City of Windsor, P. O. Box 1607, City Hall, Windsor, Ontario, N9A 6S1.

GC 3.09 LAYOUT

- i. The Engineer will provide base lines, monuments and bench marks only, as shown on the drawings and as required by the Contractor for establishing line and grade. The Corporation will be responsible only for the correctness of the information provided by the Engineer.
- ii. The Contractor shall give the Engineer at least forty-eight (48) hours notice before requiring any setting out of any base lines or bench marks on any portion of the Works and shall state clearly in such notice the exact locality or localities where setting out is required.
- iii. The Contractor shall supply, at his own expense, incidental labour and material required by the Engineer for setting base lines and bench marks and shall facilitate such work in every way.
- iv. The Contractor will be held responsible for the preservation in their proper position of all bench marks, reference points, iron bars and stakes, and if any of them are disturbed, lost or destroyed after once being given, he shall at once notify the Engineer and the cost incurred in replacing them be borne by the Contractor.

GC 3.10 ACCESS TO SITE

The Engineer, and any person authorized by him, shall at all times have access to the Works and to the Site, and to all workshops and places where work is being prepared, or when materials, manufactured articles and machinery are being obtained for the works; and the Contractor shall afford every facility for, and every assistance in, or in obtaining, the right to such access.

GC 3.11 EXAMINATION OF WORK BEFORE COVERING UP

- i. No work shall be covered up or put out of view without the approval of the Engineer, and the Contractor shall afford full opportunity for the Engineer to examine and measure any work which is about to be covered up, or put out of view, and to examine foundations before permanent work is placed thereon. The Contractor shall give due notice to the Engineer whenever any such work or foundations is, or are ready, or about to be ready for examination, and the Engineer shall without reasonable delay, unless he considers it unnecessary and advises the Contractor accordingly, attend for the purpose of examining and measuring such work, or of examining such foundations.
- ii. The Contractor shall uncover any part or parts of the Works, or make openings in or through the same as the Engineer may from time to time direct, and shall reinstate and make good such part or parts to the satisfaction of the Engineer. If any such part or parts have been covered up, or put out of view, after compliance with the above requirements, and are found to be executed in accordance with the Contract, the expense of uncovering, making openings in, or through, reinstating and make good the same, shall be borne by the Corporation; but in any other case, all such expenses shall be borne by the Contractor and shall be recoverable from him by the Corporation, or may be deducted by the Corporation from any monies due, or which may become due to the Contractor.

GC 3.12 QUALITY OF MATERIALS, WORKMANSHIP AND TESTS

- i. All materials and workmanship shall be of the respective kinds described in the Contract, and in accordance with the Engineer's instructions, and shall be subjected from time to time to such tests as the Engineer may direct, at the place of manufacture or fabrication, or on the Site, or at all or any of such places. The Contractor shall provide such assistance, instruments, machines, labour and materials as are normally required for examining, measuring and testing any work, and the quality, weight or quantity of any material used; and shall supply samples of materials before incorporation in the Works, for testing, as may be selected and

required by the Engineer. All samples shall be supplied by the Contractor at his own cost.

- ii. The Contractor shall supply at his own expense, certified copies of all tests upon all materials entering into the Contract. Such tests shall be made, as and when directed by the Engineer, and by an approved testing laboratory.

GC 3.13 PAYMENT FOR TESTING

- i. The following tests, called for as required by the Engineer, will be paid for by the Corporation:
 1. Air entrainment tests during concrete work.
 2. Slump tests during concrete work.
 3. Casting and compression testing of concrete cylinders.
 4. Compaction tests. Limit of one test per location. If the result of any compaction test is below that specified, the Engineer may call for retesting, and all costs associated with such retesting shall be paid by the Contractor.
 5. Analysis of granular materials and approval of sources. Limit of one analysis per type of materials.
 6. Asphalt extraction tests.
- ii. The above tests are for compliance purposes only. The test results shall not be the basis for any mix designs and shall not bind the Corporation to accept any material for use in the Contract.
- iii. The Contractor and suppliers are responsible for maintaining an adequate quality control program and for conducting tests on all materials incorporated into the Contract at their own expense. The results of the quality control program and material tests shall be made available to the Engineer promptly, upon request.

GC 3.14 URGENT REPAIRS

If by reason of any accident or failure or other event occurring to, in, or in connection with, the Works or any part thereof, either during the execution of the Works or during the Period of Maintenance, any remedial or other work or repair shall in the opinion of the Engineer be urgently necessary for security, and the Contractor is unable or unwilling at once to do such work or repair, the Corporation may have its own or other workers to do such work as the Engineer may consider necessary. If the work or repair, so done by the Corporation is work, which in the opinion of the Engineer, the Contractor was liable to do at his own expense under the Contract all costs and charges properly incurred by the Corporation in so doing, shall

on demand, be paid by the Contractor to the Corporation from any monies due, or which may become due to the Contractor. Provided always that the Engineer shall as soon after the occurrence of any such emergency as may be reasonably practicable, notify the Contractor thereof in writing.

GC 3.15 SUSPENSION OF WORK

The Contractor shall, on the written order of the Engineer, suspend the progress of the Works or any part thereof for such time or times and in such manner as the Engineer may consider necessary and shall during such suspension properly protect and secure the work so far as is necessary in the opinion of the Engineer.

GC 3.16 EXTENSION OF TIME FOR COMPLETION

- i. Should the amount of extra or additional work of any kind, or other special circumstances of any kind whatsoever which may occur, be such as fairly to entitle to the Contractor to an extension of time for the completion of the work, the Engineer shall determine the amount of such extension. Provided that the Engineer is not bound to take into account any extra or additional work or other special circumstances unless the Contractor has, within fourteen (14) calendar days after such work has been commenced, or such circumstances have arisen, or as soon thereafter as is practicable, delivered to the Engineer full and detailed particulars of any claim to extension of time to which he may consider himself entitled, in order that such claim may be investigated at the time.
- ii. Circumstances suitable for consideration include the following:
 - a. Delays GC 3.17
 - b. Variations GC 3.18
 - c. Extra Work GC 3.19
 - d. Additional Work GC 3.20
- iii. The terms and conditions of the contract shall continue for such extension of Contract time.

GC 3.17 DELAYS

If the Contractor is delayed in the performance of the Work by:

- a. War, blockades, and civil commotions, errors in the Contract Documents; an act of omission of the Corporation Engineer, other contractors, or anyone employed or engaged by them directly or indirectly, contrary to the provisions of the Contract Documents; or
- b. A stop work order issued by a court or public authority, provided that such order was not issued as the result of an act or omission of the

- Contractor or anyone employed or engaged by the Contractor directly or indirectly; or
- c. The Engineer giving notice under subsection 3.15 Suspension of Work; or
 - d. Abnormal inclement weather;

then consideration may be given to reimburse the Contractor by the Corporation for reasonable costs incurred by the Contractor as the result of such delay. Extension of Contract Time will be granted in accordance with subsection GC 3.16 Extension of Contract Time.

The Contractor shall not be entitled to payment for the cost of delays incurred as a result of a dispute between the Contractor and Owner. The Contractor shall execute the Work and may pursue resolution of the dispute in accordance with subsection GC 3.21, Claims, Negotiations, Mediation, Arbitration.

GC 3.18 VARIATIONS

- i. The Engineer will make any variations of the form, quality or quantity of the Works, or any part thereof, that may in his opinion be necessary, and for that purpose, or if for any other reason it shall in his opinion be desirable, will have the power to order the Contractor to do, and the Contractor shall do, any of the following:
 - a. increase or decrease the quantity of any work included in the Contract,
 - b. omit any such work,
 - c. change the character or quality or kind of such work,
 - d. change the levels, lines, position and dimensions of any part of the Works, and
 - e. execute additional work of any kind necessary for the completion of the Works

and no such variations shall in any way vitiate, or invalidate, the Contract, but the value (if any), of all such variations shall be taken into account in ascertaining the amount of the Contract Price.

- ii. No such variation shall be made by the Contractor without an order in writing of the Engineer. Provided that no order in writing shall be required for increase or decrease in the quantity of any work, where such increase or decrease is not the result of an order given under this Clause, but is the result of the quantities exceeding or being less than those stated in the Schedule of Prices. Provided also that if for any reason the Engineer shall consider it desirable to give any such order verbally, the Contractor

shall comply with such order, and any confirmation in writing of such verbal order given by the Engineer, whether before or after the carrying out of the order, shall be deemed to be an order in writing within the meaning of this Clause. Provided further that if the Contractor shall confirm in writing to the Engineer any verbal order of the Engineer, and such confirmation shall not be contradicted in writing by the Engineer, it shall be deemed to be an order in writing by the Engineer.

- iii. The Contract may apply for an extension of Contract Time.
- iv. If the Changes in the Work relate solely to quantities as in the pay items, payment will be made according to the contract. If the Changes in the Work do not solely relate to pay items, payment may be negotiated.

GC 3.19 EXTRA WORK

- i. The Corporation, or Engineer where so authorized, may instruct the Contractor to perform Extra Work without invalidating the Contract. The Contractor shall not be required to proceed with the Extra Work until receipt of a Written Order. Upon receipt of the Written Order the Contract shall proceed with the Work.
- ii. The Contractor may apply for an extension of Contract Time.

GC 3.20 ADDITIONAL WORK

- i. The Corporation, or Engineer where so authorized, may request the Contractor to perform Additional Work without invalidating the Contract, if the Contractor agrees to perform Additional Work, the Contractor shall proceed with such work upon receipt of a Written Order.
- ii. The Contractor may apply for an extension of Contract Time.

GC 3.21 CLAIMS, NEGOTIATIONS, MEDIATION, ARBITRATION

GC 3.21.01 Continuance of the Work

- i. Unless the Contract has been terminated or completed, the Contractor shall in every case, after serving or receiving any notification of a claim or dispute, verbal or written, continue to proceed with the Work with due diligence and expedition. It is understood by the parties that such action shall not jeopardize any claim it may have.

GC 3.21.02 Record Keeping

- i Immediately upon commencing work that may result in a claim, the Contractor shall keep Daily Work Records during the course of the Work, sufficient to substantiate the Contractor's claim, and the Engineer shall keep Daily Work Records to be used in assessing the Contractor's claim. The Contractor shall preserve all such original Records until 12 months after the Final Acceptance Certificate is issued or until all claims have been settled, whichever is longer. The Contractor shall require that Subcontractors employed by the Contractor preserve all original Records pertaining to the Work, Changes in the Work, Extra Work, and claims arising therefrom for a similar period of time.
- ii The Contractor and the Engineer shall attempt to reconcile their respective Daily Work Records on a daily basis, to simplify review of the claim, when submitted. If the Contractor and the Engineer fail to reconcile their respective Daily Work Records, then the Contractor shall submit its Daily Work Records as part of its claim, whereby the resolution of the dispute about the Daily Work Records shall not be resolved until there is a resolution of the claim.
- iii The keeping of Daily Work Records by the Engineer or the reconciling of such Daily Work Records with those of the Contractor shall not be construed to be acceptance of the claim.

GC 3.21.03 Claims Procedure

- i The Contractor shall give verbal notice of any situation that may lead to a claim for additional payment immediately upon becoming aware of the situation.
- ii The Contractor shall provide written notice within 7 calendar Days of the commencement of any part of the Work that may be affected by the situation.
- iii The Contractor shall submit detailed claims as soon as reasonably possible and in any event no later than 30 Days after completion of the work affected by the situation. The detailed claim shall:
 - a identify the item or items in respect of which the claim arises;
 - b state the grounds, contractual or otherwise, upon which the claim is made; and
 - c include the Records maintained by the Contractor supporting such claim. In exceptional cases, the 30 Days may be increased to a maximum of 90 Days with approval in writing from the Engineer.
- iv Within 30 Days of the receipt of the Contractor's detailed claim, the Engineer may request the Contractor to submit any further and other particulars as the Engineer considers necessary to assess the claim. The

- Contractor shall submit the requested information within 30 Days of receipt of such request.
- v Within 90 Days of receipt of the detailed claim, the Engineer shall advise the Contractor, in writing, of the Engineer's opinion with regard to the validity of the claim.

GC 3.21.04 Negotiations

- i The parties shall make all reasonable efforts to resolve their dispute by amicable negotiations and agree to provide, without prejudice, open and timely disclosure of relevant facts, information, and documents to facilitate these negotiations.
- ii Should the Contractor disagree with the opinion given in paragraph GC 3.21.03 (v), with respect to any part of the claim, the Engineer shall enter into negotiations with the Contractor to resolve the matters in dispute. Where a negotiated settlement cannot be reached and it is agreed that payment cannot be made on a Time and Material basis in accordance with clause GC 7.10, Payment for Extra work, the parties shall proceed in accordance with clause GC 3.21.05, Mediation, or subsection GC 3.21.08, Arbitration.

GC 3.21.05 Mediation

- i If a claim is not resolved satisfactorily through the negotiation stage noted in clause GC 3.21.04, Negotiations, within a period of 30 Days following the opinion given in paragraph GC 3.21.03 (v), and the Contractor wishes to pursue the issue further, the parties may, upon mutual agreement, utilize the services of an independent third party mediator.
- ii The mediator shall be mutually agreed upon by the Owner and Contractor.
- iii The mediator shall be knowledgeable regarding the area of the disputed issue. The mediator shall meet with the parties together or separately, as necessary, to review all aspects of the issue. In a final attempt to assist the parties in resolving the issue themselves prior to proceeding to arbitration the mediator shall provide, without prejudice, a non-binding recommendation for settlement.
- iv The review by the mediator shall be completed within 90 Days following the opinion given in paragraph GC 3.21.03 (v).
- v Each party is responsible for its own costs related to the use of the third party mediator process. The cost of the third party mediator shall be equally shared by the Owner and Contractor.

GC 3.21.06 Payment

- i Payment of the claim shall be made no later than 30 Days after the date of resolution of the claim or dispute.

GC 3.21.07 Rights of Both Parties

- i It is agreed that no action taken under subsection GC 3.21, Claims, Negotiations, Mediation, by either party shall be construed as a renunciation or waiver of any of the rights or recourse available to the parties, provided that the requirements set out in this subsection are fulfilled.

GC 3.21.08 Arbitration

GC 3.21.08.01 Conditions of Arbitration

- i If a claim is not resolved satisfactorily through the negotiation stage noted in clause GC 3.21.04, Negotiations, or the mediation stage noted in clause GC 3.21.05, Mediation, either party may invoke the provisions of subsection GC 3.21.08, Arbitration, by giving written notice to the other party.
- ii Notification that arbitration shall be implemented to resolve the issue shall be communicated in writing as soon as possible and no later than 60 Days following the opinion given in paragraph GC 3.21.03 (v). Where the use of a third party mediator was implemented, notification shall be within 120 Days of the opinion given in paragraph GC 3.21.03 (v).
- iii The parties shall be bound by the decision of the arbitrator.
- iv The rules and procedures of the *Arbitration Act*, 1991, S.O. 1991, c.17, as amended, shall apply to any arbitration conducted hereunder except to the extent that they are modified by the express provisions of subsection GC 3.21.08, Arbitration.

GC 3.21.08.02 Arbitration Procedure

- i The following provisions are to be included in the agreement to arbitrate and are subject only to such right of appeal as exist where the arbitrator has exceeded his or her jurisdiction or have otherwise disqualified him or herself:
 - a All existing actions in respect of the matters under arbitration shall be stayed pending arbitration;
 - b All outstanding claims and matters to be settled are to be set out in a schedule to the agreement. Only such claims and matters as are in the schedule shall be arbitrated; and
 - c Before proceeding with the arbitration, the Contractor shall confirm that all matters in dispute are set out in the schedule.

GC 3.21.08.03 Appointment of Arbitrator

- i The arbitrator shall be mutually agreed upon by the Owner and Contractor to adjudicate the dispute.
- ii Where the Owner and Contractor cannot agree on a sole arbitrator within 30 Days of the notification of arbitration noted in paragraph GC 3.21.08.01 (ii), the Owner and the Contractor shall each choose an appointee within 37 Days of the notice of arbitration.
- iii The appointees shall mutually agree upon an arbitrator to adjudicate the dispute within 15 Days after the last appointee was chosen or they shall refer the matter to the Arbitration and Mediation Institute of Ontario Inc., which may select an arbitrator to adjudicate the dispute within 7 Days of being requested to do so.
- iv The arbitrator shall not be interested financially in the Contract nor in either party's business and shall not be employed by either party.
- v The arbitrator may appoint independent experts and any other persons to assist him or her.
- vi The arbitrator is not bound by the rules of evidence that govern the trial of cases in court but may hear and consider any evidence that the arbitrator considers relevant.
- vii The hearing shall commence within 90 Days of the appointment of the arbitrator.

GC 3.21.08.04 Costs

- i The arbitrator's fee shall be equally shared by the Owner and the Contractor.
- ii The fees of any independent experts and any other persons appointed to assist the arbitrator shall be shared equally by the Owner and the Contractor.
- iii The arbitration hearing shall be held in a place mutually agreed upon by both parties or in the event the parties do not agree, a site shall be chosen by the arbitrator. The cost of obtaining appropriate facilities shall be shared equally by the Owner and the Contractor.
- iv The arbitrator may, in his or her discretion, award reasonable costs, related to the arbitration.

GC 3.21.08.05 The Decision

- i The reasoned decision shall be made in writing within 90 Days of the conclusion of the hearing. An extension of time to make a decision may be granted with consent of both parties. Payment of any award shall be made in accordance with clause GC 3.21.06, Payment.

GC 3.22 NOTICES

- i. Any notice permitted or required to be given to the Engineer or the Superintendent in respect of the Work shall be deemed to have been given to and received by the addressee on the date of delivery if delivered by hand or by facsimile transmission and on the fifth day after the date of mailing if sent by mail.
- ii. The Contractor shall provide the mailing addresses, telephone numbers, e-mail addresses, after working hours telephone numbers, and facsimile terminal numbers for the Superintendent at the commencement of the Work.
- iii. In the event of an emergency situation or other urgent matter the Engineer or the Superintendent may give a verbal notice, provided that such notice is confirmed in writing.
- iv. Any notice permitted or required to be given to the Corporation or the Contractor shall be given in accordance with the notice provision of the Agreement.

GC 3.23 NOTICE OF COMPLETION OF WORKS

- i. As soon as in the opinion of the Engineer the Works shall have been "Substantially Performed" or "Deemed Completed" as defined under the Construction Lien Act, have passed any test that may be prescribed by the Contract, and have been accepted in writing by the Engineer as completed and to his satisfaction; the Engineer shall, on receiving an undertaking by the Contractor to finish any outstanding work during the Period of Maintenance, issue the appropriate certificate as provided for under the Construction Lien Act in respect of the Works, and the Period of Maintenance of the Works shall commence from the date of such certificate. Provided that the Engineer may give such a certificate with respect to any part of the Works before the completion of the whole of the Works; subject to such part of the Works having been accepted in writing by the Engineer as completed and to his satisfaction. When any such certificate is given in respect of a part of the Works, such part shall be considered as completed; and the Period of Maintenance of such part shall commence from the date of such Notice.
- ii. Following the issuance of the appropriate certificate as provided for under the Construction Lien Act, the Engineer will provide the Contractor with a Letter of Acceptance for Maintenance for the Works confirming the Period of Maintenance and any special conditions related thereto.

GC 3.24 END OF MAINTENANCE PERIOD

- i. Only written notice shall be deemed to constitute approval of any work, or other matter in respect of which it is issued, or shall be taken as an admission of the due performance of the Contract, or any part thereof, or of the accuracy of any claim or demand made by the Contractor, or of additional or varied work having been ordered by the Engineer, and no other certificate conclude or prejudice any of the powers of the Engineer.
- ii. The Contract shall not be considered as completed, until a Letter Assuming the works shall have been signed by the Engineer stating that the Works have been completed and maintained to the satisfaction of the Engineer. The Letter Assuming the Works shall be given by the Engineer upon the expiration of the Period of Maintenance, or as soon thereafter as any works ordered during such period, pursuant to Clauses 4.21 and 4.01.xvii hereof, shall have been completed to the satisfaction of the Engineer and full effect shall be given to the Clause, notwithstanding any previous entry on the Works, or the taking possession working or using thereof, or any part thereof, by the Corporation.

GC 3.25 ASSUMPTION OF WORKS

- i. The Corporation shall not be liable to the Contractor for any matter or thing arising out of, or in connection with the Contract or the execution of the Works, unless the Contractor shall have made a claim in writing in respect thereof, before the giving of the Letter Assuming the Works under this Clause.
- ii. Notwithstanding the issue of the Letter Assuming the Works, the Contractor shall remain liable for the fulfillment of any obligation incurred under the provisions of the Contract prior to the issue of the Letter Assuming the Works, which remains unperformed at the time such letter is issued; and for the purposes of determining the nature and extent of any such obligation, the Contract shall be deemed to remain in force between the parties hereto.

GC 3.26 SITE MEETINGS

Site meetings shall be held at regular intervals as directed by the Engineer. The Contractor shall provide a responsible representative for such meetings.

GC 3.27 DEFAULT BY CONTRACTOR

- i. If the Contractor becomes bankrupt or has a receiving order made against him, or presents his petition in bankruptcy, or makes an arrangement with,

or assignment in favour of his creditors, or agrees to carry out the contract under a committee of inspection of his creditors, or (being a corporation), goes into liquidation (other than a voluntary liquidation for the purposes of amalgamation or reconstruction), or if the Contractor assigns the contract without the consent in writing of the Corporation first obtained, or has an execution levied on his goods, then the Corporation may, without prejudice to any other right or remedy it may have, by giving the Contractor or Receiver or Trustee in bankruptcy five (5) day written notice terminate this contract.

- ii. If the Contractor:
 - a. has abandoned the contract, or
 - b. has without reasonable excuse has failed to commence the works, or has suspended the progress of the works for 14 days after receiving from the Engineer written notice to proceed, or
 - c. has failed to proceed with due diligence, or
 - d. has failed to remove materials from the site, or to pull down and replace work for 14 days after receiving from the Engineer written notice that the said materials or work have been condemned, and rejected by the Engineer under these conditions, or
 - e. is not executing the works in accordance with the contract, or is persistently or flagrantly neglecting to carry out his obligations under the contract, or
 - f. has to the detriment of good workmanship, or in defiance of the Engineer's instructions to the contrary, sub-let any part of the contract.

then the Corporation may notify the Contractor in writing that he is in default of his contractual obligations and instruct him to correct the default within five (5) working days of receiving the notice.

- iii.
 - 1. The Contractor shall have the right within the given five (5) full working days following the receipt of a notice of default to correct the default and provide the owner with satisfactory proof that appropriate corrective measures have been taken.
 - 2. If the correction of the default cannot be completed within the five (5) full working days following receipt of the notice, the Contractor shall not be in default if the Contractor:
 - a. commences the correction of the default within the five (5) full working days following receipt of the notice;
 - b. provides the Corporation with an acceptable schedule for the progress of such correction; and
 - c. completes the correction in accordance with such schedule.

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- iv. If the Contractor is in default of the contract and the contractor has provided a Performance Bond, the provisions of this section shall be exercised in accordance with the conditions of the Performance Bond.
 - v. If the contractor fails to comply with the provisions of 3(1) or 3(2) the Corporation may without prejudice to any other right or remedy it may have:
 - a. correct such default and deduct the cost thereof from the payment then or thereafter due the contractor; or
 - b. terminate the Contractor's rights to continue with the work in whole or in part or terminate the contact.
 - vi. If the Corporation terminates the Contractor's right to continue with the work in whole or in part, the Corporation will be entitled to:
 - a. take possession of the working area or that portion of the working area devoted to that part of the work terminated;
 - b. utilize the Contractor's equipment and any material within the working area which is intended to be incorporated into the work, the whole subject to the right of third parties;
 - c. withhold further payments to the Contractor with respect to the work or the portion of the work withdrawn from the contractor until the work or portion thereof withdrawn is completed;
 - d. charge the Contractor the additional cost over the contract price of completing the work or portion thereof withdrawn from the Contractor, as certified by the Engineer and any additional compensation paid to the Corporation for such additional service arising from the correction of the default;
 - e. charge the Contractor a reasonable allowance, as determined by the Engineer, to cover correction to the work performed by the Contractor that may be required;
 - f. charge the Contractor for any damages the Corporation may have sustained as a result of the default; and
 - g. charge the Contractor the amount by which the cost of corrections to the work exceeds the allowance provided for such corrections.
 - vii. If the Corporation's cost to correct and complete the work in whole or in part is less than the amount withheld from the Contractor the Corporation will pay the balance to the Contractor as soon as the final accounting for the contract is complete.
 - viii. The Contractor's obligation under the contract as to quality, correction and warranty of the work performed prior to the time of termination of the

contract or termination of the Contractor's right to continue with the work in whole or in part shall continue to be in force after such termination.

GC 4 CONTRACTOR'S RESPONSIBILITIES AND CONTROL OF THE WORK

GC 4.01 GENERAL

- i. The Contractor shall have complete control of the work and shall effectively direct and supervise the work, to the satisfaction of the Engineer, so as to ensure conformity with the contract documents. The Contractor shall be responsible for construction means, methods, techniques, sequences and procedures and for coordinating various parts of the work.
- ii. The Contractor shall comply with and adhere strictly to, the Engineer's instructions and directions on any matter (whether mentioned in the contract or not). The Contractor shall take instructions and directions from the Engineer.
- iii. The Contractor shall have the sole responsibility for the design, erection, operation, maintenance and removal of temporary structures and other temporary facilities and the design and execution of construction methods required in their use.
- iv. Notwithstanding paragraph iii of subsection 4.01, where the Contract Documents include designs for temporary structures and other temporary facilities or specify a method of construction in whole or part, such facilities and methods shall be considered to be part of the design or the specified method of construction. The Contractor shall, however, be responsible for the execution of such design or specified method of construction in the same manner that the Contractor is responsible for the execution of the Work.
- v. The Contractor shall be responsible for construction health and safety within the working areas and for compliance with the current Occupational Health and Safety Act and Regulations and the current Workers Compensation Act. So as to avoid any misunderstanding as to the extent of the Contractor's responsibility, the Contractor, by executing the Contract unequivocally acknowledges that the Contractor is the Constructor within the meaning of the Act.
- vi. The Contractor shall be required to submit a progress schedule to the Engineer for approval prior to commencement of the work. Such

schedule shall be in a form acceptable to the Engineer, and shall indicate clearly the allowance for the various phases of the work, in sufficient detail to show weekly progress.

- vii. The Contractor shall submit to the Engineer an updated construction schedule each month immediately following the cut-off date and before preparation of the Monthly Payment Certificate. Failure to comply with this Clause may delay the issuing of the Monthly Payment Certificate.
- viii. The approval of the progress schedule by the Engineer shall not cast any responsibility upon the Engineer or the Corporation in seeing to it that the progress schedule is adhered to since timely execution of the work is the entire responsibility of the Contractor. The Engineer may, in his discretion, vary the progress schedule in whole or in part without relieving the Contractor from any of his responsibility to execute the contract in a timely way, nor shall such variation cast any responsibility whatsoever, upon either the Engineer or the Corporation.
- ix. The Contractor shall note that upon the commencement of any construction item within any designated local area which is construed to be a portion of the general area, it shall be agreed to by the parties to the contract, that any period of more than six (6) consecutive "working days" shall not be allowed to pass without further progress toward the completion of any and all other tender items such as grading of the boulevards, placement of topsoil, sodding, driveway and leadwalk reconstruction.
- x. The Contractor shall cooperate at all times with all utility companies and other contractors either working for a utility or the Corporation, while the said utilities or contractors are maintaining, altering or installing new plant. The Contractor shall coordinate the reconstruction work to allow a reasonable length of time for the utility to carry out its work and shall allow free access at all times. The Contractor shall not be entitled to any extra remuneration nor any extension in the time of completion for such cooperation. The Engineer will be the sole judge in the case of all disputes in this regard. In addition, the Contractor shall notify Utility companies for the purpose of adjusting all shut offs and other parts of their plant.
- xi. The Contractor shall keep on the work site during its progress a competent supervisor satisfactory to the Engineer for the duration of the contract. The Contractor shall inform the Engineer in writing of the name of such supervisor prior to the commencement of the Contract and if at any time the Engineer shall require such supervisor to be replaced, then the Contractor is to arrange for him to vacate his position and be removed from the site within forty-eight (48) hours after receiving formal notice in

writing to replace him with another supervisor. The Engineer shall not be required to give any reason for such removal of supervisor or other worker he may from time to time require.

- xii. The supervisor shall not be changed except with the consent of the Engineer unless the supervisor proves to be unsatisfactory to the Contractor and ceases to be in his employ. The supervisor shall represent the Contractor in his absence and directions on matters given to him shall be held to be given to the Contractor. The Contractor shall give efficient supervision to the work using his best skill and attention at all times.
- xiii. During the construction of work which the Engineer considers it necessary, the Contractor shall employ on the work a responsible experienced Professional Engineer to generally supervise any supervisor or worker.
- xiv. The Contractor shall, at no additional cost to the Corporation, furnish all reasonable aid, facilities and assistance required by the Engineer for the proper inspection and examination of the Work or the taking of measurements for the purpose of payment.
- xv. Where the Contractor finds any errors, inconsistency or omission relating to the Contract, the Contractor shall promptly report it to the Engineer and shall not proceed with the activity affected until receiving direction from the Engineer.
- xvi. The Contractor shall promptly notify the Engineer in writing, if the subsurface conditions observed in the Working Area differ materially from those indicated in the Contract Documents.
- xvii. The Contractor shall, if required by the Engineer in writing, search for the cause of any defect, imperfection, or fault under the directions of the Engineer, and the cost of the work carried out in searching as aforesaid shall be borne by the Contractor, and he shall repair, rectify, and make good such defects, imperfections, or defaults at his own expense.
- xviii. The Contractor shall arrange with the appropriate utility authorities for the stake out of all underground utilities and service connections which may be affected by the Work. The Contractor shall be responsible for any damage done to the underground utilities by the Contractor's forces during construction. The Contractor shall be responsible for any damage done to the private service connections.

GC 4.02 LAYOUT

- i. Prior to commencement of construction, the Engineer and the Contractor will locate on site those property bars, baselines and benchmarks which are necessary to delineate the Working Area and to lay out the Work, all as shown on the Contract Drawings.
- ii. The Contractor shall be responsible for the preservation of all property bars while the Work is in progress, except those property bars which must be removed to facilitate the Work. Any property bars disturbed, damaged or removed by the Contractor's operations shall be replaced under the supervision of an Ontario Land Surveyor, at no extra cost to the Corporation.
- iii. The Contractor shall provide qualified personnel to lay out and establish all lines and grades necessary for construction. The Contractor shall notify the Engineer of any layout work carried out, so that the same may be checked by the Engineer.
- iv. The Contractor shall install and maintain substantial alignment markers and secondary benchmarks as may be required for the proper execution of the Work. The Contractor shall supply one copy of alignment and grade sheets to the Engineer.
- v. The Contractor shall assume full responsibility for alignment, elevations and dimensions of each of all parts of the Work, regardless of whether the Contractor's layout work has been checked by the Engineer.
- vi. All stakes, marks and reference points provided by the Engineer shall be carefully preserved by the Contractor. In the case of their destruction or removal, such stakes, marks and reference points will be replaced by the Contractor at no extra cost to the Corporation.

GC 4.03 TRAFFIC CONTROL REQUIREMENTS

- i. The Contractor shall provide a minimum of two lanes of traffic at all times and shall not close the highway unless permitted by the Engineer. With approval of the Engineer, the Contractor will be permitted to reduce the two lanes to a single 14 foot lane in isolated areas or will be allowed total closure of the highway. When single lane traffic is allowed, the Contractor shall provide competent flagmen at each limit of the restriction. When total closure and detouring is permitted the Contractor shall advise the Traffic Engineering, Fire and Police Departments of the City of Windsor as to the character, duration, etc. of the said detour and comply with their requirements.

- ii. The Contractor shall at his own expense, provide, erect, maintain adequate traffic protection signs, barricades, lights, delineators, trench plating, flag persons, etc. in accordance with the requirements of the City of Windsor, to ensure safety to the public and the smooth flow of traffic. He shall designate an employee to be responsible for the traffic, the maintenance of traffic protection devices at night, Sundays and holidays. All barricades on obstructions shall be illuminated at night and all lights shall be kept illuminated from sunset to sunrise. The Contractor shall be responsible for all accidents or expense arising by reason of neglect or failure to comply with this clause.
- iii. Traffic Control shall be in conformity with the procedure outlined in the current "Occupational Health and Safety Act, and Regulations for Construction Projects" and the current "Traffic Control Manual for Roadway Work Operations", Ministry of Transportation and Communications, and as amended. Twenty-four (24) hours prior to commencing work, the proposed traffic control will be discussed and reviewed by the Engineer's representative.
- iv. Should the Contractor fail to provide the above mentioned precautions, the Engineer may direct that the work be suspended forthwith and such suspension shall remain in effect until the Contractor has taken proper remedies. Suspension of the work on this account shall not entitle the Contractor to any extension of time of completion, nor any additional remuneration.

GC 4.04 MAINTAINING ROADWAYS AND DETOURS

- i. The Contractor shall not be required to maintain a road through the working area until such time as the Contractor has commenced operations or on any part of the Contract that has been accepted by the Corporation.
- ii. Where the Contract Document provides for or the Engineer requires detours at specific locations, payment for the construction of the detours, and if required, for the subsequent removal of the detours, will be made at the Contract prices appropriate to such work.
- iii. Where the Contractor constructs a detour which is not specifically provided for in the Contract Document, or required by the Engineer, the construction of the detour and, if required, the subsequent removal shall be performed at the Contractor's expense. The detour shall be constructed and maintained to structural and geometric standard approved by the Engineer. Removal shall be performed as directed by the Engineer.

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- iv. Compliance with the foregoing provisions shall in no way relieve the Contractor of obligations under subsection 6.01, Protection of Work, Persons and Property, dealing with the Contractor's responsibility for damage claims, except for claims arising on sections of Highway within the Working Area that are being maintained by others.

GC 4.05 ACCESS TO PROPERTIES ADJOINING THE WORK AND INTERRUPTION OF UTILITY SERVICES

- i. The Contractor shall provide at all times and at no extra cost to the Corporation:
 - a. adequate pedestrian and vehicular access including such items as temporary board walks, gravelled or asphalted steps or ramps, temporary bus stops;
 - b. continuity of utility services to properties adjoining the working area; and
 - c. access to fire hydrants, and water and gas valves located in the working area.
- ii. Where any interruptions in the supply of utility services are required and are authorized by the Engineer, the Contractor shall give notice to the affected property owners.

GC 4.06 APPROVALS AND PERMITS

- i. The Contractor shall give all notices and pay all fees, required to be given, or paid, by any and all competent and constitutional legislation or any regulation or by-law of any local or other authority in relation to the execution of the Works, or any Temporary Works; and by the rules and regulations of all public bodies and companies whose property or, rights, are, or may be affected in any way by the Works or Temporary Works. The Contractor shall conform in all respects with the provisions of any and all competent and constitutional legislation, and the regulations or by-laws of any local or other authority, which may be applicable to the Works, or any Temporary Works and with such rules and regulations of public bodies and companies as aforesaid, and shall keep the Corporation indemnified against all penalties and liabilities of every kind for breach of any such legislation, regulation, By-law or the Common law as applicable to the Contractor's Works and duties under this contract.
- ii. The Contractor shall pay and arrange for all necessary plumbing and building permits and subsequent inspections.

GC 4.07 EXCESS MATERIALS AND DISPOSAL

- i. The Contractor shall remove from the worksite all excess materials including earth and rock excavation, broken concrete, rubble, broken asphalt, tree stumps, etc.
- ii. All materials such as metal, wood, asphalt, etc. which are not considered to be "inert fill" as defined in section 18 of regulation 309 under the Environmental Protection Act must be disposed of at waste disposal sites certified by the Ministry of Environment to accept and dispose of these wastes or to sites certified to recycle the waste in question.

GC 4.08 TRAFFIC AND PARKING SIGNS

Prior to commencing work on any street the Contractor shall, with the Engineer and a representative of the Traffic Engineering Department, inspect all signs and ascertain which are to be removed or relocated so as not to interfere with his operations. The Contractor shall then remove or otherwise relocate these signs as directed by the Traffic Engineering Department. Twenty-four (24) hours prior to the completion of any operation to a point that additional or permanent signs are required for the general safety of pedestrians and/or the motoring public, the Contractor shall notify the Traffic Engineering Department. Also, at any time during or subsequent to construction, the Contractor shall immediately notify the Corporation's Site Representative of any signs removed or damaged due to his operations, so that these signs may be repaired, replaced and erected immediately. The cost of repair or replacement of any signs, etc. damaged or removed by the Contractor shall be at the expense of the Contractor. Any and all stop signs removed must be reinstalled by the Contractor at the end of each working day should the road be opened for evening traffic.

GC 4.09 SIDE CASTING

The Contractor shall not side cast excavated material unless specifically authorized by the Engineer prior to construction. Excavated material shall be removed from the site immediately or stockpiled at a site/location approved by the Engineer.

GC 4.10 NOTICE TO OWNERS

The Contractor may be required to contact, in writing, the owners of property abutting the area where the work is to be constructed. Notices shall be delivered one week prior to the construction starting date in that area. This notice shall include notification of any necessary removal of rocks, trees, shrubs, etc. and the expected starting and completion date.

GC 4.11 ARTIFACTS

All fossils, artifacts and articles of value or antiquity and structures and other remains or things of geological or archaeological interest discovered on the Site, shall as between the Corporation and the Contractor, be deemed to be the absolute property of the Corporation; and the Contractor shall take reasonable precautions to prevent his workers, or any other persons, from removing or damaging any such article or thing, and shall immediately upon discovery thereof, and before removal, acquaint the Engineer of such discovery, and carry out at the expense of the Corporation, the Engineer's orders as to the disposal of the same.

GC 4.12 PATENT RIGHTS AND ROYALTIES

The Contractor shall save harmless and indemnify the Corporation from and against all claims and proceedings for, or on account of, infringements of any patent right, design, trade-mark or name or material used for, or in connection with, the Works or Temporary proceedings, damages, costs, charges and expenses whatsoever in respect thereof, or in relation thereto.

GC 4.13 FACILITIES FOR OTHER CONTRACTORS

The Contractor shall in accordance with the requirements of the Engineer, afford all reasonable facilities for any other contractors employed by the Corporation and their workers; and the workers of the Corporation and of any other properly authorized authorities or statutory bodies who may be employed in the execution, on or near the Site, of any work not included in the Contract; or of any Contract which the Corporation may enter into connection with, or ancillary to, the Works.

GC 4.14 PRESERVATION OF TREES

The Contractor shall exercise the utmost caution to ensure that living trees, not to be removed, are not damaged by his operations on this Contract.

GC 4.15 SHRUBBERY

The property owners will be given the opportunity to remove shrubbery in the contract area prior to commencement of the contract, but remaining shrubbery will be removed by the Contractor. Payment for this work shall be included in the price bid per cubic yard of excavation. No additional payment shall be made for the removal of tree stumps unless an item is provided in the Tender.

GC 4.16 LABOUR CLASSIFICATION AND RATES

The Contractor shall, if required by the Engineer, deliver to the Engineer, or at his office; a schedule showing in detail the classification and rates of labour employed by the Contractor on the site.

GC 4.17 DUST CONTROL

The Contractor will be solely responsible for controlling dust nuisance resulting from his operations, both within the right-of-way and elsewhere.

GC 4.18 EMPLOYMENT

The Contractor and any sub-contractor of the Contractor will,

- a. employ only persons legally entitled to work in Canada.
- b. in employing persons, refrain from discriminating against any person by reason of their race, religious views, political affiliations, or sex.

GC 4.19 LIMITATIONS OF OPERATIONS

Except for such work as may be required by the Engineer to maintain the Work in a safe and satisfactory condition, the Contractor shall not carry on operations under the Contract on Sundays or holidays without permission in writing from the Engineer.

GC 4.20 CLEARANCE OF SITE ON COMPLETION

- i. The Contractor shall remove surplus materials, tools, debris, construction machinery and equipment not required for the performance of the remaining Work.
- ii. The Work shall not be deemed to have reached Completion until the Contractor has removed surplus materials, tools, construction machinery, equipment and debris.

GC 4.21 PERIOD OF MAINTENANCE

- i. In these conditions, the expression "Period of Maintenance", shall mean the period of maintenance named in the Tender, calculated from the date of the Notice of Completion of the Works issued by the Engineer in accordance with Clause 3.24 hereof, or in the event of more than one Notice having been issued by the Engineer under the said Clause, from the respective dates so notified; and in relation to the Period of Maintenance the expression "the Works" shall be construed accordingly. Unless otherwise specified, the Period of Maintenance shall be one year.

- ii. To the intent that the Works shall, at or as soon as practicable after the expiration of the Period of Maintenance, be delivered up to the Corporation in as good and perfect condition, (fair wear and tear excepted) to the satisfaction of the Engineer, as that in which they were at the commencement of the Period of Maintenance, the Contractor shall execute all such work of repair, amendment, reconstruction, rectification and making good of defects, imperfections, shrinkages or other faults, as may be required of the Contractor in writing by the Engineer during the Period of Maintenance, or within fourteen (14) days after its expiration, as a result of an inspection made by, or on behalf of, the Engineer, prior to its expiration.
- iii. All such work shall be carried out by the Contractor at his own expense if the necessity thereof shall, in the opinion of the Engineer, be due to the use of materials or workmanship not in accordance with the Contract, or to neglect or failure on the part of the Contractor to comply with any obligations, expressed or implied on the Contractor's part under the Contract.
- iv. If the Contractor shall fail to commence and proceed diligently to execute any such work as aforesaid required by the Engineer within three (3) days of receipt of notice to do so from the Engineer or the Corporation, the Corporation shall be entitled to carry out such work by its own workers, or by other Contractors, and if such work is work which the Contractor should have carried out at the Contractor's own cost, shall be entitled to recover from the Contractor the cost thereof, or may deduct the same from any monies due, or that may become due to the Contractor.

GC 5 MATERIAL

GC 5.01 SUPPLY OF MATERIAL

All material necessary for the proper completion of the Work, except that listed as being supplied by the Corporation, shall be supplied by the Contractor. The contract prices for the appropriate tender items shall be deemed to include full compensation for the supply of such Material.

GC 5.02 QUALITY OF MATERIAL

- i. All Material provided by the Contractor shall be new.
- ii. Material supplied by the Contractor shall conform to the requirements of the Contract.

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- iii. As specified or as requested by the Engineer, the Contractor shall make available for inspection or testing a sample of any Material to be provided by the Contractor.
 - iv. The Contractor shall obtain for the Engineer the right to enter upon the premises of the Material manufacturer or supplier to carry out such inspection, sampling and testing as specified or as requested by the Engineer.
 - v. The Contractor shall notify the Engineer of the sources of supply sufficiently in advance of the Material shipping dates to enable the Engineer to perform the required inspection, sampling and testing.
 - vi. The Corporation will not be responsible for any delays to the Contractor's operations where the Contractor fails to give sufficient advance notice to the Engineer to enable the Engineer to carry out the required inspection, sampling and testing before the scheduled shipping dates.
 - vii. The Contractor shall not change the sources of supply of any Material without the written authorization of the Engineer.
 - viii. Material which is not specified shall be of a quality best suited to the purpose required and the use of such Material shall be subject to the approval of the Engineer.

GC 5.03 REJECTED MATERIAL

Rejected Material shall be removed from the work site expeditiously after the notification to that effect from the Engineer. Where the Contractor fails to comply with such notice the Engineer may cause the rejected Material to be removed from the site and disposed of in what the Engineer considers to be the most appropriate manner and the Contractor shall pay the costs of disposal and the appropriate overhead charges.

GC 6 INSURANCE, PROTECTION AND DAMAGE

GC 6.01 PROTECTION OF WORK, PERSONS AND PROPERTY

- i. The Contractor, the Contractor's agents and all workers employed by or under the control of the Contractor, including sub-contractors shall protect the work, structures, utilities, persons and property from damage or injury. The Contractor shall indemnify, and keep indemnified, the Corporation

against all claims for injuries or damages to any such person, property, structure, utilities, etc.; which may arise out of, or in consequence of, the construction and maintenance of the Works, and against all claims, demands, proceedings, damages, costs, charges and expenses whatsoever, in respect of, or in relation thereto.

- ii. From the commencement to the completion of the Works, the Contractor shall take full responsibility for the care thereof, and in case any damage, loss or injury shall happen to the Works, or to any part thereof, from any cause whatsoever, shall at his own cost, repair and make good the same, so that at completion, the Works shall be in good order and condition, and in conformity in every respect with the requirements of the Contract and the Engineer's instructions. The Contractor shall also be liable for any damage to the work occasioned by him in the course of any operations carried out by him for the purpose of complying with his obligations under Clause 4.21 hereof.
- iii. The Contractor shall assume full responsibility for crossing or making use of private property. Before the Contractor or any of his sub-contractors shall make use of any private property for any purpose, he shall first submit to the Engineer a copy of a written agreement granting permission by the owner.
- iv. The Contractor shall immediately inform the Engineer of all damage and injuries which occur during the term of the Contract.
- v. The Contractor shall not be responsible for loss and damage that occurs as a result of:
 - a. war
 - b. blockades and civil commotions
 - c. errors in the Contract Documents
 - d. acts or omissions of the Corporation, the Engineer, their agents and employees, or others not under the control of the Contractor, but within the Working area with the Engineer's permission.
- vi. The Contractor and his Surety or Sureties will not be released from any term or provision of any responsibility, obligation or liability under the Contract or waive or impair any of the rights of the Corporation except by a release duly executed by the Corporation.

GC 6.02 LIABILITY INSURANCE

- i. As stated in the General Information to Tenders and prior to any work being commenced in accordance with the Contract, the Contractor shall deliver to the Corporation proof that an insurance policy has been issued

by an insurance company satisfactory to the Corporation to insure the Contract against any claims arising out of the construction or installation of the Works or any operations of the Contractor in connection therewith until the termination of the Contractor's obligation respecting guarantee and maintenance.

- ii. Such insurance shall carry limits of Liability in the amount not less than as shown in the Form of Tender, for public liability and property damage. The policy shall have no exclusion for blasting and must contain a "Completed Operations" clause. The Contractor shall prove to the satisfaction of the Corporation from time to time as the Engineer may require, that all premiums on such policy or policies, of insurance have been paid, and that the insurance is in full provisions of the Worker's Compensation Act.

GC 7 MEASUREMENT AND PAYMENT

GC 7.01 QUANTITIES

- i. The quantities set out in the Schedule of Unit Prices are the estimated quantities of the Works, and they are not to be taken as the actual and correct quantities of the Works to be executed by the Contractor in fulfillment of his obligations under the Contract.
- ii. The Engineer shall, except as otherwise stated or agreed, determine by measurement the value of the Work done all in accordance with the Contract. He shall, when he requires any part or parts of the Works to be measured, give notice to the Contractor who shall forthwith attend, or send a qualified agent, to assist the Engineer in making such measurements; and shall furnish all particulars. Should the Contractor not attend, or neglect or omit to send such agent, then the measurement made by the Engineer, or approved by him, shall be taken to be the correct measurement of the work.

GC 7.02 WEIGHING GRANULAR MATERIALS

The scale location shall be as approved by the Engineer and the material shall be hauled directly from the scale to the point of application. The scale may be located at the source. Except that where there is a waste or loss of material, the hauling operation shall terminate until the Contractor shall provide, at his expense, scales licensed in accordance with the Weights and Measurements Act.

GC 7.03 VALUATION OF VARIATIONS

- i. The Engineer shall determine the amount (if any), to be added to, or deducted from, the sum named in the Tender in respect of any extra or additional work done, or work omitted by his order. All such work shall be valued at the rates set out in the Contract, if in the opinion of the Engineer, the same shall be applicable. If the Contract shall not contain any rates applicable to the extra or additional work, then reasonable prices shall be fixed by the Engineer.
 - a. Provided that if the nature or amount of any omission, or addition relative to the nature or amount of the whole of the contract work or to any part thereof, shall be such, that in the opinion of the Engineer, the rate or price contained in the Contract for any item of the Works is, by reason of such omission or addition, rendered unreasonable, or inapplicable, the Engineer shall fix such other rate or price as under the circumstances, he shall think reasonable and proper.

- ii. Provided also that no increase of the Contract Price or variation of rate or price, shall be made, unless as soon after the date of the order as is practicable, and in the case of extra or additional work, before the commencement of the work, or as soon thereafter as is practicable, notice shall have been given in writing:
 - a. by the Contractor to the Engineer of his intention to claim extra payment, or a varied rate or,
 - b. by the Engineer to the Contractor of his intention to vary a rate or price,

as the case may be,

- iii. The Engineer may, if in his opinion it is necessary or desirable, order in writing that any additional substituted work shall be paid for by one or more of the following ways:
 - a. By estimate and acceptance in a lump sum
 - b. By unit prices agreed upon
 - c. By cost and percentage or by cost and a fixed fee

- iv. Where extra or additional work is to be paid for by method ©, the value shall be determined by the actual cost of:
 - a. Labour, including Workers' Compensation and insurance. The labour rates shall not exceed those paid by the Contractor on the contracted part of the work.

- b. Materials, which shall not exceed the costs paid by the Corporation for similar materials.

To which labour and/or materials cost, shall be added fifteen per centum (15%) to cover general expenses, superintendence, use of tools and profit.

- v. In the event that the Engineer directs that additional work is to be done, in a location other than that which is shown in the contract drawings, the Contractor shall be requested to submit a quotation for this work. Payment shall then be made in the form of a Change Order.

GC 7.04 VARIATIONS IN TENDER QUANTITIES

- i. Where it appears that the quantity of work to be done and/or material to be supplied by the Contractor under a unit price tender item will exceed or be less than the tender quantity, the Contractor shall proceed to do the work and/or supply the material required to complete the tender item and payment will be made for the actual amount of work done and/or materials supplied at the unit prices stated in the tender except as provided below:
 - a. in the case of a major item where the amount of work performed and/or material supplied by the Contractor exceeds the tender quantity by more than 15%, either party to the Contract may make a written request to the other party to negotiate a revised unit price for that portion of the Work performed and/or material supplied which exceeds 115% of the tender quantity. The negotiation shall be carried out as soon as reasonably possible. Any revision of the unit price shall be based on the actual cost of doing the work and/or supplying the material under the tender item plus a reasonable allowance for profit and applicable overhead.
 - b. In the case of a major item where the quantity of work performed and/or materials supplied by the Contractor is less than 85% of the tender quantity, either party to the Contract may make a written request to the other party to negotiate a revised unit price for that portion of the work performed and/or material supplied. The negotiation shall be carried out as soon as reasonably possible. Any revision of the unit price shall be based on the actual cost of performing the work and/or supplying the material under the tender item plus a reasonable allowance for profit and applicable overhead. Alternatively, where both parties agree, an allowance equal to 10% of the unit price on the amount of the underrun which is less than 85% of the tender quantity will be paid.

GC 7.05 USE OF CONTINGENCY ITEMS

All sums set out in the Schedule of Prices which shall be stated to be used for contingencies, shall be used only at the direction and discretion of the Engineer; and if not used, either wholly or in part, shall as to the amount not used, be deducted from the Contract Price.

GC 7.06 CLAIMS

- i. The Contractor's attention is brought to the following provisions in the General Conditions:
 - a. Clause 2.01, Accuracy of Drawings as to Locations of Structures and Utilities.
 - b. Clause 2.02, Soundings, Boring and Inspection of Site.
 - c. Clause 3.18, Variations.
 - d. Clause 7.03, Valuations of Variations.
- ii. When the Contractor considers that he has a claim for compensation for costs which he has incurred or for loss he has suffered during the performance of the contract, he should immediately advise the Engineer of Intent to Claim on any specific portion of the Contract.
- iii. The Engineer shall record the circumstances of the claim in his "Daily Work Records" and this shall not be construed as acceptance of the claim.
- iv. The Contractor shall further notify the Engineer in writing as soon as possible of his intent to Claim but no later than seven (7) calendar days of the commencement of work for which the claim is being made. Upon receipt of such a written notice of claim, the Engineer shall immediately arrange a meeting with the Contractor or arbitrate the claim in accordance with subsection GC 3.21, Claims, Negotiations, Mediation, Arbitration.

GC 7.07 SUPPLY OF PLANT AND MATERIAL

Except where otherwise specified, the Contractor shall at his own expense, supply and provide all the Plant, Temporary Works, materials both for the temporary and for the permanent Works, equipment, labour, (including the supervision thereof) transport to or from the site, and in and about the Works; and other things of every kind required for the construction, completion and maintenance of the Works.

The term "labour" and "equipment" shall include hand tools, supplies and other incidentals.

GC 7.08 CERTIFICATES AND PAYMENTS

- i. A certificate will be given by the Engineer once a month certifying as to the amount of work done and material furnished and of the value thereof according to the terms of the Contract.
- ii. The first certificate shall be of the amount, quantity and value of the work done since the Contractor commenced the performance of this Contract, and every subsequent certificate, except the final one, shall be the amount quantity and value of the work done since the last preceding certificate was given. The Corporation will hold back 10% of the amount shown on the payment certificate in accordance with the Construction Lien Act provided always that the Contractor complies with the requirements of the Construction Lien Act.
- iii. The Engineer may, by any certificate, make any correction or modification in any previous certificate which shall have been issued by him and shall have power to withhold any certificate if the Works or any part thereof are not being carried out to his satisfaction.

GC 7.09 EXTRA WORK

“Extra Work” means work not provided for in the Contract as awarded but considered by the Engineer essential to the satisfactory completion of the Contract within its intended scope.

“Additional Work” means work not provided for in the Contract and not considered by the Engineer to be essential to the satisfactory completion of the Contract within its intended scope.

- i. No work shall be regarded as extra work unless it is approved in writing by the Engineer, and with the agreed price and method of payment for it specified in the said approval, provided the said price is not otherwise determined by this contract.
- ii. All notifications of claims for extra work shall be submitted to the Engineer before the extra work is started.

GC 7.10 PAYMENT FOR EXTRA WORK

- i. Notwithstanding anything contained in the General Conditions when it is necessary to perform work which is additional to the Tender items, unit prices to cover the cost of the work shall be negotiated whenever possible.

- ii. Where it is impracticable, due to the nature of the work, to negotiate unit prices for extra work not included in the Tender, the cost of this work may be paid for by a force account, and authorized by an order issued prior to carrying out the work, and for which payment is based on hourly rates for labour and equipment and on material invoices.

a. Supervision and Control

1. Force account work will be generally overseen by the Engineer who will keep a daily record of all work on the City's standard "Daily Work Record" Form. These records must be reconciled with the Contractor's representative EACH day. The Contractor, while working on force account work, will remain the "Constructor" within the meaning of the O.H.S.A.

b. Method of Billing by Contractor

1. In the case of extra work which has received prior approval with unit prices, all information must be clearly described on the "Change Order Form" complete with final monetary value.
2. In the case of extra work which is to be paid by actual labour, material and equipment, the "Daily Work Record" must be summarized per work item and this information reported in total on a "Change Order Form". This information from the daily force accounts summarized on the Change Order Form will become the basis for payment on the progress draw.
3. Contractors will not submit invoices for extra or additional work on projects. This will be paid for by progress draw as states in Item (7.08) and the submission of invoices will only service to delay the progress payment.
4. All change orders will be numerically numbered per contract.
5. No payment for extra work will be made until the change order has been mutually approved by the Engineer and the contractor.

c. Labour

The charge for labour and supervision thereof shall be based on the hourly recorded time of the labourers, mechanics and operators actively and of necessity engaged on the extra work. The contractor's designated representative shall be included and he must be actively involved on a continuous basis in the operation unless otherwise agreed to by the Engineer. In no case shall the time of any employee of the contractor or other person be charged for on a lump sum, percentage or estimated basis, and in no case shall any charge be made for administration or management whether the time

therefore had or had not been recorded as having been spent on the extra work. To the amount of labour and supervision agreed on may be added to the proper percentages of the amount paid for Workmen's Compensation, Vacation Pay, Unemployment Insurance and the Firm's Contribution to Pension Plan. Payment will be made on such itemized bills of cost to the contractor plus 15% of that bill.

d. Materials

The charge for materials will be based on itemized invoices of costs of materials purchased by the Contractor for the extra work, plus 15%, or for the cost of material from the Contractor's stock based on the current price of the materials, plus 15% to cover administration, overhead and profit. Material so charged becomes the property of the Corporation.

e. Equipment

- i. The charges for equipment used by the Contractor shall be based on the O.P.S.S. 127 Rates. Rental rates include depreciation, interest, taxes, insurance, repairs, maintenance, supplies, fuel, lubricants, supervision, overhead and profit. No charge is to be made for office expense, office supplies or stationery, bookkeeping, financing, or any other overhead accounts. Rental rates other than O.P.S.S. rates must be approved by the Engineer.
- ii. The charges for equipment used by the Contractor will be made on the actual number of hours on which the equipment is actively engaged in the extra work. If a unit of equipment is not performing its normal function for a period of time exceeding one hour, it will be on standby time from the time it ceased performing its normal function, provided that the unit of equipment is fully operable and cannot practically be used on other work but must remain on the site in order to continue with its assigned task. This time, together with actual working time will only be paid up to the period of time which constitutes one working day. Payment, if any, for additional gaps must be negotiated and approved by the Engineer. The City will pay the operator or operating crew on an hourly rate for the length of standby, plus 25% of the scheduled equipment rental rate for the machine while standing by.
- iii. Equipment rented by the Contractor will be paid at the invoice rate plus 15% unless the invoice rate exceeds the O.P.S.S. rate or when the invoice rate includes an operator exceeds the O.P.S.S. rate when the established rate of the operator is deducted. Equipment exceeding the

O.P.S.S. rate will be paid at the invoice rate only, provided approval from the engineer was given prior to commencement of work.

- iv. Floating charges will only be paid when the equipment is being transported within the limits of the contract on and off the site of the force account work and is not moving under its own power. When equipment is moved under its own power, the full rental rate will be paid. Payment for transporting equipment from sources outside the limits of the contract must be negotiated through the Engineer.
- v. When the Contractor wishes to use oversize equipment, he may do so upon written notice of the Engineer who will determine the rate to be paid.
- vi. When force account work is carried out by a sub-contractor, the allowance to the prime contractor will be 5% of the invoice submitted by the sub-contractor exclusive of the sub-contractor's 15% allowance.
- vii. No payment will be made for or in respect to any tools, hand or otherwise which are considered part of the trade.
- viii. No payment shall be made for any vehicle (pick up truck, etc.) unless it is actively necessary for the work being carried out. (i.e. the force account work is being carried out at more than one location, or the force account work is for one day or less and workers and small tools, supplies, etc. must be transported to or from another site).
- ix. At the start of the force account work the Contractor shall provide the applicable labour and equipment rates not already submitted to the Engineer. Any subsequent invoices for rental equipment and material will be submitted for the "daily work record". (NOTE: The conditions for rental equipment invoices.)

CITY OF WINDSOR

SUPPLEMENTARY SPECIFICATIONS

AND

MANDATORY PROCEDURES AND PRACTICES

JANUARY 2023

BOOK OF SUPPLEMENTARY SPECIFICATIONS AND MANDATORY PROCEDURES AND PRACTICES

The specifications, procedures, and practices contained in this document shall be used on all City contracts and take precedent over City of Windsor General Specifications and Ontario Provincial Standard Specifications.

These specifications, procedures, and practices shall not be revised or altered without the expressed consent of the City Engineer.

Where these specifications, procedures, and practices do not meet a site-specific condition, in whole or in part, that portion or portions of the specification, procedure, or practice shall be altered and placed in the Special Provisions for that contract only.

To avoid future ambiguity, these supplementary specifications shall be referred to as Supplementary Specifications I, (SS 1, SS 2, SS 3, etc.) These specifications shall be reviewed periodically.

**BOOK OF SUPPLEMENTARY SPECIFICATIONS
AND MANDATORY PROCEDURES
AND PRACTICES**

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**BOOK OF SUPPLEMENTARY SPECIFICATIONS
AND MANDATORY PROCEDURES
AND PRACTICES**

1. REVISED STANDARD SPECIFICATIONS AND GENERAL CONDITIONS (January 2022)

As of January 2022, the City of Windsor Standard Specifications and AS-drawings are all released through the following website, with the revision dates.

<http://www.citywindsor.ca/business/buildersanddevelopers/Pages/Standard-Specifications.aspx>

<http://www.citywindsor.ca/business/buildersanddevelopers/Pages/Standard-Engineering-Drawings.aspx>

The latest revisions shall apply to all City of Windsor Contracts that are signed after the Specification and AS-drawing revision dates.

2. MANAGEMENT OF EXCAVATED SOIL AND ROCK ON-SITE AND OFF-SITE (January 2023)

General

All materials that are not Excess Soil, but are no longer required at the Project Area by the City Engineer, shall be removed from the Project Area and lawfully disposed of by the Contractor at its own expense.

The Contractor shall make its own arrangement as to transportation and disposal, but in doing so must comply with all federal, provincial, or municipal statutes, regulations, codes, or by-laws, and any orders, permits, approvals, or other regulatory instruments issued under such statutes, regulations, codes or by-laws (together, “Applicable Laws”).

The Contractor shall as necessary, excavate, manage, reuse, process, segregate, store, transport, track and dispose of offsite, and complete any other handling required for proper management, reuse and/or disposal of Soil, Crushed Rock and Excess Soil each as defined in Ontario Regulation 406/19 and in accordance with the requirements of all Applicable Laws including, but not limited to:

- The *Environmental Protection Act*, R.S.O. 1990, c.E.19 (“EPA”);
- Ontario Regulation 406/19: On-Site and Excess Soil Management (the “Regulation”);
- Regulation 347 (General – Waste Management);
- Ontario Regulation 351/12 (Registrations under Part II.2 of the Act – Waste Management Systems);

- Ontario Regulation 153/04 (Records of Site Condition – Part XV.1 of the Act);
- Any additional regulations under the EPA as may be applicable to the above work, including but not limited to additional regulations pertaining to waste and/or source separation of waste (including Ontario Regulation 103/94);
- The Rules for Soil Management, dated December 23, 2022 (the “Rules”) and Excess Soil Quality Standards, dated December 8, 2020 (the “Standards”); and,
- The Beneficial Reuse Assessment Tool (“BRAT”), where applicable; and,
- All as amended (collectively, “Ontario’s Excess Soil and Waste Laws”).

Capitalized terms used in this section shall have the meanings assigned to them in the Regulation and the Rules and the Standards, unless expressly amended herein.

For clarity, capitalized terms: Owner, Contractor, Work and Working Day shall have the meanings assigned in the General Conditions and the Mandatory Contract Terms of this RFT.

References to Soil in this section shall include Soil, Crushed Rock and/or Soil mixed with Crushed Rock, each as defined by the Regulation.

The Contractor represents and warrants that it is familiar with and knowledgeable of Ontario’s Excess Soil and Waste Laws.

To the extent the Contractor is required by the terms herein to send a notice to or seek approval or consent from the Owner and the Contractor shall include or copy the Owner’s Qualified Person (QP) on any such correspondence. Approval or consent from the Owner shall mean approval or consent that is provided in writing.

Material Management

The Contractor shall prepare an excavation contingency plan in accordance with section 23 of the Regulation and submit the plan to the Owner for review and approval prior to the Contractor starting excavation in the Project Area.

On-site storage of excavated Soil at the Project Area will not be permitted unless the Owner has provided its prior approval in writing. If Owner approval has been obtained, the Contractor shall conduct on-site storage of excavated Soil at the Project Area in compliance with Ontario’s Excess Soil and Waste Laws.

If the Contractor intends to process excavated Soil at the Project Area, the Contractor shall notify the Owner and shall obtain approval prior to conducting any processing activities. If Owner approval has been obtained, the Contractor shall conduct all excavated Soil processing at the Project Area in accordance with section 6 of the Regulation and the Rules and shall ensure processing activities are conducted in a manner that would not result in the Soil at the Project Area being designated as waste due to processing.

If special excavated Soil processing activities occur on-site involving mixing with a natural or synthetic polymer for the purpose of dewatering and solidifying the excavated Soil, the Contractor shall retain a QP to meet the requirements of subsection 6(4) of the Regulation. The Contractor shall provide the Owner with a copy of any documentation or the Contractor's QP prepares as required by section 6 of the Regulation. The Contractor shall provide the Owner of any Reuse Sites that have agreed to receive the Soil a copy of the document prepared by the Contractor's QP as required by paragraph 6(4).3 of the Regulation prior to transporting the Soil from the Project Area.

The costs associated with this special work done by the QP will be subject to the approval of the City Engineer.

The Contractor shall employ appropriate Soil segregation practices during handling, temporary storage and transportation to ensure mixing of Soils of different qualities does not occur.

Import of Excess Soil

All Excess Soil being brought to the Project Area shall meet the requirements set out in Ontario's Excess Soil and Waste Laws and shall be approved by the Owner prior to Excess Soil being imported for reuse to the Project Area.

The Contractor shall provide the Owner with the following information, for review and approval no later than ten (10) Working Days prior to the start of importation of Excess Soil to the Project Area:

- Information identifying the location, owner, operator of the proposed source site, and the associated contact information;
- Quantity of Excess Soil required for the Work;
- Soil quality standard applicable under the Standards (or, if applicable and approved by the Owner, site-specific standard generated by a QP through the BRAT) for Excess Soil with sampling and analysis results satisfactory to the Owner's QP;
- A copy of any permits, approvals, and/or licences applicable to the source site Excess Soil;
- Procedures the Contractor will employ for load management and inspection of incoming loads in accordance with section 19 of the Regulation, including those pertaining to segregation and record management; and,
- Any other information about the proposed Excess Soil the Owner may reasonably require.

The Contractor shall ensure the Excess Soil and its management and handling meets the requirements of Ontario's Excess Soil and Waste Laws and shall in no circumstances deposit a material designated as waste, other than Excess Soil at the Owner's property or Project Area. In identifying source sites to meet clean fill needs, the Contractor shall give

priority consideration to other projects the Owner is carrying out, that based on the foregoing meet the applicable Standard for quality.

Salt-impacted Excess Soil may be used at the Project Area as fill material in accordance with the recommendations provided in the Excess Soil Reuse Planning reports and geotechnical investigation reports prepared for this project and as approved by the Owner. The Contractor shall comply with the documentation and management requirements of the Regulation and Rules for salt-impacted Soil.

The Contractor acknowledges the Owner must provide written consent to the source site owner via the Contractor in a form acceptable to the Owner and no other commitments or agreements shall be made with the owner or operator of the source site of the Excess Soil without the Owner's prior written approval. Any Excess Soil brought onsite without the Owner approval in writing shall be rejected; any costs associated with removal and remediation of the Project Area, where such Excess Soil exceeds the soil quality standard or quantity as approved by the Owner under this section, shall be borne by the Contractor.

The Contractor shall make best efforts to seek that reliance is extended to the Owner by the QP for the source site on any reports, data and recommendations they have prepared, used to identify suitability of Excess Soil from a source site to be reused at the Project Area. Reliance under this section means reliance on terms acceptable to the Owner.

Chemical Analysis and Results of Excess Soil

The Excess Soil Reuse Planning reports and geotechnical investigation reports prepared for this project have been provided for information purposes to assist identification of appropriate Reuse Sites and Soil management activities on this project. It is the Contractor's responsibility to review and ensure its understanding of the Excess Soil Reuse Planning reports and geotechnical investigation reports prepared for the project. The Contractor shall not claim any misunderstanding with regard to subsurface physical or chemical conditions provided in the reports for this Contract.

Excess Soil/Excess Material

Soil excavated in carrying out the Work of this Contract, that is not being reused at the Project Area, shall be removed from the Project Area and deposited at a Reuse Site or other suitable waste disposal site operating under an approval from Ontario's Ministry of the Environment, Conservation and Parks (MECP), as approved by the Owner, at the Contractor's expense in accordance with Ontario's Excess Soil and Waste Laws and Ontario Provincial Standard Specifications 180 ("OPSS 180"). To the extent that there is

any conflict or inconsistency between Ontario's Excess Soil and Waste Laws and OPSS 180, Ontario's Excess Soil and Waste Laws shall govern.

The Contractor shall not commence construction until the Owner's prior written approval of the Contractor's choice of all proposed receiving facilities (whether for storage, processing, reuse, and/or disposal) has been provided. The Contractor shall be responsible for identifying and making deposit arrangements acceptable to the Owner at appropriate off-project Reuse Sites based on the quality, geotechnical suitability and quantity of Excess Soil from the Project Area and in accordance with Ontario's Excess Soil and Waste Laws.

No claims related to delays while sourcing a lawful Reuse Site (or other MECP-approved receiving site) or delays related to acceptance of Excess Soil/excess material by the Reuse Site (or other MECP-approved receiving site) will be paid to the Contractor.

Within ten (10) days after the purchase order for raw materials or Award of Tender notice is issued, whichever occurs first, and in any event prior to construction and/or excavation, the Contractor shall provide the Owner with the following information for review, approval and where applicable, incorporation into an Excess Soil Destination Assessment Report:

- Identification of the location of the Contractor's proposed Reuse Site(s) (or other MECP-approved receiving sites) and the name and contact information for their owner, operator and QP, as applicable. The Contractor shall also provide a copy of Ontario Provincial Standard Form 180-2 (OPSS 180-2), "SITE SELECTION NOTIFICATION FOR MATERIAL MANAGED AS DISPOSABLE FILL" signed by the reuse site registered property owner and the Contractor. The Contractor is not permitted to start any excavation work until this signed consent has been approved by the Owner;
- Where Reuse Sites are governed by an instrument listed in section 3(2)4 of the Regulation ("Reuse Site Instrument"):
 - A copy of the Reuse Site Instrument; and,
 - The Soil quality standard under the Standards (or, if applicable and approved by the Owner, site-specific standard generated by a QP through the BRAT) applicable to the Reuse Site under the Rules and Standards or as established by the Reuse Site's Qualified Person.
- Where Reuse Sites are not governed by a Reuse Site Instrument:
 - A description of the beneficial purpose for which the Excess Soil from the Project Area will be used at the Reuse Site, as contemplated in section 5(1)3 of the Regulation; and,

- Written confirmation that the Excess Soil, including its quantity and quality, will meet the timing and all other requirements for Excess Soil placement at the Reuse Site in accordance with section 5 of the Regulation.
- Transportation contingency measures the Contractor will implement, including but not limited to, location of an alternate site in the event Excess Soil cannot be deposited at the locations listed;
- Excavation contingency plan outlining what must occur if any person working in the project area makes an observation during soil excavation within the project area, including visual or olfactory observation, that suggests that the soil being excavated may be affected by the discharge of a contaminant;
- Identification and location of any interim sites permitted by Ontario's Excess Soil and Waste Laws, including Class 1 Soil Management Sites, Class 2 Soil Management Sites, Local Waste Transfer Facilities, Retail Landscaping Soil Depots, and/or Residential Development Soil Depots (collectively, "Temporary Sites") proposed to be used to temporarily store and/or process Excess Soil, as well as the name and contact information for the owner and operator for each site, or waste disposal sites approved by MECP to accept Excess Soil for final disposal, as well as the name and contact information for the owner and operator for each site; and,
- A description of the proposed Reuse Site's (or other MECP-approved receiving site) capacity and requirements for the deposit of Excess Soil and confirmation that those requirements can and will be complied with by the Contractor;
- A copy of the Environmental Compliance Approval issued by the MECP for each Class 1 Soil Management Site the Contractor will be using to temporarily store and/or process the Excess Soil and/or waste disposal site the Contractor will be using to dispose of the Excess Soil, if applicable; and,
- Any other information about the proposed Reuse Site (or other MECP-approved receiving site) the Owner may reasonably require.

Failure to provide documentation in a timely manner may result in construction delays at the Contractor's expense. The Contractor acknowledges and agrees that Working Days shall commence as scheduled even though the Contractor is not permitted to complete any construction or excavation related work until such time that all documentation referred to above has been delivered and accepted by the Owner.

To the extent that excess material is neither excavated Soil nor Excess Soil but otherwise constitutes "waste" pursuant to the EPA and Reg. 347 ("Non-Soil Waste"), the Contractor shall manage, transport, and dispose of the Non-Soil Waste and ensure that the Non-Soil Waste is managed, transported, and disposed of in accordance with the EPA, Regulation 347, Ontario Regulation 351/12 and other regulations under the EPA, as may be

applicable, including but not limited to ensuring that the Non-Soil Waste is transported by a hauler approved by the MECP to transport the Non-Soil Waste and is disposed of at a waste disposal site approved by the MECP to receive the Non-Soil Waste for final disposal. All Non-Soil Waste must be finally disposed of promptly at the time of excavation, except where analytical testing is required to determine the appropriate MECP-approved waste disposal site, in which case required sampling must be carried out immediately and Non-Soil Waste must be finally disposed of within seven (7) calendar days following receipt of analytical results.

Any additional chemical or geotechnical testing required by a Reuse Site shall be at the Contractor's expense without an entitlement to an extension of the Contract time. Where additional testing is required by a Reuse Site, the Contractor shall retain a QP to oversee and carry out the testing, where applicable. All resulting recommendations and analysis results shall be provided to the Owner. The Contractor shall ensure its QP extends reliance on all reports and recommendations prepared for the management of Excess Soil in the Project Area to the Owner and on request of the Owner or operator extends reliance to the owner or operator of a Reuse Site. Reliance under this section means reliance on commercially reasonable terms acceptable to the Owner.

Where the use of Temporary Sites is approved by the Owner for storage of Excess Soil, all Excess Soil must be placed at the final Reuse Site (or other MECP-approved receiving site) within sixty (60) days after the substantial completion date.

The Contractor shall submit to the Owner a notice of final placement of all Excess Soils and excavated Soils including date the last load of Soil was removed from the Project Area, and final disposal of all Non-Soil Waste, related to or arising from the project. The Contractor shall submit to the Owner a signed copy of Ontario Provincial Standard Form 180-3 (OPSF 180-3) "PROPERTY OWNER'S RELEASE within sixty (60) days after the substantial completion date.

The OPSF 180-2 and OPSF 180-3 are included in the appendix of this RFT and apply to any item that includes excavation, removal and reuse of Excess Soil.

All costs associated with the requirements of this section are to be included within the unit prices for those items.

Hauling and Transportation

The Contractor is responsible for retaining haulers for transportation of Excess Soil and for ensuring that any vehicle hauling Excess Soil from the Project Area meets all criteria outlined in Section 17 of the Regulation.

Prior to commencement of excavation, the Owner will provide the Contractor with an excel file to be used to track the information required by section 18 of the Regulation and a Hauling Record template to be used for each load of Excess Soil - Please refer to the Appendices of this RFT for the excel tracking file and the template of Hauling Record. The Contractor shall ensure the Hauling Record is used to record the required information for every load of Excess Soil leaving the Project Area. The Contractor shall submit the excel

tracking form and copies of all completed Hauling Records on a weekly basis to the Owner and keep the Hauling Record available upon request for two (2) years from the date the form is filled, including all backup documentation.

The Contractor shall cause any person who is operating a vehicle for the purpose of transporting Excess Soil to have available at all times during the transportation a completed Hauling Record for every load either in hard copy or electronic version.

The Contractor shall cause any person who is operating a vehicle for the purpose of transporting Excess Soil to, upon arriving at a Temporary Site, or Reuse Site (or other MECP-approved receiving site) complete the receiver information on the Hauling Record and ensure the receiving site representative signs the declaration on the Hauling Record.

Tracking

The Contractor shall develop and apply a tracking system, where required by and in accordance with section 16 of the Regulation and Section B of the Rules, to be used to track information about each load of Excess Soil during its excavation, on-site stockpiling (where permitted), transportation and deposit at a Reuse Site (or other MECP-approved receiving site) and any transportation to and from a Temporary Site and all other information required by the Regulation and the Rules.

The Contractor shall:

- Ensure the Owner and the Owner's QP have unrestricted access to the tracking system and information collected; and,
- Ensure all Subcontractors that are involved or engaged in any way in the excavation, management, testing, sampling, analysis, transportation or disposal of Excess Soil from the Project Area use and are integrated into, familiar with and trained on the Excess Soil tracking system.

Failure to provide tracking documentation throughout the duration of the project may result in a stop work order at the discretion of the City Engineer and at the Contractor's expense. The Contractor acknowledges and agrees that Working Days will continue to be counted during such time.

Municipal By-laws and Instruments

The Contractor shall comply with all requirements of Municipal by-laws, instruments, ordinances, regulations, directions, orders, rules and guidelines that are applicable to excavated Soil generated at the Project Area, Excess Soil leaving the Project Area and the work, services and obligations described herein (regardless of whether such requirements exceed or are more stringent or onerous than the requirements of Ontario's Excess Soil and Waste Laws).

Records

The Contractor shall retain a copy of the Contract (including all Contract Documents) for seven (7) years from the date the Contract was entered into. The Contractor shall retain copies of all subcontracts and supply agreements it enters into with Subcontractors or suppliers relating to the management of Excess Soil, including the transportation or importation (if permitted) of Excess Soil, for seven (7) years after the date such subcontracts or supply agreements were entered into.

The Contractor hereby grants to, and agrees to obtain for the Owner a perpetual, irrevocable, fully paid-up, royalty-free, worldwide, right and licence to access, use, copy, support, maintain, modify, sublicense, assign and distribute all notices, analyses, data, results, reports, inspection certificates and other documentation related to Excess Soil that the Contractor (or its Subcontractors, suppliers or consultants) created or acquired during the course of the Contract, including all documentation and records created or acquired under the Regulation, all information and data tracked and stored on the Soil tracking system, any documentation received by the Contractor (or its Subcontractors, suppliers or consultants) from any sites from which Soil was imported to the Project Area (if permitted), and any documentation provided to the Contractor (or its Subcontractors, suppliers or consultants) from Reuse Sites or other MECP-approved receiving sites where Soil was temporary or permanently deposited (collectively “**Excess Soil Records**”).

Excess Soil Records shall be provided to the Owner upon request or made available to the Owner and its representatives for audit upon request. The foregoing shall not be construed to limit, revoke or abridge any other rights, powers, or obligations relating to audit which the Owner may have at law or by contract.

This section shall survive termination or expiration of the Contract.

Filing Notice in the Registry

The Contractor acknowledges where filing a notice in the Registry is required by the Regulation:

1. The Owner will complete requirements for filing notices in the Registry for the Project;
2. No Excess Soil shall be removed from the Project Area until the Contractor obtains written confirmation the notice has been filed in the Registry, in accordance with and containing all information required by the Regulation or where the Owner has provided approval to remove Excess Soil from the Project Area in circumstances permitted by section 8(3) of the Regulation;

3. The Owner will ensure that the documentation requirements set out in sections 11 to 15 of the Regulation are fulfilled; and,
4. Where the requirements of section 19 of the Regulation apply to the Project Area, no Excess Soil from another Project shall be deposited at the Project Area until the notice has been filed in the Registry in accordance with and containing all information required by the Regulation.

Where removal is approved by the Owner in accordance with section 8(3) of the Regulation, the Contractor shall ensure that the required sampling is conducted promptly upon delivery of the Excess Soil to the Temporary Site. Before the Excess Soil is transported from the Temporary Site to a Reuse Site (or other MECP-approved receiving site) under this section, the Contractor shall obtain written confirmation the notice has been filed in the Registry.

The Contractor shall provide additional information as requested by the Owner or the Owner's QP on reasonable notice to facilitate filing of the notices and updates to the Registry.

The Contractor shall be familiar with the contents of all notices filed and shall notify and provide updated information to the Owner forthwith of any errors, changes required or missing information in the notices (and updates to the notice).

The Contractor shall provide written notice to the Owner within five (5) Working Days of removal of the last load of Soil that will become Excess Soil for the Project from a Project Area or Temporary Site, with the final quantity of all Soil removed from the Project Area.

Where a notice is filed in the Registry for Excess Soil being imported to the Project Area, the Contractor shall provide written notice to the Owner within five (5) Working Days after the final load of Excess Soil has been deposited at the Project Area.

Subcontractors

The Contractor shall ensure it enters into written agreements with its subcontractors to require them to perform their work in accordance with, and subject to, the terms and conditions of this Contract, including but not limited to requirements outlined in Ontario's Excess Soil and Waste Laws. The Contractor acknowledges and agrees that it shall be as responsible to the Owner for acts and omissions of its Subcontractors, and persons employed by them, as for acts and omissions of persons directly employed by it.

Payment

There is no payment associated with these requirements. **The costs are to be included within the unit prices for the items that require excavated Soil, Excess Soil, excess material and Non-Soil Waste management, including but not limited to, excavation, transporting and disposal of Soil, excess material and/or Non-Soil Waste as part of**

sewer, watermain, and road construction.

No payments will be made until all tracking documentation has been submitted and approved for the pay period in the progress certificate.

3. HARD SURFACE REMOVAL (Basis of Payment) (January 2022)

The removal of all hard surface features encountered in construction, such as pavements, alleys, driveways and sidewalks shall be measured by the square metre. When any curb and gutter are removed in conjunction with a hard surface, it shall be included in the square metre measurement and shall not be measured and paid separately. Saw cutting costs in conjunction with a hard surface removal shall be included in the hard surface removal unit price, with the exception of sewer & watermain trench work, unless otherwise identified in the tender.

For sewer construction, the trench must be sawcut and will be paid for under its own item or as per the description of the contract documents. Breaking the asphalt shall not be permitted.

All other curb and gutter removal that are not removed in conjunction with hard surface pavement removal shall be measured separately and paid by the linear metre.

4. THE USE OF BULK WATER FILL STATIONS (BWFS) (January 2022)

The Contractor is reminded that the use of fire hydrants WILL NOT be permitted for any construction related activities. In lieu of fire hydrants, the Contractor is to use Bulk Water Fill Stations (BWFS) at EnWin's Rhodes Drive Operating Centre and other available locations.

Separate Payment will NOT be made for water required during sewer and road construction, including compaction of all backfill & base material, pavement, curbs & gutters, driveways, sidewalks or any other structures. The water usage for these items shall be included in the unit price for each individual item.

The water application for dust control will be paid by unit price. Please refer to City of Windsor Standard Specification S-14 & S-15 for the water application and payment in boulevard restoration.

5. BACKFILL PRACTICES (February 2015)

The Contractor shall follow the City of Windsor Standard Drawings AS-536, AS-310A, B & C and specific requirements shown in the tender documentation for the material use and backfilling method unless specified otherwise in the next paragraphs.

Sewer Trench Backfill

If full granular backfill is required at any section between two manholes of one sewer run, that entire run shall be backfilled with the same granular material, with the exception of the following case.

Full granular material backfill is required for any sewer trench crossing a road intersection even if the sewer trench is deep enough for native backfill as per AS-536. In this case, the granular backfill shall continue to the end of curving section of the intersection as shown on the tender drawings and then change back to required native backfill as per AS-536.

Maintenance Stone over Trench Area

All underground work shall be completed prior to the start of road cutting. This shall be applicable to all underground work including but not limited to sewer main, catchbasin leads, private drain connections, and watermain and water services.

The Contractor will be required to backfill all sewer trench excavations within the roadway and the sidewalk to an elevation of 100mm (4") below the existing surface elevation with granular trench backfill material as per AS-536. The Contractor shall complete the top 100mm (4") backfilling by placing, compacting, and maintaining Granular "A" material or other approved materials to match existing surface grade before the road cut.

The cost for these materials shall be included in the unit bid price for the sewer main, watermain, catchbasin leads, conduits, and/or connections installed and shall be compensated in full for all labour, equipment and materials required to execute the work as specified herewith. There will be no payment for the maintenance of the materials above the sub-grade.

6. ASPHALT ESCALATION (December 2012)

The payment for liquid asphalt will be adjusted based on the Ministry of Transportation's (MTO) performance graded asphalt cement price index. The price index will be published monthly on MTO Contract Bulletin and displayed on the Ontario Hot Mix Producers Association (OHMPA) website (www.ohmpa.org). The price index will be used to calculate the amount of the payment adjustment per tonne of new asphalt cement accepted into the Work.

The price index will be based on the price, excluding taxes, Freight on Board (FOB) the depots in the Toronto area, of asphalt cement grade PG 58-28 or equivalent. One index will be used to establish and calculate the payment adjustment for all grades.

A payment price adjustment per tonne of new asphalt cement (AC) will be established for each month in which paving occurs when the price index for the month differs by more than \$15 from the price index for the month prior to Tender Opening. When the price index differential is less than \$15, there will be no payment adjustment for that month.

Payment adjustments due to changes in the price index are independent of any other payment adjustments made to the hot mix tender items.

The payment adjustment per tonne will apply to the quantity of new asphalt cement in the hot mix accepted into the Work during the month for which it is established.

The payment adjustment for the month will be calculated by the following formulae:

ASPHALT CEMENT PRICE ADJUSTMENT, PA	
I_P	Paving within Approved Contract Time
$I_P > I_{TO} + 15$	$PA = (I_P - I_{TO} - 15) \times T_{AC}$
$I_P < I_{TO} - 15$	$PA = (I_{TO} - I_P - 15) \times T_{AC}$

Where:

- PA** = Payment adjustment for new asphalt cement, in dollars
- I_{TO}** = Performance graded asphalt cement price index for the month prior to Tender Opening
- I_P** = Performance graded asphalt cement price index for the month in which paving occurs
- T_{AC}** = Quantity of new asphalt cement in tonnes

The quantity of asphalt cement includes all grades of **new** asphalt cement supplied by the Contractor with and without polymer modifiers. For each month in which a payment adjustment has been established, the quantity of the escalation/de-escalation will be calculated using the hot mix quantity accepted in the Work and its corresponding asphalt cement content as required by the job mix formula. The Recycled Asphalt Product (RAP) component of the job mix formula shall not be included.

Two calculation examples are listed below including the deduction of AC content in the RAP and the payment adjustment for either the Contractor or the Owner.

	Example One ($I_P > I_{TO} + 15$)	Example Two ($I_P < I_{TO} - 15$)
Mix Type	HL4	HL4
Total Tonnes	100	100
% AC Total	5%	5%
%RAP used	15%	15%
%AC in RAP	4.0%	4.0%
Total Tonnes AC in Mix	$100 \times 5\% = 5$	$100 \times 5\% = 5$
Tonnes AC in RAP	$100 \times 15\% \times 4\% = 0.6$	$100 \times 15\% \times 4\% = 0.6$
Tonnes New AC (T_{AC})	Total AC – AC in RAP = $5 - 0.6 = 4.4$	Total AC – AC in RAP = $5 - 0.6 = 4.4$
Price Index I_{TO}	\$624.25 (Feb. 2011 Index)	\$679.25 (Jul. 2011 Index)
Price Index I_P	\$688.75 (Jun. 2011 Index)	\$641.50 (Sep. 2011 Index)
Payment Adjustment	$PA = (I_P - I_{TO} - 15) \times T_{AC} =$ $(688.75 - 624.25 - 15) \times 4.4 =$ \$217.80	$PA = (I_{TO} - I_P - 15) \times T_{AC} =$ $(679.25 - 641.50 - 15) \times 4.4 =$ \$100.10
Money to	Contractor ($I_P > I_{TO} - 15$)	Owner ($I_P < I_{TO} - 15$)

For mixes containing a liquid anti-stripping additive, the quantity of anti-stripping additive will be deducted from the quantity of new asphalt cement. No other deductions will be made for any other additives.

For progress payment purpose, payment adjustments will be made on the monthly progress payment certificate for the months in which hot mix paving occurs.

7. CONCRETE PIPE STRUCTURAL REPAIRS (December 2012)

Concrete pipe longitudinal crack widths in the range of 0.25 – 2.5 mm (0.01 – 0.1 inch) shall be repaired by a method approved by the City Engineer prior to the acceptance of the work.

Concrete pipe longitudinal cracks larger than 2.5mm (0.10 inch) in width shall require structural repairs. Concrete pipe longitudinal cracks larger than 5 mm (whether stable or not) OR larger than 2.5 mm and that are unstable shall be removed and replaced. Circumferential cracks that allow inflow but are not offset vertically shall be repaired to provide a water-tight seal. Circumferential cracks that are offset vertically shall be repaired structurally.

Before structural repairs are undertaken on an installed RCP/CP, the pipe shall be structurally evaluated to determine if the installed pipe system has reached equilibrium and the pipe has proven to have capability to support the load.

Acceptable repair actions for a crack that needs structural repairs could include the following:

- Link-pipe; or,
- Cured in place pipe (CIPP); or,
- Grout the cracks with sodium silicate based or epoxy based resin materials.

All above listed criteria and repair methods are subject to the review & approval of the City Engineer in each specific project.

8. PRIVATE DRAIN AND CATCHBASIN CONNECTIONS (May 2017)

Location of the Private Drain/Catchbasin Connections

The locations of existing private drain/catchbasin connections, as shown on the Contract Drawings, are in accordance with the most current information available and are NOT certified to be accurate. The Contractor shall expose an existing private drain/catchbasin connection before commencing sewer construction in order to determine its exact location if necessary. The cost of this work shall be included in the unit price bid per metre of sanitary or storm private drain connections.

In addition, the Contractor shall ensure that all buildings and catch basins on a construction project have been reconnected to the proper sewers. This shall be achieved by either dye or smoke testing, or by use of a mini-camera or C.C.T.V. inspection if necessary.

Number of Private Drain Connections

The number of sanitary and storm private drain connections listed in the Schedule of Unit Prices are estimated. The intent of this specification is to aid the Contractor in preparing the bid. No claim for an extra will be made by the Contractor on the basis of a variation in the number of connections unless under the approval of the City Engineer.

9. SALVAGE OF METAL MATERIALS (February 2013)

Where City of Windsor manhole and catchbasin frames and covers require replacement, the Contractor shall remove the old frames and covers and transport them to the City of Windsor Operations yard at 1531 Crawford Avenue.

Any miscellaneous metals encountered or removed during construction on this contract, shall remain the property of the City of Windsor and shall also be transported to the City of Windsor Operations Yard at 1531 Crawford Avenue. **Proof of delivery (signature of City of Windsor employee at Crawford Yard) shall be provided by the Contractor.**

The cost for the above salvage and transportation shall be included as part of the unit prices bid in the Schedule of Unit Prices, as no additional cost for this work will be paid.

10. MAINTENANCE OF FLOW IN SEWERS (February 2015)

The Contractor shall maintain the flow from all sewers, private drain connections and catch basin leads during the construction of the works. The Contractor shall be prepared to pump, divert, or find other means of maintaining flows during construction. The Contractor shall submit to the Engineer for review, the proposed construction method, which shall include the equipment to be used to maintain the flow in the sewers and connections.

The unit price bid in the Schedule of Unit Prices for construction of sewers, manholes, private drain connections and catch basin leads shall include all costs to maintain flows in sewers and connections as no additional remuneration will be paid.

11. LAYOUT (January 2022)

The Contractor is responsible for the sewer & watermain layout and the City is responsible for the rest of construction layout work, including but not limited to roads, curbs & gutters, sidewalks & multiuse trails. Electronic construction drawings in AutoCAD file format will be made available at the Contractor's request. The Contractor shall sign the form of Terms and Conditions for use of Digital Electronic Files prior to the usage of AutoCAD file provided by the City. The benchmark and points of reference for setting out can be provided as well for the purpose of manual layout. The Contractor is responsible for maintaining these points and using them for locating all structures and grade stakes required for the proper location and installation of the work.

12. EXCAVATIONS IN THE VICINITY OF GAS LINES (December 2008)

All excavations in the vicinity of gas lines shall be carried out in accordance with:

1. The Occupational Health and Safety Act and Regulations which apply under this Act, including regulations for construction projects; and,
2. The Technical Standards and Safety Act and Regulations that apply under this Act.

The Contractor is referred to the “Guidelines for Excavations in the Vicinity of Gas Lines”, prepared by the Technical Standards and Safety Authority. The procedures described herein are prepared in the interest of safety to the general public, the workers carrying out the excavation, and the prevention of damage to gas lines and property.

13. BACKFILL AROUND GAS MAINS (January 2022)

The Contractor shall be responsible to backfill around all gas mains exposed during the course of construction in accordance with City of Windsor Standard Specification S-39 Backfill Around Utilities, or any other superseding standard of Enbridge, unless otherwise directed by Enbridge in writing. The above specification shall govern work around gas lines.

14. STREETLIGHTING INFRASTRUCTURE (January 2022)

Any and all materials, labour, approvals, drawings, and equipment required for the purpose of removing and replacing existing street lighting poles are to be fully included in the lump sum tender price. The mast arms and luminaries on the existing poles are to be transferred to the new poles unless otherwise specified in the contract documents. The removed poles are to be disposed of or as directed by the City Engineer.

The Contractor is referred to the “Street Lighting Design and Installation Guidelines”, prepared by the City of Windsor – Traffic Operations for the installation and the approval of connections.

<https://www.citywindsor.ca/business/buildersanddevelopers/Pages/Municipal-Infrastructure-Requirements.aspx>

15. TREE PROTECTION AND FINES (January 2022)

In accordance with City of Windsor policy, the Contractor shall exercise the utmost caution to ensure the protection of trees (above and below ground) during construction activities. If trees are damaged or mistakenly removed due to the construction activities, the Contractor shall be assessed the appraised value of the trees, as determined by the City Forester. The appraised value of the trees shall be determined using the Guide for Plant Appraisal 10th Edition.

All City trees must be protected during the construction of the project. Tree protection fencing shall be installed around the perimeter of the tree's drip line to protect the critical root zone of the tree and the main stem (trunk) from mechanical damage. The installation and positioning of the tree protection fencing by the contractor shall be assessed and approved by the City Forester or his designate prior to the commencement of the project. It is prohibited to move or reposition the tree protection fencing during the construction of the project unless authorization by the City Forester or his designate is obtained.

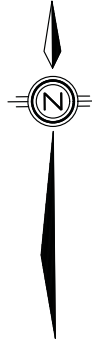
All City owned trees along the public Right of Way or within City parks that present interference issues for construction machinery, shall be trimmed by the Contractor in advance of the construction project in an effort to reduce damages to City owned trees during construction. The Parks Department (Forestry Division) shall provide the Contractor, a list of approved professional Tree Care companies to retain for the project. The Contractor is responsible for coordinating an onsite meeting with the Manager of Forestry and Natural Areas or his designate along with the Contractor's chosen tree trimming sub-contractor (attained from the City's approved list of tree companies) to review the scope of the tree trimming requirements for the protection of trees during the project. The Contractor will be responsible for scheduling and monitoring the required tree trimming by an approved tree trimming sub contractor. The Contractor's attention is brought to Standard Drawing AS-507, Guidelines for Tunnelling Lengths Near or at Trees, and to the fact that should it be necessary to excavate closer to an existing tree than is acceptable to the City Forester, then the City Forester shall be notified and approval shall be granted by the City Forester prior to the work being performed.

APPENDIX "REI-E"

WATERSHED & KEY PLAN, PROFILE, SECTIONS, BRIDGE PLANS & DETAILS
OF THE
SPRUCEWOOD AVENUE DRAIN

(Geographic Township of Sandwich West)

IN THE
CITY OF WINDSOR
IN THE
COUNTY OF ESSEX • ONTARIO



Gerard Road
GERARD ROAD, P.ENG.
**ROOD
ENGINEERING
INC.**
CONSULTING ENGINEERS
Leamington, Ontario
519-322-1621



DATE: December 12th, 2023

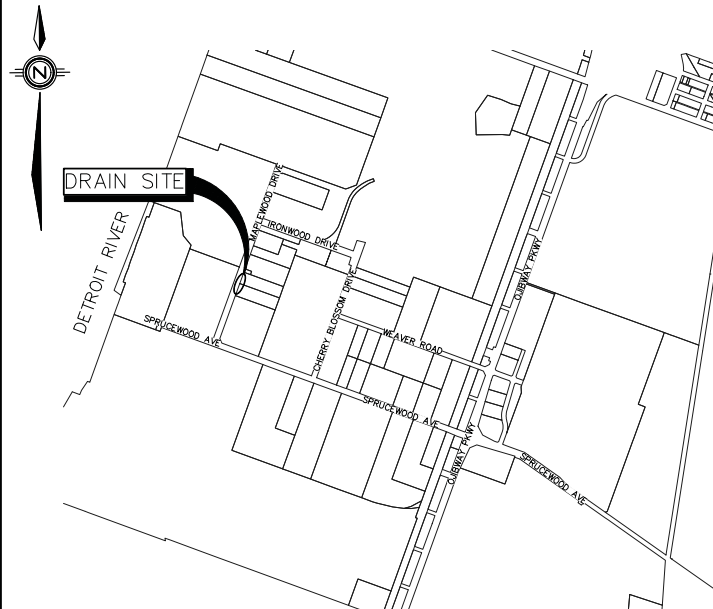
CITY OF WINDSOR
MAYOR: DREW DILKENS
CLERK: STEVE VLACHODIMOS
DRAINAGE
SUPERINTENDENT: TOM GRAZIANO, P.ENG.

BENCHMARKS:
1. NAIL IN THE WEST FACE OF HYDRO POLE LOCATED
IMMEDIATELY NORTH OF PROPOSED BRIDGE 1
ELEV: 178.033m



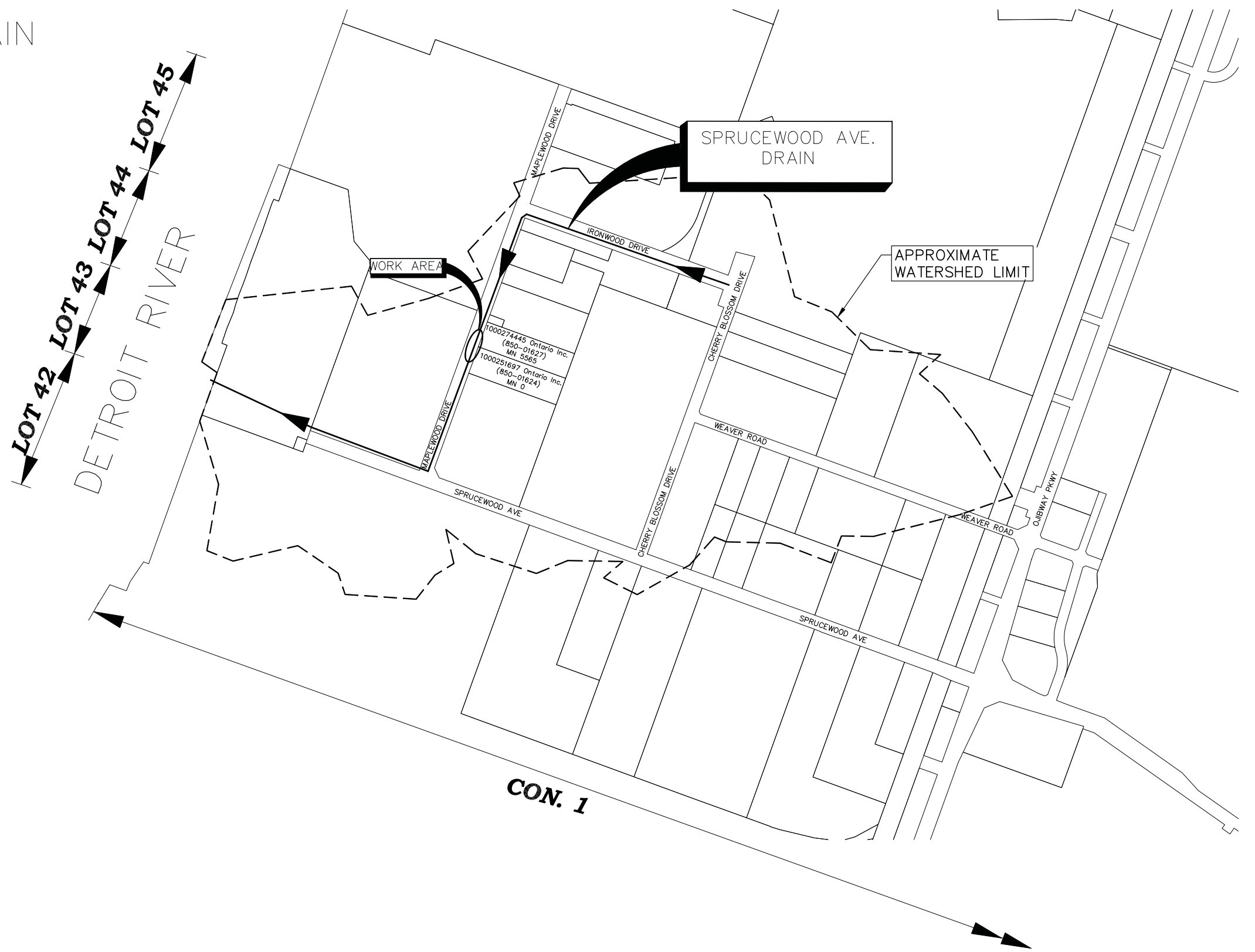
THE CITY OF WINDSOR

350 City Hall Square West
Windsor, Ontario
N9A 6S1
519-255-2489



KEY PLAN

SCALE = 1:15,000

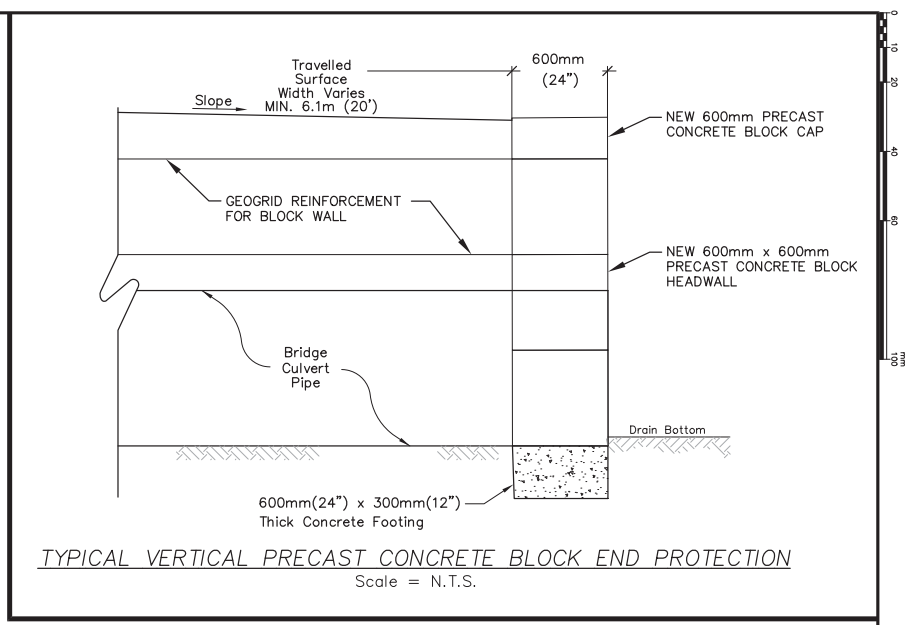
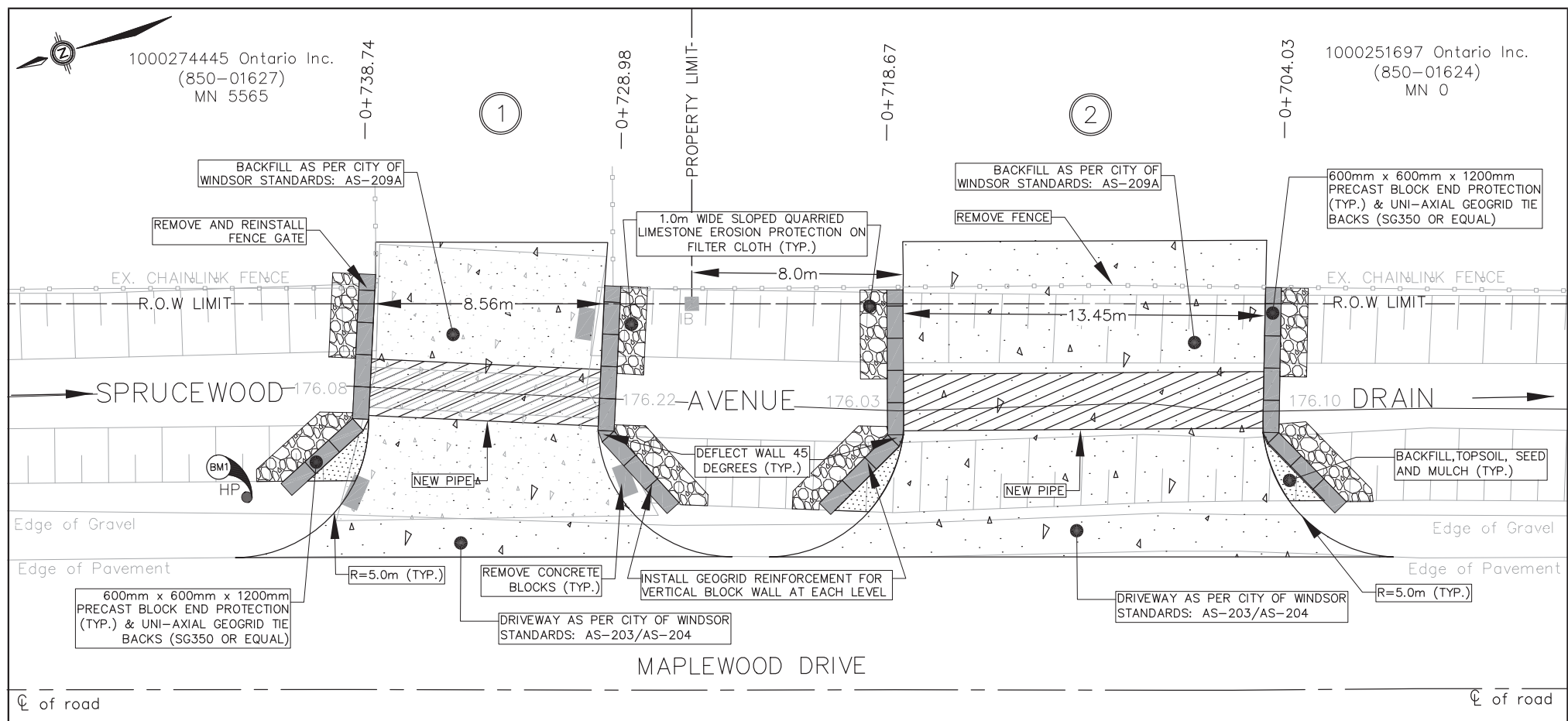


WATERSHED PLAN

SCALE = 1:4000

THESE PLANS HAVE BEEN REDUCED
AND THE SCALE THEREFORE VARIES.
FULL SCALE PLANS MAY BE VIEWED
AT THE MUNICIPAL OFFICE.

DRAWN BY: A.C.	PLOT CODE: 1:1
COMPUTER FILE: REI2023D011.DWG	
FILE No.: REI2023D011	SHEET No.: 1 OF 3



BENCHMARK:
1. NAIL IN THE WEST FACE OF HYDRO POLE LOCATED IMMEDIATELY NORTH OF PROPOSED BRIDGE 1
ELEV: 178.033m

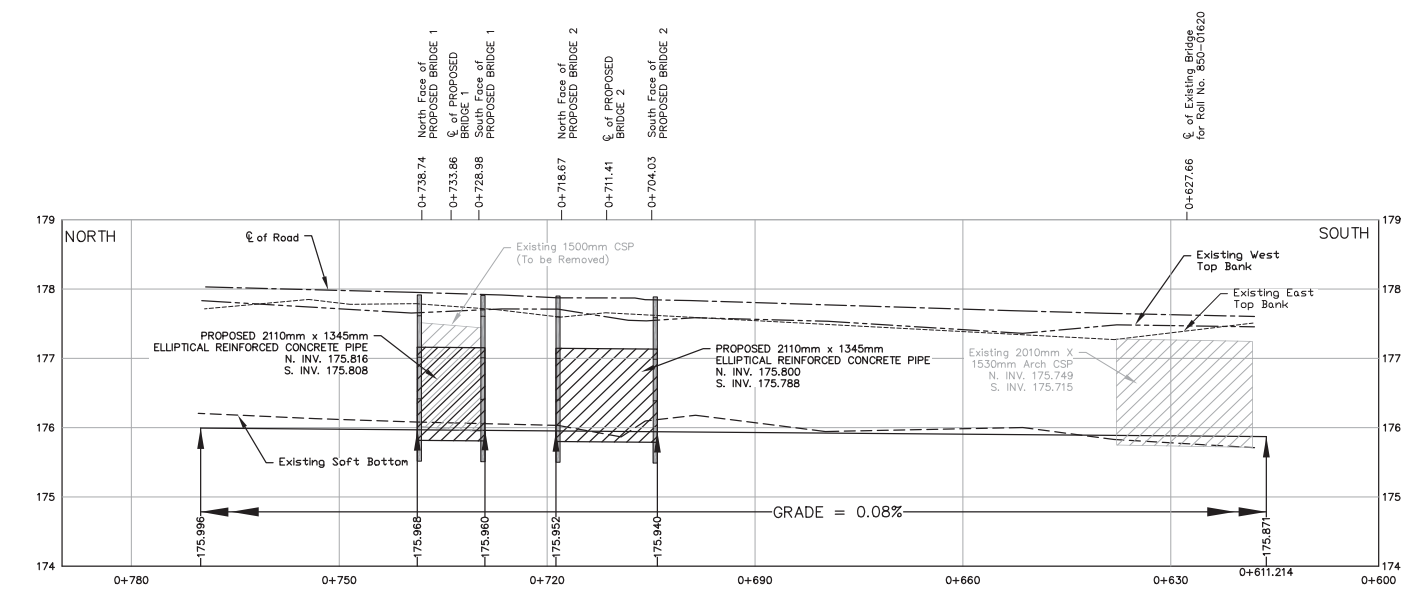
PIPE SIZE	PIPE LENGTH	PIPE THICKNESS	CLASS	TYPE OF PIPE	DESIGN ELEVATIONS
2110x1345mm (SPANxRISE)	9.76m (32.02 ft.)	176mm	HE II	ELLIPTICAL REINFORCED CONCRETE PIPE	UPSTREAM INV. (N)=175.816m DOWNSTREAM INV. (S)=175.808m E OF DRIVEWAY=177.700m DRAIN GRADE=0.080%

BENCHMARK:
1. NAIL IN THE WEST FACE OF HYDRO POLE LOCATED IMMEDIATELY NORTH OF PROPOSED BRIDGE 2
ELEV: 178.033m

PIPE SIZE	PIPE LENGTH	PIPE THICKNESS	CLASS	TYPE OF PIPE	DESIGN ELEVATIONS
2110x1345mm (SPANxRISE)	14.64m (48.03 ft.)	176mm	HE II	ELLIPTICAL REINFORCED CONCRETE PIPE	UPSTREAM INV. (N)=175.800m DOWNSTREAM INV. (S)=175.788m E OF DRIVEWAY=177.700m DRAIN GRADE=0.080%

BRIDGE 1 PLAN
SCALE=1:100

BRIDGE 2 PLAN
SCALE=1:100

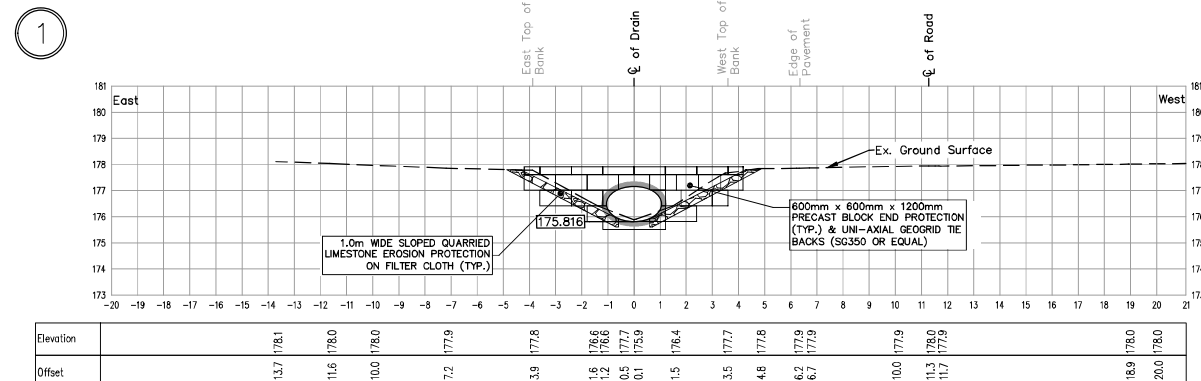


SPRUCEWOOD AVE. DRAIN PROFILE
SCALE=1:500

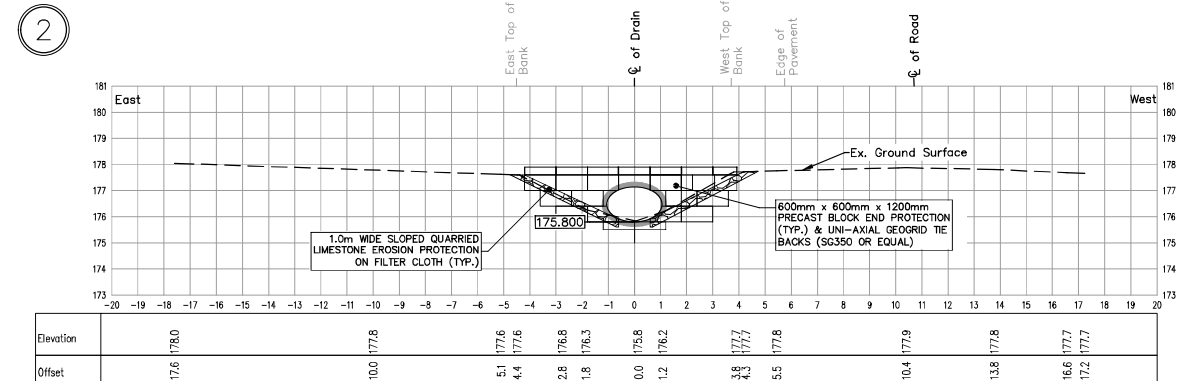
ALL WORKS TO BE CONDUCTED AS PER WINDSOR CITY STANDARDS: AS-203, AS-204 & AS-209A

THESE PLANS HAVE BEEN REDUCED AND THE SCALE THEREFORE VARIES. FULL SCALE PLANS MAY BE VIEWED AT THE MUNICIPAL OFFICE.

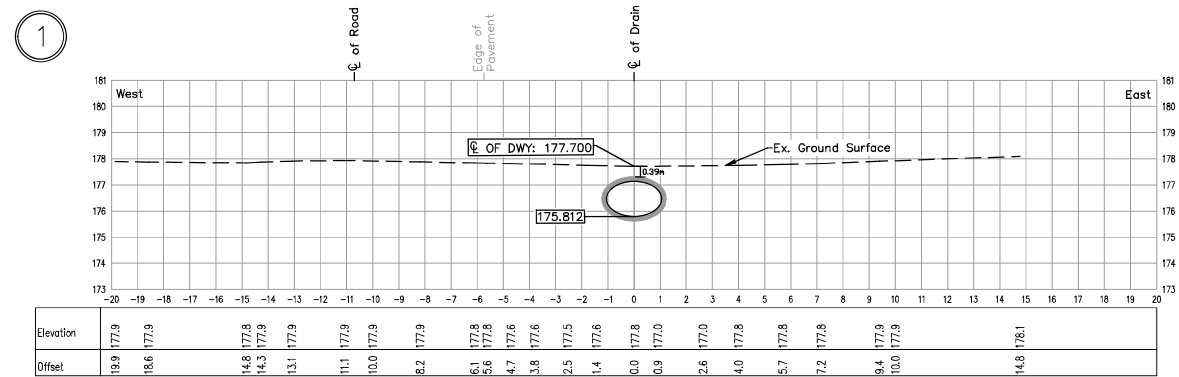
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PLOT CODE: 1:1
COMPUTER FILE: REI2023D011.DWG
FILE No.: REI2023D011
SHEET No.: 2 OF 4



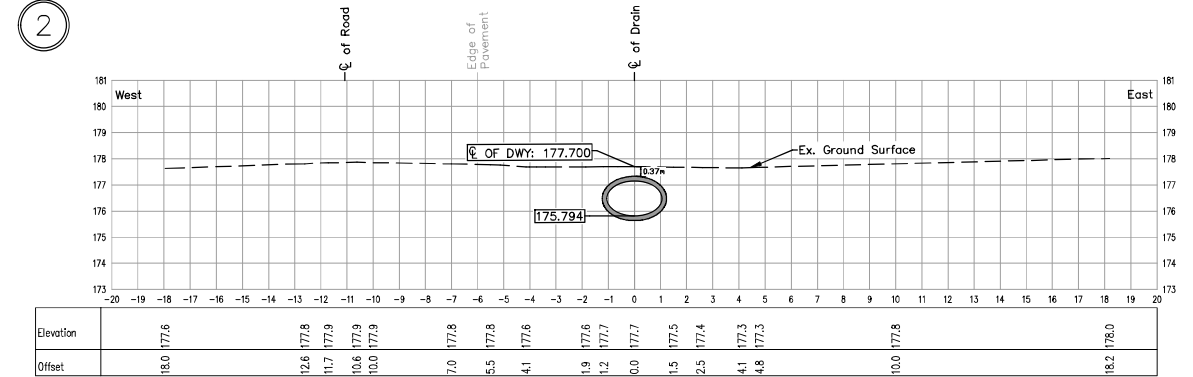
North End of Proposed Bridge: STA. 0+742.58
Scale: 1:125



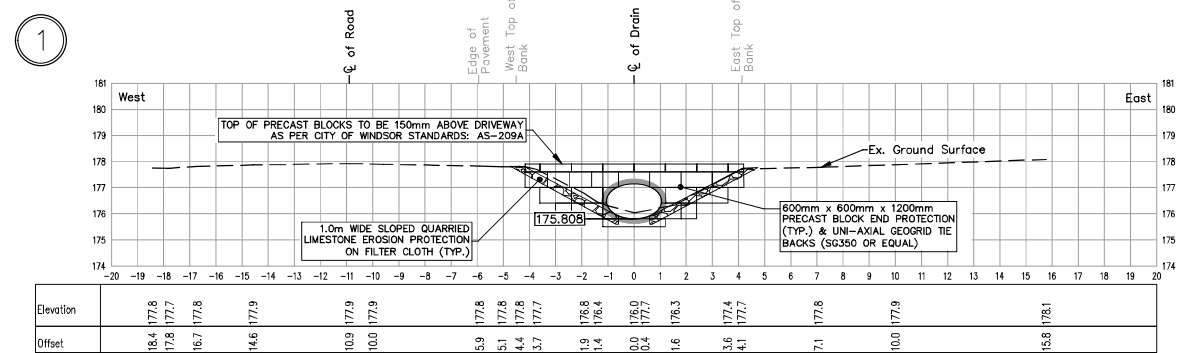
North End of Proposed Bridge - STA. 0+721.31
Scale: 1:125



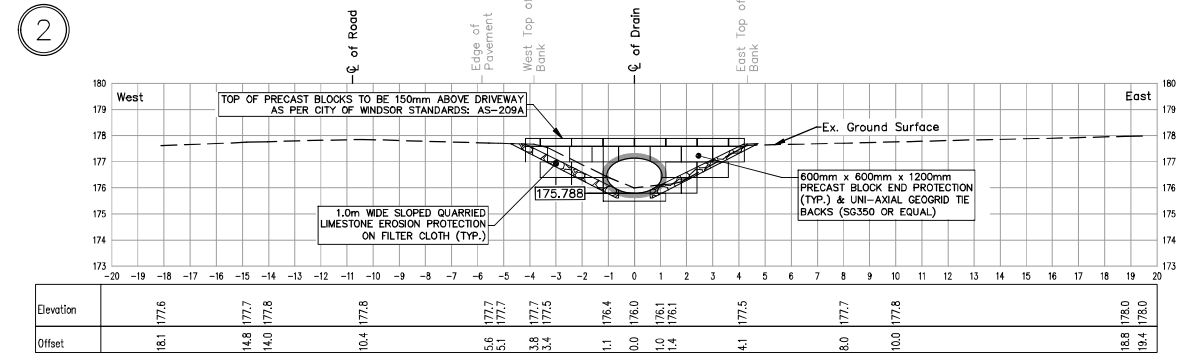
Centerline of Proposed Bridge - STA. 0+733.86
Scale: 1:125



Centerline of Proposed Bridge - STA. 0+711.41
Scale: 1:125



South End of Proposed Bridge 1 - STA. 0+726.70
Scale: 1:125

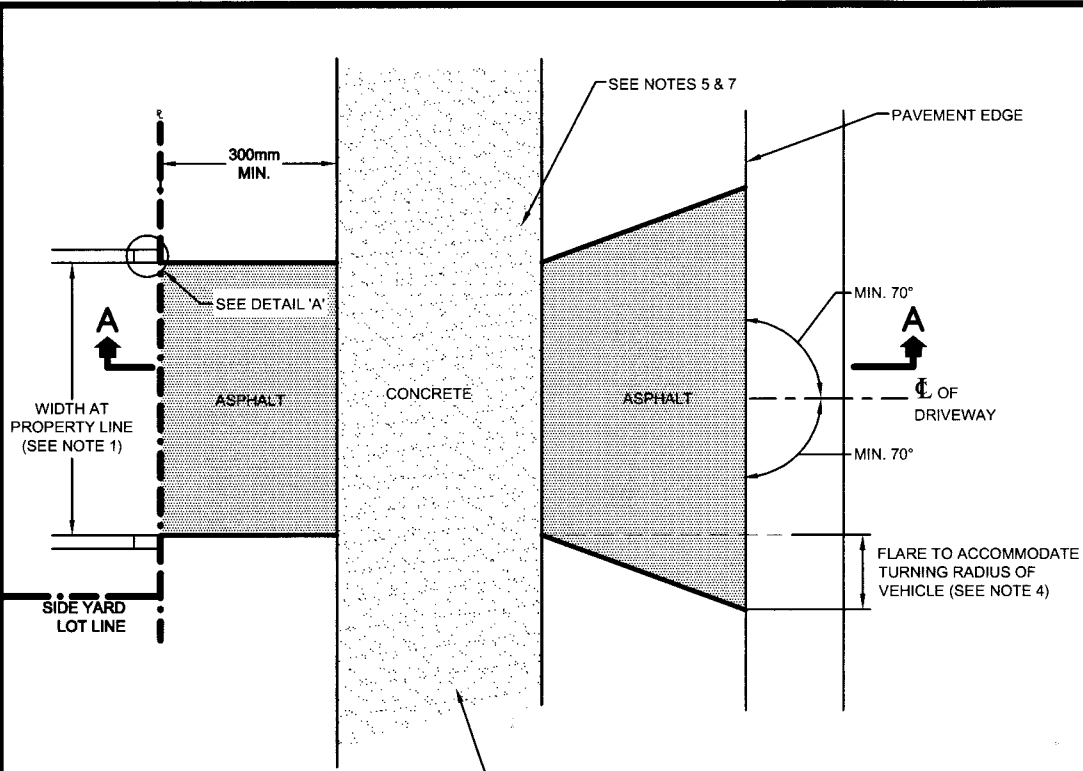


South End of Proposed Bridge - STA. 0+701.65
Scale: 1:125

THESE PLANS HAVE BEEN REDUCED AND THE SCALE THEREFORE VARIES. FULL SCALE PLANS MAY BE VIEWED AT THE MUNICIPAL OFFICE.

DRAWN BY: A.C.
PLOT CODE: 1-1
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FILE No.: REI2020D011
SHEET No.: 3 OF 4

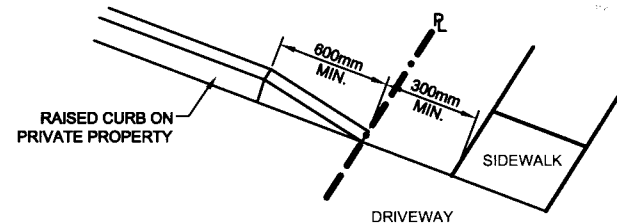
APPENDIX "REI-F"



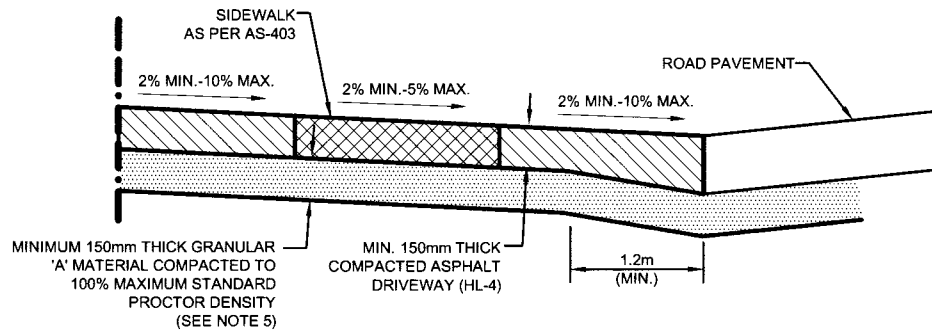
SIDEWALK TO BE REPLACED TO NEAREST COMPLETE PANEL (MIN.) AS PER AS-403, 150mm THICK

NOTES:

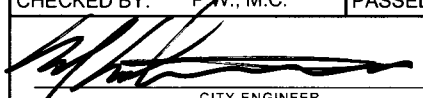
1. UNLESS OTHERWISE SPECIFICALLY APPROVED BY THE CITY ENGINEER, THE WIDTH OF COMMERCIAL DRIVEWAYS SHALL BE A MINIMUM OF 3.5 METRES PER LANE AND A MAXIMUM OF 4.5 METRES PER LANE, MEASURED AT THE PROPERTY LINE, AS PER APPLICABLE ZONING BY-LAW REQUIREMENTS.
2. UNLESS OTHERWISE SPECIFICALLY APPROVED BY THE CITY ENGINEER, RAISED CURBS BORDERING DRIVEWAY APPROACHES ON THE PUBLIC RIGHT-OF-WAY ARE PROHIBITED. ACCORDINGLY, ALL SUCH RAISED CURBS SHALL TERMINATE IN A MANNER SATISFACTORY TO THE CITY ENGINEER AS PER DETAIL A, BELOW, SO THAT THE RAISED PORTION OF THE CURB (OR THE ENTIRE CURB) SHALL TERMINATE AT THE PROPERTY LINE. IN ADDITION, THE MINIMUM CLEARANCE BETWEEN THE END OF THE RAISED PORTION OF THE CURB (OR THE ENTIRE CURB) AND THE NEAR EDGE OF THE SIDEWALK SHALL BE 300mm.
3. GRANULAR 'A' BASE COURSE SHALL BE PLACED TO A MINIMUM THICKNESS OF 150mm ON AN APPROVED SUBGRADE, COMPACTED TO 100% MAX. STANDARD PROCTOR DENSITY. WHERE UNSUITABLE SUBGRADE MATERIALS ARE ENCOUNTERED, THEY SHALL BE REMOVED AND REPLACED WITH COMPACTED GRANULAR 'A' MATERIAL TO THE SATISFACTION OF THE CITY ENGINEER.
4. DRIVEWAY MAY FLARE AT THE CURB TO ACCOMMODATE THE TURNING RADIUS OF COMMERCIAL VEHICLES, AS APPROVED BY THE CITY ENGINEER. THE FLARE SHALL OCCUR WITHIN THE APPROVED CURB CUT WIDTH IDENTIFIED ON THE PERMIT FROM ENGINEERING DEPARTMENT. FLARE NOT TO EXTEND BEYOND EXTENSION OF SIDE YARD LOT LINE.
5. WHERE AN ASPHALT DRIVEWAY ABUTS A CONCRETE SIDEWALK, IT SHALL DO SO IN A STRAIGHT (HORIZONTALLY AND VERTICALLY) MANNER, TO THE SATISFACTION OF THE CITY ENGINEER.
6. WHERE A CONCRETE SIDEWALK INTERSECTS A COMMERCIAL ASPHALT DRIVEWAY, THE SIDEWALK WILL BE EXTENDED THROUGH THE DRIVEWAY. WHERE THIS OCCURS, THE SIDEWALK SHALL BE 150mm THICK, IN ACCORDANCE WITH AS-403.
7. ALL WORK WITHIN THE PUBLIC RIGHT-OF-WAY TO BE COMPLETED TO CITY OF WINDSOR STANDARDS, TO THE SATISFACTION OF THE CITY ENGINEER.

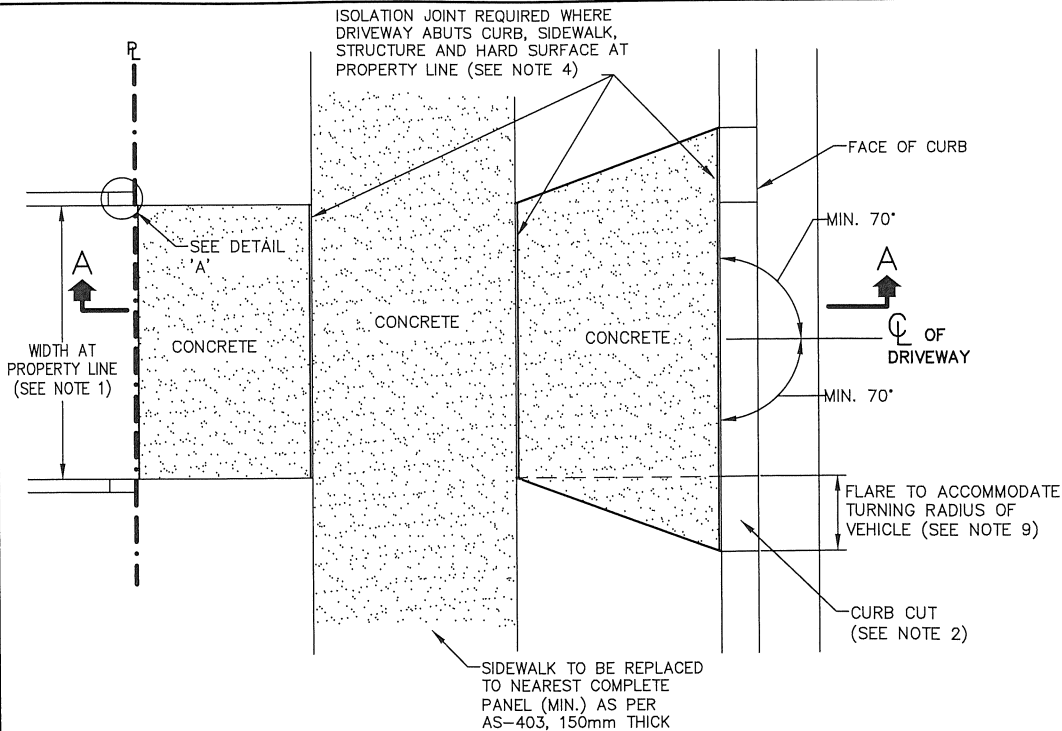


DETAIL 'A'
(SEE NOTE 2)



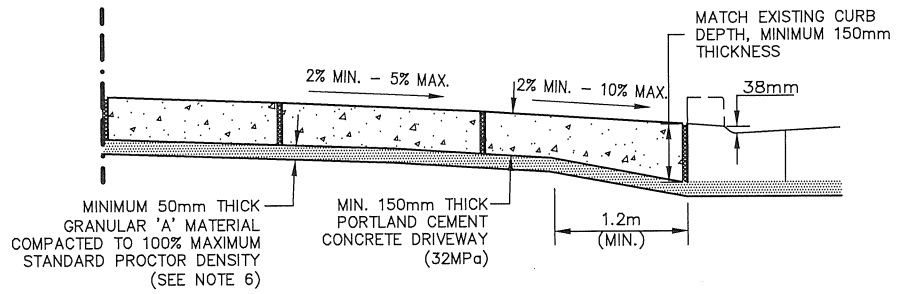
SECTION A-A

CITY OF WINDSOR			
ENGINEERING DEPARTMENT			
COMMERCIAL APPROACH - NO CURB			
DRAWN BY:	S.S., M.M.	DATE:	APRIL 2005
REVISION:	OCTOBER 2005	CHECKED BY:	W.B., S.S., P.U.
	FEBRUARY 2012; OCTOBER 2015		
CHECKED BY:	P.W., M.C.	PASSED BY:	M.W.
 CITY ENGINEER			AS-203

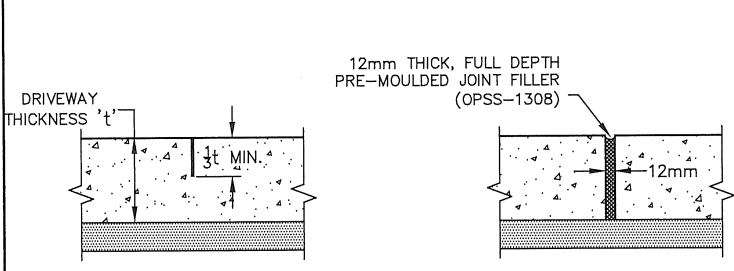


NOTES:

- UNLESS OTHERWISE SPECIFICALLY APPROVED BY THE CITY ENGINEER, THE WIDTH OF COMMERCIAL DRIVEWAYS SHALL BE A MINIMUM OF 3.5 METRES PER LANE AND A MAXIMUM OF 4.5 METRES PER LANE, MEASURED AT THE PROPERTY LINE, AS PER APPLICABLE ZONING BY-LAW REQUIREMENTS.
 - CURB CUTS SHALL BE COMPLETED IN A MANNER SATISFACTORY TO THE CITY ENGINEER AND IN ACCORDANCE WITH CITY OF WINDSOR STANDARD DRAWING AS-216.
 - UNLESS OTHERWISE SPECIFICALLY APPROVED BY THE CITY ENGINEER, RAISED CURBS BORDERING DRIVEWAY APPROACHES ON THE PUBLIC RIGHT-OF-WAY ARE PROHIBITED. ACCORDINGLY, ALL SUCH RAISED CURBS SHALL TERMINATE IN A MANNER SATISFACTORY TO THE CITY ENGINEER AS PER DETAIL A, BELOW, SO THAT THE RAISED PORTION OF THE CURB (OR THE ENTIRE CURB) SHALL TERMINATE AT THE PROPERTY LINE. IN ADDITION, THE MINIMUM CLEARANCE BETWEEN THE END OF THE RAISED PORTION OF THE CURB (OR THE ENTIRE CURB) AND THE NEAR EDGE OF THE SIDEWALK SHALL BE 300mm.
 - CONTRACTION JOINTS IN DRIVEWAYS SHALL BE EVENLY SPACED TO ENSURE THAT PANELS DO NOT EXCEED 12 SQUARE METRES IN SURFACE AREA. IN ADDITION, LONGITUDINAL CONTRACTION JOINTS WILL BE REQUIRED WHERE THE DRIVEWAY WIDTH EXCEEDS 2.5 METRES. ALL LONGITUDINAL AND TRANSVERSE CONTRACTION JOINTS LONGER THAN 1.8 METRES SHALL BE SAW CUT. DEEP TROWEL JOINTS MUST BE COMPLETED IN A WORKMAN LIKE MANNER, TO THE SATISFACTION OF THE CITY ENGINEER. CONCRETE WORK WILL BE REJECTED ON THE BASIS OF POOR WORKMANSHIP.
- FULL DEPTH ISOLATION JOINTS ARE REQUIRED WHERE THE DRIVEWAY ABUTS A CURB, STRUCTURE OR HARD SURFACE AT OR NEAR THE PROPERTY LINE.
- UNLESS OTHERWISE SPECIFICALLY APPROVED BY THE CITY ENGINEER, DRIVEWAY CROSSFALL SHALL BE 2% MINIMUM AND SHALL NOT EXCEED 10%.
 - GRANULAR 'A' BASE COURSE SHALL BE PLACED TO A MINIMUM THICKNESS OF 50mm ON AN APPROVED SUBGRADE, COMPACTED TO 100% MAX. STANDARD PROCTOR DENSITY. WHERE UNSUITABLE SUBGRADE MATERIALS ARE ENCOUNTERED, THEY SHALL BE REMOVED AND REPLACED WITH COMPACTED GRANULAR 'A' MATERIAL TO THE SATISFACTION OF THE CITY ENGINEER.
 - UNLESS OTHERWISE SPECIFICALLY APPROVED BY THE CITY ENGINEER, DRIVEWAYS SHALL HAVE A BROOMED FINISH. WHERE STAMPED OR PATTERNED CONCRETE IS APPROVED AS A FINISH, PONDING OF WATER DUE TO THE DEPTH OF THE PATTERN, IMPROPER APPLICATION OR FINISHING PROCEDURES WILL NOT BE ACCEPTABLE.
 - IN WARM WEATHER, WHITE PIGMENTED, MEMBRANE FORMING CURING COMPOUND SHALL BE APPLIED ACCORDING TO THE MANUFACTURER'S RECOMMENDATIONS TO EVENLY COVER THE SURFACE IMMEDIATELY FOLLOWING FINISHING OPERATIONS. A CLEAR CURING COMPOUND SHALL BE USED FOR COLOURED CONCRETE. IN COOLER WEATHER, THE SURFACE OF THE CONCRETE SHALL BE COVERED WITH POLYETHYLENE SHEETING (6MIL. THICKNESS MIN.) IMMEDIATELY FOLLOWING FINISHING OPERATIONS AND INSULATED TO ENSURE THE TEMPERATURE OF THE CONCRETE IS CONTINUOUSLY MAINTAINED ABOVE 10°C FOR A MINIMUM OF SEVEN DAYS.
 - DRIVEWAY MAY FLARE AT THE CURB TO ACCOMMODATE THE TURNING RADIUS OF COMMERCIAL VEHICLES, AS APPROVED BY THE CITY ENGINEER. (1.0 METRE TYPICAL)
 - WHERE THE DISTANCE BETWEEN THE BACK OF THE CURB AND THE NEAR EDGE OF THE SIDEWALK OR THE BACK OF THE SIDEWALK AND THE PROPERTY LINE IS 1.2 METRES OR LESS, THAT PORTION OF THE DRIVEWAY APPROACH MUST BE PLACED INTEGRAL WITH THE SIDEWALK. WHERE THE RESPECTIVE DISTANCE IS GREATER THAN 1.2 METRES, THAT PORTION OF THE DRIVEWAY APPROACH MAY BE PLACED SEPARATELY WITH AN ISOLATION JOINT SEPARATING THE TWO.
 - ALL WORK WITHIN THE PUBLIC RIGHT-OF-WAY TO BE COMPLETED TO CITY OF WINDSOR STANDARDS, TO THE SATISFACTION OF THE CITY ENGINEER.

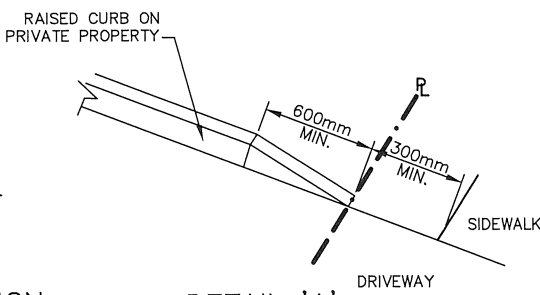


SECTION A-A



CONTRACTION JOINT

ISOLATION/EXPANSION JOINT



DETAIL 'A'

(SEE NOTE 2)

City Council Agenda - Monday, February 12, 2024

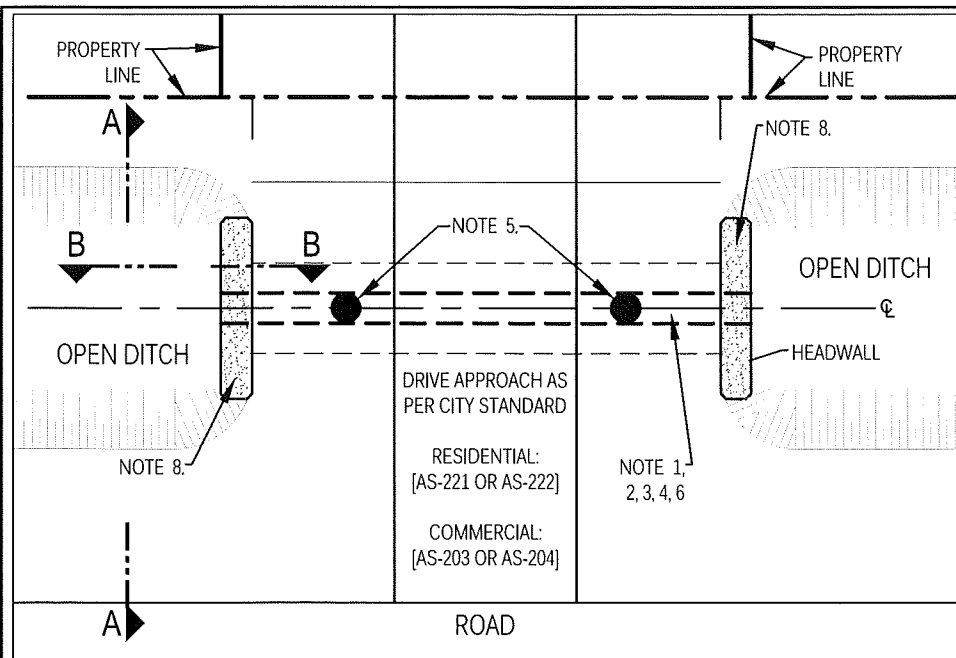
**CITY OF WINDSOR
ENGINEERING DEPARTMENT**

COMMERCIAL DRIVE - CONCRETE

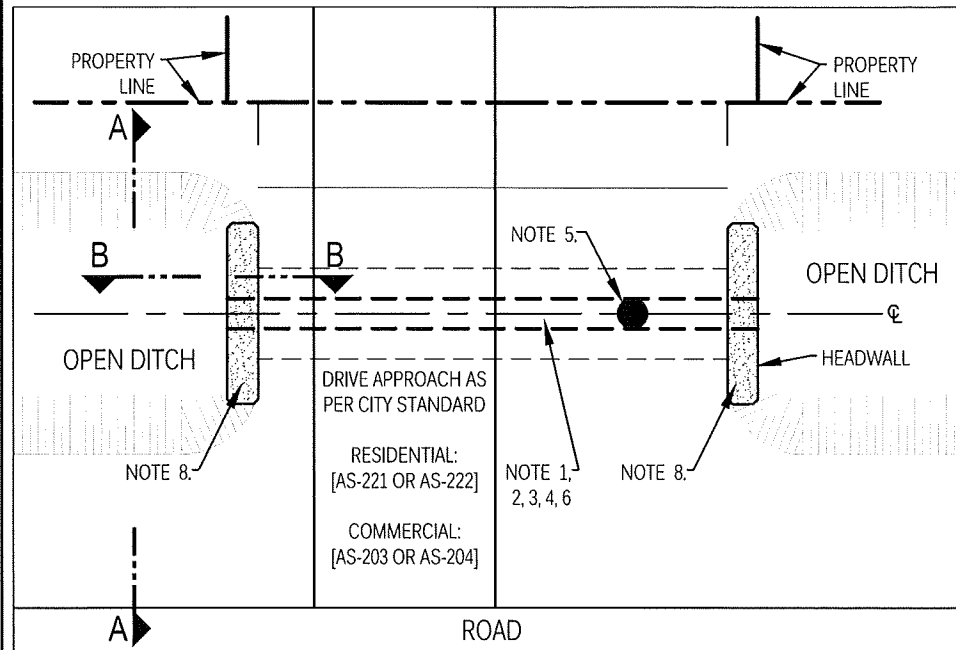
DRAWN BY: S.S., N.B, A.C	DATE: APRIL 2005
REVISION: DEC 2019/DEC 2021	CHECKED BY: W.B., P.U., J.H
CHECKED BY: P.W., M.C.	PASSED BY: T.M., M.W.

C. Nepe
CITY ENGINEER

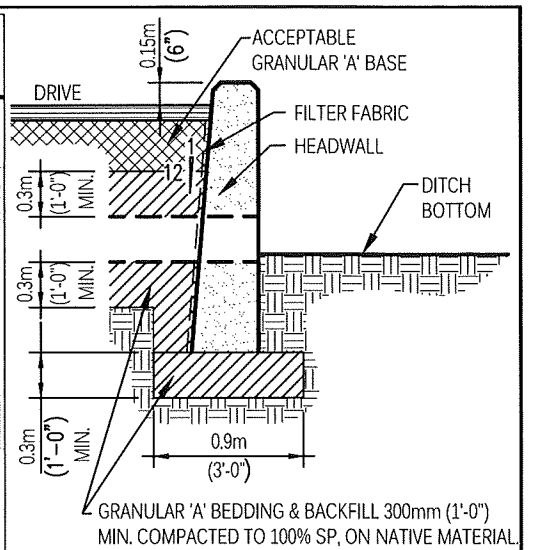
AS-204



PLAN



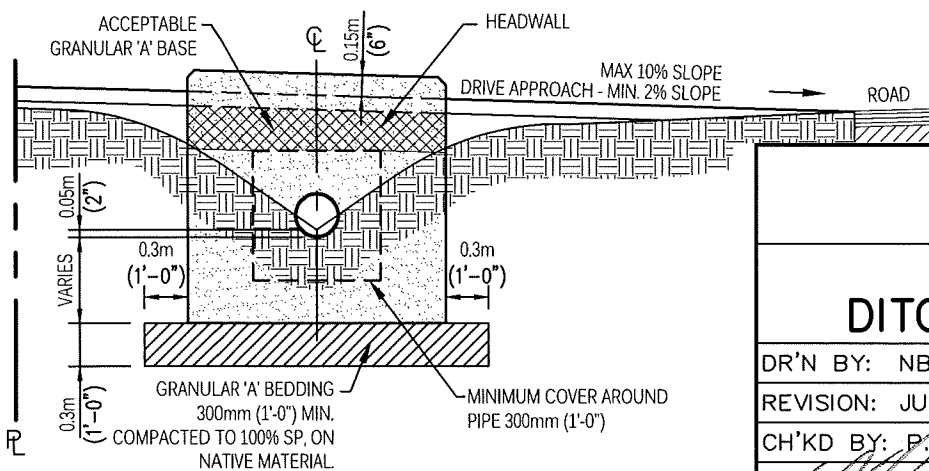
PLAN



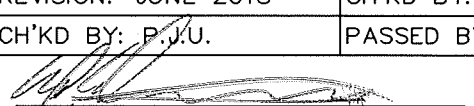
SECTION B-B

GENERAL NOTES:
(IN ACCORDANCE WITH CITY OF WINDSOR STANDARD SPECIFICATION S-11)

- 1.) PIPE MATERIAL - PVC (POLYVINYL CHLORIDE) OR HDPE (HIGH DENSITY POLYETHYLENE) OR CONCRETE PIPE.
- 2.) MATCH THE EXISTING UPSTREAM AND DOWNSTREAM CULVERT SIZE, WHICHEVER IS GREATER. MINIMUM 375mm (15") PIPE.
- 3.) PIPE TO BE EMBEDDED A MINIMUM OF 50mm (2"), OR 10% OF PIPE DIAMETER, WHICHEVER IS GREATER.
- 4.) MINIMUM PIPE COVER TO BE 300mm (1'-0") OF GRANULAR 'A' AROUND PIPE.
- 5.) MINIMUM 600mm (24") DIAMETER CONCRETE OR HDPE INLINE CATCHBASIN WITH FRAME AND COVER AS PER AS-301 IS REQUIRED AT CENTRELINE OF LOT WITH ADDITIONAL CATCHBASINS REQUIRED EVERY 12.2m (40') DITCH/SWALE. ROADWAY WITH CURB AND GUTTER AND/OR DEFINED SHOULDER STANDARD COVER PERMITTED.
- 6.) MATCH UPSTREAM/DOWNSTREAM FLOW OF DITCH.
- 7.) CULVERT TO NOT EXTEND BEYOND PROPERTY LINE.
- 8.) JUTE BAG HEADWALLS WITH CONCRETE CAP FOR PIPE DIAMETER LESS THAN 450mm (18"), AND PRE-CAST OR ENGINEERED DESIGNED CONCRETE HEADWALLS APPROVED BY THE CITY ENGINEER FOR PIPE DIAMETER GREATER THAN 450mm (18") IN ACCORDANCE WITH AS-209.



SECTION A-A

CITY OF WINDSOR	
ENGINEERING DEPARTMENT	
BACKFILL OF DITCH/SWALE/TRENCH	
DR'N BY: NB	DATE: SEPTEMBER, 2015
REVISION: JUNE 2018	CH'KD BY: A.B.
CH'KD BY: P.J.U.	PASSED BY:
 CITY ENGINEER	
AS-209A	

BY – L A W N U M B E R XX-2024

A PROVISIONAL BY-LAW TO PROVIDE FOR A DRAINAGE WORKS IN THE CITY OF WINDSOR IN THE COUNTY OF ESSEX FOR THE IMPROVEMENT OF THE SPRUCEWOOD AVENUE DRAIN

Passed the ___ day of _____, 2024.

WHEREAS the Council of The Corporation of the City of Windsor has procured a Drainage Report under section 78 of the *Drainage Act* for the improvement of the Sprucewood Avenue Drain;

AND WHEREAS the report dated December 12, 2023 has been authored by Rood Engineering Inc. and the attached report forms part of this by-law

AND WHEREAS the estimated total cost of the drainage work is \$151,000.00 which will be borne by the property owners within the City of Windsor in accordance with the Schedule of Assessment in the Drainage Report;

AND WHEREAS the Council of The Corporation of the City of Windsor is of the opinion that the improvement of the Sprucewood Avenue Drain is desirable;

THEREFORE the Council of The Corporation of the City of Windsor, pursuant to the provisions of Section 45 of the Drainage Act, R.S.O. 1990, hereby enacts as follows:

1. **THAT** the Engineer's Report for the Improvement of the Sprucewood Avenue Drain as prepared by Rood Engineering Inc., dated December 12, 2023, which is attached hereto as Schedule "A", is hereby adopted, and the drainage works as therein indicated and set forth are hereby authorized and shall be completed in accordance therewith.
2. **THAT** this by-law shall come into force and take effect on the day of the final passing thereof.

DREW DILKENS, MAYOR

CITY CLERK

First Reading - January 29, 2024
Second Reading- January 29, 2024
Third Reading - , 2024

BY-LAW NUMBER 24-2024

A BY-LAW TO AMEND BY-LAW NUMBER 20-2007 BEING A BY-LAW TO DESIGNATE THE “OLDE SANDWICH TOWNE COMMUNITY PLANNING STUDY AREA” AS AN AREA OF DEMOLITION CONTROL

Passed the 12th day of February, 2024.

WHEREAS the Council of The Corporation of the City of Windsor, passed By-law 20-2007 cited as a By-law to Designate “Olde Sandwich Towne Community Planning Study Area” as an Area of Demolition Control, on the 29th of January, 2007;

AND WHEREAS it is deemed expedient to amend By-law Number 20-2007;

THEREFORE the Council of the Corporation of the City of Windsor enacts as follows:

1. That By-law Number 20-2007 be amended by adding the following thereto:

“ 3.1 Despite the provisions of s. 3 residential dwelling units located on property zoned Manufacturing District (MD) in Zoning By-law 8600 are exempt from the provisions of this by-law.”
2. This by-law shall come into force and take effect on the day of the final passing thereof.

DREW DILKENS, MAYOR

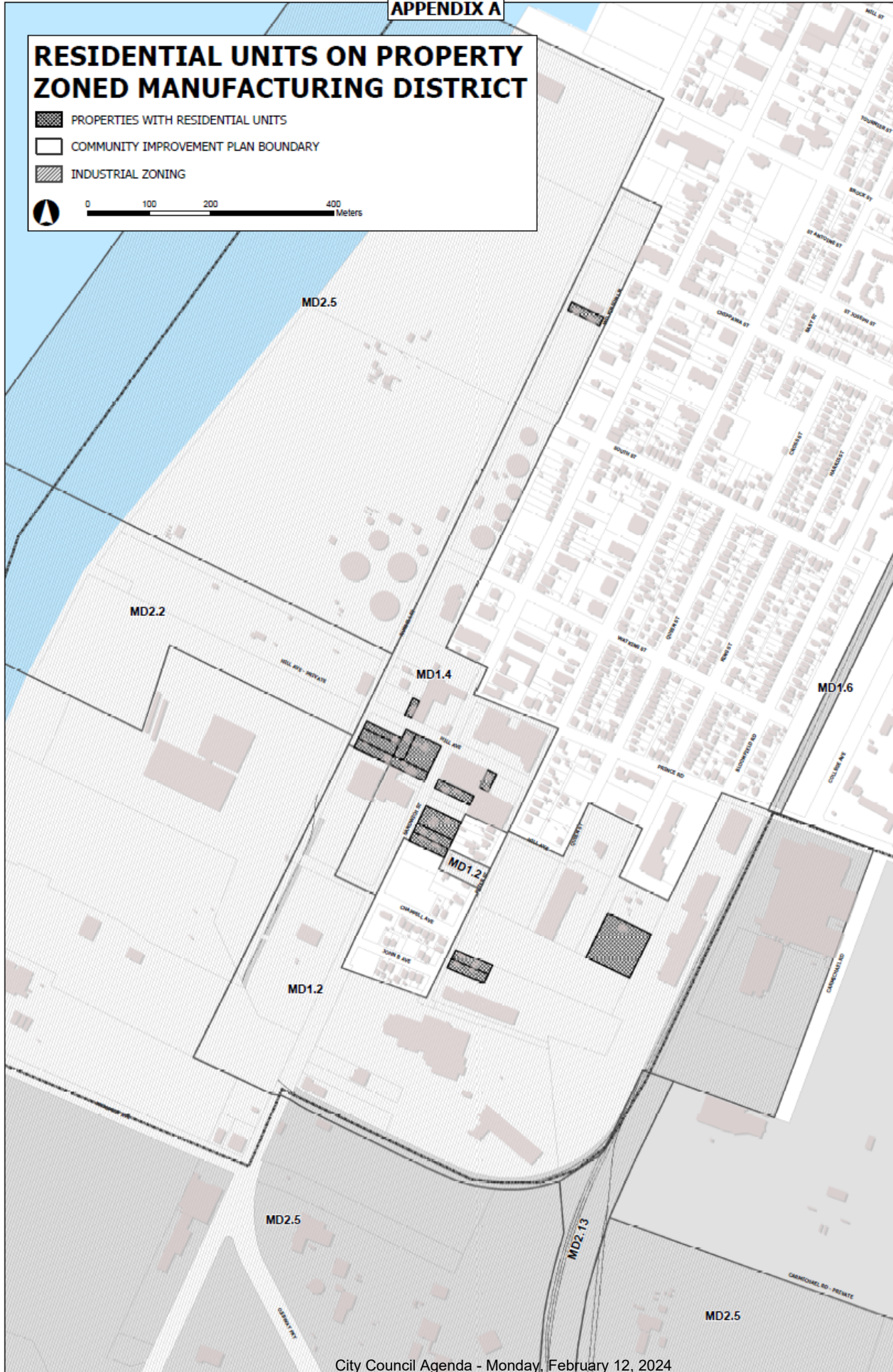
CITY CLERK

First Reading - February 12, 2024
Second Reading - February 12, 2024
Third Reading - February 12, 2024

APPENDIX A

RESIDENTIAL UNITS ON PROPERTY ZONED MANUFACTURING DISTRICT

- PROPERTIES WITH RESIDENTIAL UNITS
- COMMUNITY IMPROVEMENT PLAN BOUNDARY
- INDUSTRIAL ZONING



BY-LAW NUMBER 25-2024

A BY-LAW TO ADOPT AMENDMENT NO. 173
TO THE OFFICIAL PLAN OF THE CITY OF
WINDSOR

Passed the 12th day of February, 2024.

WHEREAS pursuant to the provisions of Section 17(1) of the *Planning Act*, R.S.O. 1990, c. P.13 as amended, the Minister of Municipal Affairs and Housing (Minister) is the approval authority in respect of the approval of a plan as an official plan.

AND WHEREAS Section 17(9) of the said *Planning Act* provides that the Minister may by order exempt a proposed official plan amendment from his approval under Section 17(1) of the said Act.

AND WHEREAS pursuant to the provisions of Ontario Regulation 525/97 most amendments to the official plan of the City of Windsor commenced after January 19, 1998 are exempt from the approval of the said Minister.

THEREFORE the Council of the Corporation of the City of Windsor in accordance with the provisions of the said *Planning Act* hereby enacts as follows:
1. That Amendment No. **173** to the Official Plan of the City of Windsor, attached hereto, is hereby adopted.

DREW DILKENS, MAYOR

CITY CLERK

First Reading - February 12, 2024
Second Reading - February 12, 2024
Third Reading - February 12, 2024

AMENDMENT NO. 173
TO THE
OFFICIAL PLAN
CITY OF WINDSOR

Part D (Details of the Amendment) of the following text and attached Schedule D of the City of Windsor Official Plan constitute Amendment No. 173.

Also included, but not constituting part of the Amendment, are explanations of Purpose, Location, Background, and Implementation of the Amendment, and Appendix A (Results of Public Notification).

A. PURPOSE:

The purpose of Amendment No. 173 is to apply a site specific policy area to Block 1, Plan 12M-425, City of Windsor that would permit the construction of Medium Profile buildings up to 24m in height within 30m of Banwell Road.

B. LOCATION:

The amendment applies to the land described as Part of Block 1, Plan 12M-425, City of Windsor; PIN 01597-1846; known municipally as 1849 BANWELL RD (Roll No. 070-730-13317), situated at the West side of Banwell Road, South of Firgrove Drive.

C. BACKGROUND:

The applicant's proposal for this site includes two (2) six (6)-storey multiple dwelling residential building with 78 units each (total 156 units).

The site is proposed to have driveway access from Leathorne Street and will include a surface parking area with 227 parking spaces for the residential dwellings. No reduction in parking is being requested for this development.

The applicant requested a site specific policy area to permit Medium Profile development (greater than 4 storeys) on the site. The concept plan for the site indicated that a Medium Profile development is proposed for this site.

The City of Windsor Official Plan currently designates the site Mixed Use Node Schedule D – Land Use, (OPA#159), Banwell Road Mixed Use Corridor Schedule ER-2: Land Use Plan, Secondary Plan East Riverside Planning Area.

An amendment to the Official Plan adding a site specific policy area to permit Medium Profile buildings and an amendment to Zoning By-law 8600 applying a site-specific provision to allow multiple dwellings with specific building heights and providing a reduction in the minimum required landscaped open space is required.

The multiple dwelling development as proposed will be subject to site plan control.

When Official Plan Amendment 173 is approved, the requested zoning amendment will conform to the Zoning Amendment Policies in Section 11.6.3 of the Official Plan and conform to the general intent of the Official Plan.

D. DETAILS OF THE AMENDMENT:

- 1) THAT the City of Windsor Official Plan, Volume II, Part 1 – Special Policy Areas, BE AMENDED by adding site specific policies as follows:

1.# WEST SIDE BANWELL ROAD SOUTH OF FIRGROVE DRIVE

1.#.1 The property described as Part of Block 1, Plan 12M-425, City of Windsor; PIN 01597-1846; known municipally as 1849 BANWELL RD (Roll No. 070-730-13317), is designated a special policy area on Schedule A: Planning Districts and Policy Areas in Volume I – The Primary Plan.

1.#.2 Notwithstanding Section 2.7.5.5 of the Official Plan, Volume II:

Medium Profile Residential Buildings up to 24 m in height shall be permitted on the subject property within 30m of Banwell Road

E. IMPLEMENTATION:

- i. This amendment is to be implemented by an amendment to Zoning By-law 8600 as recommended by the Development and Heritage Standing Committee recommendation DHSC 567 and approved by Council by CR486/2023.

APPENDIX A

The following are the results of public notification of the amendments and the outcome of public meetings. Comments relate to the Official Plan Amendment and the associated rezoning amendment.

DEVELOPMENT & HERITAGE STANDING COMMITTEE (DHSC):

A meeting of the DHSC was held on November 6, 2023 to consider the applications Z 022-23 [ZNG-7067] & OPA 173 [OPA-7070] and Staff Report S 137/2023. This is the statutory public meeting required by the Planning Act. Below is an extract from the minutes of the meeting:

7.5. Official Plan & Zoning Bylaw Amendments Z 022-23 [ZNG-7067] & OPA 173 [OPA-7070] 1027458 Ontario Inc. Banwell & Leathorne (North A) Multiple Dwelling Development - Ward 7

Jim Abbs (author) – presents application.

Karl Tanner (agent) Dillon Consulting – available for questions.

Theresa O’Neil (agent) Dillon Consulting – available for questions.

Jeff Benedet (area resident) – is not in support of the proposal and has concerns with extreme noise levels. Mr. Benedet asks the Committee if the item can be heard at the same time as Item 7.6 (North B) is presented to avoid repetition from the delegates.

Item decision is deferred until Item 7.6 (North B) is presented.

Councillor Marignani asks how many parking spaces per unit. Mr. Abbs answers 1.45 parking spaces per unit. Mr. Abbs adds that the City of Windsor requires 1.25 spaces per unit.

Councillor Mariganani asks if the final design for the development has been completed and if features that will take safety into consideration, including a 45-degree angle on the corners of buildings at the Leathorne and Banwell intersection. Mr. Tanner answers that it can be looked into during the Site Plan Control process.

Moved by: Councillor Fred Francis

Seconded by: Councillor Mark McKenzie

Decision Number: **DHSC 567**

THAT the City of Windsor Official Plan, Volume II, Part 1 – Special Policy Areas, **BE AMENDED** by adding site specific policies as follows:

1.# WEST SIDE BANWELL ROAD SOUTH OF FIRGROVE DRIVE

1.#.1 The property described as Part of Block 1, Plan 12M-425, in the City of Windsor, known municipally as 0 Questa Drive, is designated a special policy area on Schedule A: Planning Districts and Policy Areas in Volume I – The Primary Plan.

1.#.2 Notwithstanding Section 2.7.5.5 of the Official Plan, Volume II:

- a) Medium Profile Residential Buildings up to 24 m in height shall be permitted on the subject property within 30m of Banwell Road

THAT the hold prefix **BE APPLIED** to the existing CD2.7 zone at Part of Block 1, Plan 12M-425, in the City of Windsor, known municipally as 0 Questa Drive the hold prefix may be removed when the applicant/owner submits an application to remove the holding prefix and the following conditions are satisfied:

- a) an updated Transportation Impact Study is prepared and submitted to the satisfaction of the City Engineer; and
- b) The applicant receives a development permit for the construction of the extension of Leathorne Street onto Block 19, 12M-425

THAT subsection 1 of Section 20 of the City of Windsor Zoning By-law 8600 **BE AMENDED** for the lands described as Part of Block 1, Plan 12M-425 by adding site specific regulations as follows:

4xx. WEST SIDE BANWELL ROAD SOUTH OF FIRGROVE DRIVE

For the lands described as Part of Block 1, Plan 12M-425, in the City of Windsor, known municipally as 0 Questa Drive, the following shall be additional permitted uses:

- i. multiple dwelling;
- subject to the regulations in Section 12.2.5, and,

Building height within 30m of Banwell Road – Maximum –24 m

Landscaped Open Space – Minimum 24.5%

(ZDM 14; ZNG/7067)

Carried.

Councillor Angelo Marignani voting nay.

Report Number: S 137/2023

Clerk's File: Z/14652 & Z/14653

CITY OF WINDSOR COUNCIL MEETING:

A meeting of City Council was held on November 27, 2023, at which time the recommendations of the Development & Heritage Standing Committee were considered. Below is an extract from the minutes of the meeting:

8.29. Official Plan & Zoning Bylaw Amendments Z 022-23 [ZNG-7067] & OPA 173 [OPA-7070] 1027458 Ontario Inc. Banwell & Leathorne (North A) Multiple Dwelling Development - Ward 7

Karl Tanner & Theresa O'Neill, agents, Dillon Consulting

Karl Tanner & Theresa O'Neill, agents, Dillon Consulting, appear before Council regarding the administrative report dated October 19, 2023 entitled, "Official Plan & Zoning Bylaw Amendments Z 022-23 [ZNG-7067] & OPA 173 [OPA-7070] 1027458 Ontario Inc. Banwell & Leathorne (North A) Multiple Dwelling Development - Ward 7" and are available for questions.

Moved by: Councillor Jo-Anne Gignac
Seconded by: Councillor Mark McKenzie

Decision Number: CR486/2023 DHSC 567

That the City of Windsor Official Plan, Volume II, Part 1 – Special Policy Areas, **BE AMENDED** by adding site specific policies as follows:

1.# WEST SIDE BANWELL ROAD SOUTH OF FIRGROVE DRIVE

1.#.1 The property described as Part of Block 1, Plan 12M-425, in the City of Windsor, known municipally as 0 Questa Drive, is designated a special policy area on Schedule A: Planning Districts and Policy Areas in Volume I – The Primary Plan.

1.#.2 Notwithstanding Section 2.7.5.5 of the Official Plan, Volume II:

- a) Medium Profile Residential Buildings up to 24 m in height shall be permitted on the subject property within 30m of Banwell Road

That the hold prefix **BE APPLIED** to the existing CD2.7 zone at Part of Block 1, Plan 12M-425, in the City of Windsor, known municipally as 0 Questa Drive the hold prefix may be removed when the applicant/owner submits an application to remove the holding prefix and the following conditions are satisfied:

- a) an updated Transportation Impact Study is prepared and submitted to the satisfaction of the City Engineer; and
- b) The applicant receives a development permit for the construction of the extension of Leathorne Street onto Block 19, 12M-425

That subsection 1 of Section 20 of the City of Windsor Zoning By-law 8600 **BE AMENDED** for the lands described as Part of Block 1, Plan 12M-425 by adding site specific regulations as follow:

4xx. WEST SIDE BANWELL ROAD SOUTH OF FIRGROVE DRIVE

For the lands described as Part of Block 1, Plan 12M-425, in the City of Windsor, known municipally as 0 Questa Drive, the following shall be additional permitted uses:

- i. multiple dwelling;
subject to the regulations in Section 12.2.5, and,
Building height within 30m of Banwell Road – Maximum –24 m
Landscaped Open Space – Minimum 24.5%

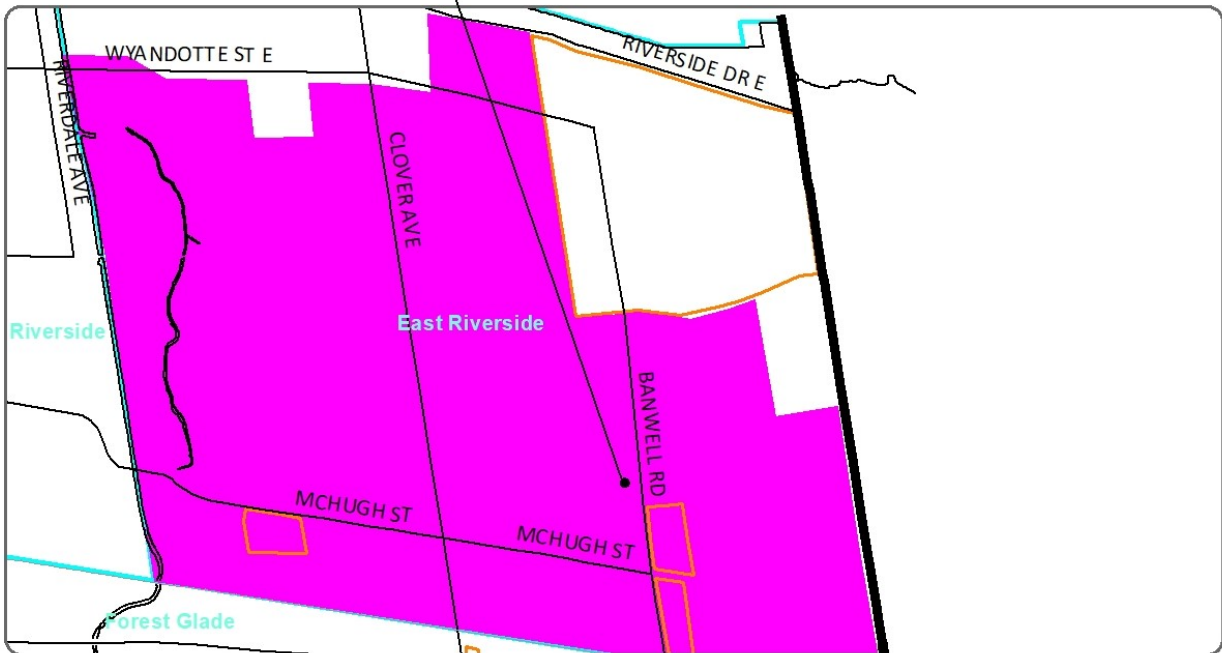
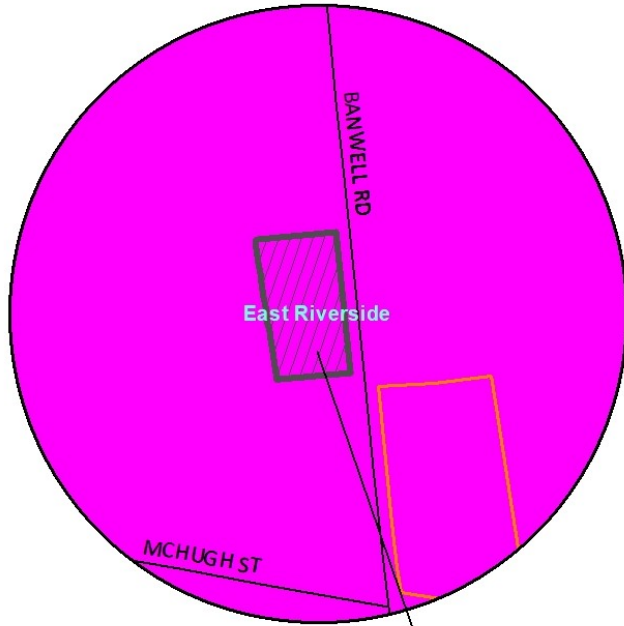
(ZDM 14; ZNG/7067)

Carried.

Councillor Angelo Marignani voting nay.

SCHEDULE A

LANDS AFFECTED BY
OFFICIAL PLAN AMENDMENT NO.173



OFFICIAL PLAN AMENDMENT NO. 173



AREA SUBJECT TO OFFICIAL PLAN AMENDMENT NO.173



SPECIAL POLICY
AREAS



PLANNING
DISTRICTS



SECONDARY PLANS

BY-LAW NUMBER 26-2024

A BY-LAW TO FURTHER AMEND BY-LAW NUMBER 8600 CITED AS THE "CITY OF WINDSOR ZONING BY-LAW"

Passed the 12th day of February, 2024.

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. By-law Number 8600 is further amended by changing the Zoning District Maps or parts thereof referred to in Section 1, of the by-law and made part thereof, so that the zoning district symbol of the lands described in Column 3 shall be changed from that shown in Column 5 to that shown in Column 6:

1. Item Number	2. Zoning District Map Part	3. Lands Affected	4. Official Plan Amendme nt Number	5. Zoning Symbol	6. New Zoning Symbol
1	14	Part of Block 1, Plan 12M-425	173	CD2.7	HCD2.7

2. That subsection 1 of Section 20, of the said by-law, is amended by adding the following paragraph:

496. NORTH WEST CORNER OF BANWELL ROAD AND MCHUGH STREET

For the lands described as Part of Block 1, Plan 12M-425, the following shall be additional permitted uses:

- i. multiple dwelling;
subject to the regulations in Section 12.2.5, and,

Building height – Maximum – within 30m of Banwell Road - 24m
Landscaped Open Space – Minimum 24.5%

(ZDM 14; ZNG/7067)

3. The said by-law is further amended by changing the Zoning District Maps or parts thereof referred to in Section 1, of said by-law and made part thereof, so that the lands described in Column 3 are delineated by a broken line and further identified by the zoning symbol shown in Column 5:

1. Item Number	2. Zoning District Map	3. Lands Affected	4. Official Plan Amendme	5. Zoning Symbol
----------------------	---------------------------------	----------------------	-----------------------------------	------------------------

	Part		nt Number	
1	14	Part of Block 1, Plan 12M-425	173	S.20(1) 496

4. That the H symbol (Holding Zone) be removed when the following conditions have been satisfied:

- a) An application is received to remove the H symbol;
- b) an updated Transportation Impact Study is prepared and submitted to the satisfaction of the City Engineer; and
- c) The applicant receives a development permit for the construction of the extension of Leathorne Street onto Block 19, 12M-425.

DREW DILKENS, MAYOR

CITY CLERK

First Reading - February 12, 2024
 Second Reading - February 12, 2024
 Third Reading - February 12, 2024

BY-LAW NUMBER 27-2024

A BY-LAW TO ADOPT AMENDMENT NO. 174
TO THE OFFICIAL PLAN OF THE CITY OF
WINDSOR

Passed the 12th day of February, 2024.

WHEREAS pursuant to the provisions of Section 17(1) of the *Planning Act*, R.S.O. 1990, c. P.13 as amended, the Minister of Municipal Affairs and Housing (Minister) is the approval authority in respect of the approval of a plan as an official plan.

AND WHEREAS Section 17(9) of the said *Planning Act* provides that the Minister may by order exempt a proposed official plan amendment from his approval under Section 17(1) of the said Act.

AND WHEREAS pursuant to the provisions of Ontario Regulation 525/97 most amendments to the official plan of the City of Windsor commenced after January 19, 1998 are exempt from the approval of the said Minister.

THEREFORE the Council of the Corporation of the City of Windsor in accordance with the provisions of the said *Planning Act* hereby enacts as follows:
1. That Amendment No. **174** to the Official Plan of the City of Windsor, attached hereto, is hereby adopted.

DREW DILKENS, MAYOR

CITY CLERK

First Reading - February 12, 2024
Second Reading - February 12, 2024
Third Reading - February 12, 2024

AMENDMENT NO. 174
TO THE
OFFICIAL PLAN
CITY OF WINDSOR

Part D (Details of the Amendment) of the following text and attached Schedule D of the City of Windsor Official Plan constitute Amendment No. 174.

Also included, but not constituting part of the Amendment, are explanations of Purpose, Location, Background, and Implementation of the Amendment, and Appendix A (Results of Public Notification).

A. PURPOSE:

The purpose of Amendment No. 174 is to apply a site specific policy area to Block 7, Plan 12M-425, City of Windsor that would permit the construction of Medium Profile buildings up to 24m in height within 30m of Banwell Road.

B. LOCATION:

The amendment applies to the land described as Block 7, Plan 12M-425, City of Windsor; PIN 01597-0658; known municipally as 0 Banwell Road (Roll No.070-730-13375), situated at the North West Corner of Banwell Road and McHugh Street.

C. BACKGROUND:

The applicant's proposal for this site includes three (3) six (6)-storey multiple dwelling residential buildings. Two (2) of the multiple dwelling buildings include 78 dwelling units and one (1) includes 24 dwelling units for a total of 180 dwelling units proposed on the site. The site is would have driveway access from the future Leathorne Street and McHugh Street. The proposed development will include a surface parking area and 47 enclosed parking spaces for a total of 270 parking spaces to accommodate on-site parking. No reduction in parking is being requested for this development.

The applicant requested a site specific policy area to permit Medium Profile development (greater than 4 storeys) on the site. The concept plan for the site indicated that a Medium Profile development is proposed for this site.

The City of Windsor Official Plan currently designates the site Mixed Use Node Schedule D – Land Use, (OPA#159), Banwell Road Mixed Use Corridor Schedule ER-2: Land Use Plan, Secondary Plan East Riverside Planning Area.

An amendment to the Official Plan adding a site specific policy area to permit Medium Profile buildings and an amendment to Zoning By-law 8600 applying a site-specific provision to allow multiple dwellings with specific building heights is required.

The multiple dwelling development as proposed will be subject to site plan control.

When Official Plan Amendment 174 is approved, the requested zoning amendment will conform to the Zoning Amendment Policies in Section 11.6.3 of the Official Plan and conform to the general intent of the Official Plan.

D. DETAILS OF THE AMENDMENT:

- 1) THAT the City of Windsor Official Plan, Volume II, Part 1 – Special Policy Areas, BE AMENDED by adding site specific policies as follows:

1.# WEST SIDE BANWELL ROAD SOUTH OF LEATHORNE DRIVE

- 1.#.1 The property described as Block 7, Plan 12M-425, in the City of Windsor, known municipally as 0 Banwell Road, is designated a special policy area on Schedule A: Planning Districts and Policy Areas in Volume I – The Primary Plan.

- 1.#.2 Notwithstanding Section 2.7.5.5 of the Official Plan, Volume II:

Medium Profile Residential Buildings up to 24 m in height shall be permitted on the subject property within 30m of Banwell Road

E. IMPLEMENTATION:

- i. This amendment is to be implemented by an amendment to Zoning By-law 8600 as recommended by the Development and Heritage Standing Committee recommendation DHSC 568 and approved by Council by CR437/2023.

APPENDIX A

The following are the results of public notification of the amendments and the outcome of public meetings. Comments relate to the Official Plan Amendment and the associated rezoning amendment.

DEVELOPMENT & HERITAGE STANDING COMMITTEE (DHSC):

A meeting of the DHSC was held on November 6, 2023 to consider the applications Z 023-23 [ZNG-7068] & OPA 174 [OPA-7071] and Staff Report S 138/2023. This is the statutory public meeting required by the Planning Act. Below is an extract from the minutes of the meeting:

7.6. Official Plan & Zoning Bylaw Amendments Z 023-23 [ZNG-7068] & OPA 174 [OPA-7071] 1027458 Ontario Inc. Banwell South of Leathorne (North B) Multiple Dwelling Development - Ward 7

Jim Abbs (author) – presents application.

Karl Tanner (agent) Dillon Consulting – available for questions.

Theresa O’Neil (agent) Dillon Consulting – available for questions.

Joan Ennis (area resident) – is not in support of the application and has various concerns, such as; flooding, removal of the protective berm, traffic, parking, pollution and noise.

Jeff Benedet (area resident) – presents power point highlighting concerns with lack of EV charging stations, drainage concerns and inquires about the privacy fence.

Kate Benedet (area resident) – presents power point highlighting concerns with the application, such as; traffic and flooding.

Nishnat John (area resident) – has various concerns with the application, such as; traffic, the storm water impact, the scale of the development and the negative environmental impact from the development.

Kim Friest (area resident) – has concerns with the environmental impact the development will have on the community.

Maureen Flannery (area resident) - has concerns with the application and states that the community would benefit greatly with a commercial plaza rather than residential.

Councillor Marignani asks if EV charging spaces are proposed for this development. Mr. Tanner answers that it will be a part of the submission for the Site Plan Approval process.

Councillor Mark McKenzie asks if there will be commercial use on main floor. Mr. Tanner answers that the commercial zoning still remains on the property and they are proposing to add multi residential. Mr. Tanner adds that although plans can change in the future, currently they are proposing residential.

Councillor Mark McKenzie asks if a "Right-In,Right-Out" is being considered on Banwell Rd. Mr. Tanner answers that on buildings A and B, a "Right-In,Right-Out" is not planned or supported.

Councillor Francis asks for clarification on flooding risks to the homes in the surrounding area. Mr. Tanner answers that background studies are done before considering a rezoning. Mr. Tanner explains that the storm water will be held underneath the parking lot and released into the existing Blue Heron Pond at a rate agreed upon with City Administration.

Councillor Marignani asks if the development will have a negative impact on the surrounding area in terms of flooding. Mr. Perissinotti answers that a Storm Water Servicing Study was submitted and is being reviewed. Mr. Perissinotti adds that climate change must be considered when they are reviewing new developments which would be looked into at the Site Plan Control stage.

Councillor Marignani asks about the increase in traffic volume in the area and if it will have a negative effect on the residents. Mrs. Boakes answers that a revised TIS was submitted and it is currently being reviewed.

Councillor Marignani asks if it is possible to reduce the height of the building to reduce shadows. Mr. Tanner answers that the building can not be reduced from 6-storeys (24 metres in height).

Councillor Kieran McKenzie asks regarding site "A", what the reduction would be in terms of green space. Mr. Abbs answers 30% would be 4,200 square metres and 35% would be 4,900 square metres.

Moved by: Councillor Fred Francis
Seconded by: Councillor Jim Morrison
Decision Number: **DHSC 568**

THAT the City of Windsor Official Plan, Volume II, Part 1 – Special Policy Areas, **BE AMENDED** by adding site specific policies as follows:

1.# WEST SIDE BANWELL ROAD SOUTH OF LEATHORNE DRIVE

1.#.1 The property described as Block 7, Plan 12M-425, in the City of Windsor, known municipally as 0 Banwell Road, is designated a special policy area on Schedule A: Planning Districts and Policy Areas in Volume I – The Primary Plan.

1.#.2 Notwithstanding Section 2.7.5.5 of the Official Plan, Volume II:

b) Medium Profile Residential Buildings up to 24 m in height shall be permitted on the subject property within 30m of Banwell Road

THAT the hold prefix **BE APPLIED** to the existing CD2.7 zone at Block 7, Plan 12M-425, in the City of Windsor, known municipally as 0 Banwell Road, the hold prefix may be removed when the applicant/owner submits an application to remove the holding prefix and the following conditions are satisfied:

a) an updated Transportation Impact Study is prepared and submitted to the satisfaction of the City Engineer; and

b) The applicant receives a development permit for the construction of the extension of Leathorne Street onto Block 19, 12M-425.

THAT subsection 1 of Section 20 of the City of Windsor Zoning By-law 8600 **BE AMENDED** for the lands described as Block 7, Plan 12M-425 by adding site specific regulations as follow:

4xx. WEST SIDE BANWELL ROAD SOUTH OF FIRGROVE DRIVE

For the lands described as Block 7, Plan 12M-425, in the City of Windsor, known municipally as 0 Banwell Road, the following shall be additional permitted uses:

i. multiple dwelling;
subject to the regulations in Section 12.2.5, and,

Building height within 30m of Banwell Road – Maximum –24 m

(ZDM 14; ZNG/7068)

Carried.

Councillor Angelo Marignani voting nay.

Report Number: S 138/2023

Clerk's File: Z/14654 & Z/14655

CITY OF WINDSOR COUNCIL MEETING:

A meeting of City Council was held on November 27, 2023, at which time the recommendations of the Development & Heritage Standing Committee were considered. Below is an extract from the minutes of the meeting:

8.30. Official Plan & Zoning Bylaw Amendments Z 023-23 [ZNG-7068] & OPA 174 [OPA-7071] 1027458 Ontario Inc. Banwell South of Leathorne (North B) Multiple Dwelling Development - Ward 7

Karl Tanner & Theresa O'Neill, agents, Dillion Consulting

Karl Tanner & Theresa O'Neill, agents, Dillion Consulting, appear before Council and expresses concern regarding the recommendation in the administrative report entitled, "Official Plan & Zoning Bylaw Amendments Z 023-23 [ZNG-7068] & OPA 174 [OPA-7071] 1027458 Ontario Inc. Banwell South of Leathorne (North B) Multiple Dwelling Development - Ward 7" and are available for questions.

Kate Benedet, Ward 7 resident

Kate Benedet, Ward 7 resident, appears before Council and expresses concern regarding the recommendation in the administrative report entitled, "Official Plan & Zoning Bylaw Amendments Z 023-23 [ZNG-7068] & OPA 174 [OPA-7071] 1027458 Ontario Inc. Banwell South of Leathorne (North B) Multiple Dwelling Development - Ward 7" and concludes by providing details related to concerns with the proposed height of the building, the increase in traffic, flooding risk and how this development will negatively impact the residents quality of life.

Maureen Flannery, Ward 7 resident

Maureen Flannery, Ward 7 resident, appears before Council and expresses concern regarding the recommendation in the administrative report entitled, "Official Plan & Zoning Bylaw Amendments Z 023-23 [ZNG-7068] & OPA 174 [OPA-7071] 1027458 Ontario Inc. Banwell South of Leathorne (North B) Multiple Dwelling Development - Ward 7" and concludes by suggesting some type of commercial development be included along with the proposed residential development in the Banwell corridor as the amenities would be appreciated by the residents.

Joan Ennis, Ward 7 resident

Joan Ennis, Ward 7 resident, appears before Council and expresses concern regarding the recommendation in the administrative report entitled, "Official Plan & Zoning Bylaw Amendments Z 023-23 [ZNG-7068] & OPA 174 [OPA-7071] 1027458 Ontario Inc. Banwell South of Leathorne (North B) Multiple Dwelling Development - Ward 7" and concludes by providing details related to flooding issues in the area, parking issues, the height of the buildings and the potential increase in volume of traffic, should the proposed development be approved.

Moved by: Councillor Fred Francis

Seconded by: Councillor Mark McKenzie

Decision Number: CR487/2023 DHSC 568

That the City of Windsor Official Plan, Volume II, Part 1 – Special Policy Areas, **BE AMENDED** by adding site specific policies as follows:

1.# WEST SIDE BANWELL ROAD SOUTH OF LEATHORNE DRIVE

1.#.1 The property described as Block 7, Plan 12M-425, in the City of Windsor, known municipally as 0 Banwell Road, is designated a special policy area on Schedule A: Planning Districts and Policy Areas in Volume I – The Primary Plan.

1.#.2 Notwithstanding Section 2.7.5.5 of the Official Plan, Volume II:

b) Medium Profile Residential Buildings up to 24 m in height shall be permitted on the subject property within 30m of Banwell Road

That the hold prefix **BE APPLIED** to the existing CD2.7 zone at Block 7, Plan 12M-425, in the City of Windsor, known municipally as 0 Banwell Road, the hold prefix may be removed when the applicant/owner submits an application to remove the holding prefix and the following conditions are satisfied:

- b) an updated Transportation Impact Study is prepared and submitted to the satisfaction of the City Engineer; and
- c) The applicant receives a development permit for the construction of the extension of Leathorne Street onto Block 19, 12M-425.

That subsection 1 of Section 20 of the City of Windsor Zoning By-law 8600 **BE AMENDED** for the lands described as Block 7, Plan 12M-425 by adding site specific regulations as follow:

4xx. WEST SIDE BANWELL ROAD SOUTH OF FIRGROVE DRIVE

For the lands described as Block 7, Plan 12M-425, in the City of Windsor, known municipally as 0 Banwell Road, the following shall be additional permitted uses:

- ii. multiple dwelling;
subject to the regulations in Section 12.2.5, and,
Building height within 30m of Banwell Road – Maximum –24 m

(ZDM 14; ZNG/7068)

Carried.

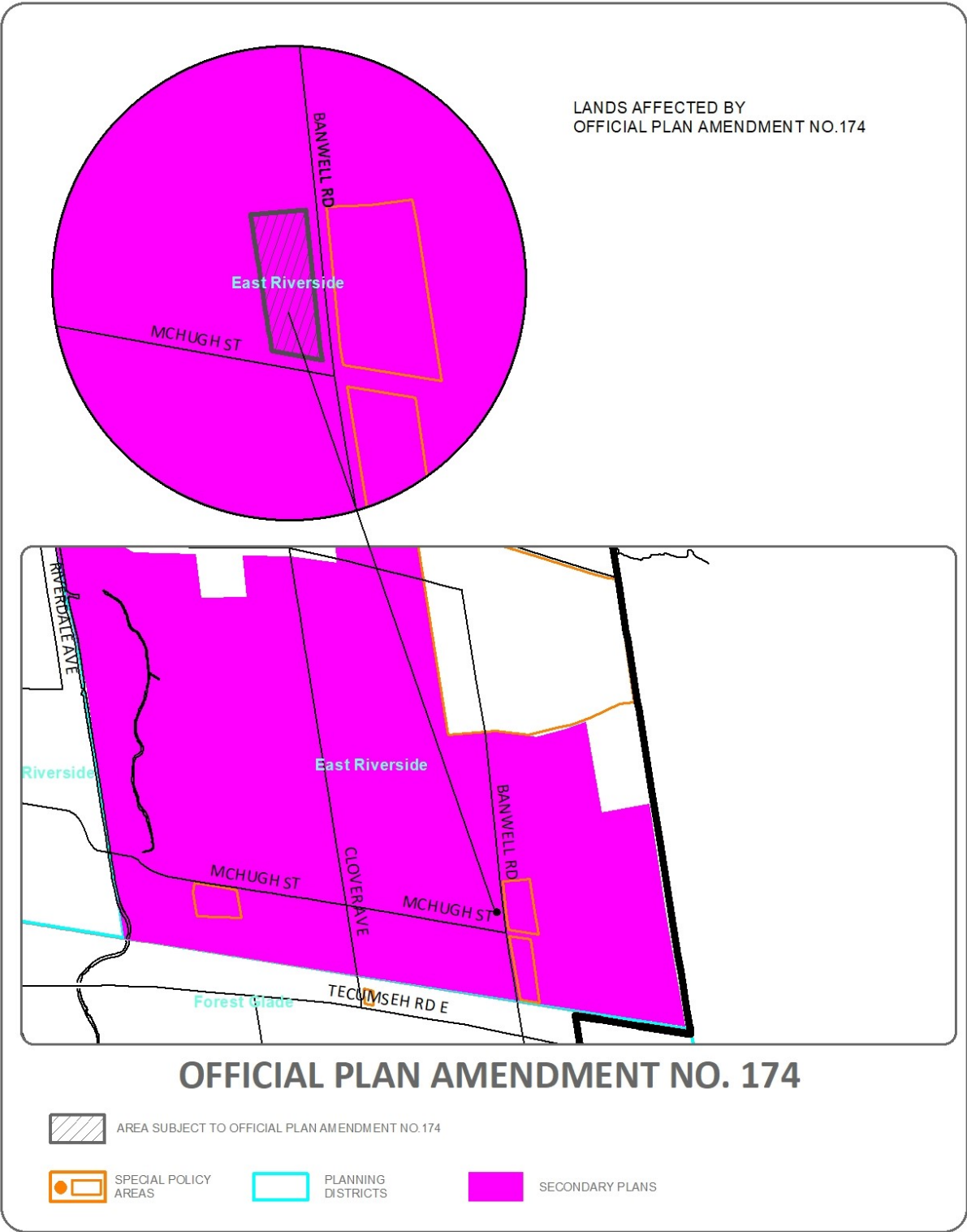
Councillor Angelo Marignani voting nay.

Report Number: SCM 306/2023 & S 138/2023

Clerk's File: Z/14654 & Z/14655

SCHEDULE A

LANDS AFFECTED BY
OFFICIAL PLAN AMENDMENT NO.174



BY-LAW NUMBER 28-2024

A BY-LAW TO FURTHER AMEND BY-LAW NUMBER 8600 CITED AS THE "CITY OF WINDSOR ZONING BY-LAW"

Passed the 12th day of February, 2024.

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. By-law Number 8600 is further amended by changing the Zoning District Maps or parts thereof referred to in Section 1, of the by-law and made part thereof, so that the zoning district symbol of the lands described in Column 3 shall be changed from that shown in Column 5 to that shown in Column 6:

1. Item Number	2. Zoning District Map Part	3. Lands Affected	4. Official Plan Amendme nt Number	5. Zoning Symbol	6. New Zoning Symbol
1	14	Block 7, Plan 12M-425	174	CD2.7	HCD2.7

2. That subsection 1 of Section 20, of the said by-law, is amended by adding the following paragraph:

497. NORTH WEST CORNER OF BANWELL ROAD AND MCHUGH STREET

For the lands described as Block 7, Plan 12M-425, the following shall be additional permitted uses:

- i. multiple dwelling;
subject to the regulations in Section 12.2.5, and,

Building height – Maximum – within 30m of Banwell Road - 24m

(ZDM 14; ZNG/7068)

3. The said by-law is further amended by changing the Zoning District Maps or parts thereof referred to in Section 1, of said by-law and made part thereof, so that the lands described in Column 3 are delineated by a broken line and further identified by the zoning symbol shown in Column 5:

1. Item Number	2. Zoning District Map	3. Lands Affected	4. Official Plan Amendme	5. Zoning Symbol
----------------------	---------------------------------	----------------------	-----------------------------------	------------------------

	Part		nt Number	
1	14	Block 7, Plan 12M-425	174	S.20(1) 497

4. That the H symbol (Holding Zone) be removed when the following conditions have been satisfied:

- a) An application is received to remove the H symbol;
- b) an updated Transportation Impact Study is prepared and submitted to the satisfaction of the City Engineer; and
- c) The applicant receives a development permit for the construction of the extension of Leathorne Street onto Block 19, 12M-425.

DREW DILKENS, MAYOR

CITY CLERK

First Reading - February 12, 2024
 Second Reading - February 12, 2024
 Third Reading - February 12, 2024

BY-LAW NUMBER 29-2024

A BY-LAW TO FURTHER AMEND BY-LAW NUMBER 8600 CITED AS THE "CITY OF WINDSOR ZONING BY-LAW"

Passed the 12th day of February, 2024.

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. By-law Number 8600 is further amended by changing the District Maps or parts thereof of the said by-law and made part thereof, so that the zoning district symbol of the lands therein and hereinafter described shall be changed from that shown in Column 5 hereof to that shown in Column 6 hereof:

1. Item Number	2. Zoning District Map Part	3. Lands Affected	4. Official Plan Amendme nt Number	5. Zoning Symbol	6. New Zoning Symbo l
1	4	Lots 286 to 296, Pt. of Lots 297 to 303, Pt Closed Alley, RP 1014;	N/A	HRD2. 2	RD2.2
2	4	Lots 187 to 191, RP 1014; Pt. Closed Alley, RP 989	N/A	HRD1. 2	RD1.2

2. That Schedule 'A', attached hereto, is hereby declared to form part of this amending by-law.

DREW DILKENS, MAYOR

CITY CLERK

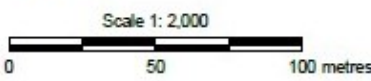
First Reading - February 12, 2024
Second Reading - February 12, 2024
Third Reading - February 12, 2024

Schedule A
To By-law 29-2024

LOCATION MAP

South Windsor Developments - Part Lot Control Exemption and Hold Removal

Jul 18, 2022



BY-LAW NUMBER 30-2024

A BY-LAW TO ASSUME FOR SUBSEQUENT CLOSURE THE 3.66 METRE NORTH/SOUTH ALLEY LOCATED NORTH OF TAYLOR AVENUE AND NEXT EAST OF CAMPBELL AVENUE, CITY OF WINDSOR

Passed the 12th day of February, 2024.

WHEREAS the 3.66 metre north/south alley located north of Taylor Avenue and next east of Campbell Avenue, City of Windsor, more particularly described in Schedule "A" hereto annexed, is vested in The Corporation of the City of Windsor;

AND WHEREAS it is deemed expedient that the said lands be assumed for subsequent closure;

THEREFORE the Council of the Corporation of the City of Windsor enacts as follows:

1. That the 3.66 metre portion of the north/south alley located north of Taylor Avenue and next east of Campbell Avenue, City of Windsor, more particularly described in Schedule "A" hereto annexed and forming part of this by-law, be and the same is hereby assumed for subsequent closure.
2. That this by-law shall come into force and take effect on the day of the final passing thereof.

DREW DILKENS, MAYOR

CITY CLERK

First Reading - February 12, 2024
Second Reading - February 12, 2024
Third Reading - February 12, 2024

SCHEDULE "A"
To By-law 30-2024

Alley, Plan 669, Sandwich West abutting Lots 1 to 4, Plan 669; Windsor
Being all of PIN 01217-0299 (LT)

BY-LAW NUMBER 31-2024

A BY-LAW TO CLOSE, STOP UP AND CONVEY THE 3.66 METRE NORTH/SOUTH ALLEY LOCATED NORTH OF TAYLOR AVENUE AND NEXT EAST OF CAMPBELL AVENUE, CITY OF WINDSOR

Passed the 12th day of February, 2024.

WHEREAS it is deemed expedient to close, stop up and convey the 3.66 metre portion of the north/south alley located north of Taylor Avenue and next east of Campbell Avenue, City of Windsor, more particularly described in Schedule "A" attached hereto;

THEREFORE the Council of the Corporation of the City of Windsor enacts as follows:

1. That the 3.66 metre portion of the north/south alley located north of Taylor Avenue and next east of Campbell Avenue, City of Windsor, more particularly described in Schedule "A" attached hereto and forming part of this by-law, be and the same is hereby closed and stopped up.
2. That any required easements pursuant to Council Resolution CR437/2023, be registered prior to conveyance.
3. That Conveyance Cost be set in accordance with Council Resolution CR437/2023.
4. That the Chief Administrative Officer and City Clerk be authorized and directed to execute on behalf of The Corporation of the City of Windsor and to seal with the seal thereof, any and all documents necessary to implement the foregoing; and that the transaction be completed electronically, for property where it is available, pursuant to By-law Number 366-2003, as amended from time to time.
5. This by-law shall come into force and take effect the day upon which it is registered in the Land Registry Office for the County of Essex (No. 12).

DREW DILKENS, MAYOR

CITY CLERK

First Reading - February 12, 2024
Second Reading - February 12, 2024
Third Reading - February 12, 2024

SCHEDULE "A"
To By-law 31-2024

Alley, Plan 669, Sandwich West abutting Lots 1 to 4 Plan 669; Windsor
Being all of PIN 01217-0299 (LT)

City of Windsor
County of Essex

BY-LAW NUMBER 32-2024

A BY-LAW TO ESTABLISH LANDS AS A PUBLIC HIGHWAY KNOWN AS
GRAND MARAIS ROAD EAST IN THE CITY OF WINDSOR

Passed the 12th day of February, 2024.

WHEREAS the lands described in Schedule "A" annexed hereto and forming part of this by-law are vested in The Corporation of the City of Windsor.

AND WHEREAS it is deemed expedient to establish the said lands hereinafter described as a public highway.

THEREFORE the Council of the Corporation of the City of Windsor enacts as follows:

1. That the lands described in said Schedule "A" annexed hereto are established as a public highway known as **GRAND MARAIS ROAD EAST**.
2. That this by-law shall come into force and take effect after the final passing thereof on the day on which it is electronically registered in the Land Registry Office of Essex (12).

DREW DILKENS, MAYOR

CITY CLERK

First Reading - February 12, 2024
Second Reading - February 12, 2024
Third Reading - February 12, 2024

SCHEDULE "A"
To By-law 32-2024

PT LT 93 CON 2 SANDWICH EAST PT 3, 12R13310; WINDSOR
Part of PIN 01344-0860 (LT)
Grand Marais Road East, Windsor

BY-LAW NUMBER 33-2024

A BY-LAW TO AMEND BY-LAW NUMBER 15-2010 BEING A BY-LAW TO APPOINT CHIEF BUILDING OFFICIAL, DEPUTY CHIEF BUILDING OFFICIALS AND INSPECTORS TO ENFORCE THE BUILDING CODE ACT AND REGULATIONS IN WINDSOR

Passed the 12th day of February, 2024.

WHEREAS original By-law Number 15-2010 was passed on the 18th day of January, 2010;

AND WHEREAS it is deemed expedient to further amend By-law Number 15-2010;

THEREFORE the Council of the Corporation of the City of Windsor enacts as follows:

1. That By-law Number 15-2010 be amended by deleting Schedule "A" attached thereto and substituting Schedule "A" attached hereto.
2. That this By-law shall come into force and take effect on the day of the final passing thereof.

DREW DILKENS, MAYOR

CITY CLERK

First Reading - February 12, 2024
Second Reading - February 12, 2024
Third Reading - February 12, 2024

**SCHEDULE A
To By-law 33-2024**

APPOINTMENTS

Department	Position	Name
Building Department	Chief Building Official	John Revell
Building Department	Deputy Chief Building Official/Permits	Joe Baker
Building Department	Deputy Chief Building Official/Permits (Acting)	Brandon Calleja
Building Department	Deputy Chief Building Official/Inspections	Roberto Vani
Building Department	Manager of Inspections	Mike Arthur
Building Department	Plan Examiner III	David Leonard Dean
Building Department	Plan Examiner III	Philip Martin Glos
Building Department	Plan Examiner II	Mirella Allison
Building Department	Plan Examiner II	Junying Sun
Building Department	Plan Examiner II	Adam Meeker
Building Department	Plan Examiner II	Marwan Al-Ezzi
Building Department	Plan Examiner II	Walid Mustapha Hawilo
Building Department	Plan Examiner I	Jessica Barlow
Building Department	Plan Examiner I	Adrian Saroli
Building Department	Plan Examiner I	Sukdeep Gill
Building Department	Plan Examiner I	Wendy Calito
Building Department	Plan Examiner I	Laura Duncan
Building Department	Inspector II	Marc Ronald Mantha
Building Department	Inspector II	Oliver Pozar
Building Department	Inspector I	Christopher Jedlinski
Building Department	Inspector II	James Arthur Holmes
Building Department	Inspector I	Michael Mollica
Building Department	Inspector I	Bradley Dugal
Building Department	Inspector I	Brian Jackson
Building Department	Inspector II	George Eberhardt

Department	Position	Name
Department		
Building	Inspector I	Nicola Gesuale
Department		
Building	Inspector I	Michael Forte
Department		
Building	Inspector I	Armando Cala
Department		
Building	Inspector I	Peter Quaglia
Department		

BY-LAW NUMBER 34-2024

A BY-LAW TO PROVIDE THAT PART-LOT CONTROL SHALL NOT APPLY TO CERTAIN LAND THAT IS WITHIN REGISTERED PLANS 1014 AND 989 IN THE CITY OF WINDSOR

Passed the 12th day of February, 2024.

WHEREAS the *Planning Act, R.S.O. 1990, Chapter P.13*, as amended, provides that part-lot control shall apply where land is within a plan of subdivision registered before or after the coming into force of the Act.

AND WHEREAS subsection 7 of Section 50 of the said *Planning Act* provides that the council of a municipality may by by-law provide that part-lot control does not apply to land that is within such registered plan or plans of subdivision or parts thereof as is or are designated in the by-law and where the by-law is passed part-lot control as described in subsection 5 of Section 50, ceases to apply to such land.

AND WHEREAS it is deemed desirable that the provisions of the said subsection 5 of Section 50 of the *Planning Act* shall not apply to certain land that is within **REGISTERED PLANS 1014 and 989** in the City of Windsor.

THEREFORE the Council of the Corporation of the City of Windsor enacts as follows:

1. That the provisions of subsection 5 of Section 50 of the *Planning Act, R.S.O. 1990, Chapter P.13*, do not apply to that part of the land that is within **REGISTERED PLANS 1014 and 989**, as described in Schedule "A" attached hereto and forming part of this by-law.
2. This by-law is repealed on February 12, 2027.
3. This by-law shall come into force and take effect after the final passing thereof.

DREW DILKENS, MAYOR

CITY CLERK

First Reading - February 12, 2024
Second Reading - February 12, 2024
Third Reading - February 12, 2024

SCHEDULE "A"
To By-law 34-2024

LT 187 PL 1014 SANDWICH WEST; LT 188 PL 1014 SANDWICH WEST; LT 189 PL 1014 SANDWICH WEST; LT 190 PL 1014 SANDWICH WEST; LT 191 PL 1014 SANDWICH WEST; WINDSOR

PIN 01583-0371 (LT)

2554, 2548, 2541 Northwood Street, Windsor

PT ALLEY PL 989 SANDWICH WEST CLOSED BY R1484143 PT 75 12R17671; WINDSOR

PIN 01583-1172 (LT)

0 Northwood Street, Windsor

LT 289 PL 1014 SANDWICH WEST; LT 290 PL 1014 SANDWICH WEST; LT 291 PL 1014 SANDWICH WEST; LT 292 PL 1014 SANDWICH WEST; LT 293 PL 1014 SANDWICH WEST; LT 294 PL 1014 SANDWICH WEST; LT 295 PL 1014 SANDWICH WEST; LT 296 PL 1014 SANDWICH WEST; LT 297 PL 1014 SANDWICH WEST; LT 298 PL 1014 SANDWICH WEST; LT 299 PL 1014 SANDWICH WEST; LT 300 PL 1014 SANDWICH WEST; LT 301 PL 1014 SANDWICH WEST; LT 302 PL 1014 SANDWICH WEST; LT 303 PL 1014 SANDWICH WEST EXCEPT PTS 16 & 17, 12R3659; WINDSOR

PIN 01581-0004 (LT)

2515, 2521, 2527, 2533, 2539, 2545, 2559 Northwood Street, Windsor

LT 286 PL 1014 SANDWICH WEST; LT 287 PL 1014 SANDWICH WEST; LT 288 PL 1014 SANDWICH WEST; WINDSOR

PIN 01581-0002 (LT)

2503, 2509 Northwood Street, Windsor

PT ALLEY PL 1014 WINDSOR CLOSED BY BYLAW CE59920, DESIGNATED AS PT 46 12R20957; WINDSOR

PIN 01581-0599 (LT)

0 Northwood Street, Windsor

BY-LAW NUMBER 35-2024

A PROVISIONAL BY-LAW TO PROVIDE FOR A DRAINAGE WORKS IN THE CITY OF WINDSOR IN THE COUNTY OF ESSEX FOR THE IMPROVEMENT OF THE SPRUCEWOOD AVENUE DRAIN

Passed the 12th day of February, 2024.

WHEREAS the Council of The Corporation of the City of Windsor has procured a Drainage Report under section 78 of the *Drainage Act* for the improvement of the Sprucewood Avenue Drain;

AND WHEREAS the report dated December 12, 2023 has been authored by Rood Engineering Inc. and the attached report forms part of this by-law

AND WHEREAS the estimated total cost of the drainage work is \$151,000.00

AND WHEREAS this estimated total cost will be borne by the property owners of 0 Maplewood Drive (Roll No. 080-850-01624-0000) and 5565 Maplewood Drive (080-850-01627-0000), in accordance with the Schedule of Assessment in the Drainage Report;

AND WHEREAS the Council of The Corporation of the City of Windsor is of the opinion that the improvement of the Sprucewood Avenue Drain is desirable;

THEREFORE the Council of the Corporation of the City of Windsor enacts as follows:

1. **THAT** the Engineer's Report for the Improvement of the Sprucewood Avenue Drain as prepared by Rood Engineering Inc., dated December 12, 2023, which is attached hereto as Schedule "A", is hereby adopted, and the drainage works as therein indicated and set forth are hereby authorized and shall be completed in accordance therewith with all costs assigned to the owners identified in the Schedule of Assessment in said report.
2. **THAT** this by-law shall come into force and take effect on the day of the final passing thereof.

DREW DILKENS, MAYOR

CITY CLERK

First Reading - February 12, 2024
Second Reading - February 12, 2024
Third Reading -

BY-LAW NUMBER 36-2024

A BY-LAW TO CONFIRM PROCEEDINGS OF THE COUNCIL OF THE CORPORATION OF THE CITY OF WINDSOR AT ITS MEETING HELD ON THE 12th day of February, 2024

Passed the 12th day of February, 2024.

WHEREAS it is deemed expedient that the proceedings of the Council of The Corporation of the City of Windsor at this meeting be confirmed and adopted by by-law;

THEREFORE the Council of the Corporation of the City of Windsor enacts as follows:

1. The action of the Council of The Corporation of the City of Windsor in respect to each recommendation contained in the Report/Reports of the Committees and the local Boards and Commissions and each motion and resolution passed and other action taken by the Council of The Corporation of The City of Windsor at this meeting is hereby adopted and confirmed as if all such proceedings were expressly in this by-law.
2. The Mayor and the proper officials of The Corporation of the City of Windsor are hereby authorized and directed to do all things necessary to give effect to the action of the Council of The Corporation of the City of Windsor referred to in the preceding section hereof.
3. The Mayor and the City Clerk are authorized and directed to execute all documents necessary in that behalf and to affix thereto the seal of The Corporation of the City of Windsor.

This by-law shall come into force and take effect on the day of the final passing thereof.

DREW DILKENS, MAYOR

CITY CLERK

First Reading - February 12, 2024
Second Reading - February 12, 2024
Third Reading - February 12, 2024



Council Questions: SCM 22/2024

Subject: Summary of Outstanding Council Questions as of January 25, 2024

OUTSTANDING COUNCIL QUESTIONS

Just a reminder that this is quoted from the 2004 Council report:

“overdue Council Questions (i.e., outstanding for 30 days or more) be responded to immediately.”

Outstanding:

- 2019 – 2
- 2020 – 4
- 2021 – 4
- 2022 – 4
- 2023 – 26
- 2024 – 6

2019

Total Outstanding: 2

COUNCIL MEMBER		QUESTION – ISSUES RAISED	
Kieran McKenzie	Chief Administrative Officer	<p>CQ7-2019</p> <p>Asks that in light of the recent announcement from FCA to eliminate the third shift at the Windsor Assembly Plant and understanding the gravity of the economic impact to our community where as many as 10,000 jobs may be lost or affected, that Administration develop a proposal for Council’s review that could incent FCA to consider the possibility of introducing a new product into the Windsor Assembly Plant Facility. In doing so Administration should consider how existing City of Windsor economic development programs could be applied or amended to create a proposal that can help to protect the jobs now at risk both at the Windsor Assembly Plant and across the community generally.</p> <p>SPL/10759 (April 15, 2019)</p>	<p>Type of Response Required</p> <p>-Written Report</p>
Jo-Anne Gignac	Comm. Community Services	<p>CQ16-2019</p> <p>Asks that Administration prepare a maintenance plan for East Bank of Little River where resident delegations identified a noxious, invasive plant (weed) issue.</p> <p>SR2019 (July 8, 2019)</p>	<p>Type of Response Required</p> <p>-Written Report</p> <p>CR655/2020 Additional info requested.</p>

Total Outstanding: 4

COUNCIL MEMBER		QUESTION – ISSUES RAISED	
Kieran McKenzie	Comm. Human Health & Services and Comm. Economic Development	<p>CQ4-2020</p> <p>That Administration prepare a comparative analysis of the Affordable Housing frameworks and incentives that are in place in comparable municipalities. To the extent that the data is available the analysis should consider all forms of affordable housing and the composition of the affordable housing marketplace in the communities analyzed.</p> <p>SS2020 (February 3, 2020)</p>	<p>Type of Response Required</p> <p>-Written Report</p>
Fred Francis	Chief Administrative Officer	<p>CQ8-2020</p> <p>Asks Administration to prepare a report for Council's consideration regarding new initiatives, put in place to battle Covid19, that can remain in place to increase safety measures, efficiencies, environmental measures and cost savings moving forward. These measures might include paperless agendas and digital participation in meetings of council, among others.</p> <p>MH/13786 (April 27, 2020)</p>	<p>Type of Response Required</p> <p>-Written Report</p>
Fabio Costante	Comm. Corporate Services (Executive Director Human Resources)	<p>CQ17-2020</p> <p>It is important that we recognize and acknowledge the historic and systemic nature of racism and discrimination in our country and our City. We understand that to move forward and promote equity and eliminate anti-racism requires reaching out to and hearing from the voices of those in our community and Corporation most impacted by discrimination and racism.</p> <p>In this pursuit, it is also essential that we work towards having a Corporation that is representative of the people it serves and that everyone is treated with respect. As such, I am seeking the input and recommendations of Administration and our Diversity Advisory Committee on the viability of:</p> <ol style="list-style-type: none"> 1. Including community-led consultations on systemic racism, under Phase 2 of the City of Windsor Diversity and Inclusion Initiative. 2. Seeking the input of those in our Corporation 	<p>Type of Response Required</p> <p>-Written Report</p>

		<p>and related entities and our community most affected by racism and discrimination, regarding barriers to hiring and advancement in our Corporation and related entities as part of the Diversity and Inclusion Initiative.</p> <p>3. Including recommendations and input regarding providing historical information and educational materials for City owned statues, buildings and streets named with racist histories as part of the Diversity and Inclusion Initiative, and further developing a plan for inclusive street and property naming practices in the future.</p> <p>APM2020 (July 13, 2020)</p>	
McKenzie	Comm. Economic Development	<p>CQ32-2020</p> <p>That Administration review and report back to Council on tree protection and replacement policies as it relates to the City of Windsor's land development bylaws. The review should include information pertaining to replacement ratios and the mechanisms by which trees are protected and required to be protected through the development process as well as the extent to which development is impacting the total tree count under our current framework along with options for Council to consider in terms of protecting trees and increasing tree cover through land development policy.</p> <p>SRT2020 (December 7, 2020)</p>	<p>Type of Response Required</p> <p>-Written Report</p>

Total Outstanding: 4

COUNCIL MEMBER		QUESTION – ISSUES RAISED	
Jo-Anne Gignac	Comm. Corporate Services (Executive Director of Human Resources)	<p>CQ7-2021 Asking Administration to provide a report to Council outlining the policy that regulates procedures after an accident involving City vehicles and any amendments they might propose to update it.</p> <p>ACD2021 & AL2021 18.2 (March 29, 2021)</p>	<p>Type of Response Required -Written Report</p>
Kieran McKenzie	Comm. Corporate Services	<p>CQ17-2021 Asks that, to promote greater public safety for all people, that Administration work to develop a by-law for Council consideration to provide the City of Windsor with additional tools within the licensing framework for enforcement agencies to address unsafe and illicit activity in hotels and motels across the community that create dangerous and undesirable situations for motel guests, neighbours, and community members alike. The bylaw development process should include consultation process with industry stakeholders and social service providers, social agencies and health providers from both within and external to the City of Windsor as well as any other stakeholder group deemed appropriate by Administration.</p> <p>AB2021 & MH2021 18.1 (July 26, 2021)</p>	<p>Type of Response Required -Written Report</p>
Jo-Anne Gignac	Comm. Economic Development	<p>CQ26-2021 Asks that Administration research what municipal zoning bylaws may be in place in other municipalities in Ontario or across Canada that regulate Cannabis retail outlets/consumption areas.</p> <p>GP/13047 18.3 (November 1, 2021)</p>	<p>Type of Response Required -Written Report</p>
Fabio Costante	Comm. Infrastructure Services	<p>CQ27-2021 Asks that Administration report back on opportunities to amend the warrant matrix and incorporate additional factors when determining the installation of 4-way stops in our residential neighbourhoods. This may include certain factors in the warrant threshold be lowered or amended, and may also include other factors such as petitions and school zones to be incorporated in the overall matrix.</p> <p>ST2021 (November 15, 2021)</p>	<p>Type of Response Required -Written Report</p> <p>CR360/2023 – Sept. 5/23 Deferred to future meeting of ETPS to be considered in conjunction with Vision Zero Report.</p>

Total Outstanding: 4

COUNCIL MEMBER		QUESTION – ISSUES RAISED	
Kieran McKenzie	Comm. Community Services	<p>CQ12-2022 Asks that Administration report back on the impact and feasibility of adding solar lights to park trails across the City when trail remediation occurs and where appropriate, and further, to report back on the impact of adding solar lights to any new park trail system as a standard practice moving forward.</p> <p>ACOQ2022/ST2022 (July 25, 2022)</p>	<p>Type of Response Required -Written Report</p>
Fabio Costante	Comm. Community Services	<p>CQ14-2022 Asks that, as part of the Urban Forest Management Plan, Administration should include information about the following: How a tree is determined to be either public or privately owned. Reason(s) for potential change in ownership status. The impacts of change in ownership status for the municipality and the private property owner with respect to liability, maintenance and replacement costs.</p> <p>ACOQ2022 & SRT2022 (August 8, 2022)</p>	<p>Type of Response Required -Written Report</p>
Jim Morrison	Comm. Community Services	<p>CQ22-2022 Asks that Administration develop a plan for Council consideration to install solar lights where feasible and appropriate on all existing parkland trails. The analysis should include full costing of a variety of phasing options as well as cost projections for the initial installation, full life cycle maintenance and replacement of the lights.</p> <p>ACOQ2022 & SR2022 (October 11, 2022)</p>	<p>Type of Response Required -Written Report</p>
Kieran McKenzie	Comm. Economic Development	<p>CQ23-2022 Asks that Administration report back to Council on ways in which the City of Windsor may regulate overnight RV Parking in private lots, particularly in instances where this specific and problematic land use impacts and creates nuisance for adjacent property owners. A review of how other municipalities in Ontario have handled this issue should be included.</p> <p>ACOQ2022 & ST2022 (November 9, 2022)</p>	<p>Type of Response Required -Written Report</p>

Total Outstanding: 26

COUNCIL MEMBER		QUESTION – ISSUES RAISED	
Kieran McKenzie	Comm. Economic Development	<p>CQ1-2023</p> <p>Asks that given Council's declaration of a Climate Change Emergency informing the need to address climate change through municipal policy frameworks;</p> <p>And further, given the energy capacity challenges and opportunities faced by our community over the short, medium and long term;</p> <p>That Administration report back to Council with proposals for Council consideration to create a Green Energy Community Energy Plan (CIP) with the goal of creating a favourable energy investment climate for sustainable energy proposals.</p> <p>ACOQ2023 (January 16, 2023)</p>	<p>Type of Response Required</p> <p>-Written Report</p>
Gary Kaschak	Comm. Community Services	<p>CQ2-2023</p> <p>Asks if this City Council wanted to potentially relocate in 2024 or 2025 the Bright Lights event from Jackson Park to a Downtown location starting at an Intersection like University Ave and Ouellette Ave and then work its way East to the City Hall open lands and then proceed North along the open lands/esplanade towards Riverside Drive. I ask Administration to provide a report in regards to the infrastructure, logistics and safety requirements required and obviously the cost of potentially relocating this event for the December 2024 Holiday season or no later than the December 2025 Holiday season.</p> <p>ACOQ2023 (January 16, 2023)</p>	<p>Type of Response Required</p> <p>-Written Report</p>
Mark McKenzie	Comm. Infrastructure Services	<p>CQ4-2023</p> <p>That Administration develop a report and policy for Council on the feasibility of Electric Vehicle Charging Stations be installed to all current and future municipally owned parking lots and garages.</p> <p>ST2023 (February 13, 2023)</p>	<p>Type of Response Required</p> <p>-Written Report</p>

Kieran McKenzie	Comm. Economic Development (City Planner)	<p>CQ5-2023</p> <p>Given the significant housing crisis challenging municipalities across Canada, including the City of Windsor</p> <p>And noting, the objective stated by the Government of Ontario to add 1.5 Million home across the province over the next 10 years, including 13,000 in our Community.</p> <p>And Whereas, the City of Windsor has already recognized the benefits of adding housing capacity through Additional Dwelling Units (ADUs) by enacting Planning Act amendments thereby eliminating some barriers to investment.</p> <p>That Administration report back with further options for Council to consider that would include a range of financial tools including (but not necessarily limited to) a targeted Community Improvement Plan or Grant program that would address industry challenges to help promote greater uptake of the opportunity to augment housing stock through investments in ADUs.</p> <p>SS2023 (February 13, 2023)</p>	<p>Type of Response Required</p> <p>-Written Report</p>
Kieran McKenzie	Comm. Corporate Services (City Clerk)	<p>CQ6-2023</p> <p>That, given the City of Windsor’s stated objective in Council’s approved Diversity and Inclusion Initiative to: continually take steps to learn and grow as a community and to recognize that “diversity adds to our strength and creates an important opportunity for fostering understanding, acceptance and innovation”, and,</p> <p>The City’s publicly articulated commitment to an Agency, Board and Committee (ABC) appointments process that is transparent, fair and consistent;</p> <p>That Administration undertake a review of the city’s appointment policy, including a comparison to processes and policies adopted in peer municipalities such as (but not limited to) London, Kitchener and Cambridge and report back with options for Council consideration in terms of best practices or improvements that can be made in the context of Equity, Diversity, Inclusion, Transparency and Accountability.</p> <p>ACO2023 (February 13, 2023)</p>	<p>Type of Response Required</p> <p>-Written Report</p>

Angelo Marignani	Comm. Community Services	<p>CQ10-2023</p> <p>That Administration report back to City Council on a collaboration with Detroit City Council in creating a new International Freedom Festival. This world class civic event will promote international investment while improving the quality of life in our city. It will showcase our rich heritage and shared identity of our two cities. The focal point of this new annual festival will be the new Gordie Howe International Bridge, opening in 2024. There is more than a bridge that connects us and it is in our advantage to strengthen these connections.</p> <p>SR2023 (February 27, 2023)</p>	<p>Type of Response Required</p> <p>-Written Report</p>
Mark McKenzie	Comm. Community Services	<p>CQ12-2023</p> <p>Asks that Administration develop new policies and provide report back to tamp down on “frivolous, dangerous and unreasonable” behaviour at City Hall and other City owned facilities, similar to Essex County Council. Also, report back on feasibility of installing metal detectors at City Hall and WFCU Centre.</p> <p>ACO2023 (May 29, 2023)</p>	<p>Type of Response Required</p> <p>-Written Report</p>
Mark McKenzie	Comm. Infrastructure Services	<p>CQ13-2023</p> <p>Asks Administration re-examine the Driveway Requirement Policy regarding 2.2.1 which deals with not allowing front parking, as well as the Official Plan to allow front driveways with report back to Council.</p> <p>SB2023 & ACOQ2023 (May 29, 2023)</p>	<p>Type of Response Required</p> <p>-Written Report</p>
Gary Kaschak	Comm. Infrastructure Services	<p>CQ14-2023</p> <p>Asks that Administration investigate the use of rumble strips in an urban environment within the City of Windsor through a pilot installation on Grand Marais Avenue between Plymouth and Pillette Road and that information as to their effectiveness be collected, analyzed and reported back to Council once sufficient data has been collected to determine both the benefits and concerns of their use in an urban setting and that the cost of the pilot be funded through the Expedited Temporary Traffic Calming Program.</p> <p>ST2023 & ACOQ2023 (May 29, 2023)</p>	<p>Type of Response Required</p> <p>-Written Report</p>

Angelo Marignani	Comm. Community Services	CQ15-2023 Asks to have the city look into more auxiliary police being used on a regular schedule in our public parks and trails. A report back on costs and risks involved. SP2023 (May 29, 2023)	Type of Response Required -Written Report
Fabio Costante	Comm. Infrastructure Services	CQ17-2023 Asks Administration to investigate a method to implement Intelligent Transportation applications to improve transportation and traffic flow throughout the City. Including, but not limited to, an advanced warning system for trains for eastbound travel on Tecumseh Road West east of Crawford. MT2023 (May 29, 2023)	Type of Response Required -Written Report
Mark McKenzie	Comm. Economic Development	CQ21-2023 Asks that administration be directed to provide council with a feasibility report on the elimination of the alley closure application fee of \$1505 (and other associated fees) to assist in the acceleration of closing residential alleys. ACOQ2023 & ACO2023 (July 10, 2023)	Type of Response Required -Written Report
Mark McKenzie	Comm. Corporate Services	CQ22-2023 Asks that Administration be directed to provide options on targeted and pro-active enforcement in paved alleys to address garbage, vandalism, encampments, and land maintenance concerns up to and including any possible collaborative efforts that can be initiated with other City departments and resources. ACOQ2023 & ACO2023 (July 10, 2023)	Type of Response Required -Written Report
Angelo Marignani	Comm. Corporate Services (Deputy Licence Commissioner)	CQ23-2023 Asks that administration report back to city council regarding the rise in popularity of smoker barbecues and the nuisance that it causes in the community with air pollution and concerns from neighbors who no longer can enjoy their outdoors as a result of smoke. ACO2023(August 8, 2023)	Type of Response Required -Written Report

Mark McKenzie	Comm. Infrastructure Services	<p>CQ24-2023</p> <p>Asks that administration provide a report to Council regarding construction projects, specific to road repair, sewer infrastructure and road rehab, including policies and procedures, minimum standards and vendor warranties for review.</p> <p>ACO2023 (August 8, 2023)</p>	<p>Type of Response Required</p> <p>-Written Report</p>
Angelo Marignani	Comm. Infrastructure Services	<p>CQ25-2023</p> <p>Asks that Administration come back with a report explaining the need for traffic lights at the intersection of Robinet and Tecumseh Rd. To include details such as traffic volume, recent police incidents, and any growing trends in ward seven that indicates the necessity for traffic lights at this intersection. It was also requested that a meeting be set up with traffic department to discuss this concern as well as a follow up with the administration to check on the progress as soon as possible.</p> <p>ACO2023 (September 5, 2023)</p>	<p>Type of Response Required</p> <p>-Written Report</p>
Renaldo Agostino	Comm. Infrastructure Services / Comm. Economic Development	<p>CQ26-2023</p> <p>Certain cities across North America have introduced pre-approved housing and primary/secondary/ADU galleries/permits to streamline the process and lower construction costs for residential and accessory dwelling units in order to boost their city's housing supply without dramatically altering neighbourhoods.</p> <p>Raleigh, Stockton and Los Angeles to name a few.</p> <p>The City of Enderby, British Columbia hosted a competition for drawings. The winners' drawings are now for sale by the city to builders for \$1000 each. The drawings are pre-approved and in compliance.</p> <p>Asks that Administration look at these models which could help standardize rules, save time and money and speed up the building of more homes in our city.</p> <p>ACO2023 (September 18, 2023)</p>	<p>Type of Response Required</p> <p>-Written Report</p>

Ed Sleiman	Comm. Community Services	<p>CQ27-2023</p> <p>Asks that in light of parking complaints at the Ford Test Track, Administration be requested to report back to Council regarding designing and building 100 parking spaces at Ford Test Track on the former Gordon McGregor lands; and, that the report include financial information and budget allocations as required.</p> <p>ACO2023 (September 18, 2023)</p>	<p>Type of Response Required</p> <p>-Written Report</p>
Fred Francis	Comm. Infrastructure Services	<p>CQ29-2023</p> <p>Asks that Administration report back to City Council about a policy regarding capital improvements at city gateways to provide options for further enhancements when budget allotments do not allow for them.</p> <p>ACO2023 (October 30, 2023)</p>	<p>Type of Response Required</p> <p>-Written Report</p>
Angelo Marignani	Windsor Police Services/Police Chief	<p>CQ31-2023</p> <p>Asks that Administration look into and report on a pilot project to install video police box. These safety tools will create confidence in our community and help our police force deter crime. I would like to see the pilot project at Optimist Park in Forest Glade or wherever administration sees fit.</p> <p>ACO2023 (October 30, 2023)</p>	<p>Type of Response Required</p> <p>-Written Report</p>
Jo-Anne Gignac	Comm. Infrastructure Services	<p>CQ32-2023</p> <p>Asks that Administration report back regarding what tools, if any, municipalities have to limit the amount of time freight trains can block traffic movement. If tools are available i.e. if time restrictions are in place who is responsible for oversight? Who can residents contact with complaints?</p> <p>ACO2023 (October 30, 2023)</p>	<p>Type of Response Required</p> <p>-Written Report</p>
Jo-Anne Gignac	Comm. Economic Development	<p>CQ33-2023</p> <p>Asks that Administration report back with tools that we, as a municipality, have to protect areas of our city that we have designated or identified, such as historic districts, historic neighbourhoods or even roadways, such as the Riverside Vista, as developments and intensification occurs in order to ensure that these developments compliment these identified areas.</p> <p>ACO2023 (October 30, 2023)</p>	<p>Type of Response Required</p> <p>-Written Report</p>

Renaldo Agostino	Comm. Infrastructure Services	<p>CQ34-2023</p> <p>Downtown businesses face many challenges. A major concern is our current streetscaping plan. Many benches occupy space in front of abandoned businesses. These benches attract unwanted illegal public drinking and in some case use of illegal narcotics. These areas then get used as street bathrooms. This then becomes a burden on the businesses/their redevelopment and in some cases residential buildings ask the residents. Asks that Administration report back regarding the current streetscaping plan to remove or relocate benches that exist around abandoned businesses.</p> <p>ACO2023 (October 30, 2023)</p>	<p>Type of Response Required</p> <p>-Written Report</p>
Renaldo Agostino	Comm. Infrastructure Services	<p>CQ35-2023</p> <p>Recently I've had reports from concerned citizens in regards to the operations from out of town buses. I myself was almost involved in a car accident in-front of the police station where a bus just randomly stopped to drop off passengers. I've also had reports concerning seniors being left out in the cold waiting hours for a bus to pick them up with no shelter. Asks that Administration report back regarding out of town buses not utilizing our bus station and what steps can be taken to motivate them to do so.</p> <p>ACO2023 (October 30, 2023)</p>	<p>Type of Response Required</p> <p>-Written Report</p>
Renaldo Agostino	Comm. Infrastructure Services	<p>CQ36-2023</p> <p>Downtown residents are having a very tough time dealing with noise and loitering issues in lot 16. The problem is after hours partying and cars performing burnouts. It's my understanding that we have been losing this battle for at least a decade. Asks that Administration report back regarding options available for repurposing parking lot 16.</p> <p>ACO2023 (October 30, 2023)</p>	<p>Type of Response Required</p> <p>-Written Report</p>
Renaldo Agostino	Comm. Infrastructure Services	<p>CQ37-2023</p> <p>Asks that Administration report back on EV charging - How will cars in our neighbourhoods, especially those who don't have driveways or garages, charge their electric vehicles? If you park on the street how do you charge your car?</p> <p>ACO2023 (December 11, 2023)</p>	<p>Type of Response Required</p> <p>-Written Report</p>

Total Outstanding: 6

COUNCIL MEMBER		QUESTION – ISSUES RAISED	
Gary Kaschak	Chief Administrative Officer	<p>CQ1-2024 Asking that Administration provide a comprehensive report regarding all of the activities, situations, interactions & ramifications involved that occur within our Municipality from having the two current Federal border crossings & soon to be 3 located in our City. All financials, use of City employees & monies involved with Windsor hosting these Federal border crossings are required to be outlined for City Council.</p> <p>ACO2024 & GF2024 (January 15, 2024)</p>	<p>Type of Response Required -Written Report</p>
Angelo Marignani	Comm. Infrastructure Services	<p>CQ2-2024 Asks administration to report back on an enhanced street sweeping initiative. The Public Works department to develop and implement a comprehensive street sweeping plan including increase frequency in coverage in area prone to flooding.</p> <p>ACO2024 (January 15, 2024)</p>	<p>Type of Response Required -Written Report</p>
Jo-Anne Gignac	Comm. Community Services	<p>CQ3-2024 Canada Goose population is becoming a dangerous hazard and there are no natural predators to keep check on the population growth. Personal injury and vehicle accidents related to geese is on the rise. Asks that administration report on options including a cull be presented to Council.</p> <p>ACO2024 (January 15, 2024)</p>	<p>Type of Response Required -Written Report</p>
Renaldo Agostino	Comm. Infrastructure Services	<p>CQ4-2024 Asks that Administration look into removing parking metres across the city and replacing them with modern technology. I would like to know the costs of upgrading our system and the savings we could realize or any additional revenue sources.</p> <p>ACO2024 (January 15, 2024)</p>	<p>Type of Response Required -Written Report</p>

Mark McKenzie	Comm. Community Services	<p>CQ5-2024 Asks that administration report back with a variety of operating models & options for Lakeview park marina, including potential divestment options.</p> <p>ACO2024 & SR2024 (January 15, 2024)</p>	<p>Type of Response Required -Written Report</p>
Kieran McKenzie	Comm. Finance & City Treasurer	<p>CQ6-2024 Asks that Administration report back to Council on the Heads and Beds Levy assessing its efficacy mitigating pressure on municipal services from property tax exempt institutions such as colleges, universities, public hospitals and correctional institution.</p> <p>ACO2024 & AF2024 (January 15, 2024)</p>	<p>Type of Response Required -Written Report</p>

/sg
as of January 25, 2024



Council Directives: SCM 23/2024

Subject: Outstanding Council Directives as of January 31, 2024

Outstanding Council Directives Tracking Log

Updated:2024-01-31

Meeting Date	Motion/ Resolution	Report Number	CLT Member/ Executive Director	Action	Status
December 17, 2012	CR293/2012	16287	Commissioner, Economic Development	That the report of the City Planner dated November 21, 2012 entitled "Exemption from Sandwich Demolition Control By-law 20-2007 — 508, 520, 540, 556, 570, 590, 604, 612, 615, 622, 623, 631, 639, 646, 663, 670, 673, 686, 704, 710, 718, 724, 730, 738, 744, 750, 753, 758-760, 759, 765, 764, 769, 772, 777, 778, 781, 784, and 790 Indian Road, 812 and 862 Mill Street, and 764, 770, 780 and 788 Rosedale Avenue" BE DEFERRED as requested by the Canadian Transit Company, to allow for further discussions with administration on this matter.	Report remains deferred by Council, as per the Commissioner, Legal & Legislative Services.
August 24, 2015	CR159/2015 Clause XI	17893	Commissioner, Finance and City Treasurer	"Corporate Payroll Business Process Review UPDATE": That the final FTE staffing changes reductions and resultant project savings and completions, BE REPORTED to City Council as part of or prior to the 2018 budget process	Q1 2021
May 16, 2016	CR334/2016	S 76/2016	Commissioner, Finance and City Treasurer	THAT City Council AUTHORIZE the CFO/Commissioner, Corporate Services Chief Financial Officer & City Treasurer(or delegate) to sign Minutes of Settlement as it relates to the Centralized Property Appeals. THAT the CFO/Commissioner, Corporate Services Chief Financial Officer & City Treasurer(or delegate) BE REQUIRED to report the results of the Minutes of Settlement to City Council once all appeals have been finalized.	Ongoing as required

Meeting Date	Motion/ Resolution	Report Number	CLT Member/ Executive Director	Action	Status
February 6, 2017	CR59/2017	CM 59/2016	Commissioner, Economic Development	<p>THAT the report of the City Planner dated October 26, 2016 entitled "Response to CQ34-2016: Design Guidelines for fencing along Riverside Drive" BE RECEIVED for information; and further,</p> <p>THAT Administration BE DIRECTED to prepare a report for Council's consideration that would:</p> <ul style="list-style-type: none"> - Institute a by-law standard for decorative fencing and parking areas along Riverside Drive (both the north and south sides of Riverside Drive); and - Include options for incentivizing existing commercial and industrial property owners to be able to upgrade their existing fencing along the waterfront side of Riverside Drive; and <p>Include costing for decorative fencing from just east of Hiram Walker's all the way to Strabane.</p>	

Outstanding Council Directives Tracking Log

Updated:2024-01-31

Meeting Date	Motion/ Resolution	Report Number	CLT Member/ Executive Director	Action	Status
October 16, 2017	CR648/2017	C 180/2017	Chief Administrative Officer	<p>...</p> <p>That pending the restoration of the Street Car #351, City Council APPROVE IN PRINCIPLE the installation of Street Car #351 into a Riverfront Park location with a future report to City Council for site location approval and funding request to install at said location and to develop a maintenance fund for future requirements; and further,</p> <p>That administration BE DIRECTED to undertake a public consultation process on this project, and that following this process, that an administrative report BE PREPARED for Council's consideration no later than 6 months after the Trolley is accepted from the current owner, to provide options as to usage if it is for some kind of vending (e.g., food and/or drink) or anything of that nature, including costs for transportation, placement, and potential sites; and further,</p> <p>That the CAO and Commissioner, Legal & Legislative Services BE AUTHORIZED to sign any other documents required to bring effect to these resolutions, in form satisfactory to the Commissioner, Legal & Legislative Services, in financial content satisfactory to the Commissioner, Corporate Services Chief Financial Officer & City Treasurer/Commissioner, Corporate Services Chief Financial Officer & City Treasurer, and in technical content to the Corporate Leader of Parks, Recreation, Culture and Facilities and Executive Director of Recreation and Culture; and further,</p>	CR297/2018 Fundraising Ongoing

Meeting Date	Motion/ Resolution	Report Number	CLT Member/ Executive Director	Action	Status
March 26, 2018	CR155/2018	C 52/2018	Commissioner, Infrastructure Services	<p>...That the Purchasing Department BE AUTHORIZED to issue a Purchase Order to Haddad, Morgan and Associates Ltd. to provide engineering services related to the redevelopment of 6700 Raymond Ave (former Concord School site) for an upset limit of \$75,500 plus taxes; and further,</p> <p>That the Commissioner, Infrastructure Services or designate BE AUTHORIZED to issue the requisite tender for the construction works required for the redevelopment and FURTHER that once the tender results are known that a report be submitted to City Council relative to the award of the contract and identifying a funding source for any projected funding shortfalls that may arise.</p>	On hold pending Planning's review of tiny houses as asked by Councillor Gignac Now that the SMP is complete we need to review the impact of this development however the concepts are still being developed by Planning - update towards end of Dec. 2020
May 7, 2018	CR245/2018	CMC 9/2018	Chief Administrative Officer	That the correspondence from the Ministry of Education dated April 27, 2018 regarding an update to Ontario's commitment to revise the Pupil Accommodation Review Guideline (PARG) BE RECEIVED , and further, that Administration BE DIRECTED to prepare a report for Council's consideration in terms of the possibility for applying on the City of Windsor's behalf for the Call of Proposals being issued this summer to participate in the Voluntary Integrated Planning and Partnerships Initiative (VIPPI), to provide flexible support to local partners that wish to enhance their collective capacity for integrated capital and community planning.	
May 7, 2018	CR275/2018	C 77/2018	Commissioner, Infrastructure Services	<p>That Council PROVIDE Riverwest with the City's copyright permission to use banners with the likeness of public artwork owned by the City on condition that Riverwest agrees that the banners contain an acknowledgement of the artists who produced the original artwork; and further,</p> <p>That Council APPROVE the requested \$5000 indemnity and that this BE CHARGED to the Budget Stabilization Reserve Fund (BSR) and that Administration BE DIRECTED to prepare a draft policy for Council's consideration regarding banners (how they can be requested, all costs associated, etc.) outlining what would be expected.</p>	

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Meeting Date	Motion/ Resolution	Report Number	CLT Member/ Executive Director	Action	Status
June 4, 2018	CR333/2018 Clause VII	S 235/2017 & SCM 75/2018	Commissioner, Economic Development	VII. That Administration REPORT BACK to City Council regarding the catalyst project designation under the Building/Property Tax Increment Grant Program.	
September 17, 2018	CR503/2018 ETPS 630	SCM 332/2018 & C 122/2018	Commissioner, Community Services	<p>That the report of the Manager Parks Development, dated July 20, 2018, responding to CQ27-2017 regarding first responders signage for parks, BE RECEIVED for information; and,</p> <p>That City Council BE ADVISED that Administration will return to Council in January 2019 to request the approval to proceed with this project and release the 2023 funding allocated as part of the 2018 Enhanced Budget, and further,</p> <p>That Administration BE DIRECTED to develop a wayfinding standards policy based on the results of the Little River Corridor wayfinding signage and markers, as a pilot project, to be brought to City Council for approval.</p>	Wayfinding signage at Little River Corridor install Spring 2020 as Pilot. Report to follow on year after review of pilot (summer/fall 2021)
January 7, 2019	CR4/2019	C 217/2018	Chief Administrative Officer	<p>1. That City Council AUTHORIZE Administration to proceed with, and PRE-COMMIT funding for, the additional 2018 Enhanced Capital Projects identified in Appendix A for the 2019 calendar year; and,</p> <p>2. That the award of tenders or RFP's for the identified works BE PRE-APPROVED, subject to being within the allocated budget and in accordance with Purchasing by-law 93-2012, and that the Chief Administrative Officer and Commissioner, Legal & Legislative Services BE AUTHORIZED to sign all relevant agreements, in form satisfactory to the Commissioner, Legal & Legislative Services, in financial content satisfactory to the Commissioner, Corporate Services Chief Financial Officer & City Treasurer and in technical content satisfactory to the Commissioner, Infrastructure Services, City Planner or Corporate Leader of Parks, Recreation, Culture and Facilities; and,</p> <p>3. That Administration REPORT BACK to City Council through a Communication Report(s) the results of all tenders that were awarded and approved, with any that require additional funding to be reported to Council separately.</p>	

Meeting Date	Motion/ Resolution	Report Number	CLT Member/ Executive Director	Action	Status
February 4, 2019	CR35/2019	C 11/2019	Commissioner, Finance and City Treasurer	<p>That City Council APPROVE, as per the requirements of the Leadership Asset Management Program (LAMP), the use of the tools and guidelines for Triple bottom line plus (TBL+), Whole life-cycle (WLC) and Business Case Evaluation (BCE) as developed through the LAMP grant and approved by the Asset Planning Steering Committee; and,</p> <p>That City Council DELEGATE authority to the Asset Planning Steering Committee to provide oversight to the implementation of this framework and to amend the guidelines and tools as may be deemed necessary as such guidelines and tools are integrated within the Corporation; and further,</p> <p>That Administration BE DIRECTED to prepare a report for Council's consideration on methods that could be used to accelerate the process for implementation</p>	Under review
March 25, 2019	CR120/2019	C 43/2019	Commissioner, Corporate Services	<p>That the report of the Commissioner, Corporate Services Chief Financial Officer & City Treasurer regarding the Mayor, Councillors and Appointees 2018 Statement of Remuneration and Expenses BE RECEIVED for information; and further,</p> <p>That in a municipal election year, NO COUNCILLOR SHALL BE PERMITTED to commit to any conferences after the date of an election in a municipal election year; and further,</p> <p>That Administration BE DIRECTED to prepare a report for Council's consideration on a process that would allow all members of Council to access conference materials and summary notes for information purposes, from those Councillors that attend conferences.</p>	

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Meeting Date	Motion/ Resolution	Report Number	CLT Member/ Executive Director	Action	Status
April 1, 2019	B8/2019	C 226/2018	Commissioner, Finance and City Treasurer	<p>That City Council RECEIVE the 2019 Capital Budget 7-Year Plan documents reflective of approx. \$845.104 M in total funding; and...</p> <p>That Administration BE DIRECTED TO REPORT BACK to Council regarding the infrastructure deficit and a high-level plan to address it; and,</p> <p>As amended a total of \$240,000 from the 2019 Grant Matching and Inflationary Pressures project (FIN-001-19) be reallocated to: Capitol Theatre Capital Improvements (ENG-010-17) in the amount of \$40,000 for the new Marquee sign and Pedestrian Crossing (OPS-001-19) in the amount of \$200,000 for priority pedestrian crossings as identified in agenda Item 11.14.</p>	
May 6, 2019	CR210/2019	C 78/2019	Commissioner, Health and Human Services	<p>That the report from the Commissioner of Community Development and Health Services and the Administrator/Executive Director of Huron Lodge Long-Term Care Home BE RECEIVED for information; and further...</p> <p>That the Chief Administrative Officer and Commissioner, Legal & Legislative Services BE AUTHORIZED to execute any documents required to establish and participate in the Ontario Health Team, such that any funding does not create an additional annualized cost without the prior approval of City Council, and subject to legal approval by the Commissioner, Legal & Legislative Services, financial approval by the Commissioner, Corporate Services Chief Financial Officer & City Treasurer, and technical approval by the Community Development and Health Commissioner and Executive Director of Huron Lodge; and further,</p> <p>That Administration BE DIRECTED to provide appropriate reports to City Council as the Ontario Health Team is established in Windsor and Essex County.</p>	

Meeting Date	Motion/ Resolution	Report Number	CLT Member/ Executive Director	Action	Status
July 8, 2019	CR322/2019	C 68/2019	Commissioner, Economic Development	<p>That a vacant building registry NOT BE IMPLEMENTED at this time and the vacant building initiative (VBD) BE EXTENDED to July 2020; and,</p> <p>That Building Administration CONTINUE TO REVIEW the effectiveness of the VBI program and PROVIDE City Council costing options to maintain permanent pro-active vacant building enforcement as part of the 2020 Building Inspections budget submission; and,</p> <p>That a sixth goal BE ADDED to the 5 program goals listed in the report, specifically “To mitigate visible blight for the affected neighbourhood”; and,</p> <p>That administration BE DIRECTED to report back in 2020 for a more fulsome breakdown of statistics including types of orders issued, which were successful, which were complied with, and that the report ALSO INCLUDE options for a vacant building registry that expressly includes the topic of access, cost recovery, identification, highest fees possible under the law and the shortest timelines.</p>	
July 8, 2019	CR340/2019	SCM 183/2019 & S 97/2019	Commissioner, Health and Human Services	<p>...That Administration BE DIRECTED to bring the Community Safety and Well-being Plan to City Council and the Windsor Police Services Board in sufficient time to be adopted prior to the Provincial government’s deadline of January 1, 2021; and further,</p> <p>That the Commissioner of Community Development and Health Services or her designate BE REQUESTED to provide regular updates to the Community Services and Parks Standing Committee over the process of development and implementation of the Community Safety and Well-being Plan.</p>	CR337/2020 Extended deadline

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Meeting Date	Motion/ Resolution	Report Number	CLT Member/ Executive Director	Action	Status
July 8, 2019	CR347/2019	SCM 190/2019 & S 79/2019	Commissioner, Health and Human Services	<p>...That the Chief Administrative Officer and Commissioner, Legal & Legislative Services BE AUTHORIZED to execute any agreements, documents and forms required to establish and participate as a Prototype, Service System Manager and/or Direct Delivery Agent, such that any funding does not create an additional annualized City cost without the prior approval of City Council. Authorization would be subject to approval as to legal content by the Commissioner, Legal & Legislative Services, as to financial content by the Commissioner, Corporate Services Chief Financial Officer & Commissioner, Corporate Services Chief Financial Officer & City Treasurer and Commissioner, Corporate Services Chief Financial Officer & City Treasurer or designate, and as to technical content by the Community Development and Health Services Commissioner and the Commissioner, Human & Health Services; and further,</p> <p>That Administration BE DIRECTED to provide appropriate reports and updates to City Council regarding the Ontario Works – Employment Ontario Transformation as information becomes available.</p>	
October 7, 2019	CR495/2019 Clause 6	C 162/2019	Commissioner, Finance and City Treasurer Sokol- Asset Planning	<p>1 – That Council AUTHORIZE administration to negotiate a Municipal Sewer Access Agreement between the City of Windsor and Noventa Energy Partners Ltd. for the purpose of connecting to the City's sanitary sewer trunk line at a designated location along Riverside Drive, satisfactory in form to the Commissioner, Legal & Legislative Services, in technical content to the Commissioner, Infrastructure Services, and in financial content to the Commissioner, Corporate Services Chief Financial Officer & Commissioner, Corporate Services Chief Financial Officer & City Treasurer and Commissioner, Corporate Services Chief Financial Officer & City Treasurer; and...</p> <p>6 – That Council DIRECT administration to report back detailing the outcome of the negotiated agreements and other related matters contained in this report.</p>	Ongoing- Negotiations are continuing and once finalized a report will be prepared
November 18, 2019	CR543/2019	S 198/2019	Commissioner, Health and Human Services	<p>...That Administration BE DIRECTED to bring the regional Community Safety and Well-Being Plan to City Council and Essex County Council in sufficient time to be considered prior to the Provincial government's deadline of January 1, 2021.</p>	CR337/2020 Extended deadline

Meeting Date	Motion/ Resolution	Report Number	CLT Member/ Executive Director	Action	Status
November 18, 2019	CR564/2019	SCM 388/2019 & SCM 329/2019	Windsor Police Services	That Report No. 21 of the Windsor BIA Advisory Committee – Increasing enforcement on Wyandotte St. East from Devonshire to Lauzon indicating: That Administration from Windsor Police Services BE REQUESTED to report back on the feasibility of increasing enforcement on Wyandotte Street East from Devonshire to Lauzon Road due to excessive speeding along this corridor.	
December 2, 2019	CR608/2019	SCM 412/2019 & S 200/2019	Commissioner, Health and Human Services	<p>That this report from the Executive Director of Housing and Children’s Services regarding the Windsor Essex Child Care and Early Years Service System Plan 2020-2025 BE ACCEPTED; and,</p> <p>That the Executive Director of Housing and Children’s Services BE AUTHORIZED to submit The Windsor Essex Child Care and Early Years Service System Plan 2020-2025 to the Province of Ontario’s Ministry of Education on or before December 31, 2019 as required under the Child Care and Early Years Act; 2014 (CCEYA); and,</p> <p>That the Executive Director of Housing and Children’s Services REPORT BACK to Council should the Ministry of Education have substantial changes and/or recommendations that are directed by the Minister to be incorporated into The Windsor Essex Child Care and Early Years Service System Plan 2020-2025; and,</p> <p>That the Executive Director of Housing and Children’s Services BE AUTHORIZED to submit subsequent reports/updates on The Windsor Essex Child Care and Early Years Service System Plan 2020-2025 to the Ministry of Education if required; and further,</p> <p>That Administration REPORT BACK to the Community Services and Parks Standing Committee once further analysis is completed regarding the causal data related increase in vulnerability as reported in the Early Development Instrument (EDI) and further analysis in terms of breakdowns of EarlyON programs and usage.</p>	

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Meeting Date	Motion/ Resolution	Report Number	CLT Member/ Executive Director	Action	Status
April 27, 2020	CR149/2020	C 76/2020	Commissioner, Finance and City Treasurer	<p>That the results of the email poll conducted by the Deputy Commissioner, Legal & Legislative Services on April 8, 2020 approving the following recommendation BE CONFIRMED AND RATIFIED:</p> <p>That, consistent with CR 127/2020 which provided all taxpayers property tax relief in the form of an extension for payment of the third interim tax instalment, City Council EXTEND the due date for the 2020 1st quarter remittance of the Municipal Accommodation Tax (MAT) from April 30, 2020 to June 30, 2020; and further,</p> <p>That there WILL BE NO late payment charges in either form, penalty and/or interest through the period June 30, 2020; and further,</p> <p>That the Commissioner, Legal & Legislative Services AMEND By-law 133-2018;</p> <p>and further,</p> <p>That administration BE DIRECTED to prepare a report for Council's consideration, as soon as possible, on options available for the City of Windsor to use the Municipal Accommodation Tax (MAT) to help the local hospitality industry as a result of the ongoing COVID-19 pandemic.</p>	Deferred due to ongoing COVID closures

Meeting Date	Motion/ Resolution	Report Number	CLT Member/ Executive Director	Action	Status
July 27, 2020	CR380/2020	C 145/2020	Commissioner, Health and Human Services	<p>That the Review of Emergency Shelter Services in Windsor Essex Report by Vink Consulting Inc. BE RECEIVED for information; and,</p> <p>That the Executive Director of Housing and Children's Services BE DIRECTED to bring forward reports to City Council addressing the recommendations for the future state of the emergency shelter system, including implementation plans with associated costs; and,</p> <p>That the Executive Director of Housing and Children's Services BE AUTHORIZED to pursue funding options to support any required operational and capital investments and further, should such funding options be in the forms of grants and/or loans; and,</p> <p>That the Chief Administrative Officer and Commissioner, Legal & Legislative Services, or their designates, BE AUTHORIZED to sign any applications and take any such actions as required to secure funding provided such documents are in a form satisfactory to the Commissioner, Legal & Legislative Services, satisfactory in financial content to the Commissioner, Corporate Services Chief Financial Officer & City Treasurer, and technical content to the Executive Director of Housing and Children's Services; and further,</p> <p>That Administration BE DIRECTED to report back to the Community Services and Parks Standing Committee on a quarterly basis on timelines and progress of the report.</p>	
November 7, 2020	CR553/2020 DHSC 207 Clause III	SCM 311/2020 & S 53/2020	Commissioner, Economic Development	<p>...</p> <p>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.</p>	
December 7, 2020	CR616/2020 Clause 6	C 54/2020	Commissioner, Finance and City Treasurer	6. That administration BE DIRECTED to report back at a high level on the economic impact and any perceived impacts on development if Council were to revisit eliminating the industrial exemption.	Ongoing

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Meeting Date	Motion/ Resolution	Report Number	CLT Member/ Executive Director	Action	Status
December 21, 2020	CR655/2020	SCM 374/2020 & S 164/2020	Commissioner, Community Services	That Administration BE REQUESTED to report back to Council outlining the costs associated with undertaking an invasive species management strategy citywide.	
January 18, 2021	CR40/2021 ETPS 802	SCM 16/2021 & S 155/2020	Commissioner, Infrastructure Services	That the report of the Environment, Transportation and Public Safety Standing Committee of its meeting held December 16, 2020 regarding “Wyandotte Street East Corridor Review” BE REFERRED back to Administration to narrow the focus as soon as possible, and to satisfy the Active Transportation Master Plan by providing cycling infrastructure along Wyandotte Street East and further, that in-person public meetings BE HELD once permitted, as part of a consultation process that would include residents and businesses in the subject area.	
February 8, 2021	CR69/2021	SCM 44/2021	Commissioner, Finance and City Treasurer	That Council RECEIVE the external advisory report and ENDORSE IN PRINCIPLE the recommendations enclosed in Windsor Works: An Economic Development Strategy for the City's Future Growth; and further, That Council DIRECT Administration to undertake the work required in order to prepare a detailed implementation plan as soon as practical and provide quarterly updates to Council on progress.	
February 22, 2021	B26/2021		Commissioner, Infrastructure Services	That the Street Extension and Trunk Sewer Project on Jarvis (ECP-010-07) BE DEFERRED for a period of 1 year to allow for the completion of the Environmental Assessment and public consultation to be conducted.	
May 3, 2021	CR179/2021	C 51/2021	Commissioner, Corporate Services	That the report of the Senior Legal Counsel and Student-at-Law dated April 9, 2021 entitled “Response to CR591/2020 – Cannabis Odour” BE DEFERRED to allow for a further report once the enforceability of the Town of Leamington’s Cannabis Regulation By-law is considered by the Superior Court of Justice and the Normal Farm Practices Protection Board, and that the report also include possible enforcement options that would be available for Council’s consideration.	

Meeting Date	Motion/ Resolution	Report Number	CLT Member/ Executive Director	Action	Status
May 17, 2021	CR213/2021	MBA/3183 MBA/2988	& Commissioner, Economic Development	That the correspondence from Paul Mullins on behalf of Assumption Parish dated April 23, 2021 requesting support from the City of Windsor to be recognized by Parks Canada as a Nationally Significant Historic Site, BE REFERRED to administration for review and a report back to Council for consideration, specifically as it would pertain to the ramifications designation would have on city property.	
June 21, 2021	CR285/2021	C 87/2021	Chief Administrative Officer	That Council RECEIVES the report from the Chief Administrative Officer on June 7, 2021, which provides a preliminary organizational review of The Corporation of the City of Windsor; and, That Council DIRECTS Administration to report back to Council with a Corporate Strategic Plan that will provide strategic and tactical objectives that will continue to create an organization that is innovative, agile, collaborative, solution-oriented, efficient, and effective; and, That Council DIRECTS Administration to create an Implementation Playbook for the 20-Year Strategic Vision to ensure the continued rapid realization of its goals; and, That Council DIRECTS Administration to report back to Council with amendments to the Delegated Authority By-law No. 208-2008 to remove “red tape” and enable rapid execution of Council’s vision and direction; and, That Council AMENDS CAO By-law No. 218-2002 to reflect the current organizational structure, i.e. clarifying that the CAO shall recommend to Council the appointment and dismissal of Corporate Leadership Team members and statutory officers but not Department Heads; and, That Council DIRECTS Administration to retain an expert in effective board governance and facilitation, and schedule a closed Council Workshop for education purposes.	
July 26, 2021	CR360/2021 DHSC 310	SCM 243/2021 & S 87/2021	Commissioner, Economic Development & Innovation	1. That Report No. S 87/2021 entitled “Updates to the 2021 Ontario Heritage Act Amendments” BE RECEIVED for information; and, 2. That the City Planner BE DIRECTED to prepare amendments to City of Windsor Official Plan, Delegation By-law, and create new Heritage Procedures/By-law, or utilize other policies or tools as required, to address the legislative changes and for Council’s consideration.	Following Ontario Bill 23 City waiting on the regulations to determine if there will be any changes/impacts on the amendments proposed.

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Meeting Date	Motion/ Resolution	Report Number	CLT Member/ Executive Director	Action	Status
July 26, 2021	CR363/2021 DHSC 313	SCM 246/2021 & S 71/2021	Commissioner, Economic Development	<p>1. That Report No. S 71/2021 updating City Council on the use and implementation of the Brownfield Redevelopment Community Improvement Plan (CIP) and tabling issues to be addressed as part of the CIP update BE RECEIVED for information; and,</p> <p>2. That the City Planner BE DIRECTED to consult with stakeholders regarding potential changes to the Brownfield Redevelopment CIP outlined in Report No. S 71/2021 and prepare any necessary CIP amendments for Council's consideration.</p>	
September 27, 2021	CR387/2021	C 116/2021	Commissioner, Finance and City Treasurer	<p>That the 2020 Annual Investment Compliance Report for the year ending December 31, 2020 BE RECEIVED for information; and further,</p> <p>That City Council SUPPORT the following actions with regards to the development and implementation of an enhanced investment strategy:</p> <p>That Administration BE AUTHORIZED to prepare a Request for Proposal (RFP) for Investment Advisory services; and further,</p> <p>That Administration BE DIRECTED to explore alternative options to traditional financial instruments to maximize overall investment returns for the City; and further,</p> <p>That Administration BE AUTHORIZED to prepare an Expression of Interest (EOI) to seek interest in the development of an in-house solution for managing current and projected cash flows more efficiently through the use of technology; and further,</p> <p>That Administration BE DIRECTED to report back to City Council the results of the above noted actions.</p>	

Meeting Date	Motion/ Resolution	Report Number	CLT Member/ Executive Director	Action	Status
September 27, 2021	CR402/2021 ETPS 841	SCM 263/2021 & S 69/2021	Commissioner, Infrastructure Services	<p>That the report of the Engineer I dated June 4, 2021 entitled “Alley Standards Development – City Wide” BE RECEIVED for information; and,</p> <p>That Administration BE DIRECTED to develop an Alley Standards Development Committee as outlined in the report; and,</p> <p>That the Alley Standards Development Committee REPORT BACK to Council with a fulsome report regarding alleys across the City, including but not limited to the following:</p> <ul style="list-style-type: none"> • Capital and Annual Costs associated with developing, maintaining and enforcing a set of standards for all of the City’s alleys • Clear Alley Standards • Different Kinds of Alleys • Alley Closure Process • Additional Dwelling Units accessing alleys and required maintenance • Collection of Garbage and Refuse at Curbside in a consistent manner • Data and Statistics related to resources spent on 311 calls in alleyways regarding clean up/rodent or other issues 	
October 4, 2021	CR429/2021 DHSC 326	SCM 296/2021, S 41/2020, AI 7/2021, & AI 10/2021	Commissioner, Economic Development	That the report of the Senior Planner – Policy and Special Studies dated February 27, 2021 entitled “Closure of Part of Dodsworth Street, Between Kay Street and Malden Road, Between 5168 and 5180 Malden Road - Applicant: T. Fasan - SAS/5917 - Ward 1” BE REFERRED back to administration to allow administration the opportunity to work with the Applicant to come to an amenable resolution for everyone involved	In progress. Applicant given 3 options at meeting March 7, 2023.

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Meeting Date	Motion/ Resolution	Report Number	CLT Member/ Executive Director	Action	Status
October 4, 2021	CR448/2021 ETPS 858	SCM 313/2021 & S 110/2021	Commissioner, Infrastructure Services	<p>That the report of the Manager of Contracts, Maintenance & Field Services dated August 19, 2021 entitled “Response to CQ 5-2021 Pedestrian Walkways – City Wide” BE RECEIVED for information; and,</p> <p>That the addition of signage at pedestrian inter-block walkways in the wintertime BE APPROVED; and,</p> <p>That administration BE DIRECTED to monitor the effectiveness for a period of 2 years; and,</p> <p>That funding in the amount of \$18,600 BE APPROVED; and,</p> <p>That the amount BE FUNDED from the Budget Stabilization Reserve Fund (BSR)</p>	
October 4, 2021	CR452/2021	C 123/2021 & C 129/2021	Commissioner, Infrastructure Services	<p>That the report of the Senior Manager of Engineering dated September 17, 2021 entitled “Festival Plaza Improvement – Final Design – Ward 3” and the report of the Manager of Parks Development dated August 23, 2021 entitled “Waterfront Beacon – Street Car # 351” BE REFERRED back to Administration to allow for a comprehensive report related to how the Festival Plaza and Waterfront Beacon can be linked to the new City Hall Esplanade moving forward; including but not limited to information related to bathroom facilities, food services, and other options, for Council's consideration.</p>	

Meeting Date	Motion/ Resolution	Report Number	CLT Member/ Executive Director	Action	Status
October 25, 2021	CR475/2021 CR452/2021	C 123/2021	Commissioner, Community Services	<p>I. That City Council DIRECT Administration to work with the consultant to develop different costing options for the final detailed design of the Festival Plaza that vary in price, and once completed, undertake public and stakeholder consultations on those designs. This will give Council the opportunity to determine the level of investment that should be made at Festival Plaza; and,</p> <p>II. That City Council DIRECT the Manager of Parks Development to apply for a site-specific amendment to the Official Plan and Zoning By-law 8600 to allow the necessary buildings and structures within Festival Plaza to extend above the crown of the pavement of Riverside Drive as all potential options will require an amendment; and,</p> <p>III. That City Council DIRECT Administration to create a detailed connectivity plan, including public consultation, between the riverfront and the adjacent areas along the CRIP footprint with special consideration for downtown areas. The plan should not include tunnels underneath Riverside Drive but rather should have multiple access points to link the northside of Riverside Drive to the southside of Riverside Drive focusing on pedestrian safety and include options for physical design changes to Riverside Drive; and further,</p> <p>IV. That City Council DIRECT Administration to prepare a comprehensive Council report that incorporates all of the above recommendations.</p>	

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Meeting Date	Motion/ Resolution	Report Number	CLT Member/ Executive Director	Action	Status
October 25, 2021	CR476/2021 CR452/2021	C 129/2021	Commissioner, Community Services	<p>That City Council APPROVE the design of the building and the terraces for the Legacy Beacon as the new home for Streetcar No. 351, located on the waterfront North of Riverside Drive at the foot of Caron Avenue in Legacy Park (Appendix A); and,</p> <p>That the City Planner BE DELEGATED the authority to approve the Site Plan Control Application and BE AUTHORIZED to approve minor changes to the design to allow for the construction for a permanent building (Legacy Beacon) to house Streetcar No. 351; and,</p> <p>That City Council APPROVE and pre-commit \$1,000,000 in 2023 from the Central Riverfront Festival Plaza (PFO-003-15) for the incremental construction costs needed at the Legacy Beacon; and further,</p> <p>That Administration REPORT BACK to Council with a business case for the concession/terrace area prior to the 2022 budget deliberation meetings or as soon as possible thereafter.</p>	
December 13, 2021	B47/2021	Clerk's File: GH/14271	Commissioner, Health and Human Services	<p>That the Executive Director Housing and Children's Services BE REQUESTED to report back to the Community Services and Parks Standing Committee related to pressures specific to the Rent Assistance Program in 2022</p>	

Meeting Date	Motion/ Resolution	Report Number	CLT Member/ Executive Director	Action	Status
December 20, 2021	CR555/2021 ETPS 864	SCM 361/2021, C 154/2021 & AI 19/2021	Commissioner, Finance and City Treasurer	<p>1) That City Council RECEIVE the report of the Supervisor of Environmental Sustainability & Climate Change dated October 7, 2021, entitled "Response to Council directive regarding applying a climate lens to the City's purchasing practices – City Wide"; and,</p> <p>2) That City Council APPROVE Administration proceeding with identified strategies for 2021/2022 including:</p> <ul style="list-style-type: none"> • Form an internal Sustainable Purchasing Team; • Update current purchasing procedures/documents to ensure environmental sustainability and climate change is being considered; • Update the City's Sustainable Purchasing Guide (2015) to reflect updates for climate change considerations; and • Join the Canadian Collaboration for Sustainable Procurement for 2021/2022; and, <p>3) That Administration REPORT BACK to City Council by the third quarter (Q3) 2022 with a report on achievements and possible next steps.</p>	
January 17, 2022	CR20/2022	C 6/2022	Chief Administrative Officer	<p>That City Council APPROVE waiving the fees associated with the BIA Parklet, Curbside and Sidewalk Cafes for 2022; and,</p> <p>That City Council APPROVE increasing the current 15 minutes free parking via the City of Windsor Parking App to 60 minutes, and also include surface parking lots; and...</p> <p>That the financial impacts from these recommendations BE REPORTED to City Council as part of the 2022 Quarterly Variance reports as COVID 19 pandemic costs; and,</p> <p>That the following recommendation BE DEFERRED to the January 31, 2022 Council Meeting to allow for administration to provide additional information related to the financial impacts of waiving licence fees, and deferring the business licence deadline beyond June 30, 2022, to the next calendar year, including waiving penalties/interest charges:</p>	

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Meeting Date	Motion/ Resolution	Report Number	CLT Member/ Executive Director	Action	Status
February 14, 2022	CR70/2022 CR47/2022 CR542/2021	C 169/2021 & AI 2/2022	Chief Administrative Officer	That the report of the (Acting) Executive Initiatives Coordinator dated October 29, 2021 entitled "Streamlining Approvals to Enable Rapid Execution of Council's Vision and Direction" BE REFERRED to a Strategic Planning Session of Council.	
March 21, 2022	CR98/2022	Clerk's File: SW2022	Commissioner, Infrastructure Services	That the correspondence from the Friends of the Court dated February 14, 2022 regarding the condition of Brock Street between Sandwich Street and Peter Street BE RECEIVED for information; and further, That Administration REPORT BACK outlining the cost differential between repaving Brock Street between Sandwich Street and Peter Street during the reconstruction phase of Sandwich Street instead of a stand alone project after the reconstruction, when a response to CQ 3-2022 asked on February 14, 2022 requesting a report outlining how deficient residential roads not in the 10 year capital budget will be addressed is brought forward to Council.	
March 21, 2022	CR102/2022 CR538/2020	C 187/2020 & AI 21/2021	Commissioner, Health and Human Services	That the report of the Senior Legal Counsel dated September 18, 2020 entitled "Council Question CQ23-2019 - Payday Loan Establishments - City Wide" BE RECEIVED for information; and further, That Administration PROCEED with establishing a cross-sectoral committee with the appropriate partners and representatives to acquire local information and develop a strategy to distribute education materials regarding alternative financial options and supports; and, That Administration REPORT BACK to the Community Services Standing Committee after one year with a summary of work completed to date.	
April 11, 2022	CR150/2022 ETPS 887	SCM 85/2022 & S 29/2022	Commissioner, Infrastructure Services	That Administration BE AUTHORIZED to initiate a Home Flood Protection Program on a pilot basis; and further, That Administration REPORT BACK to City Council on completion of the pilot program.	

Meeting Date	Motion/ Resolution	Report Number	CLT Member/ Executive Director	Action	Status
April 25, 2022	CR171/2022	C 54/2022	Commissioner, Corporate Services	<p>That the report of the (Acting) Licence Commissioner and the Executive Initiatives Coordinator dated March 25, 2022 entitled “Residential Rental Licensing By-law—Wards 1 & 2” and draft by-law, “A By-law Respecting the Licensing of Residential Rental Housing Units,” attached as Appendix A, BE RECEIVED for information; and,</p> <p>That Council APPROVE the proposed residential rental licensing framework described in this report; and,</p> <p>That Council APPROVE the attached draft by-law, to be brought into effect upon the final implementation of the approved framework; and further,</p> <p>That Administration REPORT BACK TO COUNCIL on the results of the two-year pilot study within Wards 1 and 2.</p>	
April 25, 2022	CR184/2022 CSPS 181	SCM 112/2022 & S 39/2022	Commissioner, Community Services	<p>That the report of the Manager of Culture & Events dated March 15, 2022 entitled “City of Windsor Lancaster Bomber FM 212 Progress Report 2019-2021 – Ward 3” BE RECEIVED for information; and further,</p> <p>That Administration BE DIRECTED to report to City Council regarding a fundraising strategy, a plan for assembly of the aircraft, and options to display the aircraft to the public once the assembly portion has been completed.</p>	
May 9, 2022	CR195/2022	C 1/2022	Commissioner, Infrastructure Services	<p>That the report of the Engineer II dated January 5, 2022 entitled “Response to CQ13-2021 – Basement Flood Risk Reduction Update – Ward 7” BE RECEIVED for information; and further,</p> <p>That administration BE DIRECTED to report back to Council on what effective monitoring program can be put in place to give early warning in order to mitigate future flooding events and make proper adjustments to the system as needed.</p>	

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Meeting Date	Motion/ Resolution	Report Number	CLT Member/ Executive Director	Action	Status
May 9, 2022	CR202/2022	C 69/2022	Commissioner, Finance and City Treasurer	<p>That City Council RECEIVE the information contained in the 2022 Tax Policy Report; and,</p> <p>That City Council APPROVE the following Tax Policy Principles which will be used to calculate the 2022 Final Property Tax Rates:</p> <ol style="list-style-type: none"> 1. That the Optional Tax Classes of office building, shopping center, parking lot/vacant commercial land, and large industrial CONTINUE to be used in the establishment of annual property tax rates. 2. That Administration CONTINUE TO MONITOR the application of a Small Business Class and REPORT BACK to City Council for further direction as part of the 2023 Tax Policy report. 3. That tax reductions for the first sub-classes of farmland awaiting development (FAD 1) BE REDUCED ANNUALLY by the allowed 10% starting in taxation year 2022 through to taxation year 2025. 4. That tax reductions for the second sub-classes of farmland awaiting development (FAD 2) BE ELIMINATED. 5. That the Municipality CONFIRM the threshold on the tax level for eligible new construction at 100%... 	
May 9, 2022	CR203/2022	C 72/2022	Commissioner, Finance and City Treasurer	<p>...That Council APPROVE the Operating & Capital Budget timelines for the development of the 2023 Operating & Capital budgets as outlined in Table A (Operating & Capital Budget Timeline) of this report; and,</p> <p>That Administration BE DIRECTED to bring forward a 2023 Operating Budget that provides options to meet Council’s fiscal targets status quo from the 2022 Budget Deliberation process with a 0% tax increase option along with 5% departmental reduction targets being brought forward for each department and that this also apply to all City Agencies, Boards, and Commissions (ABCs); and,...</p>	

Meeting Date	Motion/ Resolution	Report Number	CLT Member/ Executive Director	Action	Status
May 9, 2022	CR209/2022	SCM 121/2022 & S 42/2022	Commissioner, Finance and City Treasurer	<p>That the report of the Community Energy Plan Administrator dated April 8, 2022 entitled “Science Based Targets for GHG Reduction – City Wide” BE RECEIVED for information; and,</p> <p>That City Council APPROVE IN PRINCIPLE Windsor’s Science Based Targets of a 68% reduction in city-wide emissions (scope 1 and 2) and a 55% reduction in corporate-wide emissions (scope 1 and 2) below 2005 baseline by 2030; and,</p> <p>That City Council APPROVE IN PRINCIPLE a NET ZERO Target for 2050; and.</p> <p>That Administration BE DIRECTED to report back with an updated strategy to reach these targets by November 2023 that considers implementation timelines, resourcing and financial impacts of meeting science-based targets; and further,</p> <p>That Administration BE DIRECTED to send a letter to the County of Essex and City of Detroit requesting their support of Windsor’s Science Based Targets for GHG Reduction.</p>	
May 9, 2022	CR 222/2022	SW2022 15	Commissioner, Corporate Services	<p>That Administration BE DIRECTED to bring back a report before the next winter season, on possible ways that we can address the large gap between the demand for Snow Angels and the number of residents that are assisted. Options should include, but not be limited to improving our recruiting efforts of volunteers and/or providing the service with a set fee or no fee.</p>	

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Meeting Date	Motion/ Resolution	Report Number	CLT Member/ Executive Director	Action	Status
May 30, 2022	CR228/2022	C 82/2022	Commissioner, Community Services	<p>That the report of the Executive Initiatives Coordinator dated May 4, 2022 entitled "CQ 7-2022 - Response to CQ 7-2022 - Expansion of Dog Parks within the City - City Wide" BE RECEIVED for information; and,</p> <p>That Administration BE DIRECTED to begin the process of adding two additional dog parks at Oakwood Park and Elizabeth Kishkon Park after the community has BEEN CONSULTED as outlined in the Dog Park Policy; and,</p> <p>That these additional dog parks BE FUNDED as follows: reallocation of \$750,000 in 2022 PAYG funds and the reallocation and pre-commitment of \$130,000 in 2023 PAYG funds from capital project PFO-009-12 – Parks Bridges/Shelters/Buildings/Capital Rehabilitation Program to capital project PFO-010-17 – Dog Park Development, to be replaced with the transfer of \$880,000 from Fund 151 – Parkland Acquisition Reserve back to capital project PFO-009-12; and further,</p> <p>That Administration REPORT BACK to Council with potential edits to the Dog Park Policy to allow smaller, urban parks to be used as dog parks as well.</p>	

Meeting Date	Motion/ Resolution	Report Number	CLT Member/ Executive Director	Action	Status
May 30, 2022	CR246/2022	SCM 145/2022	Commissioner, Finance and City Treasurer	<p>That the attached Internal Audit Summary report provided by PricewaterhouseCoopers LLP (PwC) for the period December 1, 2021 to April 30, 2022 comprised of the following:</p> <p>a) Summary of use of unallocated effort b) Complaints and Investigations c) Road Infrastructure Maintenance Processes VFM Internal Audit Report d) Smart City Cyber Risk Mitigation Internal Audit Report e) Management Action Plan Validation Report f) Annual Performance Report</p> <p>BE RECEIVED for information; and,</p> <p>That City Council AUTHORIZE administration to proceed to implement the Management Action Plans as prescribed in the internal audit reports; and further,</p> <p>That City Council DIRECT administration to report on the progress of the implementation of the Management Action Plans and that such reports should coincide with the Auditor General's internal audit updates to City Council.</p>	
May 30, 2022	CR250/2022 Clause II	C 95/2022	Commissioner, Infrastructure Services	<p>I. That the report of the Project Administrator, Corporate Projects, dated May 18, 2022 entitled "Peace Fountain Replacement – Ward 6" and its appendices (attached) BE RECEIVED for information; and,</p> <p>II. That Council DIRECT Administration to MOVE FORWARD with Option 1: Floating Fountain design concept, and that Administration PERFORM public consultation and BRING FORWARD final design, costing and funding options for presentation to Council for the 2023 Capital Budget; and...</p>	
June 13, 2022	CR262/2022 Clause 5	C 91/2022	Commissioner, Finance and City Treasurer	<p>5. That Administration BE DIRECTED to further investigate and consider appropriate strategies in order to address the increasing impacts of inflationary pressures on the capital budget and report back on how to manage and address these pressures as part of the 2023 budget process.</p>	

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Meeting Date	Motion/ Resolution	Report Number	CLT Member/ Executive Director	Action	Status
June 13, 2022	CR273/2022 CR208/2022 ETPS892	SCM 120/2022 & S 14/2022	Commissioner, Infrastructure Services	<p>That Local Improvement works for storm sewers, curb and gutter for those street segments not yet constructed to the municipal standard within the area bounded by E.C. Row Avenue to the north, Woodward Boulevard to the west, Division Road to the south, and Riberdy Road to the east, as shown on drawing 4M-206 BE RECOMMENDED to future Capital Budgets and prioritized relative to their technical scoring, subject to cost-sharing for such works as established by CR554/2019; and,</p> <p>That WSP Canada Inc. firm BE APPOINTED as the Drainage Engineer to make an examination of, and prepare a Drainage Report for the repair and improvement to, the Dawson Drain between Division Road and the O'Neil Drain and to the O'Neil Drain from south of Hallee Crescent to Division Road under section 78 of the Drainage Act; and further,</p> <p>That Administration BE DIRECTED to report back to Council once the Drainage report for the repair and improvement of the Dawson Drain is complete.</p>	

Meeting Date	Motion/ Resolution	Report Number	CLT Member/ Executive Director	Action	Status
July 11, 2022	CR284/2022	C 105/2022	Commissioner, Finance and City Treasurer	<p>...That the Clerk and CFO/City Treasurer BE AUTHORIZED to UNDERTAKE and EXECUTE any and all documents and agreements as necessary to complete the long-term borrowing, satisfactory in legal form to the City Solicitor and financial/technical form to the City Treasurer; and further,</p> <p>That the CFO/City Treasurer BE INSTRUCTED to report back to City Council the results of the long-term borrowing at the earliest opportunity following completion; and further,</p> <p>That in the event Council is determined to be "Lame Duck" during the period commencing August 19, 2022 and ending November 14, 2022 the outgoing Council is AUTHORIZED to pass any by-laws deemed to be necessary or appropriate in connection with the issuance of one or more debentures; and,</p> <p>That the City Solicitor BE AUTHORIZED to prepare all necessary by-laws.</p>	
July 25, 2022	CR311/2022	C 118/2022	Commissioner, Finance and City Treasurer	<p>That the 2021 Annual Investment Compliance Report for the year ending December 31, 2021 BE RECEIVED for information; and further,</p> <p>That Administration REPORT BACK on ways to broaden the City of Windsor's portfolio and access other Joint Investment Boards (JIBs) that are endorsed by the Association of Municipalities of Ontario (AMO) and the Municipal Finance Officers' Association of Ontario (MFOA), including the benefits and drawbacks of investing in these other financial vehicles.</p>	

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Meeting Date	Motion/ Resolution	Report Number	CLT Member/ Executive Director	Action	Status
July 25, 2022	CR327/2022 CSPS 188	SCM 201/2022 & C 85/2022	Commissioner, Health and Human Services	<p>That the report of the Coordinator of Housing Administration & Policy dated May 9, 2022 entitled "Rent Supplement Program Expiries and Mitigation Update - City Wide" BE RECEIVED for information; and,</p> <p>That Administration BE DIRECTED to send correspondence to the Premier of Ontario, the Minister of Municipal Affairs and Housing, local Members of Provincial Parliament (MPPs), and the Association of Municipalities of Ontario (AMO), outlining the challenges of the sunseting of the rent supplement and housing allowance programs and urging the government to provide funding to address the shortfalls outlined in the report; and further,</p> <p>That Administration REPORT BACK to Council with options on how to address those funding shortfalls.</p>	
July 25, 2022	CR333/2022 Clause 1f	C 111/2022	Commissioner, Finance and City Treasurer	<p>1. That City Council DELEGATE authority to the Chief Administrative Officer to approve the following, for the sole purpose of submitting grant applications:</p> <p>f. That City Council DIRECT Administration to provide a report on projects being submitted for grants which are over \$1,000,000 in potential grant funding for approval of the projects being recommended.</p>	
July 25, 2022	CR334/2022	C 123/2022	Commissioner, Corporate Services	<p>That the report of the Executive Director of Human Resources dated July 11, 2022 entitled "Salary Market Review 2019 - 2020 - Non-Union and CAO/CLT - City Wide" BE REFERRED back to administration to allow for the 2019/2020 and the 2021/2022 salary market review to be conducted by a new consultant.</p>	

Meeting Date	Motion/ Resolution	Report Number	CLT Member/ Executive Director	Action	Status
August 8, 2022	CR352/2022	C 140/2022	Commissioner, Infrastructure Services	<p>That City Council APPROVE the \$743,500.00 for the project recommended in this report for submission to Intake 3 for the Investing in Canada Infrastructure Program (ICIP) – Public Transit; and,</p> <p>That City Council SUPPORT the use of \$90,000 in funding previously approved in the 2022 Capital Budget for use in this project and PRE-COMMIT the use of 2024 funds, previously approved in principle in project TRN-003-22 for immediate use; and,</p> <p>That City Council AUTHORIZE the Chief Administrative Officer to sign and submit applications to Intake 3 for the Investing in Canada Infrastructure Program (ICIP) – Public Transit, subject to the documents being satisfactory in technical content to the Commissioner of Infrastructure Services, or designate, in financial content to the City Treasurer or designate, and in legal form to the Commissioner of Legal & Legislative Services; and,</p> <p>That in the event the City receives written confirmation, of the Grant funding being awarded to the City, the grant funding awarded is no less than the Project’s costs outlined in the Financial Matters section herein, implementation of the Project does not result in a need for additional city funding to be approved by City Council and where the Grant provider confirms that expenditures as of that date are eligible, then City Council APPROVES the following recommendations:...</p> <p>That should the City not be successful in this grant submission, a communication report BE PROVIDED to inform City Council.</p>	

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Meeting Date	Motion/ Resolution	Report Number	CLT Member/ Executive Director	Action	Status
September 6, 2022	CR374/2022 ETPS 907	SCM 217/2022 & S 76/2022	Commissioner, Infrastructure Services	<p>That Administration BE DIRECTED to install speed humps and associated signs and pavement markings on Dandurand Avenue between Piazza Street and Northwood Street, and Partington Ave. between College Avenue to Tecumseh Road; and,</p> <p>That Administration BE DIRECTED to include the seven additional signatures that were provided in the addendum (attached) to approve speed humps for Partington Avenue; and further,</p> <p>That Administration BE REQUESTED to report back to a future meeting of Council to provide a review of the Speed Hump Policy and options to approve the same.</p>	
September 6, 2022	CR390/2022 CSPS 191 Clause h	SCM 235/2022 & C 112/2022	Commissioner, Health and Human Services	<p>a) That the report of the Coordinators of Housing Administration and Development dated June 27, 2022 entitled "Housing Hub Consultation and Architectural Feasibility Study Update" BE RECEIVED for information; and...</p> <p>h) That the Executive Director, Housing & Children's Services REPORT BACK on:</p> <ul style="list-style-type: none"> • potential sites for the Housing Hub • the findings of the preliminary work completed to support a recommendation to enter into negotiations to acquire and/or build and/or renovate a property • the outcome of applications made related to capital and/or operating funding • any capital funding required for the acquisition, renovation or construction of the proposed Hub, as well as for any ongoing operating funding required to maintain the asset and deliver the services; and further... 	

Meeting Date	Motion/ Resolution	Report Number	CLT Member/ Executive Director	Action	Status
September 6, 2022	CR393/2022 CSPS 194	SCM 238/2022 & SCM 172/2022	Commissioner, Health and Human Services	That the additional information memo of the Executive Director of Housing & Children's Services dated August 3, 2022 regarding the motion from the Housing & Homelessness Advisory Committee of their meeting held June 21, 2022 and Report No. 14 of the Housing & Homelessness Advisory Committee entitled "Barriers faced by the 2SLGBTQIA+ community in finding appropriate housing and housing services" from their meeting held June 21, 2022 BE RECEIVED ; and, That Administration BE DIRECTED to provide a report in 2023 outlining the next steps regarding the proposed training initiative; and further, That Council BE ADVISED that the administrative memo will be included in the upcoming Housing & Homelessness Advisory Committee meeting agenda for their September 20, 2022 meeting.	
September 6, 2022	CR399/2022 Clause 8	C 150/2022	Commissioner, Health and Human Services	8. That the Executive Director of Housing and Children's Services or their designate REPORT to City Council on the outcome of the capital developments; and further,	
September 26, 2022	CR422/2022 Clauses IX & XI	C 161/2022	Commissioner, Economic Development	...IX. That City Council DIRECT Administration to facilitate a presentation by Power Advisory to Essex County Council at their earliest opportunity; and further, pursuant to approval of the Recommendations noted above; and, ... XI. That Administration CONTINUE TO REPORT BACK regularly on the progress of council-approved initiatives to address energy supply issues in our community.	
September 26, 2022	CR424/2022 Clause III	C 157/2022	Commissioner, Infrastructure Services	...III. That Administration REPORT BACK to Council on proposed options to collect costs from the benefiting properties related to servicing charges for municipal services (mainline sewers and private drain connections) that would offer options for payment terms similar to local improvement payments.	

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Meeting Date	Motion/ Resolution	Report Number	CLT Member/ Executive Director	Action	Status
November 28, 2022	CR501/2022 Clause VIII	C 191/2022	Commissioner, Infrastructure Services	<p>I. That City Council RECEIVE the Investing in Canada Infrastructure Plan (ICIP) Grant Application report dated November 17, 2022, along with the report from IBI Group titled “Transit Windsor Garage Feasibility Study” dated October 28, 2021 provided in Schedule A; and further,</p> <p>II. That City Council ENDORSE the Transit Support Projects outlined in the body of this report for inclusion in the ICIP Grant Application; and further...</p> <p>VIII. That given the dramatically higher cost estimate for the Transit Garage emanating from the detailed study recently completed by the IBI Group, City Council DIRECT Administration to re-evaluate the Transit Windsor Master Plan to determine how to best achieve the goals of the Master Plan and report back to Council as part of the Transit Master Plan Implementation Project update.</p>	
January 16, 2023	CR8/2023	C 222/2022	Commissioner, Economic Development	<p>1) That the report from the Community Energy Plan Administrator dated December 16, 2022 BE RECEIVED for information; and,</p> <p>2) That City Council ENDORSE a Municipal Support Resolution to Capital Power for the addition of two peaking fired units (100 MW) at the East Windsor Cogeneration facility; and,</p> <p>3) That City Council DELEGATE the issuance of a Municipal Support Confirmation Letter for Capital Power’s IESO proposal for the addition of two peaking fired units (100 MW) at the East Windsor Cogeneration facility (project specific) to the Chief Administrative Officer, satisfactory in technical content to the Commissioner of Economic Development and Innovation; and,</p> <p>4) That City Council DIRECT Administration to collaborate with IESO, the Ontario Ministry of Energy, Northern Development and Mines, Enbridge Gas Inc., and local stakeholders as appropriate to support initiatives and actions that align with Pathways to Net-Zero; and,</p> <p>5) That Administration REPORT BACK with a supplemental report providing details on emerging technologies and strategies related to decarbonization of the electrical grid; and,</p> <p>6) That administration REQUEST IESO to consider developing policy initiatives that would facilitate the transition to green hydrogen.</p>	

Meeting Date	Motion/ Resolution	Report Number	CLT Member/ Executive Director	Action	Status
January 30, 2023	CR42/2023 DHSC 454	SCM 13/2023 & S 124/2022	Commissioner, Economic Development	That the report of the Development and Heritage Standing Committee of its meeting held January 9, 2023 regarding, "Zoning Bylaw Amendment –Z 022-22 [ZNG-6787] & OPA 161 [OPA-6788] Passa Assoc 3821 King St - Ward 2" BE DEFERRED as requested by the applicant to the February 13, 2023 meeting of Council to allow for further consultation with administration	
January 30, 2023	CR51/2023	C 204/2022	Commissioner, Infrastructure Services	That the report of the Technologist III dated November 23, 2022, entitled "Streamlining Right-of-Way Division Approvals to Enable Rapid Execution of Council's Vision and Incorporating Heritage Features into the Encroachment Policy - City Wide" BE REFERRED back to administration to provide further information on best practices from other municipalities.	
February 27, 2023	CR103/2023 DHSC 477	SCM 54/2023 & C 255/2022	Commissioner, Economic Development	<p>I. That City Council DIRECT the Planning Division to undertake a comprehensive review and update of the Sign By-law 250-2004, related to Paper Copy Billboard and Electronic Change Copy Billboard Ground and Wall Signs on private property; and,</p> <p>II. That City Council APPROVE a one-year moratorium on permits for the installation of New Billboards and retrofitting of existing Paper Copy Billboards to Electronic Change Copy Billboards to allow for the Planning Division to complete its review; and,</p> <p>III. That the Planning Division PROVIDE Council with recommendations for Amendments to the Sign By-law related to Paper Copy Billboard and Electronic Change Copy Billboard Ground and Wall Signs, for a decision by Council prior to the expiry date of the moratorium.</p> <p>IV. That Administration PROVIDE a status update of the review being undertaken at the August 23rd, 2023 meeting of the Development & Heritage Standing Committee meeting.</p>	

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Meeting Date	Motion/ Resolution	Report Number	CLT Member/ Executive Director	Action	Status
February 27, 2023	CR106/2023	C 18/2023	Commissioner, Economic Development	<p>That the report of the Executive Initiatives Coordinator, Office of the CAO and the Manager of Urban Design, Deputy City Planner, dated February 9, 2023, entitled “Impacts of Bill 108 and 109, More Homes for Everyone Act, 2022—Subsequent Challenges to the Development Application Process—City Wide” BE RECEIVED FOR INFORMATION; and further, ... That City Council DIRECT the Executive Director of Planning and the Commissioner of Economic Development and Innovation to pursue restructuring the Planning department to meet legislated obligations and growing development demands, improve cross-departmental collaboration, attract and retain qualified staff, and offer exceptional services that are flexible and responsive to business needs; and further,</p> <p>That City Council DIRECT the Chief Administrative Officer, as authorized through CAO By-law 218-2022, to hire any new positions in the Planning Department and approve any further actions required to operationalize the details of the restructuring as outlined in report C 18/2023; and further,</p> <p>That City Council DIRECT Administration to monitor operations subsequent to the changes implemented as a result of Bill 109, and provide reports on any cross-departmental impacts with recommendations to address those impacts; and further,</p> <p>That City Council DIRECT Administration to provide ongoing feedback to the Province through their respective associations in the best interests of the City of Windsor as the impacts of Bill 109 arise; and further, That Administration BE DIRECTED to track all variances and local costs that are required to put the legislation into effect, and that the information BE FORWARDED to a future meeting of Council.</p>	

Meeting Date	Motion/ Resolution	Report Number	CLT Member/ Executive Director	Action	Status
February 27, 2023	CR107/2023	C 19/2023	Commissioner, Economic Development	<p>That report C 19/2023 regarding the More Homes Built Faster Act – Bill 23 BE RECEIVED for information; and further,</p> <p>That City Council DIRECT Administration to provide ongoing feedback to the Province through their respective associations to convey the interests of the City of Windsor as the impacts of Bill 23 are realized; and further,</p> <p>That Administration BE DIRECTED to track all variances and local costs that are required to put the legislation into effect, and that the information BE FORWARDED to a future meeting of Council.</p>	
April 3, 2023	B29/2023		Commissioner, Infrastructure Services	<p>That Administration BE DIRECTED to report back with regards to the University Avenue West Project # (ECP-14-07) road reconstruction, with information related to Potential Funding or other options that can be utilized to complete the entire road reconstruction, without affecting the current Capital Budget allocations; and,</p> <p>That the temporary construction of pop-up bike lanes along University Avenue West BE NOT APPROVED until such time as the road re-construction is completed.</p>	
April 3, 2023	B10/2023 Clause IV	C 41/2023	Commissioner, Infrastructure Services	<p>I. That Council AUTHORIZE the addition of four (4) Full time Equivalent (FTE) positions within the Engineering Department as follows:</p> <ul style="list-style-type: none"> a. Development Engineer in the Development Division; and, b. Engineer II in the Development Division; and, c. Technologist II in the Right-of-Way Division, and, d. Technologist III in the Right-of-Way Division. <p>to address the anticipated increase workload resulting from Bills 23, 108 and 109 and increased development pressures related to the Electric Vehicle Battery Plant, Regional Hospital and development activities within the Sandwich South lands and that the positions report directly to the Manager of Development and Manager of Right-of-way in the Engineering Department...</p> <p>IV. That Administration BE DIRECTED to correspond with the Provincial Government to request support with resources to comply with new legislation.</p>	

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Meeting Date	Motion/ Resolution	Report Number	CLT Member/ Executive Director	Action	Status
April 3, 2023	B14/2023	C 44/2023	Commissioner of Community Services	That City Council DIRECT Administration to bring back options for Council's consideration regarding the redevelopment of the Roseland parking lot, clubhouse and the future of Curling; and, That City Council DIRECT Administration to begin public consultation and the results be included in the report back to Council regarding the various options.	
April 3, 2023	B18/2023	SR2023 10	Commissioner of Community Services	That a priority wait list for City residents BE ESTABLISHED for Lakeview Marina; and, That Administration BE DIRECTED to report back to Council to provide information regarding charging different fees for non-City of Windsor residents using the Lakeview Marina facility; and, That Administration BE DIRECTED to provide information outlining options for establishing a priority wait list at other City owned facilities for Councils consideration.	
April 3, 2023	B30/2023	S 19/2023	Commissioner, Infrastructure Services	That the Environment, Transportation and Public Safety Standing Committee, sitting at the Transit Windsor Board of Directors RECOMMEND Transit Windsor's 2023 Operating Budget reflective of a Property Tax Levy Contribution of \$17,831,080 which is \$1,409,537 (or 8.58%) greater than the 2022 Property Tax Levy contribution; and, That Transit Windsor's 2023 Operating Budget BE REFERRED to City Council for consideration as part of the City's 2023 Operating Budget deliberations.	

Meeting Date	Motion/ Resolution	Report Number	CLT Member/ Executive Director	Action	Status
April 11, 2023	CR162/2023	C 49/2023	Commissioner, Economic Development	<p>That the report from the Executive Initiatives Coordinator dated March 24, 2023 regarding 2023 Temporary Patios on Private Property BE RECEIVED for information; and further,</p> <p>That City Council APPROVE Administration’s recommendation for an interim process to allow temporary patios on private properties in 2023 through the existing Liquor License Clearance Letter process; and further,</p> <p>That City Council APPROVE the administrative fee for processing temporary patio approvals on private property, which is equal to the administrative fee for Liquor License Clearance Letters; and further,</p> <p>That City Council AUTHORIZE the Chief Building Official, or his designates, to approve compliant applications for temporary patios on private properties for the 2023 season through Liquor License Clearance Letter process; and further,</p> <p>That City Council DIRECT Administration to develop a process and fee structure to allow temporary patios on private property in the future to ensure compliance with legislation and regulations, and mitigate any risks to the Corporation of the City of Windsor; and further,</p> <p>That Administration SUBMIT a process to approve temporary patios on private property for City Council’s consideration by the end of 2023.</p>	
April 24, 2023	CR176/2023 ETPS941	S 27/2023	Commissioner of Infrastructure Services	<p>That the report of the Transportation Planning Senior Engineer dated March 1, 2023 entitled “South National Street (Pilette to Jefferson) Traffic Calming,” BE RECEIVED for information; and,</p> <p>That Administration BE DIRECTED to report back to Council with costs, and feasibility of adding traffic calming measures including physical separators with barriers along South National Street, enhancing the cyclist crossing at South National Street and Balfour Avenue and explore a pedestrian crossover at West Minster Avenue and South National Street into the Riverside area.</p>	

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Meeting Date	Motion/ Resolution	Report Number	CLT Member/ Executive Director	Action	Status
May 29, 2023	CR198/2023	7.1.4	Commissioner, Health and Human Services	<p>That the report "Windsor Police Service Annual Report 2022" BE RECEIVED; and,</p> <p>That Administration BE REQUESTED to report back to Council with a status report, related to Human Services issues that the Windsor Police Services are currently experiencing, to identify gaps and to provide the Windsor Police Service with assistance that they may require from Community Partners, Ministry of Health or others, for Councils consideration.</p>	

Meeting Date	Motion/ Resolution	Report Number	CLT Member/ Executive Director	Action	Status
May 29, 2023	CR205/2023	C 76/2023	Commissioner, Health and Human Services	<p>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,</p> <p>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,</p> <p>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,</p> <p>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,</p> <p>That Council Resolution CR235/2018 SDHC 565 which established the previous Residential Services Homes program per diem rate BE RESCINDED</p>	This will be ongoing as required every 3 years

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Meeting Date	Motion/ Resolution	Report Number	CLT Member/ Executive Director	Action	Status
June 12, 2023	CR252/2023	C 92/2023	Commissioner, Finance and City Treasurer	<p>That the report from the Office of the Chief Financial Officer & City Treasurer dated June 12, 2023 regarding the 2024 Proposed Budget Process & Timeline BE RECEIVED for information; and,</p> <p>That Council APPROVE the Operating & Capital Budget timelines for the development of the 2024 Operating & Capital budgets as outlined in Table A (Operating & Capital Budget Timeline) of this report; and,</p> <p>That Administration BE DIRECTED to bring forward a 2024 Operating Budget that provides options to mitigate a potential property tax levy increases through departmental reduction options totalling 5% of their prior year's net operating budget; and,</p> <p>That City Council CONFIRMS that Administration is to develop the 2024 10-year Capital Budget based on current funding level projections, inclusive of the operational (tax levy based) transfers to capital being maintained at current 2023 levels; and,</p> <p>That City Council APPROVE the renewal of the subscription for Balancing Act Software Solution to be used as a public engagement budget tool in advance of the 2024 budget and that it be funded by one-time dollars already approved in the 2023 operating budget.</p>	
July 10, 2023	CR273/2023		Commissioner, Corporate Services	<p>That the communication from the Commissioner of Legal & Legislative Services dated June 23, 2023 regarding "Update—Strong Mayor Powers" BE RECEIVED; and,</p> <p>That administration BE REQUESTED to report back regarding a framework including communications, education, transparency and accountability options related to the usage of Strong Mayor Powers.</p>	

Meeting Date	Motion/ Resolution	Report Number	CLT Member/ Executive Director	Action	Status
August 8, 2023	CR316/2023	C 107/2023	Commissioner, Community Services	<p>That Council RECEIVE the report of the Deputy Fire Chief – Support Services, dated July 7, 2023 entitled “Open Air Burning By-law”; and,</p> <p>That Council PASS a By-law to regulate open air burning (Appendix A) within the City of Windsor; and,</p> <p>That in the event a By-law is passed, Council PASS a By-law to Amend By-law 392-2022 “Fees and Charges Bylaw” (Appendix B) to provide for an open air burning permit application fee; and,</p> <p>That administration BE REQUESTED to report back with statistics related to open air burning.</p>	
August 8, 2023	CR318/2023	C 118/2023	Commissioner, Infrastructure Services	<ol style="list-style-type: none"> 1. That Administration BE DIRECTED to install speed humps on Avondale Avenue between West Grand Boulevard and Norfolk Street; and, 2. That Administration BE DIRECTED to install speed humps on Beals Street East and Beals Street West between Dougall Avenue and Huntington Avenue; and, 3. That Administration BE DIRECTED to install speed humps on Academy Drive between Northwood Street and North Service Road West; and, 4. That funding from each of the above noted installations come from Traffic Calming capital budget project 7069022; and, 5. That a budget issue with regards to annual maintenance of \$5,420 be presented as part of the 2024 operating budget development process and be considered a priority item based upon approval for the installations; and further, 6. That Administration BE DIRECTED to continue, on a trial basis collecting data and getting the required feedback moving forward; and that this information BE REVIEWED and if warranted used to determine next steps with traffic calming initiatives on similar streets. 	

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Meeting Date	Motion/ Resolution	Report Number	CLT Member/ Executive Director	Action	Status
September 5, 2023	CR356/2023	C 120/2023	Commissioner, Infrastructure Services	<p>That Council APPROVE bi-weekly garbage collection, weekly organic collection, and bi-weekly leaf and yard waste collection from April until November, and that this service level BE IMPLEMENTED with the next waste collection contract expected to begin in 2025; and,</p> <p>That Administration BE DIRECTED to report back to Council the results of the collection tender(s) and any additional costs related to the new SSO program, once available; and,</p> <p>That Administration BE DIRECTED to implement a free program for diaper disposal drop off and/or pickup; and, That an extra or special non-organics pickup around the holiday season BE APPROVED; and,</p> <p>That administration REPORT BACK to Council regarding the implementation of a comprehensive communication plan and process which includes community partners including post secondary institutions and communication mediums for residents who may not speak English.</p>	

Meeting Date	Motion/ Resolution	Report Number	CLT Member/ Executive Director	Action	Status
September 5, 2023	CR359/2023	SCM 211/2023 S 82/2023, C 69/2023 AI 12/2023	Commissioner, Infrastructure Services	<p>That Administration BE DIRECTED to issue a Request for Proposal for curbside garbage collection and optional bidding for alley garbage collection in the alleys that garbage collection is being provided currently; and,</p> <p>That Administration BE DIRECTED to report back to Council the results of the collection Request for Proposal and any additional costs related to the new SSO program, once available.</p> <p>That Administration BE DIRECTED to conduct a pilot project in the Pelissier/Victoria alley between Tecumseh Rd. W. and Jackson St, as well as the Dougall/Church alley between Tecumseh Rd. W. and Wahketa St. whereby garbage will be temporarily relocated from alley collection to curbside collection for a minimum of 8 weeks; and,</p> <p>That Administration REPORT BACK on the information learned during the pilot project; and,</p> <p>That administration BE DIRECTED to provide a report during the 2024 budget deliberation process for a plan to increase funding for alley maintenance for paved alleys.</p>	
September 5, 2023	CR361/2023	SCM 213/2023 C 106/2023	Commissioner, Infrastructure Services	<p>That the report of the Executive Direction, Operations, dated July 6, 2023 entitled Alley Maintenance Standards-City Wide BE RECEIVED; and,</p> <p>That Scenario 1: One-time funding from Reserves as outlined in the administrative report of the Executive Director, Operations BE APPROVED; and further,</p> <p>That Administration BE REQUESTED to report back to City Council with a specific proposed framework and work plan for the previously approved Alley Standards and Development Committee.</p>	

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Meeting Date	Motion/ Resolution	Report Number	CLT Member/ Executive Director	Action	Status
September 5, 2023	CR383/2023	C 128/2023	Commissioner, Infrastructure Services	<p>III. That with respect to the DMAF 1 Program:</p> <p>c. That the CFO/City Treasurer BE DIRECTED to affect the above noted changes in the applicable 2024 - 2035 Budgets so that funds are available for immediate use; and</p> <p>IV. That with respect to DMAF 4 Program</p> <p>d. That the CFO/City Treasurer BE DIRECTED to report back to City Council with updated information, along with any additional funding requirements, needed to allow for the full implementation of the proposed funding strategy for DMAF 4 prior to use of debt; and,</p>	
October 16, 2023	CR408/2023 ETPS958	C 140/2023	Commissioner, Finance and City Treasurer	<p>That Administration BE DIRECTED to install speed humps on Kildare Avenue between Richmond Street and Ottawa Street; and,</p> <p>That Administration BE DIRECTED to install speed humps on Partington Avenue between Columbia Court and Labelle Street; and,</p> <p>That Administration BE DIRECTED to install speed humps on Lone Pine Street between Provincial Road and Maple Leaf Crescent; and,</p> <p>That City Council SUPPORT an expenditure in the amount of \$105,000 which will be charged to the Traffic Calming Initiatives project, OPS-021-07; and,</p> <p>That the CFO/City Treasurer BE DIRECTED to consider the \$105,000 a pre-commitment of funding allocated in principle in 2026 as part of the 2024 10-year capital plan and allow the funds to be made available for immediate use; and,</p> <p>That a budget issue with regards to annual maintenance of \$8,030 BE CONSIDERED as part of the 2024 operating budget development process as a priority item based upon approval for the installation of the speed humps noted.</p>	

Meeting Date	Motion/ Resolution	Report Number	CLT Member/ Executive Director	Action	Status
October 16, 2023	CR409/2023 ETPS957	SCM 263/2023 S 114/2023	Commissioner, Finance and City Treasurer	<ol style="list-style-type: none"> 1. That the report from the Environment Sustainability Coordinator dated August 30th, 2023 regarding Windsor' Bird Friendly City Status BE RECEIVED for information; 2. That City Council SUPPORT continuing efforts to be a Bird Friendly City; 3. That City Council APPROVE the creation of a Bird Friendly Working Team under the Environment and Climate Change Advisory Committee; 4. That Administration BE DIRECTED to provide an annual report card on activities related to the Bird Friendly City Status to Nature Canada. 	

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Meeting Date	Motion/ Resolution	Report Number	CLT Member/ Executive Director	Action	Status
October 30, 2023	CR433/2023 CSSC208	SCM 274/2023 & S 118/2023	Commissioner, Health and Human Services	<p>That the report of the Manager, Homelessness and Housing Support in response to CQ 20-2023 Feasibility of Expanding Outreach Services and 311 Operating Hours BE RECEIVED for information; and,</p> <p>That City Council ENDORSE recent improvements made to the Homelessness Street Outreach team’s schedule and improved access to such services through the 311 Contact Centre as outlined in this report; and,</p> <p>That City Council DIRECT Administration to report back to Council with more data and information about the impact of recent improvements to the Homelessness Street Outreach team’s schedule and after-hours homelessness response initiated through 311, before deciding if further expansion is needed; and,</p> <p>That City Council continue to SUPPORT programs and services that advance the goals of the 10-year Housing and Homelessness Master Plan, and the creation and expansion of affordable and supportive housing; and,</p> <p>That administration BE REQUESTED to report back to the Community Services Standing Committee, as to how the City will attempt to draw the various organizations together in an effort to collaborate and capitalize on the programs that they are prepared to offer.</p>	
October 30, 2023	CR444/2023 & CR260/2023	C 149/2023& C 77/2023	Commissioner, Infrastructure Services	<p>VI. That Administration BE REQUESTED to implement a private Local Improvement Policy (LIP) option through Ontario regulation 586/06 to allow for those property owners who own their portion of the East Riverside shorewall along Riverside Drive to access the LIP process.</p>	

Meeting Date	Motion/ Resolution	Report Number	CLT Member/ Executive Director	Action	Status
November 27, 2023	CR461/2023		Commissioner, Economic Development	<p>That the report from the Senior Economic Development Officer requesting a Letter of Support for intercity passenger rail service BE RECEIVED FOR INFORMATION; and further,</p> <p>That City Council ENDORSE a Letter of Support from the Mayor to the Minister of Transport supporting the proposed Amtrak-VIA Rail Intercity Passenger Rail Connection; and further,</p> <p>That City Council AUTHORIZE Administration to represent the City of Windsor at future stakeholder meetings for this project; and further,</p> <p>That Administration BE DIRECTED to report status updates to City Council as soon as is practical.</p>	
November 27, 2023	CR471/2023 ETPS 965/ ETPS 942	SCM 287/2023 & C 119/2023 & SCM 111/2023 & S 31/2023	Commissioner, Infrastructure Services	<p>That the committee report of the Environment, Transportation & Public Safety Standing Committee dated March 9, 2023 entitled "Panhandling Statistics re Council Question CQ 11-2022 - City Wide" indicating:</p> <ol style="list-style-type: none"> 1. That the attached additional information relating to panhandling regulation and statistics BE RECEIVED; and, 2. That by-law ***, being a by-law to regulate panhandling, BE CONSIDERED, and, if advisable, BE PASSED; and, 3. That administration BE DIRECTED to provide more information related to other options to issuing fines, including but not limited to outreach, to address the aggressive panhandling behaviour, for Councils consideration, BE NOTED AND FILED; and further, <p>That Administration REPORT BACK with infrastructure related strategies to discourage unsafe behaviours in the public roadway.</p>	

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Meeting Date	Motion/ Resolution	Report Number	CLT Member/ Executive Director	Action	Status
November 27, 2023	CR491/2023	C 141/2023	Commissioner, Finance and City Treasurer	<p>That City Council SUPPORT the Administrative recommendation to not provide Municipal Support Resolutions at this time for non-storage installations as part of the IESO LT1 RFP submission; and</p> <p>That Administration BE DIRECTED to report back to Council in the event that either of the two projects identified in this report receive an IESO contract award for further consideration for municipal support.</p>	
November 27, 2023	CR493/2023	C 94/2023	Commissioner, Finance and City Treasurer	<p>That this report with regards to the Design and Implementation of a Vacant Home Tax BE RECEIVED; and further,</p> <p>That the CFO/City Treasurer BE DIRECTED to amend the 2024 staff complement to reflect the addition of the two (2) permanent staff required for the administration of the VHT program; and further,</p> <p>That City Council DIRECT any resulting surplus in revenue, after all Administrative costs have been recovered, be transferred to the City's Housing Reserve (Fund 216) to be used for purposes of housing related programs, projects and initiatives; and further,</p> <p>That administration BE REQUESTED to report back to council after one year of the vacant home tax program being in place to provide information related to the effectiveness and/or opportunities for improvement including the possibility of a repeat offender fee.</p>	

Meeting Date	Motion/ Resolution	Report Number	CLT Member/ Executive Director	Action	Status
December 11, 2023	CR505/2023	CM10/2023	Commissioner, Finance and City Treasurer	<p>That the 2022 Municipal Benchmarking Network of Canada (MBNCanada) Performance Measurement Report BE RECEIVED for information; and,</p> <p>That administration BE REQUESTED to report back with details related to significant gaps that are identified in the City of Windsor results with comparator municipalities.</p>	
January 15, 2024	CR3/2024		Commissioner, Corporate Services	<p>That the letter of the Minister of Public Safety, Democratic Institutions and Intergovernmental Affairs dated December 22, 2023 regarding Response from Minister of Public Safety on reimbursement of extraordinary policing expenses incurred by the City of Windsor BE RECEIVED for information; and,</p> <p>That administration BE DIRECTED to report back on what is available to the municipality in terms of that section of road where that critical infrastructure, the Ambassador Bridge, is located and has to be kept open and maintained.</p>	

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Meeting Date	Motion/ Resolution	Report Number	CLT Member/ Executive Director	Action	Status
January 15, 2024	CR10/2024 ETPS 974	SCM 326/2023 & S 33/2023 & SCM 212/2023 & S 70/2023 & SCM 109/2021 & S 13/2021	Commissioner, Infrastructure Services	<p>1. That the Vision Zero Action Plan provided as Appendix A and the Supplemental Action Plan provided as Appendix B to report S 33/2023 “Vision Zero Action Plan Final Report” BE ADOPTED; and,</p> <p>5. That the CFO/City Treasurer BE DIRECTED to include a new capital project in the 2024 10-year capital plan with funding as outlined above in order to action the Vision Zero Action Plan; and,</p> <p>6. That Administration BE DIRECTED to bring forward initiatives in the Vision Zero Action Plan forward for funding consideration for future budgets in accordance with the Action Plan’s implementation plan; and,</p> <p>7. That Administration BE DIRECTED to report back to Council annually with details of progress toward the Vision Zero Action Plan’s goals; and,</p> <p>8. That Administration BE DIRECTED to carry out reviews of the Vision Zero Action Plan at the intervals specified in the Action Plan; and,</p>	

Meeting Date	Motion/ Resolution	Report Number	CLT Member/ Executive Director	Action	Status
January 22, 2024	B1/2024	C 9/2024	Commissioner, Economic Development	<p>3. That Administration BE DIRECTED to prepare Official Plan policies and criteria for reducing the minimum parking requirements for medium and high-density affordable purpose-built rental housing projects; and further,</p> <p>4. That Administration BE DIRECTED to develop a Community Improvement Plan and associated financial incentives that will facilitate and support the construction of attainable and affordable residential units; and further,</p> <p>5. That Administration BE DIRECTED to adopt a single technology for providing a digital portal for development services (services provided by the Building, Planning and Right of Way departments) to improve business processes, streamline approvals, and improve customer access to services and information; and further,</p> <p>6. That Administration BE DIRECTED to review the existing Disposal of Land policy and propose amendments that support the disposition of municipally owned properties to facilitate housing projects, including student housing; and further,</p> <p>7. That Administration BE DIRECTED to prepare a policy to advance the strategic acquisition of property that supports and facilitates the development of new attainable and affordable housing, including student housing; and further,</p> <p>8. That Administration BE DIRECTED to begin the process to create a Green Development Standards Community Improvement Plan that will provide guidance and financial incentives for sustainable development projects.</p>	

Clerk's Note: The listing of items prior to January 1, 2011 should not be considered complete at this point in time.

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Meeting Date	Motion/ Resolution	Report Number	CLT Member/ Executive Director	Action	Status
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Clerk's Note: This summary chart is not intended to replace the actual minutes of all proceedings.