

City Council Meeting

**Date:** Monday, April 25, 2022

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

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

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

**MEMBERS:**

Mayor Drew Dilkens

Ward 1 – Councillor Fred Francis

Ward 2 – Councillor Fabio Costante

Ward 3 – Councillor Rino Bortolin

Ward 4 – Councillor Chris Holt

Ward 5 – Councillor Ed Sleiman

Ward 6 – Councillor Jo-Anne Gignac

Ward 7 – Councillor Jeewen Gill

Ward 8 – Councillor Gary Kaschak

Ward 9 – Councillor Kieran McKenzie

Ward 10 - Councillor Jim Morrison

## ORDER OF BUSINESS

<b>Item #</b>	<b>Item Description</b>
1.	<b>ORDER OF BUSINESS</b>

1.1. In the event of the absence of the Mayor, Councillor Morrison has been Appointed Acting Mayor for the month of April, 2022 in accordance with By-law 176-2018, as amended.

2. **CALL TO ORDER** - Playing of the National Anthem

**INDIGENOUS LAND ACKNOWLEDGEMENT STATEMENT**

We [I] would like to begin by acknowledging that the land on which we gather is the traditional territory of the Three Fires Confederacy of First Nations, which includes the Ojibwa, the Odawa, and the Potawatomie. 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**

4. **ADOPTION OF THE MINUTES**

5. **NOTICE OF PROCLAMATIONS**

**Proclamations**

“Earth Day” – Friday, April 22, 2022

“National Volunteer Week” – Sunday, April 24 to Saturday, April 30, 2022

“Canadian Mental Health Association Mental Health Month” – May 2022

“Community Living Awareness Month” – May 2022

“GBS and CIDP Awareness Month” – May 2022

“Mental Health Month” – May 2022

“Polish Heritage Month” – May 2022

**Illumination**

“Canadian Mental Health Association Mental Health Month” – Monday, May 2 to Sunday, May 8, 2022

“Shine a Light on Community Living” – Friday, May 6, 2022

6. **COMMITTEE OF THE WHOLE**

7. **COMMUNICATIONS INFORMATION PACKAGE** (This includes both Correspondence and Communication Reports)
- 7.2. Response to CQ 2-2022 - Use of the Public Right of Way for distributing advertising bundles (**C 53/2022**)
- 7.3. 2021 Provincial Offences (POA) Annual Report - City Wide (**C 58/2022**)

## 8. **CONSENT AGENDA**

- 8.1. Use of Corporate Resources by Council Members Seeking Re-Election (**C 67/2022**)
- 8.2. Snow Angels Volunteer Acknowledgements 2021-2022 Season - City Wide (**C 60/2022**)
- 8.3. IT Security – Managed Detection & Response Services - City Wide (**C 63/2022**)  
**Clerk's Note:** Administration providing Mayor & Members of Council a P&C memo under separate cover.
- 8.4. Traffic Management for School Crossings on Arterial Roads (CQ 14-2018) (**C 43/2022**)
- 8.5. Residential Rental Licensing By-law (**C 54/2022**)
- 8.6. Maintenance of Public Access Defibrillator Program in the City Facilities - City Wide (**C 62/2022**)

## CONSENT COMMITTEE REPORTS

- 8.7. Zoning Bylaw Amendment – Wyandotte Developments Inc. - 0 Wyandotte St E. S/S Wyandotte Street E, between Watson Ave and Isack Drive- Z 025-21 [ZNG-6499] to permit a Multiple Dwelling Development - Ward 6 (**SCM 98/2022**) (**S 35/2022**)
- 8.8. Zoning Bylaw Amendment Site specific regulations for Multiple Dwelling – Farhi Holding Corporation - 1624 Lauzon Road- Z 039-21 [ZNG-6590] - Ward 6 (**SCM 99/2022**) (**S 37/2022**)
- 8.9. Rezoning - Avant Group Inc. - 659 Alexandrine St - Z-045/21 ZNG/6634 - Ward 10 (**SCM 100/2022**) (**S 33/2022**)
- 8.10. 364-374 Ouellette Avenue, Canada Building- Heritage Permit Request (Ward 3) (**SCM 97/2022**) (**S 31/2022**)
- 8.11. Economic Revitalization Community Improvement Plan (CIP) application submitted by 538512 Ontario Limited for 3430 Wheelton Drive - Ward 9 (**SCM 101/2022**) (**S 34/2022**)
- 8.12. Close and Convey the East-West Alley Segments at the South end of Partington Ave., Roxborough Blvd., and Glenwood Ave., and the North/South segment between

Roxborough and Glenwood Avenue, all being North of EC Row Expressway - SAA/6177  
(**SCM 102/2022**) (**S 88/2021**)

- 8.13. Minutes of the Meeting of the Board of Directors, Willistead Manor Inc., held January 13, 2022 (**SCM 107/2022**) (**SCM 30/2022**)
- 8.14. Report No. 114 of the Board of Directors, Willistead Manor Inc., of its meeting held January 13, 2022 (Re-appointments to Board of Directors) (**SCM 108/2022**) (**SCM 31/2022**)
- 8.15. Minutes of the Committee of Management for Huron Lodge of its meeting held December 8, 2021 (**SCM 109/2022**) (**SCM 53/2022**)
- 8.16. Response to CQ6/2021 - Special Events Road Closure Catalogue and Categorization - City Wide (**SCM 110/2022**) (**S 32/2022**)
- 8.17. Update of Round 1 of the Arts, Culture and Heritage Fund 2022 – City Wide (**SCM 111/2022**) (**S 36/2022**)
- 8.18. City of Windsor Lancaster Bomber FM 212 Progress Report 2019-2021 - Ward 3 (**SCM 112/2022**) (**S 39/2022**)

9. **REQUEST FOR DEFERRALS, REFERRALS AND/OR WITHDRAWALS**

10. **PRESENTATIONS AND DELEGATIONS**

11. **REGULAR BUSINESS ITEMS** (Non-Consent Items)

- 11.1. Declaration of a Vacant Parcel of Land Municipally Known as 0 McDougall Street Surplus and Authority to Offer for Sale - Ward 3 (**C 59/2022**)
- 11.2. Lachance Drain Provisional By-Law for Repair and Improvement - Ward 9 (**C 65/2022**)
- 11.3. Proposed Expropriation of lands on Banwell Road from Jayesh and Nivedita Bhatt-3455 Banwell - Ward 9 (**C 66/2022**)

12. **CONSIDERATION OF COMMITTEE REPORTS**

- 12.1. (i) Report of the Special In-Camera meeting or other Committee as may be held prior to Council (if scheduled)
- 12.2. Report No. 13 of the Housing & Homelessness Advisory Committee - Residential Rental Licensing Feedback (**SCM 81/2022**)

12.3. Report No. 1 of the Council Compensation Review Committee - Recommendations to City Council (**SCM 104/2022**)

13. **BY-LAWS** (First and Second Reading)

14. **MOVE BACK INTO FORMAL SESSION**

15. **NOTICES OF MOTION**

16. **THIRD AND FINAL READING OF THE BY-LAWS**

17. **PETITIONS**

18. **QUESTION PERIOD**

19. **STATEMENTS BY MEMBERS**

20. **UPCOMING MEETINGS**

Windsor Accessibility Advisory Committee  
Tuesday, April 26, 2022  
10:00 a.m., Zoom video conference

Windsor Licensing Commission  
Wednesday, April 27, 2022  
9:30 a.m., Zoom video conference

Environment, Transportation & Public Safety Standing Committee  
Wednesday, April 27, 2022  
4:30 p.m., Zoom video conference

Development & Heritage Standing Committee  
Monday, May 2, 2022  
4:30 p.m., Zoom video conference

Community Services Standing Committee  
Wednesday, May 4, 2022  
9:00 a.m., Zoom video conference

21. **ADJOURNMENT**



**Council Report: C 53/2022**

**Subject: Response to CQ 2-2022 Regarding Use of the Public Right-of-Way for Distributing Advertising Bundles-City Wide.**

**Reference:**

Date to Council: 4/25/2022  
Author: Aadil Nathani  
Executive Initiatives Coordinator  
519-255-6100 ext 6404  
anathani@citywindsor.ca

Jude Malott  
Executive Initiatives Coordinator  
519-255-6100 ext. 6804  
jmalott@citywindsor.ca  
Legal Services, Real Estate & Risk Management  
Report Date: 3/25/2022  
Clerk's File #: ACOQ2022 APM2022

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

**Recommendation:**

THAT Council **RECEIVE** this report titled, "Response to CQ 2-2022 Regarding Distribution of Advertising Bundles" for information.

**Executive Summary:**

N/A

**Background:**

At the Council meeting of January 31, 2022, Councillor Gignac asked the following question:

*Asks Administration to clarify, as soon as possible, the use of the Public Right of Way for distributing advertising bundles. If allowed what are the guidelines/requirements governing the use and if not allowed the penalties and enforcement procedures used.*

*Residents feel if these are not delivered to their mailbox they should be prohibited and considered littering.*

This report provides a response to CQ 2-2022.

## **Discussion:**

Two of the City's current by-laws pertain to materials left on public property without authorization. By-law Number 3-2006, A By-law to Establish Standards Respecting Yard Waste & Exterior Property Maintenance and to Prohibit Littering in the City of Windsor, prohibits the depositing of refuse on public and private land without consent and also provides definitions for what materials constitute refuse. By-law Number 25-2010, A By-law To Provide For The Protection of Highways in Windsor, prescribes when objects may be placed on the right-of-way and limits the duration that objects may be there for certain purposes.

### **Do newspaper advertising bundles constitute littering under By-law 3-2006?**

The regulations established under By-law 3-2006 do not enable the City to prevent the delivery of newspaper advertising bundles to residential properties. Part 7 of the By-law, which prohibits littering, states, "no person shall deposit any *refuse* on Public Property or Private Property without the consent of the owner." The by-law defines "refuse" as "any article, thing, matter, substance or effluent that is or appears to a) be cast aside, discharged or abandoned; b) discarded from its usual and intended use; c) used up in whole or in part or is expended or worn out in whole or in part; d) domestic or industrial and commercial waste, whether it is commercially saleable or recyclable or not." Because the bundles are intended for distribution, not discarded, worn out, or expended, the City does not appear to have authority under the current by-law to prohibit this kind of activity, nor to pursue enforcement or penalties.

### **Is depositing flyer bundles on the right-of-way prohibited under By-law 25-2010?**

Section 2.1 of By-law 25-2010 prohibits placing any "goods, wares or merchandise" on the right-of-way for any period longer than necessary for shipping or receiving, "and in no case for longer than thirty (30) minutes" without approval from the City Engineer. If the depositor of the goods, wares or merchandise is known, Inspectors in Public Works can issue an Order to Comply to the depositor instructing them to remove these objects. If their Order is not followed, City staff will arrange for the removal of the objects from the right-of-way and assign the costs from doing so to the contravener's property taxes.

Approval for placing objects on the right-of-way is usually confirmed either by an issued permit or by entering into an agreement with the City. As permits are usually used for activities with defined start and end dates, rather than recurring actions like distributing newspaper advertising bundles, the City does not currently offer a class of permit for depositing materials on the right-of-way for later distribution as discussed in this report. However, the City has entered into agreements in the past with newspaper publishers to locate distribution boxes on the public right-of-way, including maintaining the distribution boxes in an orderly fashion. If the terms of these agreements were not followed, the City could cancel the agreement and issue an Order to Comply under By-law 25-2010, following enforcement procedures as described above.

### **Options for regulating newspapers deposited for later distribution**

Currently, 311 does not create service requests when residents complain about newspapers or advertising materials blowing around their neighbourhood. Instead, residents are advised to contact the publisher as this is the most direct resolution to individual concerns. Council could direct Administration to accept these complaints and



investigate them, including issuing Orders to non-compliant publishers if their identity is known and they own taxable property within the City. Alternatively, Council may direct Administration to pursue agreements with identifiable publishers whose materials are being deposited on the right-of-way to establish guidelines and requirements for doing so.

**Risk Analysis:**

N/A

**Climate Change Risks**

**Climate Change Mitigation:**

N/A

**Climate Change Adaptation:**

N/A

**Financial Matters:**

There are no financial impacts associated with the receipt of this report.

**Consultations:**

Aaron Farough, Legal Counsel

Alex Hartley, Senior Legal Counsel

Adam Pillon, Manager of Right-of-Way

Adam Lewis, Coordinator of Right-of-Way and Field Services

Alena Sleziak, Manager, Customer Contact Centre

**Conclusion:**

Newspaper and advertising bundles do not meet the definition of refuse under the City's Littering By-law 3-2006, but depositing goods, wares or merchandise on the right-of-way for longer than 30 minutes is prohibited under Protection of Highways By-law 25-2010. The City may pursue enforcement under By-law 25-2010 if the publisher depositing the materials is identifiable and owns property within the municipality. Alternatively, the City can seek to enter into agreements to allow publishers to continue to distribute materials as they historically have but with terms and conditions that minimize impacts on residents.

**Approvals:**

Name	Title
Chris Nepszy	Commissioner, Infrastructure Services

Name	Title
Shelby Askin-Hager	Commissioner of Legal and Legislative Services
Joe Mancina	Chief Administrative Officer (A)

**Notifications:**

Name	Address	Email

**Appendices:**

**Subject: 2021 Provincial Offences (POA) Annual Report - City Wide**

**Reference:**

Date to Council: April 25, 2022  
Author: Melissa Ryan  
Manager of Provincial Offences  
519-255-6555 ext.2303  
mryan@citywindsor.ca

Report Date: April 1, 2022  
Clerk's File #: GP2022

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

**Recommendation:**

THAT the report of the Manager of Provincial Offences dated March 31, 2022 regarding the 2021 Windsor/Essex Provincial Offences (POA) Annual Report submitted for information be **BE NOTED AND FILED**.

**Executive Summary:**

The 2021 Annual Report is a detailed summary that highlights the activities and operations of the Windsor/Essex POA department throughout the year. It is provided to the Liaison Committee members every year and includes an overall assessment of the operations and its structure, key performance indicators and financial results.

**Background:**

In 1998, the province enacted Bill 108 which amended the Provincial Offences Act ("POA") thereby enabling it to transfer various responsibilities of the POA Court system to municipalities. The transfer included court support and administrative functions, and the prosecution of ticketable provincial offences.

The Windsor/Essex Provincial Offences Program ("POA Program") was created as a special-purpose vehicle to accept the transfer of POA responsibilities from the province. It functions as a self-funding, net revenue positive operating division of the City. The bulk of the POA Program's revenues are generated from fines received as a result of persons violating legislation.

## **Discussion:**

The 2021 Annual Report (attached as Appendix A) will detail the following:

1. The operational functions of POA;
2. POA's caseload and charging document volumes for 2021 compared year over year;
3. Defaulted POA fines enforcement in conjunction with active collection efforts, and;
4. The financial results and distributions for 2021.

In 2021, the Windsor/Essex Provincial Offences (POA) department continued to operate effectively and provide court services activities and various types of court proceedings (remand/first appearance court, early resolution court and trial court) for the public.

The POA team members had an ambitious task of getting through the backlog of POA work but they were up for the task and worked diligently throughout the year to support continued court operations. We tackled the backlog of court matters and ramped up collections activities once the POA timelines were reinstated. Despite the numerous pandemic obstacles, we ended the year in a net revenue surplus position and continued to provide exceptional service to the public to ensure they had equal access to Justice.

In 2021, the POA Program took in a total of 20,701 charging documents, for a monthly average intake of approximately 1,725 tickets.

Recognizing that POA has little to no control over charging volumes, considerable efforts and resources were directed towards collections once the POA timelines were reinstated. We continued to collect fine payments through execution of writs, municipal tax roll, garnishment of wages, 3<sup>rd</sup> party collections and Service Ontario.

Regardless of how effective the active collection efforts are, there still remains a significant number of outstanding fines. As of December 31, 2021, there were approximately 71,801 records of unpaid fines for a total outstanding amount of \$43,612,203. This amount is not just a Windsor issue; it's a province wide concern. The vast majority of these outstanding fines have been outstanding for more than a decade, and in many cases relate to corporations that are no longer operating, individuals that cannot be traced and may be deceased, and out of country residents.

Many of these are older fines and all reasonable measures to collect have been made. POA administration will be looking to adopt a write off policy in 2022, which will be vetted through the Liaison Committee first and subsequently submitted to Windsor City Council for final approval. It is important to note that a write off policy refers to the

cessation of active fine collections and is done for accounting purposes only. It does not absolve a convicted offender from the requirement to pay a fine, as debts to the Crown are owed in perpetuity and are never forgiven.

### **Risk Analysis:**

There are no significant risks identified

### **Climate Change Risks**

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

N/A

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

N/A

### **Financial Matters:**

The Provincial Offences program ended the year with a net operating income of \$594,933. This was an increase from the prior year, however, we are not back to pre pandemic levels.

Since the local POA Transfer date of March 5, 2001 through to the end of the subject reporting year, this area's POA Program has realized total combined net revenues of \$47,802,000.

In accordance with the approved weighted assessment formula for 2021, distributions of net operating results over the course of the subject year resulted in \$294,144 allocated to the City of Windsor, and \$300,789 allocated to the County and Pelee.

It is noted that in 2020, each municipality received Municipal COVID Relief Funding from the Province to mitigate against the negative financial impacts of COVID-19 including, amongst others, such items as the loss of POA revenues.

Although the City of Windsor again received a COVID-19 Safe Restart Municipal funding allocation in 2021, the opportunity to apply for further funding for 2021 is unknown at the time of writing. The Safe Restart Funding allows the City of Windsor and each municipality the same opportunity to offset COVID-19 related POA revenue shortfalls.

POA reported an estimated deficit of \$300,000 in 2021 from Covid-19. Using the weighted assessment formula rates, this means the total estimated Covid-19 variance was \$606,777, of which \$306,777 would be attributed to the County and Pelee.

## Consultations:

This annual report was provided to the Liaison Committee members at the meeting held on March 31, 2022, and was unanimously approved. Members were encouraged to bring this report to their respective council members for communication.

## Conclusion:

Despite another challenging year, the POA team worked diligently throughout the year to support continued court operations and ended the year in a net revenue position.

In 2022, the department will move to its permanent public space, which includes modernized courtrooms with the ability to host hybrid court and AODA compliant wickets and meeting rooms to serve the public. We anticipate and look forward to continued legislated changes aimed at modernizing the provincial offences court system.

## Planning Act Matters:

N/A

## Approvals:

Name	Title
Dana Paladino	Deputy City Solicitor
Shelby Askin-Hager	Commissioner Legal & Legal Services
Joe Mancina	Acting Chief Administrative Officer

## Notifications:

Name	Address	Email
Tracey Prince	271 Sandwich Street South, Amherstburg, ON N9V 2A5	tprince@amherstburg.ca
Sandra Zwiers	360 Fairview Ave West, Essex, ON, N8M 1Y6	szwiers@countyofessex.ca
Robert Auger	33 Talbot Street South, Essex ON, N8M 1A8	rauger@essex.ca
Ryan McLeod	2021 Division Rd North, Kingsville, ON, N9Y 2Y9	rmcleod@kingsville.ca
Justin Rousseau	419 Notre Dame St, Belle	jrousseau@lakeshore.ca

Name	Address	Email
	River, ON, N0R 1A0	
Laura Rauch	111 Erie Street North, Leamington, ON, N8H 2Z9	lrauch@leamington.ca
Michelle Feltz	1045 West Shore Rd, Pelee Island, ON, N0R 1M0	Michelle.feltz@pelee.ca
Tom Kitsos	917 Lesperance Rd, Tecumseh, ON, N8N 1W9	tkitsos@tecumseh.ca
Dale Langlois	5950 Malden RD, LaSalle, ON, N9H 1S4	dlanglois@lasalle.ca

**Appendices:**

- 1 Appendix A-2021 POA Annual Report

# Windsor/Essex Provincial Offences (POA) Annual Report

# 2021

The 2021 Annual Report is a detailed summary that highlights the activities and operations of the Windsor/Essex POA department throughout the year. It is provided to the Liaison Committee Members every year and includes an overall assessment of the operations and its structure, key performance indicators and financial results.

**Issued on:  
March 31,  
2022**



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## MESSAGE TO OUR MUNICIPAL PARTNERS

In 2021, the Windsor/Essex Provincial Offences (POA) department continued to operate effectively and provide court services activities and various types of court proceedings (remand/first appearance court, early resolution court and trial court) for the public.

The POA team members had an ambitious task of getting through the backlog of POA work but they were up for the task and worked diligently throughout the year to support continued court operations. We tackled the backlog of court matters and ramped up collections activities once the POA timelines were reinstated. Despite the numerous pandemic obstacles, we ended the year in a net revenue surplus position and continued to provide exceptional service to the public to ensure they had equal access to Justice.

Some of the key highlights include:

- Despite continuous challenges brought about by the Pandemic and suspension of POA timelines for the first two months of the year, we were able to end the year in a net revenue position.
- Red Light Cameras (RLC) were installed at 10 different locations in Windsor to continue to promote safety on our roads.
- Legislative changes experienced from the initiation of Bill 177, specifically clerk review reforms, was enacted which shifted administrative Justice duties such as approval of extension of times to pay and convicting fail to respond to the clerks of the court. This change has allowed POA to process court paperwork in a more expedient manner.
- The POA staff moved to their permanent administrative area in the 400 building located at the City Hall campus.

In 2022, the department will move into its permanent public space which includes modernized courtrooms with the ability to host hybrid court (in person and virtual simultaneously) and AODA compliant wickets and meetings rooms to serve the public. Additional Bill 177 changes are expected to be implemented which will allow staff to have greater control over administrative court paperwork. We will also focus on transitioning to our long term home within the City Hall campus and implementing in person courtroom activity since the halt of in person courts in March of 2020. We anticipate and look forward to continued legislative changes aimed at modernizing the provincial offences court system.

Sincerely,

*Melissa Ryan*

Manager of Provincial Offences

## SECTION A - BACKGROUND & OPERATIONAL ACTIVITIES

In 1998, the province enacted Bill 108 which amended the *Provincial Offences Act* ("POA") thereby enabling it to transfer various responsibilities of the POA Court system to municipalities across Ontario. Offences governed by the POA are regulatory in nature created pursuant to provincial statutes such as the *Highway Traffic Act*, the *Compulsory Automobile Insurance Act*, the *Liquor License Act*, and the *Trespass to Property Act*, to name a few. The transfer of POA responsibilities included court support and administration functions, the prosecution of ticketed offences under Part I of the POA (with the more serious charges under Part III continuing to be prosecuted provincially), as well as the collection and enforcement of most fines. Part II matters (also known as parking ticket) and the collections of those tickets are handled by the Parking Enforcement division of the City of Windsor under the administrative penalty system. The POA Transfer did not include criminal matters, which continue to be processed and prosecuted in a court system managed by the province.

The Windsor/Essex Provincial Offences Program ("POA Program") was created as a special-purpose vehicle to accept the transfer of POA responsibilities from the province. It functions as a self-funding, net revenue positive operating division of the City of Windsor ("City"), having been established for the express purpose of locally implementing the POA Transfer at the regional level.

Although rooted in legislation, the POA Program is essentially governed by a number of contracts, consisting of the following agreements:

- The Transfer Agreement between the City and the province of Ontario as represented by the Ministry of the Attorney General ("MAG"), consisting of 2 contracts, namely a generic Memorandum of Understanding ("MOU") and a Local Side Agreement ("LSA"). The Transfer Agreement sets forth the City's responsibilities and duties, inclusive of various guidelines and standards;
- The Intermunicipal Court Service Agreement ("ISA") entered into amongst the City and those other affected municipalities together constituting the Windsor/Essex Court Service Area ("Area"), which encompasses the geographic territory consisting of the City of Windsor, the County of Essex and Pelee Island. It serves to outline the roles and responsibilities of the POA Program and the 9 serviced municipalities.

The ISA provided for an initial term of six fiscal years, commencing on March 5, 2001 (the live transfer date) through December 31, 2006. The ISA has been renewed three times since the original agreement each time for a period of 5 years. The current agreement which was renewed in 2021 commenced January 1, 2022 and expires December 31, 2026.

In June of 2021 the POA Program's administrative staff moved to the City Hall Campus located specifically at the 400 City Hall Square building in suite 404B and 404C. This new permanent location for staff has been a welcome change and will allow us to serve the public more effectively by being housed in a building with other City, Provincial and Federal services.

The POA Program also has responsibility for various POA Court operations at the Leamington courthouse, where the POA Court presided the 1<sup>st</sup>, 3<sup>rd</sup> and 5<sup>th</sup> Thursday of every month prior to the pandemic. At the time of writing this report the Leamington courthouse operations has not commenced. The proceedings that would typically be held in Leamington are being held virtually in Windsor courts. Leamington POA courts are being held on the 1<sup>st</sup> and 3<sup>rd</sup> Thursdays of every month. If and when the Leamington courts open back up to in person proceedings, Windsor/Essex POA will review its operations and determine the best course of action moving forward with hosting POA matters at this location.

The POA Program provides services and facilities to various stakeholders within the administration of justice system. These stakeholders include law enforcement personnel whose mandates entail the initiation of proceedings against defendants alleged to have violated provincial legislation and municipal by-laws, the defendants themselves as well as their legal representatives, victims of such violations, various provincial authorities, as well as an independent and impartial judiciary. Operations of the POA Program fall into four functional categories. These four sections together constitute the operational aspects of the POA Program:

**Court Administration:** This area has general carriage of the POA Court office. Responsibilities include the intake, processing, filing and preservation of charging documents (i.e. tickets) and associated certificate control lists received from law enforcement agencies; the intake of mail and allocation and processing of payments and legal documentation; tracking of on-line remittances via *www.Paytickets.ca*, staffing of cashier stations to handle payments and queries; generation of POA Court dockets including fail-to-respond, trial, first appearance, and Early Resolution; setting of trials; procuring interpreter services; liaising with police court services personnel; intake and processing of motions, re-openings, appeals and applications for extensions of time to pay fines; maintaining updated data in the provincial mainframe application known as the Integrated Courts Offences Network ("ICON"); enforcement of delinquent fines via driver's license suspensions; processing of daily financial matters; procurement of equipment/supplies; and overall maintenance of the operations. Due to changes enacted by Bill 177, court administration, as clerks of the court, are able to review and approve extensions of time to pay and convict fail to respond matters as of November 1, 2021.

**Court Support:** This area is composed of POA Court monitors, being a combination of

court clerks/reporters whose responsibilities include ensuring that the POA Court dockets and associated charging documents are properly presented in court; paging defendants; assisting the Justices of the Peace in arraignments and endorsements; issuing statutory warnings to defendants; generating payment slips to defendants wishing to immediately satisfy imposed fines; maintaining updated ICON data; ensuring that the proceedings are properly recorded; typing transcripts for use in appeals and other proceedings; logging and preserving exhibits including disposal of same in accordance with judicial directions or retention requirements. Due to changes enacted by Bill 177, court clerk reporters, as clerks of the court, are able to convict 9.1.b convictions for fail to respond individuals in an early resolution setting.

Prosecution: The Municipal Prosecutors appear in POA Court to call the trial list and to conduct trials, to deal with motions, to set trial dates; they meet with defendants and their representatives in conjunction with the Early Resolution process with a view to resolving matters; they review law enforcement files to ensure that matters should be proceeded with and assist with disclosure to Defendants and their Representatives and they appear in the higher courts on both prosecution and defence appeals. All area municipalities except for Windsor continue to prosecute their own by-laws. In 2021 Part III matters under the POA remained the prosecutorial responsibility of the Crown Attorney's office &/or specialist Prosecutors provided by various ministries.

On December 14, 2017, Bill 177 – *Stronger, Fairer Ontario Act* - was passed by the Legislative Assembly of Ontario that enables the Attorney General to enter into agreements with municipalities to transfer responsibility for certain prosecutions currently prosecuted by the Ministry's Criminal Law Division under Part III of the POA. An exact date of the transfer to the municipal prosecutors has not been communicated and was previously expected sometime in 2020. However, due to continued negotiations between the Province and municipalities through the POA Part III Transitional Planning Working Group, as well as the need to address pandemic-induced priorities, any Part III transfer will be delayed. Based on the current wording of the legislation, a Part III transfer is permissible, but not mandatory, and municipalities have made it clear to the Ministry that taking on this transfer would need to be approved by their respective councils. If Part III offences are transferred to the municipalities the Crown Attorney's office will continue to monitor the more serious cases. Based on a preliminary review of the statistics regarding Part III matters it is expected that an additional prosecutor would need to be added to the permanent staff establishment. Further incentives would need to be provided in order to recommend the transfer to Council.

The prosecution of City of Windsor By-laws was transferred to the POA Municipal Prosecutors from the Legal Department in 2017. The Municipal Prosecutors are also prosecuting charges laid by any of the Fire Services in Essex County.

Fines Enforcement (Collections): One POA Fines Enforcement Supervisor along with one

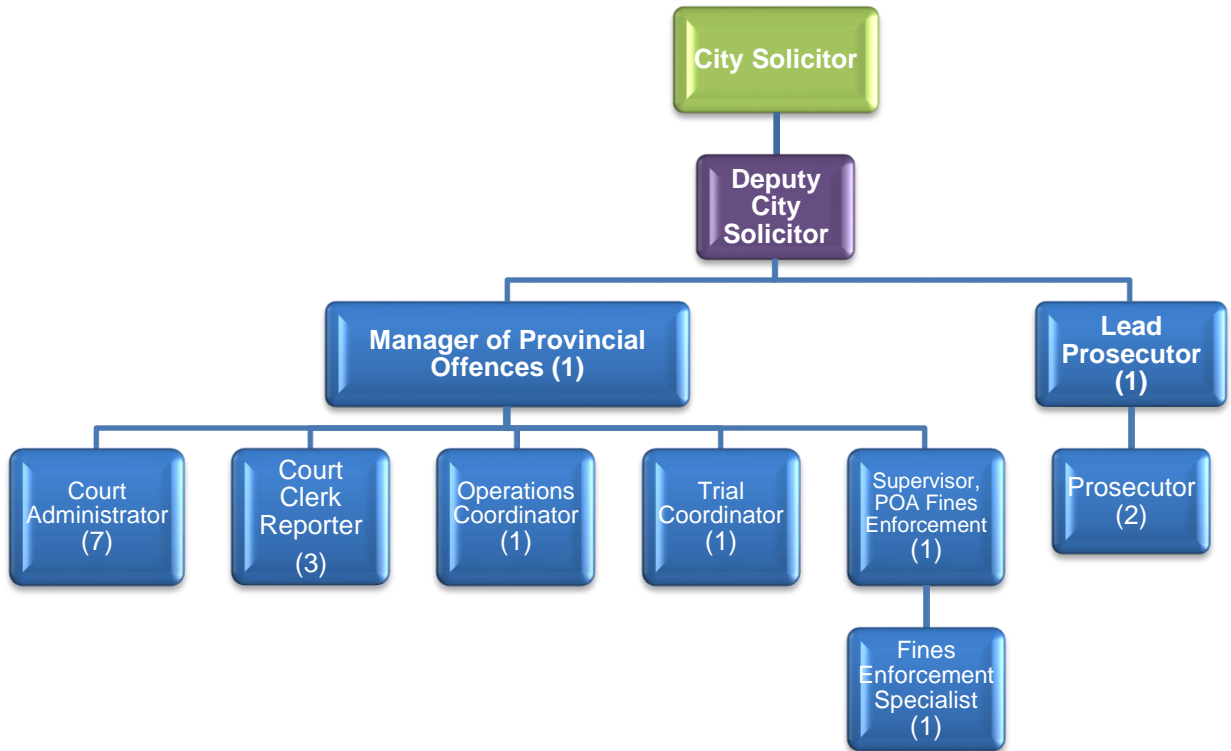
POA Fines Enforcement Specialist is responsible for ensuring that POA Court judgments, being orders imposing monetary penalties, are honoured by Defendants including seeing to it that certificates of default are prepared and filed in a timely fashion at the Superior Court of Justice; for sending out dunning letters; for locating and meeting with defendants having defaulted fines and making arrangements for collecting; for ensuring that writs of seizure and sale and garnishments are proceeded with in appropriate cases; for attending on judgment debtor examinations primarily at the Small Claims Court level; for filing proofs of claim with trustees in bankruptcy and estate trustees; and for liaising with collection agencies and credit bureaus with which the POA Program has relationships.

The Windsor POA facility also houses a satellite office of the Police Court Services Branch. Among other things, that office works closely with the Prosecutors to ensure that law enforcement files are available for use at trials, at Early Resolution meetings and on appeals. The Court Services office also advises Police Officers of trial dates, summons lay witnesses, arranges for personal service of court documents, provides disclosure to Defendants and their legal representatives, and procures necessary official documentation for use in court as evidence.

An organizational diagram of the POA Program is included and identified as CHART A-1, which was in effect for the subject reporting period.

CHART A-1

ORGANIZATIONAL CHART OF THE WINDSOR/ESSEX POA OFFICE



## SECTION B - LIAISON COMMITTEE

The ISA calls for the setting up of an administrative advisory panel, being the Windsor/Essex Court Service Area Liaison Committee (“Liaison Committee”), composed of one representative from each participating municipality. Among other things, the 10-person Liaison Committee:

- Serves as the liaison between the City and the 9 Serviced Municipalities on all matters relating to the operation of the POA Program
- Reviews all reports submitted by the City Solicitor and Deputy City Solicitor in conjunction with the Manager of Provincial Offences and makes recommendations to the operations of the POA Program
- Reviews and recommends for approval the annual budgets
- Generates an annual report for review by the respective councils of the participants

By virtue of the ISA, each party municipality provides a member of its administration as its Liaison Committee representative, with the Windsor representative currently being the City Solicitor. The latter is also the Chair.

For 2021, the final composition of the POA Liaison Committee was as follows:

MUNICIPALITY	MEMBER	POSITION
Amherstburg	Tracey Prince	Treasurer
Essex (County)	Sandra Zwiers	Director of Financial Services/Treasurer
Essex (Town)	Kate Giurissevich	Treasurer
Kingsville	Ryan McLeod	Director of Financial & IT Services
Lakeshore	Justin Rousseau	Director of Finance
LaSalle	Dale Langlois	Director of Finance/ Treasurer
Leamington	Laura Rauch	Director of Finance & Business Services
Pelee	Michelle Feltz	Treasurer/Tax Collector
Tecumseh	Tom Kitsos	Director of Financial Services & Treasurer
Windsor	Shelby Askin Hager (Chair)	City Solicitor
Windsor	Melissa Ryan	Manager of Provincial Offences

The Liaison Committee is mandated by the ISA to convene at least twice annually. In 2021, there were two meetings that were held on the following dates and locations:

<u>Date</u>	<u>Location</u>
March 31, 2021	Remote Meeting through Zoom
October 14, 2021	Remote Meeting through Zoom



## SECTION C – CASELOADS & STATISTICS

The POA Program’s caseload is dependent upon charges laid by professional law enforcement personnel and agencies. The workflow of the POA Program commences with the initiation by Police and other Officers of legal proceedings against alleged violators of provincial legislation and municipal by-laws. Legal proceedings are instituted by personal service upon the Defendant of either a Provincial Offence Notice (also known as a Part I ticket) or a more formal Summons to Defendant requiring attendance at court (also known as a Part III ticket). These charges are ultimately disposed of by an independent and impartial judiciary presiding in the form of the POA Court. Pursuant to Part X of the POA and the Transfer Agreement, the POA Program receives fine revenue from Part I and Part III charges, provided that the fine revenue is not “dedicated” to some special purpose. Further detailed distinctions are possible, as indicated below:

- Charges laid by traditional Police forces, being local police services including the OPP: all fine revenues belong to the POA Program virtually without exception unless the charges are laid under federal legislation or under certain municipal bylaws
- Charges laid by specialized Police forces, such as the OPP contingent securing Casino Windsor: for the most part all fine revenues belong to the POA Program, unless charges are laid under federal legislation (for example by the CNR or CPR police under the *Railway Safety Act* of Canada)
- Charges laid by specialized agencies and most Provincial Ministries, for example the Ministry of Labour under the *Occupational Health and Safety Act*: for the most part all fine revenues belong to the POA Program, unless there is statutory dedication
- Charges laid by Municipal Inspectors and Police Officers under bylaws (e.g. licensing, zoning, noise, prohibited turns, parking, etc.) and provincial statutes (e.g. *Building Code Act*): the fine revenues belong to the charging municipality, with the POA Program receiving no compensation for services rendered and facilities made available, other than relatively insignificant court costs/fees
- Charges laid under federal enactments, or by certain Provincial Ministries or bodies in situations where the fines are statutorily “dedicated” to special purposes: the POA Program receives no fine revenue or other compensation for services rendered and facilities made available, other than relatively insignificant court costs/fees.

In 2021, the POA Program took in a total of 20,701 charging documents, for a monthly average intake of approximately 1,725 tickets. TABLE C-1 which follows below depicts the absolute charging volume and the percentage of total volume over a three year period, by enforcement agency.

*NOTE: The numbers and/or percentages of charges do not necessarily translate into more or less fine revenue generation. The quality of the charges is important along with the final resolution of the fines.*



**Table C-1: 2020 ABSOLUTE CHARGING VOLUMES**

Agency	2021	% Chg. YTD '21 vs. '20	2020	% Chg. YTD '20 vs. '19
Windsor Police	10,686	-14.2%	12,454	-19.4%
Ministry of Transportation	1,315	-21.5%	1,676	-12.0%
Windsor Police-Amherstburg	519	-32.0%	763	-59.3%
Essex OPP	3,451	61.0%	2,143	-17.4%
Tecumseh OPP	266	-68.9%	855	-16.7%
Leamington OPP	787	-47.4%	1,495	19.5%
Lakeshore OPP	527	-42.2%	912	-31.1%
Essex Town OPP	166	-57.4%	390	-44.0%
Kingsville OPP	330	-66.4%	983	-17.1%
LaSalle Police	665	-54.6%	1,465	21.3%
Essex Detachment Heat Unit	8	-89.7%	78	-58.1%
Canadian Pacific Rail Police	614	354.8%	135	26.2%
Ministry of Natural Resources	202	-31.8%	296	96.0%
Windsor Fire Department	18	-50.0%	36	-42.9%
Casino OPP	6	0.0%	6	-76.9%
Windsor Essex County Health Unit	199	145.7%	81	17.4%
Windsor Bylaw	129	34.4%	96	-47.8%
Ministry of Finance	7	133.3%	3	N/A
Ministry of Labour	91	911.1%	9	-94.2%
Ministry of Environment	73	1360.0%	5	-90.7%
Lakeshore Fire	3	50.0%	2	-50.0%
Humane Society – Windsor	0	-100.0%	3	-76.9%
Amherstburg Bylaw	18	-14.3%	21	16.7%
Amherstburg Fire Department	4	300.0%	1	#DIV/0!
Lakeshore Bylaw	4	100.0%	2	-75.0%
Canadian Heritage Parks	27	0.0%	27	170.0%
OPP-Traffic Mgt/Ride London	28	7.7%	26	#DIV/0!
Kingsville Bylaw	7	N/A	0	N/A
Ontario Motor Vehicle Industry Council	47	-20.3%	59	293.3%
Kingsville Fire	1	N/A	0	N/A
Leamington Bylaw	70	366.7%	15	200.0%
London-Heat Unit	4	N/A		
Alcohol & Gaming Commission	9	N/A		
Tecumseh Bylaw	12	1100.0%	1	N/A
Public Health Agency of Canada	406	100.0%		
Ministry of Agriculture & Food	2	-66.7%	6	200.0%
<b>TOTALS</b>	<b>20,701</b>	<b>-14.0%</b>	<b>24,065</b>	<b>#DIV/0!</b>
<b>Average Mthly Charging Volumes</b>	<b>1,725</b>		<b>2,005</b>	

## EXTERNAL BENCHMARKING OF CASELOADS

Windsor experienced a substantial decrease in charges filed in 2021 even compared to the first pandemic year of 2020. Windsor ended the year with 20,518 charges which is a -16.3% decrease in charges compared to 2020. The provincial total was 15.7% more than 2020. TABLE C-2 below provides details on the charging volumes of various municipalities as well as Windsor and the total provincial charges filed. It is speculated that Red Light Camera (RLC) offences and Automated Speed Enforcement (ASE) charges significantly impacted the large increase in the Provincial average for 2021.

**Table C2: 2021 CHARGING VOLUME COMPARATOR**

Agency	2021 YTD	% Change '21 vs. '20	2020 YTD	% Change '20 vs. '19	2019 YTD	% Change '19 vs. '18
Windsor	20,518	-16.3%	23,867	-22.9%	29,336	16.3%
Barrie	46,669	1.1%	46,134	-28.7%	59,354	10.5%
Durham	79,640	12.5%	69,672	28.6%	49,743	-7.9%
Hamilton	88,514	0.5%	88,057	3.3%	85,158	5.1%
London	24,443	-3.2%	25,231	-32.0%	33,296	-11.2%
Niagara	26,393	-3.5%	27,308	-28.2%	35,000	12.5%
Ottawa	158,478	21.6%	124,323	18.5%	101,361	2.6%
Thunderbay	13,495	2.7%	13,135	-23.8%	16,267	-4.8%
Toronto	580,460	31.7%	396,544	17.5%	327,084	-4.5%
Waterloo	43,289	-3.4%	44,746	-2.6%	45,897	-11.9%
York	106,346	5.8%	100,126	-38.7%	138,858	-7.5%
Brampton	77,315	38.9%	47,221	-38.8%	65,525	-8.5%
Brantford	8,749	2.7%	8,512	-13.9%	9,693	-15.2%
Caledon	32,954	19.0%	26,692	-21.6%	32,465	-3.0%
Chatham	9,523	-51.5%	14,429	-27.8%	18,445	57.4%
Guelph	13,513	-4.8%	14,155	-37.9%	19,526	-0.4%
Lambton	9,221	0.2%	9,206	-15.4%	10,624	-7.5%
Provincial	1,650,915	15.7%	1,391,357	-9.7%	1,478,986	-3.3%

### Operational Statistics

In addition to having accepted and dealt with the filings of over 20,000 charges over the course of the year and despite virtual courts providing some significant obstacles that slow down court proceedings (technical difficulties, repetitive information provided to each participant) the POA Program processed approximately:

- 6,572 Early Resolution meetings (Part I)

- 46,883 Matters heard in court (Parts I & III)

## Section D- Defaulted Fines Enforcement

Under the Transfer Agreement with MAG, the responsibilities of the City include the collection and enforcement of POA fines for and on behalf of the area. The POA Fines Enforcement area currently has 2 full-time employees.

POA was impacted greatly by Ministry ordered court closures and suspension of POA timelines due to the Covid-19 pandemic. The substantial impact to revenue is attributed to the order not allowing conviction of fines or suspension of driver's licenses, and therefore no action was required by any new defendants to pay their fines. This suspension of timelines lasted from March of 2020 until February 26, 2021. The months of backlog was difficult to get through, however, by the end of 2021 the POA team was able to get caught up to a point where we were only 1 month behind in suspending licenses. There was a significant decline in revenue collected in the year due to the impact of the suspended POA timelines for an extended period of time.

Ongoing efforts to enforce these defaulted fines continue to be aggressive and at the same time very challenging. Enforcement constitutes a highly labour-intensive activity which consumes a lot of resources and time. There are a variety of enforcement tools that are readily available and frequently used by the collection staff in order to encourage payment and/or to legally enforce payment of defaulted fines. Some of these include:

- Selectively adding defaulted fines to the tax roll of sole property owners for collection pursuant to section 441.1 of the Municipal Act.
- Registering Certificates of Default with the civil court having monetary jurisdiction, thereby constituting deemed orders or judgments for enforcement purposes.
- Filing and maintaining wage garnishment proceedings where the employer has been identified and the offender's employment status has been verified.
- Use of Collection Agencies. In addition to skip tracing and making the usual contacts with debtors, our collection agencies have reported numerous defaulters to the major credit bureaus, thereby impairing the creditworthiness of the offenders.
- Filing and maintaining Writs of Seizure and Sale with sheriff's offices, thereby erecting judicial liens against present and future proprietary interests.
- Driver's License suspensions and plate denials under various statutes and regulations.
- Intercepting indemnity deposits with permit-issuing City departments, by redirecting the indemnity refunds to POA where the indemnitors have defaulted fines
- Exercise of prosecutorial discretion to encourage defendants presenting

themselves with fresh charges, to finally honour monetary sentences previously imposed by the POA Court.

Although not frequently used due to operational challenges and privacy legislation, there are other enforcement tools that can be applied to ensure collection efforts are maximized:

- Examinations-in-Aid of Execution, whereby judgment debtors may be examined in depth as to their abilities and means to make good their monetary obligations including being compelled to fully disclose their assets, liabilities, sources of income, bank accounts, RRSP's etc.
- Contempt Hearings where debtors have refused or neglected to attend on examinations-in-aid.
- Garnishment proceedings whereby bank accounts, rentals from tenants, RRSP's etc. are attached as information and used for enforcement.
- Monitoring of death notices in the hopes of collecting from estates.
- Encouraging revocation of CVOR certificates in liaison with the Ministry of Transportation, respecting businesses making use of commercial motor vehicles whose operations perennially default on fines.

## ACTIVE COLLECTION EFFORTS

We recognize the fact that the POA department has little to no control over charging volumes therefore considerable efforts and resources are redirected towards implementing an active and aggressive collection model and procedures. These include an increased focus on adding fines to municipal taxes, garnishment of wages and the use of three collection agencies. While old fines were not significantly affected by the suspension of POA timelines, any new fines were precluded from being collected on until after February 26, 2021. At that time efforts were made to get through the backlog of outstanding fines, suspend the licenses of those defendants when warranted, and continue robust collection efforts on these new fines. The results of these efforts are summarized in the following sub-sections below.

### Municipal Tax Rolling

Under Section 441.1 of the *Municipal Act, 2001*, a local municipality is permitted to add any part of a fine for a commission of a provincial offence that is in default under section 69 of the Provincial Offences Act to the tax roll for any property in the local municipality for which all of the owners are responsible for paying the fine. Accordingly, a Defaulted Fine can only be added if the offender in default is the sole owner of the property. The

Defaulted Fine is collected in the same manner as municipal taxes at the request of a municipality.

The tax roll process continued to be a supplementary collection tool to utilize in 2021. An additional 16 accounts were added in 2021 and we collected \$18,174 through this method of collection in 2021.

### Garnishment of Wages

The process of finding where an offender is employed is one of the most challenging tasks due to the limited amount of information that is available to our staff. In many cases the offenders are either unemployed, working for cash, or on some form of assistance which cannot be garnished. However, when employment is confirmed and the garnishment documents are in place, it becomes one of the most effective enforcement tools. In 2021 we also collected \$33,289 in revenue from garnishments. The Fines and Enforcement staff will continue to focus on further enhancing garnishments efforts in 2022 to bring garnishment revenue back to pre-pandemic levels.

### 3<sup>rd</sup> Party Collections

On July 1, 2021 changes to our 3<sup>rd</sup> party collection vendors was made as a result of an RFP issued in late 2020. Three collection agencies, General Credit Services, International Credit Experts and Gatestone, were procured. Table D-1 summarizes the year over year results of third party vendor collection of POA fines.

<b>Description</b>	<b>As of December 31, 2021</b>	<b>As of December 31, 2020</b>	<b>Increase/ (Decrease)</b>
<b>Revenues Collected from Third Party Agencies</b>	\$547,914	\$539,990	\$7,924

There was an increase of \$7,924 in collected revenue from Third Party Agencies in 2021 compared to 2020. With the new 3<sup>rd</sup> party collections vendors procured in July we expect an increase in third party collections in 2022 as the old cases were redistributed to new agencies in 2021. Revenue from 3<sup>rd</sup> party collections represents approximately 11% of overall revenue collected in the year.

### Fines Paid at Service Ontario

In May of 2017, a plate renewal program was implemented by the Ministry of Transportation (MTO) whereby all outstanding defaulted driver fines have to be paid in full before one can renew their plates. In 2021, 1,320 fines were collected at MTO through this

program. From these payments, revenue of \$389,183 was received. Collection at Service Ontario significantly increased in the latter part of 2021 once the suspension of POA timelines was released and suspension of license lists were processed. This continues to be a positive and efficient method of collecting defaulted fines that may have not have been collected otherwise.

In February of 2022, the provincial government made a decision to eliminate the costs associated with renewing license plates. Plates will still need to be renewed every one or two years — to ensure car insurance and any outstanding tolls or municipal fines are paid — but it will be free to do so with no sticker required. The full impact of this decision cannot be quantified at this time but it is assumed that it will cause a decrease on the number of offences issued for expired plates and will cause a delay in the requirement for people to pay their fines.

### Outstanding Fines Paid

Regardless of how effective the active collection efforts are, there remains a significant number of outstanding fines. As of December 31, 2021, there were approximately 71,801 records of unpaid fines for a total outstanding amount of \$43,612,303. (See Table D-2 for further details). The significant number of outstanding fines is not just a Windsor specific issue, it is experienced province wide.

<b>Table D-2: Number of Unpaid Fines</b>				
<b>Description</b>	<b>2021</b>		<b>2020</b>	
	<b>#</b>	<b>% Change</b>	<b>#</b>	<b>% Change</b>
<b>Pre-Transfer</b>	28,689	-1.9%	29,257	-1.3%
<b>Post- Transfer</b>	43,112	1.7%	42,410	1.5%
<b>Total</b>	<b>71,801</b>	<b>-0.3%</b>	<b>71,667</b>	<b>0.2%</b>

<b>Table D-3: Dollar Value of Unpaid Fines</b>				
<b>Description</b>	<b>2021</b>		<b>2020</b>	
	<b>#</b>	<b>% Change</b>	<b>#</b>	<b>% Change</b>
<b>Pre-Transfer</b>	\$5,154,148	-4.9%	\$5,419,160	-1.5%
<b>Post- Transfer</b>	\$38,458,155	-5.6%	\$40,748,833	1.9%
<b>Total</b>	<b>\$43,612,303</b>	<b>-10.5%</b>	<b>\$46,167,993</b>	<b>0.4%</b>

Many of these older fines (i.e. pre-transfer) have been ‘scrubbed’ multiple times and all reasonable and appropriate measures to collect have been made. Therefore, it is prudent that a write-off policy be developed in order to address these efforts. POA administration will be looking to adopt a write off policy in 2022, which will be vetted through the Liaison Committee first and subsequently submitted to Windsor City Council for final approval. It’s important to note that a write-off policy refers to the cessation of active fine collections and is done for accounting purposes only. It does not absolve a convicted offender from the requirement to pay a fine, as debts to the Crown are owed in perpetuity and are never



forgiven.

## Section E: Financial Results

The negotiated financial arrangement underpinning the POA Program is in essence a partnership, under which the participating municipalities annually share approximately \$1.2 million of net revenue or “profit”. The City as the managing partner, front-ends the operation and collects and enforces the monetary fines imposed by the POA Court. From the total revenue derived, all operating costs pertaining to the POA Program are deducted. These costs include such things as staff salaries, Windsor Police court security, facility rent and maintenance, office equipment and supplies, Victim Fine Surcharge remittances, and the adjudication expenses associated with running courtroom proceedings. The net revenue is then shared amongst the signatories to the ISA in proportion to their respective weighted assessments (See SECTION F for more details). In 2021 the net profit was allocated as follows:

County Contribution	50.290%
Pelee Contribution	0.268%
<u>City of Windsor Contribution</u>	<u>49.442%</u>
TOTAL	100.00%

In an extremely challenging economic environment and recognizing that fine imposition amounts have not been indexed for inflation, the POA Program still enjoys a successful self-funding model, delivering a net positive revenue budget which benefits all of our local taxpayers. Each benefiting municipality is free to allocate its respective portion to such municipal purposes as deemed appropriate by the elected council thereof.

TABLE E-1 provides a high level five year financial summary which can be used for internal benchmarking and comparative purposes.

**TABLE E-1: ANNUAL FINANCIAL RESULTS - 5 YEAR SUMMARY**

Description	2021 Actuals (\$)	2020 Actuals (\$)	2019 Actuals (\$)	2018 Actuals (\$)	2017 Actuals (\$)
<b>Revenue:</b>					
Court Fines	\$ 4,757,901.00	\$ 4,001,907.00	\$ 6,349,877	\$5,512,531	\$5,490,364
User Fees	\$ -	\$ -	-	159	-
By-Law Fines	\$ 21,728.00	\$ 22,401.00	53,198	43,890	42,192
<b>TOTAL REVENUE</b>	<b>\$ 4,779,629</b>	<b>\$ 4,024,308</b>	<b>\$ 6,403,075</b>	<b>\$5,556,580</b>	<b>\$5,532,556</b>
<b>% Inc./(Dec.) YOY</b>	<b>19%</b>	<b>-37%</b>	<b>15%</b>	<b>0.43%</b>	<b>-12.38%</b>
<b>Expenditures:</b>					
Salaries & Wages	1,824,393	1,845,637	1,850,825	1,811,772	1,710,070
Administrative Overhead	318,446	277,888	354,341	354,957	374,992
Materials & Services	347,615	347,280	378,267	365,545	356,411
Provincial Charges	1,378,242	981,033	1,589,165	1,444,503	1,446,084
Facility Rental	316,000	328,315	308,389	328,495	332,889
<b>TOTAL EXPENDITURES</b>	<b>\$ 4,184,696</b>	<b>\$ 3,780,153</b>	<b>\$ 4,480,987</b>	<b>\$4,305,272</b>	<b>\$4,220,446</b>
<b>NET SURPLUS</b>	<b>\$ 594,933</b>	<b>\$ 244,155</b>	<b>\$ 1,922,088</b>	<b>\$1,251,308</b>	<b>\$1,312,110</b>
<b>% Inc./(Dec.) YOY</b>	<b>144%</b>	<b>-87%</b>	<b>54%</b>	<b>-4.63%</b>	<b>-34.20%</b>

TABLE E-2 depicts the POA Program's operating results for 2021, specifically detailing out every operating expense and revenue account. The Provincial Offences program ended the year with a net operating profit of \$594,933.

**Table E-2: 2021 Provincial Offences Financial Summary - As of December 31, 2021**

Acct. #	Account Description	Product #	Account Description	2021	2021	Surplus/ (Deficit)
				Budget	Actuals	(A-B)
				A	B	C (A-B)
<b>REVENUES</b>						
6485	Bylaw Fines - Courts	5117	Provincial Fines	\$5,924,000	\$ 4,755,991	\$ 1,168,009
6485	Bylaw Fines - Courts	5115	Red Light Camera (RLC)	\$ 900,000	\$ -	
6485	Bylaw Fines - Courts	5118	Bylaw Fines	58,093	21,728	\$ 36,365
6485	Bylaw Fines - Courts	5613	Transcript Revenue	15,000	1,910	\$ 13,090
<b>TOTAL REVENUES</b>				<b>\$6,897,093</b>	<b>\$ 4,779,629</b>	<b>\$ 2,117,464</b>
<b>EXPENSES</b>						
<b>Salary &amp; Benefits</b>						
8110	Base - Salary	5115	STD - Provincial Offences	\$1,426,940	\$ 1,303,895	\$ 123,045
8130	Overtime - Salary	5115	STD - Provincial Offences	1,000	(1,309)	\$ 2,309
8140		5115	STD - Provincial Offences	-	-	\$ -
8150	Temp - Part-Time - Salary	5115	STD - Provincial Offences	25,549	77,236	\$ (51,687)
8170	Service Pay	5115	STD - Provincial Offences	-	-	\$ -
8190	Other Pay	5115	STD - Provincial Offences	-	1,656	\$ (1,656)
8380	Workers Comp. - Admin.	5115	STD - Provincial Offences	-	-	\$ -
8381	Workers Comp. - Medical	5115	STD - Provincial Offences	-	-	\$ -
8382	Workers Comp. - Salary	5115	STD - Provincial Offences	-	(109)	\$ 109
8383	Workers Comp. - Pension	5115	STD - Provincial Offences	-	748	\$ (748)
8384	Workers Comp - Ergonomic	5115	STD - Provincial Offences	-	-	\$ -
8399	Fringe Benefits (Dept.)	5115	STD - Provincial Offences	474,980	442,276	\$ 32,704
<b>Total Salary &amp; Benefits</b>				<b>\$1,928,469</b>	<b>\$ 1,824,393</b>	<b>\$ 104,076.00</b>
<b>Materials &amp; Services</b>						
2145	Housekeeping Supplies	5115	STD - Provincial Offences	\$ 3,420	\$ -	\$ 3,420
3176	Facility Operations - Internal	5355	Caretaking	62,124	62,000	\$ 124
2215	Bldg. Maintenance Services	5115	STD - Provincial Offences	2,500	431	\$ 2,069
2920	Legal Services	5115	STD - Provincial Offences	3,000	2,888	\$ 112
2950	Other Professional - External	5115	STD - Provincial Offences	15,420	17,265	\$ (1,845)
2950	Other Professional - External	5341	Security Services -	259,960	259,960	\$ -
2950	Other Professional - External	5342	Security Services -	8,200	-	\$ 8,200
2951	Other Professional - Internal	5115	Maintenance- Internal	-	-	\$ -
2980	Contracted Services	5115	STD - Provincial Offences	540,000	1,034	\$ 538,966
2995	Other Purchased Services	5054	Language Line	4,000	4,037	\$ (37)
<b>Total Materials &amp; Services</b>				<b>\$ 898,624</b>	<b>\$ 347,615</b>	<b>\$ 551,009</b>

**Table E-2: Continued**

<b>Administrative Overhead</b>						
2010	Office Supplies	5115	STD - Provincial Offences	\$ 16,500	\$ 11,189	\$ 5,311
2020	Postage & Courier	5115	STD - Provincial Offences	28,560	36,044	\$ (7,484)
2070	Outside Printing	5115	STD - Provincial Offences	12,000	14,026	\$ (2,026)
2085	Publications	5115	STD - Provincial Offences	18,500	11,372	\$ 7,128
2610	Travel Expense	5115	STD - Provincial Offences	3,000	-	\$ 3,000
2620	Car Allowance	5115	STD - Provincial Offences	2,500	786	\$ 1,714
2710	Telephone Equipment - Gener	5115	STD - Provincial Offences	7,160	315	\$ 6,845
2711	Cell Phones	5115	STD - Provincial Offences	950	1,009	\$ (59)
3120	Rental Expense - External	5115	STD - Provincial Offences	4,000	1,332	\$ 2,668
3175	Facility Rental - External	5115	STD - Provincial Offences	328,315	316,000	\$ 12,315
3210	Building Insurance	5115	STD - Provincial Offences	1,968	1,968	\$ -
3230	Liability Insurance	5115	STD - Provincial Offences	1,012	1,012	\$ -
4020	Membership Fees & Dues	5115	STD - Provincial Offences	8,900	7,264	\$ 1,636
4050	Training Courses	5115	STD - Provincial Offences	4,174	-	\$ 4,174
4155	Registrations & Conferences	5115	STD - Provincial Offences	2,500	22	\$ 2,478
4540	Bank Charges	5115	STD - Provincial Offences	59,500	74,244	\$ (14,744)
4560	Collection Charges	5115	STD - Provincial Offences	185,900	77,641	\$ 108,259
5125	Computers - PCs	5115	STD - Provincial Offences	8,715	2,394	\$ 6,321
2925	Computer Maintenance	5115	STD - Provincial Offences	18,360	19,780	\$ (1,420)
2927	Computer & SW Maint-Extern	5115	STD - Provincial Offences	7,100	15,079	\$ (7,979)
3180	Computer Rental - Internal	5115	STD - Provincial Offences	13,400	15,200	\$ (1,800)
5130	Office Furniture & Equipment	5115	STD - Provincial Offences	12,000	27,769	\$ (15,769)
<b>Total Administrative Overhead</b>				<b>\$ 745,014</b>	<b>\$ 634,446</b>	<b>\$ 110,568</b>
<b>Provincial Charges</b>						
2950	Other Professional - External	5509	ICON Fees	\$ 56,555	\$ 40,365	\$ 16,190
2950	Other Professional - External	5507	Adjudication Services	390,000	414,459	\$ (24,459)
2950	Other Professional - External	5510	Prosecution Fees	49,050	57,783	\$ (8,733)
2950	Other Professional - External	5511	Quality Assurance	45,748	44,594	\$ 1,154
2950	Other Professional - External	5116	Victim Fines	1,010,500	739,034	\$ 271,466
2950	Other Professional - External	5508	Dedicated Fines	65,000	82,007	\$ (17,007)
<b>Total Provincial Charges</b>				<b>\$1,616,853</b>	<b>\$ 1,378,242</b>	<b>\$ 238,611</b>
<b>TOTAL EXPENSES (BEFORE COST SHARING)</b>				<b>\$5,188,960</b>	<b>\$ 4,184,696</b>	<b>\$ 1,004,264</b>
<b>Total Net Operating Revenue</b>				<b>\$1,708,133</b>	<b>\$ 594,933</b>	<b>\$ 1,113,200</b>
<b>RECONCILIATION</b>						
<b>Cost Sharing Payments</b>						
4295	County Contribution (50.291%)	5115	STD - Provincial Offences	\$ 670,764	\$ 299,196	\$ 371,568
4295	Pelee Contribution (0.268%)	5115	STD - Provincial Offences	3,663	1,593	2,070
<b>Total Cost Sharing Payments</b>				<b>\$ 674,427</b>	<b>\$ 300,789</b>	<b>\$ 373,638</b>
Balance to City of Windsor (49.442%)				\$ 692,309	\$ 294,144	\$ 398,165
<b>Total Net Operating Revenue</b>				<b>\$1,366,736</b>	<b>\$ 594,933</b>	<b>\$ 771,803</b>

Note: 2021 Budget was based on 2020 WA rates as that was the only available information at the time of budget preparation.

Since the local POA Transfer date of March 5, 2001 through to the end of 2021, this Area’s POA Program has realized total combined net revenue of approximately \$47,802,000. The calculation is broken down by year by municipal partner in TABLE E-3 below:

**TABLE E-3: CUMULATIVE ANNUAL NET REVENUE DISTRIBUTIONS-\$000's**

<b>Year</b>	<b>Amher.</b>	<b>Essex</b>	<b>Kings.</b>	<b>Lake.</b>	<b>LaSalle</b>	<b>Leam.</b>	<b>Tec.</b>	<b>Pelee</b>	<b>Wind.</b>	<b>Total</b>
1999	164.7	135.9	141.8	263.4	195.2	184.8	267.5	7.4	2,115.6	3,476.3
2000	182.8	150.8	157.4	292.3	216.7	205.1	296.9	8.2	2,348.0	3,858.2
2001	155.3	128.9	134.3	241.6	182.5	172.1	242.3	7.5	1,898.8	3,163.3
2002	124.8	103.5	108.9	199.0	152.4	138.3	194.0	6.0	1,523.8	2,550.7
2003	120.6	100.3	107.4	199.2	147.3	135.1	180.5	6.3	1,447.4	2,444.1
2004	96.0	79.8	86.0	168.1	123.9	106.8	148.3	5.3	1,134.3	1,948.5
2005	124.3	103.0	112.7	226.4	162.0	139.4	190.0	7.0	1,467.5	2,532.2
2006	114.0	94.5	105.2	214.8	151.5	127.4	172.1	7.1	1,342.0	2,328.6
2007	99.3	82.9	92.8	189.8	133.6	111.8	149.4	6.2	1,159.2	2,025.1
2008	95.9	80.3	90.5	187.8	130.2	109.2	143.6	6.0	1,112.0	1,955.6
2009	98.8	81.7	94.4	193.0	129.3	113.2	144.6	6.0	1,047.7	1,908.8
2010	124.7	102.3	119.3	243.7	161.2	141.8	178.7	7.6	1,286.9	2,366.1
2011	135.4	110.4	130.9	267.3	174.5	152.7	191.5	8.3	1,369.9	2,540.7
2012	111.8	90.2	108.6	221.5	143.4	126.4	154.6	6.9	1,117.2	2,080.5
2013	104.2	84.3	101.9	134.4	203.3	115.9	138.2	5.7	997.9	1,885.9
2014	85.4	70.0	84.7	169.1	111.6	94.8	112.4	4.4	807.7	1,540.1
2015	105.5	85.7	105.8	210.4	138.9	113.4	138.0	5.6	975.4	1,878.7
2016	112.4	91.3	114.5	226.0	150.1	120.4	145.7	5.9	1,027.8	1,994.0
2017	73.2	59.3	74.7	151.8	103.2	77.4	97.6	3.8	671.2	1,312.1
2018	69.3	56.1	72.0	101.3	147.6	73.8	93.9	3.5	633.6	1,251.1
2019	106.4	85.9	110.5	159.9	229.9	114.3	143.9	5.2	966.0	1,922.0
2020	13.5	10.8	14.2	20.7	29.7	14.9	18.2	0.6	121.5	244.1
2021	33.1	26.4	35.0	51.1	72.9	36.7	44.0	1.6	294.1	594.9
<b>Total</b>	<b>2,452</b>	<b>2,014</b>	<b>2,303</b>	<b>4,332</b>	<b>3,391</b>	<b>2,726</b>	<b>3,586</b>	<b>132</b>	<b>26,866</b>	<b>47,802</b>

There are a number of factors that must always be taken into consideration when reviewing the financial results for any fiscal year, as well as when projecting potential results for subsequent reporting periods:

- As ticketing and the laying of charges decline so do current fine revenues. This has been a consistent trend not just in Windsor but also in the province over the past five years. Although the POA Program has other sources of revenue (notably aggressive enforcement efforts targeting old or defaulted fines) the bulk of receipts is highly dependent upon the number, type and quality of new charges laid, as well as the attendance of trained officers at trials in disputed cases.
- Another significant and uncontrollable external revenue factor is the number of fines imposed by an independent and impartial judiciary in the exercise of their discretionary sentencing functions, in the event of the entering of convictions.

- The POA Program is highly vulnerable to certain uncontrollable external expenses, notably the provincial charges for Victim Fines Surcharges, adjudication and those for Part III prosecutions, both of which are mandated by the Transfer Agreement.

## SECTION F - REVENUE DISTRIBUTION DETAILS

In accordance with the approved weighted assessment formula for 2021, distributions of net operating results over the course of the subject reporting year were effected as indicated in the detailed tabulation set forth in TABLE F-1 below:

**TABLE F-1: Net Revenue Distribution Summary**

	Weighted Assessment (\$)	(%)	% of County	2021 Budget	Q1 Jan-March	Q2 April - June	Q3 July- Oct	Q4 Nov - Dec	2021 Total	Surplus/ (Deficit)
Net County & Pelee Revenue				\$ 854,427.00	\$ 97,576.27	\$ 40,424.41	\$ 204,278.43	\$ (41,490.18)	\$ 300,788.93	\$ (553,638.07)
Net City of Windsor Revenue				\$ 853,706.00	\$ 95,420.62	\$ 39,531.35	\$ 199,765.53	\$ (40,573.58)	\$ 294,143.92	\$ (559,562.08)
<b>TOTAL</b>				<b>\$ 1,708,133.00</b>	<b>\$ 192,996.89</b>	<b>\$ 79,955.76</b>	<b>\$ 404,043.96</b>	<b>\$ (82,063.75)</b>	<b>\$ 594,932.85</b>	<b>\$ (1,113,200.15)</b>
<u>Allocation/Payment Summary</u>										
Amherstburg	2,540,618,346		11.20%	\$ 93,997.78	\$ 10,734.62	\$ 4,447.20	\$ 22,473.21	\$ (4,564.44)	\$ 33,090.59	\$ (60,907.19)
Essex	2,026,952,642		9.03%	74,993.18	8,564.28	3,548.06	17,929.55	(3,641.60)	26,400.29	(48,592.89)
Kingsville	2,690,022,145		11.62%	99,525.42	11,365.88	4,708.72	23,794.77	(4,832.86)	35,036.51	(64,488.90)
LaSalle	3,924,872,746		16.82%	145,212.41	16,583.38	6,870.25	34,717.73	(7,051.38)	51,119.97	(94,092.44)
Lakeshore	5,594,791,852		24.18%	206,996.06	23,639.12	9,793.34	49,489.11	(10,051.54)	72,870.03	(134,126.03)
Leamington	2,818,032,383		12.02%	104,261.54	11,906.75	4,932.79	24,927.10	(5,062.84)	36,703.80	(67,557.74)
Tecumseh	3,376,248,990		15.13%	124,914.43	14,265.33	5,909.92	29,864.84	(6,065.73)	43,974.36	(80,940.08)
Total County	22,971,539,104	50.291%	100.00%	\$ 849,900.82	\$ 97,059.38	\$ 40,210.26	\$ 203,196.30	\$ (41,270.39)	\$ 299,195.55	\$ (550,705.27)
Pelee	122,335,815	0.268%		\$ 4,526.18	\$ 516.89	\$ 214.14	\$ 1,082.13	\$ (219.79)	\$ 1,593.38	\$ (2,932.80)
Windsor	22,583,686,651	49.442%		\$ 853,706.00	\$ 95,420.62	\$ 39,531.35	\$ 199,765.53	\$ (40,573.58)	\$ 294,143.92	\$ (559,562.08)
<b>TOTAL</b>	<b>45,677,561,570</b>	<b>100.0%</b>		<b>\$ 1,708,133.00</b>	<b>\$ 192,996.89</b>	<b>\$ 79,955.76</b>	<b>\$ 404,043.96</b>	<b>\$ (82,063.75)</b>	<b>\$ 594,932.85</b>	<b>\$ (1,113,200.15)</b>
Total County & Pelee	23,093,874,919	50.6%								
County	99.47%									
Pelee	0.53%									

**Notes:**

2021 Budget was based on 2020 WA rates as that was the only available information at the time of budget preparation.

Details of the quarterly payments are itemized below:

Quarter	Cheque Issuance Date	\$ Amount - County	\$ Amount - Pelee
Q1	May 2021	\$91,632.95	\$492.17
Q2	N/A	\$0.00	\$0.00
Q3	N/A	\$0.00	\$0.00
Q4	February 2022	\$207,562.60	\$1,101.21
TOTAL		\$299,195.55	\$1,593.38

Due to the volatile pandemic environment and the uncertainty of revenue generation, the second and third quarter payments were put on hold. Upon final reconciliation of the program in February of 2022 the final revenue was distributed to county partners.

## APPENDIX A – GLOSSARY OF TERMS

Area ~ Windsor/Essex Court Service Area, which encompasses the geographic territory of the City of Windsor, Essex County and Pelee Island

ARO ~ ARO, Inc., one of the registered Canadian collection agencies who have been retained in 2016 to assist the POA Program in the collection of defaulted fines owed by Canadian residents

Bill 108 ~ amending legislation to the *Provincial Offences Act* which in 1998 added Part X thereto, enabling the transfer of administration of justice functions to the municipal sector

Bill 197 ~ amending legislation to the *Provincial Offences Act* which in 2020 added additional expansion of remote court functions.

City ~ The Corporation of the City of Windsor, a single tier municipality continued as such under the *Municipal Act, 2001*

Council ~ the elected City of Windsor Municipal Council

CAMS ~ A Collection Agency Management System installed in 2014 used to track, record and document newly issued as well as defaulted fines.

CBV ~ CBV Collections Services, LTD, one of the registered Canadian collection agencies who have been retained in 2016 to assist the POA Program in the collection of defaulted fines owed by Canadian residents

Early Resolution ~ used to be known as First Attendance early resolution, slated for implementation in 2012. While taking a more formalistic approach, provision is made for convictions of those defendants who fail to appear for their meetings with the prosecutor

Gatestone ~ Gatestone & Co International Inc., one of the registered collection agencies who have been retained in 2016 to assist the POA Program in the collection of defaulted fines owed by Canadian residents

ICON ~ Integrated Courts Offences Network, being the provincial mainframe application used and relied upon by administration of justice staff in relation to all aspects of POA matters

ISA ~ the Intermunicipal Court Service Agreement underpinning the local POA Court operations for Windsor/Essex, entered into amongst the City and the other 9 municipalities together constituting the Area

Liaison Committee ~ the Windsor/Essex Court Service Area Liaison Committee erected pursuant to the ISA, being an advisory administrative body

LSA ~ Local Side Agreement, being one of the 2 contracts together constituting the Transfer Agreement

MAG ~ the Ministry of the Attorney General for the Province of Ontario

MOU ~ Memorandum of Understanding, being one of the 2 contracts comprising the Transfer Agreement

MBNCanada (previously OMBI) ~ The Municipal Benchmarking Network Canada (MBNCanada) is a groundbreaking initiative collecting data for more than 850 measures across thirty-seven (37) municipal service areas

Part I ~ that portion of the POA dealing with ticketing procedures for non-parking matters

Part II ~ that portion of the POA dealing with ticketing procedures for parking matters

Part III ~ that portion of the POA dealing with the issuance of summonses for persons to attend POA Court in order to be arraigned on Informations and thereafter to be dealt with by a Justice of the Peace. There are no provisions for out-of-court payments nor for failure-to-respond convictions

POA ~ *Provincial Offences Act* (Ontario)

POA Court ~ referring to that judicial complement of the Ontario Court of Justice, composed primarily of Justices of the Peace, whose duties include dealing with POA matters

POA Office ~ the premises where the City executes the POA administration of justice functions

POA Program ~ the City's operational structure for the delivery of POA administration of justice functions

POA Transfer ~ the transfer by the province to the City of POA administration of justice functions

Serviced Municipalities ~ those 9 signatories to the ISA for which the City is the service



provider pursuant to the POA Transfer, consisting of Leamington, LaSalle, Tecumseh, Essex Town, Kingsville, Pelee, Amherstburg, Lakeshore and Essex County

Transfer Agreement ~ contractual arrangement between the City and MAG where the City became the local service provider for transferred administration of justice functions, composed of the MOU and the LSA

Victim Fine Surcharge ~ all fines levied under Part I and Part III of the POA are statutorily bumped-up by this surcharge. Where the base fine does not exceed \$1,000, the surcharge amount is applied in stepped amounts ranging from \$10 to \$125; fines over \$1,000 have a flat 25% surcharge added. All surcharge amounts are remitted without deduction to the province for appropriate application as determined by senior government



**Subject: Use of Corporate Resources by Council Member Seeking Re-Election—City Wide.**

**Reference:**

Date to Council: April 25, 2022

Author: Terri Knight Lepain

Manager of Records & Elections, Freedom of Information Coordinator

tknightlepain@citywindsor.ca

519-255-6100 Ext. 6578

Council Services

Report Date: 4/12/2022

Clerk's File #: ACEE/14246

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

**Recommendation:**

THAT City Council **APPROVE** the "Use of Corporate Resources by Council Member Seeking Re-Election Procedure" attached as Appendix A.

**Executive Summary:**

N/A

**Background:**

The City of Windsor, like all Ontario municipalities, is legally prohibited from contributing money, goods and/or services to an election campaign. Under Subsection 88.8(4)(5) of the *Municipal Elections Act, 1996* (MEA), a municipality "shall not make a contribution" with respect to an election campaign. Similar prohibitions on municipal contributions to provincial and federal election campaigns are established under Ontario's *Election Finances Act, 1990* and the *Canada Elections Act, 2000*. The attached "Use of Corporate Resources by Council Member Seeking Re-Election Procedure" provides guidelines for City Council members in this regard.

The "Use of Corporate Resources by Council Member Seeking Re-Election Procedure" now fulfills a requirement under the MEA, as Section 88.18 of the statute requires that, "*before May 1 in the year of a regular election, municipalities and local boards shall establish rules and procedures with respect to the use of municipal or board resources, as the case may be, during the election campaign period*".

## **Discussion:**

The City of Windsor's City Council approved "Use of Corporate Resources by Council Member Seeking Re-Election Procedure" has provided direction to Members of Council and all City staff on the administration of corporate resources and Members' budgets with respect to election related matters. The underlying principle for the Policy is that in compliance with the *Municipal Elections Act, 1996*, "**public funds are not to be used for any election-related purposes, including the promotion of or opposition to the candidacy of a person for elected office**".

The procedure provides direction for a member of City Council who may seek re-election regarding the use of City owned facilities and properties (including parks, community centres, City Hall, etc.), City equipment and vehicles, Ward funds and other funding sources, social media and other communications, and election signs.

## **Risk Analysis:**

It is incumbent on City Council members to familiarize themselves with the "Use of Corporate Resources by Council Member Seeking Re-Election Procedure" to ensure that they are in compliance with the rules and guidelines as set out in the *Municipal Elections Act* and the Council Code of Conduct. This updated Procedure will be reviewed with each incumbent Councillor when they file their nomination papers with the City Clerk, should they choose to seek re-election.

## **Climate Change Risks**

### **Climate Change Mitigation:**

N/A

### **Climate Change Adaptation:**

N/A

## **Financial Matters:**

N/A

## **Consultations:**

N/A

## **Conclusion:**

The "Use of Corporate Resource by Council Member Seeking Re-Election Procedure" provides campaigning and election related guidelines for current City of Windsor Council member(s) should they be seeking re-election. This procedure allows Council member(s) to campaign in a transparent manner while also fulfilling their role(s) as elected officials.

**Planning Act Matters:**

N/A

**Approvals:**

Name	Title
Terri Knight Lepain	Manager of Records & Elections
Steve Vlachodimos	City Clerk
Shelby Askin Hager	Commissioner, Legal & Legislative Services
Joe Mancina	Acting Chief Administrative Officer

**Notifications:**

Name	Address	Email

**Appendices:**

1 Appendix A - Use of Corporate Resources by Council Member Seeking Re-Election Procedure

**THE CORPORATION OF THE CITY OF WINDSOR  
ELECTION PROCEDURE**

Service Area:	<b>CORPORATE SERVICES</b>	Procedure No.:	<b>A-7</b>
Department:	<b>COUNCIL SERVICES</b>	Approval Date:	<b>January 1, 2022</b>
Division:	RECORDS AND ELECTIONS	Approved By:	<b>STEVE VLACHODIMOS, City Clerk</b>
		Effective Date:	<b>JANUARY 1, 2022</b>
Subject:	<b>USE OF CORPORATE RESOURCES BY COUNCIL MEMBER SEEKING RE-ELECTION</b>	Policy Ref.:	
		Pages:	Replaces:
			Date:

**1. PURPOSE**

**1.1** To establish guidelines under *section 88.18, Municipal Elections Act* on the appropriate use of corporate resources by incumbent Council members **seeking re-election** for the 2022 Municipal Election to ensure they are not receiving campaign contributions from the Corporation of the City of Windsor. This procedure will protect the interests of both the Council members and the Corporation.

**2. SOURCE**

**2.1** *Municipal Elections Act, Sections 12(2), 88.8(4)5, 88.18*

**2.2** *Code of Conduct for Members of Council, Rule 7 and Rule 11*

**2.3** *Ward Fund Policy, Section 5.9*

**2.4** *Clerk's Procedure A1 – Candidate Filing of Nomination Papers (City employees should be aware of how to handle the nomination of an incumbent)*

**2.5 Note:** *The Municipal Elections Act prohibits a municipality from making a contribution to a candidate. The Act also prohibits a candidate, or someone acting on the candidate's behalf, from accepting a contribution from a person or entity who is not entitled to make a contribution.*

*As a contribution may take the form of money, goods or services, any use by a Member of Council of the Corporation's resources for his or her election campaign would be viewed as a contribution by the municipality to the incumbent, which is a violation of the Act and could result in penalties.*

**3. PROCEDURES**

**PREAMBLE**

It is the responsibility of members of City Council seeking re-election for the 2022 municipal election to read *Clerk's Procedure A-7, Use of Corporate Resources by Council Member Seeking Re-Election* thoroughly and to sign Form EL13, the cover letter to this procedure. The original signed copy of the letter will be retained by the Clerk's Office with the candidate's nomination form. These procedures come into effect for the Councillor seeking re-election upon the filing of their nomination paper with the City Clerk during the candidate's campaign period even if the incumbent becomes acclaimed to the Office

during the election process.

Nothing in this procedure shall preclude a member of Council from performing their duties as an elected Councillor, nor inhibit them from representing the interests of the constituents they represent in their respective ward.

**3.1 The Use of Formal City Council Meetings**

Members of Council seeking re-election and registered as nominated candidates for the 2022 municipal election, may not use City Council and Committee meetings for campaigning purposes.

**3.2 The Use of City Equipment and Supplies**

Members of Council seeking re-election and registered as nominated candidates for the 2022 municipal election shall not use Corporate property for election campaigning purposes including but not limited to Corporate computers, email system, printers, telephones, voicemail system, and stationery supplies. This also includes posting links on the City's website and the City's social media networks.

**3.3 (a) The Use of City-owned Facilities**

Subject to subsection 3.3(c), all registered candidates for the 2022 municipal election may rent a room(s) in a City-owned facility for election-related purposes using the established rental payment process that is available to the public. This will ensure that all candidates running in the election are treated fairly and equitably by the municipality.

**(b) The Use of City-owned Properties**

Subject to subsection 3.3(c), registered candidates for the 2022 municipal election are not allowed to use city-owned properties for election-related activities such as fund-raising functions, gatherings, media events, and signage, save and except areas that are for public use which are not subject to a rental fee. For example, general campaigning in a City park.

**(c) The Use of City Hall (350 City Hall Square West and 400 City Hall Square East)**

No candidate shall use the actual administrative buildings of either 350 City Hall Square West and 400 City Hall Square East for any campaigning purposes relating to a municipal election.

**3.4 The Use of Councillor Constituency Office**

Members of Council seeking re-election and registered as nominated candidates for the 2022 municipal election may not use their constituency office for election purposes or display election-related material in that office.

**3.5 The Use of City Employees**

Members of Council seeking re-election and registered as nominated candidates for the 2022 municipal election may not use city staff to canvass or actively work in support of a municipal candidate during normal working hours unless they are on a leave of absence without pay, lieu time, or vacation leave.

**3.6 The Use of Election Signs**

Members of Council seeking re-election and registered as nominated candidates for the 2022 municipal election should make reference to the City of Windsor's Sign By-law 250-2004, Guidelines from the Chief Building Official, and the Public Works By-law 25-2010 with respect to the allowable placement of election signs. These documents are contained in the Candidate's Package distributed to all registered candidates at the time of filing the nomination paper.

**3.7 The Use of Councillor Funding Sources**

Members of Council seeking re-election and registered as nominated candidates for the 2022 municipal election may not use Municipal funding sources for any election-related purpose. Incumbent candidates may not print or distribute any material paid by municipal funds that illustrates that they or any other individual is registered as a candidate in an election. It is the responsibility of the incumbent candidate to ensure that the content of any communications material, including printed material such as newsletters, advertising, etc.

funded by the municipality for the operation of each Councillor's Office, is not election-related.

### **3.8 The Use of Ward Funds**

Members of Council may not initiate projects using municipal Ward Funds in the six month period leading up to Voting Day, Monday, October 24, 2022, unless specifically approved by Council. Use of Ward Funds for a project must not be committed, and the project must not be publically announced, in the six-month period immediately prior to a municipal election. The official commitment date shall be deemed to be the date on which the City Treasurer or designate receives the official Ward Funds use request form duly authorized by signature or attached e-mail request by the requesting Councillor. It is understood that the work may actually be undertaken within the six-month period due to administration's work priorities or climate requirements.

### **3.9 The Distribution of Candidate Election Campaign Material**

Members of Council seeking re-election and registered as nominated candidates for the 2022 municipal election are not allowed to distribute their campaign-related material in any City-owned facility

Incumbents are not allowed to distribute their campaign material to city employees while the employee is being paid by the Corporation of the City of Windsor.

### **3.10 (a) The Use of City Social Media**

Members of Council seeking re-election shall not use official City of Windsor social media accounts for any purpose. This includes posting links, etc.

### **(b) The Use of Social Media as a City Official**

Members of Council seeking re-election must take affirmative steps to clearly distinguish between the use of social media for personal or election purposes, and the use of social media in their capacity as a City official. To do so, Members must either remove any and all affiliation with Council from the account, such as the use of "Councillor" in the account name or the use of their City email as the point of contact, or must create an entirely separate account for the purposes of the election that does not constitute an official account or use City resources.

### **3.11 The Discontinuation of Select Corporate Resources**

The following will be discontinued for members of Council from the day prior to Nomination Day, Thursday, August 18, 2022 to Voting Day, Monday, October 24, 2022:

- **All forms of advertising, including in-house municipal publications;**
- **All printing and distribution of newsletters, unless directed by Council;**
- **The ordering of office furniture and furnishings except those of an emergency nature;**
- **No movement of furniture and furnishings;**
- **No ordering of stationery and office supplies.**

## **4. RECORDS, FORMS, AND ATTACHMENTS**

### **4.1 Form EL13 – Cover letter signed by City Clerk**



Form  
EL13

## NOTICE TO INCUMBENT CANDIDATES

### Re: Use of Corporate Resources and Corporate Communication Tools During an Election Year

If you have filed your nomination paper with the City Clerk for the October 2022 election your campaign period begins with the day you file your nomination with the City Clerk and will end on January 3, 2023. Campaign contributions and expenses may only occur during your campaign period.

Section 88.8(4)5 of the *Municipal Elections Act* specifically prohibits a municipality from contributing to a candidate's election campaign. Any use of the City's Corporate property such as facilities, services, land, monetary resources, etc. for election purposes could be interpreted as a contribution from the municipality to your campaign and therefore a violation of the *Act*, which could carry a penalty.

The following procedure established under section 12(1), *Municipal Elections Act* provides current members of council who are registered nominated candidates for the 2022 municipal election with guidelines on the appropriate use of corporate property during the election process.

Please review this procedure at the time of filing your nomination paper with the City Clerk and formally sign this document as evidence that you are aware of this election procedure.

The intent of this election procedure is not to inhibit Councillors from representing the interests of their constituents who elected them, but only to set out guidelines as to the restrictions within the context of the *Municipal Elections Act*.

Questions about this communication may be directed to Terri Knight Lepain, Manager of Records and Elections and Freedom of Information Coordinator at 519-255-6100, ext. 6578.

*Steve Vlachodimos*

\_\_\_\_\_  
City Clerk

\_\_\_\_\_  
Candidate

\_\_\_\_\_  
Date

\_\_\_\_\_  
Date





**Subject: Snow Angels Volunteer Acknowledgements 2021-2022 Season  
- City Wide**

**Reference:**

Date to Council: April 25, 2022

Author: Vincenza Mihalo, Executive Director of Human Resources

(519) 255-6515, ext. 6259, [vmihalo@citywindsor.ca](mailto:vmihalo@citywindsor.ca)

Jenna Conciatori, HR Assistant – Snow Angels Coordinator

(519) 255-6515, ext. 6206, [jconciatori@citywindsor.ca](mailto:jconciatori@citywindsor.ca)

Human Resources

Report Date: April 7, 2022

Clerk's File #: SW2022

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

**Recommendation:**

- I) THAT the Report entitled Snow Angels Volunteer Acknowledgements **BE RECEIVED** for information.
- II) THAT City Council **RECOGNIZE** the Volunteers and winners of prizes for the Snow Angels Program.

**Executive Summary:**

N/A

**Background:**

The Snow Angel Program continues to be supported and appreciated by the community. This program has been in place since 1999 with a view to sustaining Windsor's image as a diverse, inclusive and accessible community. The Snow Angel Program continues to promote responsive municipal services while developing and creating new partnerships in order to assist with emerging community needs.

The purpose of the program is to assist seniors and persons with physical disabilities. Further, the program aids in fulfilling the requirements under Municipal Code 617, By-Law #8544 that notes owners and/or tenants must remove snow or ice in front of, alongside and at the rear of their property within twelve (12) hours following the snowfall or formation of ice.

The Corporation of the City of Windsor (hereinafter referred to as “The Corporation”) receives inquiries from citizens with physical disabilities and from seniors who are unable to comply with the City By-law. In order to assist seniors and persons with physical disabilities who historically have felt isolated in their own homes, the Corporation coordinated a volunteer snow removal program as an innovative community partnership to promote a safe, caring and diverse community.

Given the personal requirements (such as health & safety reviews and police clearances) to staff these volunteer positions, the responsibility to administer, promote, review and implement the program moved from Public Works Operations Department to the Human Resources Department in the 2013/2014 Winter Season. This move has proven successful to abide by our Corporate Policies and Procedures and is expected to continue moving forward.

### **Discussion:**

The total accumulation of snowfall in Windsor Essex for the months of November 2021 to March 2022 was 51.8 cm. In comparison, the total accumulation of snowfall for the months of November 2020 to March 2021 was 52.4 cm. While the accumulation of snow was slightly less this season, the need from residents continued, especially given the cold climates and winds during the winter season.

The City of Windsor was able to successfully recruit 30 volunteers for the Snow Angel 2021/2022 season. In comparison, 51 volunteers were recruited for the 2020/2021 season. On site and on line recruiting for volunteers this season was hampered given the ongoing pandemic and noted restrictions that were required.

The demand for a Snow Angel during the 2021/2022 season was 267. Even with the restrictions of the pandemic, we are pleased that we were able to match 70 residents to 30 volunteers, as volunteers agreed to assist more than one resident. While the number may seem low, this is 70 residents that may have not otherwise been able to leave their home without the assistance of our volunteers.

### **Program Constraints**

The program requires all volunteers acquire a Police Clearance as this is an important requirement when working with potentially vulnerable populations. Obstacles acknowledged in this area included the operating hours of the Police station may not be compatible with Volunteer schedules to obtain the police clearance, paying the fee for the Police Clearance up front and waiting to be reimbursed by the City as well as the wait period to receive a Police Clearance. The issue with police station hours has been mitigated by the Windsor Police offering the completion of a Police Clearance online through their website for a small additional fee, the Corporation covers all clearance fees for our volunteers.

The wait period to receive the Police Clearance in order to begin in the program continues to be an issue. To assist with this wait period, a waiver was introduced, where appropriate, to lower the wait time. After proof of applying for a Police Clearance has been given to the Snow Angels Coordinator, the waiver can be signed and the volunteer can start in the program without having to wait for the official Police Clearance. The Police Clearance must still be provided by the volunteer for our records.

The reliability of some volunteers was indeterminate. Although a 12-hour timeframe is given as a guideline for volunteers to clear their assigned addresses, not all were able to fully comply. This issue will be mitigated by reinforcing protocol by the Program Coordinator with the volunteer upon incident.

The expectation of some residents was to have snow shovelled on their property beyond the scope of the City sidewalk. The Program Coordinator reinforced protocol upon inquiry.

### **Program Successes**

Many community groups were involved with the recruitment and procurement of volunteers, all of which expressed their interest in assisting with recruitment efforts in coming seasons.

Recognitions were received by a couple of appreciative residents of their “Snow Angels” and their ongoing efforts to assist with their snow removal needs.

We advertised as an incentive to assist with volunteer recruitment the entry of each registered volunteer into a draw to potentially win the top prize of a TABLET or 1 of 2 \$50 Rec Express Cards. The winner of the TABLET this year is Mohamad Al- Mosawi and the winners of the \$50 Rec Express cards are Yousef Bazzi and Gordon Hartley.

To recognize the volunteers for their commitment to the Snow Angel Program, the volunteer winners have provided their consent for their names to be released in the News Release for this program since they’re unable to attend the scheduled Council Meeting on April 25, 2022 due to COVID-19 restrictions.

### **Program Facilitation**

The Corporation’s 311 service will gather and process all initial requests for both resident and volunteer registration into the Snow Angel Program and forward this information to the Program Coordinator.

A temporary full-time Program Coordinator (Coordinator) was employed and charged with overseeing the operation and administration of the Snow Angel Program.

This Coordinator was able to:

- maintain the Snow Angel Database including the processing and orientation of new volunteers into the program and the administration of inbound requests of need from the city residents.
- liaise with Corporate Communications to create media releases, advertising signage, and other methods of information dissemination.
- update all program materials prior to distribution to volunteers.
- use mapping technology to match resident with volunteer based on demographic proximity

The Coordinator was able to secure the involvement of many community groups and organizations to help with recruitment efforts such as:

- University of Windsor
- St. Clair College
- Greater Essex County District School Board
- Windsor Essex Catholic District School Board
- United Way-WeVolunteer
- Recreation Centres
- Devonshire Mall
- Tecumseh Mall

### **Risk Analysis:**

There are 3 major risk areas to take into consideration with this program;

#### ***Risk to Residents***

Although each volunteer is required to obtain a valid Vulnerable Sector Police Clearance, these clearances are only current up to the day they are completed. They also only account for the known history of the volunteer.

This risk is mitigated by the program discouraging contact between homeowners and volunteers, however this cannot be guaranteed as the volunteers complete the service when they are available following a snowfall. The lack of a set time makes it more likely for chance encounters between the residents and volunteer.

The Corporation has taken steps to mitigate the risk to residents enrolled in the program. However, the possible outcomes, should an incident occur between the volunteer and the resident, make this a **moderate risk** factor going forward.

Although By-Law #8544 places the onus of the responsibility on the resident in these matters, if a resident were to be registered and matched with a volunteer and the volunteer fails to provide services in a timely fashion, the Corporation may face scrutiny if the resident is charged with a violation of the by-law.

This risk could be mitigated through ensuring that residents are aware that; although they do have a volunteer, they are ultimately responsible for by-law compliance. Due to this potential scrutiny, while taking into account the absence of these type of reports thus far, this may be seen a **low risk** factor moving forward.

### ***Risk to Volunteers***

While volunteers are required to obtain police clearances, the residents registering for the program are not. This risk is partially mitigated through the 'no contact' clause in the 'Volunteer Agreement' signed and dated by the volunteer. However, there is no way to guarantee that this clause is being followed as the volunteers complete the service as they are able following a snowfall and may run the risk of encountering the homeowner. The possible outcomes, should an incident occur between the volunteer and the resident, make this **moderate risk** factor moving forward.

The volunteers are performing sometimes strenuous physical activity in the course of their involvement in the program and are also working on snow covered, possibly icy sidewalks. This gives rise to a potential risk of injury. This risk to the volunteer is mitigated by providing a comprehensive health and safety training package specifically designed for this program. Volunteers are required to sign their acknowledgement of receipt and understanding of the health and safety training program as well as their guarantee that they will abide by the information given.

Once again, there is no way to guarantee that volunteers are truly abiding by this information, and ultimately, choosing to volunteer is a risk willingly assumed by the volunteers.

### ***Risk to the Corporation***

Many of the corporate risks assumed have been outlined in the previous sections. The risk of harm to a resident can also translate into a liability risk to the Corporation. The City's insurance will defend and indemnify the City and its volunteers in cases of liability where the volunteer was acting under the direction of, was answerable to and performing duties on behalf of the Corporation. As is the case with any allegations that fall within the City's general liability policy, this is subject to the City's \$250,000 deductible.

The risk that a volunteer is injured and seeks compensation from the Corporation is mitigated by the signing of a Waiver Form releasing the Corporation of liability if injury were to occur. Although the waiver form is in place, this still constitutes a **moderate risk** going forward.

There are also risks associated with not continuing the program from a corporate standpoint. The Corporation, in attempting to market itself as a retirement friendly community, uses programs such as this to attract potential residents as well as allow residents to stay in their homes longer.

A number of residents have expressed their belief as to the importance of Snow Angels and the public may not be amenable to ending the program. Due to the contentious nature of this issue, it should be seen as a **moderate risk** going forward, with the need to look into potential consequences and remedies if necessary.

Some of the above risks are the reasons that Volunteer organizations we have discussed the program with do not want to lead or take over running this program.

## **Climate Change Risks**

### **Climate Change Mitigation:**

N/A

### **Climate Change Adaptation:**

N/A

### **Financial Matters:**

The Snow Angels Program increased by 1.25% in 2021 to the annual budget allotment of \$25,925. Total expenses for the 2021/2022 season were \$25,275. The 1.25% increase in the budget was required to offset the increase in salaries and related fringe benefits. Program costs include wages for a temporary Program Coordinator, printing of advertisement material, reimbursement for volunteer police clearances and the items for the draw.

### **Consultations:**

Jill Braido, Corporate Marketing and Communications Officer

Rosa Scalia, Financial Planning Administrator

### **Conclusion:**

Administration will attempt to generate additional interest, building upon the existing volunteer base and thus allowing for more residents to be helped.

We wish to thank and acknowledge the volunteers who participate in the Snow Angel Program and assist those in need.

### **Planning Act Matters:**

N/A

**Approvals:**

<b>Name</b>	<b>Title</b>
Vincenza Mihalo	Executive Director, Human Resources
Rosa Scalia	Financial Planning Administrator
Tony Ardovini	Commissioner, Corporate Services/Chief Financial Officer & City Treasurer (A)
Joe Mancina	Chief Administrative Officer (A)

**Notifications:**

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

**Appendices:**



**Subject: IT Security – Managed Detection & Response Services - City Wide**

**Reference:**

Date to Council: April 25, 2022

Author: Robert Berg

rberg@citywindsor.ca

519-255-6100 Ext 6131

Information Technology

Report Date: April 8, 2022

Clerk's File #: SI/14356

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

**Recommendation:**

THAT Council **APPROVE** the award of RFP 62-21, IT Managed Security Services, to Source44 Consulting Inc. as the successful proponent, for a period of five (5) years, at an annual cost of \$333,996 plus applicable taxes and that the current annual operating budget of \$175,000 be increased by \$165,000 as a preapproval to the 2023 operating budget; and,

THAT the CAO and City Clerk **BE AUTHORIZED** to execute an agreement with Source44 Consulting Inc. as stated above, satisfactory in form to the City Solicitor, in financial content to the Chief Financial Officer and City Treasurer, and in functional and technical requirements content to the Chief Information Officer.

**Executive Summary:**

N/A

**Background:**

Please refer to the Private & Confidential Memo for IT Managed Security Services.

With the goal to procure the services of a MSSP, IT issued 'RFP 62-21 – IT Managed Security Services' in June of 2021. The proposal submitted by Source44 Consulting Inc. received the highest score factoring in the technical and function requirements and price.



**Discussion:**

IT issued 'RFP 62-21 – IT Managed Security Services' in June, 2021. Ten (10) proposals were received. Purchasing oversaw the proposal evaluation process which consisted of 3 stages that included evaluation of the written proposals, demonstrations, and reference checks. Of the 10 proposals submitted, 2 proposals advanced to the stage of opening the cost envelopes. Source44 Consulting Inc. was the successful proponent as their proposal best satisfied the technical and functional requirements of the RFP and was the lowest cost.

**Risk Analysis:**

Please refer to the Private & Confidential Memo for IT Managed Security Services.

**Climate Change Risks****Climate Change Mitigation:**

N/A

**Climate Change Adaptation:**

N/A

**Financial Matters:****Capital Budget Impact:**

N/A

**Operating Budget Impact:**

Starting in 2021, \$175,000 was added to the Operating Budget (Dept-id: 0125412) to cover the cost of Managed Security Services. This was an estimated cost based on a staged implementation of the service, a 'let's learn to walk before we run' approach. However, based on the proposals we received, we learned that limited implementations have little security value. A budget carryforward from 2021 along with the 2022 funding will cover the first year cost of the service. Going forward the annual operating budget impact is \$333,996 plus non-recoverable HST which results in an estimated annualized shortfall of \$165,000 for 2023. In order to proceed with this extremely important service, it is recommended that council pre-approve an annualized amount of \$165,000 within the 2023 operating budget.

**Consultations:**

The following staff were consulted for this report:

- Steve Francia, Technical Support Analyst, Information Technology Department
- Earl Larking, Manager of IT Infrastructure & Deputy CIO, Information Technology Department
- Norm Synnott, Chief Information Officer & Executive Director of IT, Information Technology Department

**Conclusion:**

Please refer to the Private & Confidential Memo for IT Managed Security Services.

**Planning Act Matters:**

N/A

**Approvals:**

<b>Name</b>	<b>Title</b>
Alex Vucinic	Purchasing Manager
Caroline Iatonna	Financial Planning Administrator
Norm Synnott	CIO, Executive Director Information Technology
Janice Guthrie	Deputy Treasurer – Taxation, Treasury & Financial Projects
Tony Ardovini	Chief Financial Officer & City Treasurer (Acting)
Shelby Askin Hager	Commissioner, Legal & Legislative Services
Joe Mancina	Chief Administrative Officer (Acting)

**Notifications:**

<b>Name</b>	<b>Address</b>	<b>Email</b>
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Name	Address	Email
Alicyn Cusinato		<a href="mailto:acusinato@citywindsor.ca">acusinato@citywindsor.ca</a>
Robert Berg		<a href="mailto:rberg@citywindor.ca">rberg@citywindor.ca</a>

**Appendices:**



**Subject: Traffic Management for School Crossings on Arterial Roads (CQ 14-2018)**

**Reference:**

Date to Council: April 25, 2022

Author: Rania Toufeili

Policy Analyst

519-255-6543 ext. 6830

rtoufeili@citywindsor.ca

Report Date: March 14, 2022

Clerk's File #:

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

**Recommendation:**

1. THAT report C 43/2022, "Traffic Management for School Crossings on Arterial Roads" **BE RECEIVED** for information.
2. THAT the most appropriate pedestrian crossover or signal should **BE SELECTED AND INSTALLED** on class II arterial roads directly adjacent to elementary schools if no pedestrian signals, signalized crossings, roundabouts or all-way stops exist along the adjacent class II arterial roadway.
3. THAT this new policy change **BE INCLUDED** in the School Neighbourhood Policy as outlined in report C43/2022.
4. THAT Administration **BE DIRECTED** to install a pedestrian signal on Cabana Road and Clara Avenue near Roseland Public School.
5. THAT Operating Costs for pedestrian signal on Cabana Road and Clara Avenue near Roseland Public School **BE REFERRED** to the 2023 Operating Budget.

**Background:**

At its January 17<sup>th</sup> 2022 meeting, Council adopted the following recommendations which will be discussed throughout this report:

- *That Administration **BE DIRECTED** to report back to Council with a by-law and policy amendment for Council consideration that provides for options to add signalized traffic management tools at school crossing checkpoints on arterial roadways where they do not currently exist and are not likely to meet the full scope of warrant criterion as is currently applied and that this information **BE BROUGHT FORWARD** to Council by the 2<sup>nd</sup> quarter of 2022.*

- *That Administration **BE DIRECTED** to report back specifically related to the school crossing at the Cabana and Caron/Clara intersection with potential funding options to install a pedestrian activated traffic light at that location.*

## **Related Reports and History**

Other related reports are as follows:

- **C 141/2021 Cabana Road East/Roseland Public School Pedestrians** was brought before Council at the December 20, 2021 meeting with an Additional Information Memo on January 17<sup>th</sup> 2021. The report recommended speed control measures along Cabana Road which were approved including the addition of Community Safety Zone signs, School Area signs, Radar Speed Feedback signs and flexible bollards during the non-winter months.
- **C 45/2019 Cabana Road East Pedestrians** was brought before Council at the April 19, 2019 meeting. This report provided information and options for a crosswalk in the vicinity of Roseland Public School per the Environment, Transportation and Public Safety Committee's request on February 20, 2019.
- **S 156/2018 CQ14-2018 Cabana Road East / Roseland Public School Pedestrians** responded to a Council Question regarding pedestrians at this location. The report:
  - Confirmed that a pedestrian crossover is not recommended for Cabana Road East at Karen Street/Clara Avenue,
  - Confirmed that the existing school crossing meets provincial guidelines, and
  - Addressed resident concerns about pedestrians crossing Cabana Road East outside of the times when a crossing guard is on duty.
- **S 90/2018 Pedestrian Crossovers** provided a list of locations City-wide where pedestrian crossovers had been requested and referred the list of warranted locations to 2019 budget deliberations. This report noted that a pedestrian crossover is not recommended for Cabana Road East at Karen Street/Clara Avenue.
- **S 29/2019 Additional Information - CQ14-2018 Cabana Road East Roseland Public School Pedestrians** provided additional information on:
  - Performance of the school crossing after sign and pavement marking upgrades, and speeds on Cabana Road East before widening, after widening, and after the sign and pavement marking upgrades.

## Discussion:

### Pedestrian Crossings on Arterial Roads

In order for pedestrian crossings to be placed on high volume roads such as arterial roads, a number of criteria need to be satisfied per the Ontario Traffic Manual. Where elementary schools are present, a school crossing guard or multiple guards can be used in order to create a controlled crossing. Where the protection of schoolchildren walking to and from school is the primary concern for a pedestrian crossing, the Ontario Traffic Manual generally recommends a school crossing guard rather than other controlled crossing types. The use of school crossing guards is also considered to be a form of pedestrian control at designated crossings during school periods. The crossing guard ensures opportunities for children to cross safely as they may not be able to assess the risks at the intersections.

Council has requested that a Policy be created in order to provide signalized traffic management tools at school checkpoints on arterial roads where they do not meet warrant criteria. A pedestrian crossover, as shown in **Figure 1**, is not recommended by administration for consideration on some arterial roads because research cited in the Ontario Traffic Manual found that when a pedestrian crossover is provided at locations where the vehicle volume is higher than the recommended maximum volume, poor compliance by drivers typically results, and that driver compliance decreases as vehicle volume increases. This poor compliance would pose safety issues, particularly in a school area.

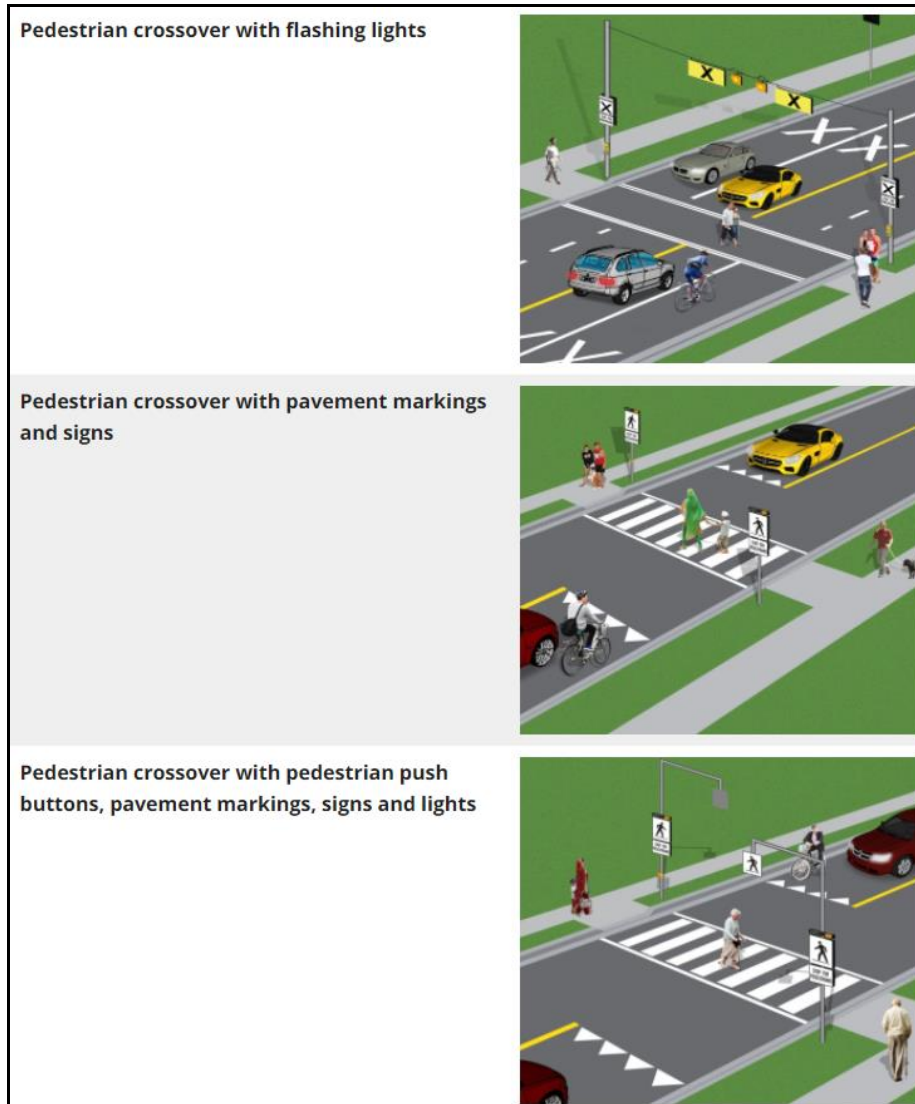
For cases where the vehicle volume is higher than the recommended maximum for a pedestrian crossover, the Ontario Traffic Manual recommends considering a pedestrian signal, as shown in **Figure 2**. The warrant criteria for an intersection pedestrian signal are; volume of pedestrians crossing, and the delay to pedestrians. Although it may not be warranted per the OTM on specified arterial roads, this can be seen as the more appropriate alternative to a pedestrian crossover in this specific area due to the higher vehicle volumes and increased safety risk posed by poor compliance near an elementary school.

Therefore, administration recommends that **the most appropriate pedestrian crossover or signal should be selected and installed on class II arterial roads directly adjacent to elementary schools if no pedestrian signals, signalized crossings, roundabouts or all-way stops exist along the adjacent class II arterial roadway**. Correspondingly, if a school adjacent to an arterial road is decommissioned then any signalized traffic management infrastructure relating to pedestrians could be removed if unwarranted without the school. This policy change will be included in the School Neighbourhood Policy when it comes forward, anticipated in fall of 2022, for Council approval. **Figure 1** shows the different types of pedestrian crossovers in Ontario and **Figure 2** shows the pedestrian signal ("half signal"). Different warrant criteria will apply based on the location of the school. Administration will review requirements through the OTM to determine the most appropriate type of crossing which includes the review of speeds, vehicle volumes, pedestrian volumes, collisions and delays.

This new policy change will not apply to class I arterials due to the significant amount of traffic and characteristics of those roadways. Currently, the two class I arterial Roads in

Windsor are Lauzon Parkway and Huron Church Road. If new schools are established on these roadways the schools will work with the City to determine the most appropriate type of crossing (example; overpass). This will be reviewed and considered through the development review process

**Figure 1 – Pedestrian Crossovers**



**Figure 2 – Pedestrian Signals (half signal)**



**Table 1** shows the elementary schools in Windsor currently fronting arterial roads and indicates which school crossing methods are currently used.

**Table 1 - Pedestrian Crossings for Schools Adjacent to Arterial Roads in Windsor**

School	Adjacent Roads (arterial bolded)	Pedestrian Crossing on Arterial
<b>Ecole Sainte-Therese</b>	<b>Tecumseh Rd E</b> & Adstoll Ave	A traffic signal currently exists at Tecumseh Road East and Ford Boulevard in front of the school. There is also a crossing guard at this location.
<b>General Brock Public School</b>	<b>Sandwich St</b> & Brock St & Russell St	A traffic signal currently exists at Sandwich Street and Brock Street in front of the school. There is also a crossing guard at this location.
<b>John Campbell Public School</b>	<b>Tecumseh Rd E</b> & Parkwood Ave & Hall Ave & Lens Ave	A traffic signal currently exists at Tecumseh Rd East and Hall Avenue in front of the school. There are also two crossing guards at this location.
<b>Marlborough Public School</b>	<b>Tecumseh Rd W</b> & Felix Avenue & Melbourne Rd & Strathmore St/Matchette Rd	A traffic signal currently exists at Tecumseh Rd West and Prince Road near the school. There is also a crossing guard at Tecumseh Rd W and Felix Avenue. Felix Avenue is stop controlled at Tecumseh Rd W.
<b>Roseland Public School</b>	<b>Cabana Rd E</b> & Sandison St & Clara Ave	School crossing guards are at Clara Avenue and Cabana Rd E. No traffic signals exists directly adjacent to this school.
<b>Southwood Public School</b>	<b>Cabana Rd W</b> & Mount Royal Dr & Mount Carmel Dr	A traffic signal currently exists at Cabana Road West and Mount Royal Drive/Dominion Blvd in front of the school. There are also two crossing guards at this location.
<b>Saint Rose Catholic Elementary School</b>	<b>Wyandotte St E</b> & St. Rose Ave & Ontario St/Parkview Ave	A traffic signal currently exists at Wyandotte Street East and St. Rose Ave in front of the school. There is also a crossing guard at this location.

There are two locations in the table which would currently require signalized traffic management tools on the adjacent arterial road if the new policy change is approved:

- **Cabana Road East and Clara Avenue** for Roseland Public School
- **Tecumseh Road West and Felix Avenue** for Marlborough School

The most appropriate crossing at Cabana Road East and Clara Avenue would be a pedestrian signal (half signal) based on the high vehicle volumes along the roadway and the increased need for compliance. This is further detailed in previous Council reports as stated in the background information of this report.



The intersection at Tecumseh Road West and Felix Avenue currently warrants a pedestrian crossing however it is planned for reconstruction as a roundabout. Based on the approved Capital Budget, construction at this intersection is not anticipated to start until 2025. Administration will ensure that the appropriate pedestrian infrastructure is placed along this intersection as part of the reconstruction. As per the policy change for schools adjacent to arterials, roundabouts will not require signalized pedestrian traffic management tools unless warranted per OTM Book 15. As indicated in OTM, a properly designed roundabout places a high priority on encouraging speed reduction, which then reduces crash severity, including crashes with pedestrians, and improves gap opportunity for crossings. Furthermore, a pedestrian refuge can be provided for pedestrians where roundabouts exist. Provided that this intersection will become a roundabout, a pedestrian signal (half signal) is not an appropriate choice and therefore a warranted pedestrian crossing will be selected for this new intersection.

### **Risk Analysis:**

For Cabana Road East at Karen Street/Clara Avenue, a pedestrian signal would not be in keeping with provincial guidelines set out in the Ontario Traffic Manual, as the OTM recommends controlling with crossing guards. However, crossing guards are already in existence at this location, so adding a pedestrian signal would add another layer of protection for pedestrians. The combination of a crossing guard and pedestrian signal would bring this crossing more in line with other school crossings along arterial roads throughout the city.

Administration uses established guidelines as a risk management tool, since following these guidelines can help limit risk to the Corporation and to others. Generally speaking, departing from established guidelines and the Ontario Traffic Manual may result in higher safety risks to road users and higher risks of claims against the Corporation. Accordingly, each location must be assessed on a case by case basis to determine whether any deviation from the guidelines bolsters or diminishes public safety.

There is also a financial risk associated with the placement of a pedestrian signal at Cabana Road and Clara Avenue. As outlined in the Financial Matters section below, the cost of the signal can be funded from the Pedestrian Crossovers budget, however this will impede the implementation of 2-3 warranted pedestrian crossovers due to budget constraints.

### **Climate Change Risks**

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

While the implementation of signalized traffic management infrastructure for pedestrians would not directly impact the levels of Greenhouse Gas (GHG) emissions, there may be an indirect decrease of GHGs due to the potential modal shift from driving to cycling and walking.

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

The gradual increase in annual mean temperatures, along with the decreasing frequency of days above -10 degrees Celsius due to climate change may lead to an

increase in cycling/pedestrian traffic during traditionally colder months. Because of this modal shift, demand for pedestrian infrastructure may increase over time.

### **Financial Matters:**

The requirement for signalized pedestrian infrastructure on arterial roads adjacent to schools would be included in the School Neighbourhood Policy once an update to the Policy is complete, anticipated in the fall of 2022. For any new incoming schools directly adjacent to arterial roads, the school will be responsible for the costs associated with the implementation of the pedestrian infrastructure associated with this policy change if a signal is not warranted at the intersection based on existing conditions. This will be reviewed and completed as part of the development process for any new schools.

As outlined in the report the pedestrian signal is the preferred alternative to the pedestrian crossover at Cabana Road East and Clara Avenue due to high volumes and compliance concerns. The cost of a pedestrian signal to be installed at this location is **\$75,000-\$100,000** with an estimated annual maintenance costs of **\$5,500**. Annual costs are for electrical power and maintenance only and do not include repairs or future replacement costs.

Currently, there is no dedicated funding available for a pedestrian signal at Cabana Road East and Clara Avenue. The Pedestrian Crossover Capital Budget currently has \$262,519 in available funds which could be used for the pedestrian signal. However, there are currently 30 intersections in Windsor which meet warrant requirements for a pedestrian crossing as shown in **Appendix A**. Of the 30 warranted locations only 4 are planned for construction based on available grants and 26 locations require funds. Therefore, committing the funds from the Pedestrian Crossover Capital Budget to a pedestrian signal at Roseland Public School will result in a delay for implementing 2-3 of the warranted pedestrian crossings. The annual operating cost of \$5,500 would be referred to the 2023 Operating Budget.

The pedestrian infrastructure at the Felix Avenue and Tecumseh Road West intersection will be installed as part of the road reconstruction, which is anticipated to start in 2025 per the approved Capital Budget. Costs associated with this project will be taken from the Capital Funds allocated to that project.

### **Consultations:**

Ian Day – Acting Senior Manager of Traffic Operations and Parking Services

Bill Kralovensky – Co-ordinator of Parking Services

Kait Authier – Crossing Guard Coordinator

Ian Wilson – Engineer II, Engineering Department

Neil Robertson – Manager of Urban Design, Deputy City Planner

Dana Paladino – Deputy City Solicitor of Purchasing, Risk Management and POA

Cindy Becker – Financial Planning Administrator, Public Works Operations

### **Conclusion:**

Pedestrian infrastructure is recommended on arterial roads directly adjacent to elementary schools, which will be included in as a policy change when the School Neighbourhood Policy amendment is brought forward for Council approval. There are

currently two schools that would be affected by this change, Roseland Public School and Marlborough Public School. Administration recommends that a pedestrian signal be installed on Cabana Road East and Clara Avenue in accordance with the new policy change. Furthermore, appropriate pedestrian infrastructure will be implemented at Tecumseh Road West and Felix Avenue as part of the intersection reconstruction and conversion to a roundabout.

**Planning Act Matters:**

N/A

**Approvals:**

<b>Name</b>	<b>Title</b>
Jeff Hagan	Transportation Planning Senior Engineer
Josie Gualtieri	Financial Planning Administrator
John Revell	Chief Building Official
Shawna Boakes	Executive Director of Operations/ Deputy City Engineer
Jelena Payne	Commissioner of Economic Development and Innovation
Chris Nepszy	Commissioner of Infrastructure Services
Shelby Askin Hager	Commissioner of Legal and Legislative Services
Tony Ardovini	Acting CFO/City Treasurer
Joe Mancina	Acting Chief Administrative Officer

**Notifications:**

<b>Name</b>	<b>Address</b>	<b>Email</b>
Councillor McKenzie		
John Wayvon, Principal Roseland Public School	620 Cabana Road E Windsor ON N9G1A4	
Ian Bawden Constituency Assistant Brian Masse, M.P. Windsor West		
Shelley Armstrong Superintendent of Business Greater Essex County District School Board		Shelley.Armstrong@publicboard.ca
Alicia Higgison Trustee & Chairperson of the Board Greater Essex County District School Board		alicia.higgison@publicboard.ca
Sarah Cipkar Trustee Greater Essex County District School Board		sarah.cipkar@publicboard.ca

Name	Address	Email
Linda Qin Trustee Greater Essex County District School Board		linda.qin@publicboard.ca

**Appendices:**

- 1 Appendix A - Locations Meeting Warrant for Pedestrian Crossovers

## Locations Meeting Warrant for Pedestrian Crossovers (as of January 2022)

<b>Rank [Note 1]</b>	<b>Location</b>	<b>Warrant Met?</b>	<b>Minimum Pedestrian Crossover Level &amp; Type Warranted</b>	<b>Ward</b>	<b>5-year Pedestrian Collisions</b>	<b>Notes</b>
1	Wyandotte at Marentette	Yes [Note 2]	Level 2 Type B	4	4	Committed to construct (ICIP grant)
2	Wyandotte St W at Dougall or Church	Yes	Level 1 Type A	3	3	Committed to construct (ICIP grant)
3	Sandwich St & Brock St	Yes	Level 2 Type B	2	2	Intersection is currently signalized. Warrant applies if signal is removed.
4	Tecumseh at Felix	Yes	Level 1 Type A	2	2	Within the project area for larger project (Tecumseh reconstruction).  Other pedestrian crossing types to be considered as part of that project.
5	Goyeau St. south of Elliot St. (Food Basics)	Yes	Level 2 Type B	3	2	
6	Erie at Langlois	Yes	Level 2 Type D	4	1	
7	Sandwich at Chippawa	Yes [Note 2]	Level 2 Type B	2	1	Within the project area for larger project (Sandwich reconstruction)
8	Riverside Dr W (Between Campbell and Cameron Ave)	Yes	Level 2 Type B	2	0	
9	Jefferson at Edgar	Yes	Level 2 Type B	6	0	
10	Erie at Marentette	Yes	Level 2 Type D	4	0	
11	Riverside Dr. at Peace Fountain (Coventry Gardens)	Yes	Level 2 Type B	6	0	
12	Erie at Pierre	Yes	Level 2 Type D	4	0	
13	Calderwood Ave. east of Caribou Cres. (Walkerville Homesite Trail)	Yes	Level 2 Type D	9	0	
14	Forest Glade Dr. at Rosebriar	Yes	Level 2 Type B	7	0	Committed to construct (ICIP grant)
15	Matchette at Titcombe (Ojibway Nature Centre)	Yes	Level 2 Type D	1	0	Within the project area for larger project (Matchette traffic calming)
16	McNorton St. at Radcliff Ave.	Yes	Level 2 Type B	7	0	
17	Little River Blvd & Lublin Ave	Yes	Level 2 Type B	7	0	
18	Little River Blvd & Peabody Ave	Yes	Level 2 Type C	7	0	
19	McHugh at Cypress	Yes	Level 2 Type B	7	0	
20	Rhodes Dr. at #4025 Rhodes (Jamieson)	Yes	Level 2 Type D	9	0	
21	Richmond at Chilver	Yes	Level 2 Type D	4	0	

Rank [Note 1]	Location	Warrant Met?	Minimum Pedestrian Crossover Level & Type Warranted	Ward	5-year Pedestrian Collisions	Notes
22	Ducharme St at Cancun	Yes	Level 2 Type D	9	0	Planned for 2022 construction (to support OAST school active transportation pilot program)
23	Giles at Church	Yes	Level 2 Type D	3	0	
24	Ottawa St. at Benjamin	Yes	Level 2 Type B	4	0	
25	City Hall Square South at City Hall Square East	Yes	Level 2 Type C	3	0	
26	University Ave. E W of McDougall (Charles Clark Square)	Yes	Level 2 Type B	3	0	Within the project area for larger project (University reconstruction, Civic Esplanade)
27	Wyandotte St E at Langlois	Yes	Level 2 Type B	4	0	
28	Jefferson at Ontario	Yes	Level 2 Type B	6	0	
29	Grand Marais Rd W at Longfellow Ave. (Christ the King C.E.S.)	Yes	Level 2 Type C	10	0	Within the project area for larger project (Grand Marais/West Grand Traffic Calming)
30	Huron Church Rd. at Peter St.	Yes	Level 2 Type B	2	0	

Notes:

1. Projects are ranked based on the following factors:
  - a. First priority: pedestrian collisions
  - b. Second priority: presence or absence of nearby alternative controlled pedestrian crossings
  - c. Third priority: combined pedestrian and vehicle volume
2. For these locations, the existing roadway width is beyond the maximum. Warrant met only if crossing distance is shortened (e.g. by curb bump-outs across parking lane)



**Subject: Residential Rental Licensing By-law—Wards 1 & 2.**

**Reference:**

Date to Council: 4/25/2022  
Author: Craig Robertson  
Licence Commissioner (A)  
519-255-6100 ext. 6869  
crobertson@citywindsor.ca

Jude Malott  
Executive Initiatives Coordinator  
519-255-6100 ext. 6804  
jmalott@citywindsor.ca  
Policy, Gaming, Licensing & By-Law Enforcement  
Report Date: 3/25/2022  
Clerk's File #: SB/12952

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

**Recommendation:**

THAT Council **RECEIVE** this report and draft by-law, "A By-law Respecting the Licensing of Residential Rental Housing Units", attached as Appendix A; and,

THAT Council **APPROVE** the proposed residential rental licensing framework described in this report; and,

THAT Council **APPROVE** the attached draft by-law, to be brought into effect upon the final implementation of the approved framework; and,

THAT Administration **REPORT BACK TO COUNCIL** on the results of the two-year pilot study within Wards 1 and 2.

**Executive Summary:**

N/A

**Background:**

On March 8, 2021, City Council directed as follows CR97/2021:

That administration BE DIRECTED to draft a Residential Rental Licensing by-law as a pilot project in Wards 1 and 2, with robust consultation for the development of this by-law to be undertaken with all stakeholders including the Town and Gown Committee.

Beginning in July 2021, City staff undertook extensive research, consulted with internal departments, surveyed other Ontario municipalities, and spoke with representatives from local organizations to develop a proposed regulatory framework. Administration presented that framework to the City's Housing and Homelessness Advisory Committee (HHAC) on September 21, 2021 as well as the Town and Gown Advisory Committee on September 29, 2021. Following these meetings, Administration sought further feedback through an online public survey available from October 19 to November 9, 2021.

From these consultations, Administration revised the initial proposed framework with consideration of stakeholder's concerns. This report describes that revised framework, including the draft by-law and its schedules attached as Appendix A.

### **Discussion:**

The primary goal of licensing residential rentals in Windsor is to protect resident safety by ensuring rental housing units comply with safety regulations and applicable laws. The licensing framework described in this report will allow the City to preserve Windsor's existing rental housing stock by proactively addressing substandard housing conditions. If successful, the pilot study's results will indicate improved rental housing conditions in Wards 1 and 2 and fewer actionable complaints received regarding rental housing properties.

Using information gathered through licence applications, City records, and inspections, Administration will:

- document rental housing unit conditions with reactive and proactive inspections;
- ensure occupied units comply with applicable laws using checklists and Orders;
- work with community organizations to educate stakeholders on the rights and responsibilities associated with rental housing; and
- collect data to monitor objectives, including impacts to specific populations, where possible.

This data will be collected and reported back to Council with a summary of the study's findings at the end of the two-year period. On receiving this report, Council will be able to evaluate the pilot program's outcomes and determine if the program should either be extended city-wide or ended.

### **Consultation and Development**

To create the initial proposed licensing framework, Administration reviewed available literature on rental licensing, researched existing programs in Ontario and elsewhere, evaluated by-laws and administrative tools used by other municipalities, and identified potential approaches that would meet Windsor's needs. Administration presented this initial framework to the Town and Gown Advisory Committee and HHAC to solicit feedback from the key stakeholder groups from where their membership is drawn from.

### ***Housing and Homelessness Advisory Committee (HHAC)***

The proposed framework was first presented to the HHAC, whose membership includes representatives from community groups, housing providers, tenants, and local real estate agencies. Members raised concerns regarding affordability and availability of



housing stock. As a result, monitoring of the impacts of this programme on specific populations will be implemented as part of the study.

### ***Town and Gown Advisory Committee***

Administration also presented the initial proposed framework to the Town and Gown Advisory Committee, whose membership includes staff from the University of Windsor, St. Clair College, and near-campus neighborhood residents. Members asked questions about the scope of the by-law and its impacts on student safety and affordability, but were supportive overall.

### ***Legal Assistance of Windsor (L.A.W.)***

Administration reached out to L.A.W. because of their substantial experience with the Landlord Tenant Board (LTB), which adjudicates disputes and evictions for residential tenancies. L.A.W. recommended keeping licence costs as low as possible and building a framework that focuses cost recovery efforts on non-compliant units.

### ***Public Feedback Survey***

Following these meetings, Administration also released an online survey to better understand the concerns raised about the initial proposed framework. The survey asked specific questions about impacts related to licensing costs and gathered demographic information to assess experiences of vulnerable groups. Respondents were asked how often they experienced issues (e.g. property standards, parking, noise), their level of concern about these issues, and whether respondents felt certain tools might be helpful to address these issues. The survey received 721 complete responses over three weeks, which were assigned to four respondent classes: landlords (28%), renters (39%), owner residents (19%), and others (14%).

Landlords reported “rarely” or “never” experiencing issues, and expressed greatest concern for fire safety and landlord/tenant rights and obligations. Renters generally reported experiencing issues more frequently than landlords and indicated greatest concern about property standards, housing affordability, and housing availability. For most issues, owner-residents reported experiencing them more frequently than either landlords or residents. Owner-residents most often indicated property standards issues as their top concern.

Landlords and renters were each asked a specific question about the financial impacts of the proposed licence fee of \$616 per year (\$51 per month). 91% of landlords responding to the survey indicated they were very likely to pass these costs on to their tenants; 75% of renters indicated that this cost would be a burden to them, in some cases resulting in an inability to meet their rent. All respondents were asked who should pay for the costs associated with a residential rental licence; while 54% of landlords felt that renters should pay for all costs, 76% of owner residents and 80% of renters felt that landlords ought to shoulder them.

More details on the survey and a summary of its results are included in Appendix B.

### **Licence Framework**

Administration developed the attached draft by-law and licensing framework with consideration of the feedback received through these consultations. Administration

recommends a mandatory licensing program with inspections that verify appropriate safety and maintenance standards are met. Initial inspections performed by Fire and Building will document defects and inspectors will issue Orders to Comply or Repair (“Orders”) to property owners to improve their substandard units. Future annual inspections will allow City staff to proactively address issues and document condition changes rigorously in order to evaluate licensing impacts. Administration anticipates this approach will avoid onerous licensing requirements, keep cost recovery efforts focused on non-compliant owners, and mitigate the financial impacts to vulnerable groups and compliant property owners alike.

### ***Scope***

The attached draft by-law requires all residential rental dwelling units in buildings containing four or fewer units to be licensed. For the purposes of the pilot study, residential rental licensing requirements will apply to all residential properties in Wards 1 and 2 except:

- Properties with five or more units;
- Units occupied by the property owner, their spouse, child or parent;
- Hotels, motels, or inns;
- Accommodations already licensed by the City, including Lodging Homes and Bed & Breakfast Establishments;
- Housing regulated by other Acts, like long-term care or retirement homes; and,
- Social or affordable housing units under agreements with the City.

### ***Application and Issuance***

Property owners who rent dwelling units, or offer them for rent, will be required to secure a Residential Rental Licence for each unit. To do so, owners or their authorized agents must complete an application form, which collects contact information for the owner as well as any individuals the owner delegates responsibility for the unit to. Applicants must provide government-issued identification proving their residency; if the owner does not reside in Windsor, information for a local contact who does live in Windsor will also be required. Applicants must also provide proof of ownership for the property, including proof of corporate ownership if applicable, as well as proof of at least \$2 million liability insurance which also indicates the property is being rented.

Prior to submission, applicants must complete a property condition checklist and sign a declaration stating they are aware of, and will comply with, the City’s by-laws related to property maintenance, noise, and parking. For a new licence, applicants will also need to submit documentation confirming the unit complies with the Electrical Safety Code.

Once a complete application is received, City staff will confirm the unit conforms with the City’s Zoning By-law and arrange for fire and property standards inspections. Yearly licence renewals will also require a property standards inspection before a licence is issued, including smoke detector and carbon monoxide (CO) alarm checks.

### ***Maintenance and Enforcement***

To maintain their licence, owners must keep their rental housing units within the standards established during the application process. If a property is subject to an

Order, the Licence Commissioner may refer the licence to the Windsor Licensing Commission with a recommendation to suspend a licence, place additional conditions on it, or revoke it. If this occurs, the Licence Commissioner will consider the impacts of doing so on the community and neighbouring properties like any other class of licence, but will additionally consider the impact to tenants of any recommendation with a goal of minimizing adverse impacts to them. This could include additional time for tenants to find new housing or to pursue a complaint in Court or before the LTB. Regardless of a unit's licensing status, the Windsor Licensing Commission cannot order a tenant to leave their dwelling – except for circumstances of immediate danger, only the LTB can order a tenant's eviction.

By-law Enforcement Officers will investigate properties within the study area believed to contain unlicensed rental units. Property owners operating a rental housing unit without a licence will be issued an Order to Comply requiring them to secure a licence for the unit, undergo inspections, and complete any repairs needed to bring the unit into compliance with health and safety standards. Failure to comply with an Order could result in filing charges with the Courts as well as administrative fees. Unpaid fines or administrative fees may be added to the property's tax bill.

### ***Next steps and timelines***

Once a draft by-law is passed, City staff will undertake the necessary actions to implement the approved licensing program and pilot study. This will include:

- Staffing the program – as disclosed in the original report, additional staff will be required in Fire, Building, Licensing and By-law Enforcement to meet the needs of this new program;
- Creating processes and software applications for application and tracking of licences;
- Creating education materials, including City web page updates and documents;
- Communicating with owners and residents in the pilot study area; and,

Following the implementation, Administration will engage in ongoing consultation with internal and external stakeholders.

Administration anticipates that the implementation process will take up to six months from the passage of the by-law.

### **Risk Analysis:**

**Staffing:** Dedicated staff in Building, By-law Enforcement, Fire, and Licensing have already been approved by Council to implement and administer the licence program but are not yet engaged – the timing required to do this may impact implementation timelines. Administration believes the approved staff complement can develop and implement the initial stages of the requested pilot study, but additional staffing may be required if the number of licence applications exceed current administrative capacities. If more staffing is needed in the future, Administration will return to Council with a formal budget request.

**Legal challenges:** As with any regime of this type, a risk of challenge exists. It is noted that Hamilton's pilot was significantly delayed and did not launch until March 2022,

which has not allowed Administration to assess the outcomes as had been originally intended.

**Affordability and Availability of Rental Units:** A fee is associated with this licence regime, and it is likely possible that landlords will pass this on to their tenants, increasing their rent. It is reasonable that property owners will recover licensing costs through increased rental rates for existing or future tenants. There is no way for the City to require landlords, or any business owner, to bear licensing costs directly. In response to this risk, Administration has streamlined the initially proposed framework to reduce licence fees and minimize their impacts as much as possible while still pursuing a full cost recovery model.

Some currently occupied units will not be able to comply with applicable laws and safety regulations. Property owners may also decide that undertaking the repairs necessary to comply is not economical for them and may opt to remove a unit from the rental pool. To monitor this risk, Building and By-law Enforcement staff will track the number of Orders resolved in this manner as part of the pilot study. Licensing staff will also work with Housing Services and outside partner agencies to provide education materials and resource referrals to any affected individuals.

## **Climate Change Risks**

### **Climate Change Mitigation:**

N/A

### **Climate Change Adaptation:**

N/A

### **Financial Matters:**

As with any other municipal licensing regime, the adoption and implementation of a residential rental licensing program has financial implications for City Council to consider. Given the program cost will be fully recovered through the licensing fees, a temporary provision was approved for this pilot program in the 2022 Operating Budget (Issue #2022-0297) at a net neutral cost. Should City Council accept this report's recommendations, the financial impacts of this program will be monitored throughout its operation. At the end of the pilot study, Administration will bring forward a request for approval to adjust the revenue and make the additional staff required to administer the program permanent.

Council has already approved the temporary staff complement required to administer this program in its initial stages. If additional staff is needed, Administration will bring forward a formal request at a future budget deliberation. The table below provides an overview of the costs approved in Budget Issue 2022-0297.

Table 1: Temporary Staff Compliment and Departmental Costs

DEPARTMENT	POSITION	TYPE	QUANTITY	COST
Licensing	Licence Issuer	Full Time	1	\$ 113,851
By-law Enforcement	By-Law Officer	Full Time	1	\$84,440
Building	Building By-Law Officer	Full Time	2	\$188,204
Planning	Zoning Coordinator	Part Time	1	\$36,425
Fire & Rescue	Fire Prevention Officer	Full Time	2	\$319,338
<b>TOTAL</b>				<b>\$742,258</b>

**Municipal Licence Fees**

Administration intends to use an approach similar to our current Lodging Home licensing program and has based the Residential Rental Licence fees off of this. The cost for a Residential Rental License is \$466.00 for a new licence and \$275.00 for a renewal in order to cover all costs (see Table 2). The licence fee will cover administrative costs and initial inspections for the purposes of issuing the licence. All non-compliant matters, including repeat offences, will be subject to the additional fees as currently prescribed under the City’s User Fee Schedule.

Table 2: Residential Rental Licence Fee

CATEGORY	INITIAL APPLICATION	RENEWAL
Administration	\$111.80	\$111.80
Building Inspection	\$83.70	\$83.70
Zoning Letter	\$41.00	--
Fire Inspection	\$150.00	--
Enforcement	\$23.94	\$23.94
Office Expense Overhead	\$21.95	\$21.95
Corporate Support Overhead	\$33.15	\$33.15
<b>Total</b>	<b>\$466.00</b>	<b>\$275.00</b>

Note: The recommended fees have been rounded to the nearest dollar to facilitate the administration of the pilot program.

The table below shows the forecasted revenue from the Residential Rental License, over the two year pilot. This is based on the assumption that 3,000 – 4,000 new Residential Rental Licenses will be issued in Ward 1 and 2. This program will be monitored closely and any surplus or deficit communicated to Council as per normal quarterly variance reporting. It is noted that these are purely estimates at this time and these amounts will be refined as further information becomes available throughout the pilot.

Table 3: Residential Rental Licence Fee Revenue

LICENCE TYPE	FEE	LICENCES ISSUED	ANNUAL REVENUE
<i>2022-2023</i>			
New Licence	\$466	1,615	\$752,590
Licence Renewal	\$275	0	\$0
<b>Total</b>		<b>1,615</b>	<b>\$752,590</b>
<i>2023-2024</i>			
New Licences	\$466	2,000	\$932,000
Licence Renewals	\$275	1,615	\$444,125
<b>Total</b>		<b>3,615</b>	<b>\$1,376,125</b>

**Consultations:**

- Jim Abbs, Planner III
- Michael Coste, Chief Fire Prevention Officer
- Janice Guthrie, Deputy City Treasurer
- Alex Hartley, Senior Legal Counsel
- Stephen Lynn, Manager of Social Policy and Planning
- Jennifer Tanner, Manager of Homelessness and Housing Supports
- Alexandra Taylor, Financial Planning Administrator
- Roberto Vani, Manager of Inspections / Deputy Chief Building Official
- Johnathan Wilker, Deputy Fire Chief
- City of Oshawa
- City of Thorold
- City of Waterloo
- Tori Jenkins, Legal Assistance of Windsor

**Conclusion:**

Following consultation with community members, advisory committees, and outside organizations, Administration has developed a draft by-law and licensing regime in accordance with Council’s direction to enables a pilot study of residential rental licensing in Wards 1 and 2. It proposes a mandatory licence based on full cost recovery which requires proactive inspections from Fire and Building and collects information from owners to ensure they can be reached in a timely fashion should issues arise. Once this by-law and framework is approved, implementation is expected to take approximately six months. Administration will monitor and report on the outcomes of this project to allow Council to determine whether City-wide implementation is desirable.

**Planning Act Matters:**

N/A

**Approvals:**

<b>Name</b>	<b>Title</b>
Steve Vlachodimos	City Clerk
Tony Ardovini	Commissioner, Corporate Services / CFO (A)
Shelby Askin Hager	Commissioner, Legal and Legislative Services
Joe Mancina	Chief Administrative Officer (A)

**Notifications:**

<b>Name</b>	<b>Address</b>	<b>Email</b>
Stephen Szewczuk		
Kevin Flood		
Bruce Sheardown		
Diane Rawlings— Department Head, Residence Services Student Affairs University of Windsor		
Windsor Landlord Association		
Lena Angelidis		
Cynthia Crump—St. Clair College		
Ming Tran, Administrative Assistant, St. Clair College		
Alan Richardson		
Janet Harris—University of Windsor		
Mike Cardinal		
Al Shipley		

Name	Address	Email
Borys Sozanski		
Tori Jenkins, Legal Assistance Windsor		
Dwayne Murphy		
Felicia Hemberger		
Sheryl Bondy		

**Appendices:**

- 1 Appendix A - Draft By-law and Schedules
- 2 Appendix B - Survey Data Report



## **DRAFT BY-LAW**

### **A BY-LAW TO ESTABLISH A LICENSING PROGRAM FOR THE REGULATION OF RESIDENTIAL RENTAL HOUSING IN THE CITY OF WINDSOR**

Passed the XX day of April, 2022.

**WHEREAS** Section 8(1) of the *Municipal Act, 2001*, S.O. 2001, c. 25, as amended, (the “Municipal Act”) provides that the powers of a municipality shall be interpreted broadly as to confer broad authority on a municipality to (a) enable it to govern its affairs as it considers appropriate, and (b) enhance its ability to respond to municipal issues;

**AND WHEREAS** Section 151(5) of the *Municipal Act* provides that a municipality may pass by-laws with respect to any activity, matter or thing for which a by-law may be passed under Sections 9, 10 and 11 as if it were a system of licences with respect to a business;

**AND WHEREAS** Section 391 of the *Municipal Act* provides for the municipality to impose fees or charges on persons for services or activities provided or done by or on behalf of it;

**AND WHEREAS** Section 425 of the *Municipal Act* provides for a municipality to pass by-laws providing that a person who contravenes a by-law of the municipality passed under the Act is guilty of an offence;

**AND WHEREAS** Section 426 of the *Municipal Act* provides that no person shall hinder or obstruct, or attempt to hinder or obstruct, any person who is exercising a power or performing a duty under the *Municipal Act* or under a by-law passed under the *Municipal Act*;

**AND WHEREAS** Section 429 of the *Municipal Act* provides for the municipality to establish a system of fines for offences under a by-law of the municipality passed under the *Municipal Act*;

**AND WHEREAS** Section 431 of the *Municipal Act* provides that if any by-law of the municipality is contravened and a conviction entered, in addition to any other remedy and to any penalty imposed by the by-law, the court in which the conviction has been entered and any court of competent jurisdiction thereafter may make an order to prohibit the continuation or repetition of the offence by the person convicted;

**AND WHEREAS** Sections 444 and 445 of the *Municipal Act* respectively, provide for the municipality to make an order requiring a person who contravenes a by-law or who causes or permits the contravention or the owner or occupier of land on which a

contravention occurs to discontinue the contravening activity or do work to correct a contravention;

**AND WHEREAS** the Council for The Corporation of the City of Windsor considers it necessary and desirable for the public to regulate the renting of residential premises for the purpose of protecting the health and safety of the persons residing in residential rental premises by ensuring that certain regulations are met, that the required essentials such as plumbing, heating and water are provided, for ensuring that the residential rental premises do not create a nuisance to the surrounding properties and neighbourhood and to protect the residential amenity, character and stability of residential areas;

**NOW THEREFORE** the Council of the Corporation of the City of Windsor enacts this by-law to licence residential rental housing within the jurisdictional boundaries of the City of Windsor.

## **1 Short Title**

1.1 This by-law may be cited as the Residential Rental By-law.

## **2 Definitions**

2.1 In this by-law:

**“Applicant”** means a person seeking to become licensed under this By-law (i.e., become a Licensee) and who, either in person or through an Authorized Agent, makes such an application;

**“Authorized Agent”** means a person authorized in writing by an Applicant or Licensee to act on behalf of such Applicant or Licensee for the identified purpose of making an application, renewing a Licence, or otherwise complying with the provisions of this By-law;

**“Bed-and-Breakfast or Guest House Establishment”** means a home-based business for the temporary accommodation of the traveling public located within a single detached dwelling which is occupied on a full-time basis by the owner of such single detached dwelling or the principal shareholder (or one of them if more than one shareholder holds the greatest number of shares) of the corporation registered as the legal owner of the Building, including during the time the Bed and Breakfast or Guest House is in operation, and shall contain at least one (1) bedroom for the exclusive use of the owner and at least two (2) accessory guest rooms for use in the Bed and Breakfast or Guest House operation, and shall mean and include any Bed and Breakfast or Guest House

legally established under any predecessor by-law, but shall not include a Lodging House, Hotel, or Short-Term Rental;

**“Building”** means a structure, whether permanent or temporary, with walls or a roof or part thereof, used or intended to be used for shelter, accommodation or enclosure of persons, animals, goods or chattels;

**“Building Code”** means Ontario Regulation 350/06, as amended under the *Building Code Act, 1992*, S.O.1992, c.23, as amended;

**“Business Licensing By-law”** means the City’s Business Licensing By-law 395-2004, as amended, or its successor by-law;

**“Chief Building Official”** means the Chief Building Official for the City or their delegate;

**“Chief of Police”** means the Chief of Windsor Police Service, or their delegate;

**“City”** means The Corporation of the City of Windsor or any person authorized to act on behalf of the Corporation for the purposes of exercising its powers under this By-law;

**“Contact Information”** means, but is not limited to:

- (a) Mailing address;
- (b) Telephone number;
- (c) E-mail address; and
- (d) Emergency contact;

**“Dwelling Unit”** means a room or suite of rooms in a Building used or designed to be used by one (1) or more individuals as an independent and separate housekeeping unit;

**“Fire Chief”** means the Chief of Windsor Fire and Rescue Services, or their delegate;

**“Fire Code”** means O. Reg. 213/07, as amended, under the *Fire Protection and Prevention Act, 1997*, S.O. 1997, c.4, as amended;

**“Ice and Snow By-law”** means the City’s Ice and Snow Removal By-law 8544, as amended, or its successor by-law;

**“Individual Person”** means a natural person;

**“Licence”** means the certificate issued under this By-law as proof of licensing under this By-law;

**“Licence Commissioner”** means the Licence Commissioner for the City and shall mean and include any delegate or delegates of the Licence Commissioner for the City as well as any successor position to the Licence Commissioner carrying out the responsibilities of the Licence Commissioner at the time of the passing of this By-law;

**“Licensee”** means a person, corporation or partnership who has been issued and maintains a valid Licence pursuant to the terms of this By-law;

**“Local Contact”** means an Individual Person, whether an Owner or an Operator, who is responsible for the care and control of the Rental Housing Unit and who resides within the City of Windsor;

**“Market”, “Marketed” or “Marketing”** means offering, facilitating, or causing or permitting to offer or facilitate, directly or indirectly, the sale, promotion, canvassing, solicitation, advertising, or marketing of part or all of a Rental Housing Unit, and includes placing, posting or erecting advertisements physically or online;

**“Medical Officer of Health”** means the Medical Officer of Health for the Municipality of Windsor, Ontario;

**“Noise By-law”** means the City’s Noise By-law 6716, as amended, or its successor by-law;

**“Officer”** means a Provincial Offences Officer or Municipal Law Enforcement Officer of the City, or any other person appointed by or under the authority of a City by-law to enforce this By-law;

**“Ontario Police Service”** means a police service established in Ontario under the *Police Services Act, R.S.O. 1990, c. P.15*, as amended;

**“Operate”, “Operated” or “Operating”** means to rent out, provide, offer to rent out or provide, or cause to be Marketed, the offer or rental, whether directly or indirectly, including, without limitation, via the internet or other electronic platform, of a Rental Housing Unit and shall include a person collecting a fee or handling payments in respect of a Rental Housing Unit;

**“Operator”** means any person who operates, maintains, or is otherwise responsible for managing or addressing issues in relation to a Rental Housing Unit but is not an Owner;

**“Order”** means a direction issued by the City under statutory authority, including but not limited to orders under the *Municipal Act, 2001, S.O. 2001, c. 25*, as amended, including section 9.5 of this by-law, the *Building Code Act, 1992, S.O.*

1992, c. 23, as amended, and the *Fire Protection and Prevention Act, 1997*, S.O. 1997, c. 4, as amended;

**“Owner”** includes:

- (a) Each registered owner of a Rental Housing Unit;
- (b) Each person who permits occupancy of a Rental Housing Unit; and
- (c) The heirs, assigns, personal representatives and successors in title of a person referred to in articles (a) and (b);

**“Parking By-law”** means the City’s Parking By-law 9023, as amended, or its successor by-law;

**“Person”** means an individual person, a partnership, or a corporation (including any of such corporation’s affiliates, subsidiaries or parent corporations, as the case may be) to which the context can apply and “Person” shall also include multiple persons who, acting together, operate or offer to operate a Rental Housing Unit, despite the fact that no single one of those persons carries on the activity in its entirety;

**“Prohibited Ground”** means the prohibited grounds of discrimination as provided for under the *Ontario Human Rights Code*, R.S.O. 1990, c. H.19;

**“Property”** means a Building, and includes the lands and premises appurtenant thereto, and includes vacant property;

**“Property Standards By-law”** means the City’s Property Standards By-law 9-2019, as amended, or its successor by-law;

**“Rent”** includes the amount of any consideration paid or given or required to be paid or given by or on behalf of a Tenant to an Owner for the right to occupy a Rental Housing Unit and for any services and facilities and any privilege, accommodation or thing that the Owner provides for the Tenant in respect of the occupancy of the Rental Housing Unit, whether or not a separate charge is made for services and facilities or for the privilege, accommodation or thing;

**“Rental Housing Unit”** means a Dwelling Unit which is occupied or offered for occupancy in exchange for Rent or services in lieu of paying Rent;

**“Tenant”** includes a person who pays Rent or provides services in lieu of paying Rent in return for the right to occupy a Rental Housing Unit and includes the person’s heir, assigns (including subtenants) and personal representatives;

**“Waste Collection By-law”** means the City’s Waste Collection By-law 2-2006, as amended, or its successor by-law;

**“Yard Maintenance and Anti-Littering By-law”** means the City’s Yard Waste, Exterior Property Maintenance and Littering By-law 3-2006, as amended, or its successor by-law;

**“Zoning By-law”** means the City’s Zoning By-law 8600, as amended, or its successor by-law, as well as any other by-laws passed by the City pursuant to s. 34 of the *Planning Act*, R.S.O. 1990, c. P13, as amended.

### **3 Applicability and Scope**

3.1 This by-law applies to all of the following within Wards 1 and 2 of the City of Windsor as described in Appendix “A” of this By-law:

- (a) Owners of a Rental Housing Unit;
- (b) Operators of a Rental Housing Unit; and
- (c) Dwelling Units used or intended to be used as a Rental Housing Unit.

3.2 This By-law does not apply to:

- (a) a Property containing five (5) or more Dwelling Units;
- (b) a Dwelling Unit whose occupant or occupants are required to share a bathroom or kitchen facility with the owner, the owner’s spouse, child or parent or the spouse’s child or parent, and where the owner, spouse, child or parent lives in the Building in which the living accommodation is located;
- (c) a hotel, motel, or inn;
- (d) a Bed-and-Breakfast, Guest House Establishment, or Lodging Home licensed under the City’s Business Licensing By-law; or
- (e) a Dwelling Unit to which any of the following statutes, or their regulations, apply:
  - (i) the *Homes for Special Care Act*, R.S.O. 1990, c H. 12, as amended;
  - (ii) the *Innkeeper’s Act*, R.S.O. 1990, c 17, as amended;
  - (iii) the *Long-Term Care Homes Act, 2010*, S.O. 2010, c. 11, as amended;
  - (iv) the *Retirement Homes Act, 2000*, S.O. 2010, c. 11, as amended;
  - (v) the *Social Housing Reform Act, 2000*, S.O. 2000, c. 27, as amended; and

- (f) social housing or affordable housing that is not subject to the *Social Housing Reform Act, 2000*, S.O. 2000, c. 27, as amended, but which is subject to an agreement with the City of Windsor and which has been approved for exemption by the Licence Commissioner.

## **4 Prohibitions**

- 4.1 No person shall do any of the following, except in accordance with a Licence issued under this by-law:
  - (a) Operate a Rental Housing Unit;
  - (b) Permit a person to operate a Rental Housing Unit;
  - (c) Collect Rent, or permit Rent to be collected, for a Rental Housing Unit;
  - (d) Market, or permit to be Marketed, a Rental Housing Unit; or
  - (e) Hold a Rental Housing Unit out as being licensed.
- 4.2 No person shall do any of the following, other than at a location for which a Licence has been issued under this by-law:
  - (a) Operate a Rental Housing Unit;
  - (b) Permit a person to operate a Rental Housing Unit;
  - (c) Collect Rent, or permit Rent to be collected, for a Rental Housing Unit;
  - (d) Market, or permit to be Marketed, a Rental Housing Unit; or
  - (e) Hold a Rental Housing Unit out as being licensed.
- 4.3 No person shall do any of the following under a name other than the name under which a Licence has been issued under this by-law:
  - (a) Operate a Rental Housing Unit;
  - (b) Permit a person to operate a Rental Housing Unit;
  - (c) Collect Rent, or permit Rent to be collected, for a Rental Housing Unit;
  - (d) Market, or permit to be Marketed, a Rental Housing Unit; or
  - (e) Hold a Rental Housing Unit out as being licensed.
- 4.4 No person shall provide false or misleading information to the City when applying for a Licence under this by-law, renewing a Licence or at any other time.
- 4.5 No person shall operate, or permit to operate, a Rental Housing Unit in contravention of the City's Zoning By-law, or in contravention of any of the other

of the City's by-laws, or in contravention of the Building Code, the Fire Code, or any other applicable law.

- 4.6 No person licensed under the provisions of this by-law shall fail to maintain, on a continuous basis, the standards and requirements necessary to obtain the original approval of the Licence application, or that have been imposed since the issuance of the Licence.
- 4.7 No person shall hinder or obstruct, or attempt to hinder or obstruct, or advise, instruct, or encourage others to hinder or obstruct, an Officer who is exercising a power or performing a duty under this by-law.
- 4.8 No person shall fail to keep any and all of the records required to be kept under the provisions of this by-law.
- 4.9 No Licence issued under this by-law may be sold or transferred.
- 4.10 No person licensed or required to be licensed under this by-law shall charge any person, or provide services to any person, or deny service to any person, in a manner that in the opinion of the Licence Commissioner discriminates on the basis of a prohibited ground under the *Ontario Human Rights Code*, R.S.O. 1990, c. H.19, as amended, or is deemed by the Licence Commissioner to have the same or similar effect.

## **5 Powers and Duties**

### **POWERS AND DUTIES OF THE LICENCE COMMISSIONER**

- 5.1 The Licence Commissioner:
  - (a) Shall receive and process all applications for Licences and renewal of Licences to be issued under this By-law;
  - (b) Shall coordinate the enforcement of this By-law;
  - (c) Shall perform all the administrative functions conferred upon him or her by this By-law;
  - (d) Shall make or cause to be made all investigations and inspections which they deem necessary to determine whether an Applicant meets the requirements of this By-law and all applicable laws;
  - (e) Shall make or cause to be made a circulation, respecting each application, which may include circulation of the licence application to the Medical Officer of Health, the Fire Chief, the Chief Building Official, the Chief of Police and any other departments of the City, and any other public



authorities which may have an interest in the licence application for comment;

- (f) May issue Licences to persons who meet the requirements of this By-law and may suspend Licences pursuant to the requirements of this By-law; and
- (g) May, where a Licence has been issued pursuant to this By-law and otherwise remains in full force and effect, renew the Licences of persons who meet the requirements of this By-law.

5.2 Upon reviewing a licence application, including an application for renewal of a Licence, or upon receiving information or a complaint as against a Licensee, the Licence Commissioner may, in their sole discretion refer the application to the Windsor Licensing Commission, to refuse to grant or revoke or suspend or place conditions on a Licence upon the following grounds:

- (a) Where there are reasonable grounds for belief that such Applicant or Licensee will not carry on or engage in the business in accordance with the law, or with integrity and honesty;
- (b) Where there are reasonable grounds for belief that the carrying on by the Applicant or Licensee of the business in respect of which the Licence is sought or held, would infringe the rights, or endanger the health or safety of, members of the public;
- (c) Where there are reasonable grounds for belief that the carrying on of the business by the Applicant or Licensee will result in non-compliance with this By-law or any other requirement or prohibition imposed by any other law;
- (d) Where the Property on which the Rental Housing Unit is situated is subject to an Order, or Orders, made pursuant to:
  - (i) The City's Property Standards By-law;
  - (ii) The City's Zoning By-law;
  - (iii) The *Building Code Act, 1992* or any regulations made under it, including the Building Code;
  - (iv) The *Fire Protection and Prevention Act, 1997*, S.O. 1997, c. 4, as amended, or any regulations made under it; or
  - (v) The authority of the Medical Officer of Health;

- (e) Where there are reasonable grounds for belief that the nature, condition or use of the Property or premises, or any equipment, vehicle or other personal property used or to be used by the Applicant or Licensee in the carrying on or engaging of the business would involve non-compliance with any provision of this By-law or any other law;
- (f) Where there are reasonable grounds for belief that any application or any other document or information provided by or on behalf of the Applicant or Licensee, contains a false statement or provides false information; and
- (g) Where information provided to the City by or on behalf of the Applicant or Licensee, whether oral or in writing, has ceased to be accurate, and the Applicant or Licensee has not provided up-to-date accurate information to the City sufficient to allow the Licence Commissioner, or the Windsor Licensing Commission, as the case may be, to conclude the Licence should be granted or maintained as valid and subsisting;
- (h) Where a Licensee's or Applicant's insurance, as approved by the Licence Commissioner, has expired and they continue to carry on business for which the Licence was issued;
- (i) Where a Licensee or Applicant fails to comply with a request to inspect or hinders an inspection in any way;

5.3 The Licence Commissioner's decision under section 5.2 shall be guided by the following considerations:

- (a) The safety, health and well-being of the community;
- (b) The impact on neighbouring properties;
- (c) Financial impact to the City;
- (d) The impact of any such Licence revocation or suspension on any Tenant; and
- (e) Imposing terms or conditions on any such Licence revocation or suspension that would minimize the adverse impact on any Tenant, including the possibility of providing a reasonable time period before the Licence revocation or suspension takes place to permit any Tenant to find new housing or to seek relief in a Court or before the Ontario Landlord and Tenant Board.

5.4 Despite section 5.2, a Licence shall not be issued or renewed and the Licence Commissioner shall refer the matter to the Windsor Licensing Commission where:

- (a) the Property for which the Rental Housing Unit is being proposed has any outstanding unpaid penalties or fines from the City;
- (b) any of the Applicants, within the previous five years from the date of application or renewal have been convicted of any of the following under the Criminal Code of Canada:
  - (i) homicide or manslaughter;
  - (ii) sexual offences;
  - (iii) assault offences;
  - (iv) confinement offences;
  - (v) robbery or extortion offences;
  - (vi) break and enter offences;
  - (vii) fraud or forgery offences; or,
  - (viii) a statutory or regulatory offence in any way related to the ownership or management of residential rental properties.

5.5 For the purposes of sections 5.2 and 5.4 of this by-law, the term “person” shall include any director, officer, partner or principal of a partnership or a corporation or any shareholder of a corporation that holds at least fifty per cent (50%) of the shares of that corporation.

5.6 In the case where the Licence Commissioner refuses, revokes or suspends a Licence upon any one or more of the grounds listed in section 5.2 of this by-law, the Applicant, or Licensee, as the case may be, may appeal the Licence Commissioner’s decision to the Windsor Licensing Commission by notifying the Licensing Commissioner, in writing, of his, her or its request to appeal to the Windsor Licensing Commission no later than fourteen (14) days after the date the Licence application is refused, revoked or suspended by the Licence Commissioner.

5.7 In the case where the Licence Commissioner or the Applicant, or Licensee, as the case may be, refer or appeal to the Windsor Licensing Commission, the Windsor License Commission may refuse to grant, or revoke or suspend or place conditions on a Licence upon any one or more of the grounds listed in section 5.2 of this By-law.

5.8 Where after a hearing, the Windsor Licensing Commission concludes that any one of the grounds set out under section 5.2 exist, the Windsor Licensing Commission may, instead of refusing, revoking, suspending a Licence, grant a

Licence or allow a Licence to continue upon such conditions as the Windsor Licensing Commission may see fit to impose, for the purpose of ensuring the proper and lawful carrying on of the business, or such other conditions, as are authorized by law.

- 5.9 No revocation or suspension of a Licence under this By-law shall be final, except after a hearing by the Windsor Licensing Commission, or after the Licensee has been given the opportunity for such a hearing, in accordance with the law.
- 5.10 The Licence Commissioner may suspend a Licence where there are reasonable grounds to believe that such is required to prevent a breach of the By-law, or for any of the reasons that would form grounds for the revocation of a Licence pursuant to section 5.2.
- 5.11 A suspension under section 5.2 shall take effect upon service of written notice thereof to the Licensee, or upon the delivery of written notice to the business premises of the Licensee at the address shown on the City's records.
- 5.12 A suspension under section 5.2 shall remain in effect for no more than fourteen (14) days from the date of service of the notice under section 5.11.
- 5.13 Following suspension of a Licence under section 5.2, the Licence Commissioner shall prepare a written report to the Windsor Licensing Commission, advising of the suspension and:
  - (a) Recommend that the Windsor Licensing Commission hold a hearing to determine whether the suspension should continue, or be terminated, and whether the Windsor Licensing Commission should give consideration to whether or not the Licence should be revoked or otherwise dealt with pursuant to the By-law; or
  - (b) Recommend reinstatement of the Licence on the basis that the conditions leading to the suspension have been remedied; or
  - (c) Recommend that no action be taken upon the termination of the suspension.
- 5.14 At any time before the Licence Commissioner shall issue or renew a Licence, or recommend to the Windsor Licensing Commission that it refuse to issue or refuse to renew a Licence, the Licence Commissioner may as they see fit, or shall at the request of the Applicant, refer the application for issuance or renewal of the Licence to the Windsor Licensing Commission.

## **POWERS AND DUTIES OF THE WINDSOR LICENSING COMMISSION**

5.15 Where there is a referral to the Windsor Licensing Commission pursuant to this section, the Windsor Licensing Commission shall hold a hearing for the purpose of:

- (a) issuing or renewing the Licence;
- (b) refusing to issue or renew the Licence;
- (c) suspending the Licence;
- (d) revoking the Licence; or,
- (e) issuing or renewing the Licence with the imposition of conditions.

5.16 Where the Licence Commissioner intends to recommend to the Windsor Licensing Commission that it refuse to issue, refuse to renew, place conditions on, revoke or suspend a Licence, the Licence Commissioner shall give notice of the intended recommendation and the reasons for the intended recommendation to the Applicant or Licensee as well as to such other persons, civic departments, boards, commissions, authorities and agencies having an interest in the recommendation. Under this section, notice to the Applicant or Licensee shall be written notice served personally or sent by ordinary, prepaid mail addressed to the address shown on the application or Licence. The notice of the hearing shall:

- (a) contain a reason or reasons for the proposed refusal, suspension, revocation or imposition of conditions;
- (b) specify the time, place and purpose of the hearing of the Windsor Licensing Commission at which the proposed refusal, suspension or revocation will be considered;
- (c) inform the affected Applicant or the affected holder of the Licence that they are entitled to attend the hearing and make submissions regarding the proposal and that, in their absence, the Windsor Licensing Commission may proceed to consider the proposal and the Applicant or affected holder of the Licence will not be entitled to any further notice in the proceeding;
- (d) afford the affected Applicant or the affected holder of the Licence a reasonable opportunity, before the hearing, to show or achieve compliance with all lawful requirements for the retention of the Licence; and
- (e) be given at least seven (7) days notice prior to the date of the Windsor Licensing Commission hearing.

5.17 At a hearing, the Windsor Licensing Commission:

- (a) shall afford the affected Applicant or the holder of the Licence an opportunity to make submissions in respect of the matter that is the subject of the Commission's proceedings;
- (b) shall afford any person, civic department, board, commission, authority or agency given notice under section 5.16 of this by-law and in attendance at the hearing, or any other person in the discretion of the Commission, an opportunity to make submissions in respect of the matter that is the subject of the Commission's proceedings;
- (c) the hearing shall be open to the public but the Commission may close a portion of the hearing for the purposes of receiving confidential legal information pertaining to the affected Applicant or Licensee;
- (d) the hearing shall be open to the public but the Commission may close all or a portion of the hearing to the public if the Commission is of the opinion that intimate financial or personal matters may be disclosed of such a nature, having regards to the circumstances, that the desirability of avoiding disclosure thereof in the interests of any person affected or in the public interest, outweighs the desirability of adhering to the principle that the hearing be open to the public;
- (e) shall give due consideration to the submissions made to it;
- (f) shall take such action to refuse, suspend revoke or impose conditions on the application or Licence, or not to refuse, suspend revoke or impose conditions on the application or Licence, as the Windsor Licensing Commission considers proper in the circumstances; and
- (g) shall give notice of its decision to the Licence Commissioner, to the Applicant or to the Licensee, and to any person, civic department, board, commission, authority or agency in attendance at the hearing, together with the reasons for its decision.

5.18 At the hearing, the Windsor Licensing Commission may suspend, revoke, and refuse to issue or impose conditions on any Licence under this By-law:

- (a) for any reason that would disentitle any Licensee to a Licence;
- (b) where the Licensee or Applicant is in breach of a condition of the Licence;
- (c) where the Licensee or Applicant is in breach of any of the provisions of this By-law;

- (d) if there are reasonable grounds to believe any of the statements made on the application for issuance or renewal are false;
- (e) if, subsequent to the issuance of the Licence, a report is filed by any body which originally provided its approval that indicates that the Licensee is no longer in compliance with this By-law;
- (f) upon such grounds as are set out in this By-law;
- (g) if the Applicant has outstanding fees or fines owing to the City, or if the Applicant has not paid the required application fee;
- (h) if the conduct or character of the Applicant or Licensee affords reasonable grounds to believe that the Applicant or Licensee will not carry on or engage in the business in accordance with the law or with honesty and integrity;
- (i) if the geographic location of the business does not meet land use requirements or does not comply with this By-law;
- (j) if, in the case of a corporate Applicant or Licensee, the conduct of its officers, directors, employees or agents affords reasonable cause to believe that the business will not be carried on in accordance with the law or with honesty and integrity;
- (k) if issuing the Licence is not in the public interest;
- (l) if a Licensee's or Applicant's insurance, as approved by the Licence Commissioner, has expired and they continue to carry on business for which the Licence was issued; or
- (m) if a Licensee or Applicant fails to comply with a request to inspect or hinders an inspection in any way.

5.19 A decision of the Windsor Licensing Commission refusing, suspending, revoking or imposing conditions on an application or Licence takes effect upon the rendering of such decision by the Windsor Licensing Commission. No Licensee shall operate or carry on the activity for which the Licence was issued while his Licence is under suspension.

5.20 The Windsor Licensing Commission shall give its decision to the Licence Commissioner within seven (7) days of the hearing.

5.21 The Licence Commissioner shall forthwith notify the Applicant in writing of such decision by serving a copy personally or sent by ordinary, prepaid mail

addressed to the last known address for the person appearing on the records of the City.

- 5.22 The proceedings of the Windsor Licensing Commission shall, at the request of the Applicant and upon payment of a fee determined by the Licence Commissioner, be transcribed in writing and a copy of the transcript shall be made available to the Applicant on payment of such additional fees as may be determined by the Licence Commissioner.
- 5.23 Upon receipt of a notice of the decision of the Windsor Licensing Commission suspending or revoking a Licence, the Licensee shall, within twenty-four (24) hours of service of notice by certified mail or immediately if the notice is personally served, return the Licence to the Licence Commissioner and the Licence Commissioner shall have access to any premises, or other property of the Licensee for the purpose of receiving or taking the same. All Licences not returned within twenty-four (24) hours of service of notice will automatically be deemed invalid.
- 5.24 No person shall refuse to deliver a suspended or revoked Licence to the Licence Commissioner or designate or shall in any way prevent or hinder the Licence Commissioner or designate from receiving or taking the same.
- 5.25 Where a Licence is revoked, the Licensee is entitled to a refund of that part of the Licence fee proportionate to the unexpired part of the term for which it was granted, such refund to be prorated on a monthly basis.
- 5.26 Where the Windsor Licensing Commission renders a decision granting the Applicant the Licence applied for, the Licence shall be issued upon the applicant complying with the terms of this By-law and the conditions imposed on the Licence, if any, and the Applicant shall complete the application within fourteen (14) days of the decision of the Windsor Licensing Commission.
- 5.27 Decisions made by the Windsor Licensing Commission are final.

## **6 Licensing Requirements**

### **APPLYING TO OBTAIN OR RENEW A LICENCE**

- 6.1 Any person seeking to obtain or renew a Rental Housing Unit Licence shall:
  - (a) Be at least eighteen (18) years of age;
  - (b) Complete an application in the form prescribed by the Licence Commissioner, including setting out such information and attaching such additional documentation as may be required by the Licence



Commissioner which includes the information and documentation outlined in Schedule 2;

- (c) Submit their completed application to the Licence Commissioner; and,
- (d) Pay the applicable fee pursuant to Schedule 1.

- 6.2 A separate Licence shall be required for each Rental Housing Unit.
- 6.3 An application shall only be made in person by the Applicant, who at the time of application shall present two (2) forms of government issued identification, one being photo and the other demonstrating proof of status in Canada, to the satisfaction of the Licence Commissioner.
- 6.4 Despite section 6.3, an Authorized Agent of the Applicant may make the application if they have written authorization to do so from at least one (1) of the Applicants along with two (2) forms of government issued identification, one being photo and the other demonstrating proof of status in Canada, to the satisfaction of the Licence Commissioner.
- 6.5 Prior to the issuance of a Licence, a copy of the application may be forwarded for a report or comments to the Medical Officer of Health, the Fire Chief, the Chief Building Official, the Chief of Police and any other departments of the City, and any other public authorities which may have an interest in the licence application, or for such information as may be required under this By-law or any other legislation.
- 6.6 Receipt of the application, request for renewal, or submission of the licence fee shall not constitute approval of the application for, or renewal of, a Licence, nor shall it obligate the City to issue or renew any such Licence.
- 6.7 Despite section 6.6, if a Licensee has remitted the prescribed renewal fee, the Licence shall be deemed to continue until the renewal is granted or refused, subject to the Licensees' avenue for appeal under Part 5 of this By-law.
- 6.8 Every Licence issued under this By-law shall expire on May 31 of the year following issuance unless revoked or otherwise terminated under this By-law prior to that date. When a renewal deadline expires on a Saturday, Sunday or holiday, the act or proceeding may be done or taken on the next following that is a business day.
- 6.9 A Licence may be obtained for one-half the applicable fee as established in Schedule 1 of this By-law if the Licence is obtained on or after February 1 of the same year.

- 6.10 A Licence not renewed by the deadline day shall be deemed to have lapsed at 12:01 a.m. the following day and the person whose name the original Licence was issued under shall not operate a Rental Housing Unit.
- 6.11 Despite section 6.10, a Licence that has not lapsed by more than 356 days from the date of the renewal deadline may still be renewed and the Applicant shall be liable to pay the licence fee established by this By-law together with the penalty of 50% over the base fee.
- 6.12 A Licence that has lapsed more than 365 days from the date of the renewal deadline shall be deemed cancelled and no longer eligible for renewal.
- 6.13 A Licensee who operates with a Licence that has been cancelled under section 6.12 may not apply for a new Licence unless the outstanding renewal fee and late renewal fee has been paid.

#### **CHANGES IN INFORMATION**

- 6.14 Every Applicant or Licensee shall notify the Licence Commissioner in writing within seven (7) days of any change in any information contained in the application for a Licence or renewal thereof.
- 6.15 Where the changes in section 6.14 include a change in the legal entity of the Licensee, the existing Licence shall be cancelled and a new Licence shall be obtained by the said legal entity, subject to all of the licensing requirements of this By-law.
- 6.16 Notwithstanding section 6.15, where there is a change in any of the registered owners of a Rental Housing Unit, a new Licence shall be obtained by all the parties operating or proposing to operate a Rental Housing Unit.
- 6.17 Where there is a change to a Rental Housing Unit as a result of a renovation or other similar work, the Owner shall notify the Licence Commissioner, as per section 6.14, and the Licence Commissioner may require such Owner to apply for a new Licence if such renovations or similar work are deemed to be significant.
- 6.18 Where an Owner intends to operate a Rental Housing Unit at a location different than the dwelling unit identified in their application, the existing Licence shall be cancelled and a new Licence shall be obtained before the intended Rental Housing Unit may operate.

## **7 Regulatory Requirements**

### **REQUIREMENTS FOR OWNERS**

- 7.1 No Owner shall allow any person to operate their Rental Housing Unit unless such person has been registered with the City as per Schedule 2 and section 7.4 of this by-law.
- 7.2 Every Owner of a Rental Housing Unit shall operate their Rental Housing Unit in accordance with the conditions of its Licence.
- 7.3 Every Owner shall post the Licence supplied by the City at the time of issuance or renewal, along with any additional documents or materials prescribed in Schedule 2 as being required for display, in a conspicuous place within 1 metre of the Rental Housing Unit's main entrance.
- 7.4 Every Owner shall ensure that the list of Authorized Agents and Operators relating to a Rental Housing Unit is up-to-date and accurate in accordance with Schedule 2 of this By-law.
- 7.5 Notwithstanding the requirements under Schedule 2 and section 7.2 of this By-law, every Owner shall be fully responsible for any and all decisions and actions governed by this By-law, including those taken by an Operator or Authorized Agent, whether or not such individual has been identified as such by the Owner and whether or not such individual was granted explicit permission or authority to make such decisions or take such actions.
- 7.6 The Owner of a Rental Housing Unit may be charged and convicted of an offence under this By-law for which an Operator or Authorized Agent is subject to be charged and on conviction the Owner is liable to the penalty prescribed for the offence.

### **REQUIREMENTS FOR OPERATORS**

- 7.7 No Operator shall operate a Rental Housing Unit unless they are registered with the City for that purpose by the Owner in accordance with Schedule 2 and section 7.4 of this By-law.
- 7.8 Every Operator registered in accordance with Schedule 2 and section 7.4 and who is an Individual Person shall be at least 18 years of age at the time of registration.
- 7.9 Every Operator shall be required to identify themselves upon request by an Officer or any other person authorized to administer or enforce this By-law.

## **8 Administrative Matters**

### **NOTICE**

- 8.1 Any notice or other information required or authorized to be forwarded, given or served under this By-law is sufficiently given if delivered personally or sent by ordinary, prepaid mail addressed to the person to whom delivery is required to be made at the address shown on the application or at last address shown or appearing on the records of the City. In the case of a corporation, this shall include delivery personally or by ordinary, prepaid mail delivered to any Individual Person who acts or appears to act for the benefit of such corporation, including a sales or customer service representative or an individual person employed or contracted by such corporation who is located at the premises of such corporation or any of such corporation's affiliates, subsidiaries or parent corporations, as the case may be.
- 8.2 Where service is effected by ordinary, prepaid mail, it shall be deemed to be made on the fifth (5<sup>th</sup>) day after the date of mailing, unless the person on whom service is being made establishes to the satisfaction of the Licence Commissioner that they did not, acting in good faith, through absence, accident, illness, or other cause beyond their control, receive the notice or Order until a later date.

### **MINOR NATURE OF POWERS DELEGATED**

- 8.3 For the purposes of section 23.2(4) of the *Municipal Act*, it is the opinion of Council that the powers delegated to the Licence Commissioner, the Windsor Licensing Commission pursuant to this By-law are of a minor nature.

## **9 Enforcement**

### **POWERS OF AN OFFICER**

- 9.1 The provisions of this By-law may be enforced by an Officer.
- 9.2 An Officer who has reasonable grounds to believe that a person has contravened any provision of this By-law may require that person provide identification to the Officer.
- 9.3 Any information provided to the Officer under section 9.2 is presumed to be correct and accurate and is admissible in any proceeding.
- 9.4 All persons who are required by an Officer to provide identification under section 9.2 shall provide such identification to the Officer. Failure to provide sufficient or correct and accurate identification shall constitute an offence as set out under section 9.7 of this By-law.

- 9.5 An Officer may issue an Order to any person governed by the provisions of this By-law, directing such person to:
- (a) discontinue a contravening activity; or
  - (b) do work to correct a contravention.
- 9.6 Failure to comply with an Order under section 9.5 is an offence and every person named in such Order shall be subject to penalties and remedies prescribed under this By-law.
- 9.7 No person shall hinder or obstruct, or attempt to hinder or obstruct, an Officer who is exercising a power or performing a duty under this By-law.

#### **POWERS OF ENTRY AND INSPECTION**

- 9.8 Officers, and any person acting under their direction, may, at any reasonable time or at any time when there are reasonable grounds to believe that a contravention of this By-law is occurring or alleged to be occurring and subject to applicable law, enter onto any property to determine if the provisions of this By-law are being complied with.
- 9.9 Officers are authorized, for the purposes of an inspection to determine and enforce compliance with the By-law, to:
- (a) direct an Owner or Operator to provide a Tenant with notice in accordance with the *Residential Tenancies Act, 2006* to allow entry into the unit to carry out an inspection;
  - (b) enter, at any reasonable time, onto any property, other than an occupied Dwelling Unit unless authorized by the occupier of such Dwelling Unit or under the authority of a warrant issued by a court of competent jurisdiction;
  - (c) require any person to produce for inspection any substance, equipment, documents, or other things relevant to the alleged offence or inspection;
  - (d) alone or in conjunction with persons possessing special or expert knowledge, make examinations, take tests, obtain samples, and/or make audio, video and/or photographic records relevant to the alleged offence or inspection; and/or
  - (e) require information from any person concerning the alleged offence or inspection.

## **10 Offences and Penalties**

10.1 Every person who contravenes a provision of this by-law or direction provided by an Officer in order to achieve compliance shall be guilty of an offence and upon conviction shall be liable to a fine as provided for in the *Provincial Offences Act*, R.S.O. 1990, C. P.33, and as set out below:

- (a) Upon a first conviction, a fine of not less than \$500 and not more than \$5,000.00.
- (b) Upon a second or subsequent conviction, a fine of not less than \$500.00 and not more than \$10,000.00.
- (c) Upon conviction for a multiple offence, for each offence included in the multiple offence, a fine of not less than \$500.00 and not more than \$10,000.00.
- (d) Upon a first conviction, where the person is a corporation, a fine not less than \$500.00 and not more than \$100,000.00.
- (e) Upon a second or subsequent conviction, where the person is a corporation, a fine of not less than \$500.00 and not more than \$100,000.00.
- (f) Upon conviction for a multiple offence, for each offence included in the multiple offence and where the person is a corporation, a fine of not less than \$500.00 and not more than \$100,000.00.

### **COLLECTION OF UNPAID PENALTIES AND FINES**

10.2 Pursuant to section 441 of the *Municipal Act*, if any part of a fine for a contravention of this by-law remains unpaid after the fine becomes due and payable under section 66 of the *Provincial Offences Act*, including any extension of time for payment ordered under that section, the City Treasurer or their designate may give the person against whom the fine was imposed written notice specifying the amount of the fine payable and the final date on which it is payable, which shall be not less than 21 days after the date of the notice. The notice shall be sent by registered mail to be delivered to that person at the person's residence or place or business.

10.3 If the fine referred to in section 10.2 remains unpaid after the final date on which it is payable as specified in the notice, the fine shall be deemed unpaid taxes for the purposes of section 351 of the *Municipal Act*.

### **CONTINUATION, REPETITION PROHIBITED BY ORDER**

10.4 The court in which a conviction has been entered, and any court of competent jurisdiction thereafter, may make an Order prohibiting the continuation or

repetition of the offence by the person convicted, and such Order shall be in addition to any other penalty imposed on the Person convicted.

## **11 Severability**

- 11.1 If any provision or part of this By-law is declared by any court or tribunal of competent jurisdiction to be illegal or inoperative, in whole or in part, or inoperative in particular circumstances, the balance of the By-law, or its application in other circumstances, shall not be affected and shall continue to be in full force and effect.

## **12 Schedules**

- 12.1 Schedules attached to and forming part of this by-law:  
Schedule 1 – Licence Application and Renewal Fees  
Schedule 2 – Required Supporting Documentation

## **13 Force and Effect**

- 13.1 This By-law shall come into force on the XX day of XXX of XXXX.

## Schedule 1 – Licence Application and Renewal Fees

	<b>Initial Application</b>	<b>Renewal</b>
Administration	111.80	111.80
Building Inspection	83.70	83.70
Zoning Letter	41.00	--
Fire Inspection	150.00	--
Enforcement	23.94	23.94
Office Expense Overhead	21.95	21.95
Corporate Support Overhead	33.15	33.15
<b>Total</b>	<b>\$466</b>	<b>\$275</b>



## Schedule 2 – Required Supporting Documentation

### REQUIREMENTS FOR ALL APPLICATIONS

S2.1 Every application to obtain or renew a Residential Rental Licence shall include:

- (a) The municipal address and legal description of the Rental Housing Unit;
- (b) The number of bedrooms within the Rental Housing Unit;
- (c) The name and Contact Information of each Owner;
- (d) If an Owner is a partnership, the name and Contact Information of each partner;
- (e) If an Owner is a corporation:
  - (i) the address of its head office;
  - (ii) the name and Contact Information of each director, officer and shareholder who holds more than 30% of the issued shares in the corporation; and
  - (iii) a Corporate Profile report dated no more than thirty (30) days from the date of application submission
- (f) Proof of ownership of the Rental Housing Unit, satisfactory to the Licence Commissioner;
- (g) Proof of Insurance that:
  - (i) Includes a limit of liability no less than \$2,000,000 (two million dollars) per occurrence for property damage and bodily injury;
  - (ii) Identifies the proposed use of the premise is that of a rental property; and
  - (iii) Requires that the Licence Commissioner be notified of any intended cancellation by the insurer no fewer than fourteen (14) days prior to such cancellation;
- (h) A completed police record check every Owner and Applicant, if different from the Owner, issued by an Ontario Police Service for the jurisdiction in which each Applicant or Owner resides, not more than thirty (30) days before the date of application submission, including:
  - (i) If the Owner or Applicant is a partnership, a completed police records check for each partner; or,

- (ii) If the Owner or Applicant is a corporation, a completed police records check for each director, officer or shareholder who holds more than thirty percent (30%) of the issued shares in a corporation;
- (i) If none of the Owners reside in the City of Windsor, or if the Owner is a corporation, the name and Contact Information of a Local Contact;
- (j) A list for registration by the City of all Authorized Agents at the time of application, including their Contact Information;
- (k) A list for registration by the City of all Operators at the time of application, including their Contact Information;
- (l) A sworn statement by each Applicant certifying the accuracy, truthfulness, and completeness of the application; and,
- (m) Any other information required to be provided under this by-law or as may be requested by the Commissioner.

#### **REQUIREMENTS FOR LICENCE ISSUANCE (NEW LICENCES)**

S2.2 In addition to the requirements of S2.1, every application to issue (not renew) a Residential Rental licence shall also include:

- (a) An inspection certificate from a certified Electrical Safety Authority technician confirming the electrical system is in proper working order, which results from an inspection that was conducted no more than six (6) months prior to the date of application submission; and,
- (b) A completed Property Standards and Safety Checklist;
- (c) A signed written statement that:
  - (i) The Rental Housing Unit is in compliance with the *Building Code Act, 1992* or any regulations made under it, including the Building Code;
  - (ii) The Rental Housing Unit is in compliance with the *Fire Protection and Prevention Act, 1997*, or any regulations made under it, including the Fire Code;
  - (iii) The Rental Housing Unit is in compliance with the *Electricity Act, 1998*, S.O. 1998, c.15, Sched. A, as amended, or any regulations made under it, including the Electrical Safety Code;
  - (iv) The Rental Housing Unit is in compliance with all applicable City By-laws;

- (v) The Owner and any person listed as an Authorized Agent or Operator is aware of all relevant federal and provincial legislation, including the *Human Rights Code*, R.S.O. 1990, c. H. 19, as amended, as well as all relevant municipal by-laws, and that they, and the Rental Housing Unit, will comply with all of them; and
- (vi) The Applicant or Owner confirms the accuracy, truthfulness and completeness of the information submitted.

#### **REQUIREMENTS FOR LICENCE RENEWAL**

S2.3 The information or documentation referred to in section S2.2(a) shall only be required for the issuance of a licence, not a renewal, except for every fifth renewal (every 5 years), at which time the Licence Commissioner may require the information or documentation to be produced.

# Residential Rental Licensing Public Feedback Survey

## Summary of Data and Findings

In March 2021, Windsor City Council directed Administration to prepare a draft by-law to licence residential rental housing in Windsor, beginning with a pilot study in Wards 1 and 2. As part of the development of this pilot study and its enabling by-law, Council directed Administration to undertake robust consultation with stakeholders. A proposed framework for regulating residential rentals, based off of the City's existing Class 1 Lodging Home Licence as well as residential rental licensing programs in other municipalities, was presented to the City's Housing and Homelessness and Town and Gown Advisory Committees in September 2021, where Committee members representing a range of private, public, and non-profit organizations asked questions about safety and raised concerns about affordability and availability of housing stock. In response to this, Administration undertook a public survey to collect additional feedback from the public about the proposed framework and identify ways to address these concerns.

The survey was available to all interested members the public through an online over three weeks in Fall 2021. Printed copies of the survey were also available on request through 311. Participants were asked to share information about their experiences with residential rental housing, their opinions of potential framework tools, and the potential financial impacts of licensing. Information about participant demographics, including area of residency and inclusion in groups protected by the Ontario Human Rights Code, was also requested.

The survey received a substantial number of responses, with the large majority of participants identifying as Windsor residents.

### Methodology

Administration undertook this survey to secure feedback from the public about the issues raised during consultations with the City's Advisory Committees. The survey's questions were designed to help Administration understand the frequency and level of concern about particular issues surrounding residential rental properties, perceptions of the tools used in existing regulatory frameworks, and specific questions about the financial impacts of the licence from the perspective of different stakeholder groups in order to produce their recommended draft by-law and framework. Demographic data was also requested in order to assess whether specific stakeholder groups, particularly those recognized as protected by the Ontario Human Rights Code, responded distinctly compared to participants overall.

The survey was made available through a link on the City's web page to an online form. A paper version of the survey was also made available upon request by contacting 311, which could be returned to the City at no cost to the participant at any Windsor Public Library branch. The survey was promoted through a press release and was reported on by local digital and broadcast media, with the intent of primarily reaching Windsor residents.

The survey was open to individuals 18 years of age or older. Survey responses were collected anonymously.

The survey, included in its print form as an appendix to this report, contained a total of 38 questions split into five (5) sections. All participants received Section 1, Demographic Data and Residency, and Section 5, Licensing Framework. Section 2, Questions for Landlords, Section 3, Questions for Owner Residents, and Section 4, Questions for Renters, consisted of analogous questions about issue frequency and concern with minor modifications appropriate for each participant group. Participants were routed to each section depending on their response to specific questions, which also determined which respondent group their data was classified as. No participant received all 38 questions. Responses were considered complete and included in the data set if all questions in the appropriate sections for their respondent group were answered.

A total of 1104 online survey attempts were recorded. Twelve (12) requests for paper surveys were received through 311 and one (1) paper survey was returned. After assessing responses for completeness, 721 responses were retained for reporting.

## Limitations

All survey results should be evaluated by readers with consideration of the inherent sampling challenges that a voluntary, primarily online survey presents. It is not feasible for the City to collect a randomized sample of responses from the desired stakeholder population at this time. Disparities in awareness of the survey or higher distribution of the online survey link to particular demographics may result in over- or under-representation of particular demographics.

## Key Highlights

In general, respondent groups indicated their experiences with rental housing issues differently. Landlords reported the lowest rates of issue frequency across for issues evaluated. Renters indicated most frequently experiencing issues with housing affordability and availability. Owner Residents indicated experiencing issues at higher frequency rates more often than either Renters or Landlords, primarily around issues related to the number of occupants sharing a property, like overcrowding, parking availability, or noise and nuisance complaints.

### Of issue frequency and priority of concern

Renters reported issues with housing affordability and availability as both most frequent and of highest priority. Beyond this, frequency was not observed to be a consistent predictor of the priority of concern participants assigned to an issue. Priorities also differed across respondent groups. A notable outlier to this was property standards issues, which were indicated as a high priority of concern for all respondent groups.

### Of feedback on the proposed licensing framework

Landlords usually indicated any proposed regulatory tool was both unimportant and ineffective. The tools most often identified as effective by Landlords were those focused on information and communication, such as contact information for owners and agents, corporate ownership information, proof of insurance, or a declaration of awareness of City by-laws. Building and Fire inspections were identified as “very important” by a large majority of Owner Residents, Renters, and Others, but were not perceived as equally effective.

A substantial number of comments were received through the survey from all respondent groups, which can be provided if requested. Many comments from all respondent groups expressed frustration with issues outside of the regulatory scope of a municipal license, such as rent costs and increases, issues with the Landlord Tenant Board and *Residential Tenancies Act*, or the presence or concentration of rental properties in a given neighbourhood. Sentiments returned by all participant groups tended not to support the proposed licensing program, or questioned its effectiveness, or expressed concern about its costs. Comments expressing clear support for the proposed licensing framework were provided most often by Owner Residents.

### Of survey response rates

The survey received a much higher number of responses than anticipated based on uptake of the City’s previous public surveys on other topics. However, a significant number of people who attempted the survey did not complete it. Based on the points where the survey was abandoned, indicated by an absence of data from a specific question forward, Administration believes this may have been due to two reasons:

- Respondents did not wish to provide the information requested, such as Question 14 which asked Landlords to indicate the number of properties they owned; or,
- Respondents found the survey too long, indicated by the number of attempts abandoned at Question 34 where a second matrix of questions was asked.

## Detailed Findings

The tables that follow provide a tally of the survey responses received in several columns representing mutually exclusive stakeholder groups. To classify this data, participants were asked whether they resided in Windsor (Q10) as well as whether they resided within the pilot study area (Q11). Following this, participants were asked if they owned residential property in Windsor (Q12), and further whether they rented out part or all of it (Q13). Respondents who answered “Yes” to this question were classified as Landlords (“LL”). Participants who indicated they own residential property in Windsor but do not offer it for rent were classified as Owner Residents (“OR”). Participants were also asked if they lived in a household where someone pays rent to occupy their unit (Q27). Those who answered “Yes” to this question and who also indicated they did not own residential property in Windsor were classified as Renters (“RT”).

Each of these respondent groups were further subdivided based on their residency. Landlords were subdivided by their response to Question 10 into Resident Landlords (“LL-RES”) and Out of Town Landlords (“LL-OOT”). Owner Residents were subdivided based on their response to Question 11 into those residing within the pilot study area (“OR-IN”) and those residing outside of it (“OR-OUT”). Renters were subdivided in the same fashion into subgroups of those residing in the pilot study area (“RT-IN”) and outside of it (“RT-OUT”).

Participants who indicated they did not live in Windsor, did not own residential property in Windsor, and did not rent a dwelling in Windsor were classified as Others (“OT”). Although not directly a stakeholder in municipal licensing, responses from these participants was accepted in order to allow anyone interested in the topic to engage with the survey. This approach was taken to allow data collected from participants who are not direct stakeholders to be evaluated discretely from other responses and avoid incentivising motivated participants to misclassify themselves in order to access the survey.

## Demographics

Demographic information was requested from respondents to provide a measure of the representativeness of responses received in comparison to available data from the Census. Questions about specific qualities protected by the Ontario Human Rights Code was requested to monitor for potential disproportionate impacts to these groups, as recommended in literature published by the Ontario Human Rights Commission.

## Residency

Most (74%) survey responses were received from residents of Windsor, with just over half of respondents (54%) indicating they resided in the pilot area. Of participants who indicated they neither owned property or resided in Windsor, 69% were received from IP addresses located within Essex County, 24% from elsewhere in Ontario, and 5% in other provinces.

## Age

People between 26 and 39 years old represented the largest portion of respondents (42%), with the next largest group between 51 and 65 years old (24%). 78% of respondents in the youngest age bracket (18 to 25 years old) were Renters.

**Table 1-1: Responses by Age (Q1)**

	LL-ALL	LL-RES	LL-OOT	OR-ALL	OR-IN	OR-OUT	RT-ALL	RT-IN	RT-OUT	Other	Total
18-25	6	5	1	1	1	0	39	20	19	4	50
26-39	82	57	25	36	24	12	148	78	70	38	304
40-50	52	26	26	20	15	5	35	16	19	21	128
51-65	51	32	19	47	31	16	43	17	26	32	173
66-75	7	6	1	26	20	6	7	4	3	16	56
76 +	1	1	0	4	4	0	2	0	2	0	7
Prefer not to answer	2	1	1	0	0	0	1	1	0	0	3
<b>Total responses</b>	<b>201</b>	128	73	<b>134</b>	95	39	<b>275</b>	136	139	<b>111</b>	<b>721</b>

## Gender

Most respondents overall identified as women (55%). Most Landlords identified as men (59%). 76% of respondents identifying as Non-Binary were Renters.

**Table 1-2: Responses by Gender Identity (Q2)**

	LL-ALL	LL-RES	LL-OOT	OR-ALL	OR-IN	OR-OUT	RT-ALL	RT-IN	RT-OUT	Other	Total
Man	119	74	45	48	32	16	79	39	40	39	285
Woman	70	48	22	81	59	22	182	91	91	64	397
Non-Binary	0	0	0	1	0	1	10	3	7	2	13
Prefer not to answer	12	6	6	4	4	0	4	3	1	6	26
<b>Total responses</b>	<b>201</b>	128	73	<b>134</b>	95	39	<b>275</b>	136	139	<b>111</b>	<b>721</b>

## Household Income

Responses were received from a fairly even distribution of income brackets overall. Reported household incomes tended to be lowest for Renters and highest for Landlords.

**Table 1-3: Responses by Household Income (Q3)**

	LL-ALL	LL-RES	LL-OOT	OR-ALL	OR-IN	OR-OUT	RT-ALL	RT-IN	RT-OUT	Other	Total
0 - \$29,999	12	10	2	2	1	1	85	45	40	10	109
\$30,000 - \$49,999	12	10	2	13	10	3	80	37	43	16	121
\$50,000 - \$69,999	25	14	11	30	20	10	60	30	30	13	128
\$70,000 - \$99,999	39	27	12	28	19	9	27	12	15	20	114
\$100,000 - \$149,999	40	28	12	28	20	8	11	3	8	23	102
\$150,000 or more	40	21	19	18	12	6	2	2	0	16	76
Don't Know	0	0	0	0	0	0	2	2	0	1	3
Prefer not to answer	33	18	15	15	13	2	8	5	3	12	68
<b>Total responses</b>	<b>201</b>	128	73	<b>134</b>	95	39	<b>275</b>	136	139	<b>111</b>	<b>721</b>

## Household Size

Landlord and Owner Resident households were larger on average than renter households. 60% of single person households were Renters.

**Table 1-4: Responses by Household Size (Q4)**

	LL-ALL	LL-RES	LL-OOT	OR-ALL	OR-IN	OR-OUT	RT-ALL	RT-IN	RT-OUT	Other	Total
<i>Average Size</i>	3.23	3.18	3.32	2.75	2.77	2.72	2.31	2.32	2.29	2.77	2.72
1	15	10	5	25	18	7	90	43	47	20	150
2	75	46	29	56	39	17	103	58	45	38	272
3	48	35	13	23	15	8	35	14	21	28	134
4	40	23	17	20	16	4	25	11	14	18	103
5	20	13	7	8	5	3	15	7	8	6	49
6	1	0	1	2	2	0	5	1	4	0	8
7	2	1	1	0	0	0	1	1	0	1	4
8	0	0	0	0	0	0	1	1	0	0	1
<b>Total responses</b>	<b>201</b>	128	73	<b>134</b>	95	39	<b>275</b>	136	139	<b>111</b>	<b>721</b>

## Racial Identity

Most respondents across all groups identified as white (78%). 22% of Landlords identified as East Asian. 7% of Landlords and 4% of Renters identified as South Asian.

**Table 1-5: Responses by Racial Identity (Q5)**

	LL-ALL	LL-RES	LL- OOT	OR- ALL	OR-IN	OR- OUT	RT-ALL	RT-IN	RT- OUT	Other	Total
Arab, Middle Eastern	8	6	2	1	1	0	7	4	3	1	17
Black	7	2	5	4	2	2	7	5	2	1	19
East Asian	44	34	10	2	1	1	2	2	0	3	51
First Nations	3	2	1	1	1	0	7	2	5	0	11
Latin American	2	2	0	1	0	1	1	0	1	1	5
South Asian	14	10	4	1	1	0	12	8	4	1	28
Southeast Asian	8	4	4	2	1	1	2	1	1	2	14
White	109	67	42	118	84	34	233	111	122	100	560
Mixed Race	2	0	2	3	3	0	3	2	1	1	9
No Answer	4	1	3	1	1	0	1	1	0	1	7
<b>Total responses</b>	<b>201</b>	128	73	<b>134</b>	95	39	<b>275</b>	136	139	111	<b>721</b>

### Disability

Most respondents (90%) did not identify as a person with a disability as defined under the Ontario Human Rights Code. 64% of those that did were Renters.

**Table 1-6: Responses Indicating a Code-Protected Disability (Q7)**

	LL-ALL	LL-RES	LL- OOT	OR- ALL	OR-IN	OR- OUT	RT-ALL	RT-IN	RT- OUT	Other	Total
Yes	9	7	2	11	6	5	46	23	23	6	72
No	192	121	71	123	89	34	229	113	116	105	649
<b>Total responses</b>	<b>201</b>	128	73	<b>134</b>	95	39	<b>275</b>	136	139	<b>111</b>	<b>721</b>

### 2SLGBTQA+

Most respondents (88%) did not identify as a Two-Spirit and/or LBGTTQA Person. 71% of those that did were Renters.

**Table 1-7: Responses Identifying as an LGBTQA and/or Two-Spirit Person (Q8)**

	LL-ALL	LL-RES	LL- OOT	OR- ALL	OR-IN	OR- OUT	RT-ALL	RT-IN	RT- OUT	Other	Total
Yes	6	4	2	7	4	3	61	30	31	11	85
No	195	124	71	127	91	36	214	106	108	100	636
<b>Total responses</b>	<b>201</b>	128	73	<b>134</b>	95	39	<b>275</b>	136	139	<b>111</b>	<b>721</b>

### Public Assistance

Most respondents (87%) indicated no one in their household received some form of public assistance (including Ontario Works, ODSP, or OSAP). 70% of those that did were Renters.

**Table 1-8: Responses Indicating Receipt of Public Assistance (Q9)**

	LL-ALL	LL-RES	LL- OOT	OR- ALL	OR-IN	OR- OUT	RT-ALL	RT-IN	RT- OUT	Other	Total
Yes	11	8	3	14	10	4	64	33	31	3	92
No	190	120	70	120	85	35	211	103	108	108	629
<b>Total responses</b>	<b>201</b>	128	73	<b>134</b>	95	39	<b>275</b>	136	139	<b>111</b>	<b>721</b>



## Ownership and Tenure

### Number of properties

Individuals who identified themselves as Landlords were asked to indicate the number of rental properties they owned. To protect anonymity in and encourage participation, bracketed values were offered instead of requesting a specific numbered value. Despite this, 72 individuals identifying as Landlords abandoned the survey at Question 14 when asked the number of properties they owned.

**Table 1-9: Number of Properties Owned (Q14)**

	LL-ALL	LL-RES	LL-OOT
1 property	73	44	29
2 to 4 properties	97	64	33
5 or more properties	31	20	11
<b>Total responses</b>	<b>201</b>	128	73

### Tenure

Each participant was asked how long they had been a member of their respective respondent group. Distributions varied across all groups, with the greatest proportion of long-term (7 or more years) tenures reported by Owner Residents. Responses from two (2) Renters who indicated they did not currently have housing are not included in Table 1-9.

95 participants identifying as Owner Residents abandoned the survey at Question 22 when asked their tenure. Five (5) participants identifying as Renters abandoned the survey at Question 28 when asked their tenure.

**Table 1-9: Respondent Tenure (Q15, Q22, Q28)**

	LL-ALL	LL-RES	LL-OOT	OR-ALL	OR-IN	OR-OUT	RT-ALL	RT-IN	RT-OUT	Total
Less than one year	18	11	7	6	2	4	41	16	25	65
1 to 3 years	65	43	22	18	14	4	123	66	57	206
4 to 6 years	55	32	23	19	13	6	67	35	32	141
7 or more years	63	42	21	91	66	25	42	18	24	196
<b>Total responses</b>	<b>201</b>	128	73	<b>134</b>	95	39	<b>273</b>	135	138	<b>608</b>

### Issues with Residential Rentals

Questions about issues regarding residential rentals were offered to participants identified as Landlords, Owner Residents, and Renters. Participants classified as Others were not offered these questions.

Participants were first asked to indicate how frequently they experienced a given issue on a five-point ordinal scale of “Never”, “Rarely”, “Sometimes”, “Often”, and “Regularly”. All issues were presented together in a matrix as one question. Following this, participants were asked to rank the same issues from 1 to 11, with 1 being their “#1 concern”. The rank value was then tallied for each concern and results compiled into five groups.

### Property Standards

Participants were asked how often they encountered issues with issues like structural repairs, heating, or plumbing. Landlords indicated experiencing these issues at lower frequencies than either Owner Residents or Renters. All groups indicated property standards issues were of a high or highest priority.

**Table 2-1a : Frequency of property standards issues (Q16a, Q23a, Q29a)**

	LL-ALL	LL-RES	LL- OOT	OR- ALL	OR-IN	OR- OUT	RT-ALL	RT-IN	RT- OUT	Total
Regularly	8	5	3	26	19	7	42	23	19	76
Often	11	8	3	15	8	7	54	28	26	80
Sometimes	45	31	14	43	33	10	95	45	50	183
Rarely	74	44	30	24	15	9	56	27	29	154
Never	63	40	23	26	20	6	28	13	15	117
<b>Total responses</b>	<b>201</b>	128	73	<b>134</b>	95	39	<b>275</b>	136	139	<b>610</b>

**Table 2-1b : Concern about property standards issues (Q17a, Q24a, Q30a)**

	LL-ALL	LL-RES	LL- OOT	OR- ALL	OR-IN	OR- OUT	RT-ALL	RT-IN	RT- OUT	Total
1 or 2 (most concern)	88	57	31	49	31	18	109	56	53	51
3 or 4	50	33	17	35	25	10	111	54	57	42
5 or 6	24	13	11	21	16	5	30	15	15	75
7 or 8	15	8	7	14	12	2	13	6	7	196
9 or 10 (least concern)	24	17	7	15	11	4	12	5	7	246
<b>Total responses</b>	<b>201</b>	128	73	<b>134</b>	95	39	<b>275</b>	136	139	<b>610</b>

### Fire Safety

Participants were asked how often they encountered issues with smoke detectors, carbon monoxide alarms, extinguishers or exiting. Renters reported experiencing these issues most frequently. Landlords indicated a high priority of concern about fire safety issues.

**Table 2-2a : Frequency of fire safety issues (Q16b, Q23b, Q29b)**

	LL-ALL	LL-RES	LL- OOT	OR- ALL	OR-IN	OR- OUT	RT-ALL	RT-IN	RT- OUT	Total
Regularly	2	1	1	6	3	3	18	10	8	26
Often	7	6	1	7	6	1	21	11	10	35
Sometimes	14	8	6	23	12	11	50	26	24	87
Rarely	49	29	20	25	18	7	79	40	39	153
Never	129	84	45	73	56	17	107	49	58	309
<b>Total responses</b>	<b>201</b>	128	73	<b>134</b>	95	39	<b>275</b>	136	139	<b>610</b>

**Table 2-2b : Concern about fire safety issues (Q17b, Q24b, Q30b)**

	LL-ALL	LL-RES	LL- OOT	OR- ALL	OR-IN	OR- OUT	RT-ALL	RT-IN	RT- OUT	Total
1 or 2 (most concern)	77	49	28	21	12	9	31	18	13	93
3 or 4	29	19	10	28	17	11	72	39	33	115
5 or 6	31	20	11	39	32	7	74	33	41	144
7 or 8	31	19	12	24	16	8	60	29	31	129
9 or 10 (least concern)	33	21	12	22	18	4	38	17	21	129
<b>Total responses</b>	<b>201</b>	128	73	<b>134</b>	95	39	<b>275</b>	136	139	<b>610</b>

## Property Maintenance

Participants were asked about their experiences with issues like grass cutting, snow removal, and garbage preparation. All groups reported experiencing these issues at lower frequency rates. All groups placed some priority on property maintenance, with the majority of Owner Residents ranking it as a top (#1 or #2) concern.

**Table 2-3a : Frequency of property maintenance Issues (Q16c, Q23c, Q29c)**

	LL-ALL	LL-RES	LL- OOT	OR- ALL	OR-IN	OR- OUT	RT-ALL	RT-IN	RT- OUT	Total
Regularly	11	7	4	60	49	11	39	24	15	110
Often	27	21	6	27	21	6	57	29	28	111
Sometimes	30	20	10	31	19	12	57	32	25	118
Rarely	42	22	20	10	3	7	46	21	25	98
Never	91	58	33	6	3	3	76	30	46	173
<b>Total responses</b>	<b>201</b>	128	73	<b>134</b>	95	39	<b>275</b>	136	139	<b>610</b>

**Table 2-3b : Concern about property maintenance issues (Q17c, Q24c, Q30c)**

	LL-ALL	LL-RES	LL- OOT	OR- ALL	OR-IN	OR- OUT	RT-ALL	RT-IN	RT- OUT	Total
1 or 2 (most concern)	31	19	12	68	53	15	25	17	8	74
3 or 4	76	46	30	37	26	11	67	36	31	93
5 or 6	41	28	13	15	7	8	83	38	45	139
7 or 8	27	19	8	6	4	2	60	28	32	180
9 or 10 (least concern)	26	16	10	8	5	3	40	17	23	124
<b>Total responses</b>	<b>201</b>	128	73	<b>134</b>	95	39	<b>275</b>	136	139	<b>610</b>

## Noise or Nuisance

Participants were asked about their experiences with noise or nuisance complaints. Frequency and level of concern varied across all groups.

**Table 2-4a: Frequency of noise or nuisance Issues (Q16d, Q23d, Q29d)**

	LL-ALL	LL-RES	LL- OOT	OR- ALL	OR-IN	OR- OUT	RT-ALL	RT-IN	RT- OUT	Total
Regularly	4	3	1	29	22	7	27	18	9	60
Often	3	2	1	22	17	5	31	12	19	56
Sometimes	15	12	3	46	33	13	51	23	28	112
Rarely	51	31	20	23	15	8	67	35	32	141
Never	128	80	48	14	8	6	99	48	51	241
<b>Total responses</b>	<b>201</b>	128	73	<b>134</b>	95	39	<b>275</b>	136	139	<b>610</b>

**Table 2-4b : Concern about noise or nuisance Issues (Q17d, Q24d, Q30d)**

	LL-ALL	LL-RES	LL- OOT	OR- ALL	OR-IN	OR- OUT	RT-ALL	RT-IN	RT- OUT	Total
1 or 2 (most concern)	15	9	6	36	27	9	12	6	6	142
3 or 4	50	34	16	42	29	13	41	21	20	118
5 or 6	60	40	20	36	24	12	58	33	25	154
7 or 8	33	18	15	11	9	2	74	27	47	133
9 or 10 (least concern)	43	27	16	9	6	3	90	49	41	63
<b>Total responses</b>	<b>201</b>	128	73	<b>134</b>	95	39	<b>275</b>	136	139	<b>610</b>

### Overcrowding and Occupancy

Participants were asked about their experiences with overcrowding or issues with the number of occupants in a unit. Owner Residents indicated substantially higher frequency and level of concern about this over Landlords and Renters.

**Table 2-5a: Frequency of overcrowding issues (Q16e, Q23e, Q29e)**

	LL-ALL	LL-RES	LL- OOT	OR- ALL	OR-IN	OR- OUT	RT-ALL	RT-IN	RT- OUT	Total
Regularly	2	2	0	38	29	9	9	7	2	49
Often	3	3	0	23	20	3	16	9	7	42
Sometimes	5	5	0	22	16	6	32	17	15	59
Rarely	23	16	7	23	14	9	47	24	23	93
Never	168	102	66	28	16	12	171	79	92	367
<b>Total responses</b>	<b>201</b>	128	73	<b>134</b>	95	39	<b>275</b>	136	139	<b>610</b>

**Table 2-5b : Concern about overcrowding issues (Q17e, Q24e, Q30e)**

	LL-ALL	LL-RES	LL- OOT	OR- ALL	OR-IN	OR- OUT	RT-ALL	RT-IN	RT- OUT	Total
1 or 2 (most concern)	15	9	6	28	23	5	10	6	4	200
3 or 4	40	28	12	31	26	5	31	15	16	116
5 or 6	52	34	18	41	25	16	46	23	23	139
7 or 8	37	23	14	21	16	5	58	31	27	102
9 or 10 (least concern)	57	34	23	13	5	8	130	61	69	53
<b>Total responses</b>	<b>201</b>	128	73	<b>134</b>	95	39	<b>275</b>	136	139	<b>610</b>

### Parking Availability

Participants were asked about their experiences with parking availability. Most Owner Residents indicated experiencing this issue “Sometimes” or “Regularly”. Most participants indicated moderate or low concern priority about the issue.

**Table 2-6a : Frequency of parking availability issues (Q16f, Q23f, Q29f)**

	LL-ALL	LL-RES	LL- OOT	OR- ALL	OR-IN	OR- OUT	RT-ALL	RT-IN	RT- OUT	Total
Regularly	8	7	1	42	32	10	55	34	21	105
Often	4	3	1	20	12	8	38	19	19	62
Sometimes	19	11	8	35	26	9	53	22	31	107
Rarely	43	28	15	19	13	6	39	17	22	101
Never	127	79	48	18	12	6	90	44	46	235
<b>Total responses</b>	<b>201</b>	128	73	<b>134</b>	95	39	<b>275</b>	136	139	<b>610</b>

**Table 2-6b : Concern about parking availability (Q17f, Q24f, Q30f)**

	LL-ALL	LL-RES	LL- OOT	OR- ALL	OR-IN	OR- OUT	RT-ALL	RT-IN	RT- OUT	Total
1 or 2 (most concern)	17	11	6	20	13	7	15	8	7	188
3 or 4	12	5	7	32	20	12	41	22	19	140
5 or 6	57	38	19	35	28	7	53	31	22	145
7 or 8	45	29	16	25	20	5	70	33	37	85
9 or 10 (least concern)	70	45	25	22	14	8	96	42	54	52
<b>Total responses</b>	<b>201</b>	128	73	<b>134</b>	95	39	<b>275</b>	136	139	<b>610</b>

### Housing Affordability

Participants were asked about issues related to the operating costs or utilities associated with rental units. Most Renters indicated experiencing issues “Often” or “Regularly” and a substantial majority placed this as a high priority concern.

**Table 2-7a : Frequency of housing affordability (Q16g, Q23g, Q29g)**

	LL-ALL	LL-RES	LL- OOT	OR- ALL	OR-IN	OR- OUT	RT-ALL	RT-IN	RT- OUT	Total
Regularly	16	12	4	23	12	11	112	53	59	151
Often	9	7	2	16	11	5	55	28	27	80
Sometimes	39	27	12	29	21	8	41	25	16	109
Rarely	39	21	18	23	17	6	24	9	15	86
Never	98	61	37	43	34	9	43	21	22	184
<b>Total responses</b>	<b>201</b>	128	73	<b>134</b>	95	39	<b>275</b>	136	139	<b>610</b>

**Table 2-7b : Concern about housing affordability (Q17g, Q24g, Q30g)**

	LL-ALL	LL-RES	LL- OOT	OR- ALL	OR-IN	OR- OUT	RT-ALL	RT-IN	RT- OUT	Total
1 or 2 (most concern)	42	25	17	14	7	7	186	90	96	89
3 or 4	34	19	15	10	8	2	25	12	13	123
5 or 6	36	21	15	23	15	8	28	13	15	87
7 or 8	55	40	15	43	25	18	25	15	10	69
9 or 10 (least concern)	34	23	11	44	40	4	11	6	5	242
<b>Total responses</b>	<b>201</b>	128	73	<b>134</b>	95	39	<b>275</b>	136	139	<b>610</b>

### Housing Availability

Participants were asked about issues related to securing a rental unit or a unit of appropriate size. Frequency and priority of concern was higher for Renters than for Landlords or Owner Residents.

**Table 2-8a: Frequency of housing availability issues (Q16h, Q23h, Q29h)**

	LL-ALL	LL-RES	LL- OOT	OR- ALL	OR-IN	OR- OUT	RT-ALL	RT-IN	RT- OUT	Total
Regularly	10	8	2	18	8	10	115	55	60	143
Often	10	8	2	13	8	5	46	22	24	69
Sometimes	20	17	3	24	16	8	42	20	22	86
Rarely	38	24	14	18	15	3	24	14	10	80
Never	123	71	52	61	48	13	48	25	23	232
<b>Total responses</b>	<b>201</b>	128	73	<b>134</b>	95	39	<b>275</b>	136	139	<b>610</b>

**Table 2-8b: Concern about housing availability issues (Q17h, Q24h, Q30h)**

	LL-ALL	LL-RES	LL- OOT	OR- ALL	OR-IN	OR- OUT	RT-ALL	RT-IN	RT- OUT	Total
1 or 2 (most concern)	14	8	6	13	8	5	120	53	67	172
3 or 4	17	13	4	8	5	3	47	20	27	163
5 or 6	20	13	7	9	5	4	27	16	11	56
7 or 8	71	46	25	43	27	16	49	28	21	72
9 or 10 (least concern)	79	48	31	61	50	11	32	19	13	147
<b>Total responses</b>	<b>201</b>	128	73	<b>134</b>	95	39	<b>275</b>	136	139	<b>610</b>

Timeliness of Landlord or Tenant Response

Participants were asked about the timeliness of responses regarding issues from their tenants (for Landlords), their landlord (for Renters), or from tenants or landlords (for Owner Residents). Most participants reported lower levels of frequency. Most Renters indicated a higher level of concern priority.

**Table 2-9a: Frequency of issues with timeliness of landlord or tenant response (Q16i, Q23i, Q29i)**

	LL-ALL	LL-RES	LL-OOT	OR-ALL	OR-IN	OR-OUT	RT-ALL	RT-IN	RT-OUT	Total
Regularly	15	8	7	23	17	6	62	33	29	100
Often	18	13	5	20	15	5	45	25	20	83
Sometimes	40	30	10	37	26	11	61	22	39	138
Rarely	52	31	21	14	7	7	52	33	19	118
Never	76	46	30	40	30	10	55	23	32	171
<b>Total responses</b>	<b>201</b>	128	73	<b>134</b>	95	39	<b>275</b>	136	139	<b>610</b>

**Table 2-9b: Concern about issues with timeliness of landlord or tenant response (Q17i, Q24i, Q30i)**

	LL-ALL	LL-RES	LL-OOT	OR-ALL	OR-IN	OR-OUT	RT-ALL	RT-IN	RT-OUT	Total
1 or 2 (most concern)	29	19	10	4	4	0	16	10	6	208
3 or 4	37	23	14	19	15	4	53	25	28	121
5 or 6	29	20	9	18	16	2	76	31	45	123
7 or 8	37	22	15	29	22	7	55	29	26	109
9 or 10 (least concern)	69	44	25	64	38	26	75	41	34	49
<b>Total responses</b>	<b>201</b>	128	73	<b>134</b>	95	39	<b>275</b>	136	139	<b>610</b>

Timeliness of City Response

Participants were asked about the timeliness of the City’s response to issues. Most participants reported less frequent experiences with the timeliness of City responses to issues as well as lower levels of concern priority.

**Table 2-10a: Frequency of issues with timeliness of City response (Q16j, Q23j, Q29j)**

	LL-ALL	LL-RES	LL-OOT	OR-ALL	OR-IN	OR-OUT	RT-ALL	RT-IN	RT-OUT	Total
Regularly	16	12	4	17	11	6	32	22	10	65
Often	15	11	4	23	18	5	24	14	10	62
Sometimes	37	31	6	45	34	11	65	24	41	147
Rarely	55	28	27	24	12	12	54	28	26	133
Never	78	46	32	25	20	5	100	48	52	203
<b>Total responses</b>	<b>201</b>	128	73	<b>134</b>	95	39	<b>275</b>	136	139	<b>610</b>

**Table 2-10b: Concern about issues with timeliness of landlord or tenant response (Q17j, Q24j, Q30j)**

	LL-ALL	LL-RES	LL-OOT	OR-ALL	OR-IN	OR-OUT	RT-ALL	RT-IN	RT-OUT	Total
1 or 2 (most concern)	24	17	7	9	7	2	5	2	3	334
3 or 4	28	18	10	21	14	7	8	4	4	109
5 or 6	29	17	12	20	14	6	23	11	12	72
7 or 8	33	20	13	30	23	7	46	25	21	57
9 or 10 (least concern)	87	56	31	54	37	17	193	94	99	38
<b>Total responses</b>	<b>201</b>	128	73	<b>134</b>	95	39	<b>275</b>	136	139	<b>610</b>

## Landlord and Tenant Rights and Obligations

Participants were asked about experiencing issues with landlord or tenant rights and/or obligations. Most participants indicated low rates of frequency and concern priority.

**Table 2-11a: Frequency of issues regarding landlord or tenant rights/obligations (Q16k, Q23k, Q29k)**

	LL-ALL	LL-RES	LL- OOT	OR- ALL	OR-IN	OR- OUT	RT-ALL	RT-IN	RT- OUT	Total
Regularly	11	6	5	16	12	4	45	22	23	72
Often	11	9	2	13	8	5	43	24	19	67
Sometimes	31	20	11	28	19	9	44	19	25	103
Rarely	42	29	13	19	11	8	52	29	23	113
Never	106	64	42	58	45	13	91	42	49	255
<b>Total responses</b>	<b>201</b>	128	73	<b>134</b>	95	39	<b>275</b>	136	139	<b>610</b>

**Table 2-11b: Concern about issues regarding landlord or tenant rights/obligations (Q17k, Q24k, Q30k)**

	LL-ALL	LL-RES	LL- OOT	OR- ALL	OR-IN	OR- OUT	RT-ALL	RT-IN	RT- OUT	Total
1 or 2 (most concern)	50	33	17	6	5	1	21	6	15	279
3 or 4	29	18	11	5	5	0	54	24	30	80
5 or 6	23	12	11	11	8	3	52	28	24	86
7 or 8	18	12	6	22	16	6	40	21	19	88
9 or 10 (least concern)	81	53	28	90	61	29	108	57	51	77
<b>Total responses</b>	<b>201</b>	128	73	<b>134</b>	95	39	<b>275</b>	136	139	<b>610</b>

## Licensing Limitations

Questions about the limitations of licensing noted during Advisory Committee consultations were offered to participants identified as Landlords, Owner Residents, and Renters. Respondents classified as Others were not offered these questions.

Participants were first asked to indicate their level of concern on a five-point ordinal scale with three labels - “Not concerned”, “Somewhat concerned”, and “Very concerned”. All issues were presented together in a matrix as one question.

Most Landlords indicated they were “Very concerned” about all limitations. Owner Residents expressed higher rates of concern about tenant behaviour and court and tribunal timelines. Most Renters indicated they were “Very concerned” about licensing adding to housing costs and potential impacts to vulnerable populations.

**Table 3-1: Licensing cannot address issues with tenant behaviour (Q18a, Q25a, Q31a)**

	LL-ALL	LL-RES	LL- OOT	OR- ALL	OR-IN	OR- OUT	RT-ALL	RT-IN	RT- OUT	Total
1 (Not concerned)	25	18	7	16	11	5	84	34	50	125
2	3	2	1	4	1	3	23	13	10	30
3 (Somewhat concerned)	23	14	9	40	30	10	107	58	49	170
4	11	4	7	0	0	0	11	4	7	22
5 (Very Concerned)	139	90	49	74	53	21	50	27	23	263
<b>Total responses</b>	<b>201</b>	128	73	<b>134</b>	95	39	<b>275</b>	136	139	<b>610</b>

**Table 3-2: Licensing fees can add to housing costs (Q18b, Q25b, Q31b)**

	LL-ALL	LL-RES	LL- OOT	OR- ALL	OR-IN	OR- OUT	RT-ALL	RT-IN	RT- OUT	Total
1 (Not concerned)	5	5	0	55	46	9	26	11	15	86
2	1	1	0	6	5	1	7	5	2	14
3 (Somewhat concerned)	14	8	6	44	30	14	62	30	32	120
4	13	7	6	0	0	0	14	7	7	27
5 (Very Concerned)	168	107	61	29	14	15	166	83	83	363
<b>Total responses</b>	<b>201</b>	128	73	<b>134</b>	95	39	<b>275</b>	136	139	<b>610</b>

**Table 3-3: Licensing enforcement is limited by court and tribunal timelines (Q18c, Q25c, Q31c)**

	LL-ALL	LL-RES	LL- OOT	OR- ALL	OR-IN	OR- OUT	RT-ALL	RT-IN	RT- OUT	Total
1 (Not concerned)	13	11	2	14	12	2	42	19	23	69
2	4	4	0	4	4	0	16	9	7	24
3 (Somewhat concerned)	42	30	12	63	45	18	121	56	65	226
4	20	12	8	0	0	0	27	17	10	47
5 (Very Concerned)	122	71	51	53	34	19	69	35	34	244
<b>Total responses</b>	<b>201</b>	128	73	<b>134</b>	95	39	<b>275</b>	136	139	<b>610</b>

**Table 3-4: Licensing fees can disproportionately impact vulnerable populations (Q18d, Q25d, Q31d)**

	LL-ALL	LL-RES	LL- OOT	OR- ALL	OR-IN	OR- OUT	RT-ALL	RT-IN	RT- OUT	Total
1 (Not concerned)	11	10	1	41	31	10	27	14	13	79
2	4	3	1	17	16	1	12	8	4	33
3 (Somewhat concerned)	30	17	13	49	35	14	64	22	42	143
4	25	14	11	0	0	0	24	10	14	49
5 (Very Concerned)	131	84	47	27	13	14	148	82	66	306
<b>Total responses</b>	<b>201</b>	128	73	<b>134</b>	95	39	<b>275</b>	136	139	<b>610</b>

**Table 3-5: Licensing can lead landlords to remove units form existing housing stocks (Q18e, Q25e, Q31e)**

	LL-ALL	LL-RES	LL- OOT	OR- ALL	OR-IN	OR- OUT	RT-ALL	RT-IN	RT- OUT	Total
1 (Not concerned)	17	15	2	66	53	13	51	20	31	134
2	8	6	2	14	12	2	14	8	6	36
3 (Somewhat concerned)	29	18	11	32	20	12	67	34	33	128
4	8	8	0	0	0	0	21	11	10	29
5 (Very Concerned)	139	81	58	22	10	12	122	63	59	283
<b>Total responses</b>	<b>201</b>	128	73	<b>134</b>	95	39	<b>275</b>	136	139	<b>610</b>



## Licensing Framework

All survey participants were asked about their perceptions of a variety of framework tools that could be included in a licensing program. Participants were first asked to indicate how important it was to include a particular tool in the proposed licensing framework on a five-point scale from “Not important” to “Somewhat important” to “Very important”. All tools were presented together in a matrix as one question (Q34). Following this, participants were asked to indicate the effectiveness of the same tools on a similar scale and matrix from “Not effective” to “Somewhat effective” to “Very effective.”

## Owner Contact Information

Participants were asked about their perceptions of requiring owner contact information like address, phone number and email. Most participants felt requiring this information was “very important”. A majority of participants felt this tool was “somewhat” to “very effective”.

**Table 4-1a: Importance of owner contact information (Q34a)**

	LL-ALL	LL-RES	LL-OOT	OR-ALL	OR-IN	OR-OUT	RT-ALL	RT-IN	RT-OUT	Other	Total
5 (Very Important)	92	61	31	116	86	30	220	108	112	95	523
4	13	9	4	5	4	1	15	8	7	4	37
3 (Somewhat Important)	39	22	17	10	5	5	29	15	14	8	86
2	8	4	4	2	0	2	3	2	1	0	13
1 (Not Important)	49	32	17	1	0	1	8	3	5	4	62
<b>Total responses</b>	<b>201</b>	128	73	<b>134</b>	95	39	<b>275</b>	136	139	<b>111</b>	<b>721</b>

**Table 4-1b: Effectiveness of owner contact information (Q35a)**

	LL-ALL	LL-RES	LL-OOT	OR-ALL	OR-IN	OR-OUT	RT-ALL	RT-IN	RT-OUT	Other	Total
5 (Very Important)	70	43	27	12	11	1	21	9	12	5	108
4	9	4	5	2	0	2	12	5	7	1	24
3 (Somewhat Important)	46	30	16	28	19	9	90	49	41	18	182
2	15	8	7	10	7	3	15	9	6	10	50
1 (Not Important)	44	30	14	74	53	21	107	50	57	71	296
Don't know	17	13	4	8	5	3	30	14	16	6	61
<b>Total responses</b>	<b>201</b>	128	73	<b>134</b>	95	39	<b>275</b>	136	139	<b>111</b>	<b>721</b>

## Agent or Property Manager Contact Information

Participants were asked about their perceptions of requiring contact information for owner agents or property managers. A large majority of Owner Residents, Renters, and Others felt this was “very important” to include in the proposed framework. The largest proportion of Landlords also shared this perception. Opinions across all groups were more divided as to whether this requirement was effective.

**Table 4-2a: Importance of agent or property manager contact information (Q34b)**

	LL-ALL	LL-RES	LL-OOT	OR-ALL	OR-IN	OR-OUT	RT-ALL	RT-IN	RT-OUT	Other	Total
5 (Very Important)	95	59	36	117	88	29	210	103	107	94	516
4	15	11	4	5	2	3	22	12	10	4	46
3 (Somewhat Important)	40	22	18	10	5	5	32	15	17	9	91
2	2	1	1	1	0	1	2	2	0	0	5
1 (Not Important)	49	35	14	1	0	1	9	4	5	4	63
<b>Total responses</b>	<b>201</b>	128	73	<b>134</b>	95	39	<b>275</b>	136	139	<b>111</b>	<b>721</b>

**Table 4-2b: Effectiveness of agent or property manager contact information (Q35b)**

	LL-ALL	LL-RES	LL-OOT	OR-ALL	OR-IN	OR-OUT	RT-ALL	RT-IN	RT-OUT	Other	Total
5 (Very Important)	72	46	26	12	10	2	21	12	9	8	113
4	8	4	4	1	1	0	11	4	7	1	21
3 (Somewhat Important)	46	30	16	25	18	7	93	46	47	15	179
2	11	9	2	17	12	5	13	10	3	10	51
1 (Not Important)	49	28	21	71	51	20	104	50	54	72	296
Don't know	15	11	4	8	3	5	33	14	19	5	61
<b>Total responses</b>	<b>201</b>	128	73	<b>134</b>	95	39	<b>275</b>	136	139	<b>111</b>	<b>721</b>

### Corporate Ownership Information

Participants were asked about their perception of requiring corporate ownership information, such as the identity and contact information of corporate owners or directors, in order to issue a residential rental licence. A large majority of Owner Residents, Renters, and Others indicated this requirement was important. A majority of participants indicated this tool was “somewhat” to “very” effective.

**Table 4-3a: Importance of corporate ownership information (Q34c)**

	LL-ALL	LL-RES	LL-OOT	OR-ALL	OR-IN	OR-OUT	RT-ALL	RT-IN	RT-OUT	Other	Total
5 (Very Important)	72	53	19	107	78	29	194	93	101	92	465
4	8	5	3	5	3	2	20	15	5	4	37
3 (Somewhat Important)	43	22	21	16	11	5	45	19	26	9	113
2	10	6	4	2	0	2	3	3	0	0	15
1 (Not Important)	68	42	26	4	3	1	13	6	7	6	91
<b>Total responses</b>	<b>201</b>	128	73	<b>134</b>	95	39	<b>275</b>	136	139	<b>111</b>	<b>721</b>

**Table 4-3b: Effectiveness of corporate ownership information (Q35c)**

	LL-ALL	LL-RES	LL-OOT	OR-ALL	OR-IN	OR-OUT	RT-ALL	RT-IN	RT-OUT	Other	Total
5 (Very Important)	86	53	33	15	14	1	30	13	17	7	138
4	14	7	7	4	1	3	15	8	7	1	34
3 (Somewhat Important)	41	26	15	23	14	9	94	49	45	18	176
2	6	6	0	17	14	3	10	5	5	8	41
1 (Not Important)	35	26	9	63	45	18	92	44	48	72	262
Don't know	19	10	9	12	7	5	34	17	17	5	70
<b>Total responses</b>	<b>201</b>	128	73	<b>134</b>	95	39	<b>275</b>	136	139	<b>111</b>	<b>721</b>

### Proof of Insurance

Participants were asked about their perception of requiring proof of appropriate insurance as part of the licensing framework. A majority of participants felt this tool was “very important”, including the largest proportion of landlords. Most participants indicated this tool was “somewhat” to “very important”.

**Table 4-4a: Importance of proof of insurance (Q34d)**

	LL-ALL	LL-RES	LL-OOT	OR-ALL	OR-IN	OR-OUT	RT-ALL	RT-IN	RT-OUT	Other	Total
5 (Very Important)	83	58	25	113	84	29	204	103	101	99	499
4	18	13	5	6	3	3	17	7	10	1	42
3 (Somewhat Important)	44	21	23	8	4	4	40	18	22	7	99
2	6	1	5	1	0	1	5	4	1	1	13
1 (Not Important)	50	35	15	6	4	2	9	4	5	3	68
<b>Total responses</b>	<b>201</b>	128	73	<b>134</b>	95	39	<b>275</b>	136	139	<b>111</b>	<b>721</b>

**Table 4-4b: Effectiveness of proof of insurance (Q35d)**

	LL-ALL	LL-RES	LL-OOT	OR-ALL	OR-IN	OR-OUT	RT-ALL	RT-IN	RT-OUT	Other	Total
5 (Very Important)	85	50	35	12	9	3	20	9	11	6	123
4	9	5	4	2	2	0	5	2	3	1	17
3 (Somewhat Important)	38	27	11	21	15	6	77	38	39	11	147
2	9	6	3	13	7	6	15	7	8	6	43
1 (Not Important)	46	30	16	76	56	20	127	64	63	84	333
Don't know	14	10	4	10	6	4	31	16	15	3	58
<b>Total responses</b>	<b>201</b>	128	73	<b>134</b>	95	39	<b>275</b>	136	139	<b>111</b>	<b>721</b>

### Fire Safety Plan

Participants were asked about their perceptions of requiring a fire safety plan showing emergency and alternate exits as part of the licensing program. Most Owner Residents, Renters, and Others indicated a fire safety plan was “very important” and “somewhat” to “very effective”.

**Table 4-5a: Importance of a fire safety plan (Q34e)**

	LL-ALL	LL-RES	LL-OOT	OR-ALL	OR-IN	OR-OUT	RT-ALL	RT-IN	RT-OUT	Other	Total
5 (Very Important)	59	37	22	103	76	27	204	102	102	89	455
4	17	13	4	11	7	4	20	11	9	6	54
3 (Somewhat Important)	58	33	25	13	9	4	42	18	24	8	121
2	10	6	4	3	1	2	4	3	1	1	18
1 (Not Important)	57	39	18	4	2	2	5	2	3	7	73
<b>Total responses</b>	<b>201</b>	128	73	<b>134</b>	95	39	<b>275</b>	136	139	<b>111</b>	<b>721</b>

**Table 4-5b: Effectiveness of a fire safety plan (Q35e)**

	LL-ALL	LL-RES	LL-OOT	OR-ALL	OR-IN	OR-OUT	RT-ALL	RT-IN	RT-OUT	Other	Total
5 (Very Important)	86	52	34	10	6	4	20	8	12	7	123
4	10	7	3	5	4	1	7	3	4	2	24
3 (Somewhat Important)	51	32	19	27	18	9	69	31	38	16	163
2	6	3	3	15	11	4	21	9	12	5	47
1 (Not Important)	36	25	11	66	49	17	129	68	61	79	310
Don't know	12	9	3	11	7	4	29	17	12	2	54
<b>Total responses</b>	<b>201</b>	128	73	<b>134</b>	95	39	<b>275</b>	136	139	<b>111</b>	<b>721</b>

### Site Plan

Participants were asked about their perceptions of requiring a site plan showing the unit's layout, bedroom locations and maximum number of occupants as part of the licensing program. Most Owner Residents, Renters and Others indicated this was "somewhat" to "very important" and "somewhat" to "very effective."

**Table 4-6a: Importance of a site plan (Q34f)**

	LL-ALL	LL-RES	LL-OOT	OR-ALL	OR-IN	OR-OUT	RT-ALL	RT-IN	RT-OUT	Other	Total
5 (Very Important)	28	21	7	86	64	22	132	69	63	75	321
4	9	4	5	14	9	5	28	14	14	12	63
3 (Somewhat Important)	50	33	17	19	13	6	80	30	50	16	165
2	16	9	7	6	4	2	12	8	4	0	34
1 (Not Important)	98	61	37	9	5	4	23	15	8	8	138
<b>Total responses</b>	<b>201</b>	128	73	<b>134</b>	95	39	<b>275</b>	136	139	<b>111</b>	<b>721</b>

**Table 4-6b: Effectiveness of a site plan (Q35f)**

	LL-ALL	LL-RES	LL-OOT	OR-ALL	OR-IN	OR-OUT	RT-ALL	RT-IN	RT-OUT	Other	Total
5 (Very Important)	109	66	43	11	7	4	36	19	17	8	164
4	13	8	5	10	7	3	17	8	9	3	43
3 (Somewhat Important)	39	25	14	26	19	7	93	44	49	22	180
2	5	1	4	14	10	4	20	10	10	9	48
1 (Not Important)	21	17	4	63	45	18	76	39	37	61	221
Don't know	14	11	3	10	7	3	33	16	17	8	65
<b>Total responses</b>	<b>201</b>	128	73	<b>134</b>	95	39	<b>275</b>	136	139	<b>111</b>	<b>721</b>

### Floor Plan

Participants were asked about their perceptions of requiring a floor plan showing the unit's layout, bedroom locations and maximum number of occupants as part of the licensing program. Most Owner Residents, Renters and Others indicated this was "somewhat" to "very important" and "somewhat" to "very effective."

**Table 4-7a: Importance of a floor plan (Q34g)**

	LL-ALL	LL-RES	LL-OOT	OR-ALL	OR-IN	OR-OUT	RT-ALL	RT-IN	RT-OUT	Other	Total
5 (Very Important)	27	21	6	91	68	23	135	73	62	73	326
4	14	8	6	10	7	3	23	11	12	13	60
3 (Somewhat Important)	48	31	17	20	14	6	85	33	52	16	169
2	12	7	5	6	3	3	13	8	5	0	31
1 (Not Important)	100	61	39	7	3	4	19	11	8	9	135
<b>Total responses</b>	<b>201</b>	128	73	<b>134</b>	95	39	<b>275</b>	136	139	<b>111</b>	<b>721</b>

**Table 4-7b: Effectiveness of a floor plan (Q35g)**

	LL-ALL	LL-RES	LL-OOT	OR-ALL	OR-IN	OR-OUT	RT-ALL	RT-IN	RT-OUT	Other	Total
5 (Very Important)	108	66	42	12	8	4	35	18	17	10	165
4	12	7	5	9	6	3	15	8	7	4	40
3 (Somewhat Important)	43	28	15	30	20	10	96	42	54	20	189
2	6	2	4	11	8	3	16	9	7	10	43
1 (Not Important)	19	15	4	62	47	15	81	44	37	60	222
Don't know	13	10	3	10	6	4	32	15	17	7	62
<b>Total responses</b>	<b>201</b>	128	73	<b>134</b>	95	39	<b>275</b>	136	139	<b>111</b>	<b>721</b>

### By-law Declaration

Participants were asked about their perceptions of requiring licence applicants to sign an declaration of awareness of City by-laws related to noise, dirty yards, and garbage preparation as part of the licensing framework. A majority of respondents in all groups indicated this was “somewhat” to “very important” as well as “somewhat” to “very effective”.

**Table 4-8a: Importance of a declaration of awareness of City by-laws (Q34h)**

	LL-ALL	LL-RES	LL-OOT	OR-ALL	OR-IN	OR-OUT	RT-ALL	RT-IN	RT-OUT	Other	Total
5 (Very Important)	51	37	14	101	76	25	152	78	74	90	394
4	14	9	5	15	9	6	35	15	20	4	68
3 (Somewhat Important)	50	31	19	11	7	4	64	27	37	12	137
2	15	7	8	4	2	2	12	9	3	0	31
1 (Not Important)	71	44	27	3	1	2	12	7	5	5	91
<b>Total responses</b>	<b>201</b>	128	73	<b>134</b>	95	39	<b>275</b>	136	139	<b>111</b>	<b>721</b>

**Table 4-8b: Effectiveness of a declaration of awareness of City by-laws (Q35h)**

	LL-ALL	LL-RES	LL-OOT	OR-ALL	OR-IN	OR-OUT	RT-ALL	RT-IN	RT-OUT	Other	Total
5 (Very Important)	94	54	40	11	8	3	25	10	15	8	138
4	10	5	5	10	6	4	15	8	7	4	39
3 (Somewhat Important)	43	29	14	26	17	9	82	35	47	13	164
2	14	9	5	10	5	5	21	9	12	7	52
1 (Not Important)	27	21	6	64	51	13	101	56	45	74	266
Don't know	13	10	3	13	8	5	31	18	13	5	62
<b>Total responses</b>	<b>201</b>	128	73	<b>134</b>	95	39	<b>275</b>	136	139	<b>111</b>	<b>721</b>

### Criminal Record Check

Participants were asked about their perceptions of requiring a criminal record check as part of the licensing framework. Most participants indicated this was “somewhat” to “very important” as well as “somewhat” to “very effective.”

**Table 4-9a: Importance of a criminal record check (Q34i)**

	LL-ALL	LL-RES	LL-OOT	OR-ALL	OR-IN	OR-OUT	RT-ALL	RT-IN	RT-OUT	Other	Total
5 (Very Important)	58	43	15	85	67	18	123	63	60	69	335
4	10	7	3	12	10	2	22	12	10	11	55
3 (Somewhat Important)	32	21	11	19	10	9	65	30	35	14	130
2	15	7	8	7	5	2	19	8	11	2	43
1 (Not Important)	86	50	36	11	3	8	46	23	23	15	158
<b>Total responses</b>	<b>201</b>	128	73	<b>134</b>	95	39	<b>275</b>	136	139	<b>111</b>	<b>721</b>

**Table 4-9b: Effectiveness of a criminal record check (Q35i)**

	LL-ALL	LL-RES	LL-OOT	OR-ALL	OR-IN	OR-OUT	RT-ALL	RT-IN	RT-OUT	Other	Total
5 (Very Important)	106	59	47	12	7	5	50	23	27	12	180
4	7	4	3	7	5	2	10	4	6	4	28
3 (Somewhat Important)	31	24	7	26	15	11	84	38	46	15	156
2	7	3	4	13	12	1	18	13	5	12	50
1 (Not Important)	32	24	8	65	50	15	83	43	40	62	242
Don't know	18	14	4	11	6	5	30	15	15	6	65
<b>Total responses</b>	<b>201</b>	128	73	<b>134</b>	95	39	<b>275</b>	136	139	<b>111</b>	<b>721</b>

### Provincial Offences Conviction Check

Participants were asked about their perceptions of requiring a check for convictions regarding Building Code or Fire Code offences as part of the licensing framework. Most participants indicated this was “somewhat” to “very important” as well as “somewhat” to “very effective.”

**Table 4-10a: Importance of a Provincial Offences check (Q34j)**

	LL-ALL	LL-RES	LL-OOT	OR-ALL	OR-IN	OR-OUT	RT-ALL	RT-IN	RT-OUT	Other	Total
5 (Very Important)	48	35	13	91	72	19	176	88	88	89	404
4	20	12	8	17	12	5	24	10	14	3	64
3 (Somewhat Important)	33	21	12	16	7	9	54	26	28	12	115
2	20	9	11	4	1	3	6	4	2	1	31
1 (Not Important)	80	51	29	6	3	3	15	8	7	6	107
<b>Total responses</b>	<b>201</b>	128	73	<b>134</b>	95	39	<b>275</b>	136	139	<b>111</b>	<b>721</b>

**Table 4-10b: Effectiveness of a Provincial Offences check (Q35j)**

	LL-ALL	LL-RES	LL-OOT	OR-ALL	OR-IN	OR-OUT	RT-ALL	RT-IN	RT-OUT	Other	Total
5 (Very Important)	95	55	40	8	6	2	22	12	10	6	131
4	12	7	5	4	2	2	17	6	11	2	35
3 (Somewhat Important)	37	26	11	30	18	12	69	32	37	11	147
2	11	5	6	11	9	2	17	10	7	11	50
1 (Not Important)	32	24	8	66	51	15	117	59	58	76	291
Don't know	14	11	3	15	9	6	33	17	16	5	67
<b>Total responses</b>	<b>201</b>	128	73	<b>134</b>	95	39	<b>275</b>	136	139	<b>111</b>	<b>721</b>

### Property Standards/Building Code Inspection

Participants were asked about their perceptions on requiring a Building/Property Standards inspection in order to secure a residential rental licence. A majority of Owner Residents, Renters, and Others indicated this was both “very important” and “very effective.”

**Table 4-11a: Importance of a Property Standards inspection (Q34k)**

	LL-ALL	LL-RES	LL-OOT	OR-ALL	OR-IN	OR-OUT	RT-ALL	RT-IN	RT-OUT	Other	Total
5 (Very Important)	35	28	7	112	87	25	208	102	106	94	449
4	14	10	4	6	3	3	14	8	6	4	38
3 (Somewhat Important)	68	38	30	9	3	6	41	20	21	6	124
2	11	7	4	4	0	4	6	5	1	1	22
1 (Not Important)	73	45	28	3	2	1	6	1	5	6	88
<b>Total responses</b>	<b>201</b>	128	73	<b>134</b>	95	39	<b>275</b>	136	139	<b>111</b>	<b>721</b>

**Table 4-11b: Effectiveness of a Property Standards inspection (Q35k)**

	LL-ALL	LL-RES	LL-OOT	OR-ALL	OR-IN	OR-OUT	RT-ALL	RT-IN	RT-OUT	Other	Total
5 (Very Important)	83	47	36	6	5	1	13	6	7	5	107
4	20	12	8	5	2	3	7	2	5	2	34
3 (Somewhat Important)	35	23	12	17	11	6	57	32	25	11	120
2	16	8	8	10	8	2	20	10	10	8	54
1 (Not Important)	31	26	5	82	61	21	147	69	78	82	342
Don't know	16	12	4	14	8	6	31	17	14	3	64
<b>Total responses</b>	<b>201</b>	128	73	<b>134</b>	95	39	<b>275</b>	136	139	<b>111</b>	<b>721</b>

### Fire Inspections

Participants were asked about their perceptions on requiring a Fire safety inspection in order to secure a residential rental licence. A majority of Owner Residents, Renters, and Others indicated this was both “very important” and “very effective.”

**Table 4-12a: Importance of a Fire Safety inspection (Q34l)**

	LL-ALL	LL-RES	LL-OOT	OR-ALL	OR-IN	OR-OUT	RT-ALL	RT-IN	RT-OUT	Other	Total
5 (Very Important)	52	38	14	106	78	28	211	106	105	96	465
4	22	14	8	12	9	3	17	8	9	3	54
3 (Somewhat Important)	55	31	24	11	7	4	37	18	19	7	110
2	10	6	4	3	0	3	5	3	2	1	19
1 (Not Important)	62	39	23	2	1	1	5	1	4	4	73
<b>Total responses</b>	<b>201</b>	128	73	<b>134</b>	95	39	<b>275</b>	136	139	<b>111</b>	<b>721</b>

**Table 4-12b: Effectiveness of a Fire Safety inspection**

	LL-ALL	LL-RES	LL-OOT	OR-ALL	OR-IN	OR-OUT	RT-ALL	RT-IN	RT-OUT	Other	Total
5 (Very Important)	74	42	32	5	4	1	9	4	5	5	93
4	14	9	5	3	2	1	9	3	6	1	27
3 (Somewhat Important)	46	31	15	21	15	6	63	32	31	10	140
2	8	3	5	13	10	3	17	10	7	9	47
1 (Not Important)	45	32	13	80	59	21	144	72	72	84	353
Don't know	14	11	3	12	5	7	33	15	18	2	61
<b>Total responses</b>	<b>201</b>	128	73	<b>134</b>	95	39	<b>275</b>	136	139	<b>111</b>	<b>721</b>

### Information Plaque

Participants were asked about their perceptions on requiring an information plaque be posted listing rights, obligations and information resources in order to secure a residential rental licence. A majority of Owner Residents, Renters, and Others indicated this tool was “very important” as well as “somewhat” to “very effective.”

**Table 4-13a: Importance of an information plaque (Q34m)**

	LL-ALL	LL-RES	LL-OOT	OR-ALL	OR-IN	OR-OUT	RT-ALL	RT-IN	RT-OUT	Other	Total
5 (Very Important)	28	23	5	69	53	16	148	78	70	66	311
4	7	4	3	21	14	7	22	8	14	11	61
3 (Somewhat Important)	50	36	14	26	20	6	66	29	37	23	165
2	14	7	7	5	1	4	15	9	6	1	35
1 (Not Important)	102	58	44	13	7	6	24	12	12	10	149
<b>Total responses</b>	<b>201</b>	128	73	<b>134</b>	95	39	<b>275</b>	136	139	<b>111</b>	<b>721</b>

**Table 4-13b: Effectiveness of an information plaque (Q35m)**

	LL-ALL	LL-RES	LL-OOT	OR-ALL	OR-IN	OR-OUT	RT-ALL	RT-IN	RT-OUT	Other	Total
5 (Very Important)	107	60	47	20	13	7	36	20	16	12	175
4	16	10	6	14	12	2	18	6	12	3	51
3 (Somewhat Important)	38	28	10	27	18	9	69	33	36	24	158
2	4	1	3	18	12	6	14	6	8	10	46
1 (Not Important)	19	16	3	45	34	11	96	52	44	54	214
Don't know	17	13	4	10	6	4	42	19	23	8	77
<b>Total responses</b>	<b>201</b>	128	73	<b>134</b>	95	39	<b>275</b>	136	139	<b>111</b>	<b>721</b>

## Financial Impacts

Specific questions about the financial impacts of a proposed licensing fee of \$616 per year (\$51 per month) was offered to Landlords (Q19) and Renters (Q32). All participants were also asked to indicate who they felt should be responsible for paying for the costs associated with the licensing residential rentals. These questions were asked in response to feedback received during Advisory Committee consultations. Participants were first asked to indicate their level of concern on a five-point ordinal scale with three labels - "Not concerned", "Somewhat concerned", and "Very concerned". All issues were presented together in a matrix as one question.

91% of Landlords indicated they would pass licensing costs on to tenants. Most Renters indicated that if this cost was passed on to them by their landlord, they would either struggle (46%) to pay their rent or would be unable to do so (29%). 54% of Landlords felt that Renters should pay for the costs associated with a residential rental licence, while 76% of Owner Residents, 80% of Renters, and 81% of Others indicated Landlords should.

**Table 51-: How likely are you to pass this cost on to tenants? (Q19)**

	LL-ALL	LL-RES	LL-OOT
Not likely	9	7	2
Somewhat likely	9	5	4
Very likely	183	116	67
<b>Total responses</b>	<b>201</b>	128	73

**Table 5-2: If your landlord were to pass this cost on to you, would you be able to pay your rent? (Q32)**

	RT-ALL	RT-IN	RT-OUT
I would still be able to afford my rent	33	18	15
I would struggle to afford my rent	128	59	69
I would not be able to afford my rent	80	43	37
I am currently unable to afford my rent	32	16	16
I do not currently have a dwelling	2	0	2
<b>Total responses</b>	<b>275</b>	136	139



**Table 5-3: Who should pay for the costs associated with a residential rental licence? (Q36)**

	LL-ALL	LL-RES	LL-OOT	OR-ALL	OR-IN	OR-OUT	RT-ALL	RT-IN	RT-OUT	Other	Total
Landlords should pay for all costs	8	5	3	102	74	28	221	110	111	90	421
Renters should pay for all costs	110	72	38	6	3	3	2	2	0	6	124
Taxpayers should pay for all costs	23	15	8	2	1	1	12	6	6	2	39
Costs should be shared between landlords and taxpayers	2	1	1	1	0	1	15	8	7	1	19
Costs should be shared between renters and taxpayers	15	9	6	2	2	0	1	1	0	0	18
Costs should be shared between landlords and renters	21	14	7	15	13	2	14	6	8	9	59
Costs should be shared between landlords, renters and taxpayers	22	12	10	6	2	4	10	3	7	3	41
<b>Total responses</b>	<b>201</b>	128	73	<b>134</b>	95	39	<b>275</b>	136	139	<b>111</b>	<b>721</b>

## **Residential Rental Licensing Pilot Project**

### **Public Feedback Survey**

#### **(RRL PFS)**

The City of Windsor is looking for feedback to help inform a draft residential rental licensing by-law. City staff from Legal Services, Licensing, Building, By-law Enforcement, Finance, Fire and Housing Services have developed this survey based on consultations with community representatives appointed by Council to the City's Town and Gown and Housing and Homelessness Advisory Committees. By collecting information through this survey, staff will be able to compare the feedback received from these committees with the general opinions of Windsor renters, owner residents and residential landlords. These findings will inform the final draft by-law for the pilot study.

#### **About the Pilot Study**

Council has requested a draft by-law that will allow for a two-year residential rental licensing pilot study in Wards 1 and 2. City staff have evaluated existing City of Windsor by-laws, by-laws from other municipalities and relevant additional literature to propose a licensing framework intended to:

- Bring more properties into compliance with applicable laws and safety regulations
- Support and improve existing By-law and Property Standards enforcement mechanisms
- Improve, understand and preserve Windsor's existing rental housing stock

Once the pilot study is completed, its findings will be presented to City Council along with a by-law to implement a city-wide licensing program for their consideration at a future meeting. More information about the proposed framework is available in the Public Feedback Survey Additional Information Document, which is included in this package.

#### **About the Public Feedback Survey**

The survey mostly consists of yes/no and multiple choice questions and should take most people around 10 minutes to complete. Some sections also include areas where you can provide your written comments. Before filling out this form, take a moment to review the additional information document, which includes background information on residential rental licensing and an overview of the proposed licensing framework and its components.

#### **About your privacy**

This survey does not collect personal identifying information like your name or address. The data collected will only be used to inform the design of the by-law and to report to Council regarding the outcomes of public consultations. All responses will be analyzed anonymously and any results will only be reported in aggregate.

The information on this form is collected under the authority of Section 10 of the *Municipal Act, 2001*. Information will only be used for the purpose for which it is collected and is subject to the provisions of the *Municipal Freedom of Information and Protection of Privacy Act, 1990*.

Questions about this collection may be made to:

Craig Robertson, Deputy Licence Commissioner

519-255-6100 ext. 6869



**1** How old are you?

- 18-25
- 26-39
- 40-50
- 51-65
- 66-75
- 76 +
- Prefer not to answer

**2** Please indicate your gender.

- Man
- Woman
- Non-binary
- Other (specify) \_\_\_\_\_
- Prefer not to answer

**3** Please indicate your household income before taxes.

- 0 - \$29,999
- \$30,000 - \$49,999
- \$50,000 - \$69,999
- \$70,000 - \$99,999
- \$100,000 - \$149,999
- \$150,000 or more
- Don't know
- Prefer not to answer

- 4** Including yourself, how many people live in your household on a regular basis?
- 1
  - 2
  - 3
  - 4
  - 5
  - More (specify) \_\_\_\_\_
  - Prefer not to answer

- 5** People often describe themselves by their race or racial background.
- For example, some people consider themselves “Black”, “White”, or “East Asian”.*
- Which race category best describes you?
- Arab, Middle Eastern or West Asian (examples: Afghan, Armenian, Iranian, Lebanese, Persian, Turkish)
  - Black (examples: African, African-Canadian, Afro-Caribbean)
  - East Asian (examples: Chinese, Japanese, Korean)
  - First Nations (status, non-status, treaty or non-treaty), Inuit, or Metis)
  - Latin American (examples: Brazilian, Columbian, Cuban, Mexican, Peruvian)
  - South Asian or Indo-Caribbean (examples: Indian, Indo-Guyanese, Indo-Trinidadian, Pakistani, Sri Lankan)
  - Southeast Asian (examples: Filipino, Malaysian, Singaporean, Thai, Vietnamese)
  - White (examples: English, Greek, Italian, Portuguese, Russian, Slovakian)
  - Not listed (specify) \_\_\_\_\_

<p><b>6</b> If more than one category or mixed race:  <i>Please select all that apply</i></p>	<p><input type="radio"/> Arab, Middle Eastern or West Asian</p> <p><input type="radio"/> Black</p> <p><input type="radio"/> East Asian</p> <p><input type="radio"/> First Nations, Inuit or Metis</p> <p><input type="radio"/> Latin American</p> <p><input type="radio"/> South Asian or Indo-Caribbean</p> <p><input type="radio"/> Southeast Asian</p> <p><input type="radio"/> White</p> <p><input type="radio"/> Not listed (specify) _____</p>
<p><b>7</b> Do you have a disability protected by the Ontario Human Rights Code?</p>	<p><input type="radio"/> Yes</p> <p><input type="radio"/> No</p> <p><input type="radio"/> Not sure</p>
<p><b>8</b> Do you identify as an LGBTQA and/or Two-Spirit person?</p>	<p><input type="radio"/> Yes</p> <p><input type="radio"/> No</p>
<p><b>9</b> Does anyone in your household receive some form of public assistance (including Ontario Works, ODSP or OSAP)?</p>	<p><input type="radio"/> Yes</p> <p><input type="radio"/> No</p>
<p><b>10</b> Do you reside in Windsor?</p>	<p><input type="radio"/> Yes</p> <p><input type="radio"/> No</p>
<p><b>11</b> Do you reside in the pilot study area (Wards 1 and 2)?  <i>see Figure 1 on Page 4 for a map of the pilot study area.</i></p>	<p><input type="radio"/> Yes</p> <p><input type="radio"/> No</p>

**When you are finished this section, please continue to question 12.**

<p><b>12</b> Do you own one or more residential properties in Windsor?</p>	<p><input type="radio"/> Yes → <b>continue to question 13</b></p> <p><input type="radio"/> No → <b>go to question 27</b></p>
<p><b>13</b> Do you rent out part or all of any of your properties as a residential unit (ie. are you a <b>landlord</b>)?</p>	<p><input type="radio"/> Yes → <b>continue to question 14</b></p> <p><input type="radio"/> No → <b>go to question 21</b></p>
<p><b>14</b> How many residential properties do you own?</p>	<p><input type="radio"/> 1 property</p> <p><input type="radio"/> 2 to 4 properties</p> <p><input type="radio"/> 5 or more properties</p>
<p><b>15</b> How long have you been a <b>landlord</b>?</p>	<p><input type="radio"/> Less than one year</p> <p><input type="radio"/> 1 to 3 years</p> <p><input type="radio"/> 4 to 6 years</p> <p><input type="radio"/> 7 or more years</p>

Figure 1: Residential Rental Licensing Pilot Study Area



<p><b>16</b> As a landlord, how frequently have you encountered issues like the following with your residential unit(s)?</p>	Never	Rarely	Sometimes	Often	Regularly
<p><b>16a</b> Property standards issues (structural repairs, heating, plumbing)</p>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<p><b>16b</b> Fire safety issues (smoke detectors, carbon monoxide alarms, extinguishers, exits)</p>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<p><b>16c</b> Property maintenance (grass cutting, snow removal, garbage preparation)</p>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<p><b>16d</b> Noise or nuisance complaints</p>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<p><b>16e</b> Overcrowding or number of occupants in a unit</p>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<p><b>16f</b> Parking availability</p>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<p><b>16g</b> Housing affordability (operating costs or utilities)</p>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<p><b>16h</b> Housing availability (securing a unit or a unit of enough size)</p>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<p><b>16i</b> Timeliness of tenant response regarding an issue</p>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<p><b>16j</b> Timeliness of City response regarding an issue</p>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<p><b>16k</b> Issues with landlord or tenant rights and/or obligations</p>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>



**17** Please **rank your concern as a landlord** about these issues by numbering them from 1 (most concerning) to 11 (least concerning) in the box to the left of each item.

*Tip: start by identifying your “number 1” concern by placing a 1 in the box next to it.*

- Property standards issues (structural repairs, heating, plumbing)
- Fire safety issues (smoke detectors, carbon monoxide alarms, extinguishers, exits)
- Property maintenance (grass cutting, snow removal, garbage preparation)
- Noise or nuisance complaints
- Overcrowding or number of occupants in a unit
- Parking availability
- Housing affordability (operating costs or utilities)
- Housing availability (securing a unit or a unit of enough size)
- Timeliness of tenant response regarding an issue
- Timeliness of City response regarding an issue
- Issues with landlord or tenant rights and/or obligations

**18** As a landlord, how **concerned** are you about the following limitations of residential rental licensing?

	Not concerned		Somewhat concerned		Very concerned
<b>18a</b> Licensing cannot address tenant behavioural issues	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<b>18b</b> Licensing fees can add to housing costs	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<b>18c</b> Licensing enforcement is limited by court and tribunal timelines	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<b>18d</b> Licensing fees can disproportionately impact vulnerable populations	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<b>18e</b> Licensing can lead landlords to remove units from existing housing stocks	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

- 19** The proposed fee for a residential rental license is \$616 per year (\$51 per month). How likely are you to pass this cost on to your tenants?
- Not likely
  - Somewhat likely
  - Very likely

**20** Do you have any additional concerns about residential rentals as a landlord?

*Please provide your comments in the space provided. If you need more space, please enclose additional pages with the question number clearly indicated.*

**When you are finished, please continue to question 21.**

<p><b>21</b> Do you live in a home you own in Windsor (ie. are you an <b>owner resident</b>)?</p>	<p><input type="radio"/> Yes → <b>continue to question 22</b></p> <p><input type="radio"/> No → <b>go to question 27</b></p>
<p><b>22</b> How long have you lived in a home that you own?</p>	<p><input type="radio"/> Less than one year</p> <p><input type="radio"/> 1 to 3 years</p> <p><input type="radio"/> 4 to 6 years</p> <p><input type="radio"/> 7 or more years</p>
<p><b>23</b> <b>As an owner resident</b>, how <b>frequently</b> have you encountered issues like the following with residential unit(s) in your neighbourhood?</p>	
	<p>Never      Rarely      Sometimes      Often      Regularly</p>
<b>23a</b> Property standards issues (structural repairs, heating, plumbing)	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>
<b>23b</b> Fire safety issues (smoke detectors, carbon monoxide alarms, extinguishers, exits)	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>
<b>23c</b> Property maintenance (grass cutting, snow removal, garbage preparation)	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>
<b>23d</b> Noise or nuisance complaints	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>
<b>23e</b> Overcrowding or number of occupants in a unit	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>
<b>23f</b> Parking availability	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>
<b>23g</b> Housing affordability (operating costs or utilities)	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>
<b>23h</b> Housing availability (securing a unit or a unit of enough size)	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>
<b>23i</b> Timeliness of landlord or tenant response regarding an issue	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>
<b>23j</b> Timeliness of City response regarding an issue	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>
<b>23k</b> Issues with landlord or tenant rights and/or obligations	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>

**24** Please **rank your concern as an owner resident** about these issues by numbering them from 1 (most concerning) to 11 (least concerning) in the box to the left of each item.

*Tip: start by identifying your “number 1” concern by placing a 1 in the box next to it.*

- Property standards issues (structural repairs, heating, plumbing)
- Fire safety issues (smoke detectors, carbon monoxide alarms, extinguishers, exits)
- Property maintenance (grass cutting, snow removal, garbage preparation)
- Noise or nuisance complaints
- Overcrowding or number of occupants in a unit
- Parking availability
- Housing affordability (operating costs or utilities)
- Housing availability (securing a unit or a unit of enough size)
- Timeliness of landlord or tenant response regarding an issue
- Timeliness of City response regarding an issue
- Issues with landlord or tenant rights and/or obligations

**25** As an **owner resident**, how **concerned** are you about the following **limitations** of residential rental licensing?

	Not concerned		Somewhat concerned		Very concerned
<b>25a</b> Licensing cannot address tenant behavioural issues	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<b>25b</b> Licensing fees can add to housing costs	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<b>25c</b> Licensing enforcement is limited by court and tribunal timelines	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<b>25d</b> Licensing fees can disproportionately impact vulnerable populations	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<b>25e</b> Licensing can lead landlords to remove units from existing housing stocks	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

**26** Do you have any additional concerns about residential rentals as an owner resident?

*Please provide your comments in the space provided. If you need more space, please enclose additional pages with the question number clearly indicated.*

**When you are finished, please continue to question 27.**

<p><b>27</b> Do you or does someone in your household pay rent to occupy part or all of a residential rental unit that you do not own (ie. are you a <b>renter</b>)?</p>	<p><input type="radio"/> Yes → <b>continue to question 28</b></p> <p><input type="radio"/> No → <b>go to question 34</b></p>
<p><b>28</b> How long have you been renting your current dwelling unit?</p>	<p><input type="radio"/> Less than one year</p> <p><input type="radio"/> 1 to 3 years</p> <p><input type="radio"/> 4 to 6 years</p> <p><input type="radio"/> 7 or more years</p> <p><input type="radio"/> I do not currently have a dwelling unit</p>
<p><b>29</b> As a <b>renter</b>, how <b>frequently</b> have you encountered issues like the following with your residential unit?</p>	
	<p>Never      Rarely      Sometimes      Often      Regularly</p>
<b>29a</b> Property standards issues (structural repairs, heating, plumbing)	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>
<b>29b</b> Fire safety issues (smoke detectors, carbon monoxide alarms, extinguishers, exits)	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>
<b>29c</b> Property maintenance (grass cutting, snow removal, garbage preparation)	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>
<b>29d</b> Noise or nuisance complaints	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>
<b>29e</b> Overcrowding or number of occupants in a unit	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>
<b>29f</b> Parking availability	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>
<b>29g</b> Housing affordability (operating costs or utilities)	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>
<b>29h</b> Housing availability (securing a unit or a unit of enough size)	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>
<b>29i</b> Timeliness of landlord response regarding an issue	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>
<b>29j</b> Timeliness of City response regarding an issue	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>
<b>29k</b> Issues with landlord or tenant rights and/or obligations	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>

**30** Please **rank your concern as a renter** about these issues by numbering them from 1 (least concerning) to 11 (most concerning) in the box next to each item.

*Tip: start by identifying your “number 1” concern by placing a 1 in the box next to it.*

- Property standards issues (structural repairs, heating, plumbing)
- Fire safety issues (smoke detectors, carbon monoxide alarms, extinguishers, exits)
- Property maintenance (grass cutting, snow removal, garbage preparation)
- Noise or nuisance complaints
- Overcrowding or number of occupants in a unit
- Parking availability
- Housing affordability (operating costs or utilities)
- Housing availability (securing a unit or a unit of enough size)
- Timeliness of landlord response regarding an issue
- Timeliness of City response regarding an issue
- Issues with landlord or tenant rights and/or obligations

**31** As a renter, how concerned are you about the following limitations of residential rental licensing?

	Not concerned		Somewhat concerned		Very concerned
<b>31a</b> Licensing cannot address tenant behavioural issues	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<b>31b</b> Licensing fees can add to housing costs	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<b>31c</b> Licensing enforcement is limited by court and tribunal timelines	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<b>31d</b> Licensing fees can disproportionately impact vulnerable populations	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<b>31e</b> Licensing can lead landlords to remove units from existing housing stocks	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

**32**

The proposed fee for a residential rental license is \$616 per year (\$51 per month). If your landlord were to pass this cost on to you, would you be able to pay your rent?

- I would still be able to afford my rent
- I would struggle to afford my rent
- I would not be able to afford my rent
- I am currently unable to afford my rent
- I do not currently have a dwelling

**33**

Do you have any additional concerns about residential rentals as a renter?

*Please provide your comments in the space provided. If you need more space, please enclose additional pages with the question number clearly indicated.*

**When you are finished this section, please continue to question 34.**



**34** The City of Windsor is evaluating what information a landlord will need to provide in order to secure a residential rental licence. How **important** do you feel requiring each of these items is?

*for more information on each of these items, please see the Additional Information Document.*

	Not important		Somewhat important		Very important
<b>34a</b> Owner contact info (address, phone number, email)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<b>34b</b> Agent or property manager contact info	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<b>34c</b> Corporate ownership information (identity and contact for owners or directors)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<b>34d</b> Proof of appropriate insurance	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<b>34e</b> Fire safety plan showing emergency and alternate exits	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<b>34f</b> Site plan showing layout, bedroom locations and maximum occupants	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<b>34g</b> Floor plan showing unit layout, bedroom locations and maximum occupancy	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<b>34h</b> Declaration of awareness of City by-laws (Noise, Dirty Yards, Garbage Preparation)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<b>34i</b> Criminal record check	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<b>34j</b> Provincial Offences conviction check (Building Code or Fire Code offences)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<b>34k</b> Property Standards/Building Code inspection	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<b>34l</b> Fire safety inspection	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<b>34m</b> Information plaque listing rights, obligations and information resources	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

**35** How **effective** do you feel requiring each of these items will be to address the issues you identified in previous questions?

*for more information on each of these items, please see the Additional Information Document.*

	Not effective		Somewhat effective		Very effective	Don't know
<b>35a</b> Owner contact info (address, phone number, email)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<b>35b</b> Agent or property manager contact info	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<b>35c</b> Corporate ownership information (identity and contact for owners or directors)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<b>35d</b> Proof of appropriate insurance	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<b>35e</b> Fire safety plan showing emergency and alternate exits	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<b>35f</b> Site plan showing layout, bedroom locations and maximum occupants	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<b>35g</b> Floor plan showing unit layout, bedroom locations and maximum occupancy	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<b>35h</b> Declaration of awareness of City by-laws (Noise, Dirty Yards, Garbage Preparation)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<b>35i</b> Criminal record check	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<b>35j</b> Provincial Offences conviction check (Building Code or Fire Code offences)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<b>35k</b> Property Standards/Building Code inspection	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<b>35l</b> Fire safety inspection	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<b>35m</b> Information plaque listing rights, obligations and information resources	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

**36**

The proposed fee for a residential rental license is \$616 per year (\$51 per month). Who should pay for the costs associated with a residential rental licence?

- Landlords should pay for all costs
- Renters should pay for all costs
- Taxpayers should pay for all costs
- Costs should be shared between landlords and taxpayers
- Costs should be shared between renters and taxpayers
- Costs should be shared between landlords and renters
- Costs should be shared between landlords, renters and taxpayers

**37**

Are you aware of any other issues surrounding residential rental housing that have not been included in the previous questions?

*Please provide your comments in the space provided. If you need more space, please enclose additional pages with the question number clearly indicated.*

**38**

Do you have any additional concerns comments you wish to provide?

*Please provide your comments in the space provided. If you need more space, please enclose additional pages with the question number clearly indicated.*

**Please return your completed survey in the envelope provided to:**

**350 City Hall Square West, Windsor ON N9A 6S1**

**Or**

**Your local Windsor Public Library branch**

**Subject: Maintenance of Public Access Defibrillator Program in the City Facilities - City Wide**

**Reference:**

Date to Council: April 25, 2022

Author: Mike Mio

Assistant Chief

519 253-3016 ext.222

mmio@citywindsor.ca

Fire and Rescue Services

Report Date: April 8, 2022

Clerk's File #: SF2022

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

**Recommendation:**

THAT City Council **APPROVE** the funding for maintenance expenditures of the existing City of Windsor Public Access Defibrillator (PAD) program at the upset amount of \$15,000 CAD (including non-recoverable HST) as detailed in the financial section from the Pay-As-You-Go Reserve Fund 170; and,

THAT City Council **APPROVE** the annual funding up to \$5,000 CAD from the Pay-As-You-Go Reserve Fund 170 for maintenance of the existing PAD equipment, cabinets, alarms, display and signage going forward.

**Executive Summary:**

N/A

**Background:**

In 1997 the City of Windsor was one of the three founding Public Access Defibrillation (PAD) programs in Canada. (Windsor, Calgary, Vancouver). In 1999, the City of Windsor became the first municipality in Ontario to launch a municipal based PAD program. Council passed the first PAD Resolution and Proclamation in Canada. Our program drafted and created the first standard operating guidelines in Canada.

In 2005, Lease 134-73 expired and CR331/2005 approved the defibrillator purchase replacement funding from the previously developed internal self-funding model (Pay As You Go Reserve Fund as per B42-2002).

Since then, the program has expanded through purchases, grants, and awards to 95 automated external defibrillators (AED's) at various City of Windsor facilities today. Sudden cardiac arrest can happen to anyone and anywhere. Immediate treatment is vital for a victim's chance of survival. Every minute without treatment decreases the survival rate. AED's have been proven to save lives of visitors and employees of the City of Windsor.

Annually, there is a local average of 10 reported deployments of Public PAD Devices both corporately and within the City of Windsor that have resulted in multiple confirmed PAD saves. It is certainly a program that is useful and important for the City of Windsor and community at large to maintain and enhance.

### **Discussion:**

The PAD program is now close to 20 years in operation. While defibrillators have been regularly maintained and replaced, the accompanied displays are original and are showing signs of wear and deterioration over the years. Owning a defibrillator in a facility involves a few components:

- Defibrillator Cabinet – for safe storage and easy access. A number of Defibrillator cabinets have had their fair share of wear and tear and warrant a replacement. Cabinet doors are not closing properly, paint is peeling, glass is foggy or scratched, etc.
- Signage – for public awareness. Signs let the public know the facility is Heart Safe and equipped with a defibrillator on site. Signs are important for public awareness to the defibrillator and quick access if there is ever a time of need. Some signs have faded, been scratched while some facilities are in need for an increase/improvement of signs for better awareness.
- Alarm - when the unit is deployed or tampered with, the cabinet alarm will sound alerting staff and patrons that the AED has been moved. Some alarms along with the cabinets are damaged, and not always reliable. Replacing will ensure staff and patrons are alerted if the AED cabinet is accessed.

PAD co-ordinator has identified a number of facilities currently equipped with a defibrillator requiring some form of maintenance identified above.

### **Risk Analysis:**

There is a medium risk associated with not approving the recommendation of this report. Inadequate or delayed maintenance may compromise the speed in which defibrillator is accessed when needed potentially impacting the incident outcome.

### **Climate Change Risks**

N/A

## **Financial Matters:**

Pay-As-You-Go Fund 170 has been a designated fund for the Public Access Defibrillator (PAD) program in the City of Windsor. It is an internal self-funding model as per B42-2002.

The City of Windsor currently holds 95 defibrillators in owned facilities around the city. Sample facilities are workplaces, community centers, libraries, nature centers, golf club, airport, art gallery, etc.

An estimated cost of one cabinet holding a defibrillator is \$300 plus HST and approximately 40 are in need of a replacement. Total estimated cost for cabinets is \$12,000 plus HST. An estimated cost for both improved and added signage among facilities is \$2,000 plus HST. Further unforeseen expenses are estimated at \$500 plus HST.

PAD co-ordinator is recommending the purchase of new defibrillator cabinets and improved signage where warranted at an estimated cost of \$15,000 CAD including non-recoverable HST.

It is also being recommended that up to a maximum of \$5,000 be funded annually from the Pay-As-You-Go Reserve Fund 170 for the ongoing maintenance of the currently 95 PAD equipment, cabinets, alarms, display and signage. This will allow for the repair and replacement of the equipment on an on going basis, as required.

## **Consultations:**

Monika Schneider, FPA – Fire & Rescue Services  
Mark Spizzirri, Manager of Accounting Services - PAYG Reserve

## **Conclusion:**

The City of Windsor continually strives to offer the best quality service to the citizens of Windsor. Providing a public access defibrillator is a direct correlation and the improvement to the out of hospital survival rates. It is recommended that appropriate maintenance of components other than defibrillators take place at this time to allow for quality service the city desires to offer.

## **Planning Act Matters:**

N/A

**Approvals:**

<b>Name</b>	<b>Title</b>
Monika Schneider	Financial Planning Administrator
Stephen Laforet	Fire Chief
Shelby Askin Hager	Commissioner, Legal & Legislative Services
Tony Ardovini	Acting Commissioner, Corporate Services / Chief Financial Officer / City Treasurer
Joe Mancina	Acting Chief Administrative Officer

**Notifications:**

<b>Name</b>	<b>Address</b>	<b>Email</b>
Monika Schneider		mschneider@citywindsor.ca
Mark Spizzirri		mspizzirri@citywindsor.ca

**Appendices:**

N/A



**Subject: Zoning Bylaw Amendment – Wyandotte Developments Inc - 0 Wyandotte St E. S/S Wyandotte Street E, between Watson Ave and Isack Drive- Z 025-21 [ZNG-6499] to permit a Multiple Dwelling Development - Ward 6**

Moved by: Member Rondot  
Seconded by: Councillor Morrison

Decision Number: **DHSC 380**

THAT an amendment to City of Windsor Zoning By-law 8600 **BE APPROVED** for the lands at Part of Lots 72 to 78, Part of Lots 106 & 107, part of 30 foot Lane, part of Parkhill Gate, RP 1627, more particularly described as Part 3, 12R-13644 situated on the south side of Wyandotte Street East, east of Watson Avenue, by adding the following site specific provisions to s.20:

**“South Side Wyandotte Street East, between Watson Ave and Isack Drive**

For the lands Part of lots 72 to 78, part of lots 106 & 107, part of 30' Lane, part of Parkhill Gate, RP 1627, more particularly described as Part 3, 12R-13644 situated on the south side of Wyandotte Street East, east of Watson Avenue, the provisions of S 20 (1) 102 shall not apply, and the following provisions shall apply:

- a) Building Height – Maximum – 20m
- b) Lot Coverage – Maximum – 40%
- c) A minimum separation of 12 metres shall be maintained between a multiple dwelling and an RD1.1 District. (ZDM 14; ZNG/6499)”

Carried.

Report Number: S 35/2022  
Clerk’s File: Z/14298

**Clerk’s Note:**

1. The recommendation of the Standing Committee and Administration are the same.
2. Please refer to Item 7.1. from the Development & Heritage Standing Committee Meeting held April 4, 2022.
3. To view the stream of this Standing Committee meeting, please refer to: <http://csg001-harmony.sliq.net/00310/Harmony/en/PowerBrowser/PowerBrowserV2/20220412/-1/7314>



**Subject: Zoning Bylaw Amendment – Wyandotte Developments Inc - South Side of Wyandotte St East, between Watson Ave and Isack Drive- Z 025-21 [ZNG-6499] to permit a Multiple Dwelling Development - Ward 6**

**Reference:**

Date to Council: April 4, 2022  
Author: Jim Abbs,  
Senior Planner  
255-6543 x6317  
jabbs@citywindsor.ca

Planning & Building Services  
Report Date: March 9, 2022  
Clerk's File #: Z/14298

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

**Recommendation:**

**THAT** an amendment to City of Windsor Zoning By-law 8600 **BE APPROVED** for the lands at Part of Lots 72 to 78, Part of Lots 106 & 107, part of 30 foot Lane, part of Parkhill Gate, RP 1627, more particularly described as Part 3, 12R-13644 situated on the south side of Wyandotte Street East, east of Watson Avenue, by adding the following site specific provisions to s.20:

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- a) Building Height – Maximum- 20m
- b) Lot Coverage – Maximum- 40%
- c) A minimum separation of 12 metres shall be maintained between a multiple dwelling and an RD1.1 District. (ZDM 14; ZNG/6499)”

**Executive Summary:**

N/A

**Background:**

Application Information:

Location: 0 Wyandotte St East Ward: 6

Planning District: 19 – Riverside ZDM: 14

Owner: Wyandotte Developments Inc. (Randy Saccucci)

Agent: Architectural Design Associates Inc. Architect (Stephen Berrill)



KEY MAP - Z-025/21, ZNG-6499

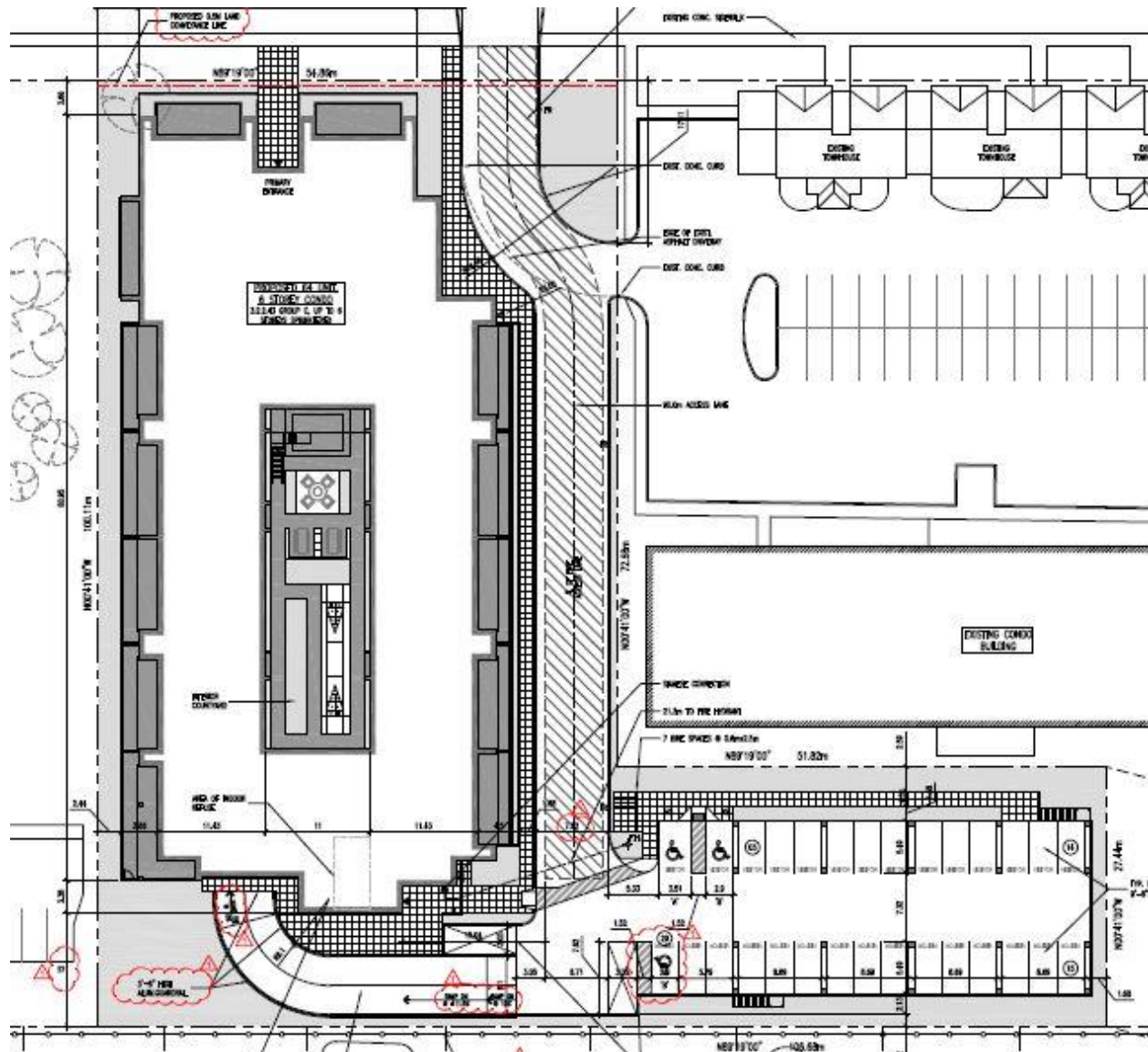


● SUBJECT LANDS

## Proposal:

The applicant intends to develop the site as a 20m high (6-storey) Multiple Dwelling containing 64 units on the subject land. The Applicant will provide a total of 29 surface parking spaces and 80 underground parking spaces. Access to the proposed development will be provided by the existing entrance on Wyandotte Street East.

## WYANDOTTE STREET EAST



To accomplish this, a site specific Zoning By-law Amendment will be required. The site is currently zoned Residential District 3.2 (RD3.2) Zone, with Site Specific Provision (S20 (1) 102). The site specific provision currently requires a minimum set back of 12m from an RD1.1 zone, and requires a minimum unit size of no less than 140 m<sup>2</sup> (over 1500 ft<sup>2</sup>).

The applicant is requesting removal of the unit size requirement. This will be discussed further in the Zoning section of this report.

It should be noted that the applicant **is not** requesting removal of the 12m setback from an RD1.1 zone.

Additionally, the applicant is requesting:

An increase in maximum building height from 18 m to 20 m; and

An increase in Lot Coverage from 35% to 40%.

These will be discussed further in the Zoning section of this report.

The site will be subject to Site Plan Control.

**Site Information:**

Official Plan	Zoning	Current Use	Previous Use
Residential	Residential District RD3.2 (RD 3.2) 20(1)102 (set minimum size of individual Residential Dwelling Units, and setback from RD1.1)	Vacant	Vacant
Lot Depth	Lot Frontage	Area	Shape
+/- 54.86 m	+/- 100 m	6906.4 m <sup>2</sup>	Irregular (“L”-shaped)
All measurements are for the entire parcel and are approximate.			

**Neighbourhood Characteristics:**

The proposed development fronts Wyandotte Street East, and is located mid-way between Watson Avenue (to the west) and Isack Street (to the east). The south side of Wyandotte Street East in this area consists of a mix of commercial, single unit dwellings (Watson Ave) and Low and Medium Profile multiple dwelling residential uses.

**Surrounding Land Uses:**

This area exhibits a wide range of dwelling types and commercial uses.

**North** of the Subject Property Wyandotte Street East a 2 lane, 1 in each direction, class 2 arterial road with a commercial plaza and several low profile (3 storey) multiple dwelling buildings on the north side of the street.

**South** of the Subject Property is an established low profile residential area with single unit dwellings. (Kingston Crescent)

**West** of the Subject Property is a 5 storey Multiple Dwelling and a 4 storey Multiple Dwelling. Further east there is a double duplex dwelling fronting Wyandotte Street E then single unit dwellings fronting Watson Ave.

**East** of the Subject Property there is a development containing a 4 storey multiple unit dwelling and 2 storey townhome units. Further east semi detached dwellings are found fronting Wyandotte Street E.

Wyandotte Street East is classified as a Class II Arterial road. The site is serviced by the Transit Windsor Lauzon 10 bus route. The closest existing bus stop is located on the north side of Wyandotte Street E approximately 90 metres away from this property.

The proposed Multiple Dwelling is located within an area that contains other Multiple Dwelling buildings of similar height and form and is compatible within its context.



NEIGHBOURHOOD MAP - Z-025/21, ZNG/6499



SUBJECT LANDS

## **Discussion:**

### **Planning Analysis:**

#### **Provincial Policy Statement (PPS) 2020:**

The Provincial Policy Statement, (PPS) 2020 provides direction on matters of provincial interest related to land use planning and development and sets the policy foundation for regulating the development and use of land in Ontario.

The use proposed is already permitted by the zoning by-law. This zoning bylaw amendment would result in an infill development (a development on underutilized or vacant land within the context of an existing urban or built up area) consistent with the Provincial Policy Statement in that the development promotes the efficient use of existing land, promotes cost-effective development patterns and standards to minimize land consumption and servicing costs. Related to this direction, the PPS states:

- “1.1.1(b) accommodating an appropriate range and mix of residential (including second units, affordable housing and housing for older persons), employment (including industrial commercial), institutional (including places of worship, cemeteries and long-term care homes), recreation, park and open space, and other uses to meet long-term needs”
- e) promoting cost-effective development patterns and standards to minimize land consumption and servicing costs;”

The current provision in S 20(1) 102 that is applied to this vacant parcel to require a minimum dwelling unit size of no less than 140m<sup>2</sup> (1500 ft<sup>2</sup> ) is not consistent with this policies of the PPS and does not promote cost effective development patterns. Allowing the proposed zoning bylaw amendment to remove the minimum unit size contributes to minimizing land consumption and servicing costs by allowing units that can be sized to provide an appropriate range of and mix of residential units on a site that already has available infrastructure in the immediate area.

The PPS also states:

- “1.1.2 Sufficient land shall be made available to accommodate an appropriate range and mix of land uses to meet projected needs for a time horizon of up to 20 years.”

The PPS requires that land be available to diversify developments to meet the future needs of the community. The zoning by-law amendment is consistent with that requirement by accommodating new residential construction on lands designated for that purpose.

The PPS also states:

- “1.4.1 To provide for an appropriate range and mix of housing types and densities required to meet projected requirements of current and future residents of the regional market area, planning authorities shall:



- a. maintain at all times the ability to accommodate residential growth for a minimum of 10 years through residential intensification and redevelopment and, if necessary, lands which are designated and available for residential development; and
- b. maintain at all times where new development is to occur, land with servicing capacity sufficient to provide at least a three-year supply of residential units available through lands suitably zoned to facilitate residential intensification and redevelopment, and land in draft approved and registered plans.”

The requested zoning bylaw amendment is consistent with the PPS by developing a planned medium-density development on a site that was previously under utilized. The proposed form of development is a more efficient use of land and resources than the previous (vacant) use. As well, this development will help to provide additional residential inventory within the City of Windsor.

The PPS also states:

“1.4.3 Planning authorities shall provide for an appropriate range and mix of housing types and densities to meet projected requirements of current and future residents of the regional market area by:

- a. permitting and facilitating:
  - 1. all forms of housing required to meet the social, health and well-being requirements of current and future residents, including special needs requirements; and
  - 2. all forms of residential intensification, including second units, and redevelopment in accordance with policy 1.1.3.3;
- b. directing the development of new housing towards locations where appropriate levels of infrastructure and public service facilities are or will be available to support current and projected needs;
- c. promoting densities for new housing which efficiently use land, resources, infrastructure and public service facilities, and support the use of active transportation and transit in areas where it exists or is to be developed;”

Approving the zoning by-law amendment to remove the minimum dwelling unit size requirement would support residential development using the infrastructure that is already in place, instead of requiring more expenditure on new infrastructure in a greenfield setting. In terms of supporting active transportation and transit, the site of the proposed zoning amendment is served by Transit Windsor.

The proposed development is consistent with the PPS in that it promotes compact and transit supportive forms of development. As well, this development will help to support the provision of a range of housing types in this area.

The development site is close to a commercial area which will provide commercial services and amenities close to residents, and promotes walkability of the neighborhood.

The site is also in close proximity to transit corridors, which provides a range of travel options for the residents. The density of the development may help support the transit options that currently exist in this area.

**Official Plan:**

The City of Windsor Official Plan currently designates the site Residential. The proposed residential use conforms to the Residential designation. The proposed development is consistent with the following goals and objectives of the City of Windsor Official Plan.

Goal 6.1.1 is to achieve safe, caring and diverse neighbourhoods. Goal 6.1.2 seeks environmentally sustainable urban development. Goal 6.1.3 promotes housing suited to the needs of Windsor’s residents. Goal 6.1.10 is to achieve pedestrian oriented clusters of residential, commercial, employment and institutional uses.

Objective 6.3.1.1 supports a complementary range of housing forms and tenures in all neighbourhoods. Objective 6.3.1.2 seeks to promote compact neighbourhoods and balanced transportation systems. Objective 6.3.1.3 seeks to promote selective residential redevelopment, infill and intensification initiatives.

The proposed development will help to support a diverse neighbourhood that represents a sustainable community and will provide housing that is in demand. The proposed development will help to encourage a pedestrian orientated cluster of residential, commercial and employment uses. The proposed residential development represents a complementary and compact form of housing and intensification that is near sources of transportation.

The locational criteria for a residential development to have access to an arterial road, be provided with full municipal services, be provided with public transit, and adequate community services and open spaces are available or planned. The parcel has direct access to Wyandotte Street East. Public transit is available via the Transit Windsor Lauzon 10 bus route.

Full municipal services are available.

**Zoning By-Law:**

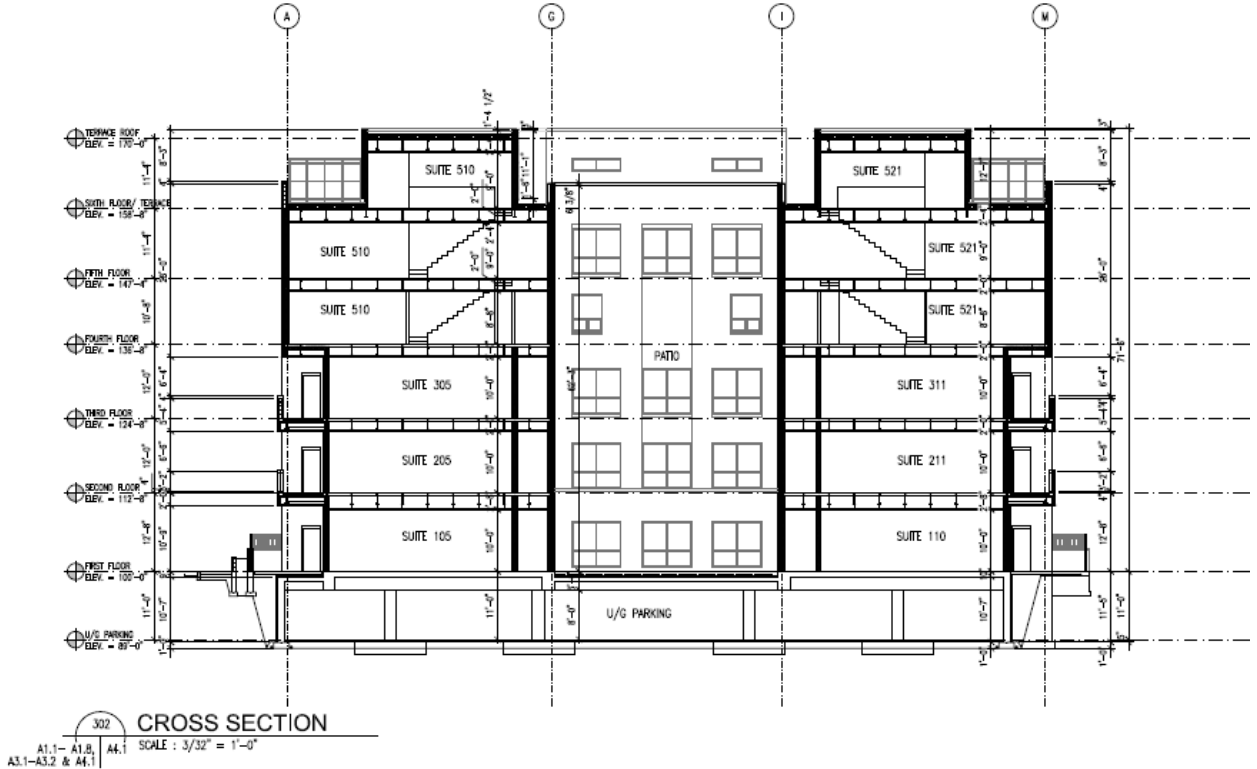
The site is zoned Residential District 3.2 (RD3.2) within By-law 8600. The proposed Multiple Dwelling is permitted in this zone. The applicant is proposing that the regulations for the site be changed to permit the redevelopment of the property to accommodate a six (6) storey 64 dwelling unit residential building with parking for 109 vehicles. Administration is recommending that the zoning of the property be amended with the following site-specific regulations.

- i) Building Height – Maximum- 20m

The building height increase of 2m from the existing permitted building height of 18 m represents an incremental increase from the existing permitted height and is appropriate in this case.

ii) Lot Coverage – Maximum- 40%

The Residential District 3.2 zone permits a maximum lot coverage of 35%. As a result of projections of the units starting at the 4<sup>th</sup> floor above the balconies of the floors below, the total lot coverage is 36.2%. The Applicant is requesting that the site-specific provision permit a maximum lot coverage of 40%.



The proposed change is not anticipated to have an impact on the adjacent or nearby land uses. It is not anticipated that the coverage increase resulting from the upper floors will impact the experience for the future residents or the adjacent land uses. Additionally, the minimum setbacks and required landscaped area requirements of the RD3.2 zone category are being met.

(iii) A minimum separation of 12 metres shall be maintained between a multiple dwelling and an RD1.1 District.

The minimum separation distance of 12m continues from the previous site specific regulations for this site.

**Interim Control By-law 103-2020:**

The parcel is subject to Residential Interim Control By-law 103-2020 (RICBL) which prohibits a Group Home, Lodging House, a Shelter, and a dwelling with five or more dwelling units throughout the City of Windsor to allow a land use study to be conducted.

Council Resolution 364/2020 directs that the land use study be completed to consider, among other things, residential density. Given the site is located on an arterial road in

an area with other Multiple Dwelling uses, the Planning Department does not anticipate any conflict between the proposed development and the land use study.

If Council approves this application, this development would be exempt from the provisions of BL 103-2020. Section 2(1) of B/L 103-2020 exempts a parcel from the provisions of RICBL where an amending by-law to Zoning By-law 8600 to permit a dwelling with five or more dwelling units comes into force on or after January 1, 2017.

### **Risk Analysis:**

Type here

### **Climate Change Risks**

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

Increasing the density of development on the site with access to existing bus routes and adjacent to commercial and community facilities will encourage the use of transit, walking and cycling as modes of transportation, thereby helping to minimize the City's carbon footprint.

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

The site will be subject to site plan control and will be required to retain storm water on site that will only be released to the City's storm sewer system at predevelopment levels.

### **Financial Matters:**

n/a

### **Consultations:**

Comments received from municipal departments and external agencies are attached as Appendix "A" to this report.

### **Public Notice:**

The statutory notice required under the Planning Act was provided in the Windsor Star. In addition, all properties within 120m (400 feet) of the subject parcel received courtesy notice by mail prior to the Development & Heritage Standing Committee Meeting (DHSC) meeting.

### **Conclusion:**

#### **Planner's Opinion and Conclusions:**

The current provision in S 20(1) 102 to require a minimum dwelling unit size of no less than 140m<sup>2</sup> (1500 ft<sup>2</sup>) is not consistent with policy 1.1.1 of the PPS and does not promote cost effective development pattern or compact forms of development and

implements an unfair barrier of entry to the housing market and therefore should be removed.

The proposed use of this site as a development containing a Multiple Dwelling structure containing 64 units represents an efficient development that will have no adverse impact on the financial well-being of the City of Windsor. The proposed development represents an appropriate residential use, adds to the range and mix of uses and will not cause any environmental or public health and safety concerns. This development is consistent with the Provincial Policy Statement.

The proposed Multiple Dwelling represents a housing type and density that meets the requirements of current and future residents, that meets the social, health and well-being of current and future residents, represents a form of residential intensification, is set in a location with access to infrastructure, public service facilities, and is close to commercial land uses.

The proposed Multiple Dwelling is located within an area that contains other Multiple Dwelling buildings of similar height and form and is compatible within its context.

The proposed zoning by-law amendment is consistent the PPS, with the policy direction of the City of Windsor Official Plan, is compatible with existing and permitted uses in the surrounding neighbourhood and constitutes good planning.

**Planning Act Matters:**

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

*Michael Cooke, Manager, Planning Policy/Deputy City Planner*

*Thom Hunt, City Planner*

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

*SAH JR*

**Approvals:**

<b>Name</b>	<b>Title</b>
Michael Cooke	Manager of Planning Policy/Deputy City Planner
Thom Hunt	City Planner / Executive Director, Planning & Development Services
Wira Vendrasco	Deputy City Solicitor, Legal Services & Real Estate
Shelby Askin Hager	Commissioner, Legal & Legislative Services
Jason Reynar	Chief Administration Officer

**Notifications:**

<b>Name</b>	<b>Address</b>	<b>Email</b>
Wyandotte Developments Inc.	1700 Sprucewood Avenue LaSalle, Ontario N9J 1X6	rsaccucci@4cprojectmanagement.com
Architectural Design Associates Inc. Architect	1670 Mercer Street, Windsor ON N8X 3P7	sberrill@ada-architect.ca
Councillor Gignac		

**Appendices:**

- 1 Appendix A - Z 025-22 Liaison Comments
- 2 Appendix B - Excerpt Bylaw 8600

## COMMENTS

### **George Robinson – Site Plan Control**

I'm not sure if you require formal comments from SPC for the rezoning, but our draft report which identified a number of zoning deficiencies was issued in Oct 2021 (city file AMT-015/21). I noticed that the applicant has revised the plans since then to resolve some of the site plan issues. The site plan application remains on hold pending the completion of the rezoning process.

I'd recommend having one of the zoning coordinators do a full review to ensure any other items are captured to avoid having to go back to council for a minor variance exemption.

### **Jason Scott – Transit Windsor**

Transit Windsor has no objections to this development. The closest existing transit route to this property is with the Lauzon 10. The closest existing bus stop to this property is located directly across the street on Wyandotte at Riverside Plaza providing direct transit access. This will be further enhanced with our Council approved Transit Master Plan as a new local route will be introduced with 2 way conventional transit service versus the 1 way loop that currently exists.

### **Jennifer Nantais – Environmental & Sustainability Coordinator**

The Environmental Sustainability & Climate Change Team would like to request an energy strategy.

In response to the application for a zoning amendment there are no objections. Please also note the following comments for consideration:

#### Energy Conservation, Air Quality and Climate Change:

Please note PPS 2020 energy conservation and efficiency policies as they relate to long-term economic prosperity (1.7.1 (j)), as well as improved air quality and reduced greenhouse gas emissions (1.8.1). In addition, the City of Windsor Community Energy Plan (approved July 17 2017) aims to improve energy efficiency; modifying land use planning; reducing energy consumption and greenhouse gas emissions; and fostering green energy solutions throughout Windsor, while supporting local economic development.

As per these policies the developer should consider energy efficiency in the building design. This may include but not be limited to increased insulation, energy efficient appliances and fixtures, high efficiency windows and doors. In addition, consideration for EV charging infrastructure and opportunities to increase resiliency such as providing strategic back-up power capacity is warranted.

In addition, the large scale paving of natural space will increase the urban heat island in the area. It is recommended that the developer consider shade trees, white colour roofs

or green roofs to mitigate this impact. For more suggestions please consult the following resources: LEED, Built Green Canada, and EnerGuide.

To promote the use of active transportation, bike racks should be included.

#### Stormwater Management:

Consideration should be given, as per PPS 2020 Section 1.6.6.7 to maximize the extent and function of vegetative and pervious surfaces; and promote stormwater management best practices, including stormwater attenuation and reuse, water conservation and efficiency, and low impact development.

Low Impact Design should be considered during Site Plan Review to address quantity and quality of stormwater leaving the site. The addition of Green Infrastructure here would be beneficial. Please see <https://greeninfrastructureontario.org> for examples.

#### Landscaping

Consideration for shade trees are recommended to minimize the urban heat island impacts. Consideration of native, drought resistant plants is encouraged to limit watering requirements.

In addition we encourage the developer to consider community gardening space for residents. Local food production is very popular in Windsor and considering the size of this development a space for community garden boxes is warranted.

#### **Kristina Tang – Heritage Planner**

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

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

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



Contacts:

Windsor Planning & Building Department:

519-255-6543 x6179, [ktang@citywindsor.ca](mailto:ktang@citywindsor.ca), [planningdept@citywindsor.ca](mailto:planningdept@citywindsor.ca)

Windsor Manager of Culture and Events:

Michelle Staadegaard, (O) 519-253-2300x2726, (C) 519-816-0711,

[mstaadegaard@citywindsor.ca](mailto:mstaadegaard@citywindsor.ca)

Ontario Ministry of Heritage, Sport, Tourism and Culture Industries

Archaeology Programs Unit, 1-416-212-8886, [Archaeology@ontario.ca](mailto:Archaeology@ontario.ca)

Windsor Police: 911

Ontario Ministry of Government & Consumer Services

A/Registrar of Burial Sites, War Graves, Abandoned Cemeteries and Cemetery Closures, 1-416-212-7499, [Crystal.Forrest@ontario.ca](mailto:Crystal.Forrest@ontario.ca)

**Stefan Fediuk – Landscape Architect**

Pursuant to the application for a zoning amendment (Z-025/21) on the subject to amend the existing provisions to permit the one (1), 6-storey multiple dwelling building with 64-units and associated parking area with the following site specific regulations:

- *Removal of the site specific provisions requiring a minimum unit size of 140 m<sup>2</sup>;*
- *An increase in maximum building height from 18 m to 20 m;*
- *An increase in maximum lot coverage from 35% to 40% (see attached Planning Justification Report for rationale),*

Please note the following comments:

Zoning Provisions for Parking Setback:

The Planning Justification Report Addendum identifies that the minimum setbacks and required area requirements per the Zoning Bylaw 8600 for RD3.2 Zoned properties area being met, however, much of the proposed landscape area appears to be hard surfaced and acts as primary access walkways to building from the parking areas or Wyandotte Street. These access ways are not to be included the calculations for landscape areas. Only secondary hard surfaced pathways to amenity areas, isolated patios and greenspaces are to be included in that calculation.

The proposed concrete ramp to the underground garage is an extension of the building and should be considered as park of the building, therefore it should be required to comply with the required rear yard setback. The location will impact the adjacent RD1.1 residential development to south along Kingston Crescent by, increasing noise, drainage patterns and as there are in ground pools with in the private residences, the location and close proximity to the property line may compromise the foundation of the pool at 8370 Kingston Crescent.

Tree Preservation:

N/A

### Climate Change Resiliency and Environmental Design:

The proposed development in this Rezoning application demonstrates and increased intensification than the cited Site Plan Control application (SPC-032/18). SPC-032/18 provided an outdoor amenity area at the eastern portion of the site, which would have provided the residents of the building with a common outdoor area for a variety of outdoor recreational activities. An outdoor amenity area is a recommendation for High-Rise Residential development as found in section 4.4. of the current Landscape Manual for Development (4<sup>th</sup> edition). The applicant has instead relocated that amenity space to a larger interior courtyard with a variety of designated uses. This is an acceptable alternative. However, with the proposed interior courtyard, it should be recognized that shade and protection from inclement weather will need to be accommodated.

### Urban Design:

The segment of Wyandotte St. W. at the frontage of the subject is classified as a Theme Street on Schedule 'G' in the Official Plan. The proposal identifies hard surface paving along the entire front of the proposed building facing Wyandotte Street. Provision of outdoor amenity space along this frontage, complete with trees, shade and seating would provide the required enhancements as identified in the O.P. for Theme Streets Clauses 8.11.2.11.

A landscape buffer would be required as part of a future site plan, between the development and the existing residential property to the south along Kingston Crescent.

### Parkland Dedication:

Require a parkland dedication representing 5% of the subject lands, to the satisfaction of the Executive Director of Parks, as per By-law 12780 and the Planning Act.

### **Sherif Barsom – Parks D&D**

Please note there is no comments from Parks Design and Development pertaining this LIAISON: Z-025/21 [ZNG/6499] - Wyandotte Development Inc - 0 Wyandotte St E.

### **ERCA**

The following is provided as a result of our review of Zoning By-Law Amendment Z-025-21 ZNG 6499. The applicant is proposing to rezone from Residential 3.2 (RD3.2) Zone to Residential 1.1 (RD1.1) Zone with a site specific provision (S20 (1)102) that sets a minimum lot area of 0.6 ha, a minimum unit size of 140 meter square and a minimum separation of 12 meters between multiple dwelling.

### **DELEGATED RESPONSIBILITY TO REPRESENT THE PROVINCIAL INTEREST IN NATURAL HAZARDS (PPS) AND REGULATORY RESPONSIBILITIES OF THE CONSERVATION AUTHORITIES ACT**

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

The above noted lands are subject to our Development, Interference with Wetlands and Alteration to Shorelines and Watercourses Regulation under the *Conservation Authorities Act* (Ontario Regulation No. 158/06). The parcel falls within the regulated area of the Detroit River. The property owner will be required to obtain a Permit and/or Clearance from the Essex Region Conservation Authority prior to any construction or site alteration or other activities affected by Section 28 of the *Conservation Authorities Act*.

The applicant has applied for Permit 52-22.

Upon review of the application and available background information, we note that the low lying nature of the roadway may result in excess water over the road during a 1:100 year flood event. The Municipality must confirm, through applicable emergency services (i.e. fire, police, etc.), that they have the ability to safely access this area during a 1:100 year flood event, in order to fulfill the municipality's responsibilities under Section 3.1.7 of the Provincial Policy Statement (2020). Additionally, the applicant must obtain a Section 28 Permit from ERCA prior to undertaking any development on the site.

#### WATERSHED BASED RESOURCE MANAGEMENT AGENCY

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

#### SECTION 1.6.6.7 Stormwater Management (PPS, 2020)

Our office has provided stormwater management comments during the Site Plan Control (SPC-032-21) circulation (see attached comments).

#### PLANNING ADVISORY SERVICE TO PLANNING AUTHORITIES - NATURAL HERITAGE POLICIES OF THE PPS, 2020

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

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

#### FINAL RECOMMENDATION

Upon review of the application and available background information, we note that the low lying nature of the roadway may result in excess water over the road during a 1:100 year flood event. The Municipality must confirm, through applicable emergency services (i.e. fire, police, etc.), that they have the ability to safely access this area during a 1:100 year flood event, in order to fulfill the municipality's responsibilities under Section 3.1.7 of the Provincial Policy Statement (2020).

Additionally, the applicant must obtain a Section 28 Permit from ERCA, prior to undertaking any development on the site. The applicant has applied for Permit 52-22.

**Transportation Planning:**

- Schedule X of the Official Plan classifies Wyandotte Street East as a Class 2 Arterial road with a required right-of-way width of 28 metres. The current right-of-way width is 27 metres, therefore a land conveyance of 0.5 metres is required as per Section 7.2.6.23 of the Official Plan.
- All accesses shall conform to the TAC Geometric Design Guide for Canadian Roads and the City of Windsor Standard Engineering Drawings AS-204.
- All exterior paths of travel must meet the requirements of the Accessibility for Ontarians with Disabilities Act (AODA).

## APPENDIX B – EXCERPT BYLAW 8600

### 12.2 RESIDENTIAL DISTRICT 3.2 (RD3.2)

#### 12.2.1 PERMITTED USES

*Lodging House*

*Multiple Dwelling*

*Religious Residence*

*Residential Care Facility*

Any of the following *existing* dwellings:

*Double Duplex Dwelling*

*Duplex Dwelling*

*Semi-Detached Dwelling*

*Single Unit Dwelling*

Any use accessory to any of the preceding uses

#### 12.2.5 PROVISIONS

- |     |  |                              |
|-----|--|------------------------------|
| .1  | Lot Frontage – minimum   | 30.0 m                       |
| .2  | Lot Area – minimum   |                              |
|     | For a <i>corner lot</i> having a minimum frontage of 30.0 m on each of the <i>exterior lot lines</i> : |                              |
|     | a) For the first 5 <i>dwelling units</i>   | 540.0 m <sup>2</sup>         |
|     | b) For the next 19 <i>dwelling units</i>   | 67.0 m <sup>2</sup> per unit |
|     | c) For each additional <i>dwelling unit</i>  | 44.0 m <sup>2</sup> per unit |
|     | For any other <i>lot</i> :   |                              |
|     | d) For the first 4 <i>dwelling units</i>   | 540.0 m <sup>2</sup>         |
|     | e) For the next 15 <i>dwelling units</i>   | 85.0 m <sup>2</sup> per unit |
|     | f) For each additional <i>dwelling unit</i>  | 55.0 m <sup>2</sup> per unit |
| .3  | Lot Coverage – maximum   | 35.0%                        |
| .4  | Main Building Height – maximum   |                              |
|     | <i>Corner Lot</i>  | 24.0 m                       |
|     | <i>Interior Lot</i>  | 18.0 m                       |
| .8  | Landscaped Open Space Yard – minimum   | 35.0% of <i>lot area</i>     |
| .13 | Dwelling Unit Density – <i>dwelling units</i> per hectare – maximum                                    |                              |
|     | For a <i>corner lot</i> having a minimum frontage of 30.0 m on each of the <i>exterior lot lines</i>   | 188 units per ha             |

For any other *lot*

150 units per ha

- .50 A *Lodging House* for the accommodation of 10 persons or less, and any use accessory thereto, shall comply with the *Single Unit Dwelling* provisions of Section 10.1.5 and further, the whole of the *building* shall be used for a *Lodging House*, including any *accessory use*. [ZNG/5630]

(AMENDED by B/L 95-2019, Sept. 27/2019)

- .55 A addition to an *existing Double Duplex Dwelling*, *existing Duplex Dwelling*, *existing Semi-Detached Dwelling* or an *existing Single Unit Dwelling* and any use accessory to the preceding uses, shall comply with the provisions of Section 11.2.5.

102. For the lands comprising Lots 69 to 73, 74 to 79, 100 to 111, all inclusive, Parts of Kingston Drive (closed) and Parkhill Gate (unopened) and the east/west lanes east and west of Parkhill Gate, Registered Plan 1627, situated on the south side of Wyandotte Street, east of Watson Avenue, the following provisions shall apply:

- (i) The minimum lot area shall be 6000 square metres with no less than 140 square metres for each dwelling unit;
- (ii) A minimum separation of 12 metres shall be maintained between a multiple dwelling and an RD1.1 District. (ZDM 14; ZNG/1062)

(AMENDED by B/L 132-2011, August 5, 2011)

**From:** Arthur T  
**Sent:** Friday, April 01, 2022 11:56 AM  
**To:** Toldo, Beth <toldob@citywindsor.ca>  
**Cc:** Abbs, James <jabbs@citywindsor.ca>; Ciacelli, Anna <aciacelli@citywindsor.ca>  
**Subject:** Re: Notice of Public Meeting. Wyandotte Developments Inc.

**CAUTION:** This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

*I wish to revised my comments below for this upcoming Monday meeting.*

*Upon reviewing the building layout, I wish to object to the building height of 6 stories, as there is no other building in this area, the building next door is only five.*

*I also object to the second level pickleball court behind my building. The distance between my building is 5.79 Meters and the distance between the residential homes at the back is only 3.35 meters. The sound level will be high. The question I have is how many complains has the City received about noises about courts being to closed to residential housing???* This pickleball court can NOT be installed.

*In conclusions: I have no objections to the increase the site coverage to 40%, just the height and the pickleball court.*

*Arthur Trebbne*

**From:** Arthur Trebbne  
**Sent:** March 16, 2022 8:54 PM  
**To:** clerks <[clerks@citywindsor.ca](mailto:clerks@citywindsor.ca)>; Abbs, James <[jabbs@citywindsor.ca](mailto:jabbs@citywindsor.ca)>  
**Subject:** Notice of Public Meeting. Wyandotte Developments Inc.

**CAUTION:** This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

*File Number ZNG/6499 Z-025/21 0 Wyandotte Street East.*

*I wish to comment on the following above proposed Zoning change. Would you please add my name to the Zoom meeting on April 4 at 4:30 pm and would like to notified of the Council decision. Please pass this request along to the appropriate parties.*

*In general, I have no issues with the proposed change in the Zoning request.*

*A couple comments. There will be 64 units but only 62 lockers? Inside parking for the 64 units is 67 spaces and with only 2 handicapped parking spaces???? I think the handicapped spots should be increase. The visitors have 3 H/C spots*

*I am still concerned about the travel coming onto Wyandotte Street, from our unit and this proposed Condo Unit, the mall and the proposed Condo Unit directly across from the street. Would someone from the city confirm this is acceptable?*

*Arthur Trebbne*



**Originally submitted at April 4, 2022  
Development & Heritage Standing  
Committee – Written Submission**

-----Original Message-----

From: Lise Stevens

Sent: March 22, 2022 10:12 PM

To: clerks <[clerks@citywindsor.ca](mailto:clerks@citywindsor.ca)>

Subject: File number ZNG/6499 Z-025/21

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

I live at 8335 Wyandotte. St. E., Windsor Ontario N8S 4S8, Park Place. I would like to add my complaints to building this 6 story condo plus underground parking. I will have to say my major complaint is there is too much traffic on Wyandotte as is. During rush hours it may take me 5 minutes to turn left. Will there be a light in between? We have Rivertown 4 story then Park Place 5 units. I cannot picture a 6 level condo in between the condos. I would also like to add that vacant land is a swamp land. Did the city checked into this? We have geese and ducks nesting. I realize they will be gone after this meeting. Speaking to my neighbours, they noticed killdeer birds. Personally, I hear sounds of birds, they say should be protected.

I would like further information on this development, please keep me updated.

Sent from my iPad

**From:** Lee J Balciar  
**Sent:** March 26, 2022 6:05 PM  
**To:** clerks <[clerks@citywindsor.ca](mailto:clerks@citywindsor.ca)>  
**Subject:** Amendment to zoning By-Law 8600 File No. ZNG/6499 Z-025/21

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# Attention: Development & Heritage Standing Committee

[clerks@citywindsor.ca](mailto:clerks@citywindsor.ca)

Amendment to zoning By-Law 8600 File No. ZNG/6499 Z-025/21

The building proposal for property next to 8335 Wyandotte St E will bring a lot of traffic congestion to an already busy area. With 60 units and up to 120 persons occupying the units, automobile traffic will increase considerably. Windsor is an automobile centre and everyone here owns one car minimum. Many own two cars or more! The traffic noise will increase and I find it quite bothersome as it is. The one thing about COVID restrictions: it reduced traffic therefore traffic noise & pollution. (If you think not all will have a car, then residents will be calling taxicabs; the bus system in Windsor is not as frequent enough to make it a good alternative nor is it speedy because of the volume of traffic especially during rush hour.) Perhaps the only good thing about COVID it reduced automobile traffic, therefore noise and air pollution.

Increased traffic means more air pollution & in order to reduce personal affects of air pollution residents can use in door air purifiers which use more electricity which will cause an extra electrical load to our grid in this area which seems to be very close to maximum as our building switches to generator often especially in the warmer months.

We need speed bumps now to reduce speeders. We also could use a light for pedestrians to cross Wyandotte to the plazas. One of our residents was hit this past year.

The drivers are impatient, making them dangerous not just noise makers and air polluters. People in the area will not walk as much reducing their general health and putting an extra load on our health care system. Many people have dogs and I fear there will be traffic fatalities with so many dog walkers as car numbers increase.

The proposed lot is a small swamp. It will be quite expensive to change properly. The city storm sewers cannot handle the volume as is! The natural high water level will cause flooding. It does so In old Walkerville. The architects did not go more than 4 ft, so it was always dry. I lived in that area. This building at 8335 had problems on the first floor when it was new & there is no parking below ground here.

Lydia Balciar

Sent from my iPhone

Originally submitted at April 4, 2022  
Development & Heritage Standing  
Committee – Written Submission

**From:** Louisa and Tony Spagnoli  
**Sent:** March 27, 2022 11:50 AM  
**To:** clerks <[clerks@citywindsor.ca](mailto:clerks@citywindsor.ca)>  
**Subject:** ATTENTION: Development & Heritage Standing Committee

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# ATTENTION: Development & Heritage Standing Committee

[clerks@citywindsor.ca](mailto:clerks@citywindsor.ca)

Amendment to zoning By-Law 8600 File No. ZNG/6499 Z-025/21

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Increased traffic means more air pollution & in order to reduce personal affects of air pollution residents can use in door air purifiers which use more electricity which will cause an extra electrical load to our grid in this area which seems to be very close to maximum as our building switches to generator often especially in the warmer months.

We need speed bumps now to reduce speeders. We also could use a light for pedestrians to cross Wyandotte to the plazas. One of our residents was hit this past year. If the project goes through the light needs to be installed prior to building commencement to avoid traffic jams with construction vehicles.

The drivers are impatient, making them dangerous not just noise makers and air polluters. People in the area will not walk as much reducing their general health and putting an extra load on our health care system. Many people have dogs and I fear there will be traffic fatalities with so many dog walkers as car numbers increase.

The proposed lot is a small swamp. It will be quite expensive to change properly. The city storm sewers cannot handle the volume as is! The natural high water level will cause flooding not to mention the effects of global warming. .

Louisa & Tony Spagnoli

**From:** Rita Rivait  
**Sent:** March 27, 2022 11:58 AM  
**To:** clerks <[clerks@citywindsor.ca](mailto:clerks@citywindsor.ca)>  
**Subject:** ATTENTION: Development & Heritage Standing Committee

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# ATTENTION: Development & Heritage Standing Committee

[clerks@citywindsor.ca](mailto:clerks@citywindsor.ca)

Amendment to zoning By-Law 8600 File No. ZNG/6499 Z-025/21

The building proposal for property next to 8335 Wyandotte St E will bring a lot of traffic congestion to an already busy area. With 60 units and up to 120 persons occupying the units, automobile traffic will increase considerably.

Increased traffic means more air pollution & in order to reduce personal affects of air pollution residents can use in door air purifiers which use more electricity which will cause an extra electrical load to our grid in this area which seems to be very close to maximum as our building switches to generator often especially in the warmer months.

We need speed bumps now to reduce speeders. We also could use a light for pedestrians to cross Wyandotte to the plazas. One of our residents was hit this past year. If the project goes through the light needs to be installed prior to building commencement to avoid traffic jams with construction vehicles.

The drivers are impatient, making them dangerous not just noise makers and air polluters. People in the area will not walk as much reducing their general health and putting an extra load on our health care system. Many people have dogs and I fear there will be traffic fatalities with so many dog walkers as car numbers increase.

The proposed lot is a small swamp. It will be quite expensive to change properly. The city storm sewers cannot handle the volume as is! The natural high water level will cause flooding not to mention the effects of global warming. .

Rita Rivait

**From:** Ruth Smith  
**Sent:** March 27, 2022 7:14 PM  
**To:** clerks <[clerks@citywindsor.ca](mailto:clerks@citywindsor.ca)>  
**Subject:** ATTENTION: Development & Heritage Standing Committee

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# ATTENTION: Development & Heritage Standing Committee

[clerks@citywindsor.ca](mailto:clerks@citywindsor.ca)

Amendment to zoning By-Law 8600 File No. ZNG/6499 Z-025/21

The building proposal for property next to 8335 Wyandotte St E will bring a lot of traffic congestion to an already busy area. With 60 units and up to 120 persons occupying the units, automobile traffic will increase considerably. Windsor is an automobile centre and everyone here owns one car minimum. Many own two cars or more! The traffic noise will increase and I find it quite bothersome as it is. The one thing about COVID restrictions: it reduced traffic therefore traffic noise & pollution. (If you think not all will have a car, then residents will be calling taxicabs.)

We need speed bumps now to reduce speeders. We also could use a light for pedestrians to cross Wyandotte to the plazas. One of our residents was hit this past year. The lights should be installed before building starts to help with construction traffic.

The drivers are impatient, making them dangerous not just noise makers and air polluters.

The proposed lot is a small swamp. It will be quite expensive to change properly. The city storm sewers cannot handle the volume as is! The natural high water level will cause flooding. (It does so in old Walkerville. The original architects did not go more than 3 ft. down, so it was always dry. Lydia Balciar lived in that area for 10 years. )

This building at 8335 had problems on the first floor when it was new & there is no parking below ground here.

Several years ago I, Ruth Smith, had the opportunity of presenting my desire to have an Eternal Flame erected in Dieppe Park to honour our hero's of the past. Thankfully the idea caught on and with much enthusiasm from City Council and veterans' organization, it came to fruition.

Now on behalf of a large number of senior citizens, I presume to make another suggestion. That lot next to our condo building is our only green area and would be an ideal spot for a small parkette with several benches to replace the gardens and lawns we had to forsake. It would be a perfect place to just sit and relax and enjoy the sunshine that a six story building would block out and completely obstruct the morning sunshine sunrise that we can enjoy from our balconies. On the proposed site we have several trees including a rare white wisteria that would be in jeopardy. Heaven knows we need trees not parking lots. The lot is also a haven for birds.

Please consider these options.  
Maybe a few less taxes but just maybe a few more votes.

Sincerely  
Ruth Smith

Sent from my iPhone

Originally submitted at April 4, 2022  
Development & Heritage Standing  
Committee – Written Submission

**From:** Tanya Brogan  
**Sent:** March 28, 2022 11:45 AM  
**To:** clerks <[clerks@citywindsor.ca](mailto:clerks@citywindsor.ca)>  
**Subject:** Amendment to zoning by-law B600 No. ZNG/6499 Z-025/21

**CAUTION:** This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

RE: BUILDING PROPOSAL NEXT TO 8335 WYANDOTTE EAST

Thank you for your notice with respect to the above. Please note that we are vehemently opposed to the amendment to the present by-law with respect to the property east of 8335 Wyandotte East. The traffic as it exists now is very heavy and with a new proposed building, will only increase. It is almost impossible to cross the street now - as a matter of fact, one elderly woman was already hit by a car last year. I myself almost got hit twice while trying to cross the road to Riverside Plaza due to impatient drivers. A new building will take away the green space that we now enjoy. It will also prevent the folks who live on the east side of the building to get the morning sun.

Another note: the lot is currently a swamp. Will the city sewer systems be able to handle the increased volume - something to think about.

The noise will surely increase with the proposed building. We are currently an adult-oriented condo and we relish the relative quietness of the neighborhood as is; however, rush hour can be quite noisy and will only get noisier if the plan goes ahead.

Please reconsider and thank you.

**TANYA AND TIM BROGAN**



Originally submitted at April 4, 2022  
Development & Heritage Standing  
Committee – Written Submission

**From:** Barry Nelitz  
**Sent:** March 29, 2022 1:56 PM  
**To:** clerks <[clerks@citywindsor.ca](mailto:clerks@citywindsor.ca)>  
**Subject:** Amendment to zoning By-Law 8600 File No. ZNG/6499Z-025/21

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from [Mail](#) for Windows

The building amendment for the property that is next to 8335 Wyandotte St. East with the higher and wider sizes will make the area look disjointed with the three of our buildings close to the same size it looks uniformed and well laid out. Now with the increase of one floor higher than the rest meaning more units, this will increase the traffic congestion in this busy area already over loaded with cars and trucks and (speed). The building will have 64 units x 2 cars per unit and maybe 1 truck also these numbers all add up to more noise and worse a lot more air pollution. With this major increase of traffic we will need to pay for a traffic light, speed bumps, cross walks as a lot of people that reside in these buildings are older (one of our residents was hit this past year just trying to cross the street). Therefor by going away from the first by-law it increases the cost to the people that already live here and down plays the living area as a whole.

**From:** John C. Aquino  
**Sent:** March 30, 2022 11:17 AM  
**To:** clerks <[clerks@citywindsor.ca](mailto:clerks@citywindsor.ca)>  
**Subject:** File Number ZNG/6499 Z-025/21 Zoning By-Law 8600

**CAUTION:** This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Hello,

I am emailing in reference to the above file number regarding amendment to zoning by-law 8600.

I am expressing my concerns as a resident of Rivertown Terrace, the neighbouring condo complex, that should this amendment be approved, it will cause lasting damage to the surrounding community in the following ways:

The proposed condominium is far too large for the property they plan to build on. A 6 storey building will absorb every last part of green space left available on the property. The 6 storey building will be towering over the surrounding buildings, blocking out areas of natural light to the neighbouring buildings.

Adding a new 6 storey building will significantly increase traffic flow to an already overly populated area. The traffic on Wyandotte St is extremely heavy as it is, witnessing several traffic backups that occur all day, every day. With the plaza across the street, and several shopping centres in the area, adding another 6 storey residential building will create havoc to the already very heavy traffic and congestion that happens along this area of Wyandotte.

I question where the parking lot and proposed pickle ball court for this building will be located on this property, as the property is already very cramped as it is. The distance between this and the surrounding condo complexes will be extremely close, causing great discomfort to the surrounding residents. I again stress the havoc this will create in the already very busy street with traffic and congestion along Wyandotte, and the ability of entering and leaving the driveways to the complexes.

I am concerned with the addition of an open pickle ball court, and the disruption and noise this will create to the surrounding residents. Having this directly south of the Rivertown Terrace Condo building will cause major disruptions to the generally quiet living conditions of the condo and surrounding houses, as well as have damaging effects to the wildlife in the area due to added lighting required for this court. This area is known to have situations of people loitering in public places at all hours of the night. Adding an open pickle ball court will encourage this type of behaviour and create more disruptions for the surrounding residents.

I urge you to reconsider this amendment, and do not proceed with approval. Construction of this proposed 6 storey building will be detrimental to the surrounding areas, both logistically and environmentally, and will have permanent damaging effects to the neighbourhood. Please consider these concerns when the time comes to review on April 4th.

Thank you,

John Aquino  
Resident of Rivertown Terrace

Originally submitted at April 4, 2022  
Development & Heritage Standing  
Committee - Written Submission

**From:** Larry Zavitz  
**Sent:** March 30, 2022 2:22 PM  
**To:** clerks <[clerks@citywindsor.ca](mailto:clerks@citywindsor.ca)>  
**Subject:** File Number ZNG/6499----Z025-21

**CAUTION:** This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

WE object to amendment to Zoning BY-lo 8600 for the following reasons.

- 1-Allowing smaller units adds to traffic and parking problems.
- 2-The building height will not fit in with existing structures and will add to population in the building.
- 3-Allowing more lot coverage allows for less drainage and will push water into yards to the South.

Larry and Judy Zavitz

**Originally submitted at April 4, 2022  
Development & Heritage Standing  
Committee – Written Submission**

-----Original Message-----

From: shirley girard

Sent: March 30, 2022 2:57 PM

To: clerks <[clerks@citywindsor.ca](mailto:clerks@citywindsor.ca)>

Subject: File number ZNG/6499 Z-025/21

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

I am writing to express my opinion on the proposed condominium complex on Wyandotte Street East and proposed zoning changes.

I feel the size of this complex is too big for the property. Where is the green space. I've been told the centre section of the building is qualifying for green space. I would be surprised if they put real grass there. Does artificial grass count as green space?

I am also wondering why they do not have a retention pond. That whole piece of property has standing water most of the year. Residents in surrounding condominiums call it Lake Wyandotte. The property owner can't even cut the grass because there is too much water. Flooding is such a huge problem in Riverside.

My other concern is the open pickle ball court above the visitors parking structure. Pickle ball is very popular but is very noisy. This proposed structure is close to existing condominiums and houses. I believe quality of life for owners adjacent to proposed structure will be profoundly impacted by the noise.

Sincerely  
Shirley Girard

Sent from my iPad

**Originally submitted at April 4, 2022  
Development & Heritage Standing  
Committee – Written Submission**

-----Original Message-----

From: Janis Carriere

Sent: March 30, 2022 5:08 PM

To: clerks <[clerks@citywindsor.ca](mailto:clerks@citywindsor.ca)>

Subject: Wyandotte Developments Inc, condo proposal bordering Rivertown Terrace

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

To whom it may concern, I have several objections to this proposal.

- 1) A six storey building does not fit with the bordering condos. Building should be limited to 4 stories in keeping with the rest of the neighbourhood.
- 2) There is not enough green space. Please show respect for the neighbours.
- 3) I am strongly opposed to a pickle ball court. This is a nice quiet neighbourhood. I've seen firsthand what such a facility has done to a friend's outdoor, and even sometimes indoor, enjoyment. The noise and lights are very intrusive.

I would appreciate the consideration of these objections, please.

Sincerely,  
Janis Carriere

Originally submitted at April 4, 2022  
Development & Heritage Standing  
Committee – Written Submission

**From:** Marek Stachurski  
**Sent:** March 31, 2022 9:52 AM  
**To:** clerks <[clerks@citywindsor.ca](mailto:clerks@citywindsor.ca)>  
**Subject:** ATT: Development & Heritage Standing Committee - RE: Amendment to zoning By-Law 8600  
File No. ZNG/6499 Z-025/21

**CAUTION:** This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

To Whom It May Concern,

The building proposal for property next to 8335 Wyandotte St E. bring several concerns that need to be looked at. It will bring a lot of traffic congestion to an already busy area. With 60 units and up to 120 persons occupying the units, automobile traffic will increase considerably. Windsor is an automobile centre and everyone here owns one car minimum, many own two cars or more! The traffic noise will increase and I find it quite bothersome as it is. The one thing about COVID restrictions: it reduced traffic therefore traffic noise & pollution. (If you think not all will have a car, then residents will be calling taxicabs. The bus system in Windsor is not as frequent enough to make it a good alternative nor is it speedy due to the volume of traffic especially during rush hour.) Perhaps the only good thing about COVID is reduced automobile traffic.

Increased traffic means more air pollution & in order to reduce personal affects of air pollution residents can use in door air purifiers which use more electricity, which will cause an extra electrical load to our grid in this area, which seems to be very close to maximum as our building switches to generator often especially in the warmer months. We need speed bumps to reduce speeders. We also could use a light for pedestrians to cross Wyandotte to the plazas as one of our residents was hit this past year.

People in the area will not walk as much reducing their general health and putting an extra layer on our health care system. Many people have dogs and I fear there will be traffic fatalities with so many dog walkers as car numbers increase.

The proposed lot is a small swamp. It will be quite expensive to bring it to proper code. The city storm sewers cannot handle the volume as is. The natural high-water level will cause flooding.

I hope you will take this into consideration of the issues that the proposed zoning will do.

Sincerely,

Marek and Jolanta Stachurski

Originally submitted at April 4, 2022  
Development & Heritage Standing  
Committee – Written Submission

**From:** Heather Hansen  
**Sent:** March 31, 2022 11:57 AM  
**To:** clerks <[clerks@citywindsor.ca](mailto:clerks@citywindsor.ca)>  
**Subject:** Zoning Bylaw Amendment ZNG/6499 Z-025/21

**CAUTION:** This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Please be advised that I live next to the proposed condominium structure. I live on the second floor facing south. The proposed pickle ball courts will be directly outside my patio door..The black wire fencing around the courts will do nothing for the noise or esthetics that these courts cause. The lighting will also shine directly into my condo.THE NOISE OF MANY PEOPLE CONGREGATING AT ALL HOURS. I feel the noise and lighting will affect my QUALITY OF LIFE. I do not see plans for a retention pond. The property is flooded all the time.Where will the water go?. There does not seem to be any green space.concrete and ashhaltIt all seems like The condo buildings in this area are 4 or 5 floors. I think 6 floors is too high for the area. Another of my concerns is traffic.

Sincerely  
Heather Hansen



Originally submitted at April 4, 2022  
Development & Heritage Standing  
Committee – Written Submission

**From:** martha sil  
**Sent:** March 31, 2022 1:33 PM  
**To:** clerks <[clerks@citywindsor.ca](mailto:clerks@citywindsor.ca)>  
**Subject:** ByLaw 8600 ANG/6499, Z-025-21

**CAUTION:** This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

To whom this may concern,

Please note that as residents and owners of 8430 Kingston Crescent for the past 28 years, we object to the amendment of Bylaw 8600 referencing to File Number ZNG/6499, Z-025-21.

Since the construction of the many apartment buildings and townhomes adjacent to the north of our property in the past 20 years +, we have experienced and been forced to adjust to an increase in;

- Noise throughout the day and night which travels from the apartment units located above the main floors of the building transmitting noise directly into our bedroom windows
- Rodents increasingly being seen crossing the street and our backyards coming from the north properties (refuse areas)
- During rain events and melting seasons, a significant increase in lot water drainage coming from the properties to the north which causes our backyard to remain wet all year and unable to grow grass/plants (will only get worse as the landscape area will now be replaced with structure and parking areas)

We realize there is a housing crisis in Windsor and are sensitive to it. However, allowing such a high level of residential density within such a small footprint north of our residence will only continue to put further strain on our property value and neighbourhood peacefulness.

As respectful neighbours and City of Windsor taxpayers, we strong suggest against this decision consideration.

Enrique and Martha Silveyra

**From:** Brian Owens  
**Sent:** March 31, 2022 3:00 PM  
**To:** clerks <[clerks@citywindsor.ca](mailto:clerks@citywindsor.ca)>  
**Subject:** FW: File Number ZNG/6499 Z-025/21

**CAUTION:** This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

City Clerk's Office  
The City of Windsor

Re: Notice of Public Meeting to Consider an Amendment to Zoning By-Law 8600  
File Number ZNG/6499 Z-025/21

I am writing in response to your invitation to make representation on the consideration to amend Zoning By-Law 8600. File Number ZNG/6499 Z-025/21

I live at River Town Terrace, 410-8475 Wyandotte St. East. I will be impacted profoundly by the amendment request from Wyandotte Developments Inc. My concerns are laid out below.

1. An open Pickle Ball Court is proposed to the south of River Town Terrace. This will result in continuing noise and annoying light. I am opposed to this construction.
2. There are two wetlands to the south and the east of River Town Terrace. The plans from Wyandotte Developments Inc. do not make provision for a retention pond to deal with this water. Waterfowl nest; and feed and drink in these wetlands. The City of Windsor needs to undertake a conservation assessment of the property.
3. The proposed building is too large and bombastic for the site. There is not enough green space. I oppose the construction of such a huge building.
4. The proposed building is six stories. This is far too high. All condominiums, in the area, are lower. We need to have all condominiums, in the area, the same height.
5. The proposed project calls for a driveway to the west of River Town Terrace. This is too close to our building. The noise and pollution will be too great. Residents, who live on the west side of the building will not be able to open their windows, or use their balconies. I am opposed to a driveway so close to our building.

Thanks you.  
Brian M. Owens PhD  
Archivist Librarian Emeritus

**From:** Wendy Wang  
**Sent:** April 1, 2022 1:19 AM  
**To:** clerks <[clerks@citywindsor.ca](mailto:clerks@citywindsor.ca)>  
**Cc:** Ivan Huang  
**Subject:** Re: Wyandotte Developments Inc

**CAUTION:** This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

To The Development & Heritage Standing Committee, City Clerk's Office,

As owners of 107-8475 Wyandotte St E, we would like to express our concerns regarding the construction request that Wyandotte Developments Inc. has made to the City of Windsor requesting an amendment to permit the construction of a 6 story building on the L shaped property to the south and west of River Town Terrace.

Please see our comments below:

1. The proposed condominium is far too large in surface area for the property. It is too big and does not allow for sufficient green space.
2. The proposed condominium is too high. The proposal calls for a six story building. The other condominiums in the area are only four stories. It is essential to keep all condominiums in this area the same height.
3. The proposed condominium project calls for a driveway to be on the far east side of the property. This is too close to River Town Terrace.
4. The proposed project includes an open pickleball court to the south of River Town Terrace. This will result in continual noise. We support a totally enclosed pickle ball court, with walls and roof. We have concerns about the noise and light that will be created.

Thank you,  
Ivan Hang and Wendy Wang

Originally submitted at April 4, 2022  
Development & Heritage Standing  
Committee – Written Submission

**From:** Maria Czuchnowsky  
**Sent:** April 1, 2022 12:00 PM  
**To:** clerks <[clerks@citywindsor.ca](mailto:clerks@citywindsor.ca)>  
**Cc:** Greg C.  
**Subject:** Development & Heritage Standing Committee re: proposed condo development

**CAUTION:** This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

I am advocating on behalf of Maria Czuchnowsky, a resident of Rivertown Terrace apts. at 8475 Wyandotte St. E.

She lives on the northwest side of Rivertown Terrace and is greatly concerned about a condo development proposed by Wyandotte Developments Inc that would be built on the property directly west of her.

One of the proposals by the development co. calls for the bldg. to be 6 stories high. If the majority of the bldg. is going to be built on a north/south axis, then she (and other tenants) are concerned this will create a six story western wall that would block the sunlight on the west of their bldg. This is far too high considering all the other buildings in the direct area are either four or five stories high.

The proposed condo development will be too large as well, and will not allow for sufficient green space considering that there will be a parking lot and possible outdoor pickle ball court directly planned to the south of Rivertown Terrace. This development into the direct area southwest of Rivertown Terrace is unwelcomed and terribly intrusive. We hope that the proposals of Wyandotte Developments Inc will be changed.



**Subject: Zoning Bylaw Amendment Site specific regulations for Multiple Dwelling – Farhi Holding Corporation - 1624 Lauzon Road- Z 039-21 [ZNG-6590] - Ward 6**

Moved by: Councillor Sleiman  
Seconded by: Councillor Holt

Decision Number: **DHSC 381**

THAT an amendment to City of Windsor Zoning By-law 8600 changing the regulations of the Residential District RD3.1 zone on Block 42, 12M-678 in the City of Windsor, known municipally as 1624 Lauzon Road, **BE APPROVED** by applying the following site specific regulations:

**Main Building Height:**

- a) 56% of the Main building footprint – maximum – 31.0 m
- b) Remainder of building footprint – maximum – 21.0 m

**Lot Area** – minimum 63.75 m<sup>2</sup> per unit

**Parking Space** – minimum – 1.24 spaces/unit

**Side yard** – from Bowler Drive – 23.0 m

**Landscaped Open Space Yard** – minimum – 31.0% of lot area

Notwithstanding S24.26.5 and 24.28.1.1, a parking area shall be permitted within a required front yard.

Notwithstanding 24.40.20(3) (a) a Loading Space shall be permitted in a required front yard.

THAT the parcel described as Block 42, 12M-678 in the City of Windsor, **BE EXEMPT** from the provisions of section 45(1.3) of the *Planning Act*, and,

THAT the Site Plan Approval Officer **CONSIDER** the following matters in an approved site plan and/or executed and registered site plan agreement:

- a) Parking Area and Amenity Area location to assist in facilitating the transition from the low profile development to the East of the site to the medium and high profile development of the Subject site.

Carried.

Report Number: S 37/2022  
Clerk's File: Z/14267

**Clerk's Note:**

1. The recommendation of the Standing Committee and Administration are the same.
2. Please refer to Item 7.2. from the Development & Heritage Standing Committee Meeting held April 4, 2022.
3. To view the stream of this Standing Committee meeting, please refer to:  
<http://csg001-harmony.sliq.net/00310/Harmony/en/PowerBrowser/PowerBrowserV2/20220412/-1/7314>

**Subject: Zoning Bylaw Amendment Site specific regulations for Multiple Dwelling – Farhi Holding Corporation - 1624 Lauzon Road- Z 039-21 [ZNG-6590] - Ward 6**

**Reference:**

Date to Council: 4/4/2022

Author: Jim Abbs,

Senior Planner

255-6543 x6317

jabbs@citywindsor.ca

Planning & Building Services

Report Date: 3/11/2022

Clerk's File #: Z/14267

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

**Recommendation:**

**THAT** an amendment to City of Windsor Zoning By-law 8600 changing the regulations of the Residential District RD3.1 zone on Block 42, 12M-678 in the City of Windsor, known municipally as 1624 Lauzon Road, **BE APPROVED** by applying the following site specific regulations:

**Main Building Height:**

- a) 56% of the Main building footprint - maximum 31.0 m
- b) Remainder of building footprint– maximum – 21.0 m

**Lot Area** – minimum 63.75 m<sup>2</sup> per unit

**Parking Space** – Minimum – 1.24 spaces/unit

**Side yard** - from Bowler Drive – 23.0 m

**Landscaped Open Space Yard** – minimum 31.0% of lot area

Notwithstanding S24.26.5 and 24.28.1.1, a parking area shall be permitted within a required front yard.

Notwithstanding 24.40.20(3) (a) a Loading Space shall be permitted in a required front yard.

**THAT** the parcel described as Block 42, 12M-678 in the City of Windsor, **BE EXEMPT** from the provisions of section 45(1.3) of the Planning Act; and,

**THAT** the Site Plan Approval Officer **CONSIDER** the following matters in an approved site plan and/or executed and registered site plan agreement:

- a) Parking Area and Amenity Area location to assist in facilitating the transition from the low profile development to the East of the site to the medium and high profile development of the Subject site.

**Executive Summary:**

N/A

**Background:**

**Application Information:**

Location: 1624 Lauzon Road Ward: 6

Planning District: 19 – Riverside ZDM: 14

Owner: Farhi Holding Corporation

Agent: Storey Samways Planning Ltd. (David French).

The site was formerly home to the General Motors trim plant from 1965 to 1996. Peregrine Inc. and Lear Corporation Canada continued industrial operations at this site until 2005 when it was sold to Farhi Holdings Corporation. The approximately 66,797 square metre (719,000 square feet) industrial building was demolished in 2009.

The site was the subject of successful applications to the City’s Brownfield Tax Assistance Program as well as the Brownfield Redevelopment Community Improvement Plan approved by Council on March 18, 2019. (S 52/2019)

**Previous application** (OPA123 [OPA5773] Z004/19 [ZNG 5772] & SDN002/19 [SDN5774])

This site is part of an approved larger redevelopment that changed the land use designation on the former 1600 Lauzon Road site from Industrial to Residential and Commercial designations that would facilitate the construction of

- commercial uses in 2 separate locations:
  - at the intersection McHugh Street and Darfield Road,
  - on Lauzon Road, immediately north of the Via Rail tracks.
- 101 Single Unit Residential Dwellings
- 1 block for multiple unit dwellings adjacent to Lauzon Road (1624 Lauzon Road)
- 2 blocks for multiple unit dwellings adjacent to McHugh Street at Darfield Road

At this time, the Plan of Subdivision creating Lots for the Single unit dwellings has been registered and the Multiple Unit dwellings adjacent McHugh Street are under construction.





Subject Site, Bowler Drive, North of Spitfires Way, Looking North



Single Unit dwellings under construction Bowler Drive, North of Spitfires Way, Looking North



KEY MAP - Z-039/21, ZNG-6590



● SUBJECT LANDS

**Proposal:**

The applicant is requesting to change the regulations of the RD3.1 zone that applies to the property at 1624 Lauzon Road to facilitate the development of two 151 unit (302 total units) Multiple Unit Dwellings with 386 parking spaces in a combination of underground and at grade parking areas.

The proposed buildings would be a total of 31 m in height (9-storey buildings), a portion of each building is “stepped”, meaning a portion of the building is 20.56m (6-storeys,) and the remainder is 31 m (9-storeys).

**SUBMISSIONS BY APPLICANT:**

- Rosewater Estates Planning Justification Report (Lauzon Road, Windsor) (September 30, 2021) (includes Urban Design Brief and Shadow Study)
- Rosewater Estates Planning Justification Report (Lauzon Road, Windsor) (Revised February 8, 2022)
- 21-072 - Rosewater Estates - 1624 Lauzon Rd - SPA
- 220208 - Rosewater Estates Apartment E&F - Site Plan Revision
- Rosewater Traffic Impact Study
- Rosewater Noise Assessment
- Rosewater Sanitary Sewer Study
- Rosewater Stormwater Management Report



**ROSEWATER ESTATES BUILDING E & F PERSPECTIVE**

Concept Plan View from Lauzon Road

Parking is provided with a combination of below-building parking and surface parking, and central courtyard type landscaped area is provided for the two buildings. It is

proposed that the development will have vehicle access to the complex from one point at the north end of the site to Lauzon Road and 2 points to Bowler Drive. (site plan, Appendix 2)

The site will be subject to Site Plan Control.

**Site Information:**

Official Plan	Zoning	Current Use	Previous Use
Residential (OPA 123, OPA-5773)	Residential District RD3.1 (Z 004-19 [ZNG-5772] B/L137/2019	Vacant	Industrial
Lot Depth	Lot width	Area	Shape
+/-315 m	+/- 60 m (Spitfire Way)	19305 m <sup>2</sup>	Irregular
All measurements are for the entire parcel and are approximate.			

**Neighbourhood Characteristics:**

**Surrounding Land Uses:**

The proposed development is located on Lauzon Road, Between Spitfire Way and McHugh Street, and is surrounded on 3 sides by Lauzon Road, Bowler Drive and Spitfires Way.

The east side of Lauzon Road in this area was the subject of the recent planning applications that facilitated the redevelopment of the former industrial site at 1600 Lauzon Road. The previous Subdivision application created the subject site and the previous zoning application applied the existing RD3.1 zone. The lands to the south were zoned to permit commercial uses (CD2.2). Further to the south, across the VIA Rail tracks, there are large commercial uses (Eastown Plaza and Tecumseh Mall).

To the north of the site there is a vacant parcel that is currently designated and zoned for industrial uses, and across McHugh Street is mixture of residential (three-storey town-homes; 11-storey multiple unit dwelling) and commercial uses;

The area to the west of the site mix of commercial and light-industrial uses. This area is designated Industrial and is zoned MD 1.2.

East of the Subject site contains lots that were created by previous Planning Act Applications that will contain the single detached dwellings. While not yet completed, single detached dwellings these lots are currently under construction.

Lauzon Road is classified as a Class II Arterial road; Spitfires Way and Bowler Drive are classified as Local Roads. The site is serviced by the Transit Windsor Lauzon 10 bus route. The closest existing bus stops are located on the West side of Lauzon Road at McHugh Street and at Lauzon Road and Spitfires Way.



NEIGHBOURHOOD MAP - Z-039/21, ZNG/6590



SUBJECT LANDS

## **Discussion:**

### **Planning Analysis:**

#### **Provincial Policy Statement (PPS) 2020:**

The Provincial Policy Statement, (PPS) 2020 provides direction on matters of provincial interest related to land use planning and development and sets the policy foundation for regulating the development and use of land in Ontario.

The zoning bylaw amendment would result in a development on a former Industrial site that was previously vacant and underutilized This is consistent with the Provincial Policy Statement in that the development promotes the efficient use of existing land, promotes cost-effective development patterns and standards to minimize land consumption and servicing costs. Related to this direction, the PPS states:

- “1.1.1(b) accommodating an appropriate range and mix of residential (including second units, affordable housing and housing for older persons), employment (including industrial commercial), institutional (including places of worship, cemeteries and long-term care homes), recreation, park and open space, and other uses to meet long-term needs”
- e) promoting cost-effective development patterns and standards to minimize land consumption and servicing costs;”

The requested Multiple Dwelling development promotes cost-effective development by redeveloping an under-utilized vacant site. Allowing the proposed zoning bylaw amendment in this location contributes to minimizing land consumption and servicing costs by using a site that already has available infrastructure in the immediate area.

The PPS also states:

- “1.1.2 Sufficient land shall be made available to accommodate an appropriate range and mix of land uses to meet projected needs for a time horizon of up to 20 years.”

The PPS requires that land be available to diversify developments to meet the future needs of the community. The zoning by-law amendment is consistent with that requirement by accommodating new residential construction on lands designated for that purpose.

The PPS also states:

- “1.4.1 To provide for an appropriate range and mix of housing types and densities required to meet projected requirements of current and future residents of the regional market area, planning authorities shall:
  - a. maintain at all times the ability to accommodate residential growth for a minimum of 10 years through residential intensification and redevelopment and, if necessary, lands which are designated and available for residential development; and

- b. maintain at all times where new development is to occur, land with servicing capacity sufficient to provide at least a three-year supply of residential units available through lands suitably zoned to facilitate residential intensification and redevelopment, and land in draft approved and registered plans.”

The requested zoning bylaw amendment is consistent with the PPS in that the lands have already been the subject of intensification efforts through the previous Official Plan Amendment and Zoning Bylaw amendment and the further intensification of the use of the site will provide additional “appropriate range and mix of housing types and densities”.

“1.4.3 Planning authorities shall provide for an appropriate range and mix of housing types and densities to meet projected requirements of current and future residents of the regional market area by:

- a. permitting and facilitating:
  - 1. all forms of housing required to meet the social, health and well-being requirements of current and future residents, including special needs requirements; and
  - 2. all forms of residential intensification, including second units, and redevelopment in accordance with policy 1.1.3.3;
- b. directing the development of new housing towards locations where appropriate levels of infrastructure and public service facilities are or will be available to support current and projected needs;
- c. promoting densities for new housing which efficiently use land, resources, infrastructure and public service facilities, and support the use of active transportation and transit in areas where it exists or is to be developed;”

Approving the zoning by-law amendment would support residential development using the infrastructure that is already in place, instead of requiring more expenditure on new infrastructure in a greenfield setting. In terms of supporting active transportation and transit, the site of the proposed zoning amendment is served by Transit Windsor.

The proposed development is consistent with the PPS in that it promotes compact and transit supportive forms of development. As well, this development will help to support the provision of a range of housing types in this area.

The development site is close to a commercial area as well as the WFCU Centre, which will provide commercial services and amenities close to residents, and promotes walkability of the neighborhood.

The site is also very near to transit corridors, which provides a range of travel options for the residents. The density of the development may help support the transit options that currently exist in this area.



## Official Plan:

The City of Windsor Official Plan currently designates the site Residential. The use of the site for multiple unit dwellings on the site conforms to the Residential designation. The proposed development is consistent with the following goals and objectives of the City of Windsor Official Plan.

Goal 6.1.1 is to achieve safe, caring and diverse neighbourhoods. Goal 6.1.2 seeks environmentally sustainable urban development. Goal 6.1.3 promotes housing suited to the needs of Windsor's residents. Goal 6.1.10 is to achieve pedestrian oriented clusters of residential, commercial, employment and institutional uses.

Objective 6.3.1.1 supports a complementary range of housing forms and tenures in all neighbourhoods. Objective 6.3.1.2 seeks to promote compact neighbourhoods and balanced transportation systems. Objective 6.3.1.3 seeks to promote selective residential redevelopment, infill and intensification initiatives.

## TYPES OF DEVELOPMENT PROFILE

6.2.1.2 For the purpose of this Plan, Development Profile refers to the height of a building or structure. Accordingly, the following Development Profiles apply to all land use designations on Schedule D: Land Use unless specifically provided elsewhere in this Plan:

- (a) Low Profile developments are buildings or structures generally no greater than three (3) storeys in height;
- (b) Medium Profile developments are buildings or structures generally no greater than six (6) storeys in height; and
- (c) High Profile developments are buildings or structures generally no greater than fourteen (14) storeys in height.

While the proposed development attempts to provide a transition from low profile development to medium or high profile development by stepping the building from 6 storeys to 9 storeys (20.56 m to 31 m), the proposed structure appears to be a sudden transition from low profile (single detached dwellings, 10m height) development immediately east of the subject site to the Medium and High Profile of the proposed development.

<i>TRANSITION IN BUILDING HEIGHTS</i>	8.7.2.4	Council will ensure a transition among Very High, High, Medium and Low Profile developments through the application of such urban design measures as incremental changes in building height, massing, space separation or landscape buffer.
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To assist in facilitating the transition from the low profile development to the east of the site to the Medium and High profile development of the Subject site, Administration is recommending that additional regulations be placed within the site specific regulations

(see Zoning Bylaw section of this report). The Site Plan Control Officer may also consider additional measures within the proposed development to mitigate the transition through the use of architectural and/or landscape features, in particular, alterations to the location of the parking areas and amenity areas on the site and/or shifting the most northerly building (Building F) further north may provide additional opportunity to soften the transition between the development profiles in this area. This direction to the Site Plan Control Officer will provide notice to the Applicant and the Site Plan Control Officer that the transition in profile from the single detached dwellings to the High Profile development fronting Lauzon Road will be an important consideration during the Site Plan Control Process.

This required review and additional focus on Transition in Profile will serve to ensure that the development will conform to the Official Plan in that consideration will be given to the transition from Low Profile development to Medium and High profile development through the Site Plan Control process.

The proposed development will help to support a diverse neighbourhood that represents a sustainable community and will provide housing that is in demand. The proposed development will help to encourage a pedestrian orientated cluster of residential, commercial and employment uses. The proposed residential development represents a complementary and compact form of housing and intensification that is near sources of transportation.

The locational criteria for a residential development to have access to an arterial road, be provided with full municipal services, be provided with public transit, and adequate community services and open spaces are available or planned. Full municipal services are available.

### **Zoning By-Law:**

The site is zoned Residential District 3.1(RD3.1), within By-law 8600. The proposed Multiple Dwelling is currently permitted in this zone. The applicant is proposing that the existing RD3.1 zone remain, but specific regulations be applied to facilitate the proposed development. The RD 3.1 zone would permit the proposed Multiple Dwelling structure with a number of specific yard regulations. This site being somewhat unique (long and relatively narrow) will require its own set of regulations to facilitate the proposed development. In this case, Administration recommends that the existing RD3.1 zone category be used with site-specific regulations.

### **Specific Regulations:**

#### **Applicant's Request:**

To facilitate the proposed development the following site-specific regulations will be applied are proposed by the applicant.

- An increase in maximum permitted height for a main building from 14 m to 31 m
- Minimum Lot area – corner lot - 9,348 m<sup>2</sup> (to facilitate the anticipated future separation of the structures into 2 separate condominium corporations)

- Parking Rate- Minimum- 1.16 spaces/unit (to facilitate the anticipated future separation of the structures into 2 separate condominium corporations)
- A reduction in landscaped open space from 35% of lot area to 31% of lot area.
- Side Yard Width – minimum - where a habitable room window of any dwelling unit faces a side lot line – from 6 m to 5.5 m
- To permit the location of a parking area within a required front yard by providing relief from 24.26(5) to permit parking in a required front yard
- To permit the location of loading spaces within a front yard by providing relief from 24.40.20(3)(a) to permit loading space in a required front yard;

To provide further control, while still facilitating the proposed development the following site-specific regulations should be applied:

### **Building Height**

To ensure a transition in in building height from medium to high profile on the development site, any structure built on the site will be required to step up in height so as not to present the total height of 31 m immediately adjacent to the low profile development to the east. The combined impact of a specific limitation on the building height and the extended exterior side yard requirements from Bowler Drive will serve to ease the transition from one building profile to another.

The applicant’s conceptual site plan indicates that the 31m (9 storey) section of the proposed building(s) will occupy 55.76% of the total building area. To ensure transition in building profile, and to prevent the amount of 31 m high building on the site, Administration recommends that a site specific regulation be applied that limits the amount of the building that can be 31 m high to 56% of the area of the building. This will provide a small amount of flexibility through the remainder of the development approval process.

### **Exterior side yard from Bowler Drive**

To assist in mitigating the transition in development profile, the applicant’s concept plan indicates a side yard setback from Bowler Drive of 23.5 m. to ensure this setback is maintained Administration recommends that the setback from Bowler Drive be included as a regulation in the zoning Bylaw amendment to ensure the building(s) do not creep toward the single detached structures to the east during the rest of the development process. To provide some flexibility in the regulation the exterior side yard adjacent to Bowler Drive should be set at a minimum of 23.0 m

### **Minimum Lot Area**

The applicant is requesting a lot area (9,348m<sup>2</sup>) that would facilitate the future creation of individual plans of condominium

Administration recommends that the minimum lot area be set at its current size, as it is currently not known what size the lots containing the future condominium buildings will be. As is the current practice in the RD3.1 zone category, the minimum lot area will be

expressed as a lot area per unit ratio (63.75 m<sup>2</sup>/unit) to ensure the maximum number of units does not exceed the applicant's current proposal. (302 units)

If further relief is required prior to the separation of the buildings into individual condominium corporations, further relief could be requested from the Committee of Adjustment, or through a subsequent zoning bylaw amendment. Further relief is discussed in the next section of this report.

### **Required Parking**

The development as a whole will provide 375 parking spaces (1.24 spaces/unit), 2 short of the 377 spaces (1.25 spaces/unit) that are required for this development containing 302 dwelling units. The proposed reduction will not be a detriment for this development, or the surrounding area.

The applicant anticipates that that one of the parcels created by the future plan of condominium may not comply with the parking regulation. While parking will be provided at a rate of 1.24 spaces/dwelling unit, to facilitate the anticipated future separation of the 2 buildings into individual Plans of Condominium, the applicant requests that the parking requirement be reduced to 1.16 spaces per unit.

Administration recommends that the parking requirement be set at 1.24 spaces/unit as it is currently not known how many parking spaces each of the lots containing the future condominium buildings will have when the site is separated into individual condominium corporations.

Should further relief be required prior to the separation of the buildings into individual condominium corporations, this further relief could be requested from the Committee of Adjustment, or through and subsequent zoning bylaw amendment. Further relief is discussed in the next section of this report.

### **Parking Spaces and Loading Spaces adjacent to Spitfires Way**

While the development will physically "front" Lauzon Road, and is addressed on Lauzon Road, for zoning compliance purposes, the front lot line of the side is located on Spitfires Way. (the shortest exterior lot line) As such, this creates complications for a development designed address a lot line other than the front lot line as its "front". Two of the issues identified as a result of orienting the structures to Lauzon Road are the location of parking spaces and loading spaces within the Front yard, adjacent to Spitfires Way.

Section 24.26(5) of bylaw 8600 prohibits parking spaces within a front yard and Section 24.40.20(3) (a) prohibits loading spaces within a front yard. The applicant is proposing that 3 of the 375 parking spaces on the site be allowed to be located in the front yard and that 2 of the 4 loading spaces be permitted to be located within the Front Yard.

The request to exempt this development from Sections of By-law 8600 that prohibit Parking spaces and loading spaces located within a front yard should be permitted. As the portion of the development adjacent to Spitfires Way is designed to function as a side yard for the development and the spaces will not be in the yard that contain the "front" or Main entrance of the building.

## **Required Landscaped Open Space**

The proposed reduction in landscaped open space supports the goal of providing residential units in developments that exhibit compact urban form. As well, this development is located in close proximity to public recreation areas that provide additional recreational opportunities and proposes a park-like landscaped open space area as well as amenity space within the buildings that mitigate the reduction of Landscaped Open Space.

## **Side Yard Width – minimum - where a habitable room window of any dwelling unit faces a side lot line – from 6 m to 5.5 m**

The site plan provided by the applicant indicates that the portion of the buildings that contains habitable room windows will be more than 6m from the side lot line (Lauzon Road side). The portion of the building that is less than 6m from the side lot line does not contain habitable room windows, therefore the requested reduction is not required.

## **Further Relief and Sections 45(1.3) and 45(1.4) of the Planning Act**

The following sections of the Planning Act contain special provisions with respect to minor variance applications:

### **Two-year period, no application for minor variance**

(1.3) Subject to subsection (1.4), no person shall apply for a minor variance from the provisions of the by-law in respect of the land, building or structure before the second anniversary of the day on which the by-law was amended. 2015, c. 26, s. 29 (2).

### **Exception**

(1.4) Subsection (1.3) does not apply in respect of an application if the council has declared by resolution that such an application is permitted, which resolution may be made in respect of a specific application, a class of applications or in respect of such applications generally. 2015, c. 26, s. 29 (2).

In anticipation of possible zoning compliance issues for the proposed redevelopment related to possible alterations to the site plan as a result of managing the transition in Development profile between the subject site and the development to the east as well as unforeseen complications related to the creation of the future Plans of Condominium, the applicant may require relief from section 45 subsection (1.3) of the Planning Act.

As shown above, the Planning Act allows for exception to the requirements of subsection (1.3). Based on subsection 1.4 above, Council has the authority exempt this site from the provisions of the Planning Act limiting the ability to request a variance. Recommendation II of this report is designed to allow the applicant to submit minor variance within a two-year period of this amendment, upon final by-law approval.

## **Interim Control By-law 103-2020:**

Section 2(1) of B/L 103-2020 exempts a parcel from the provisions of RICBL where an amending by-law to Zoning By-law 8600 to permit a dwelling with five or more dwelling units comes into force on or after January 1, 2017.

The subject parcel was the subject of a previous Council Approved Zoning By-law Application to permit residential uses. (Z 004-19 [ZNG-5772] Farhi Holdings Corp. 1600 Lauzon Rd, By-law 137-2019) As such, this site is exempt from the provisions of Residential Interim Control By-law 103-2020 (RICBL) which prohibits a Group Home, Lodging House, a Shelter, and a dwelling with five or more dwelling units throughout the City of Windsor to allow a land use study to be conducted.

**Risk Analysis:**

N/A

**Climate Change Risks**

**Climate Change Mitigation:**

The additional increase in the density of development on the site with access to existing bus routes and being close to commercial and community facilities will encourage the use of transit, walking and cycling as modes of transportation, thereby helping to minimize the City's carbon footprint.

**Climate Change Adaptation:**

The site will be subject to site plan control and is part of a storm water detention system designed as part of the previous Planning application and that is being implemented through the construction of the adjacent plan of subdivision.

**Financial Matters:**

N/A

**Consultations:**

Comments received from municipal departments and external agencies are attached as Appendix "A" to this report.

**Public Notice:**

The statutory notice required under the Planning Act was provided in the Windsor Star. In addition, all properties within 120m (400 feet) of the subject parcel received courtesy notice by mail prior to the Development & Heritage Standing Committee Meeting (DHSC) meeting.

**Conclusion:**

This site is located to take advantage of close by community facilities such as the WFCU Centre, as well as nearby commercial enterprises. This project represents a well

positioned compact form of high density development. The proposed use of this site as a development containing a Multiple Dwelling structure containing 302 units represents an efficient development that will have no adverse impact on the financial well-being of the City of Windsor. The proposed development represents an appropriate residential use, adds to the range and mix of uses and will not cause any environmental or public health and safety concerns. This development is consistent with the Provincial Policy Statement.

The proposed Multiple Dwelling represents a housing type and density that meets the requirements of current and future residents, that meets the social, health and well-being of current and future residents, represents a form of residential intensification, is set in a location with access to infrastructure, public service facilities, and is close to commercial land uses.

The proposed zoning by-law amendment is consistent the PPS, with the policy direction of the City of Windsor Official Plan, is compatible with existing and permitted uses in the surrounding neighbourhood and constitutes good planning.

**Planning Act Matters:**

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

*Michael Cooke, Manager, Planning Policy/Deputy City Planner*

*Thom Hunt, City Planner*

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

*SAH JR*

**Approvals:**

Name	Title
Michael Cooke	Manager of Planning Policy/Deputy City Planner
Thom Hunt	City Planner / Executive Director, Planning & Development Services
Wira Vendrasco	Deputy City Solicitor, Legal Services & Real Estate
Shelby Askin Hager	Commissioner, Legal & Legislative Services
Jason Reynar	Chief Administration Officer

Notifications:

<b>Name</b>	<b>Address</b>	<b>Email</b>
Storey Samways Planning Ltd. Attn: David French	55 Forest St., Suite N, Chatham ON N7L 1Z9	davidf@storeysamways.ca
Farhi Holdings Corporation (Shmuel Farhi) (Jim Bujouves)	484 Richmond St. Suite 200, London ON N6A 3E6	jimb@fhc.ca
Councillor Gignac		

**Appendices:**

- 1 Comments - Farhi Holding Corporation - 1624 Lauzon Road- Z 039-21 [ZNG-6590]
- 2 Rosewater Estates Planning Justification Report (Lauzon Road, Windsor) (REVISED FEBRUARY 8, 2022)
- 3 Rosewater Estates Apartment E&F - Site Plan Revision page 1
- 4 Rosewater Estates Apartment E&F - Site Plan Revision page 2
- 5 Rosewater Estates Apartment E&F - Site Plan Revision page 3



## LIAISON COMMENTS

### Windsor Mapping – Enbridge

After reviewing the provided drawing at 1624 Lauzon Rd. 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

### Sharif Barsom – Parks D&D

Although that Parks Design and Development has no comments for such planning application, but I want to draw your attention and Stefan as well that the applicant is requesting the following point:

- **A reduction in landscaped open space from 35% of lot area to 25% of lot area.**

This is not a part of a public open space/park and to my understanding that this requested reduction is located within the lot area which means it goes back to the planning department discussion and decision. I CC Stefan here in this email for further information to all of us.

### Transit Windsor

Transit Windsor has no objections to this development. The closest existing transit route to this property is with the Lauzon 10. The closest existing bus stop to this property is located on Lauzon Rd at Spitfires Way NW Corner. This property is within 400 metres of this bus stop following our 400 metre walking distance guideline to a bus stop. This will be maintained with our Council approved Transit Master Plan.

### Enwin

**Hydro Engineering:** No objection provided adequate clearances are achieved and maintained. ENWIN has future planned underground primary conductor running along the east and south limit of the property.

Prior to working in these areas, we would suggest notifying your contractor and referring to the Occupational Health and Safety Act and Regulations for Construction Projects to confirm clearance requirements during construction.

Also, we suggest referring to the Ontario Building Code for permanent required clearances for new Building Construction.

Below sketch attached for reference purposes only. It does not replace the need for locates.



**Water Engineering:** Water Engineering has no objections.

## **ERCA**

The following is provided as a result of our review of Zoning By-Law Amendment Z-039-21 ZNG-6590. The applicant is requesting to rezone from RD3.1 to site specific RD3.1 to allow for multi unit residential use.

### DELEGATED RESPONSIBILITY TO REPRESENT THE PROVINCIAL INTEREST IN NATURAL HAZARDS AND REGULATORY RESPONSIBILITIES ASSOCIATED WITH THE CONSERVATION AUTHORITIES ACT

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

The above noted lands are subject to our Development, Interference with Wetlands and Alteration to Shorelines and Watercourses Regulation under the *Conservation Authorities Act* (Ontario Regulation No. 158/06). The parcel falls within the regulated area of the Little River. The property owner will be required to obtain a Permit and/or Clearance from the Essex Region Conservation Authority prior to any future construction or site alteration or other activities affected by Section 28 of the *Conservation Authorities Act*.

### RISK MANAGEMENT AND SOURCE PROTECTION PLAN

The subject property may lie wholly or partially within the Event Based Area (EBA) of the Essex Region Source Protection Plan, which came into effect October 1, 2015. The Source Protection Plan was developed to provide measures to protect Essex Region's municipal drinking water sources. As a result of these policies, new projects in these areas may require approval by the Essex Region Risk Management Official (RMO) to ensure that appropriate actions are taken to mitigate any potential drinking water threats. Should your proposal require the installation of fuel storage on the site, please contact the RMO to ensure the handling and storage of fuel will not pose a significant risk to local sources of municipal drinking water. The Essex Region's Risk Management Official can be reached by email at [riskmanagement@erca.org](mailto:riskmanagement@erca.org) or 519-776-5209 ext 214. If a Risk Management Plan has previously been negotiated on this property, it will be the responsibility of the new owner to contact the Essex Region Risk Management Official to establish an updated Risk Management Plan. For any questions regarding Source Water Protection and the applicable source protection plan policies that may apply to the site, please contact the Essex Region Risk Management Official.

### WATERSHED BASED RESOURCE MANAGEMENT AGENCY

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

#### SECTION 1.6.6.7 Stormwater Management (PPS, 2020)

If this property is subject to Site Plan Control and / or Plan of Subdivision or Condominium Approval, we request to be included in the circulation of those applications. We reserve to comment further on storm water management concerns until we have had an opportunity to review the specific details of the proposal through the site plan / subdivision / condominium approval stages.

### PLANNING ADVISORY SERVICE TO PLANNING AUTHORITIES - NATURAL HERITAGE POLICIES OF THE PPS, 2020

The following comments are provided from our perspective as an advisory service provider to the Planning Authority on matters related to natural heritage and natural heritage systems as outlined

in Section 2.1 of the Provincial Policy Statement of the *Planning Act*. The comments in this section do not necessarily represent the provincial position and are advisory in nature for the consideration of the Planning Authority.

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

#### FINAL RECOMMENDATION

With the review of background information and aerial photograph, ERCA has no objection to this application for zoning by-law amendment.

#### **Kristina Tang – Heritage Planner**

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

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

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

#### Contacts:

Windsor Planning & Building Department:

519-255-6543 x6179, [ktang@citywindsor.ca](mailto:ktang@citywindsor.ca), [planningdept@citywindsor.ca](mailto:planningdept@citywindsor.ca)

Windsor Manager of Culture and Events (A):

Michelle Staadegaard, (O) 519-253-2300x2726, (C) 519-816-0711,  
[mstaadegaard@citywindsor.ca](mailto:mstaadegaard@citywindsor.ca)

Ontario Ministry of Heritage, Sport, Tourism and Culture Industries

Archaeology Programs Unit, 1-416-212-8886, [Archaeology@ontario.ca](mailto:Archaeology@ontario.ca)

Windsor Police: 911

Ontario Ministry of Government & Consumer Services

A/Registrar of Burial Sites, War Graves, Abandoned Cemeteries and Cemetery Closures, 1-416-212-7499, [Crystal.Forrest@ontario.ca](mailto:Crystal.Forrest@ontario.ca)

## **John Walsh – Via Rail**

The subject property abuts VIA's Chatham Subdivision, which is classified as a high-speed Principal Mainline, and therefore would be expected to comply with our Noise, Vibration and Safety mitigation measures attached.

From our review of the info provided, the following items have not been addressed:

- 1) 2.5m high safety berm otherwise the building setback should be 120m
- 2) No evidence of changes to the existing surface drainage pattern, no storm water management report provided

Both of the above issues have a direct impact on the Amendments proposed by the Proponent. Please provide VIA with evidence of the intervening safety berm and a copy of the drainage report for our further review.

## **Stefan Fediuk – Landscape Architect**

Pursuant to the application for a zoning amendment (Z 039/21) to permit development of two, 9-storey, 149-unit, multiple unit dwellings on the subject, please note no objections. The applicant is also requesting the following site specific amendments to the RD3.1 zone category as follows:

- *A reduction in minimum required lot area for corner lot from 20,238 sq. m to 19,279 sq. m (resulting 13 more units than would be permitted in the current zone)*
- *An increase in maximum permitted height for a main building on a corner lot from 14 m to 30 m*
- *A reduction in landscaped open space from 35% of lot area to 25% of lot area.*

The Landscape Architect has concerns related to the third site specific request and rationale for that is cite in the comments below:

### Zoning Provisions for Parking Setback:

As that applicant has cited on Page 14 of the Planning Rationale, in reference to the Official Plan Section 8.5 Ecological Design:

8.5.2.5 Council will encourage the use of landscaping to:

- (h) *Provide seasonal variation in form, colour, texture and representation;*
- (i) *Assist in energy conservation;*
- (j) *Mitigate effects of inclement weather.*

and:

8.5.2.9 Council will encourage development to include features that reduce, control or treat site-runoff, use water efficiently and reuse or recycle water for on-site use when feasible.

Also cited in the Planning Rationale, in reference to Section 8.6 Microclimate:

8.6.2.2 Council will encourage the provision of landscaping to modify the extremes of air temperature in public spaces.

The request for the reduction in the landscape open space from 35% to 25% is significant and will greatly impact the sites ability to provide these climate change resiliency measures based on the intensity of the proposed development. Additionally, the proposed future severing of the property into two parcel could also result in greater reductions to the soft landscape areas that will absorb moisture before rainwater and meltwater runs off into the municipal drains. Therefore is strongly recommended that the applicant further review options to reduce or eliminate this requested site specific variance.

If reduced landscape area is approved, then additional tree plantings and reduced hard surfaced landscape areas are to be required. The proposed concept plan demonstrates, that while there is a large open spaced proposed between the two towers, it is dissected heavily with crisscrossing walkways, with little area for softy green space and questionable areas for tree planting.

Additionally, please include a site-specific zoning provision in conjunction with the amendment for change of permitted use, specifying a minimum 3.0 m landscape setback for parking areas in the interior yard to help accommodate the required number of trees to be planted between the development and abutting properties to the east as per the Landscape Manual for Development.

Tree Preservation:

N/A

Urban Design:

Furthermore, fencing and/or hedge planting along the east property boundary may be required in order to provide privacy for the abutting future residences.

Parkland Dedication:

Require a parkland dedication 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.

As per OPA /5773 (OPA 123) ZNG/5772 (ZNG004/19) SDN/5774 SDN 022/19 – Farhi Holdings Corporation – Ward 6 found in the appendices of the Planning Rationale provide by the applicant, it is identified that no parkland is planned for this development and cash-in-lieu of parkland will be required. As the applicant is requesting significant reduction in landscape open space from 35% to 25%; and whereas the closest parkland within the 0.8km walking distance as outlined in Rediscover our Park, the City of Windsor's Parks Masterplan (WFCU Centre to the east, Tranby Park to the west but across Lauzon Parkway, and Little River Acres Park north of McHugh) are at the extreme distances, greenspace will be important for the residents of this development and the site specific reduction should be reduced or eliminated.

## **Transportation Planning**

- Schedule X of the Official Plan classifies Lauzon Road as a Class II Arterial Road with a required right-of-way width of 30.5 meters. The exiting right-of-way along the frontage of the subject property is sufficient however the current drawings propose a new sidewalk to be located on private property along Lauzon Road. If the sidewalk cannot be located within the right-of-way, a 1.8 meter land conveyance will be required along Lauzon Road, in order to create a consistent right of way width across the west frontage, and placing the proposed sidewalk within right-of-way.
- Additional information is required with respect to the exact location and dimensions of the proposed access on Lauzon Road which has the potential to require a shift in location.
- The applicant shall agree to construct at their own expense, sidewalks within the right-of-way, tying into the newly constructed intersection at Spitfires Way and Lauzon Road, as well as provide a monetary contribution per Engineering Right-of-Way requirements for future curb and gutter along the entire frontage of Lauzon Road.

- A TIS Memorandum has been submitted for this development as a supplementary analysis to the previously

### **Public Works – Amy Olsen**

The subject lands are located at 1530-1624 Lauzon Road, and is bound by Lauzon Road to the west, 1460 Lauzon Road to the north, Bowler Drive to the east and Spitfires Way to the south. The applicant is proposing to develop two, 9-storey multiple unit dwellings, with a total of 298 dwelling units and parking provided by a combination of below-building and surface parking. The following site-specific changes have been requested to the regulations of the current RD3.1 zone category:

1. A reduction in minimum required lot area for corner lot from 20,238 sq. m to 19,279 sq. m (resulting in 13 more units than would be permitted in the current zone)
2. An increase in maximum permitted height for a main building on a corner lot from 14 m to 30 m
3. A reduction in landscaped open space from 35% of lot area to 25% of lot area.

The subject property is included in an overall Plan of Subdivision, consisting of approximately 11 hectares of residential and 3 hectares of mixed-use and commercial development blocks. The comments included below should be reviewed in conjunction with those submitted under SDN-002/19.

**Sewers** - A functional servicing study (submitted by Dillon Consulting), identified the existing 600mm sanitary sewer on Lauzon Road and the existing 2000mm box culvert within an easement through 8787 McHugh Street, to be used as the ultimate sewer outlets for this site. Two storm and two sanitary connections were provided to this site at the time the adjacent development was serviced, connecting to the existing 300mm diameter PVC sanitary sewer and 1050mm Sanitite HP storm sewer within Bowler Drive. Post development stormwater flows are restricted through the newly constructed stormwater management pond, with a pumped outlet limiting flows to an allowable release rate of 90 L/s. A Sanitary Sewer Memo submitted with this application confirms that the increase in units from 210 to 298 will not have a negative impact to the existing sanitary sewer system. ERCA approval will be required, as a portion of the site is located within a hazard area regulated by the Conservation Authority.

**Right-of-Way** - Schedule X of the Official Plan classifies Lauzon Road as a Class II Arterial road with a required right-of-way width of 30.5 meters. While the existing right-of-way along the frontage of the subject property is sufficient, the current drawings propose a new sidewalk to be located on private property along Lauzon Road. If the sidewalk cannot be located within the right-of-way, a 1.8 meter land conveyance will be required along Lauzon Road, in order to create a consistent right of way width across the west frontage, and placing the proposed sidewalk within right-of-way. All other conveyances within the development were obtained under Z-004/19, SDN-002/19 & OPA-123.

Currently, Lauzon Road has a rural cross-section, complete with a roadside ditch and is lacking curb and gutter as well as proper sidewalks. The owner shall agree to construct at their own expense, sidewalks within the right-of-way, tying into the newly constructed intersection at Spitfires Way and Lauzon Road, as well as contribute \$18,500 towards the future construction of curb and gutter along the entire frontage of Lauzon Road. The existing roadside ditch shall be enclosed to the satisfaction of the City Engineer and confirmation of the existing drainage patterns along this entire frontage shall be provided.

Further details are required, outlining the layout of the proposed Lauzon Road access as it relates to the adjacent intersection, including dimensions from the north property line to determine the final alignment. Driveway approaches shall be constructed as per City of Windsor Standard Engineering Drawing AS-204 with straight flares, no raised curbs within the right-of-way and sidewalks continuing through the approaches. Permits will be required for any work within the right-of-way and a Reciprocal Access Agreement is necessary if this property will be severed in the future.

In summary, we have no objections to the proposed Zoning Amendment application, subject to the following requirements:

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

**Curb & Gutters** – The Owner further agrees to pay to the Corporation, prior to the issuance of a construction permit, the sum of \$18,500 being the Owner's contribution towards the future construction of concrete curb and gutter on the frontage of the subject lands.

**Ditch Enclosure** – The applicant(s) shall agree to enclose the roadside ditch on Lauzon Road abutting the subject property in a manner satisfactory to the City Engineer and provide the existing drainage patterns along the entire frontage.

**Sidewalks** - The owner(s) agrees to construct at their own expense and according to City of Windsor Standard Specifications, a concrete sidewalk within the right-of-way, along the entire Lauzon Road frontage of the subject lands, tying into the newly constructed intersection at Spitfires Way and Lauzon Road. All work to be to the satisfaction of the City Engineer.

**ERCA Requirements** – The owner further agrees to follow all drainage and flood proofing recommendations of the Essex Region Conservation Authority (ERCA) may have with respect to the subject land, based on final approval will obtain all necessary permits from ERCA with respect to the drainage works on the subject lands.

**Land Conveyance** – Prior to the issuance of a construction permit, the owner (s) shall agree to gratuitously convey to the Corporation, land sufficient to place the proposed sidewalks into the right-of-way. This conveyance shall be approximately 1.8 metres along the west frontage of Lauzon Road, to create a consistent right of way width.

**Reciprocal Access** – The owner agrees to enter into a reciprocal agreement with the abutting property owners for access if access will be shared when the property is severed.

If you have any questions or concerns, please contact Amy Olsen, of this department at 519-255-6257, ext. 6562.



TO: Jim Bujouves, C.A., C.P.A.  
President, Farhi Developments  
620 Richmond Street, Suite 201  
London, Ontario  
N6A 5J9

FROM: David French, BA, CPT, Storey Samways Planning Ltd.

DATE: September 30, 2021 **(REVISED FEBRUARY 8, 2022)**

SUBJECT: Planning Rationale Report Regarding Proposed Two, 151-Unit Multiple Unit Dwellings, 1530 & 1642 Lauzon Road, City of Windsor

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## **1.0 GENERAL FILE INFORMATION**

Applications: Applications for Zoning By-law Amendment and Site Plan Approval

Owner: Farhi Holdings Corporation

Subject Property: 1530 & 1642 Lauzon Road  
Block 42, Registered Plan 12M-678  
City of Windsor

## **2.0 INTRODUCTION**

The purpose of this report is to determine the appropriateness of a zoning by-law amendment application and site plan approval application to support the development of two, 151-unit, 9-storey multiple unit dwellings (condominium tenure), along with ancillary parking and landscaped areas, on a 19,279 sq. m (207,524 sq. ft.) vacant parcel that is currently known as 1530 & 1642 Lauzon Road in the City of Windsor. **Please refer to Appendix A.**

Through the City of Windsor's required pre-consultation process for the current applications, the owner was informed that a required component of the Complete Application Package was the provision of a Planning Rationale Report to support the development. This document is intended to serve that purpose, and as such, the proposal will be reviewed against the applicable Provincial and City of Windsor policies to determine whether the proposed multiple - unit dwelling development is consistent with the Provincial Policy Statement (PPS) and City of Windsor Official Plan (OP), and ultimately represents good planning.

## Current Proposal

The current proposal calls for the development of two, 9-storey, 151-unit, multiple unit dwellings, providing for a total of 302 dwelling units. It is noted, that although the buildings are considered to be 9-storey buildings, a portion of each building is "stepped", meaning a portion of the building is 6-storeys, and the remainder is 9-storeys. For reference purposes the two buildings are referred to as buildings E & F on the site plan (discussed and referenced further below), with building E to be constructed first, followed by building F (two construction phases).

Parking for the residents is provided with a combination of below-building parking and surface parking, and central courtyard type landscaped area is provided for the two buildings. Vehicular access to the complex is provided off of Lauzon Road (one access point) and Bowler Drive (two access points).

Further discussion regarding the design philosophies and the built-form is provided later in this document under the Analysis and Site Plan sections.

It is important to note that, although not part of the applications at this point in time, it is the intent of the owner to seek approval for Draft Plan of Condominium, and also a Part Lot Control Exemption to place each building on its own lot – these applications coming forward at a later time. Knowing this, the current rezoning application makes allowances for future reductions in setbacks and parking provisions, based on what the anticipated configuration will be post-severance.

### 3.0 BACKGROUND

The site subject of this report, located on the east side of Lauzon Road, just south of McHugh Street, was previously part of a larger tract of land that was home to various industrial uses, all of which ended prior to 2019. In 2019 the larger overall site was subject of official plan amendment, rezoning and draft plan of subdivision applications submitted by the current owner, Farhi Holdings Corporation, to facilitate the redevelopment of the site for residential, commercial and institutional uses. All of those 2019 applications were ultimately approved.

**Attached as Appendix B is a copy of By-law Number 136-2019 which implemented those official plan and zoning by-law amendments.**

For the information of the reader, the following are excerpts from the October 28, 2019 Council report (S 202/2019) prepared by Mr. Jim Abbs, Senior Planner, Planning & Building Services, City of Windsor, which was considered by Council as part of the previous approval for the overall lands:

Background:

The development 1600 Lauzon Road is proposed to be a Mixed-Use Development that will include commercial uses, a potential hotel, as well as single detached residential dwellings and Multiple dwelling unit buildings (see Conceptual Development Plan). The development will also

include a storm water management facility. Approximately 6.59 hectares of the site has been exchanged with the City of Windsor for future municipal uses. Access to the proposed uses will be provided by way of new roads connecting to Lauzon Road and McHugh Street.

The site is currently designated Industrial and zoned Manufacturing District (MD) 1.2, HMD2.1 and MD2.1. The applicant proposes site-specific Residential, Commercial and Institutional designations and zone categories as shown on the concept plan.

The site was formerly home to the General Motors trim plant from 1965 to 1996. Peregrine Inc. and Lear Corporation Canada continued industrial operations at this site until 2005 when it was sold to Farhi Holdings Corporation. The approximately 66,797 square metre (719,000 square feet) industrial building was demolished at the owner's expense in 2009. The site was the subject of applications to the City's Brownfield Redevelopment Community Improvement Plan approved by Council on March 18, 2019. (S 52/2019).

Proposal:

The developer of 1600 Lauzon Road proposes a mixed-use development that will create:

- commercial uses in 2 separate locations:
- A potential hotel and restaurant at the intersection McHugh Street and Darfield Road,
- General commercial uses on Lauzon Road, immediately north of the Via Rail tracks.
- 101 Single detached Residential Dwellings
- **1 block for multiple unit dwellings adjacent to Lauzon Road (3 structures anticipated)** [subject parcel - my emphasis]
- 2 blocks for multiple unit dwellings Adjacent to McHugh Street at Darfield Road (4 structures anticipated)
- 2 blocks for Storm water management and related facilities.

Approximately 6.59 hectares (16.3 acres) of the site outside of the proposed Plan of Subdivision has been transferred to the City of Windsor for future municipal uses. Access to the proposed uses will be via new local roads (new Darfield Road Extension and new Street 'A') connecting to McHugh Street and Lauzon Road.

As part of that 2019 approval, this subject parcel (Block 42, Registered Plan 12M-679) was redesignated to Residential and rezoned to Residential Third Density (RD3.1). **Please refer to Appendices C and D.**

It should be noted that both the current Official Plan (OP) designation and the Zoning By-law (ZBL) classification contemplate, and support the proposed multiple unit dwellings at this location. Further discussion on the OP and ZBL appear in later sections 6.2, and 6.3, respectively, below in this document.

At the time of the 2019 approvals, the exact format for build-out on Block 42 was unknown, however, for conceptual purposes, it was proposed that three multiple unit dwellings could potentially be constructed on the site. Since that time, it has been determined by the owner/developer that the three-building concept previously suggested was not feasible for various reasons, and that a two-building concept would be more appropriate on the site. **Please refer to the site plan attached as Appendix E.**

#### **4.0 NEIGHBOURHOOD CONTEXT**

As indicated above, the subject site is located on the east side of Lauzon Road, just south of McHugh Street, and is currently vacant. At the time of writing, the remainder of the original lands are actively undergoing the necessary construction activities to support the planned redevelopment.

##### Neighbouring Land Uses

Directly to the north (in the southeast corner of the Lauzon Road / McHugh Street intersection) is a vacant parcel owned by another party, and across McHugh Street is mixture of residential (three-storey town-homes; 11-storey multiple unit dwelling) and commercial uses; to the south is a portion of the overall site redevelopment (zoned commercial); to the west is a mix of commercial and light-industrial uses; and to the east is portion of the overall site redevelopment, zoned to permit low-density residential dwellings).

To note, at the time of writing, the approved plan lots proposed to accommodate the low-density residential development, are fully sold-out.

#### **5.0 CONSULTATION ACTIVITIES**

In the course of preparing this report, the following activities were undertaken by various members of the development team:

- Active participation in 2019 approval processes
- Participation in required City of Windsor Pre-Submission process and review/consideration of administration and agency comments
- Discussions and email exchanges with City of Windsor planning administration (Jim Abbs and George Robinson)
- Review of 2019 developer submissions; municipal staff reports and amending documents
- Review of the Provincial Policy Statement (PPS), City of Windsor Official Plan, and the City of Windsor Zoning By-law
- Weekly developer team meeting

Any correspondence and/or permits received to this point from consulting agencies have been, or will be, provided to the City as stand-alone documents, filed in conjunction with these

Planning Act applications. Further, the following supporting studies / documents, identified to be required through the Pre-Submission process, will be submitted concurrently with this report:

- Copy of Deed
- Sketch of subject parcel
- Site Plan (SP)
- Transportation Impact Study (TIS)
- Noise Study (NS)
- Sanitary Sewer Study (SSS)
- Storm Water Retention Scheme (SWRS)

## **6.0 ANALYSIS**

### **6.1 Provincial Policy Statement, 2020 (PPS)**

*"The Provincial Policy Statement provides policy direction on matters of provincial interest related to land use planning and development. As a key part of Ontario's policy-led planning system, the Provincial Policy Statement sets the policy foundation for regulating the development and use of land. It also supports the provincial goal to enhance the quality of life for all Ontarians.*

*The Provincial Policy Statement provides for appropriate development while protecting resources of provincial interest, public health and safety, and the quality of the natural and built environment. The Provincial Policy Statement supports improved land use planning and management, which contributes to a more effective and efficient land use planning system..."*

As such, when considering and promoting a change in land use it is both important and required to consider the Provincial Policy Statement (PPS) to ensure that both the long-term interests of the Province, and municipal interests, are met.

In this case there are multiple sections of the PPS which are relevant and these are identified below, along with comment.

*Part IV: Vision for Ontario's Land Use Planning System*

*"...The Provincial Policy Statement focuses growth and development within urban and rural settlement areas while supporting the viability of rural areas. It recognizes that the wise management of land use change may involve directing, promoting or sustaining development. Land use must be carefully managed to accommodate appropriate development to meet the full range of current and future needs, while achieving efficient development patterns and avoiding significant or sensitive resources and areas which may pose a risk to public health and safety. Planning authorities are encouraged to permit and facilitate a range of housing options, including new development as well as residential intensification, to respond to current and future needs.*

*Efficient development patterns optimize the use of land, resources and public investment in infrastructure and public service facilities. These land use patterns promote a mix of housing, including affordable housing, employment, recreation, parks and open spaces, and transportation choices that increase the use of active transportation and transit before other modes of travel..."*

Comment: The two proposed 151-unit, multiple unit dwellings will make efficient use of a vacant and under-utilized parcel of land without requiring the need of public investment or tax-payer funded upgrades to existing infrastructure and service facilities.

## 1.0 *Building Strong Healthy Communities*

### 1.1.1 *Healthy, liveable and safe communities are sustained by:*

- a) *promoting efficient development and land use patterns which sustain the financial well-being of the Province and municipalities over the long term;*

Comment: use of existing, under-utilized land inventory promotes efficient development, and in this case, due to the existing servicing infrastructure being able to accommodate the proposed development, the financial well-being of the Province and the City is not negatively impacted.

- b) *accommodating an appropriate range and mix of residential (including second units, affordable housing and housing for older persons), employment (including industrial and commercial), institutional (including places of worship, cemeteries and long-term care homes), recreation, park and open space, and other uses to meet long-term needs;*

Comment: this project proposes the development of two, 151-unit multiple dwellings (total of 302 dwelling units). Further, it is anticipated that the dwelling units will be of a condominium tenure type of ownership.

- c) *avoiding development and land use patterns which may cause environmental or public health and safety concerns;*

Comment: as accepted best practices are followed for the design, it is not anticipated that the proposed multiple unit dwelling development will cause environmental or public health and safety concerns.

- e) *promoting the integration of land use planning, growth management, transit-supportive development, intensification and infrastructure planning to achieve cost-effective development patterns, optimization of transit investments, and standards to minimize land consumption and servicing costs;*

Comment: development on the subject parcel is a clear example of infill development, in that it is an existing parcel of record serviced by an existing road network, and existing services at the road. As such, the proposed development provides for a cost-effective and efficient use of land and municipal roadways and other infrastructure.

### 1.1.3 *Settlement Areas*

#### 1.1.3.1 *Settlement areas shall be the focus of growth and development.*

Comment: the proposed development is located in the City of Windsor, which is an identified settlement area.

#### 1.1.3.2 *Land use patterns within settlement areas shall be based on densities and a mix of land uses which:*

- a) efficiently use land and resources;*
- b) are appropriate for, and efficiently use, the infrastructure and public service facilities which are planned or available, and avoid the need for their unjustified and/or uneconomical expansion;*
- c) minimize negative impacts to air quality and climate change, and promote energy efficiency;*
- d) prepare for the impacts of a changing climate;*
- e) support active transportation;*
- f) are transit-supportive, where transit is planned, exists or may be developed; and*
- g) are freight-supportive.*

*Land use patterns within settlement areas shall also be based on a range of uses and opportunities for intensification and redevelopment in accordance with the criteria in policy 1.1.3.3, where this can be accommodated.*

Comment: as evidenced by the discussion throughout this section on PPS, it can be said that the proposed development meets the above criteria.

#### 1.1.3.3 *Planning authorities shall identify appropriate locations and promote opportunities for transit-supportive development, accommodating a significant supply and range of housing options through intensification and redevelopment where this can be accommodated taking into account existing building stock or areas, including brownfield sites, and the availability of suitable existing or planned infrastructure and public service facilities required to accommodate projected needs.*

Comment: no publicly funded upgrades to either the transit or servicing systems are anticipated or required.

*1.1.3.4 Appropriate development standards should be promoted which facilitate intensification, redevelopment and compact form, while avoiding or mitigating risks to public health and safety.*

Comment: as indicated above, the proposal calls to develop an existing vacant urban parcel for multiple unit dwellings for residential purposes without requiring upgrades to the existing public service facilities. It is an excellent example of intensification and avoids risks to public health and safety.

#### 1.4 Housing

*1.4.3(b) permitting and facilitating:*

- 1. all forms of housing required to meet the social, health and well-being requirements of current and future residents,...*
- 2. all forms of residential intensification, ..., and redevelopment in accordance with policy 1.1.3.3;*

*1.4.3(c) directing the development of new housing towards locations where appropriate levels of infrastructure and public service facilities are or will be available to support current and projected needs;*

*1.4.3 (d) promoting densities for new housing which efficiently use land, resources, infrastructure and public service facilities, and support the use of active transportation and transit in areas where it exists or is to be developed, ...*

Comment: the proposed multiple unit dwelling development both promotes and implements the important housing policies found in the PPS through the efficient use of an underutilized parcel with access to full municipal servicing and other public service facilities.

#### 1.7 Long-Term Economic Prosperity

*1.7.1(a) promoting opportunities for economic development and community investment readiness;*

*1.7.1(b) encouraging residential uses to respond to dynamic market-based needs and provide necessary housing supply and range of housing options for a diverse workforce;*



*1.7.1(c) optimizing the long-term availability and use of land, resources, infrastructure and public service facilities;*

*1.7.1(d) maintaining and, where possible, enhancing the vitality and viability of downtowns and mainstreets;*

Comment: by making use of an existing underutilized parcel, and the servicing infrastructure already present, it assists in keeping the settlement area boundary as compact as possible ensuring that availability of land and resources is not compromised for the long-term benefit of both the City of Windsor and Province of Ontario. The subject lands are located on a main transportation corridor, as well as being in close proximity to shopping and restaurant services, and to public transportation and park systems, thus providing easy and efficient access to the services provided in the immediate area.

In consideration of the above PPS policy discussion, it is my opinion that the proposed multiple unit dwelling development is consistent with, and implements, the relevant policies of the Provincial Policy Statement. Further to this, the proposed development does not offend the remaining policies and directions of the Provincial Policy Statement.

## **6.2 City of Windsor Official Plan (OP)**

The subject property is designated Residential by Schedule "D", Land Use, of the City of Windsor OP (please refer to Appendix "C"). As indicated above, the current Residential designation came as a result of Official Plan Amendment #123, implemented by By-law 136-2019, and permits the proposed multiple unit dwellings at this location.

It is noted that a very thorough and comprehensive justification process was undertaken, and ultimately accepted by Council in 2019 to re-designate the subject lands to Residential, which in addition, included an Employment Lands Review. Although the residential use is already permitted at an OP level in this location, I suggest that it is valuable to the reader to highlight a few of the relevant sections of the OP which clearly support the development of the proposed multiple unit dwellings, and in turn, the proposed development will ultimately assist Council in implementing its own policies:

### *Section 4, Healthy Communities*

#### *4.1 Goals*

*In keeping with..., Council's healthy community goals are to achieve:*

*4.1.1 Windsor's full potential as a healthy and liveable city.*

*4.1.3 A high quality of life in Windsor.*

4.1.6 *Economic opportunities throughout Windsor.*

4.1.7 *A safe environment throughout Windsor.*

#### 4.2 Objectives

4.2.1.5 *To encourage a mix of housing types and services to allow people to stay in their neighbourhoods as they age.*

4.2.1.6 *To provide for pedestrian scale neighbourhood centres that serve the day-to-day needs of the local residents.*

4.2.2.1 *To consider the environment in the planning and design of Windsor.*

4.2.2.3 *To encourage community planning, design and development that is sustainable.*

4.2.2.4 *To promote development that meets human needs and is compatible with the natural environment.*

4.2.2.5 *To reduce environmental impacts.*

4.2.3.1 *To encourage a mix of uses.*

4.2.3.2 *To encourage the location of basic goods and services close to where people live and work.*

4.2.3.4 *To accommodate the appropriate range and mix of housing.*

4.2.4.1 *To encourage development which fosters social interactions.*

4.2.4.2 *To encourage development that fosters the integration of all residents into the community.*

4.2.4.3 *To encourage developments that adapt to changing resident needs.*

4.2.6.1 *To provide for a wide range of employment opportunities at appropriate locations throughout Windsor.*

4.2.6.2 *To encourage a range of economic development opportunities to reach full employment.*

Comment: In my opinion, the proposed development meets the above objectives and will assist the City of Windsor in providing a visibly-needed boost to the City's housing stock, in an under-developed area that is ideal for its development due to its strategic location along a major roadway, and due to its close proximity to commercial and recreational amenities.

Further, while this development will not ultimately provide a fixed employment resource, its construction-phase will provide for a sizable number of high-paying local construction and skilled-trades jobs, and from a longer-term economic perspective, will eventually contribute to the City's tax assessment base.

### *Section 6.3 Residential*

*...The following objectives and policies establish the framework for development decisions in Residential areas.*

#### *6.3.1 Objectives*

*6.3.1.1 To support a complimentary range of housing forms and tenures in all neighbourhoods.*

*6.3.1.2 To promote compact neighbourhoods which encourage a balanced transportation system.*

*6.3.1.3 To promote selective residential development, infill and intensification initiatives.*

Comment: The proposed multi-unit residential dwelling (condominium tenure) development meets the above objectives.

#### *6.3.2 Policies*

*6.3.2.1 Uses permitted in the Residential land use designation identified on Schedule D: Land Use include Low, Medium and High Profile dwelling units.*

Comment: the proposed High Profile residential development is permitted.

*6.3.2.4 Residential development shall be located where:*

- a) *There is access to a collector or arterial road;*
- b) *Full municipal physical services can be provided;*
- c) *Adequate community services and open spaces are available or planned; and*
- d) *Public transportation service can be provided.*

Comment: the proposed development meets the above four criteria.

*6.3.2.6 At the time of submission, the proponent shall demonstrate to the satisfaction of the Municipality that a proposed residential development within an area having an Undeveloped Area development pattern is:*

- a) *Feasible having regard to the other provisions of this plan, provincial legislation, policies and appropriate guidelines and support studies for uses:
  - ii) *adjacent to sources of nuisance, such as noise, odour, vibration and dust;*
  - iii) *within a site of potential or known contamination;*
  - iv) *where traffic generation and distribution is a provincial or municipal concern;**
- b) *In keeping with the goals, objectives and policies of any secondary plan or guideline plan affecting the surrounding area;*
- c) *Capable of being provided with full municipal services and emergency services; and*
- d) *In keeping with the subdivision, consent and/or condominium policies of this plan.*

Comment: the proposal has regard for, and conforms to, all applicable policies and guidelines, and all required support studies have been provided.

*6.3.2.15 Council shall encourage the provision of a variety of housing tenures which recognize the diverse needs of Windsor's residents.*

Comment: this development will provide residents with an option for condominium tenure ownership.

## *Section 8 Urban Design*

### *8.1 Goals*

*In keeping with the Strategic Directions, Council's urban design goals are to achieve:*

*8.1.1 A memorable image of Windsor as an attractive and livable city.*

*8.1.2 Human scale development throughout Windsor.*

*8.1.3 Pedestrian access to all developments.*

*8.1.6 A high standard of design throughout Windsor.*

*8.1.10 A functional and attractive streetscape.*

*8.1.12 Excellence in exterior building design, site design and right-of-ways.*

*8.1.13 Efficient use of resources and energy that are integrated with the built form.*

*8.1.14 Integrated design for the needs or persons of all ages and abilities.*

### *8.3 Design for People*

*8.3.2.1 Council will encourage building and spaces to be designed to accommodate interpersonal communication and observation.*

*8.3.2.2 Council will encourage buildings and spaces that establish a pedestrian scale by promoting:*

*(a) The placement of continuous horizontal features on the first two storeys adjacent to the road;*

*(b) The repetition of landscaping elements, such as trees, shrubs or paving modules; and*

*(c) The use of familiar sized architectural elements such as doorways and windows.*

#### *8.4 Pedestrian Access*

*8.4.1.1 To integrate barrier-free pedestrian routes in the design of urban spaces.*

#### *8.5 Ecological Design*

*8.5.2.5 Council will encourage the use of landscaping to:*

- (a) Promote human scale;*
- (b) Promote defined public spaces;*
- (c) Accentuate or screen adjacent building forms;*
- (d) Frame desired views or focal objects;*
- (e) Visually reinforce a location;*
- (f) Direct pedestrian movement;*
- (g) Demarcate various functions within a development;*
- (h) Provide seasonal variation in form, colour, texture and representation;*
- (i) Assist in energy conservation;*
- (j) Mitigate effects of inclement weather.*

*8.5.2.9 Council will encourage development to include features that reduce, control or treat site-runoff, use water efficiently and reuse or recycle water for on-site use when feasible.*

#### *8.6 Micro-climate*

*8.6.2.1 Council may encourage design measures such as awnings, canopies, arcades, or recessed ground floor facades to offer pedestrian protection from inclement weather.*

*8.6.2.2 Council will encourage the provision of landscaping to modify the extremes of air temperature in public spaces.*

*8.6.2.3 Council may require shadow studies of Medium, High and Very High Profile development proposals to evaluate the impact of the shadow cast and to determine the appropriate design measures to reduce or mitigate any undesirable shadow conditions.*

*8.6.2.6 Council will maintain access to skylight in public spaces by controlling the height, setback and massing of a proposed development or infrastructure undertaking.*

## *8.7 Built Form*

### *8.7.1 Objectives*

*8.7.1.1 To achieve a varied development pattern which supports and enhances the urban experience.*

*8.7.1.2 To achieve a complimentary design relationship between new and existing development, while accommodating an evolution of urban design styles.*

*8.7.1.3 To maximize the variety and visual appeal of building architecture.*

*8.7.1.4 To integrate art and landscaping within the built form.*

*8.7.1.7 To achieve external building designs that reflect high standards of character, appearance, design and sustainable features.*

### *8.7.2 Policies*

*8.7.2.1 Council will ensure that the design of new development:*

*(a) Is complimentary to adjacent development in terms of its overall massing, orientation, setback and exterior design, particularly character, scale and appearance;*

*(b) Provides links with pedestrian, cycle, public transportation and road networks.*

*8.7.2.4 Council will ensure a transition among Very High, High, Medium and Low Profile developments through the application of such urban design measures as incremental changes in building height, massing, space separation or landscape buffer.*

*8.7.2.6 Council will encourage the buildings facades to be visually interesting through extensive use of street level entrances and windows. Functions which do not directly serve the public, such as loading bays and blank walls, should not be located directly facing the street.*

*8.7.2.7 Council shall encourage all Medium, High and Very High Profile developments to setback additional storeys above the*

*third (3) storey away from the road frontage to provide sunlight access, manage wind conditions and enhance the pedestrian scale.*

*8.7.2.8 Council will ensure that main entrances to buildings are street oriented and clearly visible from principal pedestrian approaches.*

Comment: from the very initial planning stages of this development, the above Urban Design polices were regarded, and adhered to, to the greatest extent possible. The overall design is functional from a social (people) perspective, and also from a municipal perspective in that it takes advantage of the existing social and hard infrastructure systems in the area without causing any undue stress on these existing systems, on the adjacent properties and/or residents.

From an aesthetics perspective, the design is functional, relevant and, most importantly from a marketing perspective, not something that exists elsewhere in the Windsor market due to the design, attention to resident detail, and amenities it provides.

Although not required by the City, an urban design brief is attached as Appendix F, prepared by the project architect, outlines the design philosophies and ultimately supports the notion that this project conforms to Urban Design policies noted immediately above.

Comment: based on the above considerations and discussion, it is my opinion that this proposed residential development conforms to the Windsor Official Plan.

### **6.3 City of Windsor Zoning By-law 8600**

As described earlier in this report, the subject parcel is currently zoned Residential District (RD) 3.1. This zoning permits multiple unit dwellings, such as is proposed here. However, this root RD3.1 zoning provides for certain performance standards that do not allow the proposed two building, 298 total dwelling unit, development to proceed as-of-right.

#### Zoning By-law Amendment

In order to permit the proposed development, it is proposed the subject site be rezoned to a site-specific RD3.### zone which provides the following:

- A reduction in minimum required lot area for corner lot from 20,238 sq. m to 9,348 sq. m
- An increase in maximum permitted height for a main building on a corner lot from 14 m to 31 m



- A reduction in required parking to 1.16 spaces per unit;
- Permission to park in a required front yard;
- Permission to provide a loading space in a required front yard;
- Relief from appropriate RD3.?? provisions to permit a reduced landscape area of 31%.

Comment: the above-noted requested variations to the root zoning, in my opinion, will allow for the most efficient buildout of the site, while making use of the available local servicing capacities, without producing any negative impacts to either the residents of the buildings or the neighbourhood. This intensification on the site is supported by the various supporting studies attached to this report. It is the irregular shape of the lot, most notably the curvature of Spitfire Way, which lends to the need for permission to allow parking (three parking spaces) and loading spaces (one) in a required front yard.

Further, I see the variations as nominal as this development is effectively part of a larger redevelopment, which effectively advertises these two buildings at this location in the marketing material covering the overall project lands. As well, the Lauzon Road corridor contains a mixture of use and types/sizes of buildings, including an 11-storey multiple unit dwelling on an adjacent parcel to the north.

As mentioned earlier in this report, it is the ultimate intent of the owner to sever each building on its own lot, and as such, due to the fact that it is not anticipated that the new dividing line will split the parcel, and all its features, in half, the above relief requested (corner lot area, number of required parking spaces and reduced landscape area) will permit, based on what is anticipated at the time of writing, the severance to proceed without offending the amending site-specific zone provisions.

It is recognized that if, at the time of the future severance, that any relief is required over and above what is proposed at this time, then either a minor variance or zoning amendment (whichever is deemed appropriate by the City), will be sought at that time.

## 6.4 Required Studies

### Traffic Impact Study

As part of the 2019 OPA process, a Traffic Impact Study was undertaken and the conclusions of that study were accepted by the City. A copy of that 2019 study can be found in the City Planning Department.

As the current proposal differs slightly than the 2019 concept provided for, a review of the 2019 traffic study was deemed to be required, and a revised traffic assessment was prepared and is attached as **Appendix "G"** to this report.

Essentially, the updated assessment indicates that the conclusions and recommendations of the 2019 study remain current and relevant to the current proposal of two, nine-storey multi-unit structures containing a total of 302 dwelling units.

### Noise Study

Similar to the Traffic Impact Study noted above, as part of the 2019 OPA process a Noise Study was prepared and its conclusions too were accepted by the City. A copy of that 2019 study can be found in the City Planning Department.

Also similar to the above a review and/or revision to that study was required based on the current proposal. As such, a revised noise study was prepared and is attached as **Appendix "H"** to this report. However, for ease of reference, for the following conclusions are provided:

- Transportation noise
  - No special glazing (windows) required
  - Air conditioning required
  - Warning clause required to be registered on title; lease agreements
- Stationary Noise
  - No changes to 2019 study conclusions in this regard

### Sanitary Sewer Study

A Sanitary Sewer Study was undertaken and the results are attached as **Appendix "I"** to this report.

### Storm Water Management Plan

A Storm Water Management Plan was prepared and is attached as **Appendix "J"** to this report.

### Shadow Study

A Shadow Study was prepared and is attached as **Appendix "K"** to this report.

## 5.5 Site Plan

An application for site plan approval shall be submitted concurrently with the application for zoning by-law amendment. The site plan, **attached as Appendix "E"**, details the proposed two, 151-unit, multiple dwellings, landscaped and amenity space, and parking areas. Further, the conceptual site plan shows the following ancillary features:

- 375 parking spaces, which includes 14 AODA (accessible) parking spaces in a combination of underground and at grade parking areas

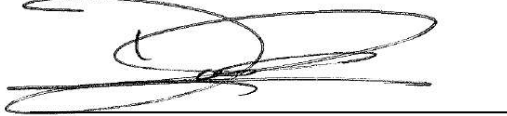
- Two dedicated loading spaces per building (total four)
- One point of ingress / egress is provided from/to Lauzon Road
- Two points of ingress / egress are provided from/to Bowler Drive
- A central courtyard/park area for residents
- Interconnected onsite pedestrian walkways

## 6.0 CONCLUSION

Based on the above analysis of Provincial and municipal policies, it is my opinion that the proposed two, 151-unit, multiple unit dwellings is consistent with, and conforms to important Provincial and municipal policies surrounding the economy, housing and intensification in identified settlement areas.

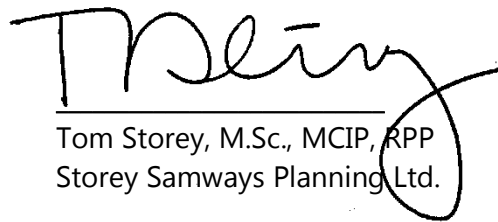
In conclusion the proposed multiple unit residential use at this location represents sound planning for the reasons contained within this report.

Prepared by:



David French, BA, CPT  
Storey Samways Planning Ltd.

Reviewed by:



Tom Storey, M.Sc., MCIP, RPP  
Storey Samways Planning Ltd.

Attachments:

- Appendix "A" – Key Map
- Appendix "B" – By-law 136-2019
- Appendix "C" – Windsor Official Plan Map Schedule D
- Appendix "D" – Windsor Zoning By-law Zoning District Map 14
- Appendix "E" – Site Plan
- Appendix "F" – Urban Design Brief
- Appendix "G" – Traffic Study
- Appendix "H" – Noise Study
- Appendix "I" – Sanitary Sewer Study
- Appendix "J" – Stormwater Management Plan
- Appendix "K" – Shadow Study

Appendix "A" – Key Map



Appendix "B" – Map Schedule E-1 of the Chatham-Kent Official Plan

BY-LAW NUMBER 136-2019

A BY-LAW TO ADOPT AMENDMENT NO. 123  
TO THE OFFICIAL PLAN OF THE CITY OF  
WINDSOR

Passed the 16<sup>th</sup> day of December, 2019.

**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 all 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. **123** to the Official Plan of the City of Windsor, attached hereto, is hereby adopted.



DREW DILKENS, MAYOR



CITY CLERK

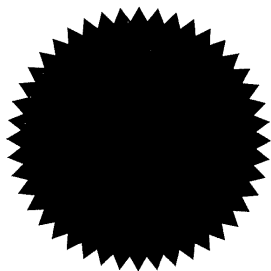
First Reading - December 16, 2019  
Second Reading - December 16, 2019  
Third Reading - December 16, 2019

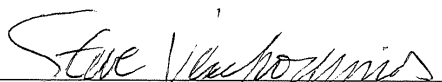
**DECLARATION OF THE CITY CLERK**  
**APPROVAL OF**  
**OFFICIAL PLAN AMENDMENT NO. 123**  
**PURSUANT TO SECTION 17(28) OF THE PLANNING ACT**

*I, STEVE VLACHODIMOS*, Deputy City Clerk of the Corporation of the City of Windsor, in the County of Essex, hereby certify that the '*Notice of Adoption*' for Official Plan Amendment No. 123 of The Corporation of the City of Windsor, passed by the Council of The Corporation on December 16, 2019 was given in the manner and form and to the persons prescribed by regulation made by the Lieutenant Governor-in-Council under Section 17(23) of The Planning Act.

*I ALSO CERTIFY* that the objection period expired January 20<sup>th</sup>, 2020 and to this date no "*Notice of Appeal*" or request for a change in the provisions of Official Plan Amendment No. 123 has been filed by any person with the Office of The Clerk.

*DATED* at the City of Windsor  
in the Province of Ontario this  
21<sup>st</sup> day of January, 2020.



  
STEVE VLACHODIMOS, DEPUTY CITY CLERK  
WINDSOR, ONTARIO

**AMENDMENT NO. 123**

**TO THE**

**OFFICIAL PLAN**

**CITY OF WINDSOR**

Part D (Details of the Amendment) of the following text, and attached map of the City of Windsor Official Plan constitute Amendment No. 123.

Also included, but not constituting part of the Amendment, are explanations of Purpose, Location, Background and Implementation of the Amendment, Appendix 1 (Results of Public Involvement).

**A. PURPOSE:**

The purpose of this amendment is to allow a Mixed-Use Development that will include a plan of subdivision to create:

- commercial uses in 2 separate locations,
  - A potential hotel and restaurant at the intersection McHugh Street and Darfield Road, and
  - General commercial uses on Lauzon Road, immediately north of the Via Rail tracks.
- 22 Single detached Residential Dwellings
- 18 Blocks for future single detached, semi-detached or townhome dwellings
- 1 block for multiple unit dwellings adjacent to Lauzon Road (currently 3 structures anticipated)
- 2 blocks for multiple unit dwellings Adjacent to McHugh Street at Darfield Road
- 2 blocks for Storm water management and related facilities;

And to recognise the existing Institutional land use at 8787 McHugh Street (WFCU Centre).

**B. LOCATION:**

The amendment applies to the land generally described 1600 Lauzon Road - Part of Lots 128, 129E, 129W, 132, 133 Concession 1 (McNiff's) east of Lauzon Road, south of McHugh Street and north of the Via Rail corridor, situated at the southeast corner of Lauzon Road and McHugh Street.

**Ward: 6**

**Planning District: Riverside**

**ZDM: 14**

**C. BACKGROUND:**

The subject lands are designated "Industrial" in the City of Windsor Official Plan. That designation does not permit the proposed uses; therefore, the Official Plan Amendment is required. The proposed changes to the Official Plan are as follows:

- From "Industrial" to "Commercial Corridor" (Block 24, on SDN 002/19-1 and Part 2, 12R-27318),
- From "Industrial" to "Residential" (Lots 1-22 and Blocks 1-23) ;
- From "Industrial" to "Institutional"
  - Parts 1, 7, 8, 9, 10, 11, and 12 12R-27318 (City acquired lands)
  - Parts 2, 3 and 4, 12R-22910 (WFCU Centre lands)

The Official Plan encourages compact residential form for new developments and the efficient use of existing land pattern, as well as promoting cost-effective development

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patterns and standards to minimize land consumption and servicing costs. Additionally the redevelopment of brownfield lands and returning them to productive use is encouraged by the City of Windsor Official Plan. As such, the proposed development is consistent with the Official Plan.

**Employment Lands:**

When lands are to be removed from Industrial or Business Park (Employment Lands) designations, the Planning Act requires that an Employment Lands Review be undertaken. The applicant has completed an Employment Lands Review, which indicates that removing the lands subject to the development proposal will not have a negative impact on the future availability of Employment lands in the City of Windsor.

**WFCU Centre Official Plan Designation and By-law 8600 category:**

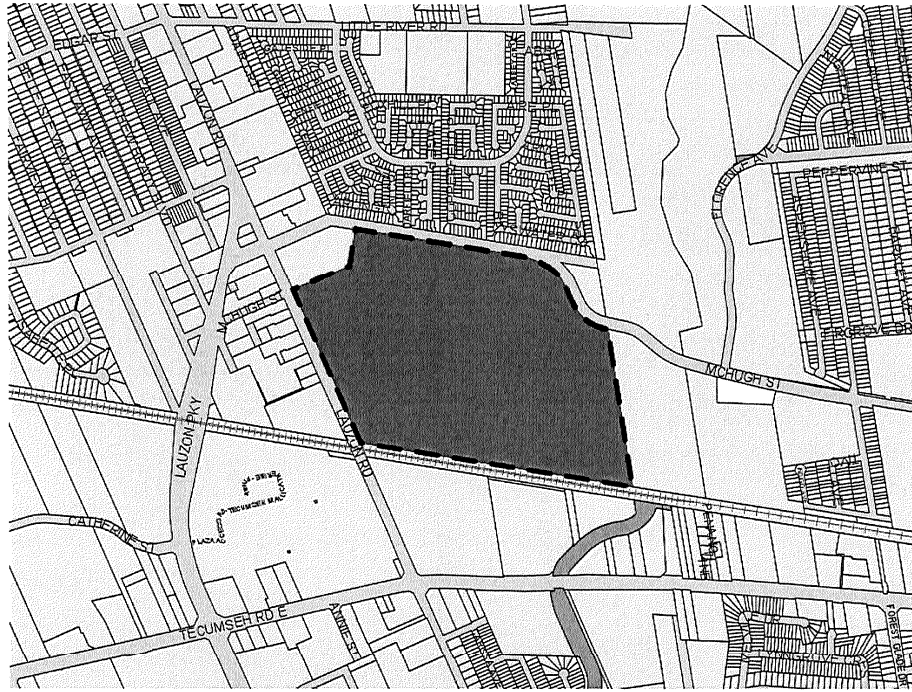
The WFCU Centre currently retains the original Industrial Official Plan designation that was in place when the site was used as an Industrial facility. While Municipal Uses are not required to comply with the Official Plan designation, continuing to miss-identify this large municipal use as lands that may be used for industrial purposes may be misleading to users of the Official Plan. The Planning Department recommends that a housekeeping amendment take place to designate the WFCU Centre lands Institutional.

**D. DETAILS OF THE AMENDMENT:**

- 1) **THAT** the City of Windsor Official Plan **BE AMENDED** changing the land use designation of Part of Lots 128,129E, 129W, and 132 Concession 1 (McNiff's) known municipally as 1600 Lauzon Road as follows:
  - i. Block 24 on the proposed Land Use Plan from "Industrial" to "Commercial Corridor";
  - ii. Part 2 on Reference Plan 12R-27318 from "Industrial" to "Commercial Corridor";
  - iii. Lots 1 to 22 and Blocks 1 to 23 (all inclusive) from "Industrial" to "Residential";
  - iv. Parts 1, 7, 8, 9, 10, 11, and 12, on Reference Plan 12R-27318 from "Industrial" to "Institutional".
- 2) **THAT** City of Windsor Official Plan **BE AMENDED** changing the land use designation of Part of Lots 129E, 132 and 133 Concession 1 (McNiff's) known municipally as 8787 McHugh Street (WFCU Centre) as follows:
  - i. Parts 2, 3 and 4 on Reference Plan 12R-22910 save and except Part 1 12R-27914 from "Industrial" to "Institutional".

**E. IMPLEMENTATION:**

- i. This amendment is to be implemented by an amendment to Zoning By-law 8600 as recommended in Report Number S 202/2019 (Z-005/19; ZNG/5772).



**KEY MAP - OPA #123**

■ SUBJECT LANDS



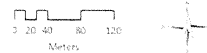


**PROPOSED LAND USE**

APPLICANT : FARHI HOLDING CORPORATION

- SUBJECT AREA
- COMMERCIAL CORRIDOR
- RESIDENTIAL
- INSTITUTIONAL

PLANNING & BUILDING DEPARTMENT



DATE : OCTOBER, 2019  
 FILE NO. : OPAR#123, SDN-002/19

## APPENDIX 1

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.

A meeting of the Development and Heritage Standing Committee, the statutory public meeting, was held on November 12, 2019. Below is an extract from the minutes of that meeting.

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### 7.1 Z-004/19 [ZNG/5772] & OPA 123 [OPA/5773] – Farhi Holdings Corporation

#### 1600 Lauzon Road– OPA, Rezoning and Subdivision - Ward 3

#### 7.1. Development Application 1600 Lauzon Road OPA/5773 (OPA 123) ZNG/5772 (ZNG004/19) SDN/5774 SDN 002/19 - Farhi Holdings Corporation - Ward 6

Jim Abbs (author), Senior Planner presents application.  
Karl Tanner (agent), Dillion Consulting Limited is available for questions.

Member Gyemi asks what is being done to accommodate the increasing density. Mr. Tanner answers there are single detached dwellings and 7-multi unit residential buildings to increase the density. Member Moore asks if there will be a buffer on “Street B” for the units facing Lauzon Rd. Mr. Tanner states that will be taken up by Site Plan Control. Member Gyemi asks what would happen if Lauzon Road becomes un-signalized. Mr. Tanner states that the Traffic Study shows that it operates at a good level un-signalized. Member Rondot asks if this plan will include a playground parkland. Mr. Abbs answers there is no playground planned in this application and cash-in-lieu of parkland will be required.

Moved by: Councillor Holt  
Seconded by: Member Moore

Decision Number: **DHSC 105**

I **THAT** an amendment to the City of Windsor Official Plan **BE APPROVED** changing the land use designation of Part of Lots 128, 129E, 129W, and 132 Concession 1 (McNiff's) known municipally as 1600 Lauzon Road as follows:

- v. Block 24 on the proposed Land Use Plan (as identified on Appendix “A”) from “Industrial” to “Commercial Corridor”;
- vi. Part 2 on Reference Plan 12R-27318 (as identified on Appendix ‘E’ from “Industrial” to “Commercial Corridor”;
- vii. Lots 1 to 22 and Blocks 1 to 23 (all inclusive) and as identified on Appendix “A” from “Industrial” to “Residential”;

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- viii. Parts 1, 7, 8, 9, 10, 11, and 12, on Reference Plan 12R-27318 (as identified on Appendix "E") from "Industrial" to "Institutional".
- II **THAT** an amendment to the City of Windsor Official Plan **BE APPROVED** changing the land use designation of Part of Lots 129E, 132 and 133 Concession 1 (McNiff's) known municipally as 8787 McHugh Street (WFCU Centre) as follows:
  - ii. Parts 2, 3 and 4 on Reference Plan 12R-22910 save and except Part 1 12R-27914 (as identified on Appendix "D") from "Industrial" to "Institutional".
- III **THAT** an amendment to Zoning By-law 8600 **BE APPROVED** changing the zoning of Part of Lots 128,129E, 129W and 132 Concession 1 (McNiff's) known municipally as 1600 Lauzon Road as follows:
  - i. Block 24 on the draft Plan of Subdivision (SDN 002/19-1) and Part 2 on Reference Plan 12R-27318 from Manufacturing MD1.2, HMD1.2 and MD2.1 and S20(1) 199 to Commercial CD2.2;
  - ii. Lots 1-22 and Blocks 1-18 (all inclusive) on the draft Plan of Subdivision (SDN 002/19-1) from Manufacturing MD2.1 and S20(1) 199 to Residential RD1.1;
  - iii. Blocks 19, 20 and 21 on the draft Plan of Subdivision (SDN 002/19-1) from Manufacturing MD1.2 and S20(1) 199 to Residential RD3.1;
  - iv. Parts 1, 7, 8, 9, 10, 11, and 12, as identified on Reference Plan 12R-27318 (Appendix E), from Manufacturing MD2.1 and S20(1) 199 to Institutional ID1.1;
  - v. Blocks 22 and 23 on the draft Plan of Subdivision (SDN 002/19-1) from Manufacturing MD2.1, HMD1.2 and S20(1)199 to Green District GD1.5
- IV **THAT** an amendment to the Zoning By-law 8600 **BE APPROVED** changing the zoning of Part of Lots 129E, 132 and 133 Concession 1 (McNiff's) known municipally as 8787 McHugh Street (WFCU Centre) as follows:
  - i. Parts 2, 3 and 4 on Reference Plan 12R-22910 save and except Part 1 12R-27914, (Appendix D) from Manufacturing MD1.2, HMD2.1 & S20(1)199 to Institutional ID1.1
- V **THAT** the application of the Farhi Holdings Corporation for Draft Plan of Subdivision approval of Part of 128,129E, 129W, and 132 Concession 1 (McNiff's), City of Windsor; **BE APPROVED** on the following basis:
  - A. That this approval applies to the draft plan of subdivision, as shown on the attached Drawing SDN002/19-1 (prepared July 16, 2019, with internal reference date of October 2019), which will facilitate the construction of single unit, multiple unit dwellings and commercial blocks.
  - B. That the Draft Plan Approval shall lapse on (3 years from the date of approval).

- C. That the Owner(s) shall submit for approval of the City Planner, final draft M-Plans, which shall include the names of all road allowances within the plan, as approved by the Corporation.
- D. That the owner undertakes to provide the following matters prior to the registration of the final Plan of Subdivision:
  - a. The Owner will include all items as set out in the results of circularization and other relevant matters set out in CR 233/98 (Standard Subdivision Agreement).
  - b. The Owner will create, prior to the issuance of a building permit, the following rights-of-way, in accordance with the approved Plan of Subdivision:
    - 20 m right-of-way for the extension of Darfield Road from the existing McHugh Street and Darfield Road intersection south to the new intersection at Street A;
    - 20m right of way for the new Street "A";
    - 20m right of way for the new Streets "B", "C", "D" and "E"
  - c. The Owner will convey a 2.0m road widening along the entire south limit of the McHugh Street Right of Way, to the satisfaction of then City Engineer.
  - d. The Owner will provide the following corner cut-offs on the approved Plan of Subdivision:
    - 6.1mx6.1m – Intersection of Darfield Road and McHugh Street, and,  
Intersection of Street A and Lauzon Road
    - 4.5mx4.5m – Intersection of Street A and Darfield Road  
Intersection of Street C and Darfield Road  
Intersection of Street A and Street B  
Intersection of Street A and Street D  
Intersection of Street A and Street E  
Intersection of Street C and Street D  
Intersection of Street B and Street C
  - e. The Owner(s) shall comply with all the following requirements relating to sidewalks:
    - Sidewalk shall be constructed:
      - On both sides of Street A
      - On the East Side of new Darfield Road
      - On the East Side of Street B
      - On the East side of Street D
      - On the South side of Street C
      - On the East Side to Street E
      - to the satisfaction of the City Engineer and the City Planner;

- f. The Owner agrees to complete a revised Transportation Impact Study that considers the following:
  - i. Revise the analysis to reflect the diversion of WFCU Centre traffic – including traffic to the proposed parking expansion – to Street 'A'.
  - ii. Identify implementable mitigation for the Lauzon Parkway / Tecumseh Road East intersection to address any issues caused by site traffic and WFCU Centre diversion traffic.
  - iii. Identify appropriate intersection control and lane configurations for the Lauzon Road / Tecumseh Road East intersection.
  - iv. Identify appropriate cost-sharing for any mitigation.All to the satisfaction of the City Engineer and the Chief Building Official
- g. The Owner agrees to complete a sight line analysis for the intersection of Street 'A' and Street 'B', and agrees to implement mitigation to the satisfaction of the City Planner and City Engineer.
- h. The Owner(s) shall provide a detailed servicing study report on the impact of the increased flow to the existing municipal sewer systems to the satisfaction of the City Engineer, prior to the issuance of a construction permit.
  - i. The study shall review the proposed impact and recommend solutions to addressing the problems and ultimate implementation of solutions should there be a negative impact to the system.
  - ii. The study shall be finalized to the satisfaction of the City Engineer.
- i. The Owner(s) will:
  - i. Undertake an engineering analysis to identify stormwater quality and quantity measures as necessary to control any increases in flows in downstream watercourses, up to and including the 1:100 year design storm, to the satisfaction of the Municipality and the Essex Region Conservation Authority.
  - ii. Install stormwater management measures identified above, as part of the development of the site, to the satisfaction of the City Engineer and the Essex Region Conservation Authority.
  - iii. Obtain the necessary permit or clearance from the Essex Region Conservation Authority prior to undertaking site alterations and/or construction activities.
- j. The Owner will provide the following noise mitigation as described in the Dillon Consulting Noise Assessment for 1600 Lauzon Road dated July 2019 :
  - i. The owner will insert the following warning clause into all Agreements of purchase and sale, lease, and transfers/deeds of land for each lot,



block or dwelling making prospective purchasers aware of the following:

- a) "This dwelling unit has been designed with the provision for adding central air conditioning at the occupant's discretion. Installation of central air conditioning by the occupant in low and medium density developments will allow windows and exterior doors to remain closed, thereby ensuring that the indoor sound levels are within the sound level limits of the Municipality and the Ministry of the Environment, Conservation and Parks."
- b) "Purchasers/tenants are advised that due to the proximity of the adjacent facility (WFCU), noise from the facility (WFCU) may at times be audible."
- c) "Purchasers/tenants are advised that sound levels due to the adjacent facility (WFCU) are required to comply with sound level limits that are protective of indoor areas and are based on the assumption that windows and exterior doors are closed. This dwelling unit has been supplied with a ventilation/air conditioning system which will allow windows and exterior doors to remain closed."
- d) "Purchasers/tenants are advised that sound levels due to increasing road and rail traffic may occasionally interfere with some activities of the dwelling occupants as the sound levels exceed the sound level limits of the Municipality and the Ministry of the Environment, Conservation and Parks."
  - ii. The Owner will include provision for the installation of central air conditioning for all areas of the development and indicate the same in all building permit applications.
  - iii. The Owner will provide upgraded windows on:
    - a) the south and west facades of any dwelling unit constructed on Block 19,
    - b) the south and west facade of any dwelling unit constructed on Lot 11, and Blocks 1,3,11,12 and 15 adjacent to Street A;and indicate the same on building permit application for these lands;
- k. The Owner(s) shall construct Street 'A' to the satisfaction of the City Engineer, to connect 8787 McHugh Street to Lauzon Road, prior to the issuance of any construction permits for the multiple dwelling buildings to be constructed on Block 21, identified as buildings B, C and D on the site plan proposed under SPC-024/19.
- l. It is agreed that the City is responsible for 100% of the costs associated with the design and construction of Street 'A'. The Owner shall agree to include the procurement and construction of Street 'A' in their scope of work, with costs to be paid by the Corporation to the Owner being based on a cost-sharing and tender process satisfactory to the City Engineer. Timing of

payment of such costs will be subject to the approval by the Corporation's City Council.

- m. The Owner(s) shall agree to convey to the Corporation, 5% of the lands to be developed, for park purposes or equivalent cash-in-lieu of parkland as permitted in Section 51.1 of the *Planning Act* and in accordance with By-law 12780, as amended, or any successor by-law to the satisfaction of the Executive Director of Parks and the City Planner prior to the issuance of a construction permits.
- n. The Owners shall agree to convey gratuitously to the Corporation Blocks 22 and 23 on the draft Plan of Subdivision (SDN 002/19-1) for the purposes of municipal infrastructure (Storm Water Management) to the satisfaction of the City Engineer and the City Planner prior to the issuance of a construction permits.

NOTES TO DRAFT APPROVAL (File: SDN-002/19)

- 1. The applicant is directed to Section 51(39) of *The Planning Act* 1990 regarding appeal of any imposed conditions to the Ontario Municipal Board. Appeals are to be directed to the City Clerk and Licence Commissioner of the City of Windsor.
- 2. It is the applicant's responsibility to fulfil the conditions of draft approval and to ensure that the required clearance letters are forwarded by the appropriate agencies to the City of Windsor, to the attention of the Executive Director/City Planner, quoting the above-noted file number.
- 3. The applicant should consult with an Ontario Land Surveyor for this proposed plan concerning registration requirements relative to the *Certification of Titles Act*.
- 4. The final plan approved by the Corporation of the City of Windsor must be registered within thirty (30) days or the Corporation may withdraw its approval under Section 51(59) of *The Planning Act* 1990.
- 5. All plans of subdivision/condominium are to be prepared and presented in metric units and certified by the Ontario Land Surveyor that the final plan is in conformity to the approved zoning requirements.

**VI THAT** the City Clerk and Licence Commissioner **BE AUTHORIZED** to issue the required notice respecting approval of the draft plan of subdivision under Section 51(37) of *The Planning Act*; and,

**VII THAT** the deed restrictions **BE REGISTERED** on title at the time of registration of Deeds/Transfers of Land prepared by the Owner in conjunction with the sale of said lands; and,

- VIII** THAT prior to the final approval by the Corporation of the City of Windsor, the Executive Director/City Planner shall **BE ADVISED**, in writing, by the appropriate agencies that conditions have been satisfied; and,
- IX** THAT the Chief Administrative Officer and City Clerk **BE AUTHORIZED** to sign all necessary agreements and documents approved as to form and content satisfactory to the City Solicitor; and,
- X** THAT Part of Lots 128,129E, 129W and 132 Concession 1 (McNiff's) known municipally as 1600 Lauzon Road, **BE CLASSIFIED** as a Class 4 area pursuant to Publication NPC-300 (Environmental Noise Guideline – Stationary and Transportation Sources – Approval and Planning).

Mr. Hunt notes that this application is scheduled to be considered by City Council on Monday, November 18, 2019. He announces to all persons in attendance that should they wish to appear as a delegation before City Council, they will need to contact the City Clerk before Friday, November 15 at 12:00 noon.

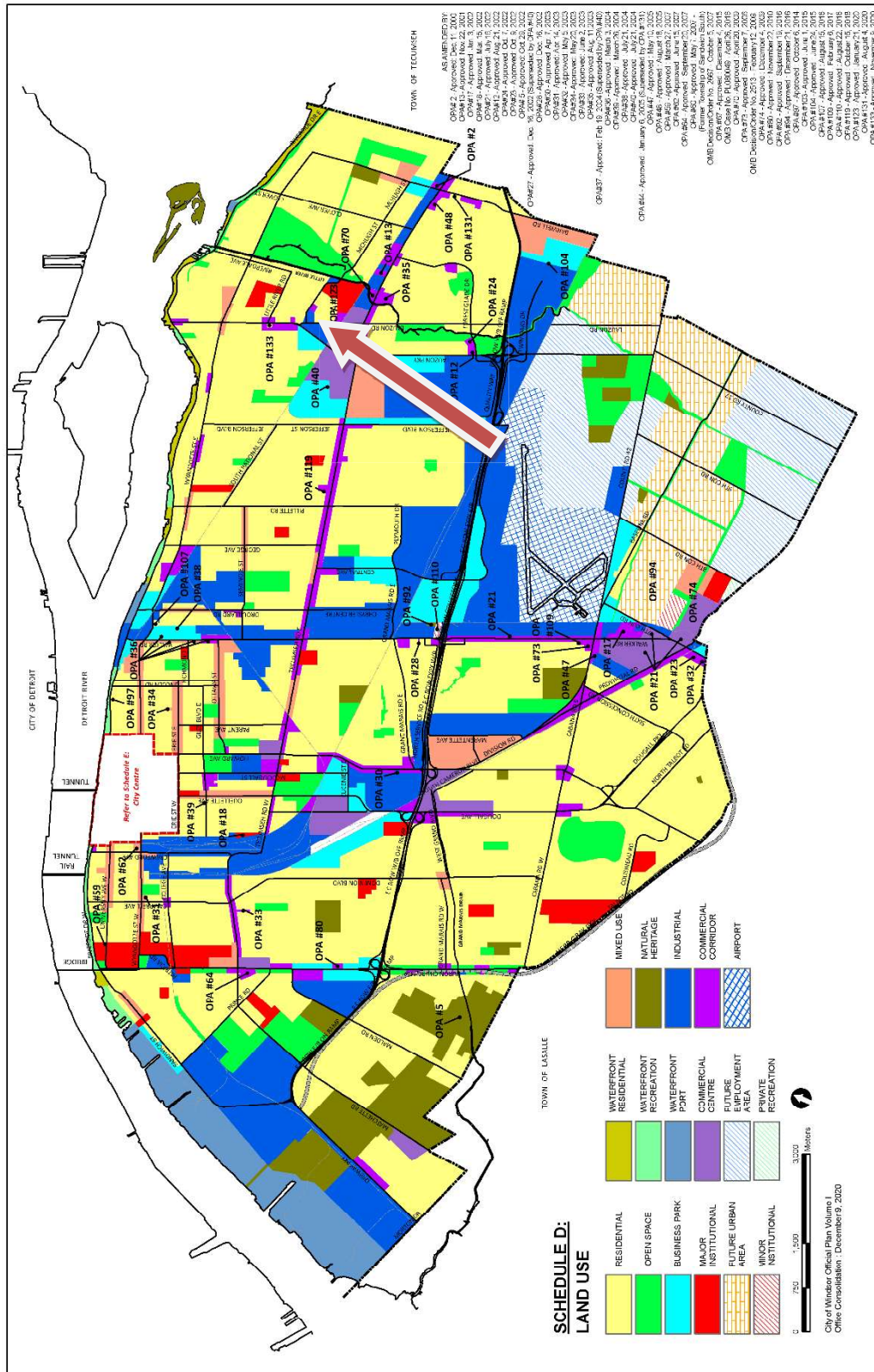
Carried.

Report Number: S 202/2019  
Clerk's File: ZP/13437

**COUNCIL MEETING – November 18, 2019:**

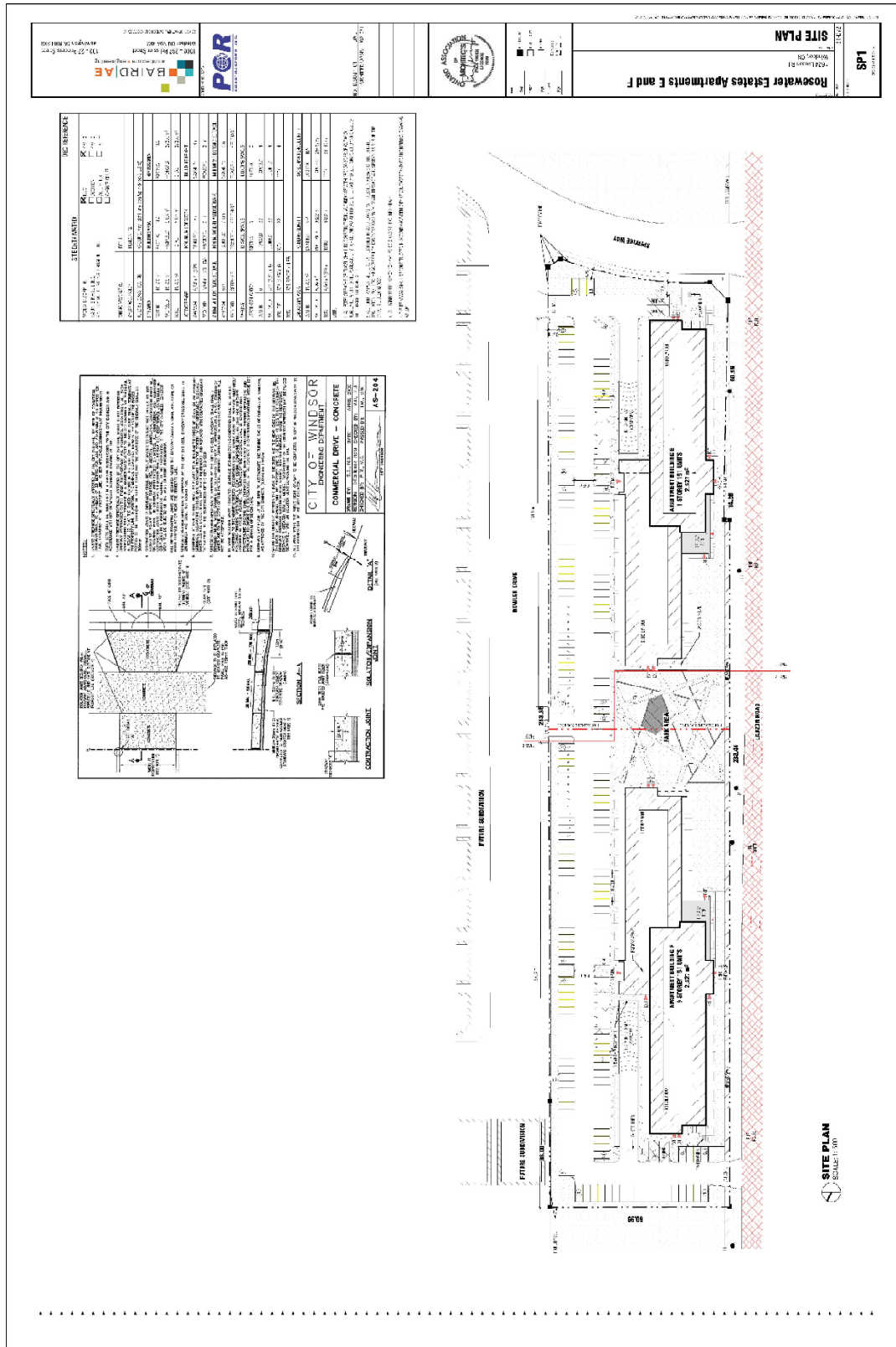
A meeting of City Council was held on Monday, November 18, 2019, at which time the application was considered and OPA #123 was adopted.

Appendix "C" – City of Windsor Official Plan Map Schedule D

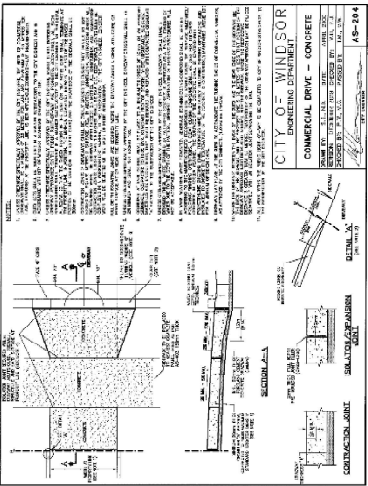


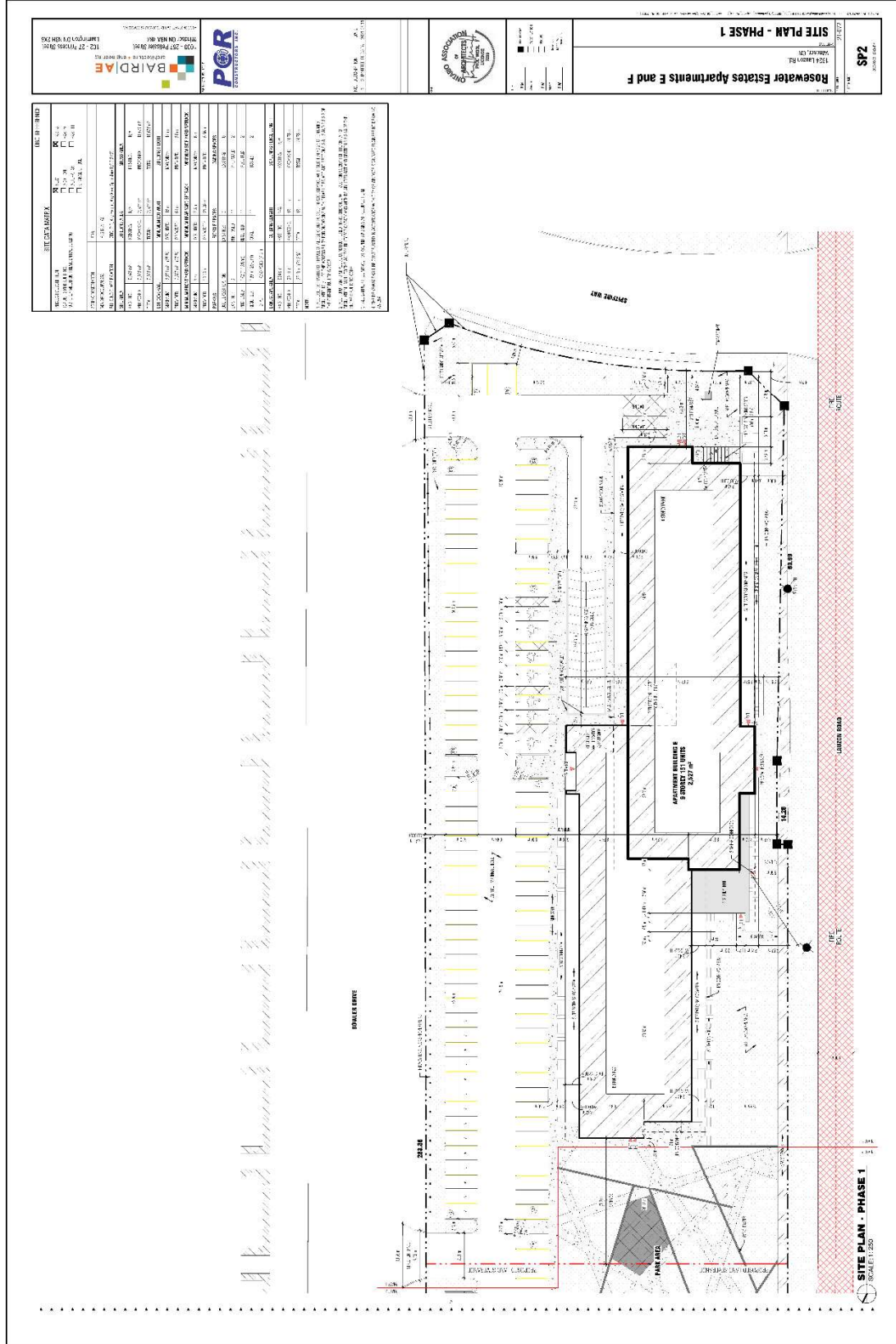


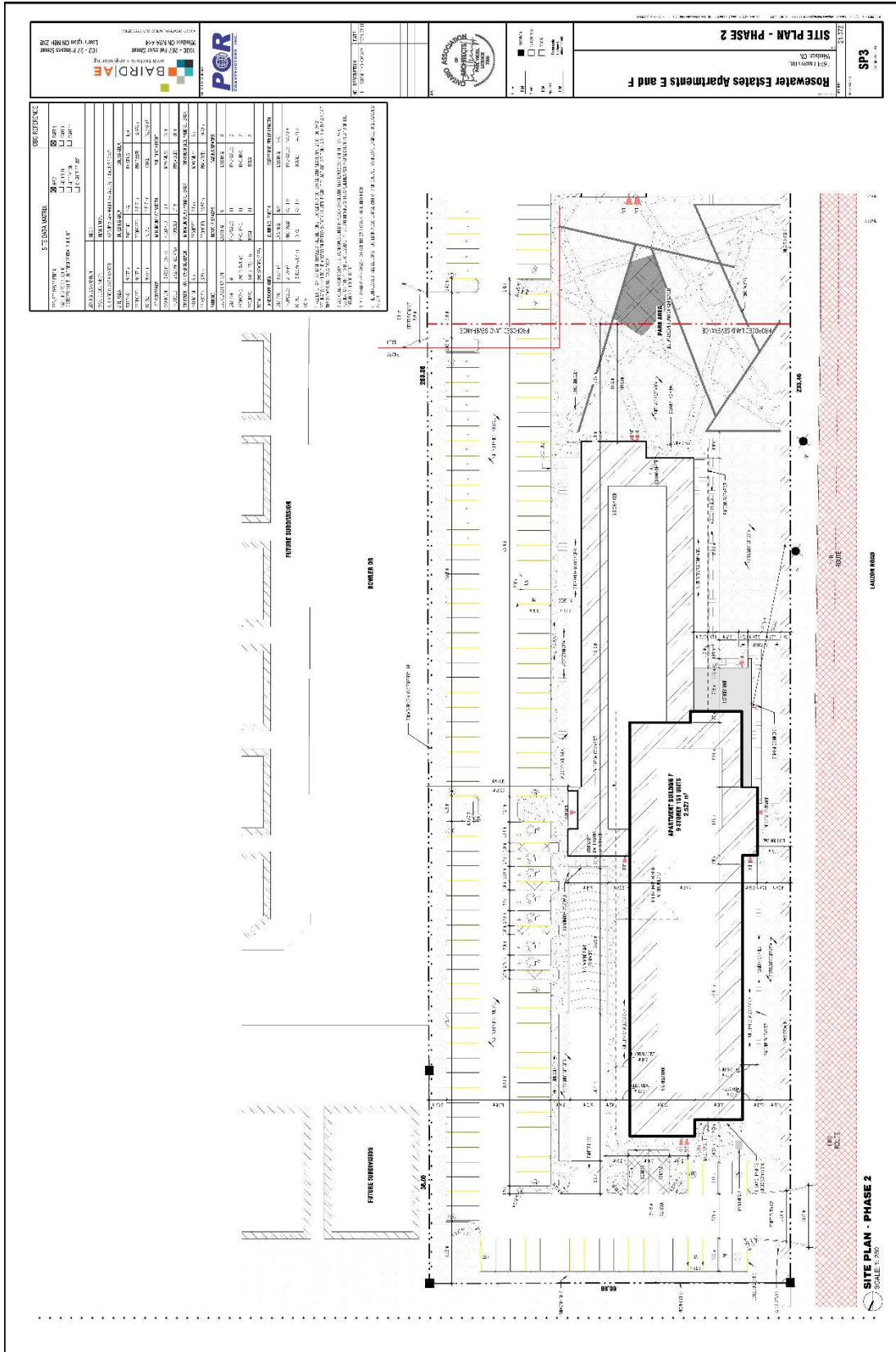
Appendix "E" – Site Plan



SITE PLAN		NO. REFERENCE	
PROJECT NO.	1530-1642 LAUZON RD.	1	1
DATE	2022-02-08	2	2
SCALE	1:500	3	3
PROJECT NAME	ROSEWATER ESTATES APARTMENTS E AND F	4	4
CLIENT	ROSEWATER ESTATES APARTMENTS	5	5
DESIGNER	BARDAE ARCHITECTS INC.	6	6
APPROVED BY	[Signature]	7	7
DATE	2022-02-08	8	8
PROJECT LOCATION	1530-1642 LAUZON RD., WINDSOR, ONT.	9	9
PROJECT AREA	1530-1642 LAUZON RD., WINDSOR, ONT.	10	10
PROJECT AREA	1530-1642 LAUZON RD., WINDSOR, ONT.	11	11
PROJECT AREA	1530-1642 LAUZON RD., WINDSOR, ONT.	12	12
PROJECT AREA	1530-1642 LAUZON RD., WINDSOR, ONT.	13	13
PROJECT AREA	1530-1642 LAUZON RD., WINDSOR, ONT.	14	14
PROJECT AREA	1530-1642 LAUZON RD., WINDSOR, ONT.	15	15
PROJECT AREA	1530-1642 LAUZON RD., WINDSOR, ONT.	16	16
PROJECT AREA	1530-1642 LAUZON RD., WINDSOR, ONT.	17	17
PROJECT AREA	1530-1642 LAUZON RD., WINDSOR, ONT.	18	18
PROJECT AREA	1530-1642 LAUZON RD., WINDSOR, ONT.	19	19
PROJECT AREA	1530-1642 LAUZON RD., WINDSOR, ONT.	20	20
PROJECT AREA	1530-1642 LAUZON RD., WINDSOR, ONT.	21	21
PROJECT AREA	1530-1642 LAUZON RD., WINDSOR, ONT.	22	22
PROJECT AREA	1530-1642 LAUZON RD., WINDSOR, ONT.	23	23
PROJECT AREA	1530-1642 LAUZON RD., WINDSOR, ONT.	24	24
PROJECT AREA	1530-1642 LAUZON RD., WINDSOR, ONT.	25	25
PROJECT AREA	1530-1642 LAUZON RD., WINDSOR, ONT.	26	26
PROJECT AREA	1530-1642 LAUZON RD., WINDSOR, ONT.	27	27
PROJECT AREA	1530-1642 LAUZON RD., WINDSOR, ONT.	28	28
PROJECT AREA	1530-1642 LAUZON RD., WINDSOR, ONT.	29	29
PROJECT AREA	1530-1642 LAUZON RD., WINDSOR, ONT.	30	30
PROJECT AREA	1530-1642 LAUZON RD., WINDSOR, ONT.	31	31
PROJECT AREA	1530-1642 LAUZON RD., WINDSOR, ONT.	32	32
PROJECT AREA	1530-1642 LAUZON RD., WINDSOR, ONT.	33	33
PROJECT AREA	1530-1642 LAUZON RD., WINDSOR, ONT.	34	34
PROJECT AREA	1530-1642 LAUZON RD., WINDSOR, ONT.	35	35
PROJECT AREA	1530-1642 LAUZON RD., WINDSOR, ONT.	36	36
PROJECT AREA	1530-1642 LAUZON RD., WINDSOR, ONT.	37	37
PROJECT AREA	1530-1642 LAUZON RD., WINDSOR, ONT.	38	38
PROJECT AREA	1530-1642 LAUZON RD., WINDSOR, ONT.	39	39
PROJECT AREA	1530-1642 LAUZON RD., WINDSOR, ONT.	40	40
PROJECT AREA	1530-1642 LAUZON RD., WINDSOR, ONT.	41	41
PROJECT AREA	1530-1642 LAUZON RD., WINDSOR, ONT.	42	42
PROJECT AREA	1530-1642 LAUZON RD., WINDSOR, ONT.	43	43
PROJECT AREA	1530-1642 LAUZON RD., WINDSOR, ONT.	44	44
PROJECT AREA	1530-1642 LAUZON RD., WINDSOR, ONT.	45	45
PROJECT AREA	1530-1642 LAUZON RD., WINDSOR, ONT.	46	46
PROJECT AREA	1530-1642 LAUZON RD., WINDSOR, ONT.	47	47
PROJECT AREA	1530-1642 LAUZON RD., WINDSOR, ONT.	48	48
PROJECT AREA	1530-1642 LAUZON RD., WINDSOR, ONT.	49	49
PROJECT AREA	1530-1642 LAUZON RD., WINDSOR, ONT.	50	50









## Appendix "F" – Urban Design Brief



### **URBAN DESIGN BRIEF**

#### **FHC Rosewater Apartments Buildings E/F – 1624 Lauzon Rd, Windsor, ON**

The first design consideration for the two 151-unit apartment buildings was their relative situation on the site based on the site itself and the surrounding and future context. The buildings are weighted to the north and south ends of the site to both define its boundaries as well as allow for a common park area communal to both the buildings. Both structures are also located closer to Lauzon Rd to create a more urban experience there and also keep the large parking area off of the front of the buildings. This orientation provides more distance from the rear of the buildings to the future residential development to the east as well. An underground parking structure also reduces the necessary size of this on-grade lot and extensive landscaping mask it as much as possible.

In order to provide architectural interest to the new buildings as well as reduce their perceived size the design steps the buildings in plan, section and elevation. The higher portion of the building is once again weighted towards the front along Lauzon Rd where it is more in scale with the wider street and surrounding buildings. This also presents a lower side to the residential area to the east.

The main entrance along the Lauzon Rd façade is located in a one storey section which houses the entrance lobby as well as the community room. The fitness room is also located on this elevation adjacent to the main entrance to animate the interior of the building to the sidewalk. The first floor of the building is clad in brick which switches to stucco on the second level to give a pedestrian scale to this face. Large continuous balconies run the entirety of the building providing significant private open space to the tenants and also increasing the connectivity to the sidewalk below.

The entire building is Barrier-free Accessible and interior as well as exterior bicycle parking/storage is provided with immediate access to public sidewalks and thoroughfares. Tenants can take advantage of numerous interior amenities but are also provided with a large street-side park to enjoy during pleasant weather.

Appendix "G" – Traffic Impact Study

(attached as a separate document due to size)

Appendix "H" – Noise Study

(attached as a separate document due to size)

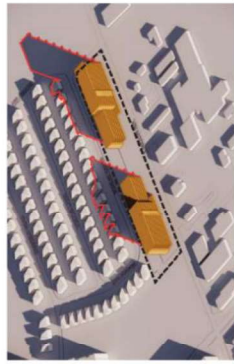
Appendix "I" – Sanitary Sewer Study

(attached as a separate document due to size)

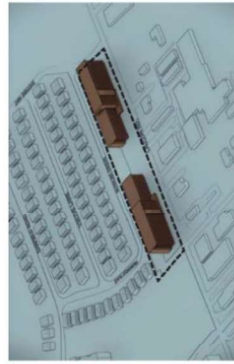
Appendix "J" – Stormwater Management Plan

(attached as a separate document due to size)

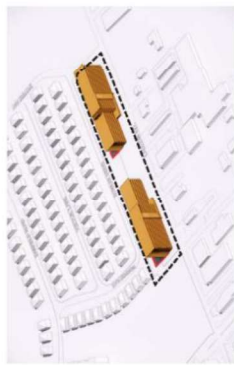
Appendix "K" – Shadow Study



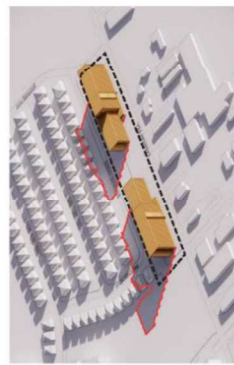
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 SUMMER SOLSTICE



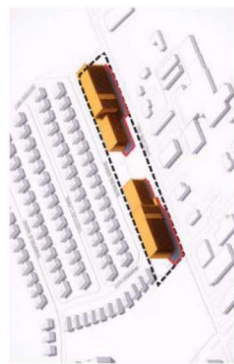
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 WINTER SOLSTICE



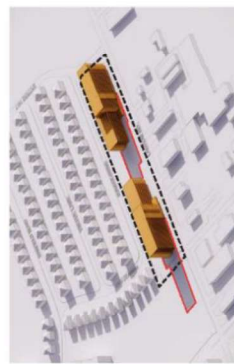
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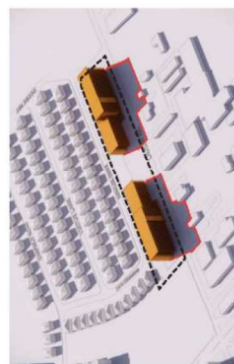
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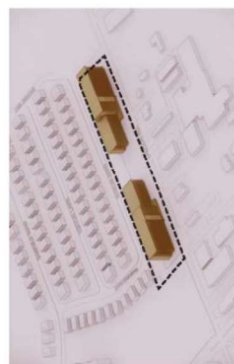
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12:00 PM DECEMBER 21, 2021  
 WINTER SOLSTICE



9:00 AM JUNE 20, 2021  
 SUMMER SOLSTICE



9:00 AM DECEMBER 21, 2021  
 WINTER SOLSTICE

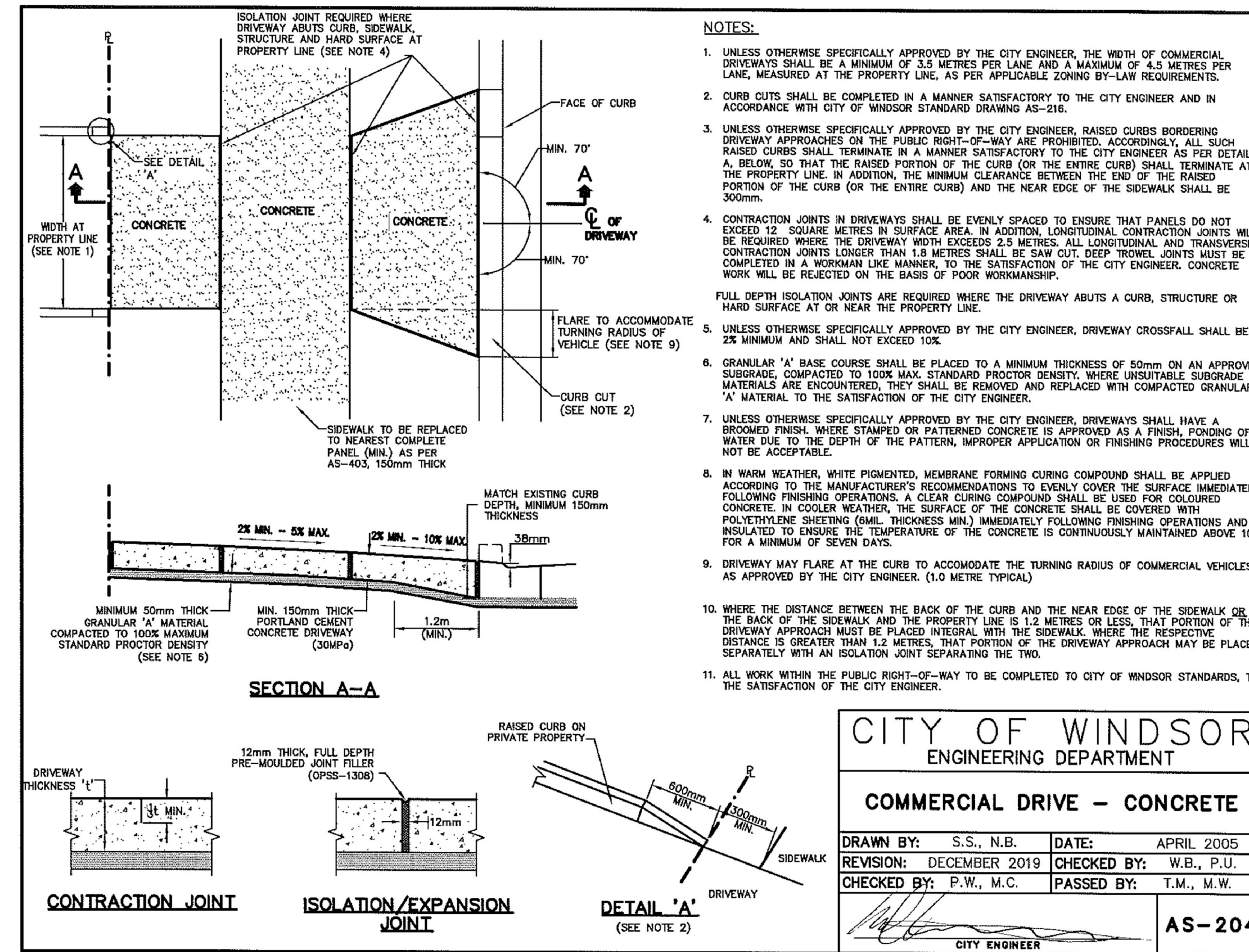


EXTENT OF PROPOSED BUILDING SHADOW  
 PROPERTY LINE  
 PROPOSED BUILDING

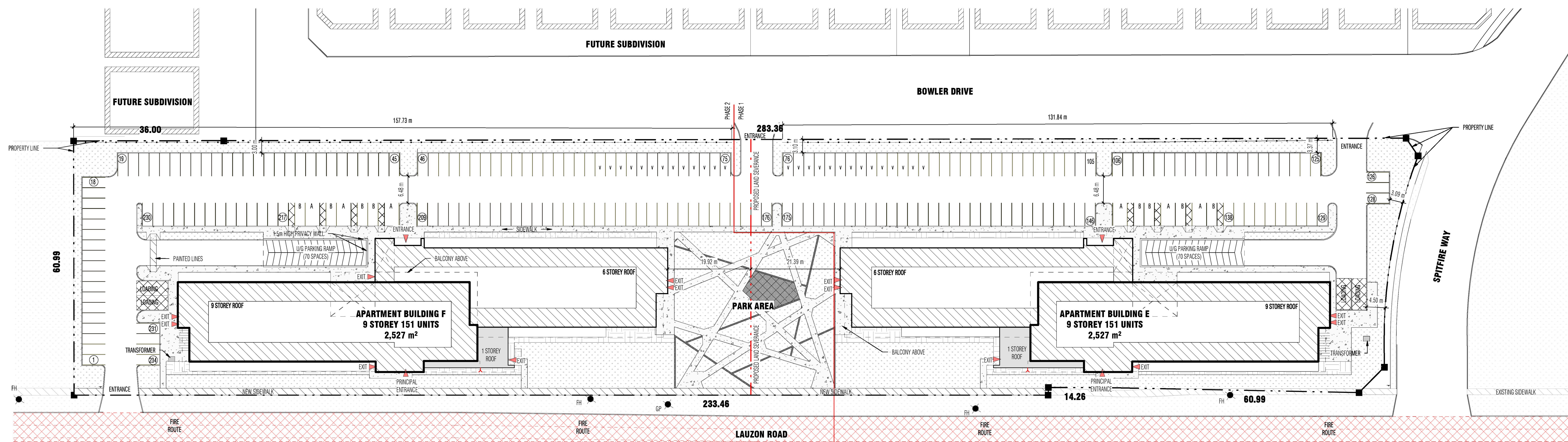


SHADOW STUDY / MICRO CLIMATE / LAUZON APRTMENT E / F DEVELOPMENT  
 LOCATION: 1624 LAUZON ROAD, WINDSOR, ON / JUN 22, 2021





SITE DATA MATRIX			OBC REFERENCE
PROJECT DESCRIPTION: 152 UNITS PER BUILDING, 9 STOREY MULTI UNIT RESIDENTIAL BUILDING			
		<input checked="" type="checkbox"/> NEW <input type="checkbox"/> ADDITION <input type="checkbox"/> ALTERATION <input type="checkbox"/> CHANGE OF USE	<input checked="" type="checkbox"/> PART 3 <input type="checkbox"/> PART 9 <input type="checkbox"/> PART 11
ZONING DESIGNATION:	R03.1		
MAJOR OCCUPANCY:	RESIDENTIAL		
BUILDING CLASSIFICATION:	GROUP C, Any Height, Any Area, Sprinklers (3.2.2.42)		
SITE AREA	BUILDING AREA	GROSS AREA	
EXISTING: 19,305 m <sup>2</sup>	EXISTING: N/A	EXISTING: N/A	
PROPOSED: 19,305 m <sup>2</sup>	PROPOSED: 5,054 m <sup>2</sup>	PROPOSED: 37,352 m <sup>2</sup>	
TOTAL: 19,305 m <sup>2</sup>	TOTAL: 5,054 m <sup>2</sup>	TOTAL: 37,352 m <sup>2</sup>	
LOT COVERAGE	MINIMUM LOT WIDTH	BUILDING HEIGHT	
MAXIMUM: 6.756 m <sup>2</sup> (35%)	REQUIRED: 18 m	MAXIMUM: 14 m	
PROVIDED: 5.054 m <sup>2</sup> (26.18%)	PROVIDED: 61 m	PROVIDED: 31 m	
MINIMUM FRONT YARD SETBACK	MINIMUM REAR YARD SETBACK	MINIMUM SIDE YARD SETBACK	
MAXIMUM: 6 m	REQUIRED: 7.5 m	MAXIMUM: 6 m	
PROVIDED: SEE PHASE	PROVIDED: SEE PHASE	PROVIDED: SEE PHASE	
PARKING	BICYCLE SPACES	LOADING SPACES	
USE CLASSIFICATION	EXISTING: 0	EXISTING: 0	
EXISTING: 0	PROPOSED: 22	PROPOSED: 4	
PROPOSED: 375 (1.24/Unit)	REQUIRED: 22	REQUIRED: 4	
REQUIRED: 378 (1.25/Unit)	TOTAL: 22	TOTAL: 4	
TOTAL: 375 SPACES (14 BF)			
LANDSCAPE AREA	CURBING LENGTH	SCREENING FENCE LENGTH	
EXISTING: 19,305 m <sup>2</sup>	EXISTING: N/A	EXISTING: N/A	
PROPOSED: 6,369 m <sup>2</sup>	PROPOSED: 862.2 m	PROPOSED: 289.57 m	
TOTAL: 6,661 m <sup>2</sup> (35%)	TOTAL: 862.2 m	TOTAL: 289.57 m	
NOTE:			
1. ALL EXTERIOR PATHS OF TRAVEL SHALL BE CONSTRUCTED IN ACCORDANCE WITH SECTION 80.23 OF ONTARIO REGULATION 191/11 TO THE ACCESSIBILITY FOR ONTARIANS WITH DISABILITIES ACT AND SECTIONS 3.8.1.3 AND 3.8.3.2 OF THE ONTARIO BUILDING CODE			
2. ALL CURB RAMPS SHALL BE CONSTRUCTED IN ACCORDANCE WITH SECTION 80.26(1) OF THE ONTARIO REGULATION 191/11 TO THE ACCESSIBILITY FOR ONTARIANS WITH DISABILITIES ACT AND SECTION 3.8.3.18 OF THE ONTARIO BUILDING CODE.			
3. ALL BARRIER FREE SPACE TO HAVE RB-39 SIGNS AT REQUIRED HEIGHT			
4. THE DRIVEWAY SHALL BE CONSTRUCTED IN ACCORDANCE WITH CITY OF WINDSOR STANDARD ENGINEERING DRAWING AS-204			



**SITE PLAN**  
SCALE: 1: 500

**CITY OF WINDSOR**  
ENGINEERING DEPARTMENT

**COMMERCIAL DRIVE - CONCRETE**

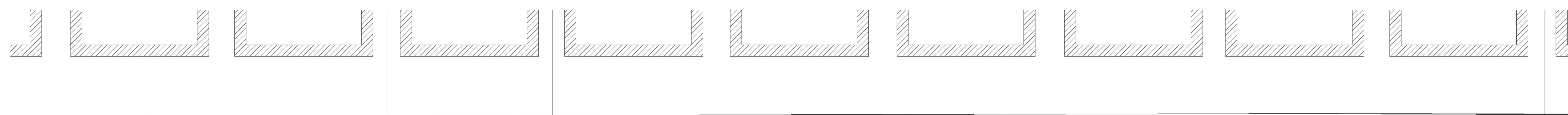
DRAWN BY: S.S., N.B. DATE: APRIL 2005  
 REVISION: DECEMBER 2019 CHECKED BY: W.B., P.U.  
 CHECKED BY: P.W., M.C. PASSED BY: T.M., M.W.

CITY ENGINEER **AS-204**

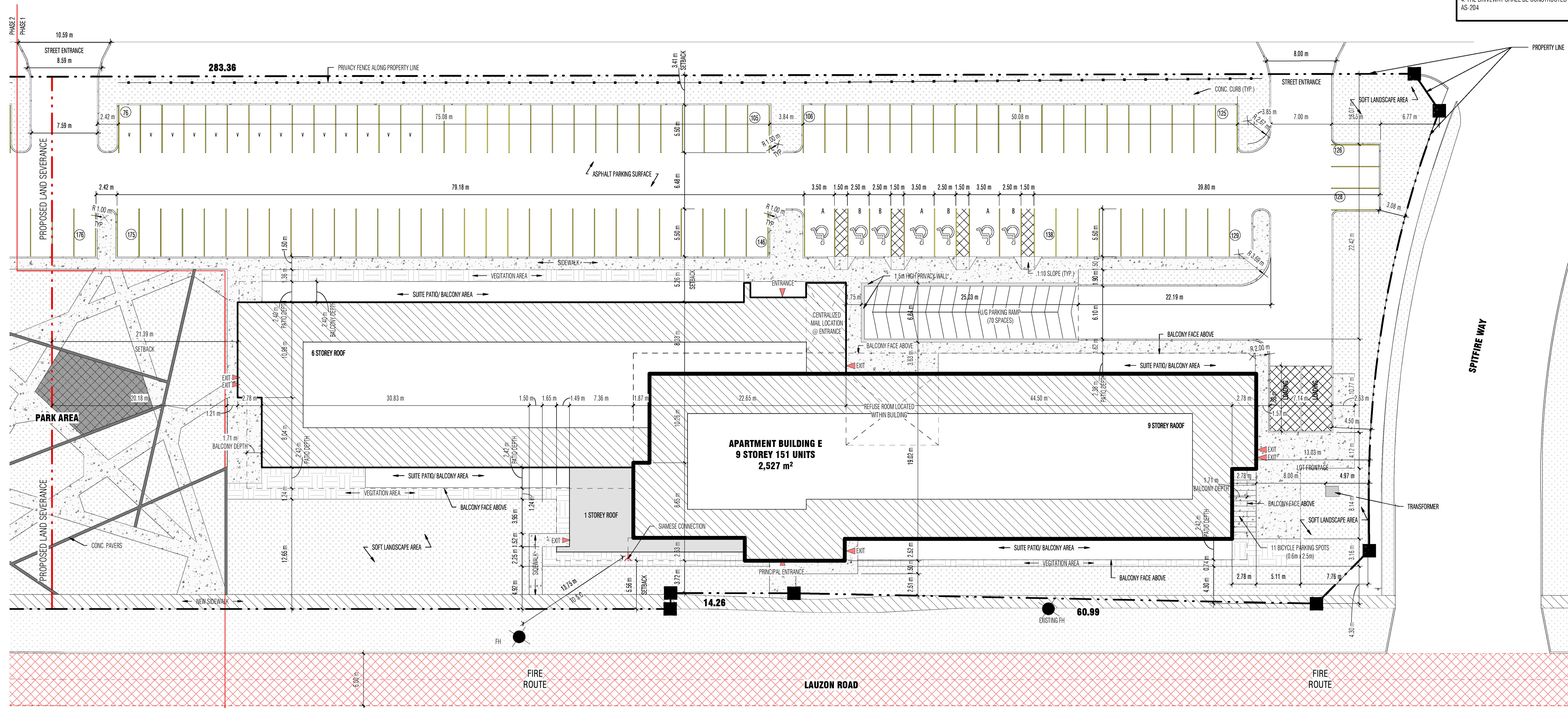
NO.	DESCRIPTION	DATE
1	SUBMITTED FOR SPA	2021.08.11



Drawn:  PRELIMINARY  
 Checked:  CONSTRUCTION  
 P.W.:  RECORDED  
 Approved:  Do not scale  
 P.W.:  Use figured dimensions only



BOWLER DRIVE



**SITE PLAN - PHASE 1**  
SCALE: 1: 250

SITE DATA MATRIX			OBC REFERENCE
PROJECT DESCRIPTION: 152 UNITS PER BUILDING, 9 STOREY MULTI UNIT RESIDENTIAL BUILDING		<input checked="" type="checkbox"/> NEW <input type="checkbox"/> ADDITION <input type="checkbox"/> ALTERATION <input type="checkbox"/> CHANGE OF USE	<input checked="" type="checkbox"/> PART 3 <input type="checkbox"/> PART 9 <input type="checkbox"/> PART 11
ZONING DESIGNATION:	RD3.1		
MAJOR OCCUPANCY:	RESIDENTIAL		
BUILDING CLASSIFICATION:	GROUP C, Any Height, Any Area, Sprinklered (3.2.2.42)		
<b>SITE AREA</b>	<b>BUILDING AREA</b>	<b>GROSS AREA</b>	
EXISTING: 9,348 m <sup>2</sup>	EXISTING: N/A	EXISTING:	N/A
PROPOSED: 9,348 m <sup>2</sup>	PROPOSED: 2,527 m <sup>2</sup>	PROPOSED:	18,676 m <sup>2</sup>
TOTAL: 9,348 m <sup>2</sup>	TOTAL: 2,527 m <sup>2</sup>	TOTAL:	18,676 m <sup>2</sup>
<b>LOT COVERAGE</b>	<b>MINIMUM LOT WIDTH</b>	<b>BUILDING HEIGHT</b>	
MAXIMUM: 3.271 m <sup>2</sup> (35 %)	REQUIRED: 18 m	MAXIMUM:	14 m
PROVIDED: 2.527 m <sup>2</sup> (27 %)	PROVIDED: 61 m	PROVIDED:	31 m
<b>MINIMUM FRONT YARD SETBACK</b>	<b>MINIMUM REAR YARD SETBACK</b>	<b>MINIMUM SIDE YARD SETBACK</b>	
MAXIMUM: 6 m	REQUIRED: 7.5 m	MAXIMUM:	6 m
PROVIDED: 13.03 m	PROVIDED: 21.39 m	PROVIDED:	5.56 m
<b>PARKING</b>	<b>BICYCLE SPACES</b>	<b>LOADING SPACES</b>	
USE CLASSIFICATION	EXISTING: 0	EXISTING: 0	
EXISTING: 0	PROPOSED: 11	PROPOSED: 2	
PROPOSED: 172 (1.16/Unit)	REQUIRED: 11	REQUIRED: 2	
REQUIRED: 189 (1.25/Unit)	TOTAL: 11	TOTAL: 2	
TOTAL: 172 SPACES (7 BF)			
<b>LANDSCAPE AREA</b>	<b>CURBING LENGTH</b>	<b>SCREENING FENCE LENGTH</b>	
EXISTING: 9348 m <sup>2</sup>	EXISTING: N/A	EXISTING:	N/A
PROPOSED: 3210 m <sup>2</sup>	PROPOSED: 431.1 m	PROPOSED:	144.78 m
TOTAL: 3210 m <sup>2</sup> (34.3 %)	TOTAL: 431.1 m	TOTAL:	144.78 m

**NOTE:**

- ALL EXTERIOR PATHS OF TRAVEL SHALL BE CONSTRUCTED IN ACCORDANCE WITH SECTION 80.23 OF ONTARIO REGULATION 191/11 TO THE ACCESSIBILITY FOR ONTARIANS WITH DISABILITIES ACT AND SECTIONS 3.8.1.3 AND 3.8.3.2 OF THE ONTARIO BUILDING CODE
- ALL CURB RAMP SHALL BE CONSTRUCTED IN ACCORDANCE WITH SECTION 80.26(1) OF THE ONTARIO REGULATION 191/11 TO THE ACCESSIBILITY FOR ONTARIANS WITH DISABILITIES ACT AND SECTION 3.8.3.18 OF THE ONTARIO BUILDING CODE.
- ALL BARRIER FREE SPACE TO HAVE 'R8-93' SIGNS AT REQUIRED HEIGHT
- THE DRIVEWAY SHALL BE CONSTRUCTED IN ACCORDANCE WITH CITY OF WINDSOR STANDARD ENGINEERING DRAWING AS-204

**BAIRDIAE**  
architecture + engineering  
1000 - 267 Pelee Street  
Windsor ON N9A 4K4  
A DIVISION OF BAYVIEW LAMB CONSULTING SERVICES INC.

**POR**  
CONSTRUCTORS INC.

NO.	DESCRIPTION	DATE
1	SUBMITTED FOR SPA	2021.08.11

ONTARIO ASSOCIATION OF ARCHITECTS  
PAUL WELCH  
LICENCE 7299

Drawn: B.M.  
Checked: [ ]  
P.W.  
Approved: [ ]  
P.W.

PRELIMINARY  
CONSTRUCTION  
RECORD  
Do not scale  
Use legend dimensions only

**Rosewater Estates Apartments E and F**  
1624 Lauzon Rd.  
Windsor, ON  
**SITE PLAN - PHASE 1**

SHEET NUMBER: 21-072  
**SP2**  
2022-02-08 1:56:28 PM



SITE DATA MATRIX			OBC REFERENCE
PROJECT DESCRIPTION: 152 UNITS PER BUILDING 9 STOREY MULTI UNIT RESIDENTIAL BUILDING			<input checked="" type="checkbox"/> NEW <input type="checkbox"/> ADDITION <input type="checkbox"/> ALTERATION <input type="checkbox"/> CHANGE OF USE
ZONING DESIGNATION: RD3.1			<input checked="" type="checkbox"/> PART 3 <input type="checkbox"/> PART 9 <input type="checkbox"/> PART 11
MAJOR OCCUPANCY: RESIDENTIAL			
BUILDING CLASSIFICATION: GROUP C, Any Height, Any Area, Sprinklered (3.2.2.42)			
SITE AREA	BUILDING AREA	GROSS AREA	
EXISTING: 9,957 m <sup>2</sup>	EXISTING: N/A	EXISTING: N/A	
PROPOSED: 9,957 m <sup>2</sup>	PROPOSED: 2,527 m <sup>2</sup>	PROPOSED: 18,676 m <sup>2</sup>	
TOTAL: 9,957 m <sup>2</sup>	TOTAL: 2,527 m <sup>2</sup>	TOTAL: 18,676 m <sup>2</sup>	
LOT COVERAGE	MINIMUM LOT WIDTH	BUILDING HEIGHT	
MAXIMUM: 3.485m <sup>2</sup> (35%)	REQUIRED: 18 m	MAXIMUM: 14 m	
PROVIDED: 2,527 m <sup>2</sup> (25.4%)	PROVIDED: 61 m	PROVIDED: 31 m	
MINIMUM FRONT YARD SETBACK	MINIMUM REAR YARD SETBACK	MINIMUM SIDE YARD SETBACK	
MAXIMUM: 6 m	REQUIRED: 7.5 m	MAXIMUM: 6 m	
PROVIDED: 5.56 m	PROVIDED: 23.57 m	PROVIDED: 19.92 m	
PARKING	BICYCLE SPACES	LOADING SPACES	
USE CLASSIFICATION	EXISTING: 0	EXISTING: 0	
EXISTING: 0	PROPOSED: 11	PROPOSED: 2	
PROPOSED: 202 (1.34/Unit)	REQUIRED: 11	REQUIRED: 2	
REQUIRED: 189 (1.25/Unit)	TOTAL: 11	TOTAL: 2	
TOTAL: 202 SPACES (7 BF)			
LANDSCAPE AREA	CURBING LENGTH	SCREENING FENCE LENGTH	
EXISTING: 9,957 m <sup>2</sup>	EXISTING: N/A	EXISTING: N/A	
PROPOSED: 3,159 m <sup>2</sup>	PROPOSED: 431.1 m	PROPOSED: 144.78 m	
TOTAL: 3,159 m <sup>2</sup> (31.7%)	TOTAL: 431.1 m	TOTAL: 144.78 m	

NOTE:  
 1. ALL EXTERIOR PATHS OF TRAVEL SHALL BE CONSTRUCTED IN ACCORDANCE WITH SECTION 80.23 OF ONTARIO REGULATION 191/11 TO THE ACCESSIBILITY FOR ONTARIANS WITH DISABILITIES ACT AND SECTIONS 3.8.1.3 AND 3.8.3.2 OF THE ONTARIO BUILDING CODE.  
 2. ALL CURB RAMPS SHALL BE CONSTRUCTED IN ACCORDANCE WITH SECTION 80.26(1) OF THE ONTARIO REGULATION 191/11 TO THE ACCESSIBILITY FOR ONTARIANS WITH DISABILITIES ACT AND SECTION 3.8.3.18 OF THE ONTARIO BUILDING CODE.  
 3. ALL BARRIER FREE SPACE TO HAVE RB-93 SIGNS AT REQUIRED HEIGHT.  
 4. THE DRIVEWAY SHALL BE CONSTRUCTED IN ACCORDANCE WITH CITY OF WINDSOR STANDARD ENGINEERING DRAWING AS-204

**BAIRDIAE**  
 architecture + engineering  
 100 - 267 Pelee Street  
 Windsor ON N9A 4K4  
 A DIVISION OF BATHURST LAMB CONSULTING SERVICES INC.

**POR**  
 CONSTRUCTORS INC.

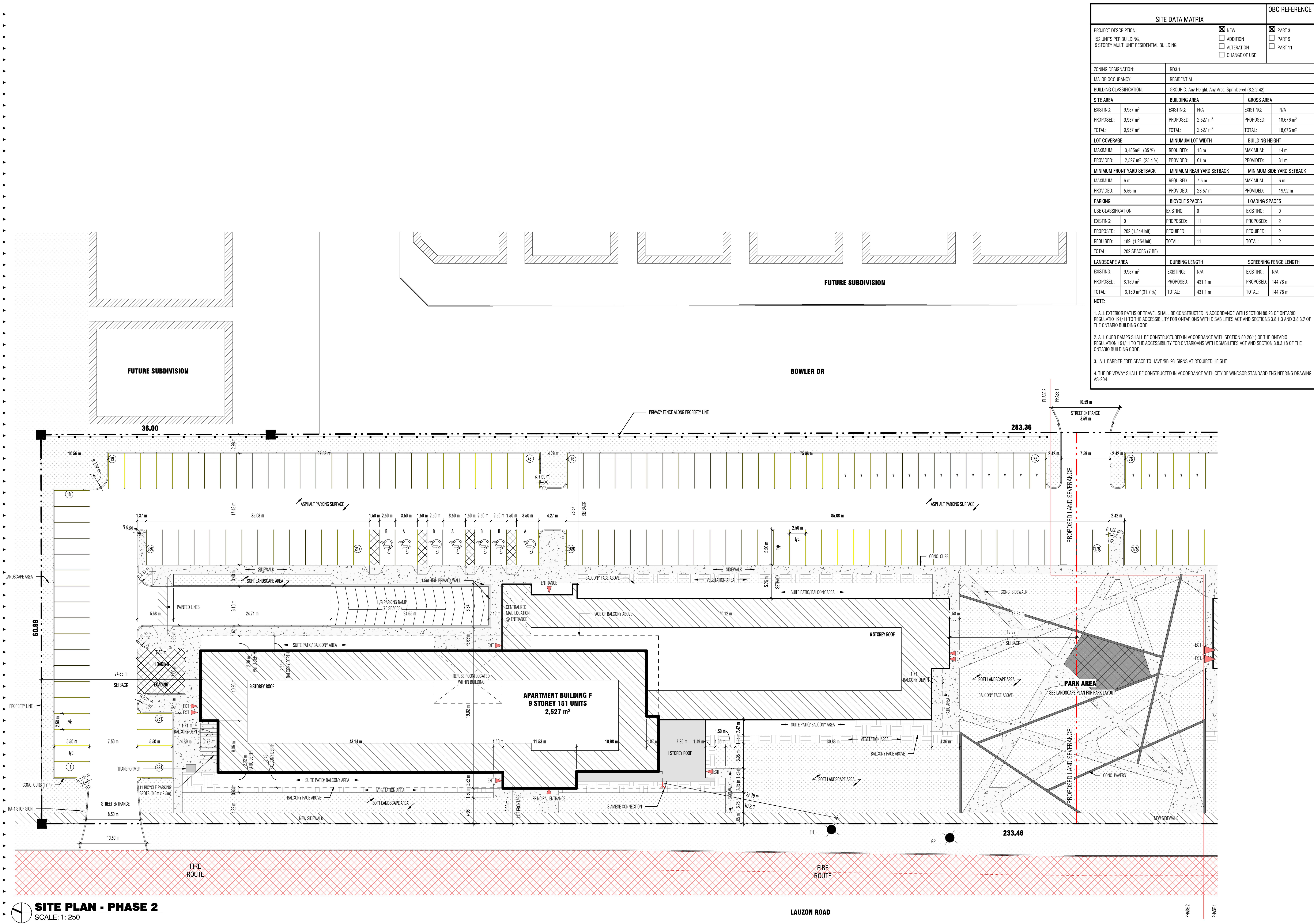
NO.	DESCRIPTION	DATE
1	SUBMITTED FOR SPA	2021.08.11

ONTARIO ASSOCIATION OF ARCHITECTS  
 PUBLIC WEBSITE LICENSE  
 7299

Down: B.M. PRELIMINARY  
 Check: CONSTRUCTION  
 P.W. RECORD  
 Approved: Do not scale  
 P.W. Use figured dimensions only

**Rosewater Estates Apartments E and F**  
 1624 Lauzon Rd.  
 Windsor, ON  
**SITE PLAN - PHASE 2**

PROJECT TITLE: Rosewater Estates Apartments E and F  
 1624 Lauzon Rd. Windsor, ON  
 SHEET NUMBER: 21-072  
**SP3**  
 2022-02-08 1:56:29 PM



**SITE PLAN - PHASE 2**  
 SCALE: 1: 250

**From:** 孙振武 <sun, zhenwu>  
**Sent:** March 22, 2022 11:26 PM  
**To:** clerks <[clerks@citywindsor.ca](mailto:clerks@citywindsor.ca)>  
**Subject:** About an amendment to zoning by-law 8600

**CAUTION:** This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Dear Development & Heritage Standing Committee officer,

We are the owners of 1605-1611 Lauzon road, and we have received a notice from you about an amendment to zoning by-law 8600 (file number ZNG/6590 Z-039/21), our opinion on this amendment are as followed,

- 1) An increase in maximum permitted height for a main building from 14 m to 31 m, will seriously affect the sight and lighting of our house and building in our lot;
- 2) Among the relatively low buildings, having such a tall buildings will increase the depression in the hearts of the people who live and work here;
- 3) The increase of hundreds of households will make the already tight infrastructure capacity even more unbearable;
- 4) Traffic conditions will worsen.

In conclusion, we oppose this amendment.

Sincerely,

The owner of 1605-1611 Lauzon road,  
Yan Jiang  
Zhenwu Sun

March 22<sup>nd</sup>, 2022.

从 Windows 版 [邮件](#) 发送



**Committee Matters: SCM 100/2022**

**Subject: Rezoning - Avant Group Inc. - 659 Alexandrine St - Z-045/21 ZNG/6634 - Ward 10**

Moved by: Councillor Morrison

Seconded by: Councillor Holt

Decision Number: **DHSC 382**

THAT Zoning By-law 8600 **BE AMENDED** by changing the zoning of Lots 94 & 95 and Part Closed Alley, Registered Plan 1106, (known municipally as 659 Alexandrine Street; Roll No. 070-030-16000; PIN 01339-0396) situated on the south side of Alexandrine Street between Remington Avenue and Lillian Avenue by adding a site specific exception to s.20 as follows:

**441. SOUTH SIDE OF ALEXANDRINE STREET BETWEEN REMINGTON AVENUE AND LILLIAN AVENUE**

For the lands comprising Lots 94 & 95 and Part Closed Alley, Registered Plan 1106 (PIN 01339-0396), a *Townhome Dwelling* shall be an additional permitted use and shall be subject to the following additional provisions:

- |  |                      |
|--|----------------------|
| a) Lot Width – minimum                           | 20.0 m               |
| b) Lot Area – per <i>dwelling unit</i> – minimum | 191.0 m <sup>2</sup> |
| c) Lot Coverage – maximum                        | 45.0%                |
| d) Main Building Height – maximum                | 10.0 m               |
| e) Front Yard Depth – minimum                    | 6.0 m                |
| f) Rear Yard Depth – minimum                     | 7.50 m               |
| g) Side Yard Width – minimum                     | 1.20 m               |
- [ZDM 8; ZNG/6634]; and further,

THAT the Applicant **CONSIDER** a reduction in the protrusion of the attached garage by bringing the main entrance or building wall closer to the front lot line for safety and security purposes.

Carried.

Members Gyemi and Rondot voting nay.

Report Number: S 33/2022

Clerk's File: Z/14281

**Clerk's Note:**

1. The recommendation of the Standing Committee and Administration are **not** the same.
2. Please refer to Item 7.3. from the Development & Heritage Standing Committee Meeting held April 4, 2022.
3. To view the stream of this Standing Committee meeting, please refer to: <http://csg001-harmony.sliq.net/00310/Harmony/en/PowerBrowser/PowerBrowserV2/20220412/-1/7314>

**Subject: Rezoning - Avant Group Inc. - 659 Alexandrine St - Z-045/21  
ZNG/6634 - Ward 10**

**Reference:**

Date to Council: April 4, 2022  
Author: Adam Szymczak, MCIP, RPP  
Senior Planner  
519-255-6543 x6250  
aszymczak@citywindsor.ca

Planning & Building Services  
Report Date: March 8, 2022  
Clerk's File #: Z/14281

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

**Recommendation:**

**THAT** Zoning By-law 8600 **BE AMENDED** by changing the zoning of Lots 94 & 95 and Part Closed Alley, Registered Plan 1106, (known municipally as 659 Alexandrine Street; Roll No. 070-030-16000; PIN 01339-0396) situated on the south side of Alexandrine Street between Remington Avenue and Lillian Avenue by adding a site specific exception to s.20 as follows:

**441. SOUTH SIDE OF ALEXANDRINE STREET BETWEEN REMINGTON AVENUE AND LILLIAN AVENUE**

For the lands comprising Lots 94 & 95 and Part Closed Alley, Registered Plan 1106 (PIN 01339-0396), a *Townhome Dwelling* shall be an additional permitted use and shall be subject to the following additional provisions:

- |  |                      |
|--|----------------------|
| a) Lot Width – minimum                           | 20.0 m               |
| b) Lot Area – per <i>dwelling unit</i> – minimum | 191.0 m <sup>2</sup> |
| c) Lot Coverage – maximum                        | 45.0%                |
| d) Main Building Height – maximum                | 10.0 m               |
| e) Front Yard Depth – minimum                    | 6.0 m                |
| f) Rear Yard Depth – minimum                     | 7.50 m               |
| g) Side Yard Width – minimum                     | 1.20 m               |

[ZDM 8; ZNG/6634]

**Executive Summary:**

N/A

**Background:**

**Application Information:**

**Location:** 659 Alexandrine Street  
Lots 94 & 95 and Part Closed Alley, Registered Plan 1106  
Roll No. 070-030-16000; PIN 01339-0396

**Ward:** 10     **Planning District:** Remington Park     **Zoning District Map:** 8

**Applicant:** Avant Group Inc. (Mohammad Hanash)

**Owner:** M.N.D. Construction Inc. (Maher Al Ouf)

**Agent:** Avant Group Inc. (Mohammad Hanash)

**Proposal:**

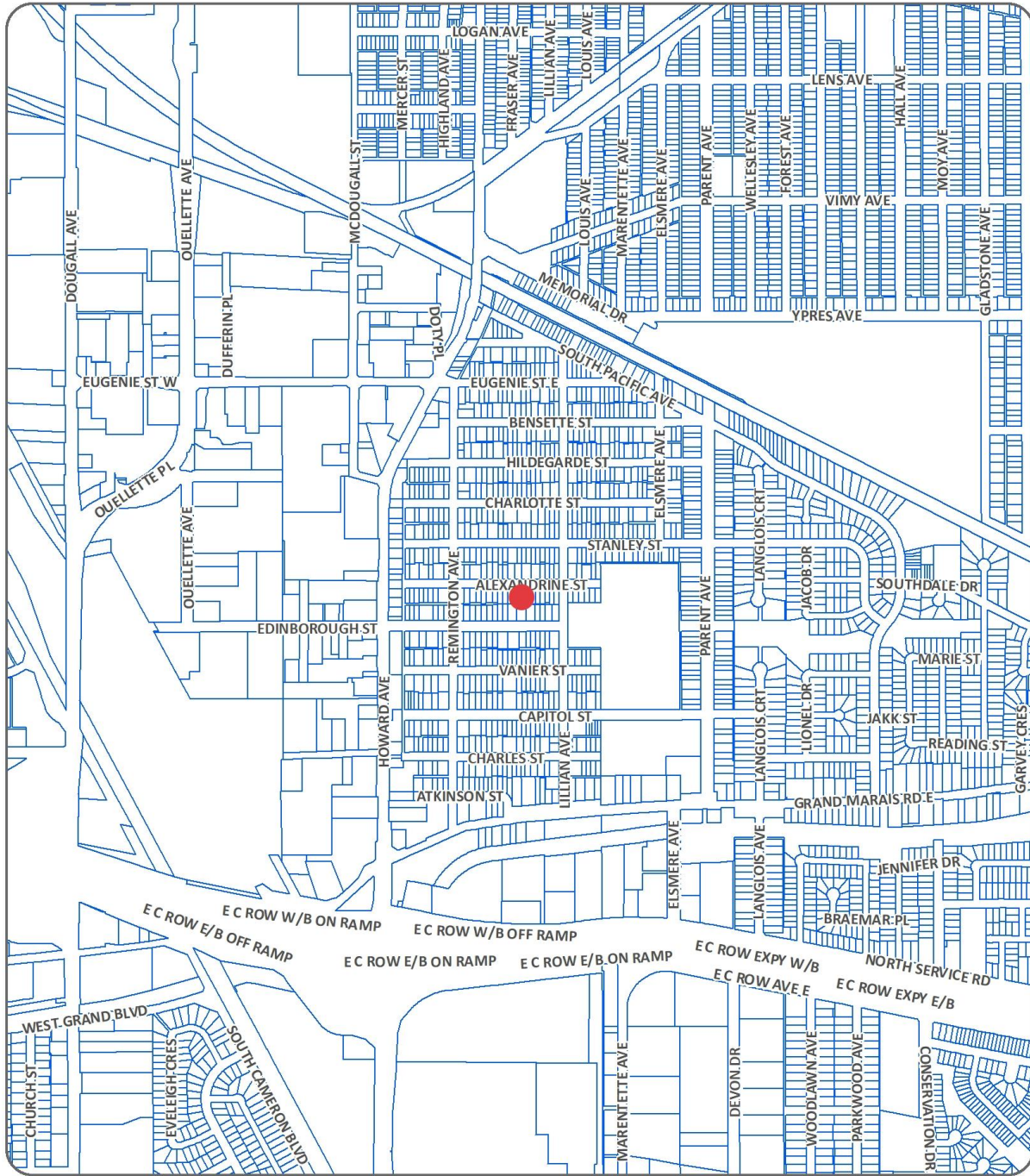
The applicant is requesting an amendment to Zoning By-law 8600 to change the zoning of the subject parcel from Residential District 1.3 (RD1.3) to Residential District 3.1 (RD3.1) to allow a townhome dwelling as an additional permitted use. The applicant proposes to construct a townhome dwelling with four dwelling units. Each dwelling unit will have an attached garage and a driveway to Alexandrine Street, and will have an approximate gross floor area of 185 m<sup>2</sup> (2,000 sq. ft.) which includes the attached garage and basement.

**Submitted Information:** Application Form; Land Transfer; Conceptual Site Plan, Elevation & Floor Plans (see Appendix A);

**Site Information:**

OFFICIAL PLAN	ZONING	CURRENT USE	PREVIOUS USE
Residential	Residential District 1.3 (RD1.3)	Vacant	Single Unit Dwelling
LOT WIDTH	LOT DEPTH	LOT AREA	LOT SHAPE
21.4 m	36.0 m	767.2 sq. m	Rectangular
70 ft	118.3 ft	8,260 sq. ft.	
<i>All measurements are provided by applicant and are approximate.</i>			

Figure 1: Key Map



KEY MAP - Z-045/21, ZNG-6634



● SUBJECT LANDS

**Figure 2: Subject Parcel - Rezoning**

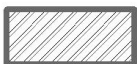


PART OF ZONING DISTRICT MAP 8

N.T.S.

## REZONING

Applicant: Avant Group Inc



SUBJECT LANDS

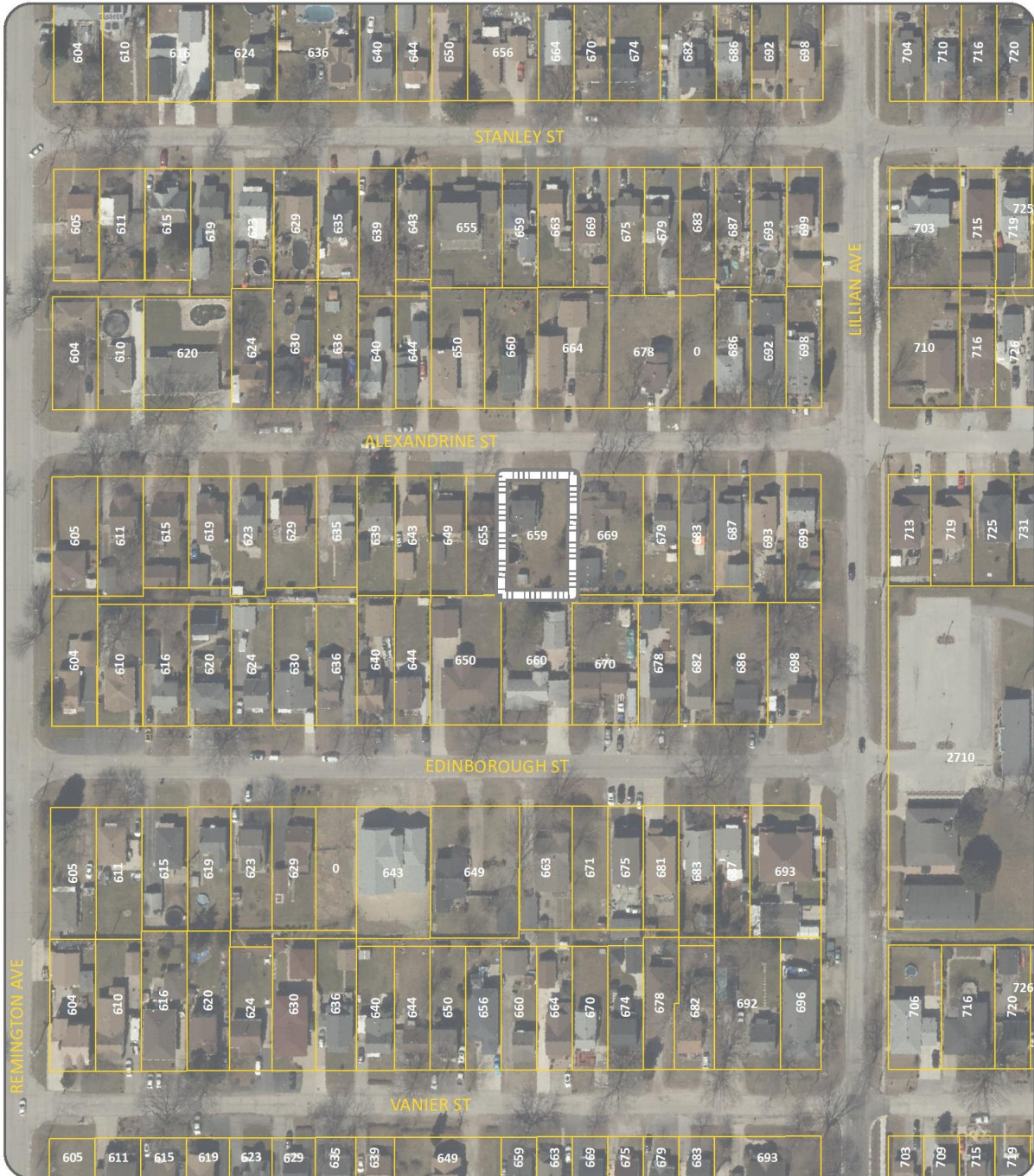
PLANNING & BUILDING DEPARTMENT



DATE : JANUARY, 2022  
FILE NO. : Z-045/21, ZNG/6634



Figure 3: Neighborhood Map



NEIGHBOURHOOD MAP - Z-045/21, ZNG/6634



SUBJECT LANDS

## **Neighbourhood Characteristics:**

The subject parcel is located in the Remington Park residential neighbourhood occupied by low density residential development. The predominant dwelling type is a single unit dwelling, interspersed with duplex, semi-detached, and townhome dwellings.

To the north, the residential area continues towards South Pacific Avenue and the CP Rail corridor. The rail corridor acts as a boundary between Remington Park and the South Walkerville neighbourhood north of the corridor. To the east are more residential uses and the Remington Booster Park, a large park that contains outdoor swimming facilities (pool, water slide and splash pad), accessible playground, playing fields, tennis and basketball courts and an off-leash dog park. Trails in the park connect with an east-west system of parkettes and trails that terminates at Southdale Park to the east (Southdale Drive at Bramley Crescent).

To the south are residential uses, the Grand Marais Drain (a major municipal drain) and the EC Row Expressway. Further south is Devonshire Mall, a large regional shopping centre. To the west, there are residential uses and the Howard Avenue commercial corridor with some existing industrial uses on the west side. Howard Avenue is a major north-south road in the City of Windsor and provides access to Highway 401.

The nearest school is Our Lady of Perpetual Help Catholic Elementary School, about 575 m walking distance to the southeast. The new Catholic Central High School on McDougall Avenue is about 1.2 km walking distance to the northwest.

Alexandrine Avenue, Remington Avenue and Lillian Avenue are classified as a Local Road and have a two-lane cross section with no curbs. Only Lillian Avenue has a sidewalk on the east side of the street. Howard Avenue to the west is designated a Class II Arterial with a five-lane cross section with a middle left turn lane, curbs and sidewalks. Parent Avenue to the east is classified as a Class II Collector Road. A future recreationway is proposed for Edinborough Street, one block to the south.

Transit Windsor operates the Transway 1A bus route on Howard Avenue with stops at Howard Avenue and Edinborough Street, just over 410 m walking distance to the southwest. The Parent 14 bus route is almost 600 m to the north at Eugenie Street and Remington Avenue. The Transit Master Plan proposes similar bus routes.

Storm and sanitary sewers are located in the Alexandrine right-of-way.

No municipal infrastructure or service deficiencies have been identified.

## **Discussion:**

### **Provincial Policy Statement, 2020**

The Provincial Policy Statement (PPS) provides direction on matters of provincial interest related to land use planning and development and sets the policy foundation for regulating the development and use of land in Ontario.

Policy 1.1.1 of the PPS states:

*“Healthy, liveable and safe communities are sustained by:*

- a) promoting efficient development and land use patterns which sustain the financial well-being of the Province and municipalities over the long term;*
- b) accommodating an appropriate affordable and market-based range and mix of residential types (including single-detached, additional residential units, multi-unit housing, affordable housing and housing for older persons), employment (including industrial and commercial), institutional (including places of worship, cemeteries and long-term care homes), recreation, park and open space, and other uses to meet long-term needs;*
- e) promoting the integration of land use planning, growth management, transit-supportive development, intensification and infrastructure planning to achieve cost-effective development patterns, optimization of transit investments, and standards to minimize land consumption and servicing costs;”*

The proposed townhome dwelling development represents an efficient development and land use pattern that will have no adverse impact on the financial well-being of the City of Windsor, land consumption, and servicing costs, accommodates an appropriate range of residential uses, and optimizes investments in transit. The requested zoning amendment is consistent with Policy 1.1.1 of the PPS.

Policy 1.1.3.1 of the PPS states:

*“Settlement areas shall be the focus of growth and development.”*

Policy 1.1.3.2 of the PPS states:

*“Land use patterns within settlement areas shall be based on densities and a mix of land uses which:*

- a) efficiently use land and resources;*
- b) are appropriate for, and efficiently use, the infrastructure and public service facilities which are planned or available, and avoid the need for their unjustified and/or uneconomical expansion;*
- e) support active transportation;*
- f) are transit-supportive, where transit is planned, exists or may be developed;”*

The subject parcel is located within the settlement area. The proposed townhome dwelling with four dwelling units promotes a land use that makes efficient use of land and existing infrastructure. Active transportation options and transit services are located near the parcel. The zoning amendment is consistent with PPS Policies 1.1.3.1 and 1.1.3.2.

The proposed amendment to Zoning By-law 8600 is consistent with the PPS.

## **Official Plan**

Relevant excerpts from the Official Plan are attached as Appendix C. The subject property is designated Residential on Schedule D: Land Use of the City of Windsor Official Plan.

Objective 6.3.1.1 supports a complementary range of housing forms and tenures in all neighbourhoods. Objective 6.3.1.2 seeks to promote compact neighbourhoods and balanced transportation systems. Objective 6.3.1.3 seeks to promote selective residential redevelopment, infill and intensification initiatives. The proposed townhome dwelling represents a complementary and compact form of housing, redevelopment, and intensification that is near sources of transportation. The zoning amendment satisfies the objectives set out in Section 6.5.1 of the Official Plan.

The proposed townhome dwelling is classified as a small-scale Low Profile housing development under Section 6.3.2.3 (a), a permitted use in the Residential land use designation (Section 6.3.2.1). The proposed development is compatible with the surrounding land uses (Section 6.3.2.5 (c)) and no deficiencies in municipal physical services and emergency services have been identified (Section 6.3.2.5 (e)). The zoning amendment conforms to the policies in Sections 6.3.2.1 and 6.3.2.5 of the Official Plan.

The zoning amendment conforms to the Zoning Amendment Policies, Section 11.6.3.1 and 11.6.3.3, of the Official Plan. The proposed change to Zoning By-law 8600 conforms to the general policy direction of the Official Plan.

## **Zoning By-Law**

Relevant excerpts from Zoning By-law 8600 are attached as Appendix D. The applicant is requesting a change from Residential District 1.3 (RD1.3) to a Residential District 3.1 (RD3.1), a zoning district that permits a townhome dwelling. For a townhome dwelling, Section 12.1.5.55 in RD3.1 redirects to the provisions in Section 11.2.5. Both the RD3.1 and RD2.2 zoning districts permit uses such as a multiple dwelling, residential care facility, lodging house, and religious residence that are not necessarily desirable or compatible. Instead, Planning recommends a site specific exception that permits a townhome dwelling as an additional permitted use,

Based on the conceptual site plan, lot width, front yard depth, and rear yard depth exceed the minimum required by RD2.2, and lot coverage and main building height are less than the maximum allowed by RD2.2.

For a townhome dwelling, RD2.2 requires a minimum lot area of 200 m<sup>2</sup> per dwelling unit and a minimum side yard width of 1.5 m. The total area is about 767 m<sup>2</sup>, which is just over 191 m<sup>2</sup> per unit, resulting in a deficiency of 9 m<sup>2</sup> per dwelling unit. Planning recommends a minimum lot area per dwelling unit of 191 m<sup>2</sup>.

The conceptual plan shows a minimum side yard width of 1.20 m. This is consistent with the RD1.3 zoning requirement of 1.20 m and consistent with several housekeeping amendments where the minimum side yard width for low profile low density dwellings with similar massing (maximum building height of 10 m, minimum front yard depth of 6 m, minimum rear yard depth of 7.5 m and maximum lot coverage of 45%) has been standardized to 1.20 m. The Planning Department recommends a minimum side yard width of 1.20 m.

The deficiencies in minimum lot area per dwelling unit and minimum side yard width are minor in nature and will have not any adverse impact on the use and enjoyment of the proposed townhome dwelling units or adjacent or nearby lots and dwellings.

One parking space per dwelling unit is required and the conceptual plan shows four attached garages with a driveway which complies.

No other zoning deficiencies have been identified.

### **Site Plan Control**

The proposed townhome dwelling with four dwelling units is not subject to site plan control.

### **Climate Change Risks**

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

In general, residential intensification will minimize the impacts on the community greenhouse gas emissions as these developments create complete communities and neighbourhoods while using currently available infrastructure such as sewers, sidewalks, and public transit.

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

The proposed construction of a townhome dwelling with four dwelling units will provide an opportunity to increase resiliency for the development and surrounding area.

#### **Financial Matters:**

N/A

#### **Consultations:**

Comments received from municipal departments and external agencies are attached as Appendix E. There are no objections to the proposed amendment. Any specific requirements will be handled during the building permit process.

Public Notice: Statutory notice was advertised in the Windsor Star, a local daily newspaper. A courtesy notice was mailed to property owners and residents within 120m of the subject parcel.

#### **Planner's Opinion:**

The *Planning Act* requires that a decision of Council in respect of the exercise of any authority that affects a planning matter, "*shall be consistent with*" Provincial Policy Statement 2020. The requested zoning amendment has been evaluated for consistency with the Provincial Policy Statement 2020 and conformity with the policies of the City of Windsor Official Plan.

Based on the information presented in this report, it is my opinion that an amendment to Zoning By-law 8600 to rezone the subject parcel by adding a site specific exception to

permit a townhome dwelling subject to the additional provisions listed, is consistent with the PPS 2020, is in conformity with the City of Windsor Official Plan and constitutes good planning.

**Conclusion:**

Staff recommend that Zoning By-law 8600 be amended to permit a rezoning of the subject parcel by adding a site specific exception to allow the construction of a townhome dwelling.

**Planning Act Matters:**

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

*Neil Robertson, MCIP, RPP  
Manager of Urban Design*

*Thom Hunt, MCIP, RPP  
City Planner*

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

SAH JR

**Approvals:**

Name	Title
Neil Robertson	Manager of Urban Design / Deputy City Planner
Thom Hunt	City Planner / Executive Director, Planning & Development Services
Wira Vendrasco	Deputy City Solicitor, Legal Services & Real Estate
Shelby Askin Hager	Commissioner, Legal & Legislative Services
Jason Reynar	Chief Administrative Officer

**Notifications:**

Name	Address	Email
Avant Group Inc. (Mohammad Hanash)	5980 Tecumseh Road East, Windsor, ON N8T 1E3	mohammad@avantgroupincorp.com
M.N.D. Construction Inc. (Maher Al Ouf)	5139 Preservation Cir. Mississauga, ON L5M 7T4	maloaf@yahoo.com
Councillor Jim Morrison		jmorrison@citywindsor.ca
Property owners and tenants within 120 m of the subject parcel		

**Appendices:**

- 1 Appendix A - Site Plan Floor Plans and Elevations
- 2 Appendix B - Site Images
- 3 Appendix C - Extracts from Official Plan
- 4 Appendix D - Extracts from Zoning By-law 8600
- 5 Appendix E - Consultations

NOTE: THIS DESIGNER HAS DESIGNED THESE PLANS AS PER COMPLIANCE PACKAGE A1 OF TABLE 3.1.1.2.A OF THE O.B.C. IF THE HOME OWNER OR CONTRACTOR WISHES TO USE SOMETHING OTHER THEN WHAT IS DEPICTED THEY MUST NOTIFY THIS DESIGNER AND THE APPROPRIATE BUILDING DEPARTMENT.

NOTE: THE GENERAL CONTRACTOR MAY / CAN CHANGE ANY DOORS, WINDOWS, MATERIALS, OR EXTERIOR DETAILS TO MEET THE CONTRACT BETWEEN THE G.C. AND HIS/HER CLIENT. THE G.C. IS TO NOTIFY THIS DESIGNER OF ANY CHANGES THAT ARE MADE TO THESE DRAWINGS.

NOTE:  
G.C. TO CONFIRM WALL SYSTEM TO INCLUDE NO LOW PERMEANCE MATERIALS as per 9.25.5.1. of O.B.C.  
OTHERWISE G.C. MUST ENSURE WALL ASSEMBLY MEETS 9.25.5.2. of O.B.C.

**DRAWING LIST**

A-1	Site 1 - Property Plan, Wall Section And Schedule
A-2 & 3	Plans 1 - Basement & First Floors 2 - Second Floor & Roof layout
A-2	Elevations 1 - Front, Back And Sides

ADDRESS: PLAN 1106 LOTS 94 & 95 & PT  
659 ALEXANDRINE ST  
WINDSOR, ON

ZONE: PROPOSED RD 3.1

SITE AREA: 8,260.0 sf  
COVERAGE ALLOWANCE: 45% (3,717) sf  
PROPOSED COVERAGE: 30.8% (3,381) sf  
SETBACKS: AS SHOWN  
ALLOWABLE HEIGHT: 32'  
PROPOSED HEIGHT: 27'

AREA:  
UNIT PER UNIT  
UNFINISHED BASEMENT : (584) sf  
BACK PORCH : (126) sf

GARAGE : (260) sf  
1st FLOOR : (593) sf  
2nd FLOOR : (571) sf  
TOTAL : (1,424) sf

NOTE: SECTIONS CURRENTLY DEPICT SB-12 COMPLIANCE PACKAGE "A1" WHICH INCLUDES MINIMUMS OF:  
- CEILING w/ATTIC SPACE = R-60  
- CEILING w/o ATTIC SPACE = R-31  
- EXPOSED FLOOR = R-31  
- WALLS ABOVE GRADE = R-22  
- EDGE OF BELOW GRADE SLAB < 600mm BELOW GRADE = R-10  
- HEATED SLAB OR SLAB < 600mm BELOW GRADE = R-10  
- WINDOWS/SLIDING GLASS DOORS MAX. U VALUE = 0.28 (1.6)  
- SKYLIGHTS MAX. U VALUE = 0.49 (2.8)  
- SPACE HEATING EQUIP. MIN. AFUE = 96%  
- HRV MIN. EFFICIENCY = 75%  
- DOMESTIC HOT WATER HEATER MIN. EF. = 0.8



- GENERAL NOTES:**
- 1) DO NOT SCALE DRAWINGS.
  - 2) VERIFY ALL DIMENSIONS AND EXISTING CONDITIONS AS REQUIRED PRIOR TO BIDDING AND COMMENCEMENT OF WORK.
  - 3) COORDINATE ARCHITECTURAL, STRUCTURAL, MECHANICAL AND ELECTRICAL DRAWINGS PRIOR TO COMMENCEMENT OF WORK.
  - 4) SHOULD ANY CONFLICTS AND/OR DISCREPANCIES ARISE, NOTIFY THE ARCHITECT / ENGINEER IMMEDIATELY, IN WRITING PRIOR TO PROCEEDING WITH ANY WORK.
  - 5) ALL WORK SHALL COMPLY OR EXCEED THE REQUIREMENTS OF THE ONTARIO BUILDING CODE, FIRE CODE, PLUMBING CODE, ELECTRICAL CODE AND LOCAL BY-LAWS.

No.	DATE	ISSUED FOR
2	20 OCT. '21	PRE-SUBMISSION
1	9 OCT. '21	PRE-SUBMISSION
1	1 SEPT. '21	CLIENT REVIEW
1	20 JAN. '21	CLIENT REVIEW

PROJECT: 2021-13

**RESIDENTIAL UNITS  
659 ALEXANDRINE ST  
WINDSOR, ONTARIO**

DESIGNED BY: M.H.

SCALE: AS SHOWN

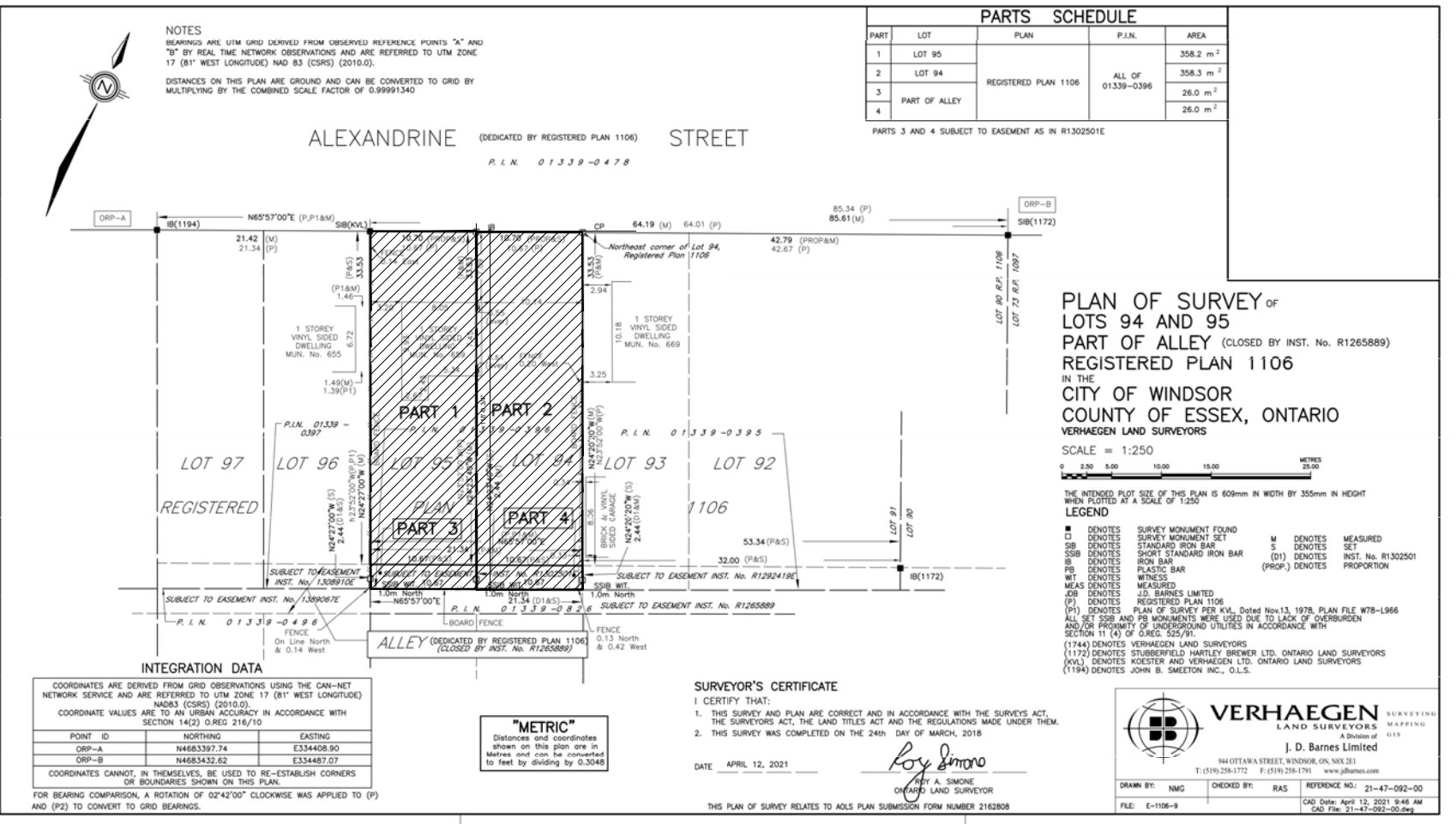
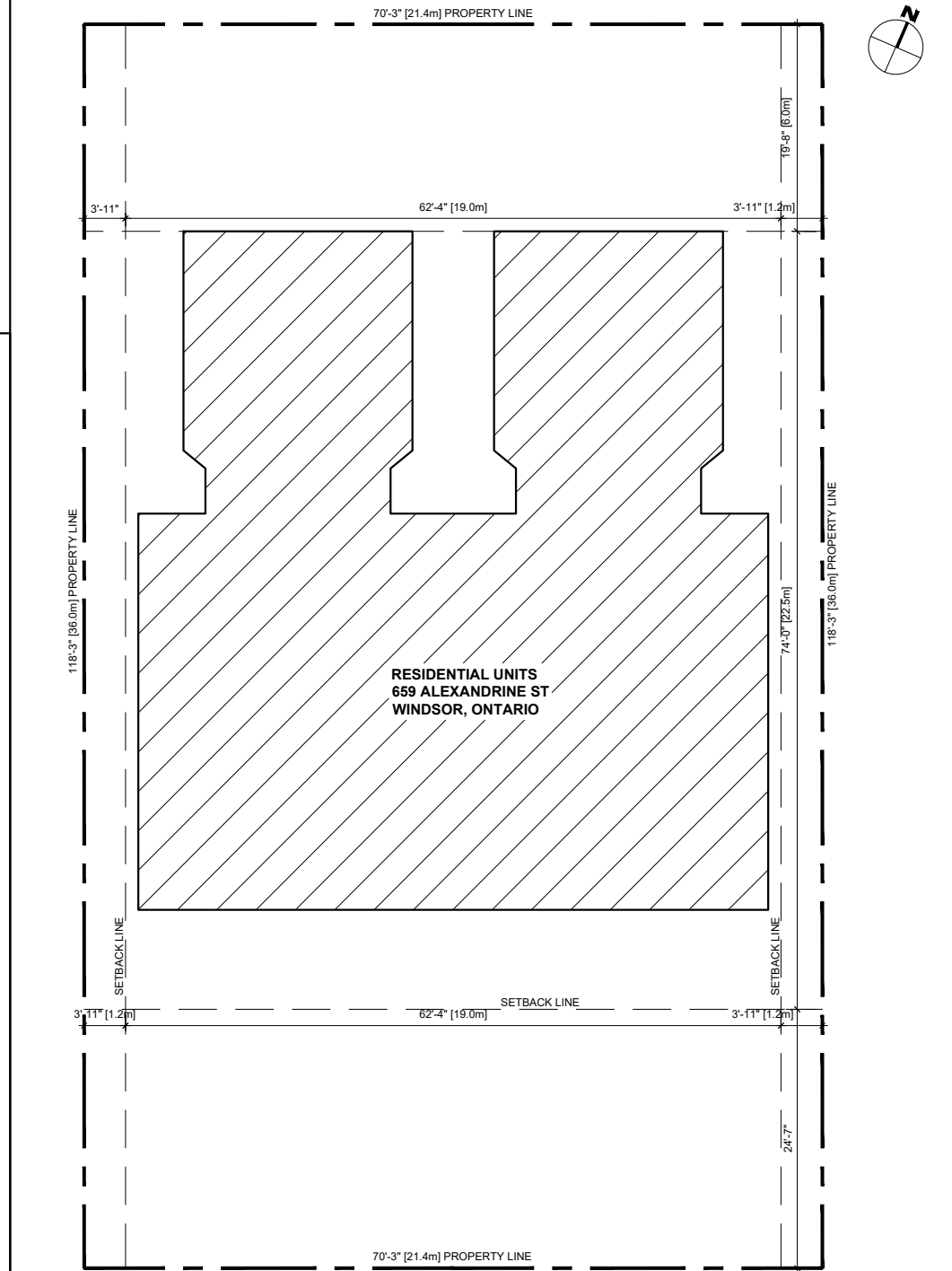
DATE: JULY 2021

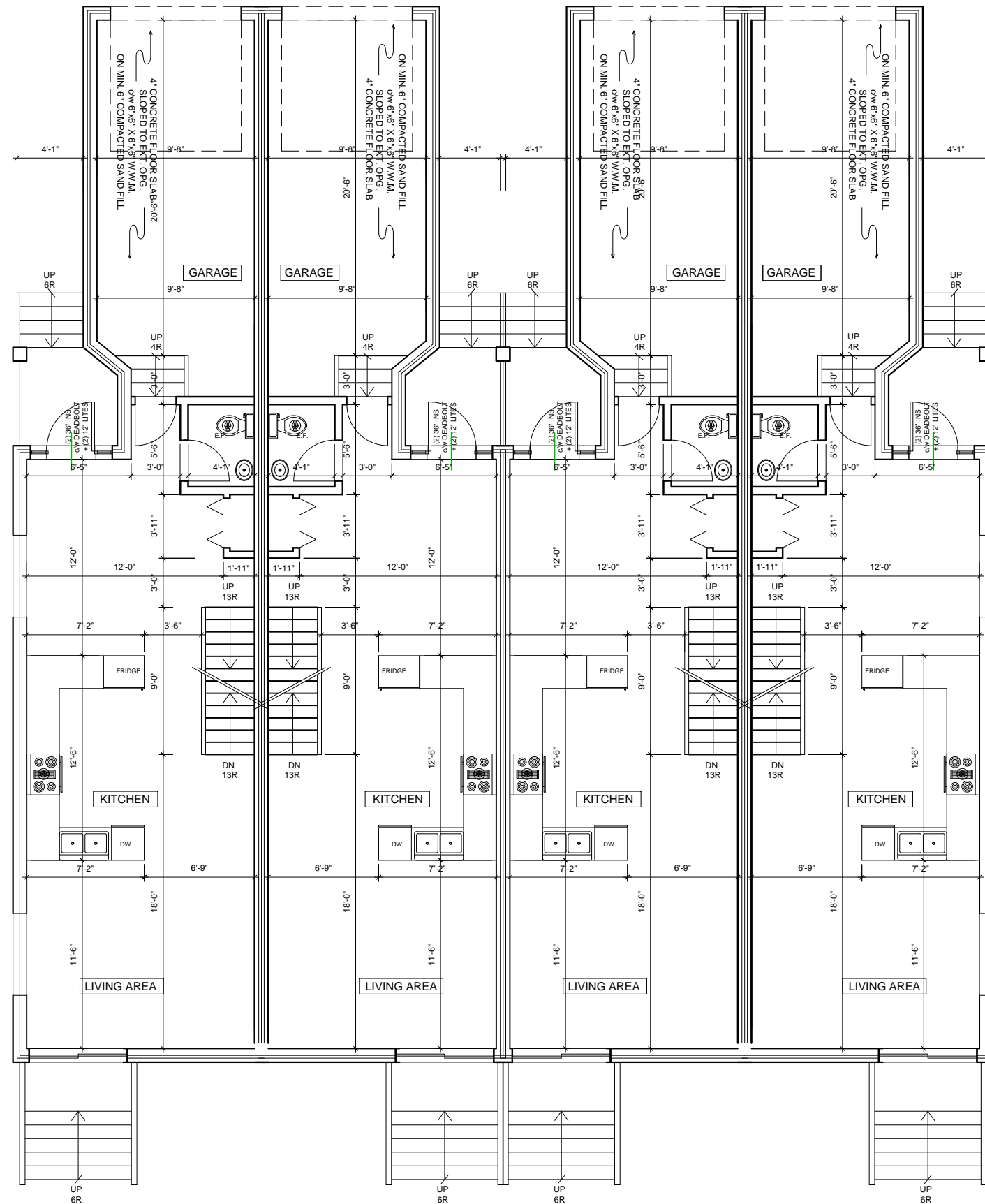
DRAWN BY: M.H.

CHECKED BY: M.H.

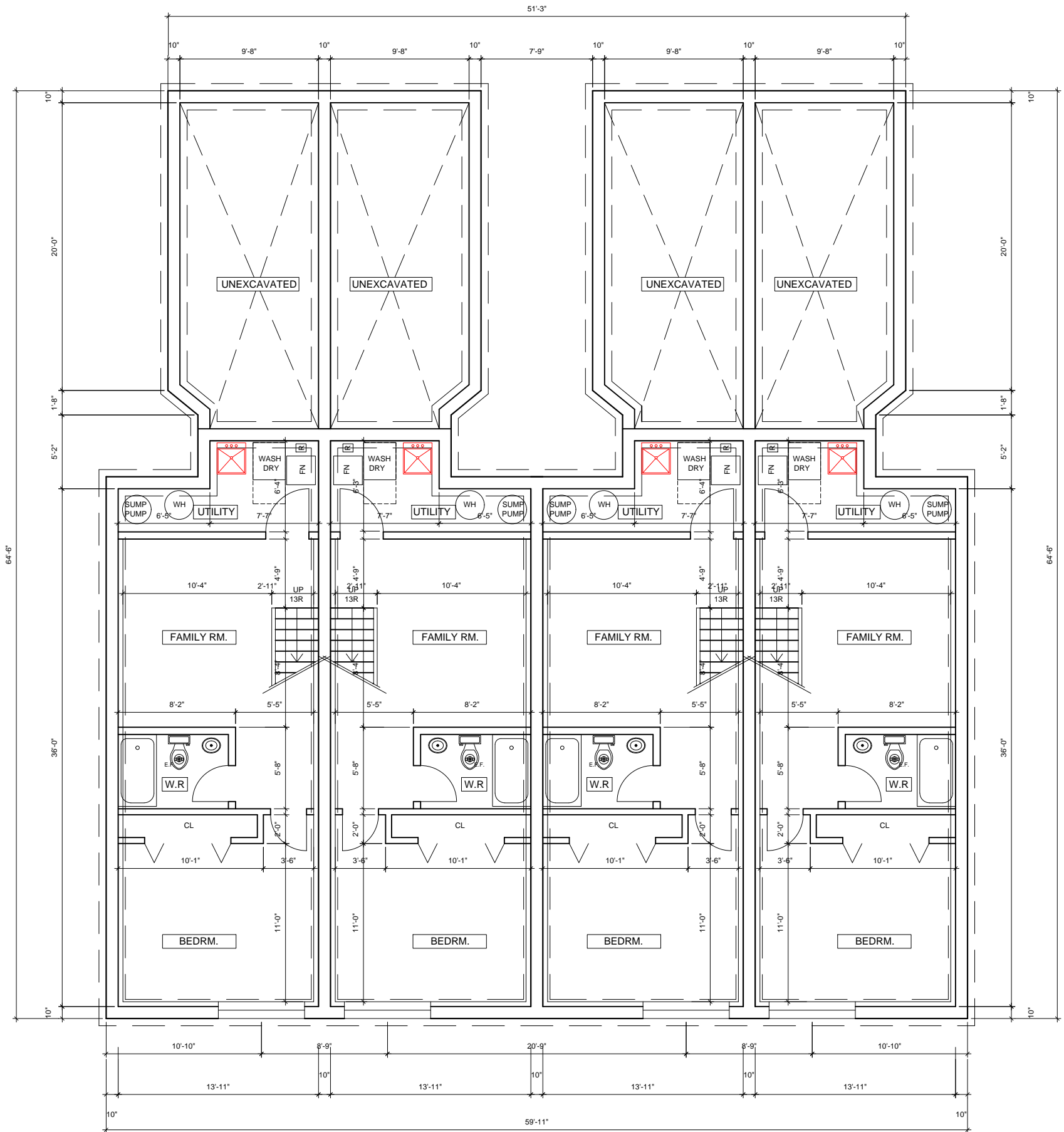
DRAWING TITLE:  
**SITE PLAN**

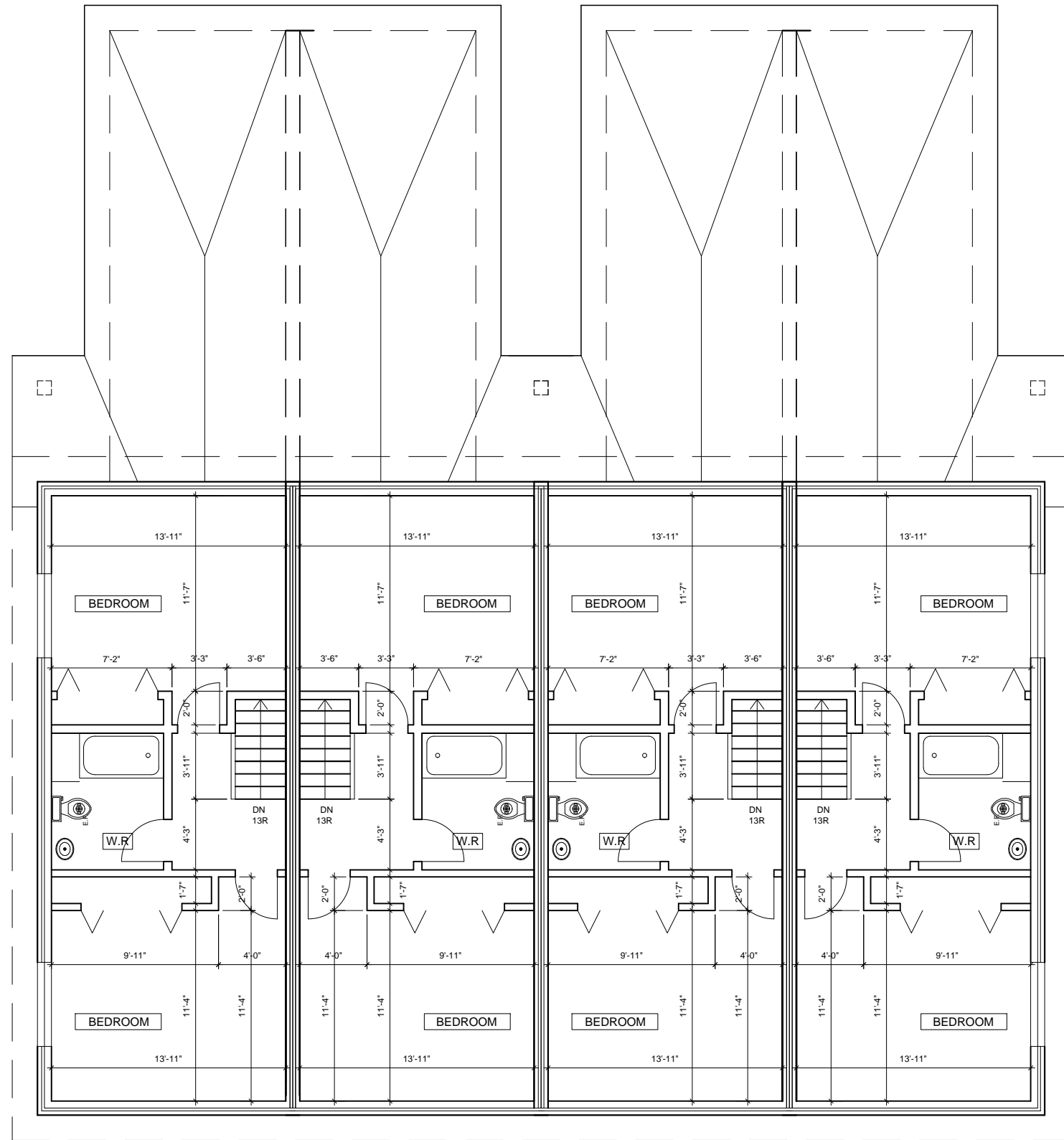
DRAWING No.: A-1





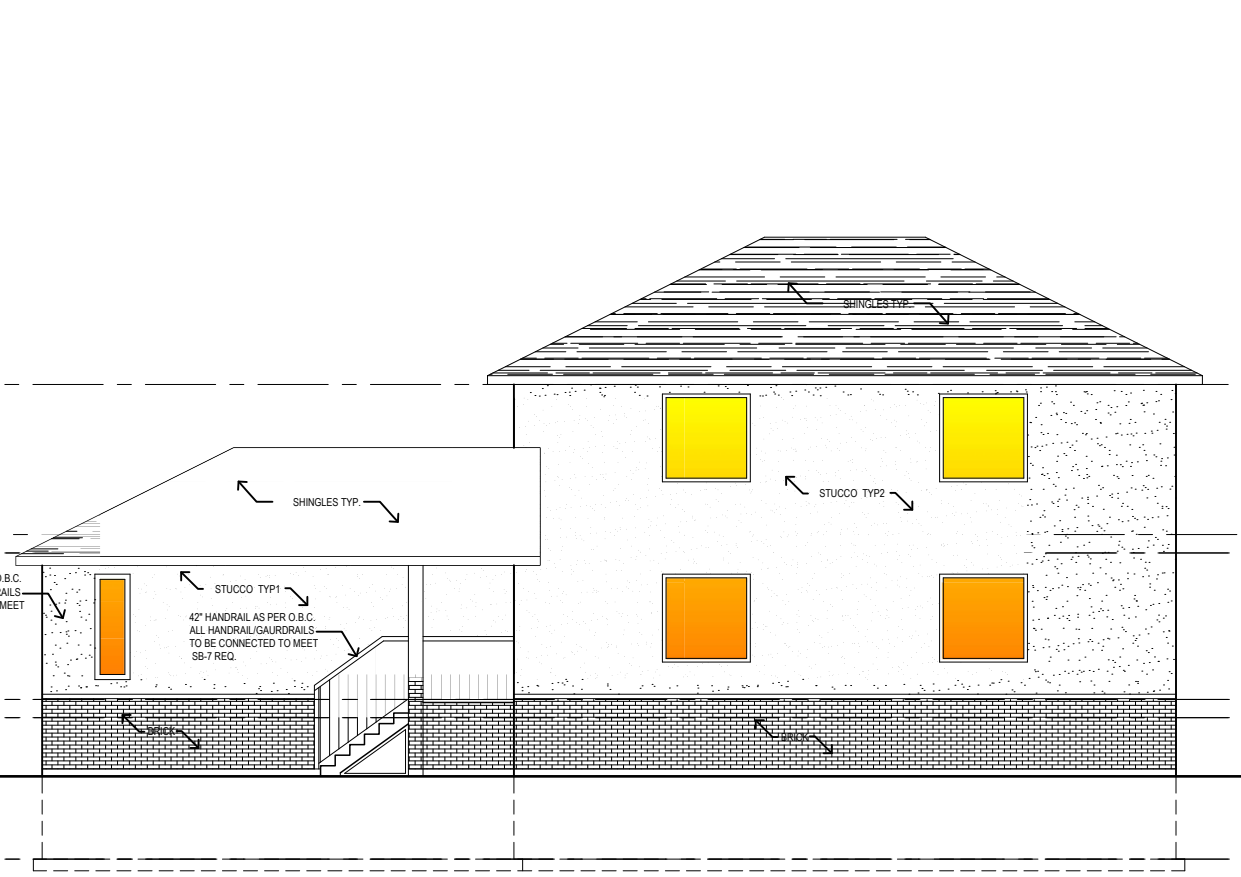




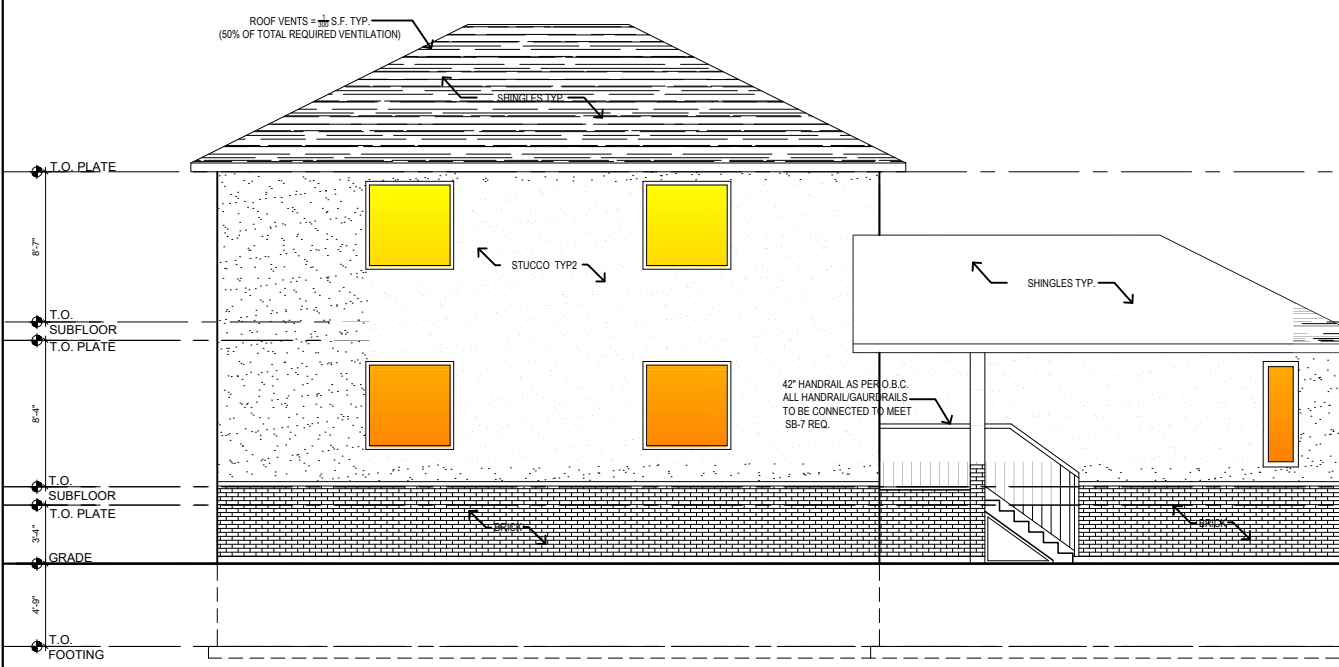




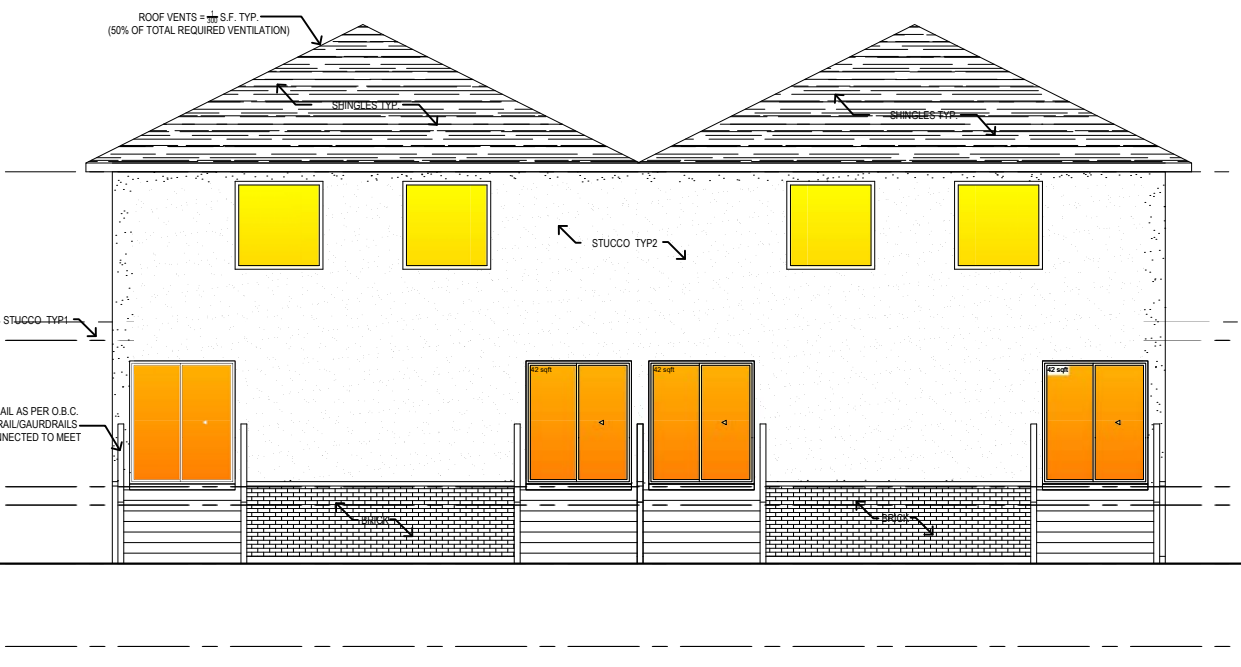
1 FRONT ELEVATION  
A-5 3/16"=1'-0"



2 WEST ELEVATION  
A-5 3/16"=1'-0"



3 EAST ELEVATION  
A-5 3/16"=1'-0"



4 REAR ELEVATION  
A-5 3/16"=1'-0"

- GENERAL NOTES:
- 1) DO NOT SCALE DRAWINGS.
  - 2) VERIFY ALL DIMENSIONS AND EXISTING CONDITIONS AS REQUIRED PRIOR TO BIDDING AND COMMENCEMENT OF WORK.
  - 3) COORDINATE ARCHITECTURAL, STRUCTURAL, MECHANICAL AND ELECTRICAL DRAWINGS PRIOR TO COMMENCEMENT OF WORK.
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No.	DATE	ISSUED FOR
2	20 OCT. '21	PRE-SUBMISSION
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PROJECT: 2020-13

RESIDENTIAL UNITS  
659 ALEXANDRINE ST  
WINDSOR, ONTARIO

DESIGNED BY: M.H.

SCALE: AS SHOWN

DATE: JULY 2020

DRAWN BY: M.H.

CHECKED BY: M.H.

DRAWING TITLE:  
ELEVATIONS

DRAWING No.:  
A-5

**APPENDIX B - SITE IMAGES  
(Google Street View)**

**IMAGE 1**



**Subject Parcel – 659 Alexandrine Street - Looking south  
(Parcel is now vacant)**

**IMAGE 2**



**Looking west on Alexandrine towards Remington Avenue  
Subject parcel is on the left side of the image**



**IMAGE 3**

**Looking north from subject parcel**



**IMAGE 4**

**Looking east on Alexandrine Street towards Lillian Avenue  
Subject parcel is on the right side of the image, behind the green/silver pickup truck**

## APPENDIX C - Extracts from City of Windsor Official Plan

### VOLUME I – LAND USE

#### 6.3 Residential

The lands designated as “Residential” on Schedule D: Land Use provide the main locations for housing in Windsor outside of the City Centre Planning District. In order to develop safe, caring and diverse neighbourhoods, opportunities for a broad range of housing types and complementary services and amenities are provided.

The following objectives and policies establish the framework for development decisions in Residential areas.

##### 6.3.1 Objectives

<i>RANGE OF FORMS &amp; TENURES</i>	6.3.1.1	To support a complementary range of housing forms and tenures in all neighbourhoods.
<i>NEIGHBOURHOODS</i>	6.3.1.2	To promote compact neighbourhoods which encourage a balanced transportation system.
<i>INTENSIFICATION, INFILL &amp; REDEVELOPMENT</i>	6.3.1.3	To promote selective residential redevelopment, infill and intensification initiatives.

##### 6.3.2 Policies

In order to facilitate the orderly development and integration of housing in Windsor, the following policies shall apply.

<i>PERMITTED USES</i>	6.3.2.1	Uses permitted in the Residential land use designation identified on Schedule D: Land Use include Low, Medium and High Profile dwelling units.
<i>TYPES OF LOW PROFILE HOUSING</i>	6.3.2.3	For the purposes of this Plan, Low Profile housing development is further classified as follows: <ul style="list-style-type: none"> <li>(a) small scale forms: single detached, semi-detached, duplex and row and multiplexes with up to 8 units; and</li> <li>(b) large scale forms: buildings with more than 8 units.</li> </ul>

*EVALUATION  
CRITERIA FOR A  
NEIGHBOURHOOD  
DEVELOPMENT  
PATTERN*

6.3.2.5

At the time of submission, the proponent shall demonstrate to the satisfaction of the Municipality that a proposed residential development within an area having a Neighbourhood development pattern is:

- (a) feasible having regard to the other provisions of this Plan, provincial legislation, policies and appropriate guidelines and support studies for uses:
  - (i) within or adjacent to any area identified on Schedule C: Development Constraint Areas and described in the Environment chapter of this Plan;
  - (ii) adjacent to sources of nuisance, such as noise, odour, vibration and dust;
  - (iii) within a site of potential or known contamination;
  - (iv) where traffic generation and distribution is a provincial or municipal concern; and
  - (v) adjacent to heritage resources.
- (b) in keeping with the goals, objectives and policies of any secondary plan or guideline plan affecting the surrounding area;
- (c) compatible with the surrounding area in terms of scale, massing, height, siting, orientation, setbacks, parking and amenity areas;
- (d) provided with adequate off street parking;
- (e) capable of being provided with full municipal physical services and emergency services; and
- (f) facilitating a gradual transition from Low Profile residential development to Medium and/or High profile development and vice versa, where appropriate.

**VOLUME I – TOOLS****11.6.3 Zoning By-law Amendment Policies***AMENDMENTS  
MUST CONFORM*

11.6.3.1 All amendments to the Zoning By-law(s) shall conform with this Plan. The Municipality will, on each occasion of approval of a change to the zoning by-law(s), specify that conformity with the Official Plan is maintained or that the change will be in conformity upon the coming into effect of an amendment to the Official Plan.

*EVALUATION  
CRITERIA*

11.6.3.3 When considering applications for Zoning By-law amendments, Council shall consider the policies of this Plan and will, without limiting the generality of the foregoing, consider such matters as the following:

- (a) The relevant evaluation criteria contained in the Land Use Chapter of this Plan, Volume II: Secondary Plans & Special Policy Areas and other relevant standards and guidelines;
- (b) Relevant support studies;
- (c) The comments and recommendations from municipal staff and circularized agencies;
- (d) Relevant provincial legislation, policies and appropriate guidelines; and
- (e) The ramifications of the decision on the use of adjacent or similar lands.



## SECTION 3 – DEFINITIONS

### 3.10 DEFINITIONS

**DWELLING** means a *building* or *structure* that is occupied for the purpose of human habitation. A *correctional institution, hotel, motor home, recreational vehicle, tent, tent trailer, or travel trailer* is not a *dwelling*.

**SINGLE UNIT DWELLING** means one *dwelling* having one *dwelling unit* or, where permitted by Section 5.99.80, one dwelling having two *dwelling units*. A single family dwelling is a single unit dwelling. A *duplex dwelling, mobile home dwelling, semi-detached dwelling unit, or townhome dwelling unit*, is not a single unit dwelling.

**TOWNHOME DWELLING** means one *dwelling* vertically divided into a row of three or more *dwelling units* attached by common interior walls, each wall having a minimum area above *grade* of 10.0 sq. m., and may include, where permitted by Section 5.99.80, additional dwelling units. A *semi-detached dwelling* is not a *townhome dwelling*.

**DWELLING UNIT** means a unit that consists of a self-contained set of rooms located in a *building* or *structure*, that is used or intended for use as residential premises, and that contains kitchen and bathroom facilities that are intended for the use of the unit only.

**TOWNHOME DWELLING UNIT** means one *dwelling unit* in a *townhome dwelling*, and may include, if permitted by Section 5.99.80, one additional *dwelling unit*.

## SECTION 10 - RESIDENTIAL DISTRICTS 1. (RD1.)

### 10.3 RESIDENTIAL DISTRICT 1.3 (RD1.3)

#### 10.3.1 PERMITTED USES

*Existing Duplex Dwelling*

*Existing Semi-Detached Dwelling*

*One Single Unit Dwelling*

Any use accessory to the preceding uses

#### 10.3.5 PROVISIONS

	Duplex Dwelling	Semi-Detached Dwelling	Single Unit Dwelling
.1 Lot Width – minimum	9.0 m	15.0 m	9.0 m
.2 Lot Area – minimum	360.0 m <sup>2</sup>	450.0 m <sup>2</sup>	270.0 m <sup>2</sup>
.3 Lot Coverage – maximum	45.0%	45.0%	45.0%
.4 Main Building Height – maximum	10.0 m	10.0 m	10.0 m
.5 Front Yard Depth – minimum	6.0 m	6.0 m	6.0 m
.6 Rear Yard Depth – minimum	7.50 m	7.50 m	7.50 m
.7 Side Yard Width – minimum	1.20 m	1.20 m	1.20 m

**SECTION 11 - RESIDENTIAL DISTRICTS 2. (RD2.)****11.2 RESIDENTIAL DISTRICT 2.2 (RD2.2)****11.2.1 PERMITTED USES***One Double Duplex Dwelling**One Duplex Dwelling**One Multiple Dwelling containing a maximum of four dwelling units**One Semi-Detached Dwelling**One Single Unit Dwelling**Townhome Dwelling*

Any use accessory to any of the preceding uses

**11.2.5 PROVISIONS****.1 Duplex Dwelling**

.1	Lot Width – minimum	12.0 m
.2	Lot Area – minimum	360.0 m <sup>2</sup>
.3	Lot Coverage – maximum	45.0%
.4	Main Building Height – maximum	10.0 m
.5	Front Yard Depth – minimum	6.0 m
.6	Rear Yard Depth – minimum	7.50 m
.7	Side Yard Width – minimum	1.20 m

**.2 Semi-Detached Dwelling**

.1	Lot Width – minimum	15.0 m
.2	Lot Area – minimum	450.0 m <sup>2</sup>
.3	Lot Coverage – maximum	45.0%
.4	Main Building Height – maximum	10.0 m
.5	Front Yard Depth – minimum	6.0 m
.6	Rear Yard Depth – minimum	7.50 m
.7	Side Yard Width – minimum	1.20 m

**.3 Single Unit Dwelling**

.1	Lot Width – minimum	9.0 m
.2	Lot Area – minimum	270.0 m <sup>2</sup>
.3	Lot Coverage – maximum	45.0%
.4	Main Building Height – maximum	10.0 m
.5	Front Yard Depth – minimum	6.0 m
.6	Rear Yard Depth – minimum	7.50 m
.7	Side Yard Width – minimum	1.20 m

.4 Double Duplex Dwelling or Multiple Dwelling		
.1	Lot Width – minimum	18.0 m
.2	Lot Area – minimum	540.0 m <sup>2</sup>
.3	Lot Coverage – maximum	45.0%
.4	Main Building Height – maximum	10.0 m
.5	Front Yard Depth – minimum	6.0 m
.6	Rear Yard Depth – minimum	7.50 m
.7	Side Yard Width – minimum	1.80 m
.5 Townhome Dwelling		
.1	Lot Width – minimum	20.0 m
.2	Lot Area – per <i>dwelling unit</i> – minimum	200.0 m <sup>2</sup>
.3	Lot Coverage – maximum	45.0%
.4	Main Building Height – maximum	10.0 m
.5	Front Yard Depth – minimum	6.0 m
.6	Rear Yard Depth – minimum	7.50 m
.7	Side Yard Width – minimum	1.50 m

**SECTION 12 - RESIDENTIAL DISTRICTS 3. (RD3.)**

**12.1 RESIDENTIAL DISTRICT 3.1 (RD3.1)**

**12.1.1 PERMITTED USES**

<i>Double Duplex Dwelling</i>	<i>Residential Care Facility</i>
<i>Duplex Dwelling</i>	<i>Semi-Detached Dwelling</i>
<i>Lodging House</i>	<i>Single Unit Dwelling (Existing)</i>
<i>Multiple Dwelling</i>	<i>Townhome Dwelling</i>
<i>Religious Residence</i>	
Any use accessory to any of the preceding uses	

**12.1.5 PROVISIONS**

.1	Lot Frontage – minimum	18.0 m
.2	Lot Area – minimum	
	For a <i>corner lot</i> having a minimum frontage of 30.0 m on each of the <i>exterior lot lines</i> :	
	a) For the first 5 <i>dwelling units</i>	540.0 m <sup>2</sup>
	b) For each additional <i>dwelling unit</i>	67.0 m <sup>2</sup> per unit
	For any other <i>lot</i> :	
	c) For the first 4 <i>dwelling units</i>	540.0 m <sup>2</sup>
	d) For each additional <i>dwelling unit</i>	85.0 m <sup>2</sup> per unit
.3	Lot Coverage – maximum	35.0%

- .4 Main Building Height – maximum
  - Corner Lot* 14.0 m
  - Interior Lot* 10.0 m
- .5 Front Yard Depth – minimum 6.0 m
- .6 Rear Yard Depth – minimum 7.50 m
- .7 Side Yard Width – minimum
  - a) Where a *habitable room window* of any *dwelling unit* faces a *side lot line* 6.0 m
  - b) Any other side yard 3.0 m
- .8 Landscaped Open Space Yard – minimum 35.0% of *lot area*
- .50 A *Lodging House* for the accommodation of 10 persons or less, and any use accessory thereto, shall comply with the *Single Unit Dwelling* provisions of Section 10.1.5 and further, the whole of the *building* shall be used for a *Lodging House*, including any *accessory use*.
- .55 A *Double Duplex Dwelling, Duplex Dwelling, Multiple Dwelling* having a maximum of 4 *dwelling units, Semi-Detached Dwelling* or *Townhome Dwelling*, or an addition to an *existing Single Unit Dwelling*, and any use accessory thereto, shall comply with the provisions of Section 11.2.5.

## APPENDIX E - Results of Circulation

### CANADA POST

No objections/comments

### CITY OF WINDSOR – BUILDING DEPARTMENT - BARBARA RUSAN

Comments from the City of Windsor, Building Department relating to the subject line matter are as follows:

The Building Code Act, Section 8.(1) requires that a building permit be issued by the Chief Building Official for construction or demolition of a building.

Review of the proposed project construction for compliance to the Ontario Building Code has not yet been conducted.

The building permit review process occurs after a development application receives approval and once a building permit application has been submitted to the Building Department and deemed a complete application.

It is strongly recommended that the owner and/or applicant contact the Building Department for any questions relating to determining building permit needs for the proposed project.

The City of Windsor Building Department can be reach at 519-255-6267 or through email at [buildingdept@citywindsor.ca](mailto:buildingdept@citywindsor.ca)

### CITY OF WINDSOR – ENGINEERING & ROW – PATRICK WINTERS

The subject lands are located at 659 Alexandrine St, designated Residential by the City of Windsor Official Plan and zoned Residential District 1.3 (RD1.3) by Zoning By-Law 8600. The applicant is requesting an amendment to Zoning By-law 8600 to allow for a townhome dwelling as an additional permitted use. The applicant proposes to construct a townhome dwelling with four dwelling units each with an attached garage and driveway in the front yard. This Department has reviewed the servicing requirements relative to a Rezoning Application and offer the following comments:

**Sewers** - The site may be serviced by a 250mm PVC sanitary sewer and a 300mm CP storm sewer, located within the Alexandrine St 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.P1.3.3. The applicant will be required to submit lot grading and site servicing drawings to the satisfaction of the City Engineer.

**Right-Of-Way** - Schedule X of the Official Plan classifies Alexandrine St as a local road, requiring a right-of-way width of 20.m. The current right-of-way is sufficient at 20m; therefore, land conveyance is not required. Driveways shall be constructed as per AS-221 or AS-222, complete with straight flares, no raised curbs within the right-of-way and maintain 1m clearance from any vertical object.

Sewer and Driveway Permits will be issued based on the type of structure to be built. If the applicant proceeds with a townhome, one (1) driveway permit and one (1) connection permit to the storm and sanitary sewers will be required for each unit.

In summary we have no objection to the proposed redevelopment, subject to the following requirements (Requirements can be enforced prior to issuance of Building and Right-of-Way Permits):

**Right-of-Way Permits** – The owner agrees to obtain right-of-way permits for sewer taps, drain taps, flatworks, landscaping, curb cuts, and driveway approaches from the City Engineer, prior to commencement of any construction on the public highway.

## APPENDIX E - Results of Circulation

**Video Inspection (connection)** - The owner further agrees, at its entire expense and to the satisfaction of the City Engineer:

1. To undertake a video inspection, of any existing connections proposed for reuse to ensure the suitability of the connection for use in accordance with City of Windsor Standard Specifications S-32 CCTV Sewer Inspection.
2. Any redundant connections will be abandoned according to the City of Windsor Engineering Best Practice B.P.1.3.3.

Any new Connections to combined sewers will follow City of Windsor Engineering Best Practice B.P.1.1.1.

### **CITY OF WINDSOR – PLANNING DEPARTMENT – HERITAGE PLANNER**

There is no apparent built heritage concern with this property and it is located on an area of low archaeological potential. Nevertheless, the Applicant should be notified of the following archaeological precaution.

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

Contacts:

Windsor Planning & Building Department:

519-255-6543 x6179, ktang@citywindsor.ca, planningdept@citywindsor.ca

Windsor Manager of Culture and Events (A):

Michelle Staadegaard, (O) 519-253-2300x2726, (C) 519-816-0711,  
mstaadegaard@citywindsor.ca

Ontario Ministry of Heritage, Sport, Tourism and Culture Industries

Archaeology Programs Unit, 1-416-212-8886, Archaeology@ontario.ca

Windsor Police: 911

Ontario Ministry of Government & Consumer Services

A/Registrar of Burial Sites, War Graves, Abandoned Cemeteries and Cemetery Closures,  
1-416-212-7499, Crystal.Forrest@ontario.ca

## APPENDIX E - Results of Circulation

### CITY OF WINDSOR – PLANNING DEPARTMENT – LANDSCAPE ARCHITECT - STEFAN FEDIUK

Pursuant to the application for a zoning amendment (Z 045/21) to allow a townhome dwelling as an additional permitted use on the subject, Please note no objections. Please also note the following comments:

Zoning Provisions for Parking Setback:

Though not requested as a site specific amendment to the re-zoning, the position of the proposed garages appear to require significant access drives that will exceed the maximum 50% of the required frontage of any residential.

Tree Preservation:

There are no trees of concern on the property.

Urban Design:

N/A

Parkland Dedication:

Require a parkland dedication representing 5% of the subject lands, to the satisfaction of the Executive Director of Parks, as per By-law 12780 and the Planning Act.

### CITY OF WINDSOR – TRANSPORTATION PLANNING - RANIA TOUFEILI

- Alexandrine Street is classified as a local road per the Official Plan with a required right-of-way width of 20 meters. The current right-of-way width is sufficient and therefore no conveyance is required.
- Parking must comply with zoning by-law 8600.
- All accesses shall conform to the TAC Geometric Design Guide for Canadian Roads and the City of Windsor Standard Engineering Drawings (AS-203 and AS-204).
- All new 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 observed and maintained. ENWIN has an existing pole line along the south limit of the property with 120/240V secondary overhead conductor.

**Water Engineering:** Water Engineering has no objections to the rezoning. The existing water service may not be large enough for the new development. No record of the water service size so it would be 19mm or smaller.

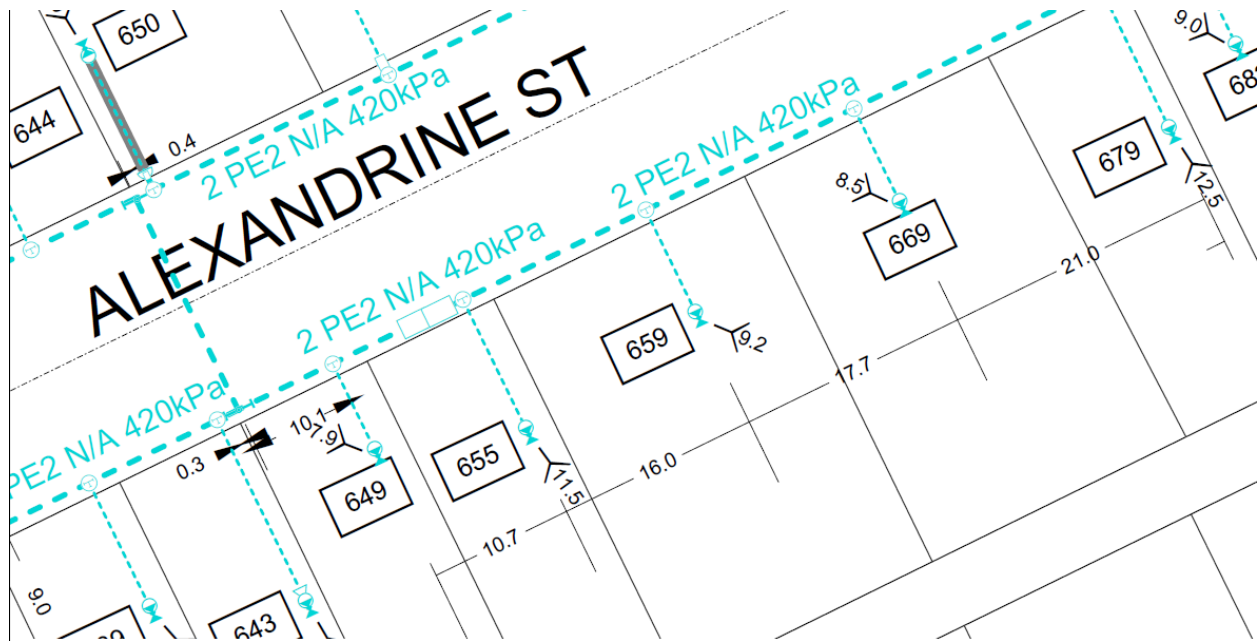
### TRANSIT WINDSOR

Transit Windsor has no objections to this development. The closest existing transit route to this property is with the Transway 1A. The closest existing bus stop to this property is located on Howard at Edinborough Southeast Corner. This bus stop is approximately 400 metres from this property so just falling within our walking distance guideline of 400 metres to a bus stop. This will be maintained with our Council approved Transit Master Plan.

## APPENDIX E - Results of Circulation

### ENBRIDGE - WINDSOR MAPPING

After reviewing the provided drawing at 659 Alexandrine St 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



RECEIVED

MAR 23 2022

PLANNING  
CITY OF WINDSOR

TO WHOM IT MAY CONCERN

I HAVE CONCERNS ABOUT PROPERTIES ON EITHER  
SIDE OF 678 ALEXANDRINE STREET IN WINDSOR  
BECAUSE ALL THREE OF THOSE PROPERTIES ARE  
A FOOT OR MORE HIGHER AT DIRT LEVEL THAN  
MINE CAUSING MAJOR WATER RUN OFF ON TO  
MY PROPERTY.

I ALSO HEARD THAT THEY PLAN TO BUILD TWO  
NEW HOMES ON EITHER SIDE OF THAT HOUSE,  
ONE WHICH IS BETWEEN MY HOUSE AND ~~678~~  
ALEXANDRINE

I GET LOTS OF WATER NOW AND AM WORRIED ABOUT  
THE FOUNDATION OF MY HOUSE.

PLUS WHEN THEY BUILD THIS HOUSE I WILL LOSE  
ALL THE AFTERNOON SUNLIGHT I HAVE ENJOYED  
FOR THE LAST 35 YEARS

OVER

THAT EMPTY LOT IS ONE OF THE REASONS I  
BOUGHT MY HOUSE WAS FOR THE EXTRA SUNLIGHT  
NOW I'M AFRAID THEY WILL BUILD TOO CLOSE AND  
THE GROUND LEVEL WILL BE EVEN HIGHER.  
I CAN'T BUILD MY GROUND HIGH ENOUGH  
BECAUSE MY FOUNDATION DOES NOT ENOUGH BLOCKS  
TO DO SO.

AS FOR 659 ALEXANDRINE, IT MEANS MORE  
PEOPLE, MORE TRAFFIC AND MORE NOISE IN THIS  
VERY QUIET NEIGHBORHOOD.

I HOPE YOU HAVE ANSWERS FOR ME.

PLEASE RESPOND

THANK YOU

RICK JAWORSKI

686 ALEXANDRINE

NRX-339

City of Windsor  
400 City Hall Square East  
Windsor, Ontario  
N9A 7K6

Re: File Number ZNG/6634 Z-045/21

Dear Standing Committee and Adam Szymczak;

My name is Julie Johns. I have resided Remington Park at 620 Alexandrine my entire life since 1978. I am currently the owner of 620 Alexandrine residence since 2012.

Myself and my neighbours have concerns regarding this potential change.

The concerns about the City of Windsor changing the "Zoning By-law 8600 pertaining to file number ZNG/6634 Z-045/21" includes:

1. Infrastructure - I don't believe this area has had any updates in the infrastructure of Remington Park since 1980. With the potential of 4 units with multiple sewage inputs into the sewer system would the current infrastructure be able to handle the capacity without overloading the system during regular times as well as rain storms. My residence specifically flooded in 2017 with the rainstorm as our current city system could not handle the capacity of the rain.
2. Flooding issues for neighbors and lack of green space due to the projected size of this complex or unit being built.
3. Increased Traffic of Remington Park by 4 households with potentially 8 cars or more increases the risk of high speeds down residential areas, more traffic on Alexandrine specifically.
4. Parking on Alexandrine. How will a 4-unit structure be built on the said address 659 Alexandrine with a garage for each unit. This is a concern as to how many people per unit are driving vehicles then parking will be an issue on the street and around the neighbours of 659 Alexandrine.
5. Potential curbs and sidewalks. I was speaking with the city councillor last year (2020) and he said he was pushing to have curbs and sidewalks down this street. Will the development of this unit cause the sidewalk to be pushed to my side of the street only?
6. The changing from Single residential zoning to multi residential zoning on a regular size lot. Does this mean if we allow this zoning to be approved then multiple residential zoning may end up being monopolized within Remington Park?
7. Privacy of neighbors due to the height of this projected structure will have.
8. Property value. The potential of the rezoning of this area will bring down all of the residential property values within Remington Park.

Based on these concerns, I am not in favour of the rezoning or the Residential District 1.3.

Sincerely,  
Julie Johns

Originally submitted at April 4, 2022  
Development & Heritage Standing  
Committee – Written Submission

**From:** meeta shah  
**Sent:** March 28, 2022 5:57 PM  
**To:** clerks <[clerks@citywindsor.ca](mailto:clerks@citywindsor.ca)>; [aazymczak@citywindsor.ca](mailto:aazymczak@citywindsor.ca)  
**Subject:** FILE # ZNG6634; Z-045/21

**CAUTION:** This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Good afternoon,

In reference to above I do not approve the building of 4 plex in my area. As this is single plex housing street. Moreover this will result in lowering the prices of the single family homes and increases sewage and other taxes.

I do not want any commercial complex \_ 4plex to be constructed.

Meeta Karia



Committee Matters: SCM 97/2022

**Subject: 364-374 Ouellette Avenue, Canada Building- Heritage Permit Request (Ward 3)**

Moved by: Member Foot  
Seconded by: Member Baker

Decision Number: **DHSC 383**

- I. THAT a Heritage Permit at the Canada Building, 364-374 Ouellette Street, **BE GRANTED**, for canopy restoration work, subject to the approval conditions prior to work start:
  - a. Submission of satisfactory product details and samples (including material and colour selections)
  - b. Approval of any requested mock-up
  - c. Determination that the work is satisfactory to meet Building code compliance.
- II. THAT the City Planner or designate **BE DELEGATED** the authority to approve any further proposed changes associated with the proposed scope of work for the canopy restoration.

Carried.

Report Number: S 31/2022  
Clerk's File: MBA/14331

**Clerk's Note:**

1. The recommendation of the Standing Committee and Administration are the same.
2. Please refer to Item 10.1. from the Development & Heritage Standing Committee Meeting held April 4, 2022.
3. To view the stream of this Standing Committee meeting, please refer to:  
<http://csg001-harmony.sliq.net/00310/Harmony/en/PowerBrowser/PowerBrowserV2/20220412/-1/7314>

**Subject: 364-374 Ouellette Avenue, Canada Building- Heritage Permit Request (Ward 3)**

**Reference:**

Date to Council: 4/4/2022  
Author: Kristina Tang, MCIP, RPP  
Heritage Planner  
ktang@citywindsor.ca  
519-255-6543 x 6179  
Tracy Tang  
Planner II- Revitalization & Policy Initiatives  
ttang@citywindsor.ca  
519-255-6543 x 6449  
Planning & Building Services  
Report Date: 3/8/2022  
Clerk's File #: MBA/14331

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

**Recommendation:**

I. THAT a Heritage Permit at the Canada Building, 364-374 Ouellette Street, **BE GRANTED**, for canopy restoration work, subject to the approval conditions prior to work start:

- a. Submission of satisfactory product details and samples (including material and colour selections)
- b. Approval of any requested Mock-up
- c. Determination that the work is satisfactory to meet Building code compliance.

II. THAT the City Planner or designate **BE DELEGATED** the authority to approve any further proposed changes associated with the proposed scope of work for the canopy restoration.

## Executive Summary: N/A

## Background:



The property at 364-374 Ouellette Avenue is known as the Canada Building. Designed in Art Deco style by Architect A.H. McPhail, the building was constructed in 1930, and at 12 stories high was the tallest building in Windsor at that time. The first floor originally had some commercial component and the other floors were office space.

On August 5, 2008, City Council approved the heritage designation for the former Canada Building with By-Law No. 141-2008 with exterior and interior heritage attributes. The Statement of Cultural Heritage Value or Interest from the By-law is attached as Appendix A.

The current Owner (2757395 Ontario Incorporated) plans to rehabilitate the building to convert the upper floors into residential units, while retaining commercial units on the main floors. A Heritage Permit for the interior rehabilitation and restoration work, exterior door entrance restoration, and exterior masonry restoration was approved with conditions by Council on May 3, 2021 (CR 202/2021) as part of the Phase 1 proposed work to the building. At that time, it was noted that separate Heritage Permits would be required for other Phases of work, including work to the west entrance canopy facing Ouellette Avenue.

In December 2021, an Order to Repair was issued for the canopy, which was not compliant with the City's Property Standards By-law due to deteriorated materials and structural concerns. The metal canopy is a featured heritage attribute in the Heritage Designation By-law and a Heritage Permit is required for the repairs, alterations or replacement of the canopy. A Heritage Permit application was submitted to the City on March 7, 2022 (Appendix B - Heritage Permit Application).

## **Legal Provisions:**

The *Ontario Heritage Act (OHA)* requires the owner of a heritage designated property to apply to Council to alter the property. The designation by-law includes heritage attributes (see Appendix A). In accordance with the *OHA*, changes to designated property that affect heritage attributes must be considered by City Council after consulting with the municipal Heritage Committee. Council has the option of granting consent with or without terms and conditions, or refusing the application within 90 days of the application.

## **Discussion:**

### **Property Description:**

The building is a 1930 12-storey brick and limestone building in Art Deco style. Built for the Border Cities Star, it was the largest construction in Southwest Ontario at that time and undoubtedly one of prestige. The west-facing entrance to the building has exterior features included in the designation by-law:

- West entrance way of brass trim doors and polished granite, while the remainder of the first floor has been replaced with red granite.
- Metal Canopy over entrance way on West entrance way.

In particular, the canopy has decorative metalwork trim in a scroll pattern and metal cap flashing, fascia, wall plates/brackets, and hanger rods. Historic documentation shows that the metal fascia was originally patterned and had a dark-coloured decorative trim. The decorative trim is presently painted a green colour in resemblance of copper patina.

### **Proposal and Heritage Conservation Considerations**

The previous heritage permit report (CR 202/2021) briefly described some of the interior rehabilitation and restoration work (involving plaster repairs, painting, maintaining of bronze fixtures (doors and railings), exterior door entrance restoration, and exterior masonry restoration.

For the proposed canopy scope of work, some relevant references from the *Standards & Guidelines for Conservation of Historic Places* have been considered.

3. Conserve *heritage value* by adopting an approach calling for *minimal intervention*.



7. Evaluate the existing condition of *character-defining elements* to determine the appropriate *intervention* needed. Use the gentlest means possible for any intervention. Respect *heritage value* when undertaking an intervention.
8. Maintain *character-defining elements* on an ongoing basis. Repair character-defining elements by reinforcing their materials using recognized conservation methods. Replace in kind any extensively deteriorated or missing parts of character-defining elements, where there are surviving *prototypes*.
9. Make any *intervention* needed to preserve *character-defining elements* physically and visually compatible with the *historic place* and identifiable on close inspection. Document any intervention for future reference.
13. Repair rather than replace *character-defining elements* from the *restoration* period. Where character-defining elements are too severely deteriorated to repair and where sufficient physical evidence exists, replace them with new elements that match the forms, materials and detailing of sound versions of the same elements.

From Section 4.3.6 Entrances, Porches & Balconies:

	Recommended	Not Recommended
3	<b>Documenting</b> the form, materials and condition of entrances, porches and balconies before undertaking an intervention.	Undertaking an intervention that affects entrances, porches and balconies without first documenting their existing character and condition.
4	<b>Assessing</b> the condition of entrances, porches and balconies early in the planning process so that the scope of work is based on current conditions.	
5	<b>Determining</b> the cause of distress, damage or deterioration of entrances, porches and balconies through investigation, monitoring and minimally invasive or non-destructive testing techniques.	
6	<b>Protecting</b> and maintaining entrances, porches and balconies, by using appropriate surface treatments, such as cleaning, rust removal, limited paint removal, and reapplying protective coating systems in kind.	Failing to maintain paint and coatings, to replace damaged flashings, and to prevent the growth of plants and access by animals.

	Recommended	Not Recommended
7	<b>Cleaning</b> painted metals using appropriate techniques and products to remove corrosion and layers of paint, if required, before repainting.	Exposing metals intended to be protected from the environment.  Applying paint or other coatings to metals that were meant to be exposed.

9	<b>Repairing</b> parts of entrances, porches or balconies by patching, piecing-in, consolidating, or otherwise reinforcing, using recognized conservation methods. Repair might also include the limited replacement in kind, or with a compatible substitute material, of those extensively deteriorated or missing parts of entrances, porches and balconies. Repairs should match the existing work as closely as possible, both physically and visually.	
14	<b>Repairing</b> an entrance, porch or balcony by using a minimal intervention approach. Such repairs might include the limited replacement in kind, or replacement with an appropriate substitute material, of irreparable or missing elements, based on documentary or physical evidence.	Replacing an entire entrance, porch or balcony when the repair of materials and limited replacement of deteriorated or missing elements is feasible.
15	<b>Replacing</b> in kind an irreparable entrance, porch or balcony based on physical and documentary evidence. If using the same materials and design details is not technically or economically feasible, then compatible substitute materials or details may be considered.	Removing an irreparable entrance, porch or balcony and not replacing it, or replacing it with a new one that does not convey the same appearance or serve the same function.
16	<b>Replacing</b> missing historic features by designing and constructing a new entrance, porch or balcony, based on physical and documentary evidence, or one that is compatible in size, scale, material, style or colour.	Creating a false historical appearance because the new entrance, porch or balcony is incompatible, or based on insufficient physical and documentary evidence.
30	<b>Replacing</b> in kind an entire entrance, porch or balcony from the restoration period that is too deteriorated to repair, using the physical evidence as a model to reproduce the assembly. The new work should be well documented and unobtrusively dated to guide future research and treatment.	Removing an irreparable entrance, porch or balcony from the restoration period and not replacing it, or replacing it with an inappropriate entrance, porch or balcony.  Reinstating an entrance, porch or balcony detail that is damaging to character-defining elements.

From Section 4.5.5 Architectural & Structural Metals:

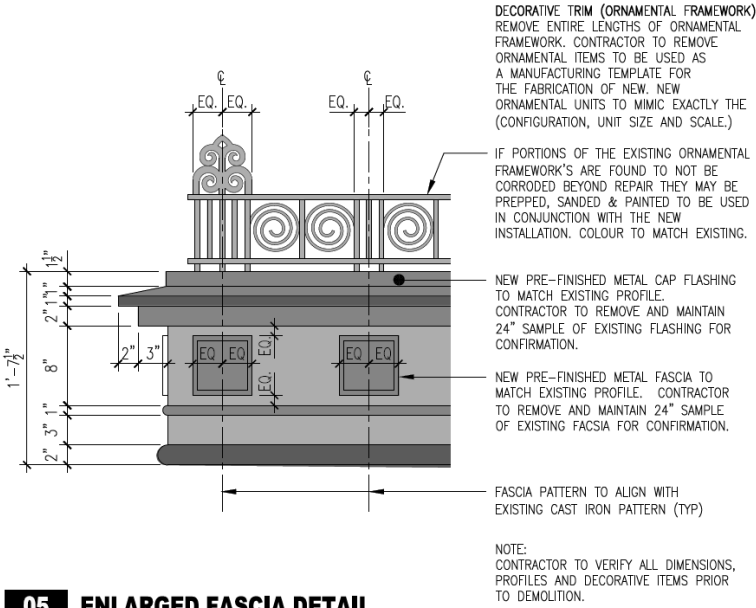
12	<b>Retaining</b> all sound and repairable metals that contribute to the heritage value of the historic place.	Replacing metals that can be repaired.
14	<b>Repairing</b> parts of metal elements by welding, soldering, patching, or splicing, using recognized conservation methods.	Replacing an entire metal element, when repair and limited replacement of deteriorated or missing parts is possible.
15	<b>Replacing</b> in kind, extensively deteriorated or missing parts of metal elements, based on physical and documentary evidence.	Replacing an entire metal element, when limited replacement of deteriorated and missing parts is appropriate.  Using a substitute material that neither conveys the appearance of the surviving parts of the metal element, nor is physically or chemically compatible.

18	<b>Replacing</b> in kind an irreparable metal element, based on documentary and physical evidence.	Removing an irreparable metal element and not replacing it, or replacing it with an inappropriate new element.
20	<b>Repairing</b> , stabilizing and conserving fragile metal elements from the restoration period, using well-tested consolidants, when appropriate. Repairs should be physically and visually compatible and identifiable on close inspection for future research.	Removing metal elements from the restoration period that could be stabilized and conserved.
21	<b>Replacing</b> in kind a metal element from the restoration period that is too deteriorated to repair, based on documentary and physical evidence. The new work should be well documented and unobtrusively dated to guide future research and treatment.	Removing an irreparable metal element from the restoration period and not replacing it, or replacing it with an inappropriate new element.

As much as there is there is an intent in the canopy proposal to avoid removals, the restoration work would require a new canopy as the current requires a structural replacement. The current canopy is planned to be completely removed to facilitate repairs, cleaning, and replacement of selected unsalvageable parts. The proposed works include:

- Clean, repair, and restore wall plates/brackets and hanger rods with a colour determined in consultation with the Heritage Planner;
- Clean, repair, and re-install salvageable portions of the cast iron ornamental trim. For portions that are unsalvageable, remove and replicate with cast iron;
- Recreate fascia with pattern based on historic documentation;
- Remove and replicate metal cap flashing to match original profile; and
- Paint cast iron decorative trim/ornamental framework with a colour determined in consultation with the Heritage Planner.

These have been identified on drawings in the attached Appendix B.



Detailed side profile drawing of the proposed canopy decorative trim, fascia, and cap flashing matching original canopy details.



Photographs of existing canopy and decorative trim

As part of the restoration, the proponent is conducting investigations on the extent of the deterioration of the decorative metal trim. Where possible, restoration of the historic metal pieces are proposed (cleaning, repairs, and painting). It is important that heritage-sensitive approaches and materials be employed, so as not to result in unintentional harm to the historic material.

Further, where there are areas of deterioration beyond repair, the proposed approach is to replace in exact likeness to existing, or as per the original documentations. The heritage permit application is explicit in providing wording on the intent to restore these elements in “100% replication”. Satisfactory and detailed specifications for both the heritage-appropriate repairs and new replacement pieces would be required as a condition of approval, not limited to material choice, finishes, and colour selections which may include mock-ups and/or samples of replicated pieces. The drawings prepared by the licensed structural engineer and architect will need to be reviewed by the Building Department further for Building Code compliance. Therefore, staff request that the City Planner or designate be delegated the authority to approve any further changes, and to confirm, through applicant submission, satisfactory product details and samples (including material and colour selections) and approval of any requested Mock-up.

## **Official Plan Policy:**

The Windsor Official Plan states “Council will recognize Windsor’s heritage resources by: Designating individual buildings, structures, sites and landscapes as heritage properties under the Ontario Heritage Act.” (9.3.3.1(a))

The Plan includes protection (9.3.4.1). “Council will protect heritage resources by: (c) Requiring that, prior to approval of any alteration, partial demolition, removal or change in use of a designated heritage property, the applicant demonstrate that the proposal will not adversely impact the heritage significance of the property ...”

The Windsor Official Plan includes (9.3.6.1.), “Council will manage heritage resources by: (e) providing support and encouragement to organizations and individuals who undertake the conservation of heritage resources by private means”.

## **Risk Analysis:**

The risk of taking no action for the canopy is the continued deterioration of the metal decorative trim details and inappropriate repairs incompatible with the nature of the heritage attribute. At this point, the canopy has also been deemed to require repairs through an Order to Repair and needs to be addressed. Risk of the alterations are being mitigated through the heritage-cognizant proposal and through the conditions of the approval requiring confirmation of specifications and product information, and mock-up samples as required, prior to work start.

## **Climate Change Risks**

**Climate Change Mitigation: N/A**

**Climate Change Adaptation: N/A**

## **Financial Matters:**

The entire redevelopment project is budgeted to cost approximately \$18 million. The applicant has submitted that the cost of the canopy work is budgeted at \$270,000, and the other heritage conservation work has been budgeted for \$1.125 million.

The owner has already been granted approval by Council for a number of incentives under the Downtown Community Improvement Plan and has expressed interest in applying for additional financial incentives under the Heritage Property Tax Reduction Program in the future. Any discussions around heritage-related financial incentive applications may be brought forward to Heritage Committee and Council as part of a separate future report.

## **Consultations:**

The Heritage Planner has been in communication with the Owner and their consultant team, as well as City Building Department staff.

**Conclusion:**

The heritage permit request for metal canopy restoration work is recommended for approval subject to conditions. Delegated authority to the City Planner or designate to direct any further minor changes as needed to the project scope will provide project efficiencies and confirm that the interventions proposed would not have a negative impact on the heritage attributes of the property.

**Planning Act Matters: N/A**

**Approvals:**

<b>Name</b>	<b>Title</b>
Josie Gualtieri	Financial Planning Administrator
Michael Cooke	Manager of Planning Policy/Deputy City Planner
Thom Hunt	City Planner / Executive Director Planning & Building
Wira Vendrasco	Deputy City Solicitor
Shelby Askin Hager	City Solicitor / CLT
Janice Guthrie	Deputy Treasurer Taxation and Financial Planning
Joe Mancina	Chief Financial Officer/ City Treasurer
Jason Reynar	Chief Administrative Officer

**Notifications:**

<b>Name</b>	<b>Address</b>	<b>Email</b>
2757395 Ontario Inc. Owner Representative- Rhys Trenhaile of The VanGuard Team at Manor Realty		<a href="mailto:rhys@thevanguardteam.com">rhys@thevanguardteam.com</a>
Jackie Lassaline		<a href="mailto:jackie@lassalineplan.ca">jackie@lassalineplan.ca</a>
Marco Raposo		<a href="mailto:marco@roastudio.com">marco@roastudio.com</a>

**Appendices:**

- 1 Appendix A - Statement of Cultural Heritage Value or Interest from Heritage Designation by-law 141-2008
- 2 Appendix B - Heritage Permit Application

From By-law No. 141-2008, August 5, 2008:

**Reasons for Designation/Statement of Significance**  
**Canada Building**  
**374 Ouellette Ave**  
**(Plan 333 Lot 7 N PT Lot 8)**

**Description of Historic Place**

The Canada Building is located at 374 Ouellette, only four blocks from the riverfront, in the heart of downtown Windsor. Other than the main floor, the building was built for offices and remains to be used as office space. When the building was built in 1930 it was the tallest building in Windsor at 12 stories high.

**Heritage Value**

**Historic Value**

At the time of completion in 1930, the Canada Building was the largest office building in Southwestern Ontario at 12 stories tall. The first floor originally designed for shops, in its early days the Canada building housed a beauty salon, a barbershop, and a dress studio.

Architect A.H. McPhail designed the building in the Arts and Crafts style for Border Cities Star, now the Windsor Star, when W.F. Herman was publisher. A.H McPhail also designed the Border Cities Star Building, now the Windsor Star, at 167 Ferry Street. The building remained in the hands of the Star until 1967 when it was taken over by the paper's former editor W.L. Clark. It switched hands again in 1976 when Ben Matthews, the founder of former "Matthew's Lumber Co. Ltd" purchased it.

Ben Matthews purchased the building at the age of 72. Matthews plans were to revitalize the Canada Building so it matches its prestige address in the business community. Matthews planned on installing new elevators, air-conditioning, and modernize all the offices. He has had great confidence in Windsor, as he also owned the Canada Trust Building at 156 University Ave. W.

**Architectural Value**

Architect A.H McPhail designed the building in Arts and Crafts style. The first story of the building was polished granite, but now only around the entranceway remains original, and the remainder of the first floor is red granite. The second story is constructed of limestone and remaining stories are light polished brick pilasters and limestone. The Front façade (West side) hosts 6 pairs of rectangular windows on each floor. The windows are separated vertically by polished brick pilasters that extend to the top of the building and horizontally by square stone details. The top floor windows are arched, which accents the ornate detailing of stone along the roofline. A metal canopy covers the entrance on the West Façade.

The North South and East Facades of the building is solid brick, except for the ornate details of the roofline in limestone, which extends around the entire building.

Today not much of the original interior design is left, however, characteristics such as the stunning marble on the first and second floor lobbies are reminiscent of the Canada Building's 1930's interior. The building also features brass trimming of doors, windows, fixtures, and most notably the Canada Post letterbox, which is still in use today.

### **Contextual Value**

The Canada Building is located for blocks from the riverfront in the heart of downtown Windsor on Ouellette Ave. The building is adjacent to the Windsor Armories, which is a designated heritage property.

### **Character Defining Elements**

#### **Items that contribute to the historical value of the Canada Building include:**

- Its association with the Border Cities Star, now the Windsor Star.
- Its status of being the tallest building in Windsor at the time of construction.
- Architect Mr. A.H McPhail designed the Canada Building.
- Its association with Ben Matthews, a local businessman for 50 years at the time he purchased the building. He was the founder and president of Matthews Lumber Company Ltd.

#### **Exterior features that contribute to the architectural value of the Canada Building include:**

- Metal Canopy over entrance way on West entrance way.
- West entrance way of brass trim doors and polished granite, while the remainder of the first floor has been replaced with red granite.
- Second story of limestone.
- Third to twelfth stories of polished brick pilasters and limestone.
- Front façade (West) hosts 6 pairs of rectangular Windsor on each floor, separated horizontally by polished brick and vertically by limestone square details.
- Top floor arched windows accent the ornate limestone detailing along the roofline.
- Remaining facades (North, South, and East) of polished brick with ornate limestone detailing on roofline extending around the building.

#### **Interior features that contribute to the architectural value of the Canada Building include:**

- Marble lobby on first and second floors with brass trimming on the windows, doors, elevators, fixtures, and stair rails.
- Two sets of marble stairs in the first floor lobby.
- Brass Canada Post mailbox.
- Crested elevator doors on the first and second floors.



- Ornate ceiling trim painted gold in lobby.

**Characteristics that contribute to the contextual value of the Canada Building include:**

- Its location in the heart of downtown Windsor on Ouellette Ave.
- Adjacent to the Windsor Armouries, which is a designated heritage property.

## CORPORATION OF THE CITY OF WINDSOR

Planning Dept., Suite 320-350 City Hall Sq W, Windsor ON N9A 6S1  
519-255-6543 | 519-255-6544 (fax) | [planningdept@citywindsor.ca](mailto:planningdept@citywindsor.ca)

### 1. Applicant, Agent and Registered Owner Information

Provide in full the name of the applicant, registered owner and agent, the name of the contact person, and address, postal code, phone number, fax number and email address. If the applicant or registered owner is a numbered company, provide the name of the principals of the company. If there is more than one applicant or registered owner, copy this page, complete in full and submit with this application.

#### APPLICANT

Contact Name(s) Rhys Trenhaile  
Company or Organization The VanGuard Team at Manor Realty  
Mailing Address 3276 Walker Rd., Windsor ON  
Postal Code N8W 3R8  
Email Phone(s)

#### REGISTERED OWNER IF NOT APPLICANT

Contact Name(s) \_\_\_\_\_  
Company or Organization 2757395 Ontario Incorporated  
Mailing Address 1001 Champlain Ave. Burlington ON L7L 5Z4  
Postal Code \_\_\_\_\_  
Email Phone(s)

#### AGENT AUTHORIZED BY REGISTERED OWNER TO FILE THE APPLICATION

Contact Name(s) Jackie Lassaline, Lassaline Planning Consultants  
Company or Organization \_\_\_\_\_  
Mailing Address P.O. Box 52, 1632 County Road 31, St. Joachim ON N0R 1S0  
Postal Code \_\_\_\_\_  
Email jackie@lassalineplan.ca Phone(s) 519-563-8814

#### Who is the primary contact?

- Applicant  Registered Owner  Agent

## 2. SUBJECT PROPERTY

Municipal Address: 364-374 Ouellette - Canada Building

Legal Description (if known): \_\_\_\_\_

Building/Structure Type:

- Residential     
  Commercial     
  Industrial     
  Institutional

Heritage Designation:

- Part IV (Individual)     
  Part V (Heritage Conservation District)

By-law #: Bylaw 141-2008      District: \_\_\_\_\_

Is the property subject to a Heritage Easement or Agreement?

- Yes     
  No

## 3. TYPE OF APPLICATION

Check all that apply:

- Demolition/Removal of heritage attributes     
  Addition     
  Erection     
  Alteration\*  
 Demolition/Removal of building or structure     
  Signage     
  Lighting

\*The Ontario Heritage Act's definition of "alter" means to change in any manner and includes to restore, renovate, repair or disturb.

## 4. HERITAGE DESCRIPTION OF BUILDING

*Describe the existing design or appearance of buildings, structures, and heritage attributes where work is requested. Include site layout, history, architectural description, number of storeys, style, features, etc..*

Existing Canopy is to be repaired and rejuvenated:

1. existing cast iron scroll work is to be removed and 100% replicated in cast iron and re-installed;

2. cast iron scroll work to be painted - colour to be confirmed with Heritage Dept. after exploration;

3. Facade - original black facade to replace ruined material - original details to be included

Please refer to attached details and materials as shown on architectural drawings.

## 5. PROPOSED WORK

*Provide a detailed written description of work to be done, including any conservation methods you plan to use. Provide details, drawings, and written specifications such as building materials, measurements, window sizes and configurations, decorative details, etc.. Attach site plans, elevations, product spec sheets, etc. to illustrate, if necessary.*

---

Please refer to attached architectural plans and memo

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## 6. HERITAGE PERMIT RATIONALE

*Explain the reasons for undertaking the proposed work and why it is necessary.*

---

Please refer to attached architectural plans and memo

---



---

*Describe the potential impacts to the heritage attributes of the property.*

---

Please refer to attached architectural plans and memo

---



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## 7. CHECKLIST OF MATERIALS SUBMITTED Check all that apply:

Required:

- Photographs (showing the current condition and context of existing buildings, structures, and heritage attributes that are affected by the application)
- Site plan/ Sketch (showing buildings on the property and location of proposed work)
- Drawings of proposed work (e.g. existing and proposed elevations, floor plans, roof plans, etc., as determined by Heritage Planning staff)
- Specifications of proposed work (e.g. construction specification details)

Potentially required (to be determined by Heritage Planning staff):

- Registered survey
- Material samples, brochures, product data sheets etc.
- Cultural Heritage Evaluation Report
- Heritage Impact Assessment (HIA)
- Heritage Conservation Plan
- Building Condition Assessment

## 8. NOTES FOR DECLARATION

*The applicant hereby declares that the statements made herein and information provided are, to the best of their belief and knowledge, a true and complete representation of the purpose and intent of this application.*

*The applicant agrees that the proposed work shall be done in accordance with this application, including attachments, and understands that the issuance of the Heritage Alteration Permit under the Ontario Heritage Act shall not be a waiver of any of the provisions of any By-Law of the Corporation of the City of Windsor, or the requirements of the Building Code Act, RSO 1980, c51.*

*The applicant acknowledges that in the event a permit is issued, any departure from the conditions imposed by the Council of the Corporation of the City of Windsor, or plans and specifications approved is prohibited and could result in the permit being revoked. The applicant further agrees that if the Heritage Alteration Permit is revoked for any cause of irregularity, in the relation to non-conformance with the said agreements, By-Laws, acts or regulations that, in consideration of the issuance of the permit, all claims against the City for any resultant loss or damage are hereby expressly waived.*

**APPLICANT** Signature(s) *J M Lassaline* Date March 3, 2022  
Date \_\_\_\_\_

## SCHEDULE A

### A. Authorization of Registered Owner for Agent to Make the Application

If the applicant is not the registered owner of the land that is the subject of this application, the written authorization of the registered owner that the applicant is authorized to make the application must be included with this application form or the authorization below must be completed.

I, 2757395 Ontario Inc. c/o Rhys Trenhaile, am the registered owner of the land that is

*name of registered owner*

subject of this application for a Heritage Alteration Permit and I authorize Jackie Lassaline, Lassaline Planning Con. to make this application on my behalf.

*name of agent*



\_\_\_\_\_  
Signature of Registered Owner

\_\_\_\_\_  
March 3, 2022

Date

If Corporation – I have authority to bind the corporation.

### B. Consent to Enter Upon the Subject Lands and Premises

I, 2757395 Ontario Inc. c/o Rhys Trenhaile, hereby authorize the members of the Windsor Heritage Committee and City Council and staff of the Corporation of the City of Windsor to enter upon the subject lands and premises described in Section 3 of the application form for the purpose of evaluating the merits of this application and subsequently to conduct any inspections on the subject lands that may be required as condition of approval. This is their authority for doing so.



\_\_\_\_\_  
Signature of Registered Owner

\_\_\_\_\_  
March 3, 2022

Date

If Corporation – I have authority to bind the corporation.

### C. Acknowledgement of Applicant

I understand that receipt of this application by the City of Windsor Planning Department does not guarantee it to be a complete application. Further review of the application will occur and I may be contacted to provide additional information and/or resolve any discrepancies or issues with the application as submitted.

I further understand that pursuant to the provisions of the Ontario Heritage Act and the Municipal Freedom of Information and Protection of Privacy Act, this application and all material and information provided with this application are made available to the public.



\_\_\_\_\_  
Signature of Applicant

\_\_\_\_\_  
March 3, 2022

Date

**DO NOT COMPLETE BELOW – STAFF USE ONLY**

**Approval Record**

Date Received by Heritage Planner: \_\_\_\_\_

Building Permit Application Date, if needed: \_\_\_\_\_

Application Approval (City Council):  
 Development & Heritage Standing Committee: \_\_\_\_\_  
 City Council: \_\_\_\_\_

Application Approval (City Planner):  
 Heritage Planner: \_\_\_\_\_  
 Staff Decision Appealed to City Council: \_\_\_\_\_  
 If so, Date to City Council: \_\_\_\_\_  
 Council Decision Appealed: \_\_\_\_\_

Additional Notes / Conditions:  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

**DECISION**

Heritage Permit No.: \_\_\_\_\_ Date: \_\_\_\_\_

Council Motion or City Planner's Signature: \_\_\_\_\_

Please contact Heritage Planning to request inspections at [ktang@citywindsor.ca](mailto:ktang@citywindsor.ca)

**CONTACT INFORMATION**

Planning Department - Planning Policy  
 Corporation of the City of Windsor  
 Suite 320 - 350 City Hall Square West  
 Windsor ON N9A 6S1  
 planningdept@citywindsor.ca  
 519-255-6543 x 6179  
 519-255-6544 (fax)  
 http://www.citywindsor.ca

March 7, 2022



Kristina Tang, Heritage Planner  
Planning Department  
City of Windsor

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**SUBJECT: HERITAGE PERMIT EVALUATION**  
- 374 Ouellette – The Canada Building  
- CANOPY HERITAGE PERMIT

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The subject lands are located as Lot 7 and Part Lot 8 of Plan 333 and known municipally as 374 Ouellette in the central business district (downtown) of the City of Windsor.

Official Plan Schedule 'A' designates the subject site as 'Mixed Use' and the Comprehensive Zoning Bylaw 8600 (CZB) identifies the subject property as 'Commercial District 3.1 (CD3.1)'.

The existing structure is known locally as 'The Canada Building' and was constructed in 1930. The Canada Building was designated a heritage building by the City of Windsor in 2008 under Bylaw 141-2008. Please refer to Appendix A – Pictures showing pictures of the Canada Building.

In 2021 a Heritage Permit was issued for the preservation and conservation of the heritage features within the Canada Building to support the adaptive re-use of the building from fully commercial use to a combination commercial main floor and residential units on the remaining 11 floors.

At the time of review and subsequent Heritage Permit issuance, it was determined that the canopy would be addressed under a Phase 3 of the Canada Building Restoration project.

## **1. PROPOSAL FOR CONSIDERATION:**

In 2021 the canopy, an iconic feature of the front façade of the Canada Building, was identified as being in disrepair and required extensive structural study. The City issued an Order to Repair in 2021 as a piece of the balcony dislodged and caused concern. There has been scaffolding and hoarding placed around the building to ensure safety of the public as Phase 3 Canopy was studied and prepared for permit request.



As part of the structural study, the heritage components of the balcony were examined. This memo is a review of the heritage component of the restoration for the canopy required to re-establish the iconic symbol on the front façade of the Canada Building.

## 2. DETAILS ON RESTORATION WORK ON DAMAGED CANOPY:

The entire canopy will be removed, restored and replaced in compliance with the ROA Studio plans provided and attached hereto dated February 25, 2022 and in compliance with the following details:

- a. Wall brackets are to remain and be cleaned, repaired and restored with a colour as selected in consultation with the Heritage Planner.
- b. Hanger rods are to remain and be cleaned, repaired and restored with colour as selected in consultation with the Heritage Planner.
- c. The **ornamental framework/decorative trim** presently existing is pitted, rusted and not repairable. The significant ornamental framework is cast iron material. The ornamental framework will be removed and replaced at 100% replication with new framework that will be cast iron and in a pattern that is exactly the same as the existing framework profile. Should it be determined that ornamental framework is salvageable, it will be cleaned and painted and re-installed in conjunction with the new components.
- d. The **ornamental framework colour** is presently painted a green to resemble copper patina. The colour of the framework will be further examined to determine the previous colours painted. At this juncture, the colour is either the re-establishment of the green to resemble copper patina or black as noted historically. This will be discussed with the Heritage Planner to confirm an appropriate colour to paint on the framework.
- e. As noted on the architectural documents, the existing **metal facia** is metal and will be removed and replaced with 100% replication metal to match existing profile. Pattern is to be aligned with existing cast iron block pattern. The present colour of the facia is black and will be replicated with a black exterior paint approved by the Heritage Planner.

- f. As noted on the architectural documents, the existing **metal cap flashing** is metal and will be removed and replaced with 100% replication metal to match existing profile. Pattern is to be aligned with existing cast iron block pattern. The present colour of the facia is black and will be replicated with a black exterior paint approved by the Heritage Planner.

### 3. **HERITAGE PERMIT RATIONALE:**

Over years of weathering from the environment and lack of repairs, the canopy has gone into disrepair. In addition, the location of the canopy has prohibited access to repairs and maintenance of the canopy to the point that the canopy is now a hazard.

The approach undertaken and purported by the structural engineer and the architect will support both the restoration and revitalization of the iconic canopy at the front of the Canada Building.

The plans support the reestablishment of the historical canopy as a significant feature on the front façade of the building. The owners are going to support the restoration and preservation of the canopy to ensure the Canada Building remains a vibrant example of the art deco period in Windsor.

All practices and procedures will be executed in compliance with rehabilitation and conservation measures established in the Ontario Heritage Foundation's Manual of Principles and Practices for Architectural Conservation.

The grandeur of the Canada Building remains a visual icon in the downtown core of the City of Windsor. The canopy will be restored to its former beauty and will continue as a visual heritage structure providing the Canada Building the distinction it warrants in the downtown area of Windsor.

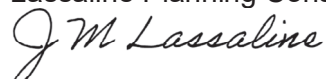
### **CONCLUSION:**

A Heritage Application dated March 3, 2022 and ROA Studio Architectural/Engineering plan stamped and dated February 25, 2022 accompanies this memo requesting the renovations/modifications required to the interior of the building and any exterior cleaning and repair works.

Should you have any questions or comments, do not hesitate to contact me.

Regards,

Lassaline Planning Consultants



Jackie Lassaline BA MCIP RPP

# APPENDIX A – CANOPY PICTURES (HISTORICAL)





**APPENDIX B – CANOPY PICTURES (PRESENT)**



**PICTURE 1 : UNDERSIDE OF CANOPY**



**PICTURE 2 – TOP OF CANOPY**



**PICTURE 3: SCROLL WORK AND CONNECTORS**



**PICTURE 4: BUILDING FACADE**



**PICTURE 5: BUILDING FACADE**



PICTURE 6: CANOPY SCROLL WORK





**GENERAL NOTES**

- GENERAL NOTES**
- THE LATEST EDITION OF THE ONTARIO BUILDING CODE SHALL BE THE BASIS FOR DESIGN AND CONSTRUCTION OF ALL WORK ON THIS PROJECT.
  - THE CONTRACTOR SHALL CHECK AND VERIFY ALL CONDITIONS AND MEASUREMENTS AT THE SITE AND REPORT ANY DISCREPANCIES TO THE ENGINEER AND ARCHITECT BEFORE PROCEEDING WITH THE WORK.
  - CONTRACTOR SHALL PROVIDE ALL NECESSARY TEMPORARY BRACING AS REQUIRED FOR ALIGNMENT, WIND, DEAD LOAD AND ERECTION STRESSES.
  - SEE ARCHITECTURAL, MECHANICAL & ELECTRICAL DRAWINGS FOR LOCATION OF OPENINGS, EQUIPMENT BASES, TRENCHES NOT INDICATED ON THE STRUCTURAL DRAWINGS. CONSULT WITH STRUCTURAL ENGINEER BEFORE PENETRATING ANY STRUCTURAL MEMBERS INCLUDING FLOOR DECKS.
  - DO NOT EXCEED DESIGN LOADS DURING CONSTRUCTION UNLESS SHOWING IS PROVIDED AND APPROVED BY THE STRUCTURAL ENGINEER.
  - CONTRACTOR SHOULD BE FAMILIAR WITH EXISTING DRAWINGS AND CONDITIONS. A SET OF EXISTING DRAWINGS SHOULD BE ON-SITE FOR REFERENCE.

- SITE INSPECTION REPORTS AND TESTING**
- THE ONTARIO BUILDING CODE 2006 SPECIFIES THAT GENERAL FIELD REVIEWS OF THE BUILDING BE CARRIED OUT DURING THE COURSE OF CONSTRUCTION. THE CONTRACTOR SHALL NOTIFY THE ENGINEER OF THE START OF CONSTRUCTION TO FACILITATE SUCH REVIEWS BY THE STRUCTURAL ENGINEER AND HELP PREPARE A TENTATIVE SCHEDULE.
  - THIRD PARTY INSPECTION AND TESTING REPORTS ARE TO BE SUPPLIED TO THE STRUCTURAL ENGINEER BY THE GENERAL CONTRACTOR FOR THE FOLLOWING:
    - STRUCTURAL STEEL, ERECTION, PLUMB, BOLTING, AND FIELD WELDS
    - ROOF DECK FASTENING
    - INSPECTION OF WELDS

- SHADE DRAWINGS**
- THE CONTRACTOR SHALL PROVIDE SHOP DRAWINGS TO THE STRUCTURAL ENGINEER IN CORRESPONDENCE WITH THE PROJECT SPECIFICATIONS AND STAMPED BY A PROFESSIONAL ENGINEER LICENSED IN THE PROVINCE OF ONTARIO FOR THE FOLLOWING:
    - STRUCTURAL STEEL LAYOUT AND CONNECTIONS WITH CALCULATIONS
    - ROOF DECK PLACEMENT AND DETAILS.

- STRUCTURAL STEEL**
- ALL STRUCTURAL STEEL WORK SHALL COMPLY WITH CAN/CSA S16-01, "LIMIT STATES DESIGN OF STEEL STRUCTURES".
  - STRUCTURAL STEEL SHALL CONFORM TO CAN/CSA C40.20-04/C40.21-04, "TENSILE REQUIREMENTS FOR ROLLED OR WELDED STRUCTURAL QUALITY STEEL/STRUCTURAL QUALITY STEEL" AND SHALL BE GRADE M50W, HOLLOW STRUCTURAL SECTIONS SHALL BE GRADE M50W CLASS C.
  - WELDS SHALL CONFORM TO CSA SPECIFICATIONS AND SHALL DEVELOP THE FULL STRENGTH OF THE MATERIALS. USE E70XX ELECTRODES. ALL WELDS TO HAVE END RETURNS IN ACCORDANCE WITH CSA M59-03. THE MINIMUM WELD SHALL BE "X" UNLESS NOTED OTHERWISE.
  - SUBMIT SHOP DRAWINGS TO THE ENGINEER AND ARCHITECT FOR APPROVAL.
  - BOLTS FOR ALL FIELD CONNECTIONS SHALL BE "A" OR "B" AS PER AISC-24 BEARING TYPE UNLESS NOTED OTHERWISE. ALL BOLTED CONNECTIONS SHALL BE SHOWN ON THE SHOP DRAWINGS.
  - DO NOT PAINT STEEL IN CONTACT WITH CONCRETE.
  - ALL STRUCTURAL STEEL SHALL HAVE A PRIME COAT OF RUST INHIBITIVE METAL PAINT.

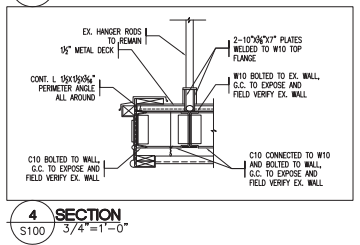
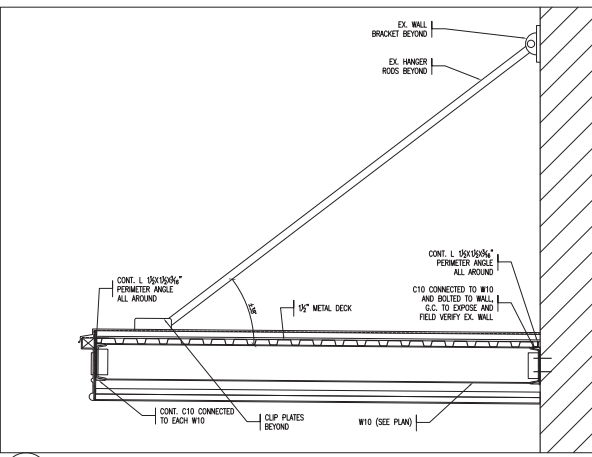
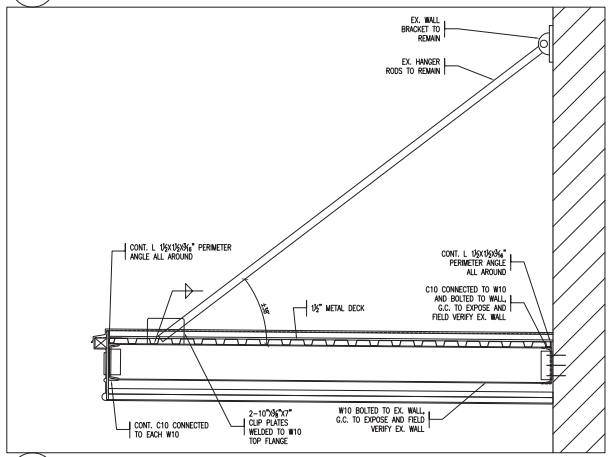
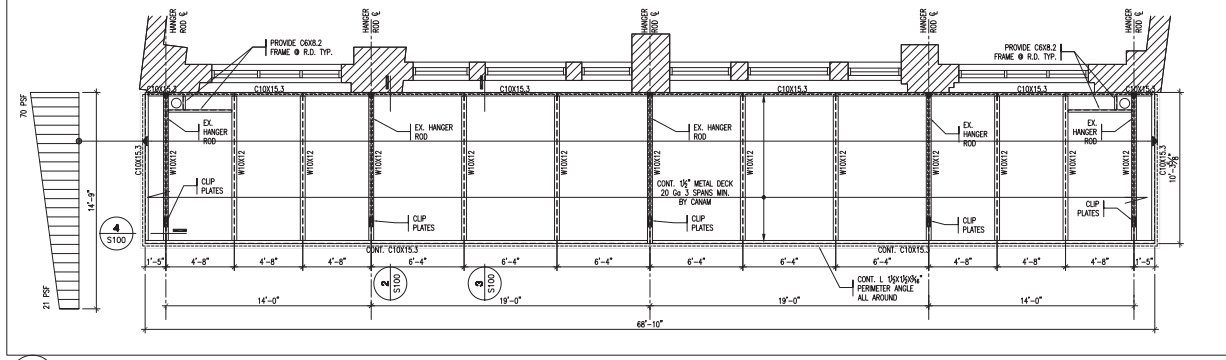
- STEEL DECKING**
- DETERMINE STRUCTURAL PROPERTIES AND CAPACITY OF DECKING IN ACCORDANCE WITH CSA-S16-01, "NORTH AMERICAN SPECIFICATION FOR THE DESIGN OF COLD FORMED STEEL STRUCTURAL MEMBERS".
  - STEEL SHEET USED FOR STEEL ROOF DECK SHALL CONFORM TO CSSBI 104-96, "STANDARDS FOR STEEL ROOF DECK".
  - STEEL SHEET USED FOR COMPOSITE DECK SHALL CONFORM TO CSSBI 104-96, "STANDARDS FOR COMPOSITE STEEL DECK".
  - THE NOMINAL THICKNESS OF SHEET STEEL USED FOR ROOF DECK SHALL NOT BE LESS THAN 20 GAUGE UNLESS NOTED OTHERWISE.
  - MINIMUM ZINC COATING DESIGNATION SHALL BE 200Z IN ACCORDANCE WITH ASTM A653/A653M-04.
  - U.N.C. INTERIOR WELDING: TRANSVERSE WELD SPACING 3x/4 U.N.O. CLINCH DECK SIDE LAPS AT 24" O.C. WELD BOTH SIDES OF SIDE LAPS.
  - U.N.O. PERIMETER WELDING: TRANSVERSE WELD AT EVERY JOIST. LONGITUDINAL WELD AT EVERY JOIST. SHEAR TRANSFER ELEMENT & TRIM ANGLE @ 14" MAX. O.C.
  - CUT OPENING AND REINFORCE EDGES AS REQUIRED FOR PIPES, DUCTS, HOPKERS AND THE LIKE. MAXIMUM SIZE OF AN UNREINFORCED OPENING IS 6".
  - PROVIDE FRAMING AS FOLLOWS TO SUPPORT ROOF DECK AT OPENINGS OVER 4" (BUT NOT EXCEEDING 15').
  - HANGER WIRE FOR SUSPENDED CEILING IS TO PERCEE BOTH SIDES OF THE FLUTE AND BE LOOPED AROUND AND TIED.

**LOADING CRITERION**

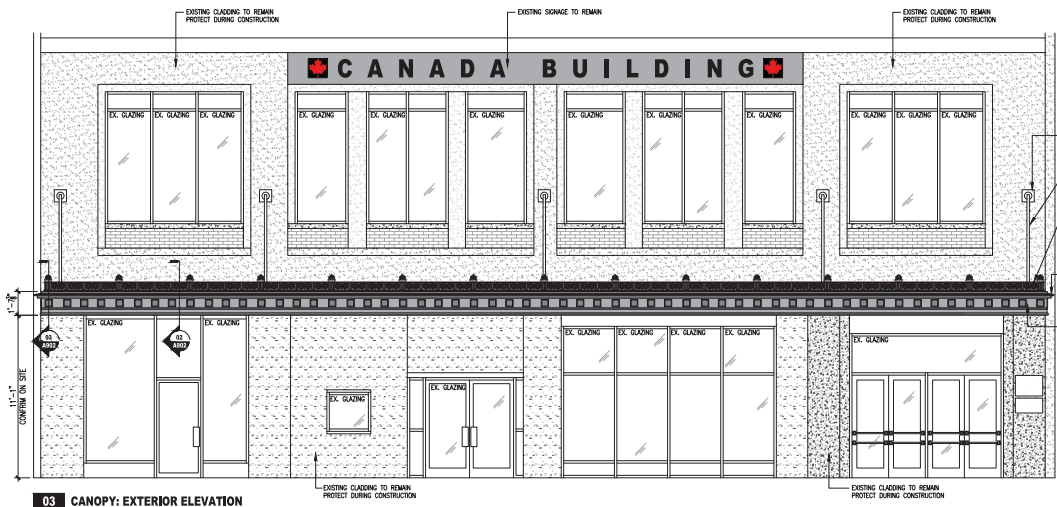
BUILDING IMPORTANCE: NORMAL	
DAUGHTER	
USE LOAD:	1.04 kPa (21 PSF) + SNOW BUILD UP
<b>DEAD LOAD:</b>	
ROOFING MATERIALS	0.718 kPa (15 PSF)
MECHANICAL AND ELECTRICAL ALLOWANCE	0.239 kPa (5 PSF)
STRUCTURAL STEEL W/DECK	0.478 kPa (10 PSF)
<b>SNOW LOAD:</b>	
GROUND SNOW LOAD (S <sub>s</sub> )	0.8 kPa (16.71PSF) (1/50)
IMPORTANCE FACTOR (I <sub>s</sub> )	1.0 (ULS), 0.90 (SLS)
WIND EXPOSURE FACTOR (C <sub>e</sub> )	1
ASSOCIATED RAIN LOAD(S)	0.4 kPa (8.5PSF)(1/50)
<b>WIND LOAD:</b>	
HOURLY WIND PRESSURE	0.478kPa (9.82PSF) (1/50)
IMPORTANCE FACTOR (I <sub>w</sub> )	1.2 (ULS), 0.75 (SLS)
EXPOSURE FACTOR (C <sub>e</sub> )	0.9

**ABBREVIATIONS**

A.B.	=ANCHOR BOLT	KSI	=KIPS PER SQUARE INCH
ACI	=AMERICAN CONCRETE INSTITUTE	LAG	=LAG BOLT
ARCH	=ARCHITECTURAL	LL	=LOWER LAYER
ASL	=ADDITIONAL SNOW LOAD	LV	=LONG LEG VERTICAL
AF	=ANAL FORCE, KIP/IN	LLH	=LONG LEG HORIZONTAL
AL	=BOTTOM LOWER LAYER	MB	=MEMBER
BLD	=BUILDING	MC	=MOMENT CONNECTION
BM	=BEAM	MR	=MOMENT REACTION
BTM	=BOTTOM	MECH	=MECHANICAL
BU	=BOTTOM UPPER LAYER	MN	=MINIMUM
BS	=BOTH SIDES	MSC	=MISCELLANEOUS
B/S	=BOTH ENDS	MPC	=MEGA PASCAL
B/E	=BASE (BEARING) PLATE	NC	=NOT IN CONTACT
C	=CENTRE TO CENTRE	NO.	=NUMBER
C/C	=CANTILEVER	N/S	=NOT TO SCALE
CF	=COMPRESSIVE FORCE	N-S	=NORTH-SOUTH
COL	=COLUMN	O/C, O.C.	=ON CENTRE
CONC	=CONCRETE	ONG	=OPEN WEB STEEL JOIST
CONCR	=CONSTRUCTION	OPNG	=OPENING
CSA	=CANADIAN SHEET STEEL BUILDING INSTITUTE	PERM.	=PERCENT
CSBB	=CONNECT WITH	PL	=PLATE
C/W	=CONTINUAL JOINT	PLF	=POUNDS PER LINEAR FOOT
C.J.	=DETAIL	PSF	=POUNDS PER SQUARE FOOT
DIA.	=DIAMETER	PROJ	=PROJECTIONS PER SQUARE INCH
DAG	=DIAGONAL	PROJ	=PROJECTION
DL	=DEAD LOAD	R	=REACTION
DM	=DIMENSION	RI	=VERTICAL REACTION, KIPS/IN
DLG(S)	=DRAWING(S)	REF	=REFERENCE
DN(S)	=DOWN(S)	REIN	=REINFORCEMENT
EA	=EACH	REQ'D	=REQUIRED
E.E.	=EACH END	RESID	=RESIDUOUS
E/F	=EACH FACE	SDF	=STEP DOWN FOOTING
EL.	=ELEVATION	STD	=STANDARD
ELEV.	=ELEVATION	STL	=STRUCTURAL STEEL
EQV.	=EQUIL	TOP	=TOP
E.S.	=EACH SIDE	TI	=TENSION FORCE, KIPS
E.T.	=ELECTRA	TAB	=TOP AND BOTTOM
E.W.	=EACH WAY	T.O.C.	=TOP OF CONCRETE
EXP. JT	=EXPANSION JOINT	T.O.F.	=TOP OF FOOTING
EXT.	=EXTENSION	T.O.S.	=TOP OF STEEL
FDN.	=FOUNDATION	T.O.U.	=TOP OF JOIST
F.F./F.F.L.	=FINISHED FLOOR	T.O.U.	=TOP UPPER LAYER
FL.	=FOOT/FEET	UPPER	=UPPER LAYER
FT	=FOOT	U.S.	=UNLESS OTHERWISE NOTED
K-FT	=KIP-FOOT	U.S./U.N.O.	=U.S./UNLESS OTHERWISE NOTED
KA	=KIP	VERT.	=VERTICAL
GALV.	=GALVANIZED	VSH	=VERTICAL SHEAR KIPS
GA	=GAUGE	VSC	=VERTICAL CROSS BRACING
HORIZ.	=HORIZONTAL EACH END	VSC	=VERTICALLY SLOTTED CONNECTION
HORIZ.	=HORIZONTAL FORCE	W/F	=WELDED WIRE FABRIC, WELDED WIRE FLANGE
HP	=HANGER	W/F	=WELDED WIRE MESH
HSC	=HORIZONTAL SLOTTED CONNECTION	W/W	=WATER CONTENT RATIO
IN	=INCH	W/W	=WELDED WIRE MESH
INT.	=INTERIOR		
JT	=JOINT		
K, KP	=KIP		
K/S	=KIPS PER FOOT		
K/S <sup>2</sup>	=KIPS PER SQUARE FOOT		



NOTES	PROJECT IDENTIFICATION	DRAWING IDENTIFICATION	ORIENTATION	SUB-CONSULTANT	PRIME CONSULTANT	DISCIPLINE SEAL	DRAWING SUBMISSION(S)	INTERNAL INFO	CONTRACTOR
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**03 CANOPY: EXTERIOR ELEVATION**  
A901 SCALE: 1/4" = 1'-0"

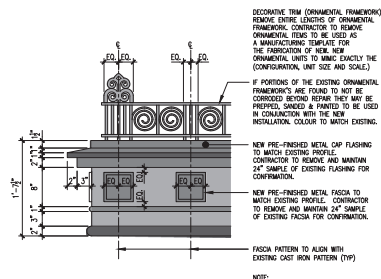
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SAND, PREP & PAINT TO MATCH EXISTING COLOUR. COLOUR TO BE CONFIRMED PRIOR TO RESTORATION.

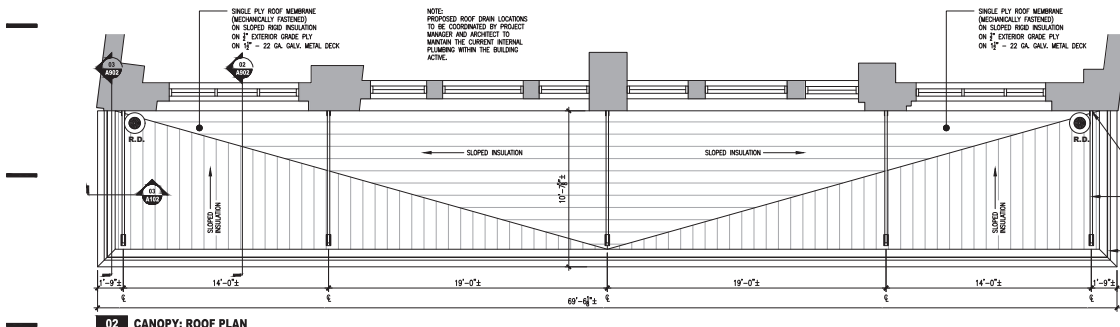
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DECORATIVE TRIM (ORNAMENTAL FRAMEWORK)  
REFER TO ENLARGED DETAIL FOR ADDITIONAL INFORMATION.

NEW PRE-FINISHED METAL CAP FLASHING TO MATCH EXISTING PROFILE. CONTRACTOR TO REMOVE AND MAINTAIN 24\"/>



**05 ENLARGED FASCIA DETAIL**  
A901 SCALE: 1/2\"/>



**02 CANOPY: ROOF PLAN**  
A901 SCALE: 1/4" = 1'-0"

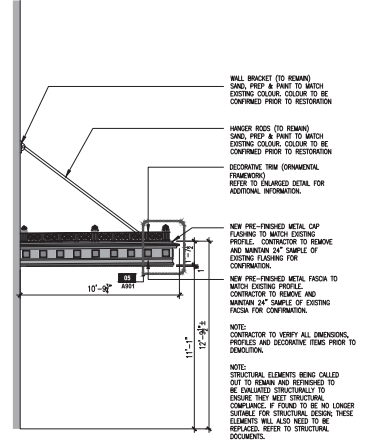
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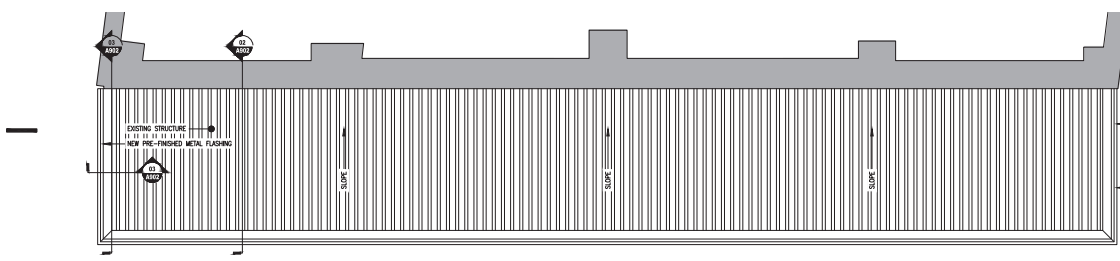
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REFER TO ENLARGED DETAIL FOR ADDITIONAL INFORMATION.

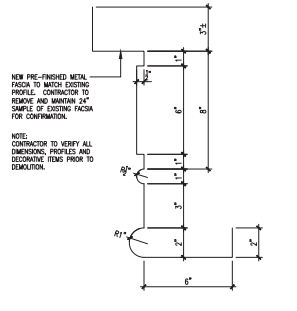
NEW PRE-FINISHED METAL FASCIA TO MATCH EXISTING PROFILE. CONTRACTOR TO REMOVE AND MAINTAIN 24\"/>



**04 CANOPY: EXTERIOR ELEVATION (TYPICAL SIDE PROFILE)**  
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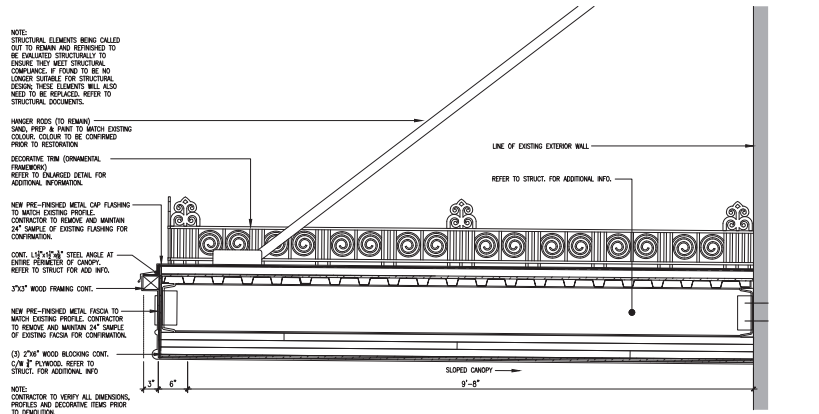


**01 CANOPY: REFLECTED CEILING PLAN**  
A901 SCALE: 1/4" = 1'-0"

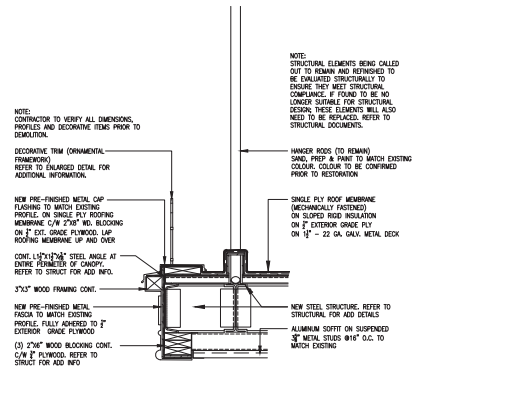


**06 ENLARGED FASCIA - PROFILE DEFINITION**  
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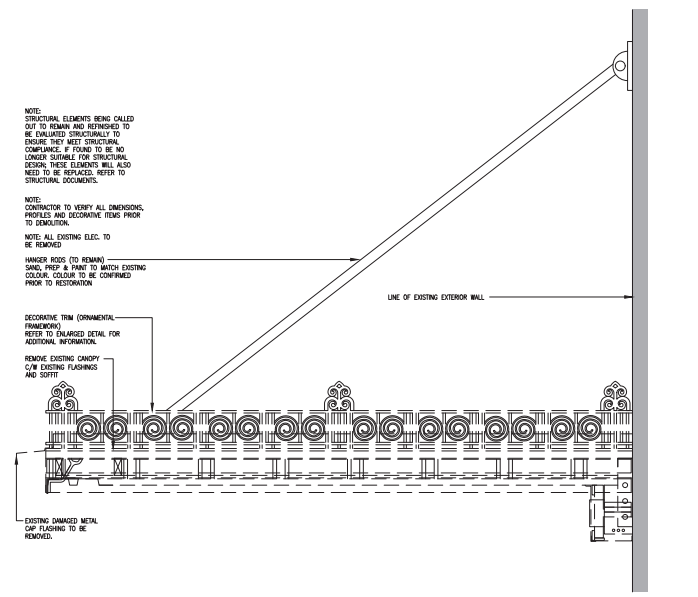
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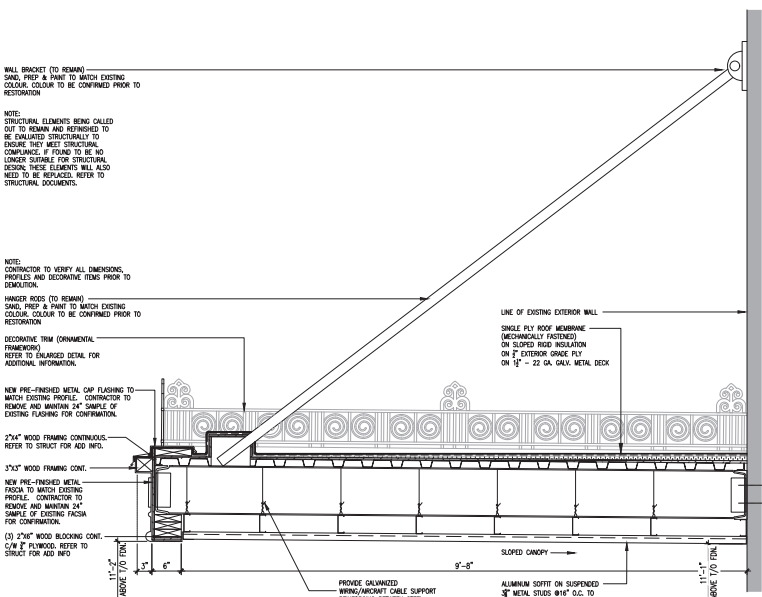
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04 CANOPY SECTION  
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01 DEMO: CANOPY SECTION  
A902 SCALE: 1/4" = 1'-0"



02 CANOPY SECTION  
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**Subject: Economic Revitalization Community Improvement Plan (CIP) application submitted by 538512 Ontario Limited for 3430 Wheelton Drive - Ward 9**

Moved by: Councillor Sleiman

Seconded by: Councillor Gill

Decision Number: **DHSC 384**

- I. THAT the request made by 538512 Ontario Limited to participate in the Business Retention and Expansion Grant Program **BE APPROVED** for the property located at 3430 Wheelton Drive for up to 10 years or until 100% of the eligible costs are repaid pursuant to the City of Windsor Economic Revitalization Community Improvement Plan; and,
- II. THAT Administration **BE DIRECTED** to prepare an agreement between the City, 538512 Ontario Limited., and/or persons or companies that have legally been assigned the right to receive grant payments, to implement the Business Retention and Expansion Grant Program in accordance with all applicable policies, requirements, and provisions contained within the Economic Revitalization Community Improvement Plan to the satisfaction of the City Planner for content, the Commissioner of Legal Services as to legal form, and the CFO/City Treasurer as to financial implications; and,
- III. THAT the CAO and City Clerk **BE AUTHORIZED** to sign the Business Retention and Expansion Grant Agreement; and further,
- IV. THAT the approval to participate in the Business Retention and Expansion Grant Program **EXPIRE** if the grant agreement is not signed by applicant and owner within one year following Council approval. The City Planner may extend the deadline for up to one year upon request from the applicant.

Carried.

Report Number: S 34/2022

Clerk's File: Z/14332

**Clerk's Note:**

1. The recommendation of the Standing Committee and Administration are the same.
2. Please refer to Item 11.1. from the Development & Heritage Standing Committee Meeting held April 4, 2022.

3. To view the stream of this Standing Committee meeting, please refer to:  
<http://csg001-harmony.sliq.net/00310/Harmony/en/PowerBrowser/PowerBrowserV2/20220412/-1/7314>

**Subject: Economic Revitalization Community Improvement Plan (CIP)  
application submitted by 538512 Ontario Limited for 3430 Wheelton  
Drive - Ward 9**

**Reference:**

Date to Council: April 4, 2022  
Author: Greg Atkinson, Senior Planner  
519-255-6543 ext. 6582  
gatkenson@citywindsor.ca  
Planning & Building Services  
Report Date: March 9, 2022  
Clerk's File #: Z/14332

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

**Recommendation:**

- I. THAT the request made by 538512 Ontario Limited to participate in the Business Retention and Expansion Grant Program **BE APPROVED** for the property located at 3430 Wheelton Drive for up to 10 years or until 100% of the eligible costs are repaid pursuant to the City of Windsor Economic Revitalization Community Improvement Plan;
- II. THAT, Administration **BE DIRECTED** to prepare an agreement between the City, 538512 Ontario Limited., and/or persons or companies that have legally been assigned the right to receive grant payments, to implement the Business Retention and Expansion Grant Program in accordance with all applicable policies, requirements, and provisions contained within the Economic Revitalization Community Improvement Plan to the satisfaction of the City Planner for content, the Commissioner of Legal Services as to legal form, and the CFO/City Treasurer as to financial implications;
- III. THAT, the CAO and City Clerk **BE AUTHORIZED** to sign the Business Retention and Expansion Grant Agreement; and,
- IV. THAT the approval to participate in the Business Retention and Expansion Grant Program **EXPIRE** if the grant agreement is not signed by applicant and owner within one year following Council approval. The City Planner may extend the deadline for up to one year upon request from the applicant.

## **Executive Summary:**

N/A

## **Background:**

City Council approved the Economic Revitalization Community Improvement Plan (CIP) at its January 31, 2011 meeting via CR 50/2011. The adopting By-law 30-2011 was passed by Council at its February 14, 2011 meeting.

The Economic Revitalization CIP provides financial incentives to encourage new investment in targeted economic sectors for the purposes of diversifying the local economy and creating/retaining jobs. The CIP allows the City to take a variety of measures to further the objectives of the Economic Revitalization CIP that would otherwise be prohibited by Ontario's *Municipal Act*. This includes the acquisition and preparation of land; construction, repair, rehabilitation or improvement of buildings; the sale, lease or disposal of land and buildings; and the provision of grants to owners or tenants of land—all of which must conform with the objectives and policies contained within the CIP.

To date, City Council has approved a number of applications made under the CIP representing a range of targeted economic sectors including manufacturing, research and development, creative industries, logistics, health & life sciences, and tourism.

538512 Ontario Limited has applied for financial incentives under the Business Retention and Expansion Grant Program for property located at 3430 Wheelton Drive (see Location Map). The principle owner of 538512 Ontario Limited (Bendig Enterprises) also owns and operates Cavalier Tool & Manufacturing Ltd (Cavalier Tool), which abuts the subject property to the south at 3450 Wheelton Drive.

Cavalier Tool designs and builds molds for diverse applications, including products for the automotive, commercial, recreational and domestic industries. The company has been in business for 45 years operating at 3450 Wheelton Drive, which abuts the subject property to the south. Cavalier Tool was approved to participate in the Business Retention and Expansion Grant Program in 2016 related to an expansion of the industrial building at 3450 Wheelton Drive.

The property is 0.86 hectares (1.67 acres) in size, designated 'Industrial' in the City's Official Plan and zoned Manufacturing District 2.7 (CD 2.7), which permits a range of industrial uses. The subject property is currently occupied by a two storey 2,196.30 m<sup>2</sup> (23,640 ft<sup>2</sup>) industrial building that was most recently used as office space.

## **Discussion:**

### *Business Retention and Expansion Grant Program*

The Business Retention and Expansion Grant Program is intended to stimulate investment in targeted economic sectors for the purpose of expanding and diversifying Windsor's economy. Existing manufacturing business that retain or create a minimum of 50 jobs are eligible to apply under the program.

Successful applicants are eligible to receive an annual grant for up to 100% of the municipal property tax increase created by an investment in development or redevelopment of a building or property—provided it conforms with the Economic Revitalization CIP. The annual grants may continue, at Council's discretion, for up to 10 years or until up to 100% of the eligible investment costs are repaid.

### *Proposed Construction*

The application proposes to expand the existing building by adding 1,086 m<sup>2</sup> (11,689 ft<sup>2</sup>) of manufacturing space. The plans also include removal of approximately 372 m<sup>2</sup> (4,000 sq. ft.) of the existing 2nd floor to accommodate a high bay manufacturing area.

### *Eligible Sector*

Cavalier Tool falls under the eligible Manufacturing sector, which is defined as:

#### *Manufacturing*

*Companies engaged in the fabricating, processing, assembling, packaging, producing or making goods or commodities, including ancillary repair, storage, wholesaling or office uses.*

### *Employment*

According to the CIP application Cavalier Tool currently has 202 employees located at 3450 Wheelton Drive. These employees would be retained and 30 employees are expected to be added as a result of the proposed expansion.

### *CIP Objectives*

The proposed expansion of the industrial building located at 3430 Wheelton Drive and recommended Business Retention and Expansion Grant supports the following CIP objectives:

- Encourage investment that results in the productive use of lands and/or buildings for the purposes of establishing or maintaining a business enterprise, or the expansion of existing businesses to realize more effective use of the land's



potential;

- Encourage capital investments that create new and/or maintain existing permanent jobs, as well as short-term construction jobs that contribute to the reduction of the unemployment rate;
- Attract investment based on the community's strengths and competitive advantages;
- Provide financial incentive programs that are attractive to potential investors and corporate decision-makers, but are balanced with expectations of City taxpayers and the City's ability to fund the financial incentive programs;
- Support the establishment and on-going development of sector clusters and encourage businesses to take advantage of cluster -related synergies; and,
- Support investment and development that results in an increase in property assessment and grows the non-residential municipal tax base over the long-term.

### **Risk Analysis:**

There is little risk associated with the approval of the CIP application. Staff resources are required for the upfront administration of the grant program and finalization of the legal agreement. Limited staff resources related to on-going monitoring of the eligible employment uses and issuance of annual grants will also be required over the next ten years. Should Council refuse the CIP request there is a risk that Cavalier Tool may not proceed with the proposed expansion.

### **Climate Change Risks**

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

The proposed addition to the existing industrial building implements Environmental Master Plan Objective C1: Encourage in-fill and higher density in existing built areas.

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

The proposed expansion of the existing industrial building may be affected by climate change, in particular with respect to extreme precipitation and an increase in days above 30 degrees. While not the subject of this report, any new construction would be required to meet the current provisions of the Building Code, which would be implemented through the building permit process. The site would also be required to incorporate storm water management best practices. Any site plan control application will be reviewed for opportunities to enhance resiliency.

## **Financial Matters:**

### *Business Retention and Expansion Grant Program*

The tax increment portion of the Business Retention and Expansion Grant is not calculated or paid out until all eligible work is completed and the property is reassessed by MPAC. Reassessment of the property must result in an increase in assessment value. The grant amount is recalculated annually based on the actual assessed property value, tax class, and municipal tax rate.

### *Summary of Potential Financial Incentives*

The applicant proposes to spend a total of \$3,175,000 on the project. The current assessment value for the property is \$2,338,000 and the annual property taxes are \$99,006 with the municipal share being \$78,431.60.

City staff anticipate the post-development assessment value to be \$2,645,031. Total annual property taxes on the increased assessment value would be \$125,304—an increase of \$26,298. The post-development annual municipal tax levy would be \$102,027—an increase of \$23,596. This would result in a total grant value of \$235,960 over the lifespan of the 10-year grant program and would offset approximately 7.4% of the eligible investment proposed by 538512 Ontario Limited.

Because the Business Retention and Expansion 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 Economic Revitalization CIP was subject to extensive stakeholder and public consultation as part of the approval process, including two public open houses, a statutory public meeting of Council and circulation among internal City staff and the Province.

Planning staff have consulted with the applicant prior to accepting the application for the Business Retention and Expansion Grant Program. Staff from the Planning, Finance, and Legal departments were consulted in the preparation of this report.

**Conclusion:**

Administration recommends that Council approve the request made by 538512 Ontario Limited to participate in the Business Retention and Expansion Grant Program. Specifically, that the municipal portion of the tax increment resulting from the proposed development located at 3430 Wheelton Drive be provided as an annual grant for up to 10 years or until 100% of the eligible costs are repaid pursuant to the City of Windsor Economic Revitalization CIP.

It is also recommended that approval to participate in the CIP expire if the grant agreement is not signed within one year following Council approval. The planned development conforms with the Economic Revitalization CIP and assists the City in the achievement of a number of the CIP objectives.

**Planning Act Matters:**

N/A

**Approvals:**

<b>Name</b>	<b>Title</b>
Michael Cooke	Manager of Planning Policy/Deputy City Planner
Thom Hunt	City Planner / Executive Director, Planning & Development Services
Wira Vendrasco	Deputy City Solicitor, Legal Services & Real Estate
Shelby Askin Hager	Commissioner, Legal & Legislative Services
Josie Gualtieri	Financial Planning Administrator
Janice Guthrie	Deputy Treasurer, Taxation & Financial Projects
Joe Mancina	Commissioner, Corporate Services Chief Financial Officer / City Treasurer
Jason Reynar	Chief Administration Officer

**Notifications:**

<b>Name</b>	<b>Address</b>	<b>Email</b>
Brian Bendig		brianb@cavaliertool.com
Brenda Quint		brendaQ@cavaliertool.com
Tim Galbraith		ting@cavaliertool.com

**Appendices:**

- 1 Location Map
- 2 Application Overview



## LOCATION MAP : 3430 WHEELTON DRIVE



SUBJECT PROPERTY



## Business Overview - March 2022

Cavalier Tool & Manufacturing was founded in Windsor in 1975. Cavalier has two manufacturing locations, one in Windsor and one in Tecumseh (2021 acquisition of Mold Services International). Cavalier also has three support locations in India, two in Chennai and one in Lucknow. The India locations are non-manufacturing support services to Engineering, Estimating and Purchasing for the North American operation. We are opening our third manufacturing location here in Windsor – 3430 Wheelton Drive, hence the CIP application. Current employment is 160 in Windsor, 42 in Tecumseh and 33 in India.

Cavalier's business strategy encompasses several markets including Automotive, Heavy Truck, Powersport, Commercial, Consumer and Medical industries. This diverse strategy has led to the steady and consistent growth realized over the past decade. Cavalier has recently moved into the top 20 mold manufacturers (by sales turnover) in North America and is recognized as an industry leader. Our 5-year goal is to be in the top 10.

### Project: Industrial Building Acquisition

By positioning ourselves as an industry leader in technology and innovation we can compete in a global market. As an early adopter (in our industry) of digital marketing, we were well prepared when the pandemic closed the border to non-essential travel. By capitalizing on our pre pandemic momentum we were able to maintain our growth projections.

#### CURRENT ISSUES

- This growth has resulted in an increase in offshore content (China) as well as significant North American outsourcing as we do not have the footprint to accommodate the requirements.
- North American outsourcing costs rise exponentially to accommodate capacity issues.
- Since Cavalier is a discreet manufacturing business we rely heavily on design and engineering as part of our build process. Design staff requirements have grown commensurate with the business increase. To accommodate our design staffing requirements, we have increased our presence both in Windsor and in India. With our current staffing level in our Windsor design department, we do not have enough space requiring all designers to work-from-home.
- Infrastructure footprint has been maximized.

#### OPPORTUNITIES & OPTIONS

- Acquisition:
  - This comes with its own set of challenges. Without a significant prior relationship integration takes at least one year.
  - It is expensive. Acquiring a functioning business includes the costs not congruent with capacity acquisition.
  - Fastest and most costly way to add capacity.



- Expansion:
  - Requires land and building acquisition.
  - Allows organic growth with equipment designed to maximize current processes.
  - More cost effective than acquisition – but still significant CapEx.
- Maintain Outsource level
  - Minimal CapEx investment
  - Not cost effective
  - Lack of control

### SOLUTIONS:

- Acquisition
  - In 2020 it became apparent that we needed immediate capacity to face the expected business projections. We had an ongoing relationship with MSI in Oldcastle as they had been an outsource supplier for several years. The workload they were taking from Cavalier became significant. With similar culture, process, and business practices they became a prime candidate for acquisition. January 1, 2021, it was announced that Cavalier had acquired the company and would proceed with the integration process. This became **Cavalier Plant 2**.
- Expansion:
  - In Q1 2021 Cavalier was approached to purchase the building at 3430 Wheelton. While other acquisitions were being explored, having the lot, and building adjacent to Plant 1 would allow future strategic options. It was decided to proceed with the purchase and July 1, 2022, Cavalier took possession of what will become **Cavalier Plant 3**.
    - While the building at one point was a tool shop, it had been acquired and converted to all offices including adding a full second floor. All vestiges of a manufacturing facility were removed, cranes, electrical etc.
    - Plans were commissioned to return the building to its former configuration by removing the second floor and install all required infrastructure. Preliminary designs and construction costs were collected and reviewed.
    - While all immediate needs could be met, our projected growth would require further resources in the near future. Proposals were issued to demolish only a small portion of the second floor incorporate an addition on to accommodate the manufacturing floor requirements.
    - This would allow the entire Design department to return to work, the Sales and Estimating departments to move to Plant 3 and allow renovation and optimizing of the Plant 1 office layout. This solution would also allow for expected future space requirement for both office and shop requirements.
- Plans:
  - Addition of a fully automated enclosed manufacturing cell. This will include:
    - Three 5-axis high speed CNC - Hermle
    - One multi-axis CNC EDM machines – OPS-Ingersoll
    - One Wire EDM machine - Mitsubishi
    - Two external manned stations – Load and unload of cell.
    - Full automated 9-axis Kuka robot accessing a 200-pallet library
    - Designed to be expandable to accommodate future growth.



- A large 5-axis high speed bridge mill
  - 3.0 M x 5.0 M cutting envelope
  - Triple head interchangeability – horizontal, vertical, and multi-axis configuration
- Material Handling infrastructure
  - 3 overhead bridge cranes ranging from 10 to 35 tons will be installed. 2 Walking beam cranes and several jib cranes will be installed throughout the manufacturing floor for efficient movement of workpieces.
- Office Renovation
  - Custom designed work environment to allow both privacy and enhanced collaborative efforts between designers, and with the manufacturing team. While designers working from home fulfills the technical requirements for a designer, the daily collaboration and creativity is absent in an WFH environment. The interaction between design and manufacturing – having a designer walk out and collaborate with toolmakers and machinists – will bring a much-needed feedback loop back into our process.
  - Office infrastructure will allow for 40 design team members in the offices at Plant 3. Current requirement is 29 allowing 11 additional designers in the future. Similar capacities are built into the Sale & Estimating area, Purchasing and Logistics area. We are planning for the continued growth.
  - Fiber and Cat6 connectivity will be installed to for hardwire integration with Plant 1 and cloud integration with Plant 2.
  - Acoustic baffles and white noise generators will be integrated into the office.
  - Renovations of Plant 1 offices will be completed once Plant 3 is done. This will accommodate current team members and allow for future increase in staff there.
- Enhanced service offering:
  - An Additive Manufacturing lab which is expected to include Industrial Design, 3D printing, finite element analysis and testing & metrology capability are planned for 2024 in this facility.

#### **EXPECTATIONS:**

- LCC/Offshore outsourcing:
  - While offshore outsourcing provides a buffer to manufacturing capacity issues the intent is to reduce the current dependency through automated manufacturing processes to repatriate a significant amount of current component requirements and create capacity to accommodate future requirements.
- North American outsourcing:
  - Like offshore outsourcing, domestic partners also mitigate the cyclic nature of our business. Used strategically, they can enhance the customer experience, allow for timing compression and fill-in resources when required. It is not financially sustainable on a continuing basis as the premium cost reduces, and in extreme cases eliminates the profit margins.





**RESULTS:**

- Growth:
  - Plant 1 & 2 currently employ 202 team members, office, and manufacturing. Based on projections, that number will exceed 250 by 2024.
  - Current outsource costs are in excess of \$10M/yr. Even with projected sales increase, that number is expected to be under \$5M/yr. in 2023 when the addition and equipment are fully online.
  - 85% of our business is export. Our growth promotes growth in our supply chain partners, from component and raw material suppliers to our computer, software, and service suppliers. Cavalier's success is Windsor and Essex County's success.

**CONCLUSION:**

The current economic, geopolitical and supply chain challenges have put a significant strain on our plans. As mentioned in our original application. Construction costs are 70% higher than was originally quoted. We have pushed back the AM lab, scaled back on the office renovations, all to preserve capital. The CIP grant is essential for us to maintain the cadence of our growth. We have spent a decade positioning the company to capitalize on our past investments. Our two biggest challenges are people and manufacturing capacity. We have added two people whose sole responsibility is to recruit and onboard talent at Cavalier, that problem is being addressed. The manufacturing capacity will be addressed through our expanding footprint here in Windsor. The CIP grant is a key component and will expedite our growth and employment levels. Should you have any questions, we would be pleased to answer them.



Committee Matters: SCM 102/2022

**Subject: Close and Convey the East-West Alley Segments at the South end of Partington Ave., Roxborough Blvd., and Glenwood Ave., and the North/South segment between Roxborough and Glenwood Avenue, all being North of EC Row Expressway - SAA/6177**

Moved by: Councillor Holt  
Seconded by: Councillor Sleiman

Decision Number: **DHSC 385**

- I. THAT the segments of the 4.27m wide east/west alley segments located at the south end of Partington Ave. Roxborough Blvd. and Glenwood Ave. north of EC Row Expressway together with the north/south alley segment measuring approximately 32m between Roxborough Boulevard and Glenwood Avenue, all as shown on Drawing No. CC-1783 attached as Appendix "A", **BE ASSUMED** for subsequent closure;
- II. THAT the portions of the 4.27m wide east/west alley segments located at the south end of Partington Ave. Roxborough Blvd. and Glenwood Ave. and north of EC Row Expressway and shown on Drawing No. CC-1783 attached as Appendix "A", **BE CLOSED AND CONVEYED** in full width, to the abutting property owners on the north side of the alley, subject to the following:
  - a) Easement, subject to their being accepted in the City's standard form and in accordance with the City's standard practice, be granted to:
    - The Corporation of the City of Windsor, Enbridge Gas Inc., and ENWIN Utilities Ltd.
- III. THAT the north/south alley segment measuring approximately 32m in length and located at the south end of Roxborough Boulevard and Glenwood Avenue, as shown on Drawing No. CC-1783 attached as Appendix "A", **BE CLOSED AND CONVEYED** in full width, to the abutting property owners on the east and west sides of the alley, subject to the following:
  - b) Easement, subject to their being accepted in the City's standard form and in accordance with the City's standard practice, be granted to:
    - The Corporation of the City of Windsor, Enbridge Gas Inc., and ENWIN Utilities Ltd.
- IV. THAT Conveyance Cost **BE SET** as follows:

- a. For the 4.27m wide east/west alley segments identified in Recommendation II above, the land value is set at a market value of \$13,120 per front metre (\$4000/front foot) or reduced to \$6,560 (\$2000/front foot) where easements are required; and,
  - b. For the north/south alley identified in Recommendation III above, the land value is set at \$1.00; and,
  - c. In addition to (a) and (b), costs include deed preparation fee and proportionate share of the survey costs as invoiced to The Corporation of the City of Windsor by an Ontario Land Surveyor.
- V. THAT the City Planner **BE REQUESTED** to supply the appropriate legal description, in accordance with Drawing Number. CC-1783, attached as Appendix "A".
- VI. THAT the City Solicitor **BE REQUESTED** to prepare the necessary by-law(s).
- VII. 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.
- VIII. THAT the matter **BE COMPLETED** electronically pursuant to By-law Number 366-2003.  
Carried.

Report Number: S 88/2021  
Clerk's File: SAA2022

**Clerk's Note:**

1. The recommendation of the Standing Committee and Administration are **not** the same.
2. Please refer to Item 11.2. from the Development & Heritage Standing Committee Meeting held April 4, 2022.
3. To view the stream of this Standing Committee meeting, please refer to: <http://csg001-harmony.sliq.net/00310/Harmony/en/PowerBrowser/PowerBrowserV2/20220412/-1/7314>

**Subject: Close and Convey the East-West Alley Segments at the South end of Partington Ave., Roxborough Blvd., and Glenwood Ave, and the North-South segment between Roxborough and Glenwood Avenue, all being North of EC Row Expressway SAA/6177**

**Reference:**

Date to Council: April 4, 2022  
Author: Michael Cooke MCIP, RPP  
Manager of Planning Policy/Deputy City Planner  
Email: mcooke@ctiywindsor.ca  
Phone: 519-255-6543 x6102  
Planning & Building Services

Report Date: March 20, 2022  
Clerk's File #: SAA2022

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

**Recommendation:**

- I. That the segments of the 4.27m wide east/west alley segments located at the south end of Partington Ave. Roxborough Blvd. and Glenwood Ave.north of EC Row Expressway together with the north/south alley segment measuring approximately 32m between Roxborough Boulevard and Glenwood Avenue, all as shown on Drawing No. CC-1783 attached as Appendix "A", **BE ASSUMED** for subsequent closure;
- II. That the portions of the 4.27m wide east/west alley segments located at the south end of Partington Ave. Roxborough Blvd. and Glenwood Ave. and north of EC Row Expressway and shown on Drawing No. CC-1783 attached as Appendix "A", **BE CLOSED AND CONVEYED** in full width, to the abutting property owners on the north side of the alley, subject to the following:
  - a) Easement, subject to their being accepted in the City's standard form and in accordance with the City's standard practice, be granted to:
    - The Corporation of the City of Windsor, Enbridge Gas Inc., and ENWIN Utilities Ltd.
- III. That the north/south alley segment measuring approximately 32m in length and located at the south end of Roxborough Boulevard and Glenwood Avenue, as shown on Drawing No. CC-1783 attached as Appendix "A", **BE CLOSED AND**

**CONVEYED** in full width, to the abutting property owners on the east and west sides of the alley, subject to the following:

- b) Easement, subject to their being accepted in the City's standard form and in accordance with the City's standard practice, be granted to:
  - The Corporation of the City of Windsor, Enbridge Gas Inc., and ENWIN Utilities Ltd.

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

- a. For the 4.27m wide east/west alley segments identified in Recommendation II above, the land value is set at a market value of \$13,120 per front metre (\$4000/front foot).
- b. For the north/south alley identified in Recommendation III above, the land value is set at \$1.00; and
- c. In addition to (a) and (b), costs include deed preparation fee and proportionate share of the survey costs as invoiced to The Corporation of the City of Windsor by an Ontario Land Surveyor.

V. THAT The City Planner **BE REQUESTED** to supply the appropriate legal description, in accordance with Drawing Number. CC-1783, *attached* as Appendix "A".

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

VII. 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.

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

### **Executive Summary:**

N/A

### **Background:**

South Windsor Development Co. owns 4 of the 5 properties on the north side of the proposed closure between Rankin Avenue and Glenwood Avenue. Agent Karl Tanner on behalf South Windsor Development Co. applied to close the 4.27 metres wide east/west alley, north of the existing trail system and EC Row Expressway between Rankin Avenue and Glenwood Avenue. In addition, a north/south alley segment between Roxborough Boulevard and Glenwood Avenue measuring approximately 32m in length has also be requested for closure. All alley segments are shown on Drawing No. CC-1783 attached as Appendix "A".

An application for part lot control exemption (which includes the alleys subject of this report) has recently been approved by City Council. The granting of part lot exemption will allow for the proposed building lots at the south end of Partington, Roxborough and Glenwood to effectively benefit from the additional 4.27m of frontage should the east-west alley segments be approved for closure. For this reason, the applicant is requesting to close these alley segments to increase lot frontage and/or depth on their properties.

The surface of the alley is composed of grass and does not appear to be travelled by vehicles. There are no sewers, manholes, catchbasins, wooden hydro poles, guy-wires, or overhead wires located in the proposed alley closure.

**Discussion:**

Planning Department's analysis of the requested alley closures:

The first test is to determine whether the subject alley is dispensable. To make such determination the guideline *attached* herein as Appendix "E" would be relevant as shown below:

a. *Does the subject alley serve commercial properties?*

The answer is **NO**.

b. *Does the subject alley serve properties fronting on heavily traveled streets i.e. major arterial routes?*

The answer is **NO**.

c. *Does the subject alley contain sewers, and must the alley remain accessible for servicing?*

The answer is **NO**.

d. *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?*

The answer is **NO**.

e. Does the subject alley contain Fire Department connections that are deemed to be necessary for firefighting access?

The answer is **NO**.

Based on the above, the Planning Division deems the subject east/west and north/south alley portions as “dispensable”, and supports the requested closure.

The Planning Division notes that alleys are typically conveyed in equal halves to abutting property owners. As the City of Windsor is the abutting property owner on the south side of the alley and does not require the alley for the existing sidewalk/trail system, the entire width of the alley can be conveyed to the abutting property owners. The north/south alley segment can be offered in equal halves to the abutting property owners.

**Risk Analysis:**

The recommended closure will divest the City of associated liability risks and maintenance costs. The recommended closure poses no known risk to The Corporation of the City of Windsor.

**Climate Change Risks**

**Climate Change Mitigation:**

N/A

**Climate Change Adaptation:**

N/A

**Financial Matters:**

N/A

**Consultations:**

Consultations were held with Municipal Departments and Utility Companies, which resulted in the information found in *attached* Appendix “C”.

The Parks Department confirmed that lands abutting the existing sidewalk/trail system to the north will not be required for future needs.

The City of Windsor, Enbridge Gas and ENWIN Utilities Ltd. have requested easements in the subject area of closure.

Notices of the meetings of the Development & Heritage Standing Committee and Council 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 Division recommends closure of the portions of the east/west alley and north/south alley all as shown on attached Appendix “A”, subject to easements as in Recommendation II of this report, in favour of the City of Windsor, Enbridge Gas and ENWIN Utilities Ltd.

**Planning Act Matters:**

N/A

**Approvals:**

<b>Name</b>	<b>Title</b>
Michael Cooke	Manager of Planning Policy / Deputy City Planner
Thom Hunt	City Planner / Executive Director Planning & Building
Wira Vendrasco	Deputy City Solicitor, Legal Services & Real Estate
Shelby Askin Hager	Commissioner – Legal and Legislative Services
Jason Reynar	Chief Administrative Officer

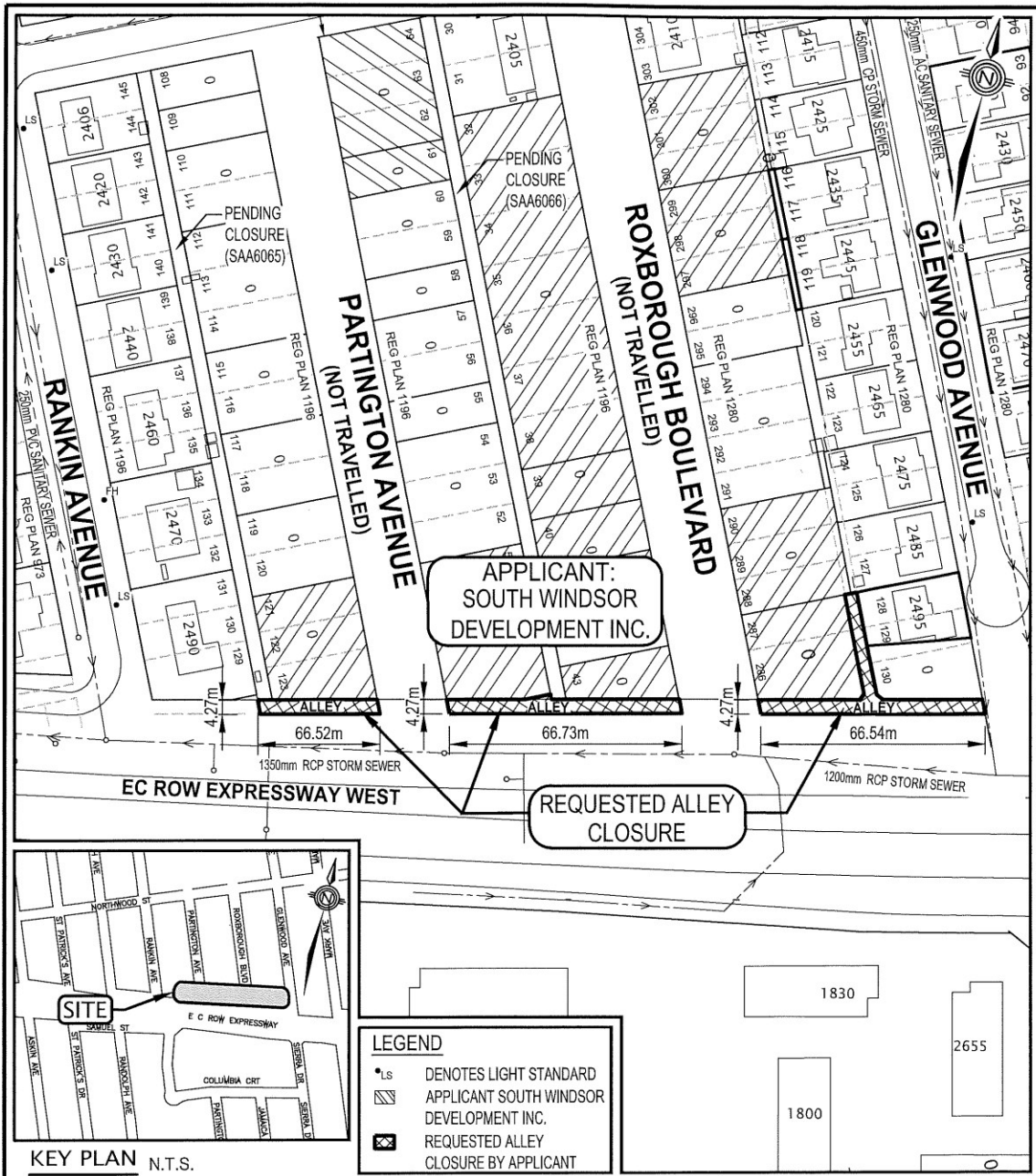
**Notifications:**

<b>Name</b>	<b>Address</b>	<b>Email</b>
Councillor Jim Morrison	City Hall Square W., Suite 220, Windsor Ontario N9A 6S1	jmorrison@citywindsor.ca
Karl Tanner (Agent for the Applicant)		ktanner@dillon.ca

**Appendices:**


- 1 Appendix “A” - Drawing No. CC-1783
- 2 Appendix “B” - Aerial Photo
- 3 Appendix “C” - Consultations
- 4 Appendix “D” - Site Photos
- 5 Appendix “E” - Classification of Alleys





**THE CORPORATION OF THE CITY OF WINDSOR - ENGINEERING DEPARTMENT**

**To Close the East/West Alley between Glenwood Avenue and Rankin Avenue , Parallel with the EC Row Expressway**

 Kirk Tamm, Manager of Geomatics	SCALE: 1:1500	DATE: JAN. 2022	REVISED: _____	DWG. NO. <b>CC-1783</b>
	DWN BY: AC	CHKD BY: PJU / CA/AP	REVISION NO.: _____	

Appendix "B" – Aerial Photo



**STREET & ALLEY CLOSING (SAA/6177)**

1:1,500

APPLICANT : DILLON CONSULTING LTD. C/O SOUTH WINDSOR PROPERTIES INC.



 ORIGINAL APPLICATION      ALLEY TO BE CLOSED

PLANNING DEPARTMENT - DEVELOPMENT DIVISION

DATE: MARCH, 2022

Agency	Comments
Fire and Rescue Services	No comments received.
Windsor Police Services	No comments received.
Parks & Facilities	The conclusion is to have the reinstatement of the sidewalk out here, as this infrastructure will fall within the ROW, and Public Works Operations will be responsible for future maintenance.
Public Works – Engineering	The subject alley closure is approximately 4.27m (14ft) wide, and is composed of grass. There are no sewers, manholes, catchbasins, wooden hydro poles, guy-wires, or overhead wires located in the alley closure. This alley appears to serve no useful purpose by CR146/2005; therefore, we have no objections to the closure of this alley.
Public Works – Environmental	No concerns from Environmental Services.
Public Works – Transportation	The proposed alley closure would leave enough ROW to accommodate the existing sidewalk. If the relocation of the sidewalk is necessary, the applicant shall assume this cost.
Transit Windsor	No comments received.
Bell Canada	Bell Canada has no concerns with the proposed alley closures.
Cogeco Cable Systems Inc.	No comments received.
Canada Post	No comments received.
Rogers Communications	No comments received.
Telus Communications	TELUS has no infrastructure in the area of your proposed work. Permit expires six(6) months from approval date.
MNSi	MNSi does not require an easement through the subject lands.
EnWin Utilities – Hydro	Hydro Engineering: No objection, however, an easement named to ENWIN Utilities Ltd. and the City of Windsor is required for the entire east/west alley upon closing to accommodate existing underground 600 volt EC Row streetlight distribution and poles.
Windsor Utilities – Water	Water Engineering: Water Engineering has no objections.
Enbridge Gas	Yes Enbridge will require an easement on the intended portions of lane to be closed.

	Once the reference plan has been created please forward to myself for review.
Legal Department	For the east/west portions of the alley segments measuring 4.27m in width: the market rate per front metre is \$13,120 (\$4000/front foot)  For the north/south alley segment: \$1.00.  Plus deed preparation, plus proportionate survey costs as invoiced to The Corporation of the City of Windsor by an Ontario Land Surveyor.
OTHER:	

Appendix "D" – Site Visit Photos



1. Looking east towards alley from Rankin Ave.



2. Looking west towards alley from Glenwood Ave.

**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.

- 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.
- Alleys having some usefulness should **be considered for closing** only upon request of abutting owners rather than by encouragement of the City.
- 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.
- 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.

Originally submitted at April 4, 2022  
Development & Heritage Standing Committee  
- Written Submission



April 4, 2022

Corporation of the City of Windsor  
Planning & Building Services Department  
2nd Floor, 350 City Hall Square West  
Windsor, Ontario  
N9A 6S1

Attention: Michael Cooke, MCIP, RPP  
Manager of Planning Policy, Deputy City Planner

**Item: 11.2 / Council Report 5.88/2021/SAA/6177**  
**South Windsor Development Company Limited**  
**Alley Closure – Partington and Roxborough at the E.C. Row Expressway**

Dear Mike,

On behalf of our client, South Windsor Development Company Limited (SWDC), we are writing to you regarding Item 11.2, the closing of alleys adjacent to Partington and Roxborough at the E.C. Row Expressway.

We are in full agreement to the closing with the exception of the cost being set at \$13,120 per metre (\$4,000/front foot).

We are requesting the cost be negotiated to the satisfaction of the City Solicitor and the City Planner. We are respectfully requesting your consideration for the following reasons:

- SWDC has recently bought and sold vacant unserviced lands on both streets at substantially lower values. We would be happy to provide one (1) sale and two (2) purchases within the previous 18 months, in keeping with when this application was made (September 2020); and
- The closed alleys are subject to easement, which normally results in a reduction of 50% of the cost.

We do not wish to delay the closing of the alley and believe that a mutually agreed upon price can be confirmed before this matter proceeds to Council.

We would be willing to speak to the matter at the Committee Meeting this evening.

3200 Deziel Drive  
Suite 608  
Windsor, Ontario  
Canada  
N8W 5K8  
Telephone  
519.948.5000  
Fax  
519.948.5054

Dillon Consulting  
Limited



Corporation of the City of Windsor  
Page 2  
April 4, 2022



Sincerely,

**DILLON CONSULTING LIMITED**

Karl Tanner, MCIP, RPP  
Partner  
KDT:jrb

**Our file:** 15-2901-1000 / 15-2902-1000

cc: Frank Scarfone – Corporation of the City of Windsor  
J.H. Whiteside – South Windsor Development Company Limited  
Mike Stamp – M.G.S. Real Estate Consulting Inc.



**Committee Matters: SCM 107/2022**

**Subject: Minutes of the Meeting of the Board of Directors, Willistead Manor Inc., held January 13, 2022**

Moved by: Councillor Francis

Seconded by: Councillor Gignac

Decision Number: **CSPS 176**

THAT the minutes of the Meeting of the Board of Directors, Willistead Manor Inc., of its meeting held January 13, 2022 **BE RECEIVED**.

Carried.

Report Number: SCM 30/2022

Clerk's File: MB2022

**Clerk's Note:**

1. The recommendation of the Advisory Committee and Administration are the same.
2. Please refer to Item 7.1. from the Community Services Standing Committee Meeting held April 6, 2022.
3. To view the stream of this Standing Committee meeting, please refer to:  
<http://csg001-harmony.sliq.net/00310/Harmony/en/PowerBrowser/PowerBrowserV2/20220414/-1/7316>



**Committee Matters: SCM 30/2022**

**Subject: Minutes of the Meeting of the Board of Directors, Willistead Manor Inc., held January 13, 2022**

A special meeting of the **Board of Directors, Willistead Manor Inc.** is held this day commencing at 4:00 o'clock p.m. via Zoom, there being present the following members:

D. Sanborn – Chair  
A. Abu-Zahra  
J. Evans  
C. Gaudette  
R. Gauthier  
C. Holt  
A. Jahns  
D. Langstone  
K. Renaud

***Regrets from Board Members:***

MJ. Dettinger  
C. Dettinger

***Also in attendance are the following resource personnel:***

M. Staaedegaard, Manager, Culture & Events  
D. Seguin, Deputy Treasurer – Financial Accounting  
W. Al-Yassiri, Manager, Parks Development  
C. Menard, Cultural Development and Willistead Manor Coordinator  
S. Gebauer, Council Assistant & Executive Secretary to the  
Board of Directors, Willistead Manor Inc.

**1. CALL TO ORDER**

The Chairperson calls the meeting to order at 4:01 o'clock p.m. and the Board considers the Agenda being Schedule "A" **attached** hereto, matters, which are dealt with as follows:

**2. ADOPTION OF THE MINUTES**

Moved by R. Gauthier, seconded by C. Gaudette,  
That the minutes of the Board of Directors, Willistead Manor Inc. meeting held November 10, 2021 **BE ADOPTED** as amended:

- That the name "C. Gaudette" be replaced by the name "R. Gauthier" on page 2, Section 3, Business Arising from the Minutes, third paragraph.

Carried.

### 3. PRESENTATION

Chris Renaud, of HCA Mindbox, appears before the Board of Directors, Willistead Manor Inc., to present a proposal for the Historical Exhibit that will be located in the Coach House. Mr. Renaud explains that based on the meetings he has had and the information that was provided, his vision for the exhibit is to make it an experience that will educate future visitors on the history and the importance of the Walker Family. The hope is to tell the story in a visually engaging way, starting with a mood board that provides a sense of how things came together, with the option of leaving space for future additions.

Mr. Renaud informs the Board members that he was involved in the Heritage Hallway exhibit at the Tayfour Campus of Hotel Dieu Grace Hospital and has some great ideas on how to tell the story. Mr. Renaud adds that HCA Mindbox has their own sign division and therefore much of the work can be internally, including installation. Mr. Renaud indicates that a donor wall can be added in the Coach House and suggests that the Board members consider a design that can be updated as needed.

A. Jahns inquires about the material and the sources that Mr. Renaud will use, indicating that many of the photographs have been seen repeatedly. R. Gauthier indicates that Mr. Renaud will be meeting with Nick Shields from Suede productions, who produced the Willistead Manor documentary, to look at their inventory. He also suggests that Mr. Renaud meet with A. Jahns as he is a valuable source and can provide some information and material that will be useful for the creation of the display. R. Gauthier confirms that the exhibit will focus on Hiram Walker and the Walker Distillery, Willistead Manor and the Walker Family.

C. Gaudette inquires about the timeline of Mr. Renaud's proposal indicating that it is the hope of the Board members that the opening of the historical exhibit will coincide with the opening of the Hiram Walker Gateway Parkette. Mr. Renaud informs the Board members that it is difficult to provide a timeline this early in the process and explains that the research must be completed first, followed by the design and finally the printing and installation. He indicates that once the design is approved the process will move quicker however, the research will take the most time.

Moved by R. Gauthier, seconded by C. Holt,

THAT the presentation by Chris Renaud of HCA Mindbox, regarding the Coach House Historical Exhibit Proposal **BE RECEIVED**; and,

THAT the Board of Directors, Willistead Manor Inc. **AUTHORIZE** an expenditure to an upset limit of \$30,000. plus HST for the implementation of the proposed historical exhibit in the Coach House; and,

THAT the expenditure **BE FUNDED** from capital project No. 7075065 Willistead Restoration Improvement Project.

Carried.

C. Holt leaves the meeting at 4:45 o'clock p.m.

#### **4. BUSINESS ARISING FROM THE MINUTES**

None.

#### **5. CHAIRPERSON'S REPORT**

None.

#### **6. REPORTS**

##### **6.1 Management**

W. Al-Yassiri, Manager, Parks Development, provides the Board members with an update regarding the playground at Willistead Park, explaining that the existing playground will be replaced with a new large, fully accessible structure. The theme will be a heritage/old car theme. W. Al-Yassiri adds that the existing playground will remain in place and will be operational until the new one is complete, at which time it will be removed. The location, which W. Al-Yassiri shares with the Board members, will be close to the existing structure, will be tucked away from the Manor but will be visible from the street. W. Al-Yassiri advises the members that he will continue to communicate with them concerning the progress and that all efforts will be made not to disturb any events that may be taking place at the Manor and the Park.

A. Abu-Zahra expresses concern with the proposed location, indicating that in this particular area, there is not much shade, also indicating that kids and families regularly use this open area to play soccer, throw Frisbees etc. A. Abu-Zahra suggests that the southwest corner of the park would be a better choice as it is closer to the gate, close to the trail and closer to the washrooms.

W. Al-Yassiri advises the Board members that he will visit the site with the Project Manager, to review the proposed location.

A. Abu-Zahra asks Administration if the two segments of asphalt trails near the driveway gates could be connected so that children are not required to ride through the parking lot but rather continue on the trail.

M. Staaedegaard, Manager, Culture and Events, informs the Board members that the Manor is still closed however, showings have resumed and bookings are being taken for spring of 2022 for indoor events and early June for outdoor events. She also informs that Art in the Park is scheduled for the first weekend in June.

C. Menard, Cultural Development and Willistead Manor Coordinator, informs the Board members that although the private screening of the Willistead Manor Documentary for the Board Members, as well as the Annual reception, which was scheduled for January 30<sup>th</sup>, 2022 at the Capital Theatre were cancelled due to Covid restrictions, they will be rescheduled when it is possible to do so.

C. Menard also informs that a celebration will take place when the Hiram Walker sculpture is unveiled and assures the Members that Willistead Manor will be included.

A. Abu-Zahra leaves the meeting at 5:08 o'clock p.m.

## **6.2 Treasurer**

D. Seguin, Deputy Treasurer-Financial Accounting, provides the current account balances as follows:

- Operating Account -- \$31,000.
- Savings Account -- \$4,600.

D. Seguin informs that the final payment to Suede productions for the Willistead Manor documentary is still outstanding and will be paid from the Operating account and indicates that approximately \$6,000 was received from the 2021 fundraising campaign.

## **7. COMMITTEES**

### **7.1 Fundraising**

None.

### **7.2 Community Relations and Promotion**

None.

### **7.3 Acquisitions**

R. Gauthier informs the Board members some ceramic houses were donated by Ed and Sandy Stavert through a connection with Ms. D. Curran, a member of the Friends of Willistead.

R. Gauthier adds that the historical exhibit in the Coach House will be the main priority for the Committee at this time.

### **7.4 Friends of Willistead**

K. Renaud indicates that there are still approximately 3,000 booklets of Willistead Manor available. K. Renaud also informs that she has participated in some courses that focused on the legacy of Hiram Walker and suggests that there could be information that may be useful to Mr. Renaud of HCA Mindbox.

### **7.5 Education**

None.

## 7.6 Historical

None.

## 7.7 Event Planning Committee

None.

## 8. NEW BUSINESS

Moved by R. Gauthier, seconded by C. Gaudette,  
That the following persons **BE RE-APPOINTED** to the Board of Directors,  
Willistead Manor Inc. for a two year term expiring August 17, 2023:

C. Dettinger  
M. J. Dettinger  
C. Gaudette  
A. Jahns  
R. Jasey  
D. Langstone

Carried.

Members A. Abu-Zahra and C. Holt were absent when this vote was taken.

Moved by C. Gaudette, seconded by J. Evans,  
That the Board of Directors, Willistead Manor Inc., **AUTHORIZE** a  
donation in the amount of \$100 to the Willistead Manor Endowment Fund in memory of  
Vincent Dettinger, son of Board members Mary Jane and Carl Dettinger.

Carried.

Members A. Abu-Zahra and C. Holt were absent when this vote was taken.

## 9. DATE OF NEXT MEETING

The next regular meeting of the Board of Directors, Willistead Manor Inc., will be  
held Thursday, February 10, 2022 at 4:00 o'clock pm.

## 10. ADJOURNMENT

There being no further business, the meeting is adjourned at 5:42 o'clock p.m.



\_\_\_\_\_  
CHAIRPERSON

\_\_\_\_\_  
EXECUTIVE SECRETARY



**Committee Matters: SCM 108/2022**

**Subject: Report No. 114 of the Board of Directors, Willistead Manor Inc., of its meeting held January 13, 2022 (Re-appointments to Board of Directors)**

Moved by: Councillor Francis

Seconded by: Councillor Gignac

Decision Number: **CSPS 177**

THAT Report No. 114 of the Board of Directors, Willistead Manor Inc., of its meeting held January 13, 2022 indicating:

That the following persons BE RE-APPOINTED to the Board of Directors, Willistead Manor Inc. for a two year term expiring August 17, 2023:

C. Dettinger

M.J. Dettinger

C. Gaudette

A. Jahns

R. Jasey

D. Langstone

**BE APPROVED.**

Carried.

Report Number: SCM 31/2022

Clerk's File: MB2022

**Clerk's Note:**

1. The recommendation of the Advisory Committee and Standing Committee are the same.
2. Please refer to Item 7.2. from the Community Services Standing Committee Meeting held April 6, 2022.
3. To view the stream of this Standing Committee meeting, please refer to:  
<http://csg001-harmony.sliq.net/00310/Harmony/en/PowerBrowser/PowerBrowserV2/20220414/-1/7316>



**Committee Matters: SCM 31/2022**

**Subject: Report No. 114 of the Board of Directors, Willistead Manor Inc., of its meeting held January 13, 2022 (Re-appointment to Board of Directors)**

**REPORT NO. 114**  
of the  
**BOARD OF DIRECTORS,**  
**WILLISTEAD MANOR INC.**  
of its meeting held January 13, 2022

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**Present:** D. Sanborn -- Chair  
A. Abu-Zahra  
J. Evans  
C. Gaudette  
R. Gauthier  
C. Holt  
A. Jahns  
D. Langstone  
K. Renaud

Your Board submits the following recommendations:

Moved by R. Gauthier, seconded by C. Gaudette,  
That the following persons **BE RE-APPOINTED** to the Board of Directors,  
Willistead Manor Inc. for a two year term expiring August 17, 2023:

C. Dettinger  
M. J. Dettinger  
C. Gaudette  
A. Jahns  
R. Jasey  
D. Langstone

Carried.

Members A. Abu-Zahra and C. Holt were absent when the vote on this matter was taken.

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**Chair**

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**Executive Secretary**

**NOTIFY:**

Name	Address	City/Prov/Pstcd	Telephone	FAX
Board of Directors Willistead Manor Inc.				



**Committee Matters: SCM 109/2022**

**Subject: Minutes of the Committee of Management for Huron Lodge of its meeting held December 8, 2021**

Moved by: Councillor Francis

Seconded by: Councillor Gignac

Decision Number: **CSPS 178**

THAT the minutes of the Committee of Management for Huron Lodge of its meeting held December 8, 2021 **BE RECEIVED**.

Carried.

Report Number: SCM 53/2022

Clerk's File: MB2021

**Clerk's Note:**

1. The recommendation of the Advisory Committee and Standing Committee are the same.
2. Please refer to Item 7.3. from the Community Services Standing Committee Meeting held April 6, 2022.
3. To view the stream of this Standing Committee meeting, please refer to:  
<http://csg001-harmony.sliq.net/00310/Harmony/en/PowerBrowser/PowerBrowserV2/20220414/-1/7316>



**Committee Matters: SCM 53/2022**

**Subject: Minutes of the Committee of Management for Huron Lodge of its meeting held December 8, 2021**

## **Committee of Management for Huron Lodge**

Meeting held December 8, 2021

A meeting of the Committee of Management for Huron Lodge is held this day commencing at 10:00 o'clock a.m. via Zoom video conference, there being present the following members:

Councillor Ed Sleiman, Chair  
Councillor Jeewen Gill  
Councillor Gary Kaschak

### ***Also present are the following resource personnel:***

Jelena Payne, Community Development & Health Services Commissioner  
Alina Sirbu, Executive Director of LTD Administration Huron Lodge  
Karen Kadour, Committee Coordinator

### **1. Call to Order**

The Chair calls the meeting to order at 10:00 o'clock a.m. and the Committee of Management considers the Agenda being Schedule A attached hereto, matters which are dealt with as follows:

#### **Addition to the Agenda**

Moved by Councillor Kaschak, seconded by Councillor Gill,  
That Rule 3.3 (c) of the Procedure By-law 98-2011 be waived to add the following addition to the Agenda:

- 5.3** Letter to the Chair, Committee of Management for Huron Lodge from Christopher O'Connor, Auditor General

### **2. Disclosure of Interest**

None disclosed.

**3. Adoption of the Minutes**

Moved by Councillor Kaschak, seconded by Councillor Gill,  
That the minutes of the meeting of the Committee of Management for Huron Lodge held October 21, 2021 **BE ADOPTED** as presented.  
Carried.

**4. In Camera**

Moved by Councillor Kaschak, seconded by Councillor Gill, to move In Camera at 10:05 o'clock a.m. for discussion of the following item:

Item No.	Subject	Section Pursuant to Municipal Act 201, as amended
4.1	Personal matter about an identifiable individual, including municipal or local board employees – Resident matters	2. 239(2)(b)

Motion Carried.

Discussion on the item of business.

**Verbal Motion is presented by Councillor Gill seconded by Councillor Kaschak, to move back into public session at 10:17 o'clock a.m.**

**Moved by Councillor Gill, seconded by Councillor Kaschak,  
That the Clerk BE DIRECTED to transmit the recommendation(s) contained in the report(s) discussed at the In Camera Committee of Management for Huron Lodge Long Term Care Home held December 8, 2021 at the next regular meeting.**

Moved by Councillor Gill, seconded by Councillor Kaschak,  
That the verbal In Camera report relating to the personal matter about an identifiable individual, including municipal or local board employees **BE RECEIVED** and further, that Administration **BE AUTHORIZED** to proceed in accordance with the verbal direction of the Committee of Management for Huron Lodge Long Term Care Home.  
Carried.

**5. Business Items**

**5.1 Administrator's Report**



In response to a question asked by Councillor Gill regarding if there has been an increase in staff due to the funding from the Ministry, A. Sirbu advises that a portion of the funding has been received and they are working with Finance and the Ministry to clarify the formula that Huron Lodge is to utilize. The intention of the funding is allow for an increase in staff, however, the language and the formula provided by the Ministry is somewhat obscure. It is important to ascertain how much of the funding can be used to increase staff and how much can be used for a potential offsetting of the provincial contribution.

Moved by Councillor Kaschak, seconded by Councillor Gill,

That the report from the Administrator of Huron Lodge providing the Committee of Management with an update on issues related to resident care, the Ministry of Long Term Care, the Local Health Integration Network and other initiatives that impact the Long Term-Care sector **BE RECEIVED** for information and **APPROVED** for the period of November 2021.

Carried.

## **5.2 Council Resolution 496/2021**

Moved by Councillor Gill, seconded by Councillor Kaschak,

That Council Decision 496/2021 relating to the 1-year pilot program to provide free menstrual products in washrooms at city facilities **BE RECEIVED**.

Carried.

## **5.3 Letter to the Chair, Committee of Management for Huron Lodge from Christopher O'Connor, Auditor General**

J. Payne advises that the Committee of Management did direct a response acknowledging that if the Auditor General were interested in auditing, that Huron Lodge would welcome this. However, Huron Lodge is a department of the City of Windsor and falls under any requirements under the Auditor General from a City of Windsor perspective as a Corporation. This item has already been dealt with by both the Committee of Management and City Council.

Moved by Councillor Kaschak, seconded by Councillor Gill,

That the letter sent to Councillor Sleiman, Chair of the Committee of Management for Huron Lodge from Christopher O'Connor, Auditor General dated November 25, 2021 **BE RECEIVED**.

Carried.

**6. Date of Next Meeting**

The next meeting will be held at the call of the Chair.

**7. Adjournment**

There being no further business, the meeting is adjourned at 10:23 o'clock a.m.

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**CHAIR**

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**COMMITTEE COORDINATOR**



**Committee Matters: SCM 110/2022**

**Subject: Response to CQ6/2021 - Special Events Road Closure Catalogue and Categorization - City Wide**

Moved by: Councillor McKenzie  
Seconded by: Councillor Morrison

Decision Number: **CSPS 179**

THAT the report of the Manager of Culture & Events dated March 8, 2022 entitled "Response to CQ6/2021 – Special Events Road Closure Catalogue and Categorization – City Wide" **BE RECEIVED** for information.

Carried.

Report Number: S 32/2022  
Clerk's File: SR2022

**Clerk's Note:**

1. The recommendation of the Standing Committee and Administration are the same.
2. Please refer to Item 8.1. from the Community Services Standing Committee Meeting held April 6, 2022.
3. To view the stream of this Standing Committee meeting, please refer to:  
<http://csg001-harmony.sliq.net/00310/Harmony/en/PowerBrowser/PowerBrowserV2/20220414/-1/7316>

**Subject: Response to CQ6/2021 - Special Events Road Closure Catalogue and Categorization - City Wide**

**Reference:**

Date to Council: April 6, 2022  
Author: Michelle Staadegaard  
Manager, Culture & Events  
mstaadegaard@citywindsor.ca  
(519)816-0711

Recreation and Culture  
Report Date: March 8, 2022  
Clerk's File #: SR2022

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

**Recommendation:**

THAT the report submitted by the Manager, Culture & Events in response to CQ6-2021 regarding the catalogue of street closures for events in the City **BE RECEIVED** for information.

**Executive Summary:**

N/A

**Background:**

At the March 29, 2021 meeting of City Council, Councillor Bortolin asked the following Council Question:

CQ6-2021 - "Ask Administration to report back with a recommended catalogue of street closures for events in the City. The catalogue should include consultation with the Special Events Resource Team (SERT) as well as the total costs associated with each street closure. Furthermore, Administration should breakdown all fees associated with each street closure and identify potential savings for event organizers".

This report has been prepared in response to that question.

## Discussion:

Special events are an integral part of the Windsor community, with over 100 major events being hosted in 2019 including Bluesfest Windsor, Open Streets Windsor and Art in the Park.

Street closures are often a component of a special event and are governed by the *Highway Traffic Act*. The Act has recently been amended to include security requirements for street closures. The requirements for street closures continues to include sufficient “Road Closed” signage, appropriate barricades, and flashing amber lights to clearly identify the closed sections.

Approval for short-term road closures has been delegated by Council to the Chief Administrative Officer through By-law 208-2008.

Special events taking place on any public property in the City of Windsor must initially be approved by City Council and are vetted through the Special Events Resource Team (SERT). The level of involvement by the organizations below will vary depending on the size and type of event.

<b>SERT MEMBER/ORGANIZATION</b>	<b>ROLE</b>
Recreation and Culture Department	Chair
Windsor Police Services (WPS)	Approval of traffic control plan (TCP), contract duty officers, review of events safety plan, guidance and communication
Windsor Fire and Rescue	Approval of fire safety plan, guidance and communication
EMS	Review of event safety plan, guidance and communication
Transit Windsor	Creation of transit detour routes in response to special event road closure, guidance and communication
Risk Management	Approvals for certificate of Insurance and guidance
Traffic Operations	Approval of traffic control plan (TCP), guidance and communication
Parking Operations	Guidance, communication and client resources
Public Works Operations	Client resources and communication
Environmental Services	Client resources and communication

Alcohol and Gaming Commission of Ontario (AGCO)	Guidance and communication
By-law Enforcement	Guidance and communication
Windsor Port Authority	Guidance and communication
Windsor Essex County Health Unit (WECHU)	Guidance
Engineering	Guidance
Caesars Windsor	Communication
311/211	Communication
Communications and Customer Service	Communication

On March 8, 2021, City Administration presented CR8/2020 in response to CQ4/2019. Through the report and a business process review, Administration identified efficiency within the Delegation of Authority By-law 201-2008. The CAO further delegated authority to the Executive Director of Recreation or designate for the following events and requests are now processed through the Active.net permitting software:

- Section 1.4 – Noise By-Law Exemption;
- Section 1.7 – Special Events Road Closure;
- Section 1.10 – Special Events at City Facilities and Parks;
- Section 1.48 – Signing Letter of Non-Objection – AGCO Liquor Licence Application Requirements;
- Section 3.13 – Letter of Support for applications by outside groups or agencies where there is no financial commitment on the City, subject to a favourable recommendation in support of the letter of request from responsible Executive Director.

The recommended business process change was intended to improve the turn around time of approval by allowing the Recreation and Culture Department to issue a permit to the end user.

Despite the global pandemic, modified events requiring permits continued in 2021, and the Culture & Events Division continued to provide guidance and support to user groups using the new streamlined process. The new process noted above and Delegation of Authority for approval to the Executive Director, enabled the department to issue and or adapt permits, primarily road closure requests, in a more efficient and timely manner. This allowed host organizations to finalize safety plans and event logistics with agility and reduced stress.

Many outdoor festivals and events are looking to return for 2022, including the Mayor’s Walk, International Fireworks as well as the Detroit Free Press Marathon and we look forward to seeing further positive efficiencies and support created by this new process.

In response to CQ6/2021, Administration met with the members of SERT, consulted with other municipalities, reviewed the current road closure process and analyzed historical data. The discussion and research resulted in the categorization of road closures into three road closure categories. The meetings with SERT also included discussion of a catalogue/standardized routes to assist in mitigating cost and resources for event organizers and internal departments.

**Road Closure Catalogue Overview**

Type of Road Closure	Examples	Typical Duration
<b>Complete static road closure</b> or public right-of-way	Street fair Festival Farmer’s Market Temporary patio extensions Display events (car show)	Overnight  Specified number of days
<b>Temporary closure</b> of a roadway or public right-of-way	Parade Procession Running or walking events Open Streets	Roadway opens immediately upon conclusion of event
<b>Temporary control</b> of a roadway or public right-of-way (also referred to as a rolling barricade)	Funeral procession Demonstration march Often churches, community groups or associates	Intersections are controlled by sworn Duty Officers for a brief period of time  Designated route

It is difficult to outline all possible options to manage events within the constraints of organizers’ budgets, as no two special events share the exact same location, footprint or audience. Below we have identified recommended routes as it relates to civic procession/parades (i.e. Canada Day, Santa Claus, PRIDE, etc...).

<p style="text-align: center;"><b>Recurring Annual Civic Procession/Parade</b></p> <p style="text-align: center;"><b>PRE-APPROVED ROUTE</b></p>	<p style="text-align: center;"><b>LOCATION</b></p>
<p>Ottawa Street East</p>	<p>Between Monmouth Road and Langlois Avenue</p> <p>Walker Road to Monmouth Road designated as local traffic only</p> <p>Must maintain access to the Market/Shoppers parking lot</p>
<p>Riverside Drive East and West</p>	<p>Between Devonshire Road and Caron Avenue</p> <p>Walker Road to Devonshire Road designated as local traffic only</p> <p>Must maintain access to Hiram Walker</p>
<p>Wyandotte Street East</p>	<p>Between Devonshire Road and Aylmer Avenue</p> <p>Walker Road to Devonshire Road designated as local traffic only</p> <p>Must maintain access to Tim Hortons and Hiram Walker</p>

The routes above are intended for large scale recurring annual holiday parades as well as the PRIDE parade (Ottawa Street location). One-off parades or processions, such as a Memorial Cup-type parade, would also be discussed with and considered by SERT.

Windsor Parade Corporation has already confirmed their interest in using the Wyandotte Street East route, noted above, for their Canada Day and Santa Claus Parades.

Administration is of the opinion that the three routes noted above provide a variety of opportunities for large scale parades and processions and do not pose any limitations to event organizers, nor would cause the loss of any event due to lack of route options.

Factors taken into consideration for the approved routes included:

- Number of intersections to be controlled by sworn duty officers
- Amount of equipment required vis-a-vis the Highway Traffic Act



- Impact on local businesses and residents
- Impact on egress and ingress of emergency vehicles and situations
- Level of required volunteer personal by the event organizer
- Safe provision of sight lines for participants and parade devices (floats, act etc.)
- Impact on emergency services such as fire halls, hospital, EMS routes
- Proper clearance of safety equipment such as hydrants
- Historical traffic and pedestrian flow
- Access to public parking lots and meters
- Impact on public transit
- Ease of redirecting the flow of, including alternate truck detours if necessary

Providing event organizers with pre-approved locations to accommodate parades and processions would greatly improve the pre-planning necessary by emergency service personnel (Police, Fire and EMS). Use of these pre-approved designated routes minimizes risk levels by a reduction of access ways to mitigate hostile vehicle situations, addresses reduced schedule of personnel requirements, which in turn reduces cost for the event organizer, and maintains safety levels for the participants of the event.

Further, these pre-approved routes would also assist residents and businesses impacted by the closure or disruption, to better plan for the event and provision of service to the event or their clients.

Any closure of roadways and public right of ways impacts the flow of vehicular traffic and pedestrian movement. Restricting access to residents and businesses must also be taken into consideration by SERT in the interest of public safety, ingress and egress of emergency vehicles and services, and course of action in emergency situations, whether immediate or possible. Proper placement of personnel, vehicle traffic controls and equipment is critical to maintain a level of awareness to accommodate any emergency that may present itself during the closure.

The Special Events team works with event planners to mitigate costs and may suggest that an event planner consider private security firms, modifying/reducing the closure or relocating the event so as not to require a road closure. The Special Events team along with SERT continue to work with the hosts to mitigate costs on a case-by-case basis.

Below we have identified common Fixed and Variable costs in association with hosting special event road closures.

**Fixed Costs Special Event Road Closure:**

ITEM	COST
Special Events Road Closure Fee	\$155.30
Noise Bylaw Waiver Fee (if applicable)	\$103.55
<b>Windsor Fire and Rescue Inspection Fee</b>	\$300.00 – new event <b>\$150.00 – RECURRING EVENT</b>

In comparing the fee structure for road closures amongst comparable municipalities with similar size/scope, Windsor’s fee structure is very competitive (Appendix A). Requirements from other municipalities include assessment fees for advertising the road closures, advertising fees for alternative Transit services, or for changes to route including the change for increasing scheduling. Supplemental services such as barricades and bagging of parking meters are similar. Some of these other noted municipal fee structures and services are included or not assessed in the City of Windsor. The City of Windsor’s permit fee is \$155.30 for a major road closure while other municipalities vary from \$266.00 to \$650.00 dependant on if the request is for a complete closure, partial closure or temporary control (rolling closure).

**Variable Costs Special Event Road Closure:**

In the event that police officers are required for an event, the current process to request Contract Duty Officers is to submit a “Request for Contract Duty Officers” (Appendix B) and sign a Memorandum of Understanding (Appendix C), which is sent to Windsor Police Services.

Provision of required personnel and vehicles to manage the closure are key elements of the safety plan. Maintaining the safety and wellbeing of the event participants, the public at large, and flows of traffic by sworn officers (as required by the *Highway Traffic Act*) may require provision of designated personnel such as Contract Duty Officers (depending on analysis by Police Services), EMS personnel and/or designated ambulance vehicles, and Fire and Rescue personnel and/or designated vehicles.

Closures do have an impact on regular day-to-day duties of these departments, and scheduling of personnel and vehicles is dependant on regular public needs and emergency responses.

Based on the history, nature and size of the event or similar events, Windsor Police Service reserves the right to alter or increase the number of officers, supervisors, and/or vehicle requirements, the number of hours an officer is to be on site, the duties to be performed, and the right to cancel or refuse the Contract Duty all together.

All Contract Duty policing, and the cost associated with the service, is subject to the current Windsor Police Association - Unit "A" Collective Agreement, the Windsor Police Service - Contract Duty Employment - Directive 791-05, and the Police Services Act (Appendix B).

Typically a three (3) hour minimum fee is applicable per approved officer. Provision of service is discretionary; neither the Windsor Police Services, nor the Windsor Police Services Board have the authority to compel their officers to work in their off-duty hours.

Set fees for contract duty officers enable an agency or organization to have a sworn officer on hand to provide visible security for an event. With the current demands on Windsor Police Services, the calls for service, shifts, and random availability of officers, the Contract Duty system ensures that off duty officers can be assigned to events specifically, without concerns of having them redirected or tasked to other high priority matters.

While *the Highway Traffic Act* does not require a police presence for security purposes, the City's Municipal Alcohol Policy, approved by M512-2015 on December 7, 2015, does stipulate that the municipality and/or Windsor Police Services reserve the right to require the presence of police officer(s) for the duration of an event where alcohol is served, and in some instances roads that are temporarily closed for this purpose. The number of police personnel, if required at an event, shall be determined by the Windsor Police Services and associated costs are to be borne by the sponsoring group or individual.

Any equipment (including barricades and traffic control signage) and personnel required to secure the road closure are the responsibility of the event organizer - these fees are variable dependent on the type, location of the road closure, length and duration.

As noted above, the bulk of the costs associated with road closures involve the personnel and equipment to safely execute the event. These costs are variable and all members of the Special Events Resource Team, and in particular Windsor Police Services, evaluate each event on its own merits, risks, and against governing legislation while working with event organizers to minimize costs where appropriate.

The Special Events team also acts as a resource for event organizers and can provide suggestions for additional savings such as volume discounts for equipment and supplies as well as ways to internally source and/or create items such as barricades, saving money on rental fees and labour.

### **Risk Analysis:**

Litigation risks are standard with any special event held on City property and may pose a significant risk. These risks are mitigated by thoroughly vetting the event through the Special Events Resource Team, requiring sufficient security measures and transferring risk to the event host by requiring the event host to indemnify the City in the event of a loss and provide proof of insurance. Insurance and all other conditions that must be satisfied for the event to proceed are handled in accordance with the Special Events

Agreements Procedure. Special events requirements are evaluated on a case-by-case basis.

**Climate Change Risks**

**Climate Change Mitigation:**

N/A

**Climate Change Adaptation:**

N/A

**Financial Matters:**

The implementation of this catalogue would have no financial impact.

**Consultations:**

Sergeant Gary Williams - Patrol Support - Liaison Sergeant, Windsor Police Services

Mike Coste – Windsor Fire Services

Ryan Lemay – Essex Windsor EMS

Mike Spagnuolo – Operations – Traffic

Bill Kralovenski - Operations – Parking Services

Mike Duval – Transit Windsor

Dana Paladino – Deputy City Solicitor

Jen Knights - Executive Director of Recreation and Culture

Mike Taylor – Supervisor, Special Events

**Conclusion:**

The Corporation of the City of Windsor recognizes the importance of special events and festivals in enhancing the quality of life, tourism, culture, recreation and education for the community. The cataloguing of street closures will assist organizers in planning events while streamlining the approval process.

**Approvals:**

<b>Name</b>	<b>Title</b>
Michelle Staaedegaard	Manager, Culture and Events

Name	Title
Jen Knights	Executive Director, Recreation and Culture
Ray Mensour	Commissioner – Community Services
Shelby Askin-Hager	City Solicitor
Jason Reynar	Chief Administrative Officer

**Notifications:**

Name	Address	Email

**Appendices:**

- 1 Appendix A - Road Closure Comparison Chart 2021
- 2 Appendix B - Contract Duty Request Form
- 3 Appendix C - 791-05 Contract Duty Memo of Understanding

### Municipality Road Closure Comparison Chart

Municipality	Population (2020)	Road Closure Fee 2021 (Exclude HST)	Barricade Fee (Exclude HST)	Fire Inspection Fee	Other Charges	Notes
Windsor	221,955	\$103.00 - \$154.50	\$10.25 per day \$60.00 delivery fee	\$150.00-\$300.00	\$ 103.00 - Noise bylaw \$ 72.26 - \$216.78 WPS(hourly) \$ 47.87 - Meter Bagging per 10 meters	
London	392,279	\$ 260.00 Appraisal Fee \$ 165.00 Application Fee \$ 1,182.00 Advertising Fee	\$5.75 per day		Meter Bagging \$ 50.00 - Administration Fee \$ 9.00 meter per day	**Multi step application process
Kitchener/Waterloo	562,000	\$78.80	\$8.05			**Roadway closure and/or partial closure per Lane/Per Day to a max of \$150.00 per day
Hamilton	536,917	\$707.10	N/A	\$291.70	\$ 300.00 Sign/post Traffic	*3rd party provides barricades
Toronto	6,196,731	\$116.00 - \$ 11,346.98		Special occasions permit for the discharge of Family Fireworks Per Permit \$212.37		*Signature Events, One Day, Athletic and local
Barrie	197,059	\$143.71				
Peel	1.50 million	\$ 550.00 - Full \$ 275.00 Partial & Rolling	N/A			
Oakville	217,420	\$ 127.00 Deposit \$ 70.00 Permit Fee \$ 330.00 Permit Fee if Traffic Control Provided \$ 1,521.00 - \$ 657.00 BIA or Charity Event \$ 195.00 - Plus a per km rate of road occupation	\$185.00	\$ 59.37 -Fire Safety Plan Review \$ 286.00 Fire Inspection Fee		
Ottawa	1,393,086	\$ 13,338.12 Street/Lane Opening \$ 9,598.52 (Arterial, major collector, collectors) \$ 9,033.52 (arterial, major collector, collectors) \$ 4,822.52 (local road, lane) \$ 4,257.52 (local road, lane)		\$194.36		
Winnipeg	762,700	\$550.00 Permit \$34.00 Administration fee	\$ 53.00 deposit	\$137.00		*Street closure Permit - via Public works Parade permit via special events - no fee
Detroit	667,272	\$400 per 8 hours/ \$1,200 for 24 hr	N/A			



# Request for Contract Duty Officers

Windsor Police Service  
P.O. Box 60, 150 Goyeau Street, Windsor, Ontario N9A 6J5

**This application is to be completed by the Applicant and must be accompanied by a valid Memorandum of Understanding**

### Contract Duty Employer Information:

Date of Application: \_\_\_\_\_

Name of Company/Organization: \_\_\_\_\_

Name of Event (if Applicable): \_\_\_\_\_

Contact Person: \_\_\_\_\_ Telephone Number: \_\_\_\_\_

Alternate Contact: \_\_\_\_\_ Telephone Number: \_\_\_\_\_

Fax Number: \_\_\_\_\_ Email: \_\_\_\_\_

### Billing Information:

Name of company or person to be billed: \_\_\_\_\_

Telephone Number (if different from above): \_\_\_\_\_

Complete Address: \_\_\_\_\_

### Event Information:

Date of Event: \_\_\_\_\_ Start time: \_\_\_\_\_ End Time: \_\_\_\_\_

(If multiple dates requested, please attach schedule separately – Schedule attached )

# of Requested Officers(s): \_\_\_\_\_ Start time: \_\_\_\_\_ End Time: \_\_\_\_\_

(Subject to WPS Review)

Does this event require the use of a police vehicle?  Yes  No

Location of Event: \_\_\_\_\_

Type of Event: \_\_\_\_\_

Brief Description of Duties Requested: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Will liquor be served at this event?  Yes  No (If Yes, please provide name and address of licensee)

Name: \_\_\_\_\_ Address: \_\_\_\_\_

Estimate Number of person in attendance: \_\_\_\_\_ Number of Chaperones or Security: \_\_\_\_\_

Completed applications are to be mailed to the attention of the Payroll and Contract Duty Clerk – P.O. Box 60, 150 Goyeau Street, Windsor, ON N9A 6J5. Should this application be a **“Short Notice Request”** (received less than 72 hours prior to event) **YOU MUST** contact the office of the Payroll and Contract Duty Clerk directly at (519) 255-6700 ext 4202. (Contract Duty Office hours are M-F, 8am-4pm.)

Rates for Contract Duty are current with the Windsor Police Services Board and Windsor Police Association – Unit ‘A’ Collective Agreement. Please note: In all circumstances, a three (3) hour minimum fee is applicable per approved officer.

**\*\*Payroll and Contract Duty Clerk receives cancellation of required services at least twenty-four (24) hours prior to the event – Fees will not be applied.**

**\*\*Cancellations received within twenty-four (24) hours of event – A three (3) hour minimum fee per approved officer will be charged.**

**\*\*Cancellations on site or released early – Officer’s full contracted hours will be charged for each approved officer plus administrative fees.**

By signing below, I (applicant) acknowledge and agree to pay the fees for this contract duty as the rates below apply:

EFFECTIVE SALARY DATES	CONSTABLE RATES (Minimum @ 3 Hours)	SERGEANT RATES (Minimum @ 3 Hours)
October 1, 2021	\$75.75 (\$227.25)	\$92.42 (\$277.25)
January 1, 2022	\$76.52 (\$229.55)	\$93.35 (\$280.04)
July 1, 2022	\$77.28 (\$231.84)	\$94.28 (\$282.83)

EQUIPMENT & ADMINISTRATION		
Type	Fee	MINIMUM
Police Vehicle	\$20.00 / hour	\$60.00
Police Boat	\$50.00 / hour	\$150.00 (Inspector approval required)
Administration	16.3% of the total salaries	N/A
HST	13% of the total invoice	N/A (Applicable to all costs)

All fees and taxes are invoiced by the City of Windsor. Payment is to be made payable to:

**City of Windsor**  
**Corporate Services Department**  
**Accounts Receivable**  
**Room 100, 350 City Hall Square West**  
**Windsor, ON N9A 6J5**

Please direct questions, concerns or comments to the Windsor Police Service – Payroll and Contract Duty Clerk by telephone at (519) 255-6700 ext. 4202 or by fax at (519) 255-9880 or email to [wpscontractduty@windsorpolice.ca](mailto:wpscontractduty@windsorpolice.ca)

**Acknowledgement**

I acknowledge and agree that:

I have read, understood and have submitted a valid “*Memorandum of Understanding*”, which forms a part of this application;

I have read, understood and agree to all conditions and requirements as set out in this ‘*Request for Contract Duty Officers*’ application and the ‘*Memorandum of Understanding*’,  
 I have the authority to enter into these agreement(s);

I agree to pay all applicable fees and taxes within 30 days of receipt of an invoice from the City of Windsor; and,

Should the need for contract duty officer(s) be cancelled **within twenty-four (24) hours** of the scheduled start of the event I agree that I remain obligated to submit to the City of Windsor, three (3) hours minimum payment (plus applicable fees and taxes), per approved officer, as outlined in the *Memorandum of Understanding*.

I also understand that in the event an emergency is declared by the Windsor Police Service, the police officers carrying out these special duties and any police vehicles in use by them, may be reassigned to such an emergency without compensation to you, your company, the event or to any other person or entity.

A signed copy of this document **MUST** be delivered to the Windsor Police Service within five (5) days of submitting this application.

Signed this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.  
 in the City of Windsor and the Province of Ontario

\_\_\_\_\_  
 Name (printed)

\_\_\_\_\_  
 Signature



# **MEMORANDUM OF UNDERSTANDING**

## **BETWEEN**

### **The WINDSOR POLICE SERVICE and a CONTRACT DUTY EMPLOYER**

Each section **MUST** be initialled, indicating you have read, understand and agree to the statement therein.

- \_\_\_\_\_ 1. All Contract Duty policing is subject to the current Windsor Police Association - *Unit "A" Collective Agreement*, the Windsor Police Service - *Contract Duty Employment - Directive 791-05* and to the terms and conditions outlined in this Memorandum of Understanding (MOU), any or all of which may be amended at the sole discretion of the Windsor Police Service at any time.
- \_\_\_\_\_ 2. Contract Duty policing is also subject to the provisions of the *Police Services Act*.
- \_\_\_\_\_ 3. For the purposes of this MOU, "Employer" means a person, entity or enterprise, who/which has requested this service and agrees to the payment of all wages, charges and fees to the Windsor Police Service (through the City of Windsor) in return for the performance of specific police duties by a police officer and/or the use of police vehicles.
- \_\_\_\_\_ 4. Requests for officers and police vehicles are to be received in writing by the Windsor Police Service - *Payroll and Contract Duty Clerk*, **at least seven (7) days prior** to the event. Requests received within seven (7) of the event may be rejected.
- \_\_\_\_\_ 5. On-duty officers cannot work a contract duty. The Windsor Police Service and/or the Windsor Police Services Board have no authority to order it's officers to work in their off duty hours. As such, the Windsor Police Service and the Windsor Police Services Board does not assume or accept liability for any non-staffing of contract duty requests. The Windsor Police Service will make every reasonable effort to have qualified police officer(s) fulfil a request for a contract duty made by a MOU holder. In the event the Windsor Police Service is unable to provide contract duty officer(s), the Employer will be notified as soon as is practical.
- \_\_\_\_\_ 6. Contract Duty requests shall include:
  - a) The nature or type of event or function the employer is engaged in;
  - b) The location and size of area to be policed;
  - c) The nature of the duties required;
  - d) The date(s) and number of officers required;
  - e) The specific hours required (minimum three (3) hours);
  - f) Confirmation whether or not liquor will be served at the event;
  - g) The number of people the employer anticipates will attend the event; and
  - h) The number of chaperones, staff or other security officials also attending the event.
- \_\_\_\_\_ 7. The Employer shall direct all requests for officers to work in a contract duty capacity, directly to the *Payroll and Contract Duty Clerk* only and NOT through an individual officer.
- \_\_\_\_\_ 8. Approved requests for Contract Duty services are entered into a database, which will randomly select an available and qualified officer(s) to fill the request.
- \_\_\_\_\_ 9. Unless otherwise agreed to in writing by the Chief of Police or designate, all officers working in a Contract Duty capacity shall be attired in a regular - Uniform Patrol Branch issued uniform.

- \_\_\_\_\_ 10. Based on the history, nature and size of the event or similar events the Windsor Police Service reserves the right to alter or increase the number of officers, supervisors, and/or vehicles required, the number of hours an officer is to be on site, their duties to be performed, and the right to cancel or refuse the Contract Duty all together. The following criteria will be considered but is not limited to:
- a) The nature of the event;
  - b) The availability or service of alcohol or drugs;
  - c) The estimated number of people in attendance (for events with alcohol service, the number given on the *Special Occasion Permit* shall be used as the minimum basis for staffing);
  - d) Event history (e.g. problems with previous event by this employer or similar events);
  - e) Other security arrangements (i.e. private security, volunteers on hand and chaperones);
  - f) Whether the Employer has outstanding or unpaid invoices for Contract Duty services;
  - g) The location, size and visibility of the area to be policed including hindrances to normal communications (e.g. amplified music); and,
  - h) Public and officer safety concerns.
- \_\_\_\_\_ 11. Contract Duty events requiring four (4) or more officers must also have one (1) uniformed Sergeant assigned and an additional Sergeant for every four (4) officers thereafter (excluding the Sergeant).
- \_\_\_\_\_ 12. An Employer who wishes to cancel a Contract Duty event must notify the Windsor Police Service at least **twenty-four (24) hours in advance** of the scheduled start time of the event as follows:
- 8:00 a.m. to 4:00 p.m., Monday to Friday – by contacting the *Payroll and Contract Duty Clerk* at (519) 255-6700 extension 4202.
  - 4:00 p.m. to 8:00 a.m. Monday to Friday, and all day Saturday, Sunday and Holidays - contact the Patrol Staff Sergeant, Station #1 at (519) 255-6700 extension 4230.
- \_\_\_\_\_ 13. An Administration Fee equivalent to **16.3%** of the total of the officer(s) wages will be added to the invoice for this service in accordance with the current Fee Schedule.
- \_\_\_\_\_ 14. Contract Duty cancellations received within **twenty-four (24) hours** of the scheduled start time of the event are subject to a three (3) hour minimum charge for each officer scheduled, the Administration Fee and applicable taxes.
- \_\_\_\_\_ 15. Where the Employer has requested a police vehicle for use by an officer during this Contract Duty event, the Employer agrees to pay an hourly per vehicle fee in accordance with the current Fee Schedule.
- \_\_\_\_\_ 16. The Employer agrees to pay all Contract Duty charges, fees and applicable taxes at the rate(s) specified in the current Fee Schedule or otherwise by law.
- \_\_\_\_\_ 17. On completion of the Contract Duty, the Employer will be invoiced by the City of Windsor for the officer(s) wages, Administration Fee (16.3%), vehicle fees (if applicable) and applicable taxes. In accordance with City of Windsor policy, compound interest will be added to **unpaid accounts** after 30 days at rate of 2% per month (annual rate 26.8%).

- \_\_\_\_\_ 18. The Employer shall submit payment to The City of Windsor for the total invoiced amount in accordance with the terms specified on the invoice. An outstanding account older than 30 days may give rise to a suspension of Contract Duty services.
- \_\_\_\_\_ 19. The Windsor Police Service may suspend an Employer’s Contract Duty service privileges if (but is not limited to):
  - a) The employer fails to comply with this Memorandum of Understanding;
  - b) There is a charge(s) pending against a licensed premise which may result in the suspension of the liquor license;
  - c) The employer is in default of payment to the City of Windsor;
  - d) The interests of the employer are in conflict with those of the Windsor Police Service.
- \_\_\_\_\_ 20. The Windsor Police Service **WILL NOT** provide contract duty services if:
  - a) The officer is required to act as a doorman or bouncer;
  - b) The officer is to provide security during a labour dispute;
  - c) The Employer’s establishment is licensed by the City of Windsor as an “*Adult Entertainment Parlour*”;
  - d) The Employer’s - Contract Duty privileges have been suspended for failure to comply with this Memorandum of Understanding including being in default of payment;
  - e) The Employer’s – license to serve liquor has been suspended, or;
  - f) The interests of the Employer conflict with those of the Windsor Police Service.
- \_\_\_\_\_ 21. The Windsor Police Service reserves the right to withdraw officers from a Contract Duty event, at the discretion of the Chief of Police or designate, without compensation to the Employer.
- \_\_\_\_\_ 22. The Employer understands and agrees that the Windsor Police Service, the Windsor Police Services Board, its members and/or employees shall not be held liable for any loss or damage in or by any manner whatsoever, including loss of income or revenue, due to the absence or removal of an officer or officers from a Contract Duty event.

**Please place your initials beside EACH section indicating you have read, understand and agree to the statement contained therein.**

Name of Employer: \_\_\_\_\_

Address/Postal Code of Employer: \_\_\_\_\_

Phone / Fax Number: \_\_\_\_\_

Email Address: \_\_\_\_\_

(Print) Name of Authorized Person: \_\_\_\_\_

**By signing below I hereby agree to abide by the conditions and restrictions included in this Memorandum of Understanding, and certify that I am authorized to enter into this agreement.**

Signed this \_\_\_\_\_ day of \_\_\_\_\_ 20\_\_\_\_\_, at the City of Windsor, in the County of Essex, and the Province of Ontario.

**X** \_\_\_\_\_  
**(Signature of authorized person)**



**Committee Matters: SCM 111/2022**

**Subject: Update of Round 1 of the Arts, Culture and Heritage Fund 2022 – City Wide**

Moved by: Councillor McKenzie  
Seconded by: Councillor Gignac

Decision Number: **CSPS 180**

THAT the report of the Cultural Development Coordinator and Manager of Culture & Events dated March 10, 2022 entitled “Update of Round 1 of the Arts, Culture and Heritage Fund 2022 – City Wide” **BE RECEIVED** for information.

Carried.

Report Number: S 36/2022

Clerk’s File: SR2022

**Clerk’s Note:**

1. The recommendation of the Standing Committee and Administration are the same.
2. Please refer to Item 8.2. from the Community Services Standing Committee Meeting held April 6, 2022.
3. To view the stream of this Standing Committee meeting, please refer to:  
<http://csg001-harmony.sliq.net/00310/Harmony/en/PowerBrowser/PowerBrowserV2/20220414/-1/7316>

**Subject: Update of Round 1 of the Arts, Culture and Heritage Fund 2022  
– City Wide**

**Reference:**

Date to Council: April 6, 2022  
Author: Christopher Lawrence Menard,  
Cultural Development Coordinator  
and Michelle Staadegaard,  
Manager of Culture & Events  
cmenard@citywindsor.ca  
519-253-2300x2752  
mstaadegaard@citywindsor.ca  
519-253-2300x2726

Recreation and Culture  
Report Date: March 10, 2022  
Clerk's File #: SR2022

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

**Recommendation:**

THAT the report from the Cultural Development Coordinator and the Manager of Culture & Events regarding the update on Round 1 of funding of the Arts, Culture and Heritage Fund (ACHF) in 2022 **BE RECEIVED**.

**Executive Summary:**

N/A

**Background:**

Council approved the ACHF grant program as part of the 2022 budget process.

The guidelines for the Arts, Culture and Heritage Fund outlined the process for selecting the jurors as follows: "All applications will be assessed by a jury, working with the Culture staff. The jury will be comprised of a diverse selection of five (5) people that are arts, culture or heritage professionals. Some have direct experience working with arts, culture or heritage organizations or as individual creators. Others have municipal backgrounds with arts, culture and heritage experience. The ACHF will select jurors who:

- Have a broad spectrum of knowledge and experience of the creative community;

- Have knowledge of the arts, culture and heritage needs of the City of Windsor;
- Will provide fair and objective opinions;
- Can articulate their opinions and work in a group decision-making environment

These jurors diligently completed the evaluation process on all of the applications submitted to the current funding round.

### **Discussion:**

The Application form for the Arts, Culture and Heritage Fund was posted on the City of Windsor's website, and the targeted webpage ([achfwindsor.ca](http://achfwindsor.ca)) with the grant opening January 17, 2022 and closing February 4, 2022. All regular promotion took place utilizing social media, E-Blasts, and sharing by cultural organizations including social media pages for the City of Windsor, Museum Windsor, and Mayor Drew Dilkins, as well as partner websites and social media pages including Arts Council Windsor & Region, Windsor-Essex Theatre Community, and Windsor Endowment for the Arts. Two public information sessions were held virtually on January 26, 2022 with City administration providing details of the program guidelines, eligibility criteria, application and adjudication process. As with each previous funding round, all applicants completed consultations by phone or email with a member of the Culture & Events team to confirm applicant and project eligibility in advance of submission, and to receive support through the process. The ACHF application is electronic, with both an online application form and an online process for adjudication.

The jury continues to appreciate the online process as it permits them access to the applicants' support materials by allowing them to click embedded links to artist information, reference letters, organizational documents, websites, videos, sound files and image files, and work samples. Both jurors using this system for adjudication and applicants using this system to apply remain satisfied with the overall functionality of the system.

Each juror received a specific and unique login to allow them access to the online applications. Administration was able to monitor the jury's progress through the evaluation process, and answer questions as needed. The jury convened on March 1, 2022 through Zoom to discuss the key objectives and priorities of the fund and to adjudicate the applications as a group to arrive at final funding decisions.

There was a long and fulsome conversation amongst the jurors to determine the final decision. At the close of the application round, Administration received twenty-six applications – twenty-two from individuals, and four from organizations – totalling about \$104,000 in requested funding. If the opportunity to fund all of the requests were available, the total value of the projects would exceed approximately \$118,590, demonstrating how grant funding leverages additional spending on, and increases spin-off investment in culture within the community. There is \$59,000 available for distribution in the first round of the ACHF in 2022. Of their collective experience working as part of the ACHF Jury for the first round of funding for 2022, the members' comments included:

“As a first time juror, I found it an interesting and enlightening experience – there were so many wonderful and greatly varying projects to consider. I appreciated administration’s guidance throughout this process. I also benefited from the experience of the other jurors. I look forward to the next round.”

“This was a wonderful experience. Thank you all for the great discussion.”

The jury was pleased to be able to award grant funding to nineteen projects – seventeen grants to individuals, and two grants to organizations in this funding round. Of the applicants in this round, eleven were first-time applicants to the program, and eight of those applicants were selected for funding.

The jury selected a strong mix of projects across genres including the visual arts, the performing arts, film, music, literary arts and storytelling, podcasts, and some important projects supporting diversity, inclusivity, heritage and the celebration of humanity in our community.

Table 1 below provides a detailed listing of successful applicants along with a description of the project they submitted for funding. Upon completion of their projects, applicants are required to submit to the Culture & Events office, a final report outlining the impact of the project, both financially and within the cultural community of Windsor. All final reports require the recipients to quantify the results of their project (the number of visitors, CDs sold, attendance, engagements, etc.). The final report also includes the final budget for the project confirming revenues earned, copies of promotional materials, and the criteria they used to measure the success of their project in meeting their goals and how they believe the project affected life of our community.

Additionally, as identified in earlier reports to Council, all of the projects selected are required to identify the City of Windsor as a funder to the project, through the display of the City logo with the accompanying words “Supported by the City of Windsor’s Arts, Culture & Heritage Fund (ACHF) [achfwindsor.ca](http://achfwindsor.ca)” on all project materials.

As requested by members of City Council with previous reports, the successful applicants are featured on our website under “ACHF Success Stories.” They are also invited to display or showcase their finished projects, where appropriate, at specific city events such as culture summits, the City birthday celebration, and potentially the Mayor’s Arts Awards (an event held in partnership with the Windsor Endowment for the Arts). Information about the projects is also shared in Culture E-Blasts, on social media, and through the annual Parks, Recreation & Culture Community Impact Report.

**Table 1: Successful Applicants**

<b>Name</b>	<b>Project</b>	<b>Description</b>	<b>Ask</b>	<b>Awarded</b>	<b>Variance</b>
Bilal Nasser	2022 Album	Funding for artist fees, recording, cover art and post-production of an original music album.	\$5,000	\$5,000	\$0
Mitchell Branget	The Final Haunting	Funding for artist fees and post-production costs for an original, locally-created short film.	\$4,500	\$4,000	(\$500)
Tracey Atin	“Flutter” Opera	Funding for artist fees for an original opera focusing on the lifecycle and migration patterns of Monarchs.	\$5,000	\$4,000	(\$1,000)
Anthony Sheardown	Stoked On Tofino	Funding for book printing, framing and print costs, and marketing and promotion of a new photo book.	\$4,500	\$4,000	(\$500)
Jacob McLean	Mellodraw	Funding for artist fees, production and promotion of a new album of original music.	\$4,500	\$4,000	(\$500)
Arts Collective Theatre ACT	Soup, Salad, Story Sharing & Seniors	Funding for artist fees and materials for a new performing arts program focusing on seniors and storytelling.	\$4,500	\$4,000	(\$500)
Maria Belenkova-Buford	Journey Back	Funding for artist fees, venue, design and production for a new short film.	\$3,975	\$3,900	(\$75)
Vanguard Youth Arts Collective	Breaking Waves: A Vanguard Youth Workshop	Funding for arts supplies, artist fees, materials and promotion of a community mixed-media arts workshop for youth.	\$3,800	\$3,600	(\$200)



Name	Project	Description	Ask	Awarded	Variance
David Carovillano	88 and 1	Funding for artist fees and production for four original pieces of classical orchestral music to create a full-length original album.	\$5,000	\$3,500	(\$1,500)
Andrew Stanley	Marysville, Tenth Line	Funding for pre-production & artist fees for an original feature film.	\$5,000	\$3,000	(\$2,000)
Diana Fleming	Dance Creations 2022	Funding for artist fees, venue, materials and promotions for a multi-phase project creating a new work for dance artists.	\$5,000	\$3,000	(\$2,000)
Rob Palombo	Saints Down	Funding for artist fees, production and marketing of 6 original songs and corresponding videos.	\$4,995	\$3,000	(\$1,995)
Kristina Bradt	Tiny Art Vending Machine	Funding for artist fees, materials and curatorial work for a visual arts project that will fill a vending machine to be placed around the city.	\$3,000	\$3,000	\$0
Ken Amlin	Windsor Re-Told	Funding for artist fees for creation of a new podcast sharing Windsor-Essex history from the 1800s, based on original radio broadcasts from 70 years ago.	\$5,000	\$2,500	(\$2,500)
Scott Rawlings	Boo Gets the Blues	Funding for artist fees, production and publishing costs for an original children's book on the topic of depression.	\$4,050	\$2,500	(\$1,550)

<b>Name</b>	<b>Project</b>	<b>Description</b>	<b>Ask</b>	<b>Awarded</b>	<b>Variance</b>
Eric Branget	The Fantasy Fantasia Podcast	Funding to produce, edit, present and promote new episodes of a locally made podcast featuring local actors and storytellers.	\$4,506.50	\$2,000	(\$2,506.60)
Curtis Byrne	Stay Loyal; Reckless Upstarts	Funding for artist fees, recording and production of an original 10-song album.	\$5,000	\$2,000	(\$3,000)
Garrett McKelvie	Bound	Funding for artist fees for writing, editing, artwork, and pre-production work on an original narrative short film.	\$3,000	\$1,500	(\$1,500)
Barbara Snyder	Graphic History of Alexander MacKenzie	Funding for layout and printing of compiled art and notes for a book about Alexander Mackenzie, Mackenzie Hall, and the work of the late Evelyn McLean.	\$500	\$500	\$0
<b>TOTALS</b>			<b>\$80,826.50</b>	<b>\$59,000</b>	<b>(\$21,826.60)</b>

### **Risk Analysis:**

The Municipal Cultural Master Plan originally recommended that an arm's-length commission be established that was a decision-making volunteer body independent of Council consisting of City residents who are familiar with cultural disciplines and cultural organizations in the City.

The Task Force that convened to guide this project to fruition expect there to be a transparent application process in order to have the applications adjudicated without prejudice. The Task Force supported a jury process that consisted of members of the community applying or being nominated, and being selected for the knowledge and experience that they share with the community.

## Climate Change Risks

### Climate Change Mitigation:

N/A

### Climate Change Adaptation:

N/A

### Financial Matters:

On December 13, 2021 at a Special Meeting of City Council, B27/2021 was approved through the 2022 recommended operating budget submission, (Budget Issue# 2022-0346), which increased the annual operating budget of ACHF to \$118,000. The increased annual operating budget of \$118,000 provides Culture and Events to distribute two rounds of funding awarding up to \$59,000 per round. Individual grants awarded through this project are for a maximum of \$5,000 per grant

### Consultations:

N/A

### Conclusion:

The City of Windsor continues to make significant contributions to the cultural fabric of the community.

The ACHF grant-funding program continues to grow the arts, culture and heritage sector by providing small and impactful amounts of funding to help make culture happen now. The purpose of this fund – *Investing in the soul of our City by providing financial assistance to locally developed arts, culture and heritage projects that provide exciting, surprising, and meaningful opportunities to strengthen our creative community* – will have an immediate impact on the cultural community.

### Approvals:

Name	Title
Valerie Clifford	FPA
Michelle Staaedegaard	Manager, Culture & Events
Jen Knights	Executive Director, Recreation & Culture
Ray Mensour	Commissioner, Community Services
Joe Mancina	City Treasurer
Jason Reynar	Chief Administrative Officer

**Notifications:**

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

**Appendices:**

- 1 Appendix A - ACHF Guidelines City of Windsor



Arts, Culture & Heritage Fund (ACHF)  
*Investing in the Soul of our City*

# PROGRAM GUIDELINES

Culture Office  
Department of Recreation & Culture  
City of Windsor

Mailing: 2450 McDougall St. Windsor, ON. N8X 3N6

Physical: Gatehouse at Willistead Park. 1899 Niagara St. Windsor, ON. N8Y 1K3

P: 519-253-2300 • E: [culturalaffairs@citywindsor.ca](mailto:culturalaffairs@citywindsor.ca) • W: [citywindsor.ca](http://citywindsor.ca)

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## BACKGROUND INFORMATION

### **Mission for Culture in Windsor**

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Acting as a catalyst and facilitator, the Culture section will ensure the provision of a range of affordable and accessible opportunities for engagement in cultural activities, services, and facilities to residents while at the same time building up a base of unique cultural attributes and activities for visitors, residents, investors, and businesses.

We work in the arts, culture and heritage sectors... the *creative community*. Culture is alive and thriving in our City, winding its way through every aspect of our daily lives, shaping who we are and what is amazing about our community.

### **The Community Strategic Plan**

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The City's **Community Strategic Plan** calls for a focus on cultural growth. It urges:

- *Capitalizing on our strengths* to promote tourism and hospitality, making the most of our advantages as a key Canadian gateway;
- *Reaching out to the world* to showcase Windsor as an outstanding place to live, work and visit;
- *Celebrating diversity* by recognizing our rich diverse culture and heritage;
- *Honouring heritage* by preserving structures that tell the story of our past;
- *Valuing art* by promoting and supporting the arts and local artists, and ensuring that our citizens have many opportunities to experience a wide variety of expression and performance.

### **The Municipal Cultural Master Plan (MCMP)**

---

The City of Windsor's **Municipal Cultural Master Plan**, approved by City Council in May 2010 is a detailed report that maps out sixteen recommendations intended to serve as a goal-centred approach to facilitating the growth of culture in our community.

### **MCMP – Recommendation # 7 – Arm's Length Cultural Funding**

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It is understood that our creative community cannot act alone. It is recommended that an **arm's length cultural funding commission for cultural organizations be established**. This commission would be appointed to allocate funds from an amount set annually to qualifying cultural organizations according to set criteria. Jurors would be City of Windsor residents that have an understanding of cultural disciplines and organizations. Working with the City of Windsor's Cultural Affairs Office, they would facilitate a transparent and accessible application and funding process that would be accountable to Council, the City's creative community, and the City of Windsor as a whole. **In all cases, the funding decisions of this body would be final, and would not be subject to an appeal.**

## GENERAL INFORMATION

These guidelines are intended to help in preparing an application for funding under the **Arts, Culture & Heritage Fund (ACHF)**. Applicants are advised to read this document in its entirety prior to completing/submitting an application.

In order to be considered, applicants must consult with Culture staff prior to submitting a project for funding and before the application deadline. Consultation means a conversation, by e-mail or phone, in which the applicant provides detailed information on their proposed project. **This consultation does not mean a project will be recommended for funding.**

We anticipate receiving more applications than any given funding round can support.

The ACHF online application can be found at [www.achfwindsor.ca](http://www.achfwindsor.ca), and will be available *only during application intake phases*. The application must be completed and submitted – with all required supporting materials – and received no later than 3:00 pm on the application deadline date for each round. **Late applications will not be accepted or assessed.**

Applications must be completed and submitted online. **Hard copies or e-mailed / faxed applications will not be accepted.**

Applicants may submit one application per funding round per fiscal year, for a maximum of two applications to the program per year.

The Culture section encourages applicants to submit projects that will be completed within six (6) months to one (1) year of receipt of funds. As such, **all Final Post-Project Reports must be submitted two (2) weeks after completion of the project.**

The ACHF cannot guarantee funding to all applicants, nor can it ensure that the total amount requested by successful applicants will be granted. The recommendation to fund a part of an applicant's request will depend on its fit with the program priorities, assessment criteria and the overall demand for funds available in the program. The Culture section will officially announce the results by letter or e-mail.

Applications for funding are subject to the *Freedom of Information and Protection of Privacy Act*.

The City, at its expense, reserves the right to audit any submitted financial statements or Project approved for City grants, and upon reasonable request to do so, the grant recipient shall make available at its premises all related books and records to the City of Windsor or its agents.



## ABOUT THE FUND

**MISSION OF THE ARTS, CULTURE & HERITAGE FUND:** The City of Windsor's Arts, Culture & Heritage Fund (ACHF) invests in the soul of our City by providing financial assistance to locally-developed arts, culture and heritage projects that provide exciting, surprising and meaningful opportunities to strengthen our creative community.

### **PROGRAM OBJECTIVES**

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The ACHF provides funding to support Windsor's priority to build a strong and stable creative community that contributes to a prosperous creative economy and to making Windsor an attractive and affordable place to live. The primary objectives of the program are to make strategic investments that:

- Promote innovation and support new, dynamic efforts in the creative community;
- Develop unique cultural resources to enhance the health and vitality of our communities and the quality of life for our people;
- Encourage participants in the creative community to stay and continue to create and work in the City of Windsor;
- Make arts, culture and heritage central to the lives of all our people;
- Increase public awareness and access to the arts, culture and heritage sectors;
- Celebrate diversity by recognizing our rich creative community;
- Value creativity by promoting and supporting arts, culture and heritage.

### **KEY PRIORITIES OF THE ARTS, CULTURE & HERITAGE FUND**

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The ACHF provides financial support to help strengthen and develop Windsor's creative community to achieve economic and creative growth in the City. Preference is given to projects that benefit one or more cultural sectors, and which develop new alliances and creative, innovative approaches. Projects **must address one or more** of the following key priorities:

- Increase Windsor's attractiveness, affordability, and quality of life;
- Support the development of new audiences;
- Increase the supply of skilled cultural workers;
- Nurture creativity and imagination through arts, culture and heritage projects;
- Encourage the inclusion of diverse cultural groups;
- Increase public access to the creative community.

## IMPORTANT DEFINITIONS

### PROJECT

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A special initiative which may be one-time, and may involve:

- New/unconventional collaboration between/across genres, disciplines or sectors;
- Creation of new work;
- Emphasis on new or emerging media, techniques, technologies and practices.

### ART

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Broadly conceived to include all genres within the following disciplines, with activities and expression which explore, interpret, create and celebrate:

- Performance (music, dance, theatre, spoken word, improvisation);
- Visual (two/three dimensional, performance, fine or artisanal craft, site specific or temporary installation);
- Literary (poetry, prose, storytelling);
- Media/New Media (film, video, still photography);
- Design (graphic and technological).

### CULTURE & HERITAGE

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Broadly conceived to include both tangible and intangible characteristics of the following elements, with activities and expression which explore, interpret and celebrate:

- Human diversity including First Nations, ethnicity, different abilities and orientations, gender and age;
- Human and natural history;
- Ecology and environment (as themes for artistic practice or historical interpretation);
- Heritage buildings, sites (including neighbourhoods, gardens, views), collections, archives, documentation, interpretation;
- Storytelling, narratives, traditions and values, artisanal methods.

## ELIGIBLE ORGANIZATIONS

To be eligible for consideration, the applicant must be either an arts, culture or heritage organization that meets **all** of the following criteria:

- Be Windsor-based;
- Not receive concurrent funding from the City of Windsor;
- Be not-for-profit, incorporated as a not-for-profit, or a registered charity;
- Primarily produce and display work, and conduct regular operations in Windsor;
- Have arts, culture or heritage as the main focus;
- Be in 'good-standing' for at least one year at the time of the application;
- Demonstrate fiscal responsibility;
- Be directed by recognized professionals and / or managed by experienced volunteers.

## ELIGIBLE INDIVIDUALS

To be eligible for consideration, the applicant must:

- Be a Windsor resident;
- Primarily produce and display work outside of an organizational framework;
- Be engaged in their arts, culture or heritage activity in the City of Windsor;
- Be a recognized professional (have completed formal/informal training).

## ELIGIBLE PROJECTS

Eligible Projects under the ACHF program may include, but are not limited to:

- Providing opportunities for organizations to engage youth and new creators;
- Arts, culture and heritage tourism initiatives that result in new product development, increased market-readiness and new business opportunities;
- Outreach projects which identify ways to strengthen organizational capacity to reach new markets, regions, cultural minorities and untapped future audiences.

Eligible Projects must:

- Not receive concurrent funding from the City of Windsor for this initiative;
- Be accessible to everyone;
- Be publicized citywide;
- Offer a unique cultural experience;
- Have a separate budget from the organization's annual operating budget;
- Demonstrate support (financial or in-kind) beyond what is provided by the fund.

## INELIGIBLE PROJECTS & EXPENDITURES

Ineligible projects and expenditures for the ACHF include the following:

- Initiatives which receive concurrent financial or in-kind support from City sources;
- Using ACHF funds to provide financial support (re-grant) to other organizations;
- Ongoing operating or administration expenses;
- Feasibility studies;
- Decor, food, or beverage costs;
- Costs relating to fundraising activities or events;
- Retroactive funding for events which have already occurred;
- Construction, renovation, major purchases (capital, property, etc.);
- Deficit reduction;
- Development of proposals for provincial/federal/municipal/private sector grants;
- Marketing and promotional expenditures that are not related to the project;
- Contingency or unexplained miscellaneous costs;
- Supporting activities which are politically partisan or primarily focused on sports, commercial activity (tradeshow, conferences), religion, healthcare, social service, and/or seek to attract a special interest audience;
- Any other expenditure that does not relate to the realization of the project.

Please Note:

- Depending on fulfillment of all criteria, including financial need, recipients of ACHF Project Grants may re-apply for funding of the same initiative in each of two consecutive years, but after three consecutive years of funding are no longer eligible to apply for support of the same initiative. This ensures that the group of organizations and initiatives benefiting from these grants is refreshed on an ongoing basis.
- **Funding is not automatically renewed every year.**

## MAXIMUM FUNDING

Applicants are asked to apply for a reasonable amount of money to complete their proposed projects.

**Project funding under the ACHF program will not exceed \$5,000 per funding round.** Project funding not covered by the ACHF program must be provided by the applicant or through other project revenues.

The ACHF cannot guarantee funding to all applicants, nor can it ensure that the total amount requested by successful applicants will be granted. The recommendation to fund all or part of an applicant's request will depend on its fit with ACHF priorities, assessment criteria and the overall demand for funds in the program.

## APPLICATION PROCESS

In addition to providing important information for the assessment of the grant application, both the financial and statistical parts of the application provide the City of Windsor's Culture section with valuable information enabling them to effectively advocate on behalf of the local creative community on an ongoing basis. Prior to completing the ACHF application, all potential applicants must consult with Cultural Affairs staff (see information on page 4 of these guidelines).

### APPLICATION FORMS

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The online application form is available on the City's website as of midnight on the date the application round opens. The link remains active until the funding round closes. There are separate requirements for Individuals applying and Organizations applying. All requirements are clearly laid out in the Checklist that is part of the online application.

**Please use the Submission Checklist provided at the start of your application form (and page 10 of these guidelines) to ensure a complete submission before you click submit.**

### WHAT TO INCLUDE

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Everything you need is requested on the ACHF online application. Please ensure that your application is complete, signed (name typed), accurate and legible. When you have completed your application, attached your supporting materials, and clicked submit, you will receive an email confirmation that your application has been successfully submitted. This email will include a copy of your application itself. Please retain that for your records. We will not notify you if your application is incomplete, or if supporting materials are missing. Please take the time to ensure you have completed all sections and attached all supporting materials.

### HOW TO SUBMIT

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It is the applicant's responsibility to complete and submit their application on time. The online application is available online for the duration of the funding round. Once the submission deadline passes, the link will be unavailable. Applications that are late, incomplete, have arrived in hard copy form, or have been faxed or sent through email will not be accepted or assessed. The online link is the *only* acceptable submission.

### Supporting Materials

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It is not mandatory to submit supporting materials, aside from those clearly requested; however, they can enhance your application and provide unique insight to the Jury.

## APPLICATION CHECKLIST

All required fields in the online application must be completed. You will be asked to include:

### Project Grants – For Organizations

- Completed Application
- Financial statement attachment
- Project budget attachment
- List of Board of Directors attachment  
-include names, positions, contact
- List of Management/Admin.  
-attachment includes names, positions
- Copy of Incorporation/Charitable  
Status Certificate attachment
- Supporting Materials (links, photos, documents)

### Project Grants – For Individuals

- Complete Application
- Copies of 3 reference letters attachment
- Copy of curriculum vitae attachment
- Project budget attachment
- Supporting Materials attachment

**Please do not forget to answer all question fields on the application completely.**

**Note on Budgets and Artist Fees:** The City of Windsor encourages all applicants to ensure standard artist fees are provided to all artists participating in a project. Please refer to [CARFAC](#), the [Canadian Federation of Musicians](#), etc. to determine standard rates for artists. The City adheres to these fee schedules for all City-led events and initiatives, and encourages artists participating in ACHF to do the same.

**Supporting Materials** can include: web links, manuscripts; slides; audio and video clips; news stories/articles/clippings; audience testimonials; photographs (maximum of three).

Supporting materials should be in the form of PDFs, JPEGs, Word documents, etc.

The personal information collected on the application is collected under the authority of the *Municipal Act, Section 10*. This personal information may be used for the purpose of processing the application form and may become part of the public agenda at a City Council meeting or Committee Meeting. Questions about this collection may be directed to the Manager of Culture & Events, (519) 253-2300 extension 2726, or by mail to:  
Freedom of Information Coordinator - Office of the City Clerk  
Room 530 – 350 City Hall Square West  
Windsor, Ontario, N9A 6S1, Canada

## APPLICATION ASSESSMENT PROCESS

All applicants must consult with Culture staff prior to submitting a project for funding under the ACHF program before the application deadline; **otherwise they will not be considered for funding.**

All applications will be assessed by a jury, working with the Culture staff. The jury will be comprised of a diverse selection of five (5) people that are arts, culture or heritage professionals. Some have direct experience working with arts, culture and heritage organizations or as individual creators. Others have municipal backgrounds with arts, culture and heritage experience. The ACHF will select jurors who:

- Have a broad spectrum of knowledge and experience of the creative community;
- Have knowledge of the arts, culture and heritage needs of the City of Windsor;
- Will provide fair and objective opinions;
- Can articulate their opinions and work in a group decision-making environment.

With the exception of two (2) members carried over from the previous year, a new jury will be convened every year unless it is not possible to do so.

### SELECTION OF JURY

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Community members are encouraged to apply to be a juror for the panel. Application Forms will be posted on the City website, [www.citywindsor.ca](http://www.citywindsor.ca). Please submit a hard copy or scanned copy to the attention of the Culture office, Recreation & Culture, The City of Windsor, 2450 McDougall St. Windsor, ON. N8X 3N6; [culturalaffairs@citywindsor.ca](mailto:culturalaffairs@citywindsor.ca). Applications for jurors will be accepted up to a specified date/time. If you submit an application after that date, it will be added to the applications for the following year, as this is an ongoing process. Juror applications will be evaluated by a panel of City staff with representation from Recreation, Culture, Finance, and Planning.

### ROLE OF JURORS

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Prior to the meeting to assess applications, jurors are required to become familiar with the program, its assessment criteria, and the City's strategic goals. Jurors are required to read all applications, make notes about each, and grade them accordingly. At a group decision-making meeting, all jurors will review the supporting materials together and discuss the applications. Using their knowledge and expertise, they will identify funding priorities, score applications, decide on successful applications, and inform City staff.

### CONFIDENTIALITY

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Jurors must keep application contents and assessment discussions confidential, and must not disclose that they have been selected as jurors. Names of jurors will be released with the grant results at the end of each program year.

## CONFLICT OF INTEREST

The City of Windsor is particularly concerned with potential conflicts of interest.

There are two dimensions of conflict of interest – direct and indirect. There are also two kinds of direct conflict of interest – financial and private.

### **DIRECT CONFLICT OF INTEREST**

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A juror is in direct conflict of interest with a particular application if he or she, or a member of the juror's immediate family (spouse or equivalent, son or daughter, parent, sibling or members of the immediate household), has a financial interest in the success or failure of the application. Staff or board members of an organization, or members of their immediate families, would also be considered in direct conflict.

A juror is in direct conflict of interest with a particular application if he or she has a private interest in the success or failure of the application. Staff or board members of an organization, or member of their immediate family (spouse or equivalent, son or daughter, parent, sibling or member of the immediate household), would be in direct conflict. A private interest also includes affiliations or activities that compromise or unduly influence decision making.

### **INDIRECT CONFLICT OF INTEREST**

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Any reason that makes it difficult for a juror to evaluate an application objectively may create an indirect conflict of interest.

### **MANAGING CONFLICT OF INTEREST**

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The City will not choose jurors who are in direct conflict of interest with any of the applications being assessed.

If a direct conflict of interest becomes apparent, the City will ask the juror to stand down from the Jury panel.

All jurors are asked to sign forms to identify conflicts of interest as a further means of documenting the integrity of the process.

### **THE ROLE OF CITY STAFF**

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At the jury panel meeting, City staff from the Cultural Affairs Office will answer questions and assist jurors with clarification of information on the groups being judged. Their role is to remain objective and facilitate decisions based on the jurors' impartiality.



# JUDGING APPLICATIONS

## **ASSESSMENT CRITERIA FOR APPLICATIONS**

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The following criteria recognize that all applications are examined in the context of the strategic goals and objectives set by the City of Windsor's City Council each year, as well as the ACHF program budget and the number of applications per program round.

Assessment Criteria for ACHF Project Grants will be based on:

- Relevance of the Project;
- Contribution and Impact of the Project;
- Results and Measurements;
- Financial Feasibility of the Project;
- Organizational Capacity.

The jury evaluates organizations applying for grants using the following criteria in the context of each organization's stated mandate, the scale of its operations and the aesthetic or cultural environments in which it works.

## **RELEVANCE OF THE PROJECT**

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- The project strongly supports the vision of the City of Windsor, and is closely aligned with at least one of the ACHF program's key priorities.
- There is a demonstrated need for the project.

## **CONTRIBUTION AND IMPACT OF THE PROJECT**

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Applicants should present a commitment to the advancement of their discipline and to increasing public appreciation and education of the creative community of the City of Windsor. To contribute to the creative community, the organization has:

- Programming and activities that encourage public appreciation and participation;
- Programming that promotes the opportunity for cultural tourism;
- A role in the broader creative community in terms of public awareness;
- Connections with organizations in the broader community.

## **RESULTS & MEASUREMENTS**

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- Project timelines are realistic;
- Project activities are relevant to the project as a whole;
- The evaluation strategy is realistic, well-developed and addresses all outcomes, outputs and measures;
- The project's value for investment is clearly demonstrated.

## JUDGING APPLICATIONS cont.

### **FINANCIAL FEASIBILITY OF THE PROJECT**

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- Project is well within the financial resources of the applicant;
- Project budget is entirely appropriate and cost-efficient;
- Appropriate human resources and materials are allocated to support the project;
- Applicant demonstrates financial stability.

### **ORGANIZATIONAL CAPACITY**

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The Organization serving as lead applicant for the project funding:

- Demonstrates sufficient resources to successfully carry out the project;
- Is managed with a clearly defined governance structure, administration and policies;
- Implements its mandate through ongoing activities and services;
- Has and seeks audiences for its work;
- Knows and can describe its audiences;
- Has marketing plans and systems to communicate with, sustain and build audiences;
- Works to develop an audience that reflects Windsor's demographics, has systems and activities which complement programming to deepen, broaden and diversify its audiences and their involvement in the organization's work;
- Has balanced sources of earned, private and government revenues with plans that generate earned, private, and government revenues

# FINAL JURY FUNDING DECISIONS

## DECISION-MAKING PROCESS

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Jurors review each application in terms of the five (5) assessment categories: Relevance of the Project, Contribution and Impact of the Project, Results and Measurements, Financial Feasibility of the Project, and Organizational Capacity. Each of the five categories has equal weight in the assessment.

Jurors rate each of the five (5) assessment categories on a five (5) point scale:

- Excellent;
- Very good;
- Good;
- Fair;
- Poor.

**An application must reach a standard of “good” in all assessment categories in order to receive funding.**

## FUNDING DECISIONS

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Applicants will receive an email from Culture staff advising on the application result / funding decision approximately one (1) month after the deadline. Alternatively, they may receive a Grant Notification letter in the mail. Applicants should not call or e-mail for this information.

If you have been awarded a conditional grant, the grant cheque will be issued when the conditions have been fulfilled. The grant notification letter will describe any conditions associated with a grant. It is the responsibility of an organization receiving a conditional grant to share this information with its board of directors or governing body.

After grant notification, and upon request, the Culture office will provide organizations with a verbal summary of jurors’ comments and information about the context in which the grant decision was made **if available**. **The ACHF Jury is not required to provide feedback on every application; feedback may not be available.**

**All decisions of the jury are final and cannot be appealed.**

**The City, at its expense, reserves the right to audit any submitted financial statements or Project approved for City grants, and upon reasonable request to do so, the grant recipient shall make available at its premises all related books and records to the City of Windsor or its agents. Grant funding is intended to support the project set forth in the grant application and is not intended to cover living costs.**

# FUNDING CONDITIONS & EXPECTATIONS

## Funding Conditions

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- **All decisions of the jury are final; not subject to a review or appeal;**
- Failure to submit reports (interim or final) will affect future requests for funding;
- Funding recipients must publicly acknowledge support by use of the City of Windsor logo on all forms of communication related to the project;
- Funding is provided on a single / one-time only project basis;
- Funding will not be given to for-profit organizations;
- Funding will not exceed the actual cash expenditure for the project;
- Additional funding for a project may be secured from other levels of government. In cases where funding from other Ontario government sources is included, this funding must be for a component of the project that is separate and distinct from the portion to be supported by the ACHF.

## REPORTING

Successful applicants will provide a Final Post-Project Report within two (2) weeks of the completion of the Project. This report must be submitted to the City of Windsor's Culture Office. The form can be downloaded at the City's website, [www.citywindsor.ca](http://www.citywindsor.ca), (specifically [www.achfwindsor.ca](http://www.achfwindsor.ca)). Receipt of these reports is a pre-condition for consideration of an organization's future grant applications in any category and will be part of the jury resources in future grant application reviews.

If a project is incomplete, it is the responsibility of the grant recipient to contact the Culture Office to discuss the project status. Even in the case of an incomplete project, a Final Post-Project Report will still be required. There are no exceptions to this.

A grant recipient seeking to make significant changes to its initiatives as outlined in an application must consult with Culture staff prior to implementation. If the changes result in the cancellation or a significant delay in the completion of the initiative, the applicant will, after consultation with staff, be required to return to the City all Project Grant funds paid for that year.



**Committee Matters: SCM 112/2022**

**Subject: City of Windsor Lancaster Bomber FM 212 Progress Report 2019-2021 - Ward 3**

Moved by: Councillor McKenzie  
Seconded by: Councillor Francis

Decision Number: **CSPS 181**

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,

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.

Carried.

Councillor Gignac voting nay.

Report Number: S 39/2022

Clerk's File: APR/1699

**Clerk's Note:**

1. The recommendation of the Standing Committee and Administration are **not** the same.
2. Please refer to Item 8.3. from the Community Services Standing Committee Meeting held April 6, 2022.
3. To view the stream of this Standing Committee meeting, please refer to: <http://csg001-harmony.sliq.net/00310/Harmony/en/PowerBrowser/PowerBrowserV2/20220414/-1/7316>

**Subject: City of Windsor Lancaster Bomber FM 212 Progress Report  
2019-2021 - Ward 3**

**Reference:**

Date to Council: April 6, 2022  
Author: Michelle Staadegaard  
Manager, Culture & Events  
519-253-2300 ext. 2726  
mstaadegaard@citywindsor.ca  
Recreation and Culture  
Report Date: March 15, 2022  
Clerk's File #: APR/1699

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

**Recommendation:**

THAT the Report provided by the Manager, Culture & Events **BE RECEIVED** for information

**Executive Summary:**

N/A

**Background:**

At the October 30, 2006, meeting of City Council, Council Resolution **CR529/2006** directed Administration:

*To enter into a stewardship agreement, for a period of 10 years, with semi-annual reviews scheduled for February 1<sup>st</sup> and August 1<sup>st</sup> of each year, with the Canadian Historical Aircraft Association (CH2A) for the storage, preservation and enhancement of the City of Windsor Lancaster Bomber FM212 and further, that the Chief Administrative Officer and the City Clerk **BE AUTHORIZED TO execute** the Agreement, satisfactory in form to the City Solicitor, in financial content to the City Treasurer and in technical content both to the Executive Director of Parks and Facility Operations and Manager of Cultural Affairs.*

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

*That the report of the Community Development and Health Commissioner dated February 7, 2011 entitled "City of Windsor Lancaster Bomber FM212 Progress Report*

Administration” **BE RECEIVED**, and further that Administration **PROVIDE UPDATES** to Council during the first Quarter on an annual basis.

On August 2, 2016, **CR495/2016 SCHC 417** stated, in part:

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

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

*THAT the Report provided by the Manager of Cultural Affairs dated February 16, 2018 entitled "City of Windsor Lancaster Bomber FM 212 Progress Report for 2017" **BE RECEIVED** for information; and, THAT the request to provide \$5,000 in funding to the Canadian Historical Aircraft Association(CH2A) from the existing Cultural Affairs operating budget to pay for aluminum, rivets and other materials **BE APPROVED**; and, THAT Administration **BE AUTHORIZED** to approve expenditures from the Canadian Historical Aircraft Association (CH2A) related to repairs and maintenance up to the maximum limit of \$50,000.00 within the existing budget.*

### **Discussion:**

This report is to update Council as to the activities of the Lancaster Crew of the Canadian Historical Aircraft Association (CH2A) in keeping with the review period as detailed in the original 2006 Stewardship Agreement. Due to the ongoing global pandemic no reports were presented to Council in 2020 or 2021. This report will provide a summary report for the years 2019, 2020 and 2021.

Each month, the President, Lancaster Project Director of CH2A - Don Christopher, provides an overview of activities to the Manager, Culture & Events. All purchases of materials and supplies required were made by the CH2A through their fundraising initiatives and/or through the slight increase in operating funding the City has provided. The information below is summarized from the reports received from CH2A.

The Crew of CH2A includes Don Christopher (Project Director), John Bell (Team Lead) as well as Roger Durocher, Fred Bultman, Dan Rankin, Len Hargreaves, Roger Prince, Henry Karch and Wayne Freeland (the Crew).

The volunteer hours donated by this dedicated crew included 3993 (in 2019), 3574 (in 2020) and 5612 (in 2021).

<b>2019 Highlights</b>	
<b>In Shop Restorations</b>	<ul style="list-style-type: none"><li>Restoration of navigator’s table and equipment to be situated under the navigator’s table, including wooden shelf that mounts under the table, an H2S power unit, dynamotor, radio power unit and mileage</li></ul>

<b>Completed</b>	<p>indicator, metal stand for the transmitters, fishpond receiver, pilot's transceiver, H2S receiver and some smaller radio gear, and intercom boxes</p> <ul style="list-style-type: none"> <li>• Completed fabrication of armour plate for the rear turret</li> </ul>
<b>In Shop Restorations In Progress</b>	<ul style="list-style-type: none"> <li>• Disassembly, stripping and re-painting of nearly 20 items including two radio transmitters, a radio receiver, remote units for both, fishpond receiver, gee receiver, compass and other navigational units, as well as vibration mounts for all of the above</li> <li>• Construction of a large metal box assembly to support both transmitters and antenna loading units</li> <li>• Receipt of new aluminum sheet with duplication of inner and outer skins in progress</li> </ul>
<b>In the Hangar</b>	<ul style="list-style-type: none"> <li>• Installation of supports for navigator's table, observation dome armoured glass, electrical junction boxes, auto-pilot controls, main electrical panel, electrical connections on the front bulkhead, hydraulic cylinders for the front two bomb bay doors, trailing antenna assembly and electrical box on the forward bulkhead</li> <li>• Paint removed from the interior fuselage and removal of two corroded aluminum skins from port side aft of mid-upper turret</li> <li>• Receipt of on-loan armoured plate assembly for rear turret to facilitate fabrication of a new one</li> <li>• Installation of restored instrument panel in cockpit and Magneto wiring looms and radio suppression gear on front bulkhead of cockpit</li> <li>• Work on starboard main wing and trailing edge</li> <li>• Receipt of plexi for cockpit canopy</li> <li>• Straightening of damaged parts to permit door latching</li> <li>• Restoration of mid-upper turret</li> <li>• Partial disassembly of the loaned bomb doors from Trenton.</li> </ul>
<b>Special Notes</b>	<ul style="list-style-type: none"> <li>• Grant Hopkins, restoration manager for Lancaster FM104 at Victoria Air Maintenance Ltd. was very complimentary on the quality of work CH2A is doing on FM212. Grant headed up the restoration of the Bob Jens DH Mosquito</li> <li>• Thanks to Matthew Batten in Belleville and Jim Fleming who have donated most of the equipment for wireless operator's station</li> <li>• Awaiting arrival of pilot's compass stand from the UK and a pilot's panel from Nanton</li> <li>• Thanks to Peter Whitfield for supplying armoured plate assembly</li> <li>• CH2A has been approached by the restoration team working on Lancaster FM104 (formerly owned by the City of Toronto), now based at Victoria Air Maintenance in Sydney, BC. They are also working on their bomb door and centre section repairs and would like to collaborate on these projects</li> </ul>



<b>2020 Highlights</b>	
<b>In Shop Restorations Completed</b>	<ul style="list-style-type: none"> <li>• Re-assembly of loaned bomb doors from Trenton</li> <li>• Rear turret cupola doors restored ready to be installed in the cupola</li> <li>• Left-hand turret door re-assembled and primed; now functional</li> </ul>
<b>In Shop Restorations In Progress</b>	<ul style="list-style-type: none"> <li>• Arrival/preparation of pilot's panel from Nanton</li> <li>• Receipt of plexi pieces from Canadian Warplane Museum in Hamilton followed by assembly and fabrication of all straps to hold Plexiglas on the canopy</li> <li>• Fabrication of new right-hand side panel for outer gun frame to match original one on the other side.</li> <li>• Fabrication of 8 stand-off washers needed for the installation</li> <li>• Reproduction flight engineer's seat is finished and just needs some upholstery work for the seat cushion</li> </ul>
<b>In the Hangar</b>	<ul style="list-style-type: none"> <li>• Arrival of Pilot's compass stand from the UK; was primed, painted and installed with the compass and autopilot gauge attached.</li> <li>• Finished continuity testing on the new wiring in the instrument panel; ready to begin terminating these in the forward cockpit junction box.</li> <li>• Installed panel on front of the navigator's table that holds the astrograph box, fire extinguisher and flight/engineer's parachute.</li> <li>• Worked on cockpit canopy progressing.</li> <li>• Rear turret cupola restoration was completed, save for final paint.</li> <li>• Started assembly of the left-hand gun frame and gun cradle assembly.</li> <li>• Riveted two skins to the starboard wing totalling almost 2000 new rivets.</li> <li>• Finished terminating all of the instrument panel wiring into the main cockpit junction box; started work on the nose section wiring and main wiring panel.</li> <li>• Work continues on assembly of gun cradles and gun frames to the rear turret base plate.</li> <li>• Successfully re-joined cockpit and nose sections of the aircraft and the old girl is starting to look like a Lancaster again. The reviews are in and all have been extremely positive!</li> <li>• Found good paint match for the camouflage on the aircraft, started painting canopy strips and test fitting them as well as other small cockpit panels.</li> </ul>
<b>Special Notes</b>	<ul style="list-style-type: none"> <li>• Thanks to Robin Lee and Lee Valley Tools, who fabricated and delivered sliding nut plates for mid-upper turret ring as well as new bolts for main wing leading edges.</li> <li>• Thanks to Mark Dumay and his welding students at the UA527 Training Center for welding several parts for us.</li> <li>• Spare cupola acquired from Hamilton where it was produced for their B-25 upper turret. The cost was \$1600 and has been donated by Don Christopher to the project for a tax receipt.</li> <li>• Restoration work halted in March and December due to COVID-19</li> </ul>

<b>2021 Highlights</b>	
<b>In Shop Restorations Completed</b>	<ul style="list-style-type: none"> <li>• Gunner's seat altered to make the seat latch assembly functional.</li> <li>• Repair of the three damaged former ends.</li> <li>• Oxygen tank frame repair and fitting.</li> </ul>
<b>In Shop Restorations In Progress</b>	<ul style="list-style-type: none"> <li>• Fabrication of more parts for rear turret gun-sight assembly.</li> <li>• Removed Navigators support pole and prepped to install the new swivel seat mount frame.</li> <li>• Replacement clear acrylic for the front canopy section.</li> </ul>
<b>In the Hangar</b>	<ul style="list-style-type: none"> <li>• Riveting to permanently attach the new aluminum plate (spar web) to the main spar beams, as well as riveting of the reinforcement plates behind the two seams where the old and new webbing join.</li> <li>• Re-assembly of all restored parts into the mid-upper turret.</li> <li>• Gunner's seat installed.</li> <li>• Separation of mid to rear fuselage sections.</li> <li>• Pilot's auxiliary panel installed and remaining wiring completed.</li> <li>• All lights now fully functional in the cockpit / nose section.</li> <li>• Front canopy section permanently re-mounted to the cockpit section.</li> <li>• Work started on number 1 engine, removing the valve covers and using a borescope to examine internals. Engine turns over easily by hand and still pumps oil.</li> <li>• Work continued on centre section where the aircraft was mounted to the plinth. Damaged material on Formers 8, 9 and 10 were cut with a torch to allow mounting to plinth.</li> <li>• Connected battery and coil to starter and engine turns over freely. Not bad for an engine that has not run since 1962.</li> </ul>
<b>Special Notes</b>	<ul style="list-style-type: none"> <li>• The agreement between the Lancaster Bomber (Lancaster PA 474) an operational Lancaster which flies as part of the Battle of Britain Memorial Flight completed with the return of the City of Windsor Lancaster FM 212 stabilizers on Friday June 18, 2022.</li> <li>• The stabilizers were returned in a condition that will allow for a static display of the City of Windsor Lancaster.</li> <li>• Some parts were removed from the City of Windsor Lancaster stabilizers and will be used on the British Stabilizers in order for their Lancaster PA 474 to fly.</li> <li>• Thanks to Centerline for the repair of the mills in the Mosquito shop.</li> <li>• Restoration work halted in January and April - July due to COVID-19</li> </ul>

## **Risk Analysis:**

The Lancaster Bomber is an asset of historical and cultural importance to the community. Proper stewardship is vital to protect this asset and provide access to the community.

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

## **Climate Change Risks**

### **Climate Change Mitigation:**

N/A

### **Climate Change Adaptation:**

N/A

## **Financial Matters:**

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

The restoration work that has been completed is very costly. Specialized tools, equipment and materials are required to restore the Lancaster. The volunteers of the CH2A have been sourcing additional funding opportunities such as donations, fundraising, grants and unique partnerships to provide the resources required to fund all the materials required.

## **Consultations:**

Don Christopher – President, Lancaster Project Director

## **Conclusion:**

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

## **Planning Act Matters:**

N/A

**Approvals:**

<b>Name</b>	<b>Title</b>
Jen Knights	Executive Director, Recreation & Culture
Ray Mensour	Commissioner, Community Services
Dan Seguin for Joe Mancina	Chief Financial Officer
Jason Reynar	Chief Administrative Officer

**Notifications:**

<b>Name</b>	<b>Address</b>	<b>Email</b>
Don Christopher		dchristopher@ch2a.ca

**Appendices:**



**Subject: Declaration of a Vacant Parcel of Land Municipally Known as 0 McDougall Street Surplus and Authority to Offer for Sale - Ward 3**

**Reference:**

Date to Council: April 25, 2022  
Author: Chris Carpenter  
Coordinator of Real Estate Services  
ccarpenter@citywindsor.ca  
519-255-6100 x 6420  
Legal Services, Real Estate & Risk Management  
Report Date: April 7, 2022  
Clerk's File #: APM2022

To: Mayor and Members of City Council

**Recommendation:**

- I. THAT the following City of Windsor (the "City") vacant parcel of land **BE DECLARED** surplus:
  - Municipal address: **0 McDougall Street** – vacant land situate on the east side of McDougall Street, north of Hanna Street East
  - Legal Description: Part of Lot 85, Concession 1, Part of Park Lot 30 on Registered Plan 125, further described as Part 1 on 12R-28924
  - Approximate Lot size: irregular
  - Approximate Lot area: 10,239 sq ft (951.3 m<sup>2</sup>) (herein the "**Subject Parcel**"); and
  
- II. THAT the Manager of Real Estate Services **BE AUTHORIZED** to offer the vacant parcel of land identified in Recommendation I for sale to the abutting property owner at 1571 Mercer Street at a price to be determined by the Manager of Real Estate Services, commensurate with an independent appraisal, as appropriate; and,
  
- III. THAT the City Solicitor or designate **BE DIRECTED** to prepare a by-law to dedicate Part 2 on Plan 12R-28924 as part of the public highway known as McDougall Street.

**Executive Summary:**

N/A

## **Background:**

The City owns a vacant parcel of land located on the east side of McDougall Street, north of Hanna Street East, legally described as Part of Lot 85, Concession 1, Part of Park Lot 30 on Registered Plan 125, further described as Part 1 on 12R-28924 as shown on the aerial diagrams attached as Appendices A and B.

In 1915, the City established an industrial park between McDougall and Mercer Streets and Hanna East and Giles East.

City of Windsor By-law 1896, passed March 5, 1915, gave E.T.R. “the authority and the right and the privilege” to occupy and use certain City-owned lands to maintain railway spur lines on same. By-law 1896 was subsequently assented to by the Legislature of the Province of Ontario on April 27, 1916, providing certain lands for the construction of rail trackage for the purpose of affording rail facilities to various industries in the City of Windsor.

As E.T.R. no longer needed the tracks, E.T.R. removed all tracks and forfeited its rights on the lands by way of a Quit Claim Deed to the City of Windsor registered on title July 18, 1995. In addition, City By-law 12265 adopted July 17, 1995, repealed By-law 1896 of March 5, 1915. This allowed the City to sell off various parcels to the abutting property owners.

The Subject Parcel is narrow and crescent shaped bisecting two other properties. Due to its size and shape, there is no potential for the Subject Parcel to be developed and therefore it is not viable land.

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:**

Administration was contacted by the abutting property owner to express their interest in acquiring the Subject Parcel. As shown on Appendix C, the southern boundary of the Subject Parcel has been fenced and is actively in use by the property at 1571 Mercer Street.

The Subject Parcel was circulated to determine whether there is a municipal use for same. No municipal use was identified. Transportation Planning has identified the need for the retention of a strip of land along McDougall Street for future road widening that would align with the property to the south. The retention of Part 2 on Plan 12R-28924 will satisfy this requirement.

The City’s Land Disposal Policy (“**LDP**”) outlines the process for the sale of land which is not viable. Section 5.3.1.3 of the LDP states:

5.3.1.3 Land, which is not Viable Land and which cannot be rendered Viable Land by means of consent under the Planning Act may be sold directly to the abutting property owner(s) for lot consolidation purposes at the value established by City Real Estate Staff taking into consideration all relevant factors, but in any event for no less than on a cost-recovery basis. If more than one abutting property owner wishes to acquire the Land City Real Estate Staff will contact the abutting owners to determine whether a consensus can be arrived at in splitting the Land amongst interested abutting owners.

Should Recommendations I and II be approved, the Real Estate staff will contact the abutting property owner to negotiate a purchase price. Should Administration successfully negotiate an acceptable price, 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 this property surplus does not pose a climate change risk.

**Climate Change Adaptation:**

Redevelopment of properties will include climate change considerations during re-zoning or site plan review.

**Financial Matters:**

Net proceeds from the sale of this property would be deposited to the City's Industrial Sites Reserve Fund.

**Consultations:**

Fire Department: John Lee

Windsor Police Services: Barry Horrobin

Public Works: responses consolidated by Rania Toufeili

Parks: James Chacko

Facilities: Tom Graziano

Planning Department: Kevin Alexander

Housing and Children Services: Tina Moore

**Conclusion:**

Declaring the vacant parcel of land identified in Recommendation I surplus, and authorizing the Manager of Real Estate Services to offer the property for sale to the abutting property owner will allow for the orderly sale of the land that is not required for any municipal purpose.

**Planning Act Matters:**

N/A

**Approvals:**

<b>Name</b>	<b>Title</b>
Chris Carpenter	Coordinator of Real Estate Services
Frank Scarfone	Manager of Real Estate Services
Shelby Askin Hager	Commissioner of Legal and Legislative Services
Joe Mancina	Acting Chief Administrative Officer

**Notifications:**

<b>Name</b>	<b>Address</b>	<b>Email</b>
James Scott, Manager of Parks Operations		<a href="mailto:jascott@citywindsor.ca">jascott@citywindsor.ca</a>
Mark Friel, Financial Planning Administrator		<a href="mailto:mfriel@citywindsor.ca">mfriel@citywindsor.ca</a>

**Appendices:**

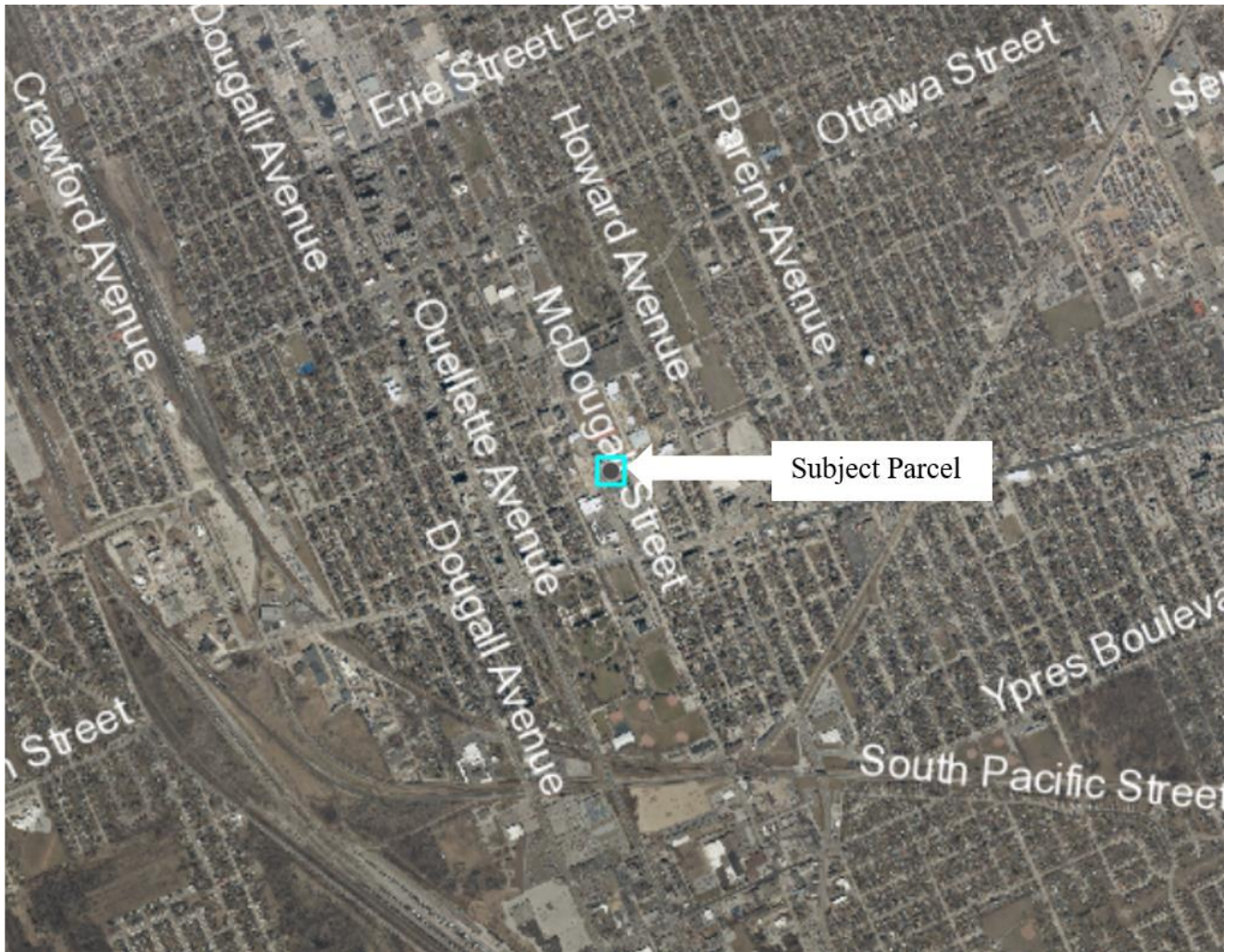
- 1 Aerial Image of Subject Parcel
- 2 Location of Subject Parcel
- 3 Location of Fence on south property line



# Appendix A



**Appendix B**



## Appendix C





**Subject: Lachance Drain Provisional By-Law for Repair and Improvement - Ward 9**

**Reference:**

Date to Council: April 25, 2022  
Author: Andrew Dowie  
Engineer III / Drainage Superintendent  
adowie@citywindsor.ca  
(519) 255-6257 ext. 6490  
Engineering  
Report Date: April 11, 2022  
Clerk's File #: SW2022

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

**Recommendation:**

That City Council **ADOPT** the Drainage Report completed by Dillon Consulting Ltd. dated April 12, 2022 (attached), for the Repair and Improvement to the Lachance Drain by giving first and second readings to Provisional By-law \_\_\_\_-2022 in accordance with Section 45 of the Drainage Act; and,

That any amendments resulting from the hearing before the Court of Revision **BE INCORPORATED** into the Drainage Report or the Provisional By-law as appropriate; and,

That the Provisional By-law **BE RETURNED** to City Council for third reading.

**Executive Summary:**

N/A

**Background:**

The Lachance Drain is a municipal drain servicing both the City of Windsor and the Town of Tecumseh. The drainage area includes properties within the City of Windsor located north of the Canadian Pacific Railway, west of Banwell Road, and outlets to the Little River.

At the December 20, 2021, meeting, City Council received Report C189/2021, which recommended approval of a request from the landowner, Pointe East Windsor Limited, to relocate the Drain in order to facilitate development of the property. City Council approved the request as CR548/2021 and appointed Dillon Consulting Ltd. as the Drainage Engineer of record for the work. This development has been announced as the LG/Stellantis Electric Vehicle Battery Plant.

An on-site meeting was hosted by Dillon Consulting Ltd. on March 14<sup>th</sup>, 2022 and was attended by representatives of both municipal governments and property owners residing within the Town of Tecumseh.

The draft report has now been delivered and circulated to the affected property owners in both the City of Windsor and the Town of Tecumseh and was sent by mail beginning March 31<sup>st</sup>, 2022.

### **Discussion:**

No major concerns were raised during the on-site meeting hosted by Dillon Consulting Ltd. and the report was able to be finalized and returned to the City of Windsor on March 25<sup>th</sup>, 2022 for review by the City, the Town of Tecumseh and the Essex Region Conservation Authority.

To reflect the comments received by the Essex Region Conservation Authority, the report being provided to City Council has been updated from the draft version. The amendments required were minor in nature to reflect regulatory requirements, and do not impact the schedule of assessment nor the design of the Lachance Drain of particular relevance to other stakeholders.

In accordance with Section 45 of the Drainage Act, the April 25<sup>th</sup> 2022 meeting of City Council is designated to consider adoption of the Drainage Report. The Report may be adopted by by-law when 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.

City 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. This includes the properties in both Windsor and in Tecumseh. 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.

The revised Drainage Report for the New Drain Alignment of a Portion of the Lachance Drain in the City of Windsor and the Town of Tecumseh is attached as an appendix to the report.

The report did not identify any technical concerns or challenges with the relocation of the Lachance Drain to the west side of Banwell Road and to a parallel alignment north of the Canadian Pacific Railway and contiguous with the section that has been previously relocated as part of the previous C.S. Wind development.

Subsequent to an adoption of the report by City Council, a meeting of the Court of Revision will be convened in accordance with the Drainage Act in order to consider the respective assessments of charges to each landowner.

The meeting of the Court is required as the Report includes changes to the maintenance charges being assessed in future cleaning activities to property owners in the Town of Tecumseh, but otherwise does not impact the City of Windsor. Once the

Court has convened and approved charges, incorporation of amendments directed by the Court can be incorporated into the report as part of the third reading of the By-law.

Third reading of the By-law will be returned to City Council once the Court of Revision approves the assessment schedule. The 3<sup>rd</sup> reading would incorporate the amendments directed by the Court.

### **Risk Analysis:**

There are no identified risks to the Corporation in adopting the recommendation at this time. A lack of adoption of the report, however, would risk the construction timelines for the project and limit the ability for the project to proceed according to the expected schedule.

### **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:**

Capital expenses for construction associated with the repair and improvements to the Lachance Drain will be funded through the capital budget (project 7221006) in the estimated amount of \$581,500.00 (including non-recoverable HST). There are sufficient funds in this project to carry out the work.

The Drainage Report notes minor changes to the Maintenance Assessment Schedule. The changes will adjust amounts payable for future drainage charges owing due to an increased length of the drain. The changes are not substantial and inconsequential for property owners within the City of Windsor, as CR388/2007 assigns maintenance costs to the general rate. For the properties located within the Town of Tecumseh, the City would recover those costs at the time of maintenance activities. Those costs would be recovered to Municipal Drains Maintenance (project 7086004).

### **Consultations:**

Mark Hernandez, Dillon Consulting Ltd.

Sam Paglia, Town of Tecumseh

**Conclusion:**

Administration recommends that City Council adopt the Provisional By-law to adopt the Drainage Report for the New Drain Alignment of a Portion of the Lachance Drain in the City of Windsor and the Town of Tecumseh, dated March 25, 2002, in accordance with Section 45 of the *Drainage Act*.

**Planning Act Matters:**

N/A

**Approvals:**

<b>Name</b>	<b>Title</b>
Carrie McCrindle	Financial Planning Administrator
Fahd Mikhael	Manager of Design
Natasha Gabbana	Senior Manager of Asset Planning
France Isabelle-Tunks	Executive Director of Engineering / Deputy City Engineer
Chris Nepszy	Commissioner of Infrastructure Services
Tony Ardovini	Acting Commissioner of Corporate Services and Chief Financial Officer
Joe Mancina	Acting Chief Administrative Officer

**Notifications:**

<b>Name</b>	<b>Address</b>	<b>Email</b>
Mark Hernandez, Dillon Consulting Ltd.	3200 Deziel Drive, Suite 608, Windsor, ON N8W 5K8	mhernandez@dillon.ca
Sam Paglia, Drainage Superintendent, Town of Tecumseh	917 Lesperance Rd, Tecumseh, ON N8N 1W9	spaglia@tecumseh.ca
Pointe East Windsor Limited, Attn: Laura Fanelli	1649 Clearwater Avenue, Windsor, ON N8P 0E9	lfanelli@bellnet.ca
Essex Region Conservation Authority, Attn: Ashley Gyori	360 Fairview Ave W, Essex, ON N8M 1Y6	agyori@erca.org

**Appendices:**

- 1 Drainage Report for the New Drain Alignment of a Portion of the Lachance Drain in the City of Windsor & Town of Tecumseh
- 2 Provisional By-law for the Lachance Drain



DRAINAGE REPORT  
FOR THE

NEW DRAIN ALIGNMENT OF A PORTION  
OF THE  
LACHANCE DRAIN

IN THE  
CITY OF WINDSOR &  
TOWN OF TECUMSEH



(FINAL)  
12 APRIL 2022  
MARK D. HERNANDEZ, P.ENG.  
DILLON FILE No. 22-3612

Corporation of the City of Windsor  
Engineering – Design and Development  
350 City Hall Square, Suite 310  
Windsor, Ontario  
N9A 6S1



Drainage Report for the  
**NEW DRAIN ALIGNMENT OF A PORTION OF THE LACHANCE DRAIN**  
In the City of Windsor & Town of Tecumseh

Mayor and Council:

Instructions

The Municipality received a request from Roll No. 090-040-04300 (Pointe East Windsor Ltd.) to repair and improve the Lachance Drain. Council accepted the request under Section 78 of the Drainage Act and on 20 December 2021 appointed Dillon Consulting Limited to prepare a report. The proposed works involves realigning a portion of the existing drain to accommodate a proposed development.

Watershed Description

The Lachance Drain commences along the south side of Intersection Road at Shawnee Road where it flows westerly along a closed channel to approximately the western boundary of Lot 148 where it begins to flow in an open channel until the centre of Lot 140. It then flows southerly for 243 metres. At this point the open channel flows westerly for 797 metres. The open channel drain outlets in to the Little River Drain.

The total length of the drain is approximately 2,442 metres. The watershed area is approximately 82.2 ha (203.1 acres) which consists of approximately 50.9 ha (125.7 acres) within the Town of Tecumseh and 31.3 ha (77.4 acres) within the City of Windsor.

The lands comprising the watershed are under mixed agricultural and residential use. There is little topographic relief. From the Ontario Soil Survey (provided by the Ontario Ministry of Agriculture, Food and Rural Affairs), the principle surficial soil in the study area is described as Brookston Clay. Brookston Clay is characterized as a very slow draining soil type. Most of the agricultural land parcels are systematically tiled.

3200 Deziel Drive  
Suite 608  
Windsor, Ontario  
Canada  
N8W 5K8  
Telephone  
519.948.5000  
Fax  
519.948.5054

## Drain History

The recent history of Engineers' reports for the Lachance Drain follows:

- 3 May 2019 by Mark D. Hernandez, P.Eng.: The report recommended the repair and improvement of the entire drain including brushing, cleaning of existing culverts and the establishment of grass buffer strips.
- 7 September 1988 by Lou Zarlenga, P.Eng.: This report recommends the improvement of the entire drain including the replacement of all culverts. The existing drain including culverts was found to be in disrepair. Further, a proposed residential development at the upstream end of the Lachance Drain required the improvements which were in addition to the maintenance activities. The report included a recommendation that all excess excavated material be trucked away.
- 3 August 1968 by C.G.R. Armstrong, P.Eng.: This report recommended cleaning of the drain to address accumulated sediment.

## On-Site Meeting

An on-site meeting was held on 14 March 2022. A record of this meeting is provided in Schedule 'A-1', which is appended hereto.

## Survey

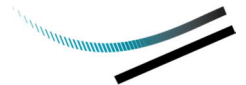
Our survey was carried out on 3 March 2022. The survey is comprised of the recording of topographic data in the location of proposed new drain.

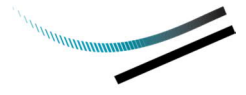
## Design Considerations

The Design and Construction Guidelines published by the Ontario Ministry of Agriculture, Food and Rural Affairs (OMAFRA) recommends that open drainage systems and farm crossings serving farmlands be designed to effectively contain and convey the peak runoff generated from a storm event having a frequency of occurrence of 1 in 2 years. The new open drain has been designed to have the same conveyance capacity as the existing drain.

In addition, we have reviewed the performance of the realigned drain during a 1:100 year storm event and have found that the hydraulic grade lines are reduced by approximately 0.03m. We have also reviewed the Little River Floodplain Mapping Study which is currently being completed and have found that the revised drain alignment does not fall within an existing floodplain.

We believe that these design standards should provide a reasonable level of service, but it should be clearly understood that runoff generated from large storms or fast snow melts may sometimes exceed the capacity of the proposed systems and result in surface ponding for short periods of time.





### Allowances

In accordance with Sections 29 and 30 of the Drainage Act, we have made a determination of the amount to be paid for damages to the lands and crops (if any) occasioned by the operation of equipment and the disposal of material excavated from the drain. We have not provided a land allowance since the lands occupied by the abandoned drain when filled will become re-usable and no longer encumbered. Where the existing drain is infilled, the regained land will offset the land used for the new alignment and the grass buffer strips. Therefore, no Section 29 allowances have been provided in this report.

For affected lands which are presently occupied by the abandoned Lachance Drain, we have not provided a damage allowance since the said lands occupied by the abandoned drain when filled in become re-usable and are no longer encumbered. For the lands which may be disturbed during the drain excavation works, we have recommended the restoration to original or better than original conditions in lieu of providing a damage allowance.

### Recommendations and Cost Estimate

We recommend the existing drain segment between Station 0+797 and Station 1+706 be replaced with a new drain alignment to accommodate a new land development. The overall length of the realignment is approximately 1,030 metres comprised of an open channel. The proposed open drain shall have a 1.5 metre bottom width with 1.5:1 side slopes so as not to decrease the habitat footprint that the existing drain currently provides and to promote bank stability.

The drain realignment is to be constructed off-line of the existing drain. The banks of the new open channel shall be fully vegetated and stabilized with stone erosion protection prior to connecting the new alignment and infilling the existing drain.

In regards to existing farm tile drainage, it shall be the responsibility of the landowner to provide for the relocation and extension thereof which presently outlet into the drain section to be abandoned. The new outlets into the realigned drain are entirely at the landowner's expense. Where existing farm tiles are directly crossed by the new drain alignment, the Contractor shall be required to provide a new outlet into the realigned drain.

Based on our review of the history, the information obtained during the site meeting and our examination and analysis of the survey data, we recommend that the New Drain Alignment of a Portion of the Lachance Drain be repaired and improved as described below:



Item	Description	Amount
	<u>OPEN DRAIN WORK</u>	
1.	Brushing within existing drain channel from Station 0+797 to Station 1+706 including disposal by stockpiling and burning on adjacent agricultural lands or by trucking off-site.	\$2,500.00
2.	Strip topsoil full depth (minimum 300 mm thickness) over the entire drain realignment cross section width prior to drain excavation (approximately 11,500 m <sup>2</sup> ). All topsoil materials shall be deposited on the lands adjacent to the working corridor and kept separate from drain excavation materials.	\$23,000.00
3.	Excavate new open drain along proposed alignment, approximately 1,030 lineal metres, Station 0+788A to Station 1+818A (approximately 17,720 m <sup>3</sup> ) including trucking to temporary stockpile area on south side of abandoned Lachance Drain.	\$240,000.00
4.	Removal and restoration of existing chainlink fence at Station 0+788A to accommodate drain construction.	\$1,000.00
5.	Remove all vegetation and organic materials from existing drain channel cross section prior to infilling drain. Fill existing drain channel, Station 0+797 to Station 1+706, including compaction (approximately 8,730 m <sup>3</sup> ).	\$70,000.00
6.	Placement of existing topsoil including fine grading over the following:	
	a) On top of the old drain course at 300 mm depth (approximately 7,800 m <sup>2</sup> ).	\$15,600.00
	b) On new drain banks at 50 mm depth (approximately 13,600 m <sup>2</sup> ).	\$27,200.00
7.	Removal and disposal of existing culverts, as follows:	
8.	a) Bridge No. 3-1350 mm diameter, 9.2 m long	\$1,500.00



Item	Description	Amount
	b) Bridge No. 4-1300 mm diameter, 13.9 m long	\$1,500.00
9.	Hydraulic seeding (bonded fibre matrix) of new re-aligned drain channel including 1 metre grass buffer on both sides and full bank slopes from Station 0+788A to 1+818A (approximately 14,630 m <sup>2</sup> ).	\$102,000.00
10.	Supply and installation of stone erosion protection (minimum 300 mm thickness), as follows:	
	a) Drain bank erosion protection on both banks at Station 0+788A (approximately 135 m <sup>2</sup> ).	\$10,800.00
	b) Drain bank erosion protection on both banks at bend at Station 1+414A to Station 1+433A (approximately 240 m <sup>2</sup> ).	\$19,200.00
	c) Drain bank erosion protection on both banks at bend at Station 1+775A to Station 1+818A (approximately 490 m <sup>2</sup> ).	\$39,000.00
11.	Excavation of a 300 mm deep and 2.0 m wide bottom, refuge stilling pool in the channel below the design gradeline (6 m long) immediately downstream of new drain alignment. Also included is a 300 mm thick stone rip rap lining complete with filter fabric underlay.	\$1,600.00
12.	Temporary silt control measures during construction	\$800.00
	SUB-TOTAL – EXCLUDING SECTION 26 COSTS	\$555,700.00
13.	Survey, report, assessment and final inspection (cost portion)	\$23,500.00
14.	Expenses and incidentals (cost portion)	\$1,500.00
15.	ERCA application, review and permit fee	<u>\$800.00</u>
	TOTAL ESTIMATE – LACHANCE DRAIN	\$581,500.00

The estimate provided in this report excludes applicable taxes and was prepared according to current materials and installation prices as of the date of this report. In the event of delays from the time of filing of the report by the Engineer to the time of tendering the work, it is understood that the estimate of

cost is subject to inflation. The rate of inflation shall be calculated using the Consumer Price Index applied to the cost of construction from the date of the report to the date of tendering.

### Assessment of Costs

The individual assessments are comprised of three (3) assessment components:

- i. Benefit (*advantages relating to the betterment of lands, roads, buildings, or other structures resulting from the improvement to the drain*).
- ii. Outlet Liability (*part of cost required to provide outlet for lands and roads*).
- iii. Special Benefit (*additional work or feature that may not affect function of the drain*).

We have assessed the estimated costs against the affected lands and roads as listed in Schedule 'C' under "Value of Special Benefit", "Value of Benefit" and "Value of Outlet." Details of the Value of Special Benefit listed in Schedule 'C' are provided in Schedule 'D'.

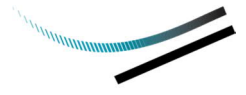
### Assessment Rationale

Special Benefit assessments shown in Schedule 'C' were derived as follows:

1. As the proposed works are directly a result of the proposed development and the entire drain was repaired and improved in 2019, the realignment costs and all associated construction and engineering costs for preparation and consideration of this report shall be assessed 100% against the landowner (Pointe East Windsor Ltd.) of Roll No. 090-040-04300.

### Utilities

It may become necessary to temporarily or permanently relocate utilities that may conflict with the construction recommended under this report. In accordance with Section 26 of the Drainage Act, we assess any relocation cost against the public utility having jurisdiction. Under Section 69 of the Drainage Act, the public utility is at liberty to do the work with its own forces, but if it should not exercise this option within a reasonable time, the Municipality will arrange to have this work completed and the costs will be charged to the appropriate public utility.





### Future Maintenance

After completion, the new drain alignment shall be maintained by the City of Windsor for the respective portion of drain located within the municipality at the expense of the lands and road herein assessed in Schedule E," and in the same relative proportions subject, of course, to any variations that may be made under the authority of the Drainage Act. The assessments are based on an arbitrary amount of \$10,000.00.

We recommend that the costs of future works of repair and maintenance of the New Alignment of a Portion of the Lachance Drain be carried out as described below:

1. For tile main outlet repairs including stone erosion protection as required, at the location of the said main tile outlets, the Drainage Superintendent and/or Engineer may direct the contractor to make these repairs at the expense of the landowner. Private tile repairs shall be assessed 100% against the property on which the said tile exists.
2. Bank failure repairs caused by surface water inlets on abutting lands along the drain shall be assessed 100% to the abutting landowner.

### Drawings and Specifications

Attached to this report is Schedule 'F', which are specifications setting out the details of the recommended works and Schedule 'G' which represent the drawings that are attached to this report.

Page 1 of 5: Overall Watershed Plan

Page 2 of 5: Detail Plan

Page 3 of 5: Profile

Page 4 of 5: Cross Sections

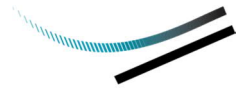
Page 5 of 5: Miscellaneous Details

### Approvals

The construction and/or improvement to drainage works, including repair and maintenance activities, and all operations connected there are subject to the approval, inspection, by-laws and regulations of all Municipal, Provincial, Federal and other authorities having jurisdiction in respect to any matters embraced by the proposed works. Prior to any construction or maintenance works, the Municipality or proponent designated on the Municipality's behalf shall obtain



all required approvals/permits and confirm any construction limitations including timing windows, mitigation/off-setting measures, standard practices or any other limitations related to in-stream works.



Grants

In accordance with the provisions of Sections 85, 86 and 87 of the Drainage Act, a grant in the amount of 33-1/3 percent of the assessment eligible for a grant may be made in respect to the assessment made under this report upon privately owned lands used for agricultural purposes (eligible for farm tax credit). The assessments levied against privately owned agricultural land must also satisfy all other eligibility criteria set out in the Agricultural Drainage Infrastructure Program policies. In this particular circumstance, the entire cost of the work will be levied against Pointe East Windsor Ltd. and therefore, none of the assessed cost is eligible for a grant from the Ministry of Agriculture, Food and Rural Affairs. We are not aware of any lateral drains involved in this work that would not be eligible for a grant. We recommend that application be made to the Ontario Ministry of Agriculture and Food in accordance with Section 88 of the Drainage Act, for this grant, as well as for all other grants for which this work may be eligible.

Respectfully submitted,

DILLON CONSULTING LIMITED

Mark D. Hernandez, P.Eng.

MDH: wlb

Our File: 22-3612



# Meeting Minutes

Subject: Realignment of the Lachance Drain  
 Date: March 14, 2022  
 Location: Virtual Conference Call  
 Our File: 22-3612  
 Distribution: Distribution

## Attendees

Sam Paglia	Drainage Superintendent, Town of Tecumseh
Andrew Dowie	Drainage Superintendent, City of Windsor
Mark Fishleigh	County of Essex
Boro Samcevic	Landowner
Anna Franck	Landowner
Frank Gresch	Landowner
Mark Hernandez	Dillon Consulting Ltd.
Oliver Moir	Dillon Consulting Ltd.

## Notes

Item	Discussion	Action by
1.	Andrew Dowie provided a brief introduction to the project.	
2.	Mark Hernandez provided the following information on the project:	
2.1.	The proposed realignment of the drain is to be along Banwell Road and the railway with the purpose of opening the Pointe East lands for development.	
2.2.	The realigned drain will have the same or better performance than the existing drain.	
2.3.	The report will have an expedited timeline. It is anticipated the report will be submitted this month for consideration where notices for the Meeting to Consider along with the report will be sent to landowners.	
2.4.	The survey has been completed.	
2.5.	The report will include drain history, design considerations, a cost estimate of the proposed work, drawings, specifications and details of how the cost of the work and future work will be assessed.	
2.6.	Since the proposed work is for the benefit of Pointe East Windsor Ltd. only, and the drain was just recently maintained and paid for by the watershed, no cost will be assessed to upstream lands.	
2.7.	There will be two (2) assessment schedules, one for capital costs and one for future maintenance.	
2.8.	The future maintenance schedule for the drain will show the proportions of the cost that upstream landowners will be required to pay.	
3.	Mark Hernandez acknowledged there have been many drainage works on the	

Item	Discussion	Action by
4.	Lachance Drain and that it is solely due to timing of landowners requests. Anna Franck commented on lots of flooding on both sides of Banwell Road. What are the plans for stormwater management for future development?	
4.1.	Mark Hernandez responded that additional flows require a stormwater management plan that has to be submitted to the City for review and approval.	
5.	Boro Samcevic asked if this report was for a development?	
5.1.	Mark Hernandez responded 'yes'.	
6.	Boro Samcevic asked if this report was upgrading the drain for the developer's benefit?	
6.1.	Mark Hernandez responded that the relocation of the drain is for the developer's benefit.	
7.	Boro Samcevic asked if we will be receiving more documents and notices of meetings?	
7.1.	Andrew Dowie indicated that the notice for the Meeting to Consider and the final report will be mailed out to landowners prior to the target date of April 26.	
8.	Boro Samcevic asked who pays the future maintenance assessments should the landowner change?	
8.1.	Mark Hernandez identified that all assessments are tied to the property, not the property owner.	

### Errors and/or Omissions

These minutes were prepared by Oliver Moir who should be notified of any errors and/or omissions.

**"SCHEDULE C"**  
**SCHEDULE OF ASSESSMENT**  
**REALIGNMENT OF A PORTION OF THE LACHANCE DRAIN**  
**CITY OF WINDSOR & TOWN OF TECUMSEH**

**CITY OF WINDSOR**

**PRIVATELY-OWNED - AGRICULTURAL LANDS**

Roll No.	Con.	Description	Area Affected		Owner	Special Benefit	Benefit	Outlet	Total Assessment
			(Acres)	(Ha.)					
090-040-04300	3	Plan 65 Lot 13-18 Pt. Lot 12	44.43	17.98	Pointe East Windsor Limited	\$581,500.00	\$0.00	\$0.00	\$581,500.00
Total on Privately-Owned - Agricultural Lands.....						\$581,500.00	\$0.00	\$0.00	\$581,500.00
<b>TOTAL ASSESSMENT (City of Windsor) .....</b>						<b>\$581,500.00</b>	<b>\$0.00</b>	<b>\$0.00</b>	<b>\$581,500.00</b>
			(Acres)	(Ha.)					
<b>Total Area:</b>			<b>44.43</b>	<b>17.98</b>					

**"SCHEDULE D"**  
**DETAILS OF SPECIAL BENEFIT**  
**REALIGNMENT OF A PORTION OF THE LACHANCE DRAIN**  
**CITY OF WINDSOR**

**SPECIAL BENEFIT ASSESSMENT**  
**(AGRICULTURAL LANDS NON - GRANTABLE)**

Roll No.	Owner	Item Description	Estimated Cost	Cost of Report	Special Benefit
090-040-04300	Pointe East Windsor Ltd.	Costs associated with realignment of the drain	\$555,700.00	\$25,800.00	\$581,500.00
<b>Total Special Benefit Assessment (Agricultural Lands Non-Grantable).....</b>			<b>\$555,700.00</b>	<b>\$25,800.00</b>	<b>\$581,500.00</b>
<b>OVERALL TOTAL SPECIAL BENEFIT ASSESSMENT .....</b>					<b>\$581,500.00</b>

**"SCHEDULE E"**  
**SCHEDULE OF ASSESSMENT FOR FUTURE MAINTENANCE**  
**REALIGNMENT OF A PORTION OF THE LACHANCE DRAIN**  
**CITY OF WINDSOR & TOWN OF TECUMSEH**

**CITY OF WINDSOR**

**MUNICIPAL LANDS:**

Description	Area Affected (Acres) (Ha.)		Owner	Special Benefit	Benefit	Outlet	Total Assessment
Banwell Road	2.45	0.99	City of Windsor	\$0.00	\$468.00	\$306.00	\$774.00
Total on Municipal Lands.....				\$0.00	\$468.00	\$306.00	\$774.00

**PRIVATELY-OWNED - AGRICULTURAL LANDS (GRANTABLE)**

Roll No.	Con.	Description	Area Affected (Acres) (Ha.)		Owner	Special Benefit	Benefit	Outlet	Total Assessment
090-040-04300	3	Plan 65 Lot 13-18 Pt. Lot 12	44.43	17.98	Pointe East Windsor Limited	\$0.00	\$1,018.00	\$1,104.00	\$2,122.00
090-040-03700	3	N. Pt. Lot 141	21.35	8.64	Pointe East Windsor Limited	\$0.00	\$322.00	\$345.00	\$667.00
090-040-03600	3	N. Pt. Lot 140	9.19	3.72	Pointe East Windsor Limited	\$0.00	\$137.00	\$126.00	\$263.00
Total on Privately-Owned - Agricultural Lands (Grantable).....						\$0.00	\$1,477.00	\$1,575.00	\$3,052.00

<b>TOTAL ASSESSMENT (City of Windsor)</b> .....				<b>\$0.00</b>	<b>\$1,945.00</b>	<b>\$1,881.00</b>	<b>\$3,826.00</b>	
			(Acres)	(Ha.)				
<b>Total Area:</b>			<b>77.42</b>	<b>31.33</b>				

**TOWN OF TECUMSEH**

**MUNICIPAL LANDS:**

Description	Area Affected (Acres) (Ha.)		Owner	Special Benefit	Benefit	Outlet	Total Assessment
Block 'A'							
Roads	6.08	2.46	Town of Tecumseh	\$0.00	\$156.00	\$753.00	\$909.00
Lands	18.66	7.55	Town of Tecumseh	\$0.00	\$286.00	\$1,390.00	\$1,676.00
Intersection Road	2.84	1.15	Town of Tecumseh	\$0.00	\$73.00	\$353.00	\$426.00
Total on Municipal Lands.....				\$0.00	\$515.00	\$2,496.00	\$3,011.00

**PRIVATELY-OWNED - NON-AGRICULTURAL LANDS:**

Roll No.	Con.	Description	Area Affected		Owner	Special Benefit	Benefit	Outlet	Total Assessment
			(Acres)	(Ha.)					
570-45990	2	Pt. Lot 146 RP12A4263 Pt. 1	1.68	0.68	Heather & Daniel Smith	\$0.00	\$12.00	\$59.00	\$71.00
570-46100	3	Pt. Lot 145 RP12R10430 Pt. 2	2.37	0.96	Jean & Alec Fauteux	\$0.00	\$14.00	\$68.00	\$82.00
570-46150	2	Pt. Lot 145 RP12R10430 Pt. 1	0.99	0.40	Emelie & David Pedro	\$0.00	\$10.00	\$49.00	\$59.00
570-46200	3	N. Pt. Lot 144 RP12R11521 Pt. 3	0.82	0.33	Georgeo Ahad	\$0.00	\$10.00	\$48.00	\$58.00
570-46202	3	Pt. Lot 144 RP12R21404 Pts. 1&2	0.59	0.24	Veerpal & Tejpal Sanghera	\$0.00	\$8.00	\$41.00	\$49.00
570-46203	3	Pt. Lot 144 RP12R11521 Pts. 4&5	0.79	0.32	Lisa & John Sisti	\$0.00	\$10.00	\$47.00	\$57.00
570-46205	3	Pt. Lot 144 RP12R11521 Pts. 6&7	0.79	0.32	Dobrivoje Vukovic	\$0.00	\$10.00	\$47.00	\$57.00
570-34700 (Severed Parcel)	3	Pt. Lot 148	0.55	0.22	Clement & Jeannette Lachance	\$0.00	\$8.00	\$39.00	\$47.00
Total on Privately-Owned - Non-Agricultural Lands.....						\$0.00	\$82.00	\$398.00	\$480.00

**PRIVATELY-OWNED - AGRICULTURAL LANDS (GRANTABLE)**

Roll No.	Con.	Description	Area Affected		Owner	Special Benefit	Benefit	Outlet	Total Assessment
			(Acres)	(Ha.)					
570-45902	2	Lot 147&148 RP12R1064 Pt. 2	6.47	2.62	2034053 Ontario Limited	\$0.00	\$33.00	\$161.00	\$194.00
570-45950	2	Pt. Lot 146 RP12R4263 Pt. 2 RP12R5826 Pts. 1&2	6.00	2.43	1486044 Ontario Limited	\$0.00	\$31.00	\$149.00	\$180.00
570-45930	2	W. Pt. Lot 147 RP12R8571 Pt. 1	6.18	2.50	1486044 Ontario Limited	\$0.00	\$32.00	\$153.00	\$185.00
570-34700	3	Pt. Lot 148	19.22	7.78	Clement & Jeannette Lachance	\$0.00	\$98.00	\$478.00	\$576.00
570-34550	3	Pt. Lot 147 RP12R13756 Pt. 2	16.31	6.60	Clement Lachance	\$0.00	\$83.00	\$405.00	\$488.00
570-34500	3	N. Lot 144 to N. Pt. Lot 147 RP12R13756 Pt. 1	35.38	14.32	Eugene Lachance	\$0.00	\$181.00	\$879.00	\$1,060.00

Roll No.	Con.	Description	Area Affected (Acres) (Ha.)		Owner	Special Benefit	Benefit	Outlet	Total Assessment
Total on Privately-Owned - Agricultural Lands (Grantable).....						\$0.00	\$458.00	\$2,225.00	\$2,683.00
<b>TOTAL ASSESSMENT (Town of Tecumseh) .....</b>						<b>\$0.00</b>	<b>\$1,055.00</b>	<b>\$5,119.00</b>	<b>\$6,174.00</b>
			(Acres)	(Ha.)					
<b>Total Area:</b>			<b>125.72</b>	<b>50.88</b>					
<b>OVERALL TOTAL ASSESSMENT (City of Windsor &amp; Town of Tecumseh).....</b>						<b>\$0.00</b>	<b>\$3,000.00</b>	<b>\$7,000.00</b>	<b>\$10,000.00</b>
			(Acres)	(Ha.)					
<b>Total Area:</b>			<b>203.14</b>	<b>82.21</b>					



"SCHEDULE F"  
DRAINAGE REPORT FOR THE  
NEW DRAIN ALIGNMENT OF A PORTION OF THE LACHANCE DRAIN  
IN THE CITY OF WINDSOR & TOWN OF TECUMSEH

SPECIAL PROVISIONS - GENERAL

1.0 GENERAL SPECIFICATIONS

The General Specifications attached hereto is part of "Schedule F." It also forms part of this specification and is to be read with it, but where there is a difference between the requirements of the General Specifications and those of the Special Provisions which follow, the Special Provisions will take precedence.

2.0 DESCRIPTION OF WORK

The work to be carried out under this Contract includes, but is not limited to, the supply of all labour, equipment and materials to complete the following items:

OPEN DRAIN WORK

- Brushing within existing drain channel from Station 0+797 to Station 1+706 including disposal by stockpiling and burning on adjacent agricultural lands or by trucking off-site.
- Strip topsoil full depth (minimum 300 mm thickness) over the entire drain realignment cross section width prior to drain excavation (approximately 11,500 m<sup>2</sup>). All topsoil materials shall be deposited on the lands adjacent to the working corridor and kept separate from drain excavation materials.
- Excavate new open drain along proposed alignment, approximately 1,030 lineal metres, Station 0+788A to Station 1+818A (approximately 17,720 m<sup>3</sup>).
- Removal and restoration of existing chainlink fence at Station 0+788A to accommodate drain construction.
- Remove all vegetation and organic materials from existing drain channel cross section prior to infilling drain. Fill existing drain channel, Station 0+797 to Station 1+706, including compaction (approximately 8,730 m<sup>3</sup>).
- Placement of existing topsoil including fine grading over the following:
  - On top of the old drain course at 300 mm depth (approximately 7,800 m<sup>2</sup>).
  - On new drain banks at 50 mm depth (approximately 12,600 m<sup>2</sup>).

- Removal and disposal of existing culverts, as follows:
  - Bridge No. 3-1350 mm diameter, 9.2 m long
  - Bridge No. 4-1300 mm diameter, 13.9 m long
- Hydraulic seeding of new re-aligned drain channel including 1 metre grass buffer on both sides and full bank slopes from Station 0+788A to 1+833A (approximately 14,630 m<sup>2</sup>).
- Supply and installation of stone erosion protection (minimum 300 mm thickness), as follows:
  - Drain bank erosion protection on both banks at Station 0+788A (approximately 135 m<sup>2</sup>).
  - Drain bank erosion protection on both banks at bend at Station 1+414A to Station 1+433A (approximately 240 m<sup>2</sup>).
  - Drain bank erosion protection on both banks at bend at Station 1+775A to Station 1+818A (approximately 490 m<sup>2</sup>).
- Excavation of a 300 mm deep and 2.0 m wide bottom, refuge stilling pool in the channel below the design gradeline (6 m long) immediately downstream of new drain alignment. Also included is a 300 mm thick stone rip rap lining complete with filter fabric underlay.
- Temporary silt control measures during construction

### 3.0 ACCESS TO THE WORK

Access to the existing drain from Station 1+040 to Station 1+706 and the new alignment from Station 0+800A to 1+818A shall be from the west side of Banwell Road (just south of Bridge No. 5). The Contractor shall make his/her own arrangements for any additional access for his/her convenience. All road areas and grass lawn areas disturbed shall be restored to original conditions at the Contractor's expense. From Station 0+720 to Station 0+800 access to the drain shall be through property Roll No. 090-040-03502 (City of Windsor). The Contractor shall limit activity to be within the working corridors. The existing fence is to be temporarily removed and reinstated following the work. Any damage to the fence is to be at Contractor's expense.

### 4.0 WORKING AREA

For the repair and improvement of the Lachance Drain, the working corridor shall be 12 metres north of the north top of bank from Station 0+788A to Station 1+423A which includes the 1.0 metre grass buffer strip. From Station 1+423A to Station 1+818A the

working corridor shall be 12 metres west of the west top of bank which includes the 1.0 metre grass buffer strip. From Station 1+040 to Station 1+706 on the existing drain the existing 9 metre working corridor on the south side of the drain shall be widened to 25 metres to accommodate the stockpiled material. From Station 0+788 to Station 1+040 on the existing drain the working corridor shall be 9 metres on the east side of the drain on Roll No. 090-040-03600 (Pointe East Windsor Ltd.) to accommodate the filling in of the existing drain. The excess material shall be temporarily stockpiled along the 25 m wide corridor or in an alternative location as agreed to by the Drainage Superintendent and landowner. Banwell Road shall remain open during the construction period and traffic control (found in General Specifications) maintained at all times. Temporary lane closures will only be considered with the approval of the Road Authority.

FROM STA.	TO STA.	PRIMARY (See Note 1)	SECONDARY (See Note 2)
0+788A	1+423A	12 m wide on north side of drain	Sanitary sewer easement on the south side of drain
1+423A	1+818A	12 m wide on west side of drain	Road Conveyance Corridor on east side of drain

Note 1: *Primary working corridor* indicates the access corridor along the side of the drain where excavation and levelling is recommended (unless noted otherwise below and/or in the specifications, as well as all purposes listed for Secondary Working Corridors).

Note 2: *Secondary working corridor* indicates the access corridor alongside the drain where construction equipment may travel for the purpose of trucking, drain bank repairs, tile inlet repairs, surface water inlet repairs, grass buffer strips and other miscellaneous works.

No disposal of fill or levelling of materials shall be permitted within a secondary working corridor. As further specified, use of this secondary working corridor may be further restricted due to site condition. Read all specifications, drawings and/or notes before completing works.

\*Note: *In the event that a landowner owns the property on both sides of the drain, the landowner can choose which side of the drain to place the spoil. The landowner should advise the Drainage Superintendent of their preference of spoil placement before improvements to the drain are made so that the Drainage Superintendent can notify the Contractor in advance. If the landowner selects the opposite side from the identified working corridor, the contractor may temporarily use the selected side of the drain. The permanent working corridor will remain as identified in this report until revised through a future report under the Act.*

## SPECIAL PROVISIONS – OPEN DRAIN

### 5.0 BRUSHING

Brushing shall be carried out on the entire drain within the above identified sections of the drain where required and as specified herein. All brush and trees located within the drain side slopes shall be cut parallel to the side slopes, as close to the ground as practicable. Tree branches that overhang the drain shall be trimmed. Small branches and limbs are to be disposed of by the Contractor along with the other brush. Tree stumps, where removed to facilitate the drain excavation and reshaping of the drain banks, may be burned by the Contractor where permitted; otherwise, they shall be disposed of, off the site. The Contractor shall make every effort to preserve mature trees which are beyond the drain side slopes, and the working corridors. If requested to do so by the Drainage Superintendent, the Contractor shall preserve certain mature trees within the designated working corridors (see Section 4.0).

Except as specified herein, all brush and trees shall be stockpiled adjacent to the drain within the working corridors. Stockpiles shall not be less than 100 m apart and shall be a minimum of 2.0 m from the edge of the drain bank. All brush, timber, logs, stumps, large stones or other obstructions and deleterious materials that interfere with the construction of the drain, as encountered along the course of the drain are to be removed from the drain by the Contractor. Large stones and other similar material shall be disposed of by the Contractor off the site.

Following completion of the work, the Contractor is to trim up any broken or damaged limbs on trees which remain standing, disposing of the branches cut off along with other brush and leaving the trees in a neat and tidy condition. Brush and trees removed from the working area are to be put into piles by the Contractor, in locations where they can be safely burned, and to be burned by the Contractor after obtaining the necessary permits, as required. If, in the opinion of the Drainage Superintendent, any of the piles are too wet or green to be burned, he shall so advise the Contractor to haul away the unburned materials to an approved dump site. Prior to, and during the course of burning operations, the Contractor shall comply with the current guidelines prepared by the Air Quality Branch of the Ontario Ministry of Environment and shall ensure that the Environmental Protection Act is not violated. Since the trees and brush that are cut off flush with the earth surface may sprout new growth later, it is strongly recommended that the Municipality make arrangements for spraying this new growth at the appropriate time so as to kill the trees and brush.

As part of this work, the Contractor shall remove any loose timber, logs, stumps, large stones or other debris from the drain bottom and from the side slopes. Timber, logs, stumps, large stones or other debris shall be disposed of off-site.

## 6.0 NEW OPEN DRAIN CONSTRUCTION

### 6.1 Setting Out

Benchmarks are provided on the attached drawings. From these benchmarks, the Contractor will do his own setting out. The setting out by the Contractor shall include but shall not be limited to the preparation of grade sheets, the installation of centreline stakes, grade stakes, offsets, and sight rails.

If, during the setting out, the Contractor finds a discrepancy in the benchmarks provided by the Engineer in the attached drawings, or is uncertain as to the interpretation of the information provided or the work intended, he shall notify the Engineer immediately for additional verification or clarification before proceeding with construction.

The Contractor shall be responsible for the true and proper setting out of the works and for the correctness of the position, levels, dimensions and alignment of all parts of the work. The Contractor shall take every precaution and to ensure that the property limit is clearly and regularly marked and to have its accuracy confirmed by a professional land surveyor prior to constructing any part of the new drain.

If, at any time during the progress of the works, an error shall appear or arise in the position, levels, dimensions or alignment of any part of the works, the Contractor shall, at his own expense, rectify such error to the satisfaction of the Engineer, unless such error is based on incorrect data supplied in writing by the Engineer.

### 6.2 Profile and Excavation of New Drain Construction

Excavation shall be carried out in accordance with the profile shown on the drawings for the drain relocation. In all cases, the Contractor shall use the benchmarks to establish the proposed grade. However, for convenience, the drawings provide the approximate depth from the surface of the ground and from the existing drain bottom to the proposed grades. The Contractor shall not excavate deeper than the gradelines shown on the drawings.

Should over excavation of the drain bank occur, the Contractor will not be permitted to repair with native material packed into place by the excavator and re-shaped. Should over excavation occur, the Contractor will be required to have a bank repair detail engineered by a Professional Engineer (hired by the Contractor), to ensure long term stability of the bank is maintained. Such repairs shall be subject to approval by the Engineer and will be at no extra cost to the item.

All excavation work shall be done in such a manner as to not harm any vegetation or trees, not identified in this report or by the Drainage Superintendent for clearing. Any damages to trees or vegetation caused by the Contractors work shall be rectified to the satisfaction of the Drainage Superintendent. The Contractor shall exercise caution around existing tile outlets and shall confirm with the property owners that all tiles have been located and tile ends repaired as specified.

#### 6.3 Topsoil Stripping, Salvaging and Re-use on new drain banks

Prior to any drain excavation from Station 0+788A to Station 1+818A, the topsoil shall be stripped across a minimum 12 m width over the proposed new drain location (1,030 m length) and temporarily stockpiled within the designated working corridors. Drain excavation materials shall be stockpiled separately. The salvaged topsoil shall be trucked within the working corridor where it can be later spread and levelled to a minimum 50 mm thickness on the banks of the newly constructed drain alignment and on the existing filled in drain to a minimum 300 mm thickness. It is anticipated that the amount of topsoil stripped will be greater than the amount required to fully dress the banks of the new drain alignment, however if needed, the Contractor may elect to import screened topsoil to complete the work at their expense. Excess topsoil shall not be removed from the site.

#### 6.4 Construction of relocated drain portion offline

The Contractor shall construct the realigned Lachance Drain offline from Station 0+788A continuing upstream to Station 1+818A and stopping short of and without connecting into the abandoned Lachance Drain at Station 0+788. The purpose of the off line drain construction is to fully establish a grass lined channel and stabilize the banks to minimize erosion and sediment transport once the off-line drain is subsequently connected. Over this time period, the abandoned Lachance Drain shall remain open and drainage maintained through the original alignment.

During the construction of the off-line drain, the temporary stockpiled materials along the east and south sides of the abandoned Lachance Drain shall be placed no closer than 2 m from the edge of the drain. Openings to be provided within the stockpiled windrow where necessary to ensure surface drainage is maintained. Prior to constructing the off-line drain, the rock flow check dam shall be installed across the bottom of the drain in accordance with specification OPSD 219.211.

#### 6.5 Stone erosion protection on new drain banks

Stone erosion protection at the drain bend locations, where specified, shall be constructed at same time as the new channel excavation between Station 0+788A and Station 1+818A.

## 6.6 Filling and Levelling of Abandoned Lachance Drain

Native soil materials excavated from the new Lachance Drain alignment shall be used to fill the portion of the abandoned Lachance Drain original alignment. The work may proceed once approval has been given to connect the offline relocated Lachance Drain at Station 1+818A. Prior to the infilling of the open drain, the Contractor shall remove all vegetation, organic debris and topsoil from the existing drain. The native materials used to fill the drain shall be placed in maximum 250 mm loose lifts and compacted with a sheepsfoot type compaction equipment capable of achieving 95% of the maximum standard proctor density or better. For any existing lateral and main tile outlets that may exist within abandoned Lachance Drain, the Contractor shall mark them for future relocation. The relocation of lateral drain tiles is the responsibility of the landowner.

## 7.0 STONE EROSION PROTECTION (SEP)

The Contractor shall supply and install the required quantities of graded stone rip-rap erosion protection materials where specified. All stone to be used for erosion protection shall be 125 - 250 mm clear quarried rock or OPSS 1001 placed over a non-woven filter fabric Terrafix 270R or approved equivalent. Concrete rip-rap will not be permitted.

The minimum thickness requirement of the erosion stone layer is 300 mm with no portion of the filter fabric to be exposed.

## 8.0 ROCK CHECK DAM

Rock check dam shall be installed at the downstream end of the proposed works prior to commencing construction. The location and exact dimensions of the rock check dam will be confirmed with the Drainage Superintendent prior to installation. Installation shall be in accordance with OPSD 219.211 with the modifications to size as discussed with the Drainage Superintendent.

The rock check dam will not be removed until vegetation is established in the new channel or as directed by the Drainage Superintendent.

## 9.0 HYDRAULIC SEEDING OF DRAIN BANKS ON NEW DRAIN CHANNEL

The newly established drain banks and all existing grassed areas disturbed by construction shall be hydraulic mulch seeded as specified herein. The surface shall be predominantly fine and free from weeds and other unwanted vegetation. All other loose surface litter shall be removed and disposed of.

Bonded Fibre Matrix shall consist of thermally refined wood fibers and 10% cross-linked hydro-colloidal tackifiers. It should be 100% biodegradable. The curing period shall be not more than 48 hours. Bonded Fibre Matrix shall be hydraulically applied and after application be capable of adhering to the soil. In a dry state, shall be comprised of not

less than 70% by weight of long, stranded wood fibres held together by organic or mineral bonding agents or both.

Bonded Fibre Matrix shall be applied at a minimum rate of 3,700 kg of dry product per 10,000 m<sup>2</sup>. It shall be thoroughly mixed with water in a hydraulic seeder and mulcher at a rate of 20-30 kg of dry product to 500-600 litres of water to form a homogeneous slurry. Refer to OPSS.PROV 804 for specifications.

Seeding and mulching shall be a one step process in which the seed, fertilizer and hydraulic mulch are applied simultaneously in a water slurry via the hydraulic seeder/mulcher. The materials shall be added to the supply tank while it is being loaded with water. The materials shall be thoroughly mixed into a homogeneous water slurry and shall be distributed uniform, cohesive mat over the prepared surface. The materials shall be measured by mass or by a mass-calibrated volume measurement, acceptable to the Drainage Superintendent.

The hydraulic seeder/mulcher shall be equipped with mechanical agitation equipment capable of mixing the materials into a homogenous state until applied. The discharge pumps and gun nozzles shall be capable of applying the material uniformly. Grass seed shall be Canada No. 1 grass seed mixture meeting the requirements of a Waterway Slough Mixture as supplied by Growmark or approved equal, as follows:

Creeping Red Fescue	20%
Meadow Fescue	30%
Tall Fescue	30%
Timothy	10%
White Clover	10%

Bags shall bear the label of the supplier indicating the content by species, grade and mass. Seed shall be applied at a rate of 200 kg per 10,000 m<sup>2</sup>. Fertilizer shall be 8-32-16 applied at 350 kg per 10,000 m<sup>2</sup>. It shall be in granular form, dry, free from lumps and in bags bearing the label of the manufacturer, indicating mass and analysis. The hydraulic seeding shall be deemed "Completed by the Contractor" when the seed has established in all areas to the satisfaction of the Engineer. Re-seeding and/or other methods required to establish the grass will be given consideration to achieve the end result and the costs shall be incidental to the works.



## GENERAL SPECIFICATIONS

### 1.0 AGREEMENT AND GENERAL CONDITIONS

The part of the Specifications headed "Special Provisions" which is attached hereto forms part of this Specification and is to be read with it. Where there is any difference between the requirements of this General Specification and those of the Special Provisions, the Special Provisions shall govern.

Where the word "Drainage Superintendent" is used in this specification, it shall mean the person or persons appointed by the Council of the Municipality having jurisdiction to superintend the work.

Tenders will be received and contracts awarded only in the form of a lump sum contract for the completion of the whole work or of specified sections thereof. The Tenderer agrees to enter into a formal contract with the Municipality upon acceptance of the tender. The General Conditions of the contract and Form of Agreement shall be those of the Stipulated Price Contract CCDC2-Engineers, 1994 or the most recent revision of this document.

### 2.0 EXAMINATION OF SITE, PLANS AND SPECIFICATIONS

Each tenderer must visit the site and review the plans and specifications before submitting his/her tender and must satisfy himself/herself as to the extent of the work and local conditions to be met during the construction. Claims made at any time after submission of his/her tender that there was any misunderstanding of the terms and conditions of the contract relating to site conditions, will not be allowed. The Contractor will be at liberty, before bidding to examine any data in the possession of the Municipality or of the Engineer.

The quantities shown or indicated on the drawings or in the report are estimates only and are for the sole purpose of indicating to the tenderers the general magnitude of the work. The tenderer is responsible for checking the quantities for accuracy prior to submitting his/her tender.

### 3.0 MAINTENANCE PERIOD

The successful Tenderer shall guarantee the work for a period of one (1) year from the date of acceptance thereof from deficiencies that, in the opinion of the Engineer, were caused by faulty workmanship or materials. The successful Tenderer shall, at his/her own expense, make good and repair deficiencies and every part thereof, all to the satisfaction of the Engineer. Should the successful Tenderer for any cause, fail to do so, then the Municipality may do so and employ such other person or persons as the Engineer may deem proper to make such repairs or do such work, and the whole costs,

charges and expense so incurred may be deducted from any amount due to the Tenderer or may be collected otherwise by the Municipality from the Tenderer.

#### 4.0 GENERAL CO-ORDINATION

The Contractor shall be responsible for the coordination between the working forces of other organizations and utility companies in connection with this work. The Contractor shall have no cause of action against the Municipality or the Engineer for delays based on the allegation that the site of the work was not made available to him by the Municipality or the Engineer by reason of the acts, omissions, misfeasance or non-feasance of other organizations or utility companies engaged in other work.

#### 5.0 RESPONSIBILITY FOR DAMAGES TO UTILITIES

The Contractor shall note that overhead and underground utilities such as hydro, gas, telephone and water are not necessarily shown on the drawings. It is the Contractor's responsibility to contact utility companies for information regarding utilities, to exercise the necessary care in construction operations and to take other precautions to safeguard the utilities from damage. All work on or adjacent to any utility, pipeline, railway, etc., is to be carried out in accordance with the requirements of the utility, pipeline, railway, or other, as the case may be, and its specifications for such work are to be followed as if they were part of this specification. The Contractor will be liable for any damage to utilities.

#### 6.0 CONTRACTOR'S LIABILITY

The Contractor, his/her agents and all workmen or persons under his/her control including sub-contractors, shall use due care that no person or property is injured and that no rights are infringed in the prosecution of the work. The Contractor shall be solely responsible for all damages, by whomsoever claimable, in respect to any injury to persons or property of whatever description and in respect of any infringement of any right, privilege or easement whatever, occasioned in the carrying on of the work, or by any neglect on the Contractor's part.

The Contractor, shall indemnify and hold harmless the Municipality and the Engineer, their agents and employees from and against claims, demands, losses, costs, damages, actions, suits, or proceedings arising out of or attributable to the Contractor's performance of the contract.

#### 7.0 PROPERTY BARS AND SURVEY MONUMENTS

The Contractor shall be responsible for marking and protecting all property bars and survey monuments during construction. All missing, disturbed or damaged property bars and survey monuments shall be replaced at the Contractor's expense, by an Ontario Land Surveyor.

## 8.0 MAINTENANCE OF FLOW

The Contractor shall, at his/her own cost and expense, permanently provide for and maintain the flow of all drains, ditches and water courses that may be encountered during the progress of the work.

## 9.0 ONTARIO PROVINCIAL STANDARDS

Ontario Provincial Standard Specifications (OPSS) and Ontario Provincial Standard Drawings (OPSD) shall apply and govern at all times unless otherwise amended or extended in these Specifications or on the Drawing. Access to the electronic version of the Ontario Provincial Standards is available online through the MTO website, free of charge to all users. To access the electronic standards on the Web, go to <http://www.mto.gov.on.ca/english/transrd/>. Under the title Technical Manuals is a link to the Ontario Provincial Standards. Users require Adobe Acrobat to view all pdf files.

## 10.0 APPROVALS, PERMITS AND NOTICES

The construction of the works and all operations connected therewith are subject to the approval, inspection, by-laws and regulations of all Municipal, Provincial, Federal and other authorities having jurisdiction in respect to any matters embraced in this Contract. The Contractor shall obtain all approvals and permits and notify the affected authorities when carrying out work in the vicinity of any public utility, power, underground cables, railways, etc.

## 11.0 SUBLETTING

The Contractor shall keep the work under his/her personal control, and shall not assign, transfer, or sublet any portion without first obtaining the written consent of the Municipality.

## 12.0 TIME OF COMPLETION

The Contractor shall complete all work on or before the date fixed at the time of tendering. The Contractor will be held liable for any damages or expenses occasioned by his/her failure to complete the work on time and for any expenses of inspection, superintending, re-tendering or re-surveying, due to their neglect or failure to carry out the work in a timely manner.

## 13.0 TRAFFIC CONTROL

The Contractor will be required to control vehicular and pedestrian traffic along roads at all times and shall, at his/her own expense, provide for placing and maintaining such barricades, signs, flags, lights and flag persons as may be required to ensure public safety. The Contractor will be solely responsible for controlling traffic and shall appoint a representative to maintain the signs and warning lights at night, on weekends and

holidays and at all other times that work is not in progress. All traffic control during construction shall be strictly in accordance with the Occupational Health and Safety Act and the current version of the Ontario Traffic Manuals. Access to the electronic version of the Ontario Traffic Manual is available online through the MTO website, free of charge to all users. To access the electronic standards on the Web, go to <http://www.mto.gov.on.ca/english/transrd/>, click on "Library Catalogue," under the "Title," enter "Ontario Traffic Manual" as the search. Open the applicable "Manual(s)" by choosing the "Access Key," once open look for the "Attachment," click the pdf file. Users require Adobe Acrobat to view all pdf files.

Contractors are reminded of the requirements of the Occupational Health and Safety Act pertaining to Traffic Protection Plans for workers and Traffic Control Plan for Public Safety.

#### 14.0 SITE CLEANUP AND RESTORATION

As part of the work and upon completion, the Contractor shall remove and dispose of, off-site any loose timber, logs, stumps, large stones, rubber tires, cinder blocks or other debris from the drain bottom and from the side slopes. Where the construction works cross a lawn, the Contractor shall take extreme care to avoid damaging the lawn, shrubs and trees encountered. Upon completion of the work, the Contractor shall completely restore the area by the placement and fine grading of topsoil and seeding or sodding the area as specified by the Engineer or Drainage Superintendent.

#### 15.0 UTILITY RELOCATION WORKS

In accordance with Section 26 of the Drainage Act, if utilities are encountered during the installation of the drainage works that conflict with the placement of the new culvert, the operating utility company shall relocate the utility at their own costs. The Contractor however will be responsible to co-ordinate these required relocations (if any) and their co-ordination work shall be considered incidental to the drainage works.

#### 16.0 FINAL INSPECTION

All work shall be carried out to the satisfaction of the Drainage Superintendent for the Municipality, in compliance with the specifications, drawings and the Drainage Act. Upon completion of the project, the work will be inspected by the Engineer and the Drainage Superintendent.

Any deficiencies noted during the final inspection shall be immediately rectified by the Contractor.

Final inspection will be made by the Engineer within 20 days after the Drainage Superintendent has received notice in writing from the Contractor that the work is completed, or as soon thereafter as weather conditions permit.

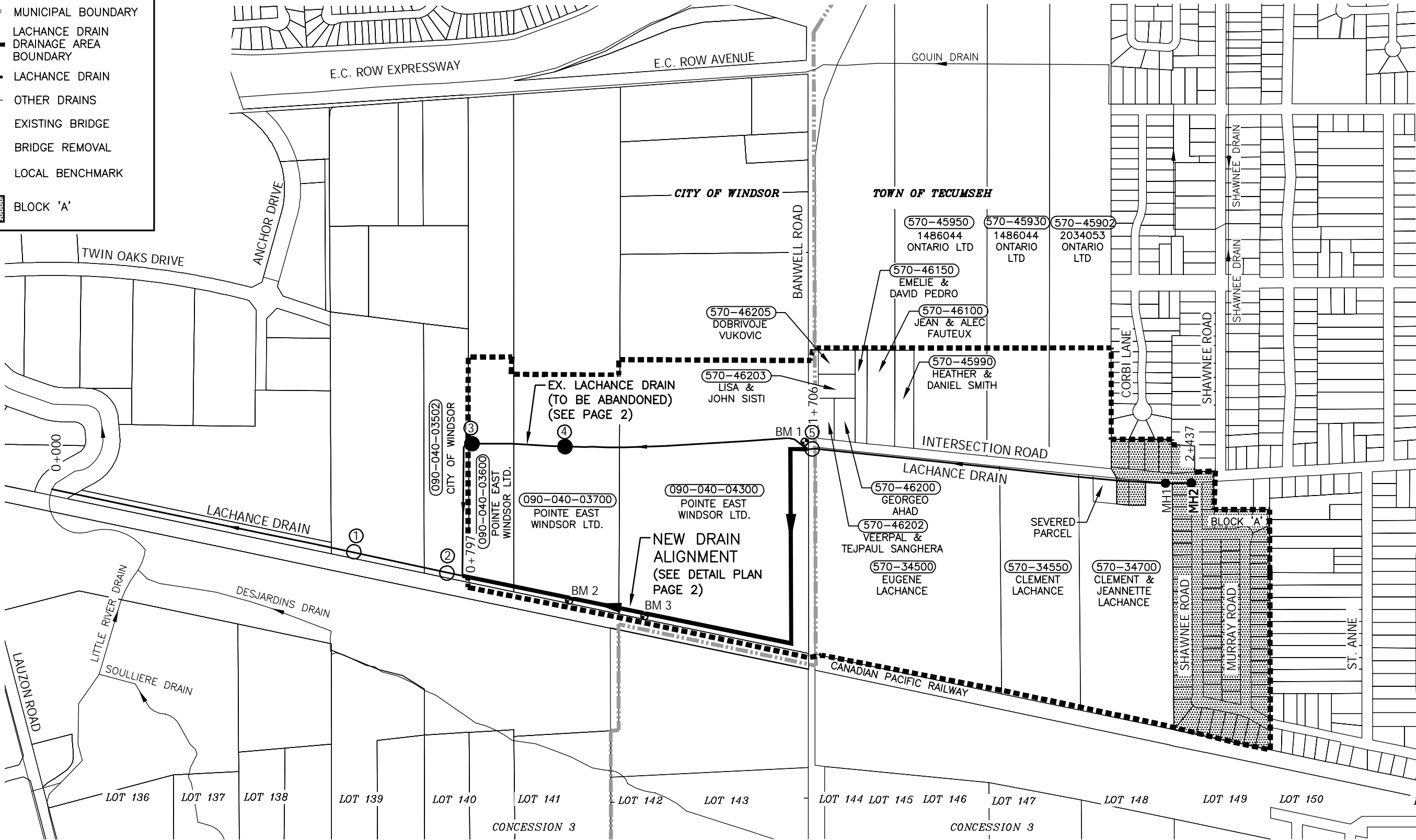
## 17.0 FISHERIES CONCERNS

Standard practices to be followed to minimize disruption to fish habitat include embedment of the culvert a minimum 10% below grade, constructing the work 'in the dry' and cutting only trees necessary to do the work (no clear-cutting). No in-water work is to occur during the timing window unless otherwise approved by the appropriate authorities.



**LEGEND**

- MUNICIPAL BOUNDARY
- - - LACHANCE DRAIN DRAINAGE AREA BOUNDARY
- LACHANCE DRAIN
- OTHER DRAINS
- EXISTING BRIDGE
- BRIDGE REMOVAL
- ⊕ LOCAL BENCHMARK
- ▨ BLOCK 'A'



**WATERSHED PLAN**  
SCALE=1:7,500

'SCHEDULE G'



**Conditions of Use**

Verify elevations and/or dimensions on drawing prior to use. Report any discrepancies to Dillon Consulting Limited.

Do not scale dimensions from drawing.

Do not modify drawing, re-use it, or use it for purposes other than those intended at the time of its preparation without prior written permission from Dillon Consulting Limited.

No.	DESCRIPTION	DATE	BY
1	FINAL REPORT SUBMISSION	APR. 12/22	MDH

DESIGN	REVIEWED BY
MDH	CDP
DRAWN	CHECKED BY
WLB	TRO
DATE	
April 12, 2022	
SCALE	
AS SHOWN	

PROJECT NO. 22-3612

DRAWING SCALES BASED ON A 11" X 17" SHEET

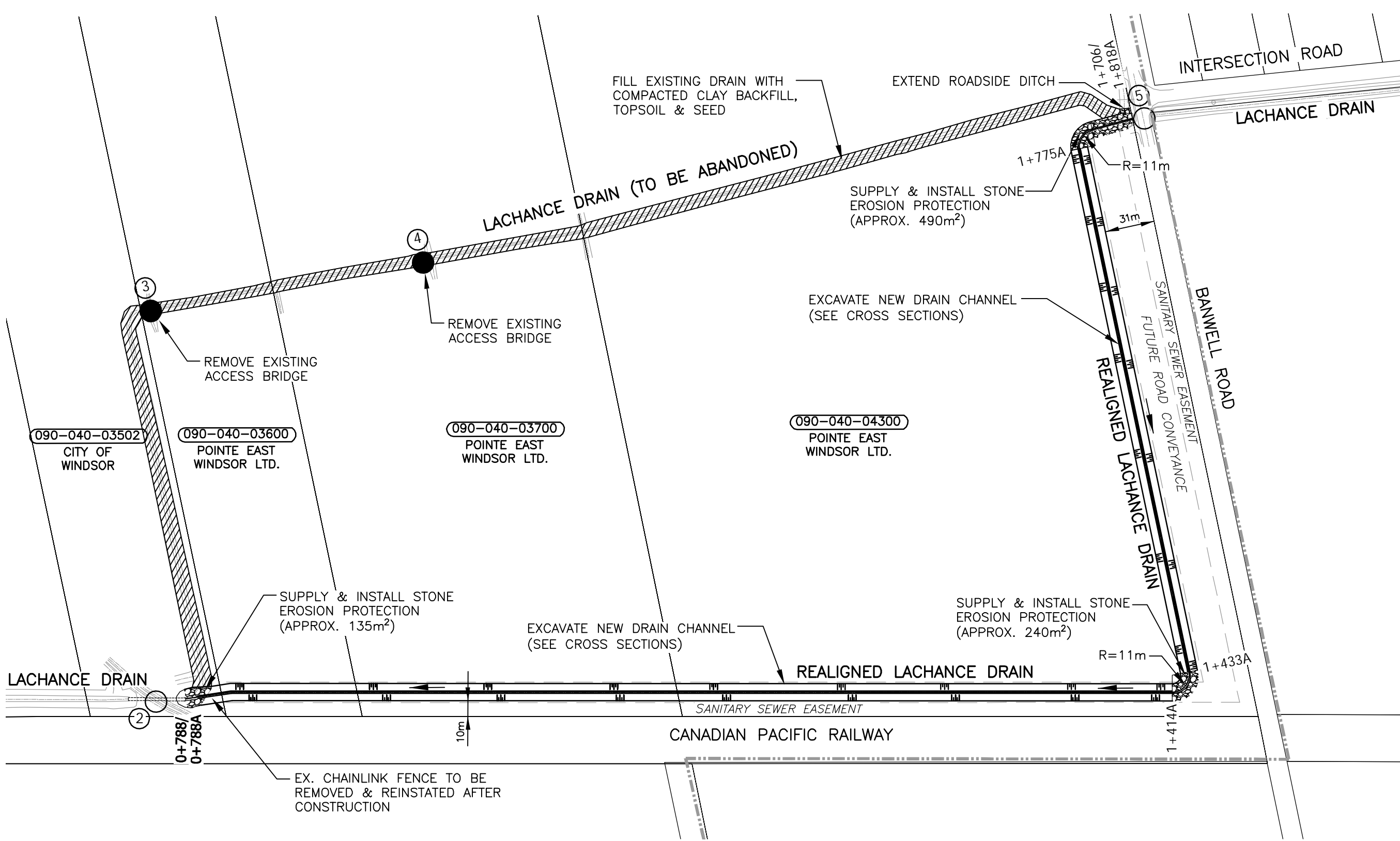
Drainage Report for the  
**NEW DRAIN ALIGNMENT OF A PORTION OF THE LACHANCE DRAIN**  
City of Windsor & Town of Tecumseh

**OVERALL WATERSHED PLAN**

PAGE NO. 1 of 5

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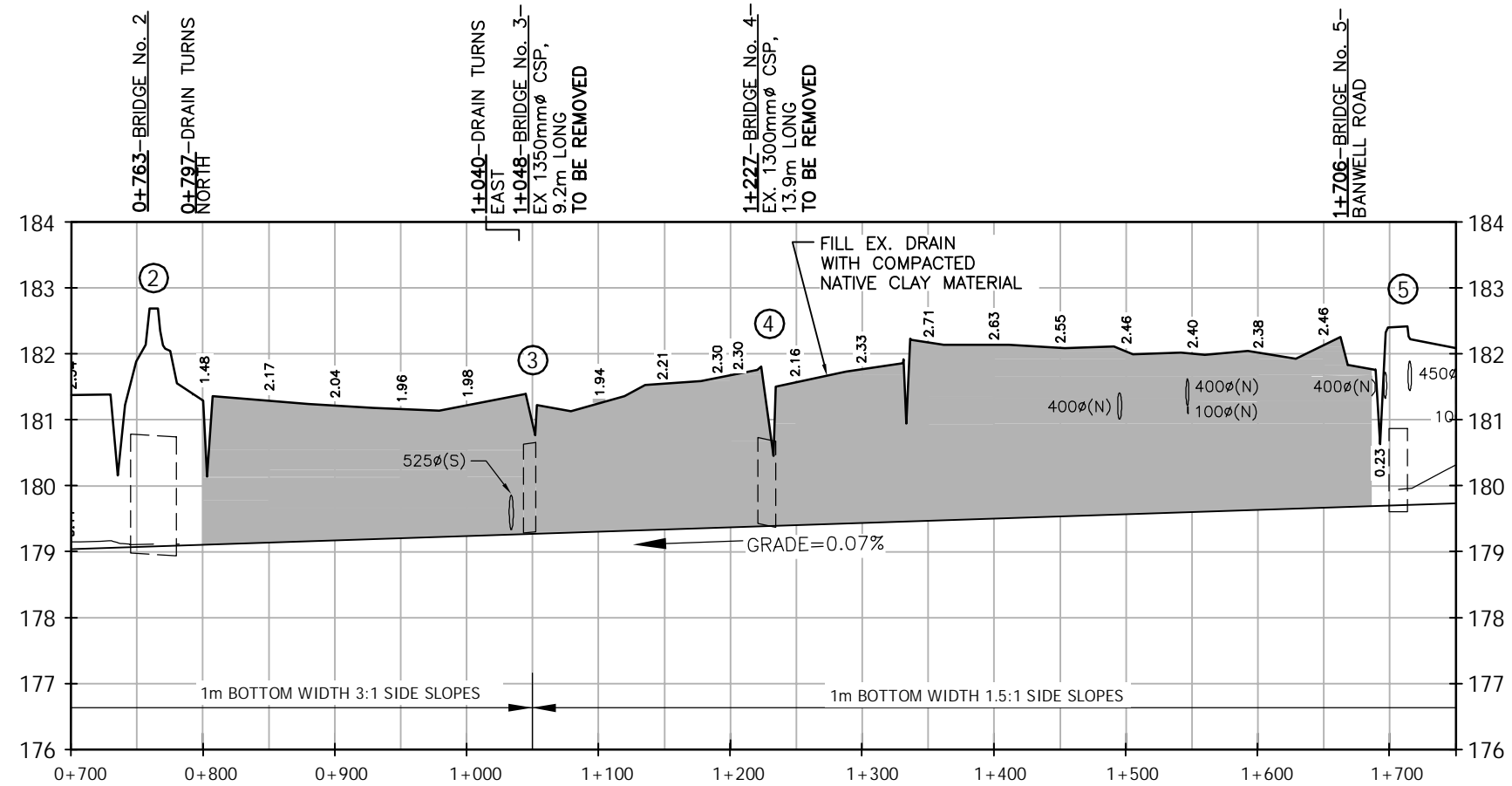


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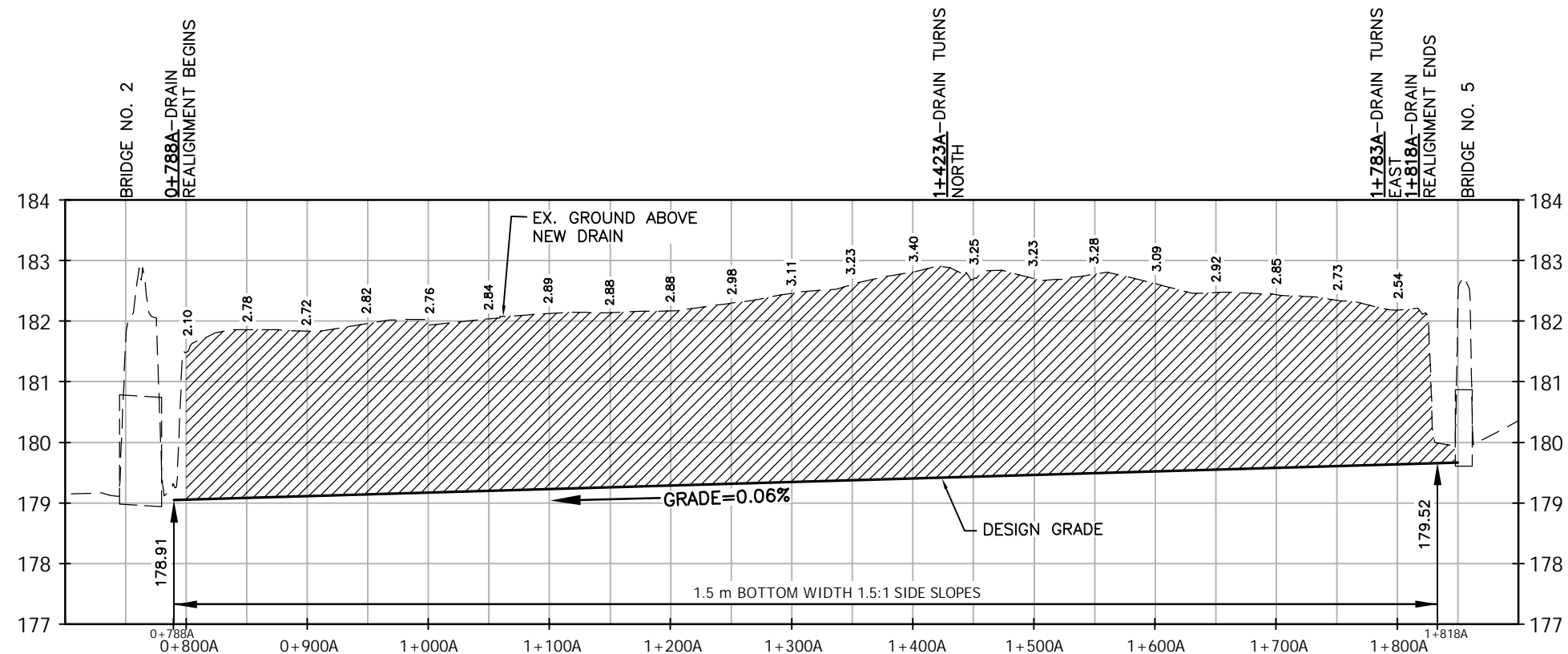
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DRAWN	WLB	CHECKED BY	TRO
DATE	April 12, 2022		
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	Council Agenda - April 25, 2022		
		DATE	BY

PROJECT NO. 22-3612  
DRAWING SCALES BASED ON A 11" X 17" SHEET

'SCHEDULE G'  
Drainage Report for the  
**NEW DRAIN ALIGNMENT OF A PORTION OF THE LACHANCE DRAIN**  
City of Windsor & Town of Tecumseh  
SHEET TITLE: **DETAIL PLAN**  
PAGE NO. 2 of 5



**EXISTING PROFILE**  
SCALE-HORIZ.=1:5,000  
VERT.=1:100



**PROPOSED REALIGNED PROFILE**  
SCALE-HORIZ.=1:5,000  
VERT.=1:100

'SCHEDULE G'



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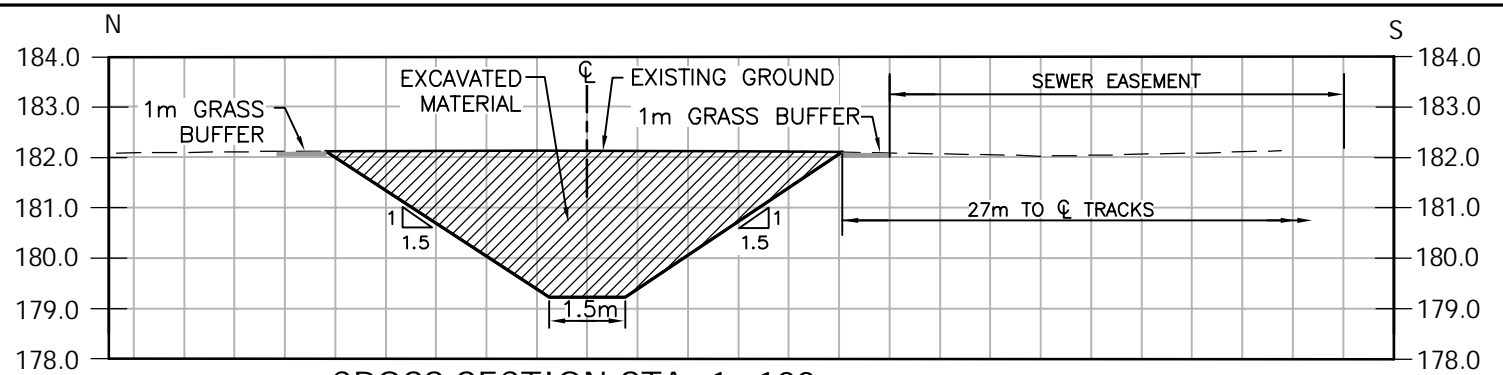
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DRAWN	WLB	CHECKED BY	TRO
DATE	April 12, 2022		
SCALE	AS SHOWN		
No.	1	FINAL REPORT SUBMISSION	APR. 12/22 MDH
Council Agenda - April 25, 2022		DATE	BY

PROJECT NO.	22-3612
DRAWING SCALES BASED ON A 11" X 17" SHEET	

**DILLON CONSULTING**

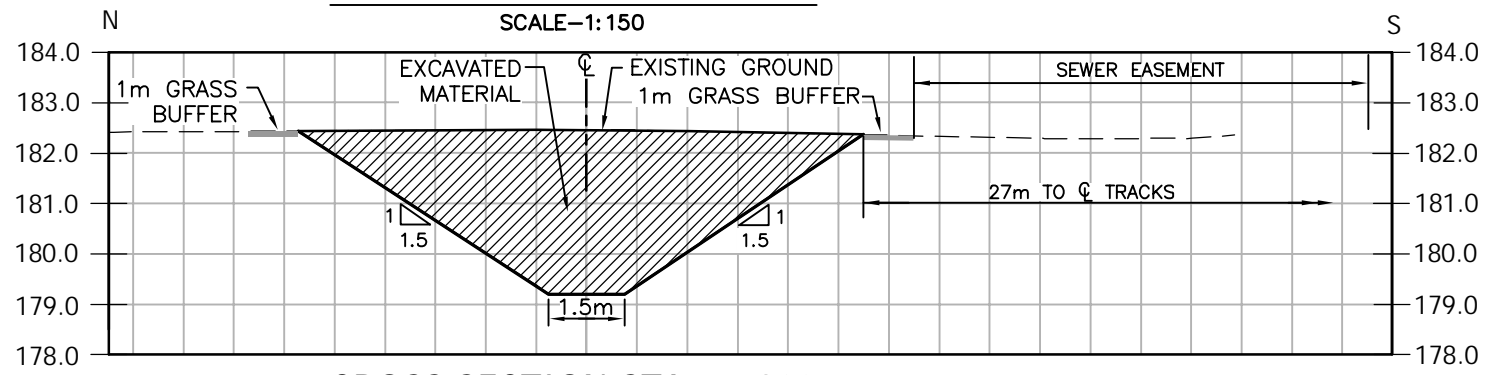
Drainage Report for the <b>NEW DRAIN ALIGNMENT OF A PORTION OF THE LACHANCE DRAIN</b> City of Windsor & Town of Tecumseh	
SHEET TITLE <b>PROFILE</b>	
PAGE NO.	3 of 5





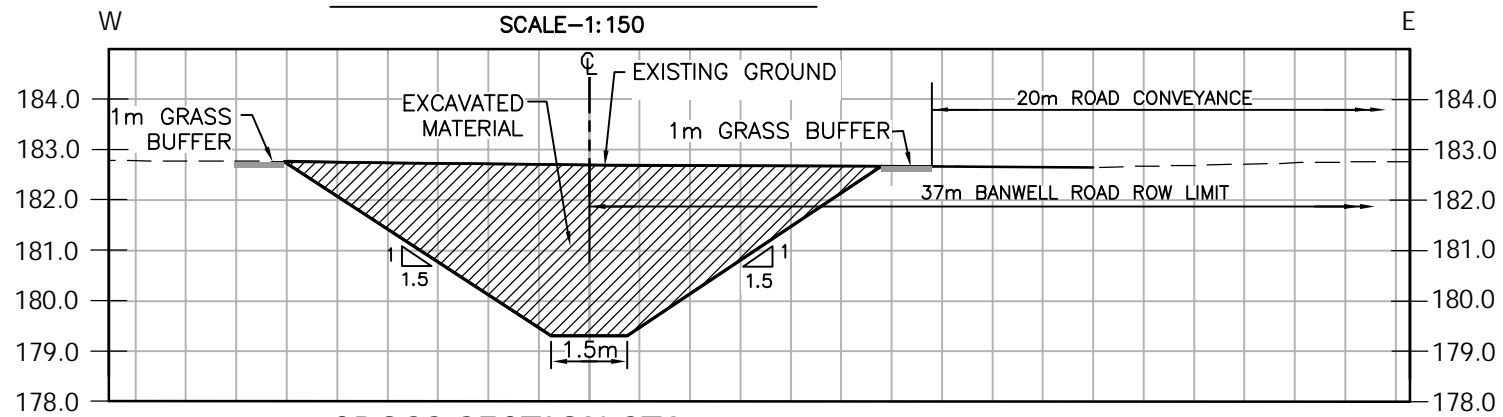
CROSS SECTION STA. 1+100

SCALE-1:150



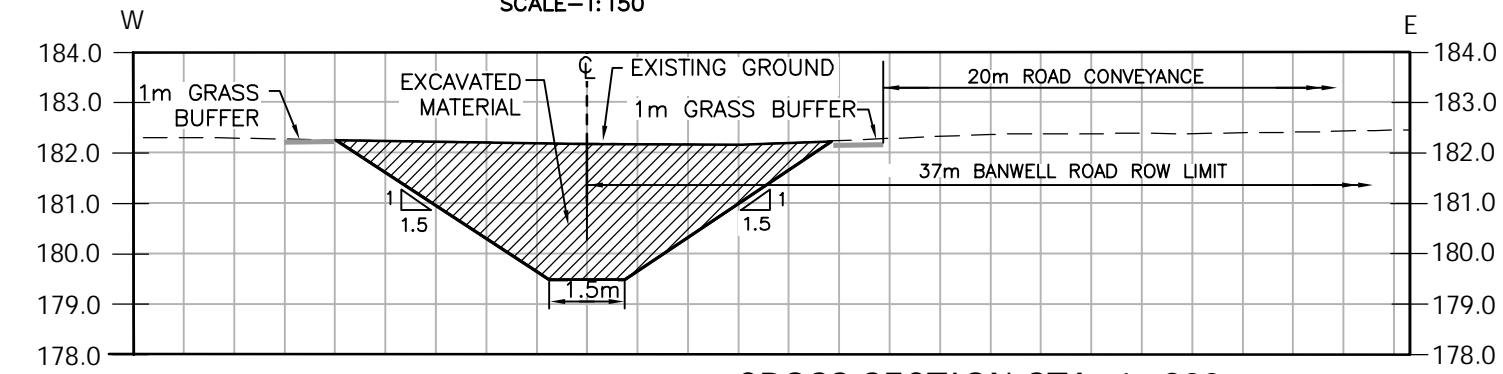
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SCALE-1:150



CROSS SECTION STA. 1+500

SCALE-1:150



CROSS SECTION STA. 1+800

SCALE-1:150

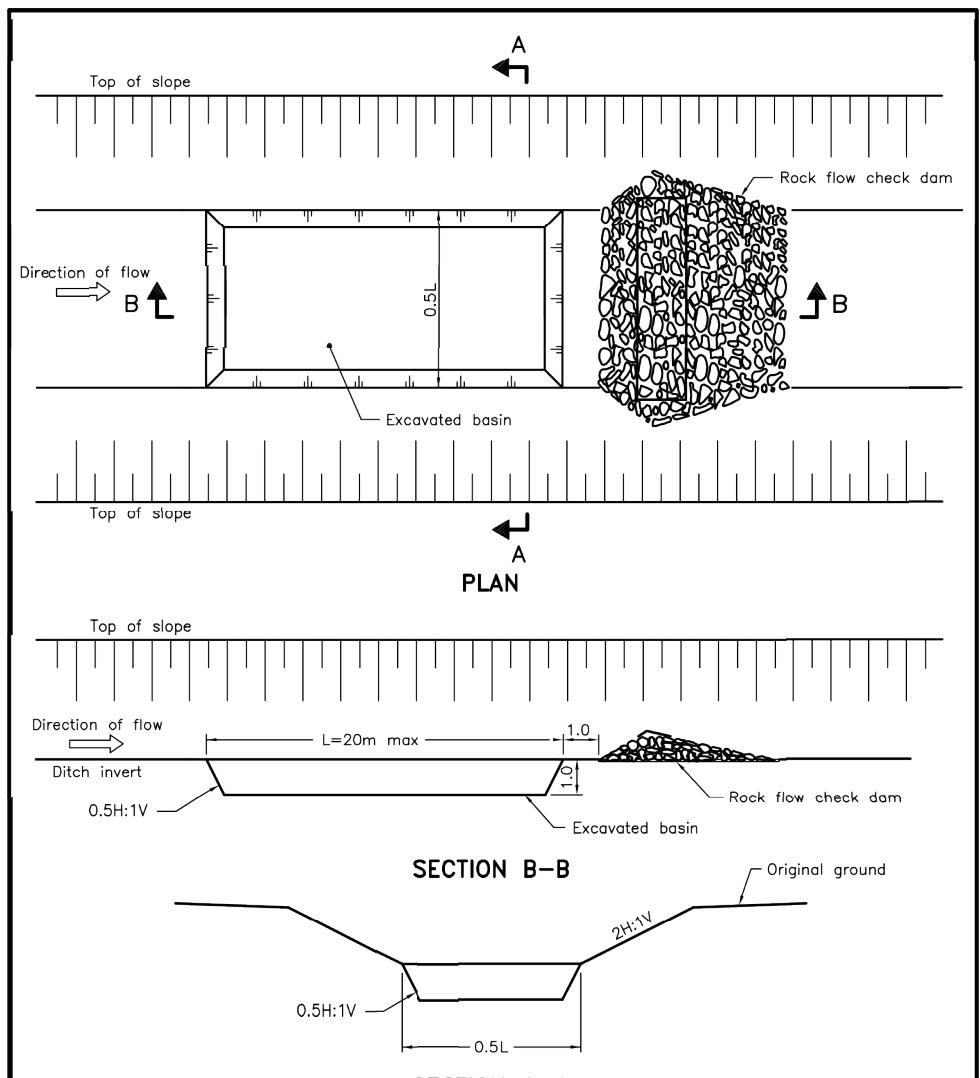
**SITE BENCHMARKS**

BM1-PKNAIL IN TOP OF CONCRETE MANHOLE ON WEST SIDE OF BANWELL ROAD AT INTERSECTION ROAD. PKNAIL IS 0.4M WEST OF THE EDGE AND 0.7M SOUTH OF THE NORTH EDGE AT APPROXIMATELY STA. 1+690  
ELEVATION=182.774m

BM2- TOP OF SANITARY MANHOLE RIM AT APPROX. STA. 1+000A IMMEDIATELY SOUTH OF NEW DRAIN ALIGNMENT. ELEVATION=182.54m

BM3- TOP OF SANITARY MANHOLE RIM AT APPROX. STA. 1+150A IMMEDIATELY SOUTH OF NEW DRAIN ALIGNMENT. ELEVATION=182.62m

**NOTE: CONTRACTOR TO VERIFY BENCHMARKS PRIOR TO CONSTRUCTION.**



**NOTES:**

A Ditch cross-section upstream or downstream of sediment trap may be flat bottom or V-shaped. Flat bottom shown.

B This OPSD shall be read in conjunction with OPSD 219.210 or 219.211.

C All dimensions are in metres unless otherwise shown.

ONTARIO PROVINCIAL STANDARD DRAWING		Nov 2015	Rev 2	
<b>SEDIMENT TRAP IN DITCH</b>		<b>OPSD 219.220</b>		



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DESIGN	REVIEWED BY
MDH	CDP
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April 12, 2022	
SCALE	
AS SHOWN	

PROJECT NO. 22-3612

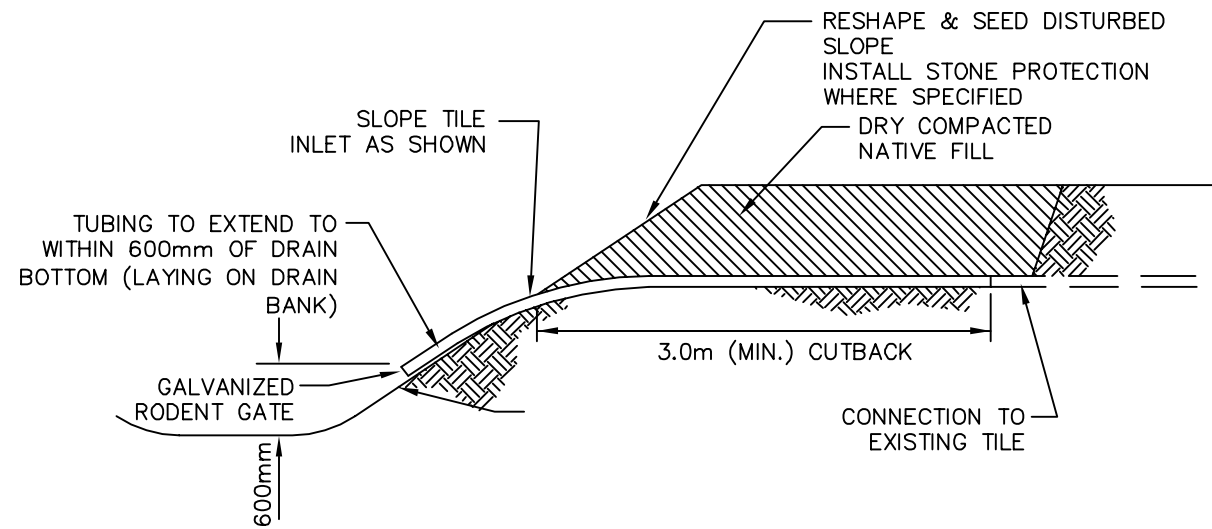
DRAWING SCALES BASED ON A 11" X 17" SHEET

'SCHEDULE G'

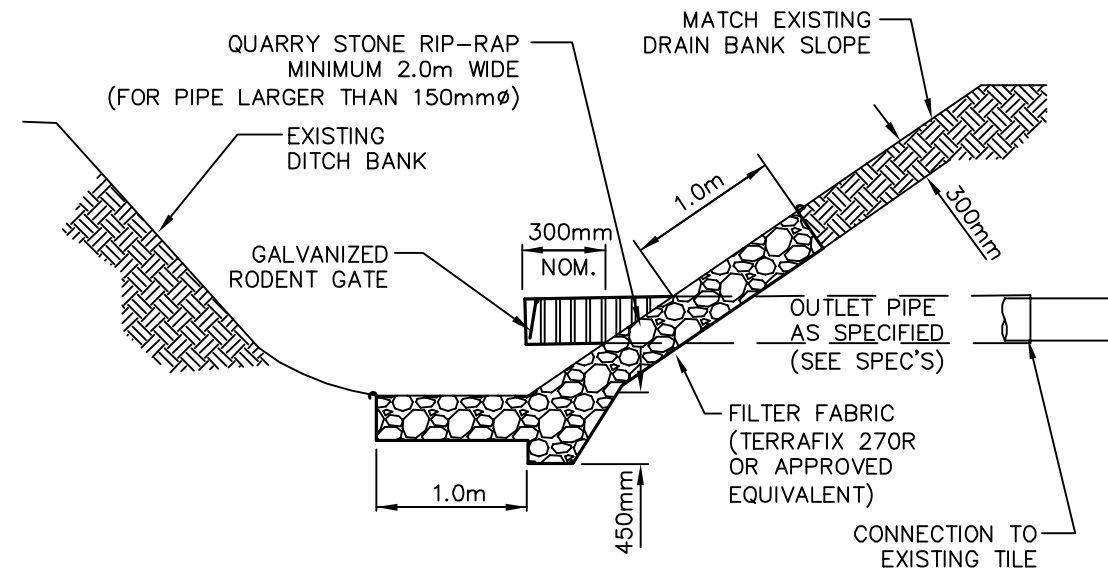
Drainage Report for the  
**NEW DRAIN ALIGNMENT OF A PORTION OF THE LACHANCE DRAIN**  
City of Windsor & Town of Tecumseh

SHEET TITLE  
**CROSS SECTIONS**

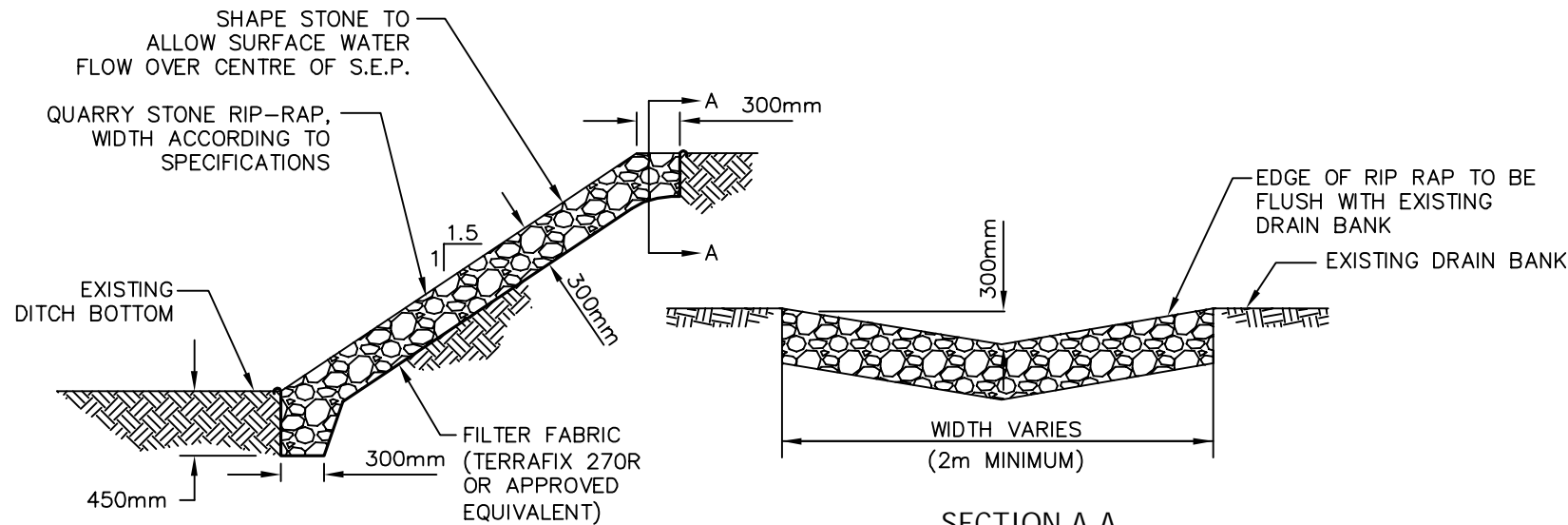
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4 of 5



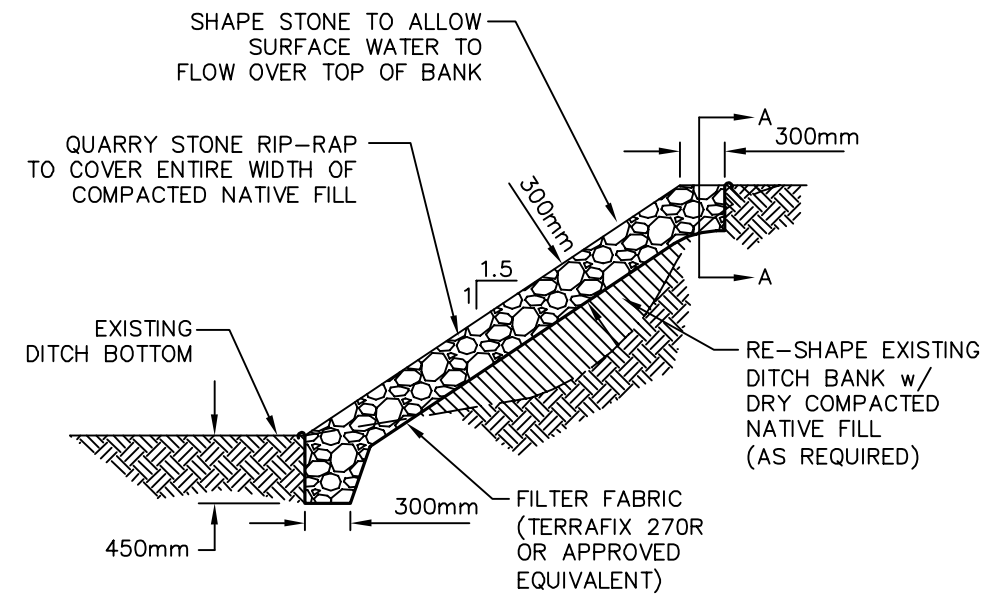
**TYPICAL DRAINAGE TUBING TILE INLET  
REPLACEMENT DETAIL  
(FOR TILES 150mmØ OR SMALLER)  
NOT TO SCALE**



**TYPICAL CSP TILE INLET  
REPLACEMENT DETAIL  
NOT TO SCALE**



**TYPICAL DITCH BANK WASHOUT  
DETAIL w/ RIP-RAP  
NOT TO SCALE**



**TYPICAL DITCH BANK WASHOUT  
DETAIL w/ BACKFILLING & RIP-RAP  
NOT TO SCALE**

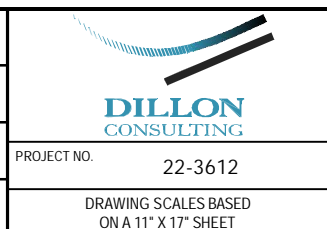


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DESIGN	MDH	REVIEWED BY	CDP
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	Council Agenda - April 25, 2022		
		DATE	BY

PROJECT NO.	22-3612
DRAWING SCALES BASED ON A 11" X 17" SHEET	



'SCHEDULE G'	
Drainage Report for the <b>NEW DRAIN ALIGNMENT OF A PORTION OF THE LACHANCE DRAIN</b> City of Windsor & Town of Tecumseh	
SHEET TITLE	<b>MISCELLANEOUS DETAILS</b>
PAGE NO.	5 of 5

## BY-LAW NUMBER XX-2022

### A PROVISIONAL BY-LAW TO PROVIDE FOR THE REPAIR AND IMPROVEMENT OF THE LACHANCE DRAIN

Passed the 25th day of April, 2022.

**WHEREAS** the Council of The Corporation of the City of Windsor has procured a Drainage Report for the Lachance Drain as prepared by Dillon Consulting Limited, dated April 12, 2022 ("Drainage Report") which report is attached hereto and forms part of this provisional by-law;

**AND WHEREAS** the affected property owners have been given notice of and a public meeting was held on March 14, 2022 to provide the affected property owners an opportunity to comment;

**AND WHEREAS** the estimated total cost of the drainage works is \$614,000.00;

**AND WHEREAS** \$581,500.00 is the estimated amount to be contributed by the City of Windsor for the construction of the drainage works in accordance with the Special Benefit in 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 repair and improvement of the Lachance Drain is desirable;

**THEREFORE** the Council of the Corporation of the City of Windsor, pursuant to the provisions of s.45 of the Drainage Act, R.S.O. 1990, hereby enacts as follows:

1. **THAT** the Drainage Report for the New Drain Alignment of a Portion of the Lachance Drain dated April 12, 2022, as prepared by Dillon Consulting Limited, attached hereto as Schedule "A", is hereby adopted and the drainage works as therein indicated and set forth are hereby approved and shall be completed in accordance therewith.
2. **THAT** The Corporation of the City of Windsor's share of the cost of the said drainage works in the amount of \$581,500.00 shall be charged against all of the lands in the City of Windsor.
3. **THAT** this By-law shall come into force upon and take effect on the day of the final passing thereof.

DREW DILKENS, MAYOR

CITY CLERK

First Reading - April 25, 2022  
Second Reading - April 25, 2022  
Third Reading -



**Subject: Proposed Expropriation of lands on Banwell Road from Jayesh and Nivedita Bhatt-3455 Banwell - Ward 9**

**Reference:**

Date to Council: April 25, 2022  
Author: Patrick T. Brode  
Senior Legal Counsel  
pbrode@citywindsor.ca  
519-255-6100 x6377  
Legal Services, Real Estate & Risk Management  
Report Date: April 11, 2022  
Clerk's File #: APM/14357

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

**Recommendation:**

That the City Council of the City of Windsor sitting as an approving authority under section 8 of the Expropriations Act hereby **APPROVES** the taking of the land being LT 20 PL 65 SANDWICH EAST EXCEPT PT 1, 12R16108; TECUMSEH, Being All of PIN 01408-1333 in the City of Windsor for the purposes of the City of Windsor Economic Revitalization Community Improvement Plan.

City Council further **AUTHORIZES AND DIRECTS** the City Solicitor to take all steps to prepare and register a Plan of Expropriation, execute a Certificate of Approval and all other necessary documents to put the expropriation into effect; and that the Chief Administrative Officer and City Clerk **BE AUTHORIZED** to execute all required documents, and to make a section 25 Offer of Compensation consistent with the City's appraisal of the land;

That any costs related to the above-noted expropriation **BE FUNDED** from capital project 7221053- LG/Stellantis Land Acquisition.

**Executive Summary:**

N/A

**Background:**

City Council was advised and the media reported on the proposed Stellantis Project to construct a \$5 billion, 4.5 Million square foot manufacturing facility on the area facing the E C Row Expressway and Banwell Road as shown on the plan attached to this report as Schedule "A." The proponents have made it clear that the entire block will be

required for this project to move forward. The City has agreed to assist with this project through the provisions of the City of Windsor Economic Revitalization Community Improvement Plan.

Steps had been taken to obtain all the required lands. No agreement could be reached on a conveyance with Jayesh and Nivedita Bhatt, the owners of the residential property at 3455 Banwell Road shown as "16" on Schedule A and described as:

LT 20 PL 65 SANDWICH EAST EXCEPT PT 1, 12R16108; TECUMSEH,  
being All of PIN 01408-1333

On April 7, 2022, the Lieutenant Governor in Council of Ontario issued an order in council directing that as special circumstances existed, an intended expropriation of those lands shall proceed without the inquiry provided by subsections 6(2) of the Expropriations Act. A copy of that order is attached as Schedule "B."

That order has been served on the owners and a copy provided to their lawyer, Mr. Frank Fazio of the Fazio Giorgi Law Firm, LLP. The owners have been further notified that they may attend and make representations at this meeting if they so choose.

### **Discussion:**

The issue of this proposed expropriation is now before City Council acting as an "approving authority." That means that Council is acting as a quasi-judicial body to determine whether it intends to take the lands, take none of the lands or only take a portion of the lands. The "Recommendation" attached to this report is provided for Council's assistance. Of course, it is free to take whatever steps it feels appropriate as an approving authority.

### **Risk Analysis:**

The proposed land taking will complete the block required for the Stellantis Project.

### **Climate Change Risks**

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

N/A

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

N/A

### **Financial Matters:**

Administration sought approval from City Council with regards to the establishment of a capital project and potential funding for this matter in a previous report to council. Cost related to the above-noted matter, along with other land acquisition costs relative to the Stellantis site, will be charged to project id 7221053- *LG/Stellantis Land Acquisition*. Accumulated costs in this project will be permanently financed once all costs have been incurred.

**Consultations:**

Frank Scarfone, Manager of Real Estate Services  
Mark DiPasquale, Financial Planning Administrator  
Alexandra Taylor, Financial Planning Administrator  
Natasha Gabbana, Senior Manager of Asset Planning

**Conclusion:**

That the City Council of the City of Windsor take whatever steps it deems appropriate as to the proposed taking of lands from the owners Jayesh and Nivedita Bhatt being 3455 Banwell Road.

**Planning Act Matters:**

N/A

**Approvals:**

Name	Title
Patrick Brode	Senior Legal Counsel
Shelby Askin Hager	Commissioner, Legal & Legislative Services
Chris Nepszy	Commissioner, Infrastructure Services
Tony Ardovini	Acting Commissioner, Corporate Services, Chief Financial Officer, City Treasurer
Joe Mancina	Acting Chief Administrative Officer

**Notifications:**

Name	Address	Email

**Appendices:**

- 1 Diagram of proposed Stellantis site
- 2 Order of Executive Council of Ontario approved April 7, 2022

Appendix "A"



Pointe East Windsor Limited	9, 10, 11, 12, 13
1646385 Ontario Limited	14, 15
CS Wind Canada Inc.	4, 5, 6
Solcz Group Inc. (formerly Valwinco)	2
Jayesh & Nivedita Bhatt (3455 Banwell)	16
City of Windsor	1, 7, 8
City of Windsor (1255 Twin Oaks & V/L on Valtec Crt)	18
The Windsor Utilities Commission	17

Appendix "B"



Ontario

**Executive Council of Ontario  
Order in Council**

**Conseil exécutif de l'Ontario  
Décret**

On the recommendation of the undersigned, the Lieutenant Governor of Ontario, by and with the advice and concurrence of the Executive Council of Ontario, orders that:

Sur la recommandation de la personne soussignée, le lieutenant-gouverneur de l'Ontario, sur l'avis et avec le consentement du Conseil exécutif de l'Ontario, décrète ce qui suit :

Pursuant to subsection 6(3) of the *Expropriations Act*, R.S.O. 1990, chapter E.26, in view of the special circumstances surrounding the expropriations relating to properties as described in Schedule 'A' attached hereto, and the consideration that it is both necessary and expedient in the public interest, the expropriations shall proceed without the inquiry procedure and such direction shall be in force and have effect on and after the day it is approved.

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En vertu du paragraphe 6(3) de la *Loi sur l'expropriation*, L.R.O. 1990, chap. E.26, compte tenu des circonstances particulières entourant les expropriations visant les propriétés décrites à l'annexe « A » jointe aux présentes et du fait que cela est à la fois nécessaire et opportun dans l'intérêt public, les expropriations doivent se réaliser sans la tenue d'une enquête et une telle directive est en vigueur à compter du jour où elle est approuvée.

**Recommended:** Minister of Economic Development, Job Creation and Trade

**Recommandé par :** Le ministre du Développement économique, de la Création d'emplois et du Commerce

**Concurred:** Chair of Cabinet

**Appuyé par :** Le président | la présidente du Conseil des ministres

**Approved and Ordered:** APR 07 2022  
**Approuvé et décrété le :**

**Lieutenant Governor  
La lieutenant-gouverneure**

**O.C. | Décret : 931 / 2022**

1



## Schedule 'A'

### Parcel 1

PIN 01408-1255 (LT) further described as "LT 14 PL 65 SANDWICH EAST; LT 15 PL 65 SANDWICH EAST; LT 16 PL 65 SANDWICH EAST; LT 17 PL 65 SANDWICH EAST; LT 18 PL 65 SANDWICH EAST; PT LT 12 PL 65 SANDWICH EAST; PT LT 13 PL 65 SANDWICH EAST AS IN R1163865; TECUMSEH; SUBJECT TO AN EASEMENT IN GROSS OVER PTS 1 & 5 ON PL 12R24361 AS IN CE448505"

### Parcel 2

PIN 01408-1256 (LT) further described as "LT 19 PL 65 SANDWICH EAST; TECUMSEH; SUBJECT TO AN EASEMENT IN GROSS OVER PT 2 ON PL 12R24363 AS IN CE448505"

### Parcel 3

PIN 01408-1332 (LT) further described as "PT LT 20 PL 65 SANDWICH EAST PT 1, 12R16108; TECUMSEH; SUBJECT TO AN EASEMENT IN GROSS OVER PT 4 PL 12R24363 AS IN CE448505"

### Parcel 4

PIN 01408-1259 (LT) further described as "PT LT 21 PL 65 SANDWICH EAST AS IN R444309 EXCEPT R173707 (PAGE 107); TECUMSEH"

### Parcel 5

PIN 01408-1258 (LT) further described as "PT LT 21 PL 65 SANDWICH EAST AS IN R1202309 EXCEPT R173707 (PAGE 108); TECUMSEH"

### Parcel 6

PIN 01408-1265 (LT) further described as "PT LT 141 CON 3 SANDWICH EAST AS IN R594530; TECUMSEH; SUBJECT TO AN EASEMENT IN GROSS OVER PT 6 PL 12R24399 AS IN CE448505"

### Parcel 7

PIN 01408-2033 (LT) further described as "PT LT 140 (MCNIFF) CON 3 SANDWICH EAST FORMERLY LT 139 (IRADELL) CON 3, DESIGNATED AS PARTS 1 & 2 ON PLAN 12R-24604; SUBJECT TO AN EASEMENT IN GROSS OVER PT 2 ON PL 12R24604 AS IN CE448505; CITY OF WINDSOR"

### Parcel 8

PIN 01408-2050 (LT) further described as "PART LOT 139 (MCNIFF) CON 3 SANDWICH EAST FORMERLY LOT 138(IRADELL) CON 3 DESIGNATED AS PART 16 PL 12R24604; TOGETHER WITH AN EASEMENT OVER PT 16 PL

12R24604 AS IN CE635336; SUBJECT TO AN EASEMENT OVER PT 2 PL 12R25848 IN FAVOUR OF PT 10 AND 15 PL 12R24604 AS IN CE635313; CITY OF WINDSOR"

Parcel 9

PIN 01408-2051 (LT) further described as "PART LOT 139 (MCNIFF) CON 3 SANDWICH EAST FORMERLY LOT 138 (IRADELL) CON 3 DESIGNATED AS PART 11 PL 12R24604; CITY OF WINDSOR"

Parcel 10

PIN 01408-2054 (LT) further described as "PART LOT 140 (MCNIFF) CON 3 SANDWICH EAST FORMERLY LOT 139 (IRADELL) CON 3 DESIGNATED AS PART 4 PL 12R24604; CITY OF WINDSOR"

Parcel 11

PIN 01408-2108 (LT) further described as "PART LOT 139 CONCESSION 3 MCNIFF PART 10 12R24604; TOGETHER WITH AN EASEMENT OVER PART 2 12R25848 AS IN CE635313; CITY OF WINDSOR"

Parcel 12

PIN 01408-1333 (LT) further described as "LT 20 PL 65 SANDWICH EAST EXCEPT PT 1, 12R16108; TECUMSEH" and municipally known as 3455 Banwell Road, City of Windsor

**Item No. 12.2**



**Committee Matters: SCM 81/2022**

**Subject: Report No. 13 of the Housing & Homelessness Advisory Committee - Residential Rental Licensing Feedback**

April 25, 2022

**REPORT NO. 13**  
of the  
**HOUSING & HOMELESSNESS ADVISORY COMMITTEE**  
of its meeting held  
March 22, 2022

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**Present:** Marina Clemens, Chair  
Councillor Kieran McKenzie  
Jessica Brunet  
Fiona Coughlin  
Warden Gary McNamara, County of Essex  
Angela Yakonich  
Jim Steel  
Leigh Vachon

Your Committee submits the following recommendation:

Moved by Councillor K. McKenzie, seconded by F. Coughlin,  
That the Residential Rental Licensing Feedback document provided by the  
Housing and Homelessness Advisory Committee **BE FORWARDED** to City Council for  
their consideration.

Carried.

**Note:** The Residential Rental Licensing Feedback document from the Housing and  
Homelessness Advisory Committee – **attached**.

\_\_\_\_\_  
CHAIRPERSON

\_\_\_\_\_  
COMMITTEE COORDINATOR

**NOTIFY:**

Housing & Homelessness Advisory Committee	On file
Jude Malott Executive Initiatives Coordinator – Legal and Legislative Services	<a href="mailto:jmalott@citywindsor.ca">jmalott@citywindsor.ca</a>

# Residential Rental Licensing Feedback

City of Windsor Housing and Homelessness Advisory Committee

March 10, 2022

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In March 2021, the City of Windsor passed a motion to move forward with a residential rental licensing pilot in Wards 1 and 2<sup>i</sup>. The Housing and Homelessness Advisory Committee (HHAC) reviewed details of the proposal in November 2021<sup>ii</sup>, and have prepared the following statement for consideration by the Community Services and Parks Standing Committee and City Council.

## Background

In 2007, the Ontario government amended the *Municipal Act*, making it possible for municipalities to introduce residential rental licensing in residential units<sup>iii</sup>. Since that time, municipalities across the province have implemented various mechanisms. Generally, these types of policies are intended to protect tenants' rights by creating a minimum standard for rental accommodation, recognizing that often tenants do not know or use the existing mechanisms (e.g., building and fire codes, bylaws) to report substandard rental units. The limited reporting is believed to be especially present in vulnerable populations, including those living in poverty and those who have experienced homelessness<sup>iv</sup>.

Municipalities across the province have used forms of residential rental licensing. Some examples of jurisdictions with residential licensing are: Oshawa; London; North Bay; Guelph; Waterloo; and Hamilton. The approaches range from: voluntary to mandatory; licenses to registrations; and, universal to targeted<sup>v</sup>. The pilot proposed in the City of Windsor is mandatory licensing targeted to two wards.

Opponents of residential rental licensing cite a number of factors<sup>vi</sup>. One is a concern that units not-eligible for licensing will become less visible, resulting in potentially more dangerous living situations for tenants. Second, there are concerns that license fees and associated maintenance or upgrade costs could be downloaded to tenants, causing an increase in rents. Likewise, there are concerns that some landlords would no longer be in a cash flow positive income situation, and would choose to sell units which could again affect the cost of rent. Finally, there are concerns that the costs of the program will not be recuperated via the licensing revenue source, requiring additional funding from the tax base.

## Housing and Homelessness Advisory Committee Statement

The Ontario Human Rights Tribunal 2013 report *Room for everyone: Human rights and rental housing licensing*<sup>vii</sup>, outlines 13 considerations for municipalities to ensure that residential rental licensing does not disproportionately affect *Code*-protected groups. Particularly relevant are items #5 work to secure existing rental stock; #11 protect tenants in cases of rental shut down; and, #12 monitor for impacts on *Code* groups.

Given the low rental vacancy rate and the increasing rents currently experienced in the City of Windsor<sup>viii</sup>, members of HHAC report that it is increasingly difficult to find appropriate rental accommodations. *Home Together: Windsor Essex Housing and Homelessness Master Plan*<sup>ix</sup> identifies the need to sustain and expand the affordable housing supply; end homelessness; foster successful tenancies; and monitor, report and evaluate.

The HHAC Committee recognizes the need to ensure that the rental units in our community will be safe and in compliance with all applicable regulations.

The committee is concerned that this licensing program could negatively affect available stock. Consistent with the *Master Plan*, HHAC would like to ensure that existing stock is not depleted, and that the cost of the license is not passed on to tenants, further increasing rents. A robust consultation and monitoring strategy can assist with ensuring that the pilot does not negatively impact those most in need of affordable housing.

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<sup>i</sup> City of Windsor (March 8, 2021). *Minutes of the City Council Meeting*. Retrieved from <https://www.citywindsor.ca/cityhall/City-Council-Meetings/Council%20Minutes/Pages/Council-Minutes-2021.aspx> March 10, 2022.

<sup>ii</sup> City of Windsor (November 23, 2021). *Minutes of the Housing & Homelessness Advisory Committee*. Retrieved from <https://www.citywindsor.ca/cityhall/committeesofcouncil/Advisory-Committees/Housing-and-Homelessness-Advisory-Committee/Pages/Housing-and-Homelessness-Advisory-Committee-Minutes.aspx> March 10, 2022.

<sup>iii</sup> See, for example, Ontario Human Rights Commission (n.d.). *What the legislation says about licensing*. Retrieved from <https://www.ohrc.on.ca/en/book/export/html/9866> March 10, 2022.

<sup>iv</sup> See, for example, Baxter, M. (2021). *The case for – and against – rental licensing in Ontario*. TVO. Retrieved from <https://www.tvo.org/article/the-case-for-and-against-rental-licensing-in-ontario> March 10, 2022.

<sup>v</sup> See, for example, City of Hamilton (April 24, 2018). *Rental Housing Sub-Committee Appendix “A” to Report PED10049(x)*. Retrieved from <https://pub-hamilton.escribemeetings.com/filestream.ashx?DocumentId=151102> March 10, 2022.

<sup>vi</sup> See, for example, Fraser Research Bulletin (2021). *Housing Codes, homelessness, and affordable housing*. Retrieved from <https://www.fraserinstitute.org/studies/municipal-policy> March 9, 2022.

<sup>vii</sup> Ontario Human Rights Commission (2013). *Room for everyone: Human rights and rental housing licensing*. Retrieved from <https://www.ohrc.on.ca/en/room-everyone-human-rights-and-rental-housing-licensing> March 9, 2022.

<sup>viii</sup> CMHC (February 2022). *Rental market report: Canada and selected markets*. Retrieved from <https://www.cmhc-schl.gc.ca/en/professionals/housing-markets-data-and-research/market-reports/rental-market-reports-major-centres> March 10, 2022.

<sup>ix</sup> City of Windsor (2019). *Home, together: Windsor Essex housing and homelessness master plan*. Retrieved from <https://www.citywindsor.ca/residents/housing/Housing-with-Supports-and-Homelessness-Prevention/Windsor-Essex-Housing-and-Homelessness-Plan-and-Related-Reports/Pages/default.aspx> March 10, 2022.

**Item No. 12.3**



**Committee Matters: SCM 104/2022**

**Subject: Report No. 1 of the Council Compensation Review Committee -  
Recommendations to City Council**

Clerks File: ACO/14354

**REPORT NO. 1**  
of the  
**COUNCIL COMPENSATION REVIEW COMMITTEE**  
of its meeting held  
April 12, 2022

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**Present:** Dr. Vincent Georgie, Chair  
Frazier Fathers  
Mila Lucio

Your Committee submits the following recommendation:

Moved by F. Fathers, seconded by M. Lucio,

That the “Citizen Council Compensation Review” document provided by the Council Compensation Review Committee that includes the following Recommendations **BE APPROVED:**

**1)** Mayor of Windsor receive annual salary increases reflecting the non-unionized managerial staff increase for the duration of the 2023-26 term (2023, 2024, 2025, 2026).

**2)** City Councillors salary be increased to \$52,000 per year effective 2023. Annual salary increases reflecting the non-unionized managerial staff increase to be applied for the duration of the 2023-26 council term (2024, 2025, 2026).

**3)** No change to other benefits.

**4)** No immediate recommendation for changes to the staffing resources model, given the varied feedback on this topic. The committee recognizes that at the time of the founding of the Council Services (approximately 2002) proposed five (5) positions but only two (2) were ever filled. It was recognized that additional staffing could reduce workload elements of council members but the lack of consensus from council members on the usage of this service it made it difficult to determine a course of action. Similar considerations were made around the Mayor’s Office staffing levels. Given Council’s power over this decision it is encouraged to consider and vote on future changes, if consensus evolves around future specific resources required.



**Report No. 1 of the Council Compensation Review Committee**

**5)** That a future council compensation review committee be convened at the mid-point of the 2023-2026 council term. This committee receive a broader mandate and time to explore:

- a. Exploring need to establish Full time Council - including having administration prepare a fully costed estimate of the impacts of full-time council to frame this discussion for the committee and council consideration.
- b. Explore committee compensation model that balances the need for Councillors to stand for positions while ensuring inverse financial incentives do not drive committee membership. Also explore the impact of “mandatory” non-council committees like BIAs on councillor workloads.
- c. An assessment of staff time and support for Councillors and the Mayor in context of workload and the impacts on fair compensation. This includes preparing quantitative data on council service usage prior to the committee being convened.
- d. A ward boundary review to determine whether adjustments to ward boundaries or number of Councillors are needed to balance workloads (no update has been made to ward boundaries since they were established in 2010) and ensure fair compensation in the context of full or part-time council.

Carried.

**Note:** “The Citizen Council Compensation Review” document is **attached**.

The “City of Windsor Elected Officials Compensation Review – Final Report – April 8, 2022 prepared by Gallagher Benefit Services (Canada) Group Inc. is **attached** as background information.

\_\_\_\_\_  
CHAIRPERSON

\_\_\_\_\_  
COMMITTEE COORDINATOR

**Notifications:**

<b>Name</b>	<b>Address</b>	<b>Email</b>
Council Compensation Review Committee	On File	

## **Citizen Council Compensation Review**

### **Committee Functioning**

The committee was assembled for the first time on October 14th, 2021 to determine committee roles, timelines and process. Committee members Frazier Fathers and Mila Lucio nominated Dr. Vincent Georgie as Chair of the committee, which he accepted.

While the process would normally have been started in 2020, this process was delayed due to COVID-19. As a result, the overall process and assessment was narrower in scope in order to meet the timelines of the municipal campaign schedule.

Materially, it was unanimously agreed upon at the start of the process that the focus of the Committee's work was to analyze compensation tied to the roles themselves, as opposed to the individuals currently occupying them. As such, the Committee's work throughout maintained this focus.

### **Committee Mandate**

The mandate of the Committee was to deliver recommendations to Council for consideration prior to the beginning of May 2022 when candidates for the 2022 municipal election begin to declare reflecting the following:

1. A final report to Council in early 2022 outlining any proposed changes to the level of remuneration/compensation and benefits (inclusive of base salary, benefits and pensions, taxation issues, car mileage) to achieve competitive rates for the positions of Mayor and City Councillor, for the new term of office effective November 15<sup>th</sup>, 2022 recommendations would stem from a holistic review with consideration given to:
  - a. Public feedback and input on role expectations
  - b. Defined role responsibilities and accountabilities
  - c. Comparator benchmarking data appropriate to the role accountabilities, and key benchmarking criteria (i.e. city size, single tier municipality)
  - d. Confirmed desired market positioning
2. Recommendation on any changes to staffing resources and provision of equipment related to the roles.
3. Recommendation on any process enhancements to maintain market competitiveness on a go forward basis.
4. Related relevant observations or suggestions that emerge as a result of the holistic review (i.e. DE&I, attraction of key talent, etc).

### **Recommendations**

Based upon the Committee's review and consideration of the consultant's report, review and consideration for the 11 in-depth interviews that were conducted with the Mayor and Councillors, review and consideration for the feedback from 2 virtual public consultations, and review and consideration of the online survey results, the Committee is ultimately making the following recommendations:

### **Remuneration and benefits**

- 1) Mayor of Windsor receive annual salary increases reflecting the non-unionized managerial staff increase for the duration of the 2023-26 term (2023, 2024, 2025, 2026).
- 2) City Councillors salary be increased to \$52,000 per year effective 2023. Annual salary increases reflecting the non-unionized managerial staff increase to be applied for the duration of the 2023-26 council term (2024, 2025, 2026).
- 3) No change to other benefits.

### **Staffing Resources and provision of equipment**

4) No immediate recommendation for changes to the staffing resources model, given the varied feedback on this topic. The committee recognizes that at the time of the founding of the Council Services (approximately 2002) proposed five (5) positions but only two (2) were ever filled. It was recognized that additional staffing could reduce workload elements of council members but the lack of consensus from council members on the usage of this service it made it difficult to determine a course of action. Similar considerations were made around the Mayor's Office staffing levels. Given Council's power over this decision it is encouraged to consider and vote on future changes, if consensus evolves around future specific resources required.

5) That a future council compensation review committee be convened at the mid-point of the 2023-2026 council term. This committee receive a broader mandate and time to explore:

- a. Exploring need to establish Full time Council - including having administration prepare a fully costed estimate of the impacts of full-time council to frame this discussion for the committee and council consideration.
- b. Explore committee compensation model that balances the need for Councillors to stand for positions while ensuring inverse financial incentives do not drive committee membership. Also explore the impact of "mandatory" non-council committees like BIAs on councillor workloads.
- c. An assessment of staff time and support for Councillors and the Mayor in context of workload and the impacts on fair compensation. This includes preparing quantitative data on council service usage prior to the committee being convened.
- d. A ward boundary review to determine whether adjustments to ward boundaries or number of Councillors are needed to balance workloads (no update has been made to ward boundaries since they were established in 2010) and ensure fair compensation in the context of full or part-time council.

### **Process enhancements to maintain market competitiveness**

It is recommended that the next Citizen Compensation Committee (for 2027-2030) be struck during the 2023-2027 council term with additional time and a broader mandate, to more fully explore council compensation and related workload drivers, in addition to the standing mandate. The suggested scope would include:

## **Process**

### **Compensation Consultant**

The Committee contracted a compensation consultant, Gallagher Benefit Services (Canada) Group Inc., to provide comparator benchmark data of comparable municipalities, and to provide compensation guidance and expertise. Their comprehensive report is attached (Appendix A) outlining the specific municipalities and methodology used to capture the data, along with their observations and recommendations. The Committee leveraged the content of the report, and discussions with Gallagher, to inform the Committee's final recommendations.

The Committee also consulted with City of Windsor administration for feedback and clarifications on current practices.

### **Incumbent Interviews**

The Committee members met with each member of Council and the Mayor to obtain their answers to a common set of 11 questions (see Appendix B) regarding their role on council, time commitments, resourcing etc. These direct first-hand accounts provided critical insights into the challenges and opportunities of serving as a municipally elected official in Windsor.

### **Public Feedback**

Two open sessions were hosted by the Committee with the support of City Staff via video conference on January 24th and 27th 2022 respectively, to allow residents to provide their inputs. The two meetings were attended only by a total of 5 persons (only 4 of which spoke). Those that spoke did share their views on a number of topics ranging from Mayor and Council relations, to pay increases, to structural changes.

Finally, a community input survey was developed, modelled on the 2018 survey with a few additional questions (see Appendix C) . This survey was distributed via City of Windsor Social Media channels with some traditional media highlighting the survey via news coverage and interviews. A total of 115 responses were collected, providing some additional insights from the community.

### **Committee Work**

In a series of meetings in late February and early March of this year, the Committee met and reconciled the various data points from these sources, including some meetings with the Consultant, and came to a consensus on the recommendations outlined above.

The following Background section of this report breaks down each of the recommendations and provides data, insights, and considerations for each.

## **Background**

### **Remuneration and Benefits**

#### **Item 1: Mayor Remuneration**

As outlined in the Consultant report (Appendix A) the Mayor's salary is ranked 3rd when compared to the salaries of the Mayors of the 13 comparable municipalities. It should be noted that Mayoral salaries are sometimes totaled differently in different cities (inclusion/exclusion of additional stipends for board service work in salary line, for example), and other cities have human resourcing such as a Deputy Mayor, and Full-Time City Councillors that Windsor does not have.

**Rank Order Total Remuneration - Mayor**

<b>Municipality</b>	<b>Population</b>	<b>Base</b>	<b>Regional Gov't Remuneration</b>	<b>Total \$\$ for Role of Mayor</b>	<b>Additional Agency/ Board Honorarium</b>	<b>Total Compensation</b>	<b>Honorarium from</b>
Thunder Bay City^	108,843	\$93,816	\$0	\$93,816	\$3,115	\$96,931	Police Services Bd
Chatham-Kent Mun^	103,988	\$112,908	\$0	\$112,908	\$0	\$112,908	no additional remuneration
Barrie City^	147,829	\$121,366	\$0	\$121,366	\$48,750	\$170,116	Alectra Inc - Appointed by the Board
London City^	422,324	\$142,188	\$0	\$142,188	\$0	\$142,188	no additional remuneration
St Catharines City	136,803	\$116,418	\$30,204	\$146,622	\$0	\$146,622	unknown if other board payments
Kitchener City	256,885	\$107,610	\$45,269	\$152,879	\$9,296	\$162,175	KW Hydro & Kitchener Power Corp Boards
Guelph City^	143,740	\$157,844	\$0	\$157,844	\$0	\$157,844	no additional remuneration
Greater Sudbury City^	166,004	\$176,781	\$0	\$176,781	\$0	\$176,781	no additional remuneration

<b>Municipality</b>	<b>Population</b>	<b>Base</b>	<b>Regional Gov't Remuneration</b>	<b>Total \$\$ for Role of Mayor</b>	<b>Additional Agency/ Board Honorarium</b>	<b>Total Compensation</b>	<b>Honorarium from</b>
Oshawa City	175,383	\$129,910	\$58,073	\$187,983	\$0	\$187,983	unknown if other board payments
Hamilton City^	569,353	\$193,688	\$0	\$193,688	\$41,250	\$234,938	Alectra Utilities Board Appointment
<b>Windsor^</b>	229,660	\$199,167	\$0	\$199,167	\$0	\$199,167	no additional remuneration
Mississauga City	717,961	\$144,295	\$60,012	\$204,307	\$42,953	\$247,260	Alectra Utilities - City appointed director
Brampton City	656,480	\$146,820	\$60,012	\$206,832	\$0	\$206,832	unknown if other board payments
<i>Median</i>		<i>\$136,049</i>		<i>\$155,362</i>			
<i>Average</i>		<i>\$136,970</i>		<i>\$158,101</i>			

The Committee considered all of the variables (population size, border city, etc) that might differentiate the Windsor Mayor salary from the comparators, and engaged the Consultant in this discussion to ensure we were comparing “apples to apples” as much as possible.

Another data point for consideration was the ratio of Mayor salary to part-time Councillor Salaries. The Mayor’s Salary currently sits at 3.25 times that of Councillors, which is above the 3.43 average ratio. In order to rely on these ratios, it would be important to differentiate between part time and full time councillor roles, and to consider the impact of having a Deputy Mayor role, in the municipalities that have one. The Committee recommends that this review be completed in greater detail by the next Compensation Committee, in order to use this ratio as an additional data point to inform appropriateness of salaries for Mayor and City Councillor.

## **Item 2: City Councillor Remuneration**

This item took the bulk of the committee’s deliberation. Based on conversations with councillors it was clear that a majority were working more than “part-time hours”. Based on their self-reported hours when allocated meeting preparation and attendance averaged almost 20 hours per week. Given the part-time nature of the work, this left little paid time for constituency work or other council related tasks. While the Committee did not feel this was enough reason to recommend moving the Councillor role to full time, the workload issue should be more deeply explored in a future compensation review.

Also, it was recognized that different Councillors have different perceptions and constraints related to their time allocations for council related work. The Committee made a conscious effort to not look at the individual members of Council circumstances rather examine the role of “Councillor” as a whole and in aggregate.

As Gallagher’s report points out Windsor Council sits on average 7 committees while comparator communities sit on an average of 3. The compensation committee spent a significant period thinking about various models where formal city committee meetings could be considered paid time and directly compensated. Unfortunately, this led to a complex model that would require administrative tracking as well as potentially creating preserve incentives to sit on certain committees. Returning to the past model of pooled compensation did not feel like an appropriate solution either. The compensation committee does feel that committee work should a paid part of the role, but we could not determine an elegant method or model that would more fairly compensate for council committee roles.

In the community survey several key data points rose to the surface. First that having a diverse group of opinions around the council table is important (90% of responses). Over 60% of responses said that members of council should be paid sufficiently and not just treating their work as a public service or volunteering. The community also identified that part time councillors work - 20-29 hours – which aligns with the part time nature of the role but less with than the self-reported reality. These indicators pointed towards general support for additional remuneration while maintaining the part-time status quo.



Finally, and related, in our conversations with Councillors and Mayor, a clear majority highlighted the increasing hostile nature of the role in the public space. With online threats, harassment, and other concerning and disappointing negative interactions with the community.

For these reasons, the Committee has recommended a one-time increase to annual salary for Councillors to bring them up to \$52,000 per year in 2023. This increase would give consideration to the points above, and provide a simplified solution to acknowledge the work required in the role. This increase would also narrow the Mayor to Council pay ratio.

The proposed alignment with the City of Windsor for the future annualize pay increases would ensure continued competitiveness against the other comparators.

### **Item 3: Benefits**

Benefits are aligned with the City of Windsor, and are comparable to the comparator data. No concerns or issues were raised by The Mayor and the City Councillors expressed general satisfaction with their benefits, and no consistent or large concerns were raised.

### **Item 4: Staffing Support to Mayor and Council**

Although questions were asked during Councillor interviews about staffing support, answers were varied. The voluntary nature of the Council Services support – which was unanimously praised as high quality and effective – creates a challenge determining effective workloads per councillor and the type and quality of work being undertaken. It is quite possible that if all councillors were fully utilizing these staff that there would not be sufficient bandwidth to effectively support all ten. Gallagher report outlines that most comparable municipalities councillors do share support staff. Only one council had a ratio 1 staff person to 1 councillor – who are full time.

Based on the feedback from the public survey, a majority of respondents expect that Councillors will have some form of online presence and that they could use additional staff support. Some councillors echoed that having regular communication channels managed by the City would free up their time for other tasks. We would recommend that the city administer official City Ward social media pages. This would allow for avenues of communications with residents and to share information residents while allowing councillors to maintain private/personal social media channels if they wished. Creating this level of separation could also create some buffer from the online harassment challenges that were described by many members of Council.

Survey feedback on the Mayor's staffing levels were split between being sufficient and too much. We recognize that the Mayor's role is more global than an individual Councillor and additional staffing is required for this. Gallagher found that the Mayor's office was on the higher end with the number of support staff. That being said, the Mayor's staffing level is determined by the overall Mayor's office budget, with our understanding being that staffing subject to the internal allocation within that office.

Given the variability on the responses, and no clear concerns being raised, the Committee has no recommendations at this time for resourcing. We do suggest, however, that data should be gathered to backup a staffing needs assessment. Data points such as how

often council services are solicited by both councillors and constituents and what issues and requests are frequent would provide a much better understanding of where possible future enhanced resourcing is needed.

### **Process enhancements to maintain market competitiveness**

#### **Item 5: The next Committee be struck with additional time and a broader mandate**

The Compensation Committee recognizes that due to the extenuating circumstance of COVID-19 this committee was delayed being struck by 2 years. Given the time constraints of this process and prescribed scope of the process, ensuring that this process is replicated with plenty of lead time to the 2026 election is important.

The compensation committee felt that there were several issue areas that could use additional exploration.

- a. Exploring need to establish Full time Council - including having administration prepare a fully costed estimate of the impacts of full-time council to frame this discussion for the committee and council consideration.
- b. Explore committee compensation model that balances the need for Councillors to stand for positions while ensuring inverse financial incentives do not drive committee membership.
  - a. Also explore the impact of “mandatory” non-council committees like BIAs on councillor workloads and compensations.
- c. An assessment of staff time and support for Councillors and the Mayor in context of workload and the impacts on fair compensation. This includes preparing quantitative data on council service usage prior to the committee being convened.
- d. A ward boundary review to determine whether adjustments to ward boundaries or number of Councillors are needed to balance workloads (no update has been made to ward boundaries since they were established in 2010) and ensure fair compensation in the context of full or part-time council.

### **Other Relevant Observations or Suggestions**

The Committee discussed whether there was one preferred profile for the ideal Councillor, which should be considered in determining the final remuneration. It was concluded that there are many different reasons that people choose to run for this position, and ideally we are attracting a diverse slate of candidates that together represent a diversified City Council. As a result, we did not feel it necessary to establish the role as full time, or to compensate the role at a higher rate, to attract a different candidate pool.

Distribution and balance of workload comments were consistently raised through the process. The information gathered in this review had too many variables, making it difficult to reach any specific conclusions. Future consideration should be given to analysis of ward boundaries, analysis of committee work and potential standardization, and appropriate support staff.

Respectfully submitted,

**Dr Vincent Georgie (Chair)** / Acting Associate Vice-President External – University of Windsor

**Frazier Fathers** / Independent Research Consultant

**Mila Lucio** / Executive Vice-President Human Resources and Social Impact – Green shield Canada

April 7<sup>th</sup>, 2022



**City of Windsor  
Elected Officials Compensation Review  
Final Report  
April 8, 2022**

**Gallagher Benefit Services (Canada) Group Inc.**  
Human Resources & Compensation Consulting  
181 University Ave, Suite 1200  
Toronto, ON M5H 3M7  
Tel: 416.644.6584  
[www.ajgcanada.com](http://www.ajgcanada.com)

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## Appendices

Appendix A – Summary of Council Remuneration Market Survey

Appendix B – Public Consultations On-line Survey Report

Appendix C – Public Consultations – Delegations

## Executive Summary

Remuneration for elected members of a Municipal Council is a complex issue with many divergent opinions, approaches, nuanced data and results. Many citizens hold the view that individuals stand for elected office out of a sense of civic duty and purpose and compensation bears little relevance to their decision to run for office. Anecdotal data from incumbents suggests that the role is much larger than in previous terms or what was anticipated, and while pay is not a primary consideration, there is a limit to what can be deemed public service. Regardless one's stance, the role is a necessary piece of our governance model in Ontario. Remuneration for work should be reasonable, fair, and respectful of public taxpayers as the 'employer'.

The role of Councillor has changed dramatically over the years, now requiring extensive commitment of time to prepare for and participate in meetings, committees and ad hoc working groups, as well as deal directly with constituents on a wide variety of issues. Councillors are dealing with bricks and mortar issues, housing, development, roads, parks and recreation, etc. as well as social and economic issues impacting their communities, including homelessness, economic development, health and safety including most recently the COVID-19 pandemic, and more. The issues are complex and interconnected, involving qualitative and quantitative consideration. Councillors are expected to give each issue due diligence by reviewing, researching, and understanding to make informed decisions that can have short or long term impacts on people, businesses, and the environment.

Access to municipal Councillors has also changed with technology, facilitating the ability to be available 24/7. Constituencies have changed, from impartial interest to highly engaged and informed people, who expect transparency, accountability, availability, more services, and lower costs.

Establishing a level of compensation for these roles is very different than that used for employees of the municipality. Municipalities do not compete against one another for specific talent in the traditional sense, nor do candidates 'apply' for the job on the basis of competitive pay. However, individual who do make the commitment to serve on Council, should have a reasonable expectation to be fairly compensated for time and effort. Council and the community benefits from having diverse group of people that reflects the community itself. While the compensation may not be a primary driving force to attract a diverse pool of candidates it is important to ensure the compensation does not present a barrier to engaging citizens to run for office.

This review draws on other municipalities of similar size and complexity to provide an assessment of equity, and to inform what is within the range of fair and reasonable compensation. Drawing direct comparisons presents challenges as no one municipality is exactly the same as another, and there are many variables that influence the overall compensation package. Despite these variables, the data provides a reasonable level of comparability to inform the analysis.

The observations and recommendations presented also considered feedback provided directly by the public. Engaging the public in this review process has provided insight to what the constituents, including potential candidates, deem to be of value and guide the reasonableness assessment.

There is no easy answer to set the level of remuneration for elected officials. Notwithstanding the challenges, recommendations regarding base remuneration for each of the three roles on the City of

Windsor's Council are presented for consideration, based on comparator analysis and feedback from the public.

## 1. Introduction

Gallagher was engaged by the City of Windsor (the "City") through the Citizen Compensation Review Committee to undertake a comparative analysis of remuneration and other benefits provided to elected officials on the Municipal Council.

Gallagher is a compensation and human resources consulting firm that offers expertise, data and tools for all aspects of total rewards design and management. The firm specializes in compensation design, job evaluation, pay equity compliance, and market reviews for private, public sector and not-for-profit clients.

Gallagher is an independent third party that brings an objective lens to these types of studies without a vested interest in the outcomes of the analysis. The role of the consultants is to advise on best practices, gather data without bias, generate statistical / factual reports, and recommend "appropriate" approaches to achieve outcomes/behaviours. The outcomes highlighted by the committee was to gather data and recommend a fair compensation level for incoming members of Council.

The consulting team was comprised of Jane Mizanski and Domenico D'Alessandro who bring significant experience with compensation design and market studies in the municipal and broader public sector. The assignment began in December, 2021 and concludes with this report.

## 2. Background to the Assignment

The review was initiated to assess the remuneration and related practices for compensating elected individuals who are members of Windsor City Council. The Consultant was to review and provide commentary on the market data relative to the City's practices, and in view of input provided through public consultations, provide recommendations for consideration.

In this custom market study, the findings illustrate what municipalities of similar size and scope consider as fair remuneration for their elected officials. The comparative analysis is then used to inform recommendations to change the City's remuneration practices.

Historically compensation for municipal elected officials was in the form of a nominal stipend or honorarium to ensure the individuals were not 'out of pocket' as they carried out their role and responsibilities. There is a generally held perception among the population that people who seek election to a municipal council are or should be primarily motivated by a duty to public service, and that compensation is not a driving factor. Compensation should not be viewed as income replacement, but rather, reflect the efforts and complexity of the role regardless of who is in it. That said, the role of Mayor and Councillor has grown increasingly complex as the members of Council deal with economic, social and political issues and the impact on the City and constituents they are tasked to represent. Complexity impacts on the time and effort of the members to review, research, understand issues thoroughly and to make informed decisions in Council. Additionally, the constituency in general has become increasingly informed, engaged and have higher expectations for full access to their

representative 24/7. In consideration of the roles and responsibilities of the ‘job’ compensation should be fair and reasonable.

### 3. Project Methodology

The review included quantitative information as gathered through comparator municipalities, as well as qualitative information gathered through the public consultation process.

In consultation with the Citizen’s Committee a comparator group of 16 municipal organizations was identified giving due consideration to various metrics as an indication of similar size, scope of services, geographic similarities including international borders, as well as historical comparators used in previous market reviews. Twelve (12) of the 16 municipalities consented to participate in the review and shared their compensation and administration practices for elected officials. The municipalities of Burlington, Kingston, Oakville and Sarnia did not respond.

The comparator group includes municipal organizations that are part of regional government structures, wherein the Mayor participates on both city council and regional council. The City of Windsor is a separated city that oversees many of the services provided at a regional level.

Listed in ascending order of population:

Municipal Comparator	Population 2021	Population % change 2016 to 2021	Households 2021	Land area in square km 2021	Population density per square km 2021	Taxation Own Purposes 2019 (FIR)	Full Time Employees
Chatham-Kent <sup>^</sup>	103,988	2.3	46,752	2,452	42	\$156,536,514	1,380
Thunder Bay <sup>^</sup>	108,843	0.9	50,995	328	332	\$184,525,643	2,042
St. Catharines	136,803	2.8	61,977	96	1,422	\$107,976,166	838
Guelph <sup>^</sup>	143,740	9.1	59,746	87	1,644	\$243,820,456	1,297
Barrie <sup>^</sup>	147,829	4.5	57,276	99	1,493	\$237,299,855	901
Greater Sudbury <sup>^</sup>	166,004	2.8	75,967	3,186	52	\$274,792,319	2,032
Oshawa	175,383	10	69,324	146	1,204	\$142,091,513	775
<b>Windsor<sup>^</sup></b>	<b>229,660</b>	<b>5.7</b>	<b>99,803</b>	<b>146</b>	<b>1,573</b>	<b>\$331,807,875</b>	<b>2,816</b>
Kitchener	256,885	10.1	103,388	137	1,878	\$126,330,080	1,169
London <sup>^</sup>	422,324	10	186,409	421	1,004	\$622,509,346	3,246
Hamilton <sup>^</sup>	569,353	6	233,564	1,118	509	\$897,098,666	6,710
Brampton	656,480	10.6	189,086	266	2,469	\$483,582,268	3,746
Mississauga	717,961	-0.5	254,089	293	2,453	\$512,581,213	5,008
<i>average</i>	<i>300,466</i>	<i>6</i>	<i>115,714</i>	<i>719</i>	<i>1,209</i>	<i>\$332,428,670</i>	<i>2,429</i>
<i>median</i>	<i>170,694</i>	<i>5.3</i>	<i>72,646</i>	<i>279</i>	<i>1,313</i>	<i>\$240,560,156</i>	<i>1,706</i>

<sup>^</sup> denotes separated/city status municipalities

Statistics are sourced from Stats Canada 2021 Census and Ministry of Municipal Affairs, Financial Information Returns (FIR). Average and median calculations exclude the City of Windsor.



The Consultant developed a survey questionnaire to capture comparator information in regards to base remuneration, per diems, eligible expenses, benefits and support resources. The responses were collated and summarized for comparative purposes.

The 2021 comparative summary analyses of the survey is included as **Appendix A**.

The Citizen's Committee also completed a public consultation process that included two (2) meetings with five (5) delegations, and posted an on-line survey with 114 respondents. The results of these public consultations are included as **Appendix B**.

## 4. Summary of Observations

### I. Market Study

#### **Definitions:**

50<sup>th</sup> Percentile (P50): Represents the point below which 50% of the data points lie, and is typically referred to as the median of the comparator market.

The average of the market comparator data is provided for information but is not used to formulate recommendations as the statistic can be skewed by one or two outlier data points among the comparators.

Competitive/Alignment to the Comparator Organizations: Where the gap to market is  $\pm 5\%$ , the City is considered to be aligned to the comparator market. A positive (+) result indicates the percentage gap the City's remuneration rates are on aggregate below the comparator result. A negative (-) result indicates the City's statistic is above the comparator market.

#### **Data Variables:**

While every effort is used to ensure accurate and robust data through the survey questionnaire, the information does not always support a direct comparison in all instances. A number of variables can contribute to the differences in overall base remuneration. For example, Standing Committees and required membership varies across the comparator group; meeting duration or the complexity of the agenda items that would influence the degree of pre-read and preparation; and part-time status can range from an estimated 20 to 32 hours per week.

#### **Base Remuneration**

Remuneration is generally understood to compensation individuals for performing core duties that includes preparing for and attending / chairing Council and Committees meetings, and responding to their constituents.

#### **Mayor**

All comparator municipalities designate the role of Mayor as full time. Compensation paid to Mayors for their required participation in regional governance is illustrated in the chart below. Separated cities/city status municipalities such as the City of Windsor, oversee services and programs that are often addressed at the regional level, and therefore remuneration for total municipal governance responsibilities are included in the comparative analysis.

Mayors and Councillors may also be appointed to various boards and agencies within their jurisdictional area.

The remuneration illustrated in the table below reflects base, base plus regional pay, and identifies those situations where the remuneration is known for various appointments to boards and agencies to arrive at total compensation.

**Rank Order Total Remuneration - Mayor**

Municipality	Base	Regional Gov't Remuneration	Total \$\$ for Role of Mayor	Additional Agency/Board Honorarium	Honorarium from	TOTAL Compensation
Thunder Bay^	\$93,816	\$0	\$93,816	\$3,115	Police Services Bd	\$96,931
Chatham-Kent^	\$112,908	\$0	\$112,908	\$0	no additional remuneration	\$112,908
London^	\$142,188	\$0	\$142,188	\$0	no additional remuneration	\$142,188
St Catharines	\$116,418	\$30,204	\$146,622	\$0	unknown if other board payments	\$146,622
Guelph^	\$157,844	\$0	\$157,844	\$0	no additional remuneration	\$157,844
Kitchener	\$107,610	\$45,269	\$152,879	\$9,296	KW Hydro & Kitchener Power Corp Bds	\$162,175
Barrie^	\$121,366	\$0	\$121,366	\$48,750	Alectra Inc - Appointed by the Board	\$170,116
Greater Sudbury^	\$176,781	\$0	\$176,781	\$0	no additional remuneration	\$176,781
Oshawa	\$129,910	\$58,073	\$187,983	\$0	unknown if other board payments	\$187,983
<b>Windsor^</b>	<b>\$199,167</b>	<b>\$0</b>	<b>\$199,167</b>	<b>\$0</b>	<b>no additional remuneration</b>	<b>\$199,167</b>
Brampton	\$146,820	\$60,012	\$206,832	\$0	unknown if other board payments	\$206,832
Hamilton^	\$193,688	\$0	\$193,688	\$41,250	Alectra Utilities Board Appointment	\$234,938
Mississauga	\$144,295	\$60,012	\$204,307	\$42,953	Alectra Utilities - City appointed director	\$247,260
<i>Median</i>	<i>\$136,049</i>		<i>\$155,362</i>			<i>\$166,146</i>
<i>Average</i>	<i>\$136,970</i>		<i>\$158,101</i>			<i>\$170,215</i>

*Separated City/City Status^*

**Deputy Mayor**

There are three (3) municipalities that provide specific compensation for individuals assuming the role of Deputy Mayor. In all three instances, the rate was approximately \$5,000 over and above that of the Councillor remuneration.

**Councillor**

Of the 12 comparators, eight (8) designate the role of Councillor as a part time position and four (4) have full time incumbents. The definition of part time can vary widely from 20 hours per week up to 32 hours per week. The Councillor base remuneration at the City is aligned to the median of all comparators (1.7% above), but trends above the market median at 13.7% when compared to only part time roles (n=8).

Where there is a regional governance structure, a Councillor or Deputy Mayor may sit on Regional Council as well as the Mayor. As the remuneration would not apply to all Councillors the regional pay has not been included for comparative purposes.

**Rank Order Councillor Base Remuneration - Full time and Part time**

<b>Municipality</b>	<b>Population</b>	<b>All Councillors</b>	<b>Part time Only</b>	<b># Councillor*</b>
St Catharines City	136,803	\$24,932	\$24,932	12
Thunder Bay City	108,843	\$30,841	\$30,841	12
Chatham-Kent Mun	103,988	\$32,846	\$32,846	17
Barrie City	147,829	\$39,404	\$39,404	10
Guelph City	143,740	\$41,412	\$41,412	12
Greater Sudbury City	166,004	\$44,568	\$44,568	12
<b>Windsor</b>	229,660	\$46,898	\$46,898	10
Oshawa City (FT)	175,383	\$47,674		10
London City	422,324	\$52,725	\$52,725	14
Kitchener City	256,885	\$55,362	\$55,362	10
Mississauga City (FT)	717,961	\$91,700		11
Brampton City (FT)	656,480	\$94,938		10
Hamilton City (FT)	569,353	\$103,742		15
<b>Median</b>	<b>170,694</b>	<b>\$46,121</b>	<b>\$40,408</b>	<b>12</b>
<i>Notes:</i>				<i>* excludes</i>
<i>FT = full time</i>	<i>Median excludes Windsor</i>		<i>Mayor</i>	

There does not appear to be any correlation between the size / number of Councillors and the rate of pay, as illustrated in the table below where Chatham Kent and Hamilton have the larger number of Councillors but the pay is among the lowest and highest respectively.

**Pay Relationship**

Salary differential between the Mayor pay and Councillor reflects the municipality’s recognition of the larger role of Mayor. It is similar to the salary progression used in staff pay structures whereby the vertical spread between one pay band and the adjacent band should be sufficient to acknowledge the additional scope and responsibilities as you move up the hierarchy.

The differentials of comparators and the City are illustrated in the table below, in rank order of percent difference.

**Salary Differential Councillor to Mayor**

<b>Municipality</b>	<b>Mayor</b>	<b>Councillor</b>	<b>Councillor Status &amp; #</b>		<b>% Diff</b>
Brampton City	\$206,832	\$94,938	FT	10	118%
Hamilton City	\$234,938	\$103,742	FT	15	126%
Mississauga City	\$247,260	\$91,700	FT	11	170%
London City	\$142,188	\$52,725	PT	14	170%
Kitchener City	\$162,175	\$55,362	PT	10	193%
Thunder Bay City	\$96,931	\$30,841	PT	12	214%
Chatham-Kent Mun	\$112,908	\$32,846	PT	17	244%
Guelph City	\$157,844	\$41,412	PT	12	281%
Oshawa City **	\$187,983	\$47,674	FT	10	294%
Greater Sudbury City**	\$176,781	\$44,568	PT	12	297%
<b>Windsor</b>	<b>\$199,167</b>	<b>\$46,898</b>	<b>PT</b>	<b>10</b>	<b>325%</b>
Barrie City**	\$170,116	\$39,404	PT	10	332%
St Catharines City	\$146,622	\$24,932	PT	12	488%
<i>** Cities with Deputy Mayor role</i>					
<i>FT - Full time Councillor; PT = Part time Councillor</i>					

**Salary Administration**

Once base remuneration rates are established it is important to ensure the pay is adjusted in consideration of general inflation/cost of living. Salary administration practices across the municipal sector, and confirmed among this specific comparator group, include an annual review of base pay for cost of living or economic adjustments. The most predominant practice aligns the adjustments to that allocated to Municipal staff. In addition to annual reviews, only 1/3 of the comparators have a formal policy to review their Council remuneration by-law against a defined market group. This is lower than what we typically see across the sector.

Best practices would suggest a market based compensation review for non-union positions once every four years, including the remuneration for elected officials. Furthermore, the review is typically completed in the 3<sup>rd</sup> or 4<sup>th</sup> year of Council’s term wherein changes are implemented in the new term/incoming Council.

**Workload Requirements**

The time requirements to attend to constituency matters and or attend public events and training workshops was deemed to be contingent upon the individual official and the circumstances of their specific ward and as such, is not measured in the survey analysis. Rather the survey looked to core business requirements of each member of council to attend Council and Standing Committee meetings as a common basis for pay. However, the variables in defining Standing Committees versus ad hoc versus sub-committees and working groups, and the practice of referring issues to committee versus the council, make it difficult to correlate to pay with any degree of accuracy.

Notwithstanding these variables, all members of council are expected to attend meetings of Council, and are assigned to a number of Standing Committees. Council meetings can be full day or half day (up to 4 hours); more than half of the comparators typically schedule ½ day Council meetings (n=7), but the agenda items would prevail over the time scheduled, as needed. Councils typically meet bi-weekly. The City practices are aligned to the comparator organizations in this regard.

Comparators were also asked to comment on the level of participation required of their members to sit/chair standing committees of Council as well as sub-committees, working groups, ad hoc and advisory committees. Although there is some deviation, most municipalities indicate each council member is assigned to 2 to 4 Committees of Council. The City of Windsor officials are assigned to three (3) Standing Committees as well as a variety of advisory boards, Ad hoc Committees or working groups which is higher than that of the comparator group. On a comparative basis overall, the City of Windsor officials spend more time and are required to attend more meetings, and by extension, the time required to prepare for each, than the general comparator data suggests.

There is no additional compensation for these meetings or committee work either at the City or among the comparators.

### **Expenses/Allowances/Benefits**

Municipalities reimburse members primarily for travel expenses incurred while on council business. Payment is in the form of an allowance, per kilometer, or a vehicle is provided. The City of Windsor Mayor receives an annual vehicle allowance of \$9,000 which is higher than the median of the five (5) comparator observations. Four municipalities provide a vehicle allowance to Councillors, two of which are significantly high at approximately \$17,500 per annum. The City reimburses Councillors for their travel on a per kilometer basis using the Canada Revenue Agency rate (currently \$0.61 /km), however this is an allowable expense only for required travel for conferences outside of the County of Essex boundaries. Where comparators do reimburse mileage, the rate is lower at \$0.53/km.

All comparators offer life insurance, health and dental coverage, with all but one comparator at no cost to the member; one (1) comparator offers health and dental but the member is responsible for the premium payments.

### **Resourcing and Supports**

Municipalities typically provide technology assets (laptop, cell phone) or a stipend towards the purchase thereof. Where provided the assets are generally returned to the municipality at the end of the Council term. The City of Windsor is generally aligned to municipal practice providing laptops and cell phones. As of the new term of Council (2022) the City will procure all assets and peripherals (excluding printers) to facilitate remote support services from the City's technology staff. The City provides each member of Council with a cell phone, inclusive of the data plan expenses. At least four (4) comparators also consider internet/cell data plans to be allowable expenses within their discretionary budgets.

Administrative support is available to members of council within the comparators: the Mayors typically include a full-time Executive Assistant and Administrative Support staff, while Councillors share support services. Only one municipality has a ratio of one support person per Councillor. The City has two support resources available to the 10 Councillors, while the Mayor has up to five support staff.

## II. Public Consultation

The full survey results are attached as **Appendix B**.

The public survey responses inform the review process by identifying what the constituents expect of their council members. A total of 114 individuals responded to the on-line survey questionnaire, and five delegations were presented in person/virtually over two sessions. The survey respondents self-declared their age group which reflects 45% of the respondents between 30 and 49 years of age and 45% over the age of 50. Questions captured perspectives on what the priority tasks should be, availability and access to the members, as well as pay, benefits and administrative support services.

Following is a general summation of the public position.

### 1. Diversity/representation:

Public agrees overwhelmingly that it is important to very important to have a wide variety of voices and perspectives around the council table. To attract this diverse representation it is important that pay is reasonable (62%), however there is still a strong belief that public service/duty is a strong consideration. The changed start time of Council meetings is considered a barrier to attracting younger candidates (65%).

### 2. Councillor Specific:

**Role and Time Commitments:** The Councillors areas of focus should include attending Council and related meetings and heavy emphasis on attending to constituency issues. Thirty-three percent (33%) of respondents perceive the role of Councillor as part time, requiring 20 to 29 hours per week while 35% estimate the role requires between 30 to 49 hours per week. This is supported with 40% indicating the pay should be higher in consideration of the hours/part time status. However, when asked if the role should be full time or part time, the respondents are equally divided (46% full time, 51% part time). The variations on the perceived time commitments can be attributed in part to the respondent's own representative, the ward issues, and the member's degree of active engagement in committees and other issues based meetings.

**Availability/Access:** Constituents expect their representative to respond to enquiries within 1 – 3 business days; and, that social media presence is an important tool to keep residents informed and engaged.

**Pay:** Perception among the respondents is that the current rate of pay for Councillor is appropriate (39%) while a slightly larger group suggest the rate should be higher (40%).

### 3. Mayor Specific:

**Role and Time Commitments:** The Mayor is expected to focus on attending Council and related meetings as well as promoting the City; in contrast to the Councillor role, the constituency representation and access is lower for Mayor. Public perception appears to acknowledge the role is more than a 40 hour work week (55%).

**Availability/Access:** There is a strong expectation (74%) that the Mayor responds within 1 – 3 business days to enquiries; and that social media presence is important.

**Pay:** Fifty-four percent (54%) of respondents felt the Mayor’s salary should be lower than the current rate, and 35% suggest maintaining the current level is appropriate.

#### **4. Salary Administration:**

Respondents were asked to comment on how base remuneration levels should be determined and how often they should be reviewed. The responses were inconclusive on the target pay policy and comparator basis, but trended towards a base salary plus per diem for boards and committees (29%). There is strong support for reviewing the salary every term of Council by the outgoing members (54%), but annual cost of living adjustments provided mixed results (46% yes, 48% no).

#### **5. Tools/Resources:**

Respondents tended to agree (57%) that members should have access to vehicle allowance/transit pass, cell phone and laptop to support their roles and access to constituents. Based on supplementary comments, this support may have been higher if the issue of vehicle allowance was distinguished from transit pass.

The City of Windsor Council Services supports Councillors with two (2) full-time support positions and the Mayor with five (5) positions. Respondents identify this as an imbalance (50% believe Councillors should have more).

### **III. Overall Summary of Observations:**

The base remuneration for the City of Windsor Council Mayor and Councillor is at or above the market median. The market data is validated with the comments and responses from the public wherein the general perception is that the Councillors are generally paid appropriately or trend towards low, while the Mayor salary is strongly viewed as high.

The Councillor role and remuneration presents a dilemma both from the market and public opinion reviews, in that there is strongly held belief that the role is and should remain part-time while at the same time recognizing incumbents work well in excess of the traditional 20 to 30 hours per week range. The time commitment required to fulfill the duties is referenced in the broader municipal sector as a significant barrier to attracting younger candidates who are often in the midst of their full time career and or family care responsibilities. Acknowledging the work and time commitment however does not correlate to strong support to increase the pay. As an alternative the public consultation included direct and indirect suggestions to address the workload, including providing more administrative support to each Councillor and lower priority expectations to attend Regional Board meetings, attend municipal events and travel to other cities/conferences.

The City’s administrative practices to maintain the base remuneration with annual adjustments and a more robust market assessment once per term of Council is aligned to the general practice in the municipal sector. However the public is less supportive of annual cost of living adjustments.

The workload, using number of required attendance at Council and Committee meetings as a minimum level of engagement, is high for the City Mayor and Councillors relative to the comparators.

The City is competitive in regards to making insured benefits and other insurance available to members, and provides similar level of technology and administrative support.

### **Additional Consideration / Per Diem Approach:**

The use of a per diem as remuneration for specific Committee roles (chair/member) and other sub-committees or working groups is not available across the comparator group or at the City of Windsor. A stipend or per diem approach is used in some municipal upper tier and lower tier organizations in lieu of higher base salaries and has the effect of remunerating those members of council for higher level of engagement/effort. The per diem could be applied to specific committees or to a set threshold wherein base salary accommodates base expectations (12 Council meetings and x Committee Meetings per year) and meetings in excess of this are compensated with a per diem.

There are some disadvantages of this approach includes higher administration burden on the Clerk's Office to track attendance, and defining attendance as presence for the full meeting or whether attendance for a portion of the meeting is payable; requires a policy/bylaw to define which committees are eligible and the rationale for inclusion or exclusion of other meetings; and finding the 'right' rate for the per diem to be fair and equitable. This approach would warrant further research if the City Council considers it a viable option.

## **5. For Consideration**

The Consultant was tasked to provide observations regarding the remuneration, expenses and administrative practices as pertains to the roles of Council, and as compared to municipalities of similar size and scope.

The following recommendations are presented for the Citizens Compensation Review Committee's consideration to ensure the City provides a compensation package that can be considered fair and equitable, that may be considered sufficiently robust to engage a broader range of citizens to stand for public office, while being mindful of ability to pay.

1. Maintain the 2022 base remuneration for Mayor and Councillor.
2. Apply economic adjustments beginning with 2023 to Councillor pay equal to that provided to non-union staff at the City.
3. Maintain the Mayor's salary at 2022 rate for the duration of the term of 2022 to 2026 council.
4. Continue to conduct an external market review once per term of Council to assess comparability of base remuneration and other practices and maintain external equity.
5. Based on a needs assessment, consider rebalancing the administrative support staff to provide the Councillors with at least three (3) staff, an increase of 1 shared resource, reducing the Mayor's staff complement from five (5) to four (4).




## 6. Conclusions

This report outlines the process used to complete the market analysis and provide the foundation for observations and actions for consideration.

We appreciate the opportunity to work with the Citizen Compensation Review Committee and the City. We look forward to providing any future assistance you may require in maintaining your compensation program.

Yours very truly,



Jane Mizanski  
Senior Consultant



Domenico D'Alessandro  
Managing Director

## **Appendix A**

### **Summary of Council Remuneration Survey**

Council Remuneration Survey	City of Windsor	Comparator Organizations (12 responses) <i>(-) = % above market; +% = % below market</i>			
		Average	% diff	Median	% diff
<b>General Information</b>					
Population 2021 Stats Canada Census	229,660	300,466	+30.8%	170,694	(25.7%)
Council size	11	13	+18.9%	13	+18.2%
Population per Council Member	20,878	24,857	+19.1%	15,944	(23.6%)
<b>2021 Annual Base Salary</b>					
<b>Head of Council (Mayor/Warden)</b>					
Full-time / Part-time status	Full-time	All full time status (n=12)			
# Hrs / Week on average	35	36	+2.9%	35	+0.0%
Base Salary per annum	\$199,167	\$136,970	(31.2%)	\$136,049	(31.7%)
Base Salary including regional pay	\$199,167	\$158,101	(20.6%)	\$155,362	(22.0%)
Total Compensation	\$199,167	\$170,215	(14.5%)	\$166,146	(16.6%)
<b>Deputy Mayor / Warden</b>					
Base Salary per annum	N/A	\$48,993		\$49,597	
only 3 comparators have a designated role of Deputy Mayor; in all cases, the DM pay is approximately \$5,000 above Councillor					
<b>Councillor</b>					
Full-time / Part-time status	Part-time	Part Time n=8 / Full Time n = 4			
# Hrs / Week on average	hours vary by Councillor	hours vary by Councillor			
Base Salary - (all comparators)	\$46,898	\$55,050	+17.4%	\$46,121	(1.7%)
Base Salary - (PT only 8 comparators)	\$46,898	\$40,318	(14.0%)	\$40,408	(13.8%)
<b>Salary Administration</b>					
Are Council salaries adjusted annually?	Yes	All comparators adjust base pay annually			
Basis for adjustment	Staff increase	Annual Adjustments aligned to staff n=8; Other Basis - CPI or Labour Index n=3 no response n=1			
Market assessment	Yes, once per term of council by Citizen Compensation Committee	4 comparators have an established practice to benchmark council remuneration once per term of council completed by Citizen Committee (n=3) or external consultant (n=1) Only 1 comparator has a defined pay policy of P55			
<b>Additional Compensation</b>					
What is the approximate # of Council meetings held per year	24	20	(16.7%)	21	(12.5%)
Are Council meetings typically 1/2 day or a full day?	1/2 day plus	1/2 day (less than 4 hours) n=7; full day n=4; 1 no response			
Approximate # of <b>Special Council</b> meetings per year	6	5	(19.0%)	4	(33.3%)
Estimate the total number of Committees that a member might reasonably be expected to hold membership on? (e.g. each member sits on a minimum of 2 Committees of Council)	Each member sits on a minimum of 7 committees	primarily 2 - 4 standing committees of council, in addition to sub-committees, working groups and ad hoc advisory groups			
Approximate # of <b>Committee</b> meetings per year per	233	82	(65.0%)	67	(71.5%)
<b>Training and Conferences:</b>					
Do members receive a per diem (full / half day) when attending a conference/workshop/other training event?	No	2 comparators provide a specific per diem for time attending conferences/workshops (\$120/\$90 per day)			

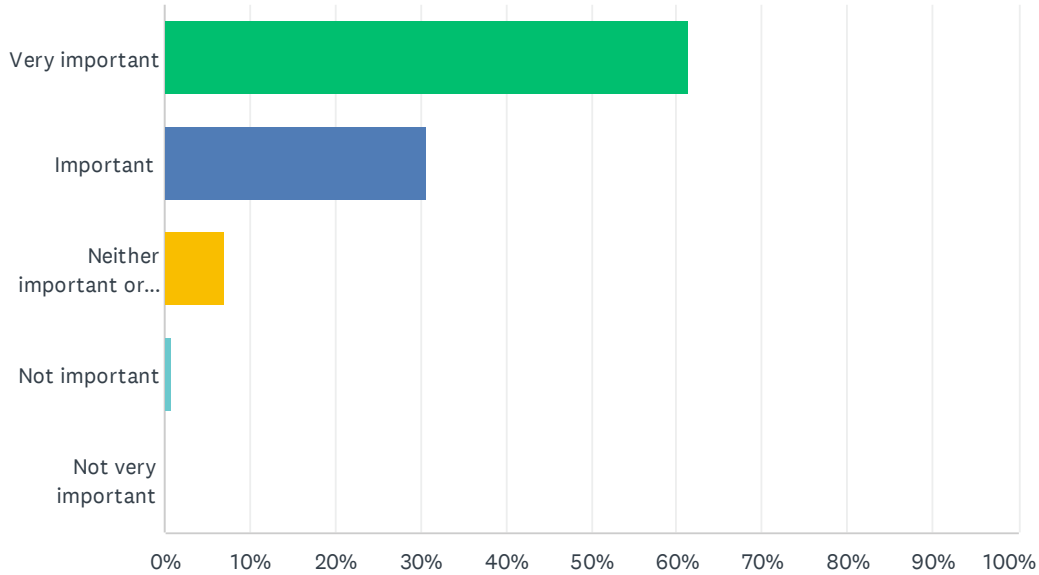
Council Remuneration Survey	City of Windsor	Comparator Organizations (12 responses) (-) = % above market; +% = % below market			
		Average	% diff	Median	% diff
<b>Car / Travel Allowances</b>					
Do members receive a monthly or annual allowance for purchase/lease/use of personal vehicle for council business?	Mayor: Y Councillor: N	Mayor Allowance Yes n=5 Vehicle provided to Mayor n= 3			
Vehicle allowance for Mayor	\$9,000	\$5,398	(40.0%)	\$5,400	(40.0%)
Vehicle allowance for Councillor	No	\$9,782	n=4	\$9,702	n=4
Do members receive mileage allowance ?	No	1 comparartor offers Councillors the choice of per km or payment of \$100/week			
Mileage/Kilometer reimbursement rate: \$/km	\$0.61	\$0.54	(11.1%)	\$0.53	(13.1%)
Do members receive paid parking at the municipal office? Y/N If yes, what is the approximate value of the parking?	Yes, they receive City Wide passes	5 comparators offer paid parking, average value of \$907/year; median value of \$525 / year			
<b>Benefits Provisions - Please describe the insured and other benefits available to members of Council</b>					
Life Insurance; Extended Health and Dental; premium cost sharing	Y	Comparators offer Life insurance and extended Health and dental - all at 100% premiums paid by employer, except 1 where Councill premiums are paid by councillor			
<b>Office Administration and Technology Assets</b>					
Laptop/ipad or equivalent technology is provided by the municipality	Yes	all but 2 comparators provide technology assets or funds to purchase			
Cell Phone is provided by the municipality	Yes	only 1 comparator does not provide cell phones to members			
Is the asset returned, gifted or option to buy out at end of term? Please specify	Cell Phones are returned	7 require the assets to be returned			
Do members receive a monthly allowance / stipend toward the cost of internet service? Cell phone service/data plan? If yes, what is the monthly amount \$\$.	Mayor: N/A (Provided at office; cell phone provided). Councillor: N	Allowed to expense the monthly fees as part of their budget n=4; monthly n=2 (\$208, \$40)			
Does the municipality provide office space for the members - please explain.	Yes - Shared office space is provided	Mayor Only - n=2; All have space - varies from office to 6 lounge/meeting space n=6			
Does the municipality provide office support services such as administrative, marketing, calendar management, other; please describe e.g. full time, shared resource, etc.	2 full time Council Assistants 2/11	Councillors # staff / # members: (5/15; 2/11; 1/11; 13/13)			
Do members receive reimbursement for office administration or communications/marketing expenses? Please describe \$\$, conditions, limits, etc.	No - other than items produced internally	Discretionary budget n=5			

## **Appendix B**

### **Public Consultations On-line Survey Report**

# Q1 How important is having a diverse and wide perspectives around the council table?

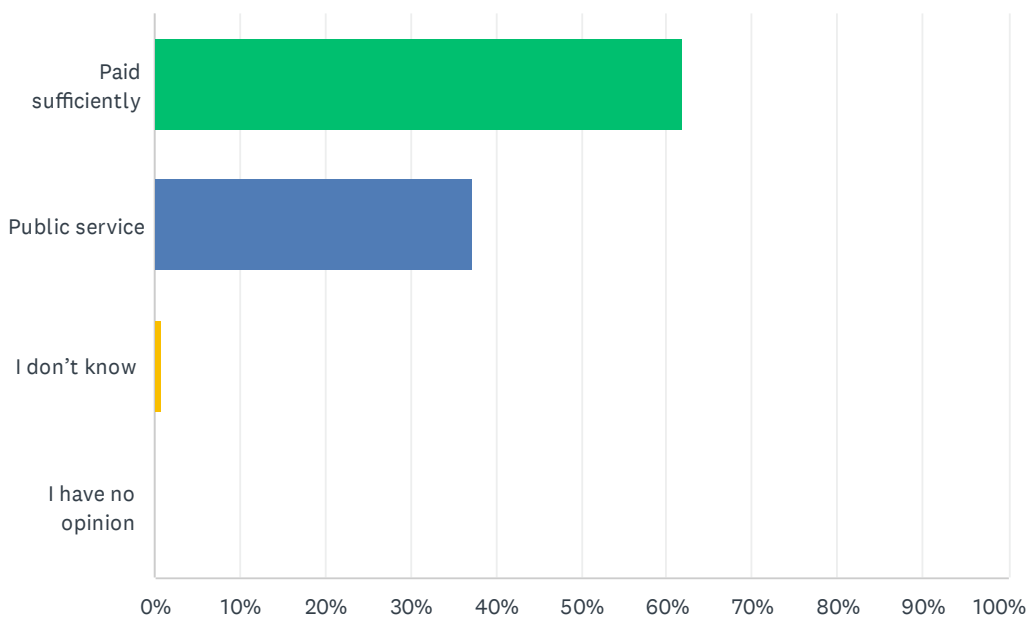
Answered: 114 Skipped: 1



ANSWER CHOICES	RESPONSES	
Very important	61.40%	70
Important	30.70%	35
Neither important or not important	7.02%	8
Not important	0.88%	1
Not very important	0.00%	0
<b>TOTAL</b>		<b>114</b>

Q2 According to a 2018 report by the Association of Municipal Managers, Clerks and Treasurers of Ontario (pg 6) states: “ that limited remuneration and the level of commitment required to serve on council are both barriers to attracting younger and more diverse candidates to run for seats on municipal council”. Should elected officials be paid at a level to ensure that candidates of all walks of life are able to run for council/mayor and support themselves and/or their family or should the role be considered a public service?

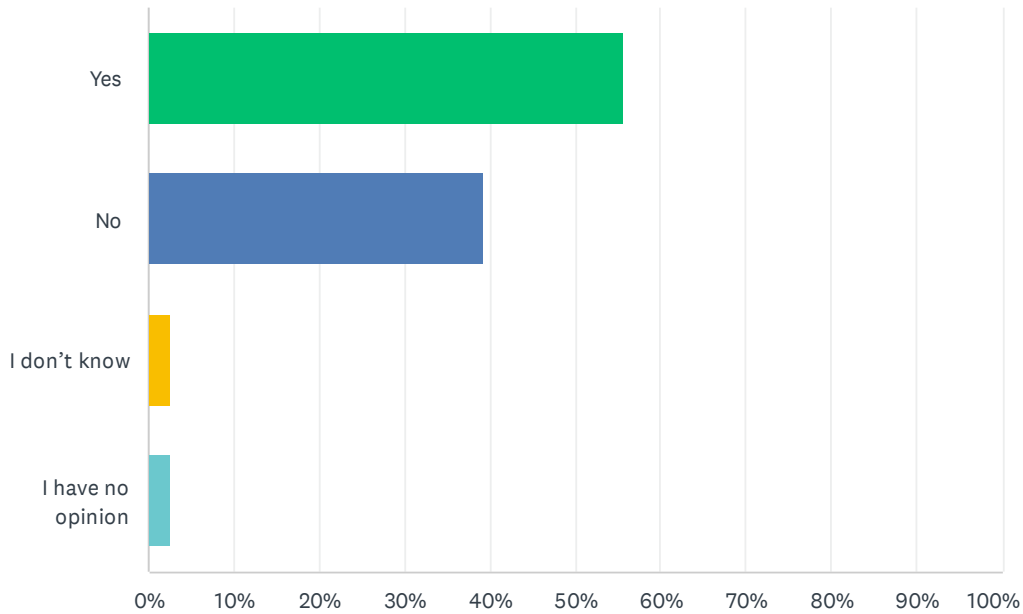
Answered: 115 Skipped: 0



ANSWER CHOICES	RESPONSES
Paid sufficiently	61.74% 71
Public service	37.39% 43
I don't know	0.87% 1
I have no opinion	0.00% 0
TOTAL	115

Q3 Should the City provide additional benefits to the Mayor and City Councillor to ensure they are available to engage residents and support their work such as paying for a vehicle allowance/transit pass, cell phone, laptop and internet access.

Answered: 115 Skipped: 0

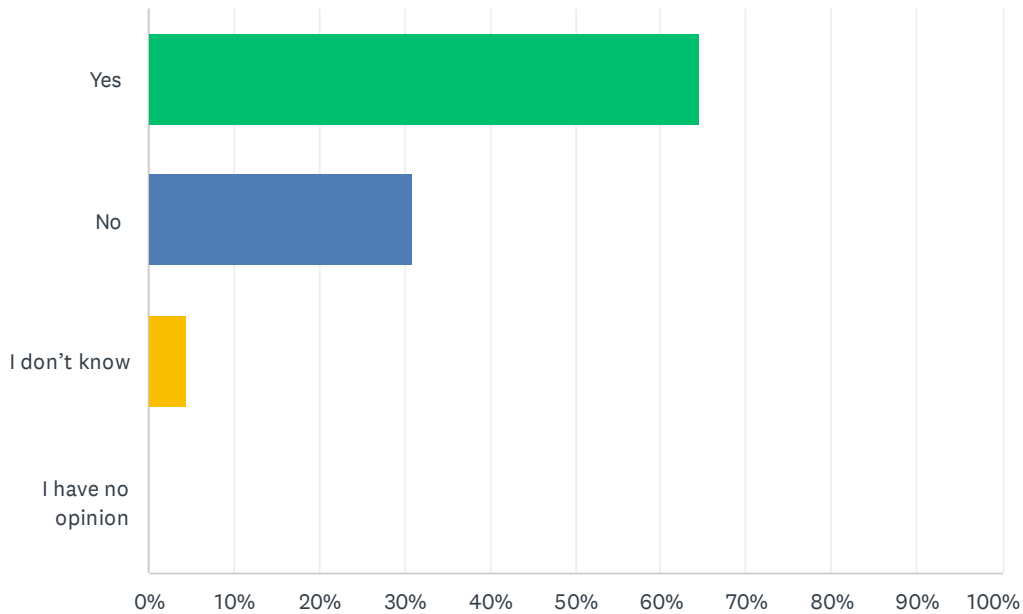


ANSWER CHOICES	RESPONSES	
Yes	55.65%	64
No	39.13%	45
I don't know	2.61%	3
I have no opinion	2.61%	3
<b>TOTAL</b>		<b>115</b>



Q4 In 2022, as a part of a new pilot project for Hybrid Council meetings, meetings will begin at 4pm. Pre-COVID meeting were traditionally held in the evening hours often starting at 6pm. Do you believe that an early day council schedule will create additional barriers for potential candidates to run for council or mayor?

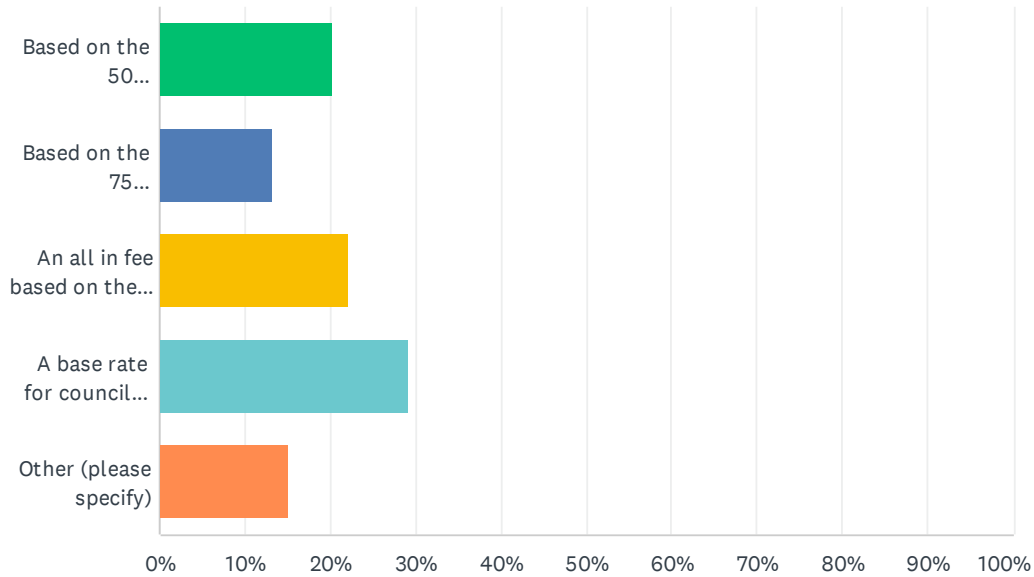
Answered: 113 Skipped: 2



ANSWER CHOICES	RESPONSES	
Yes	64.60%	73
No	30.97%	35
I don't know	4.42%	5
I have no opinion	0.00%	0
<b>TOTAL</b>		<b>113</b>

## Q5 How do you feel the Mayor and City Councillors pay should be calculated?

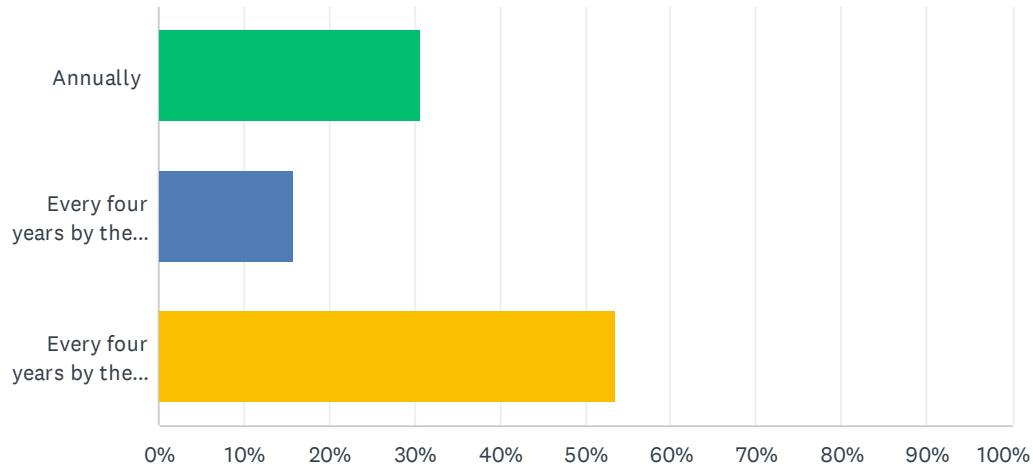
Answered: 113 Skipped: 2



ANSWER CHOICES	RESPONSES	
Based on the 50 percentile/average salary in Windsor	20.35%	23
Based on the 75 percentile/average salary in Windsor	13.27%	15
An all in fee based on the 50th percentile/average of comparator municipalities	22.12%	25
A base rate for council duties and additional amounts for each board and committee served on	29.20%	33
Other (please specify)	15.04%	17
<b>TOTAL</b>		<b>113</b>

## Q6 How often do you believe the pay for the Mayor and Councillors should be reviewed?

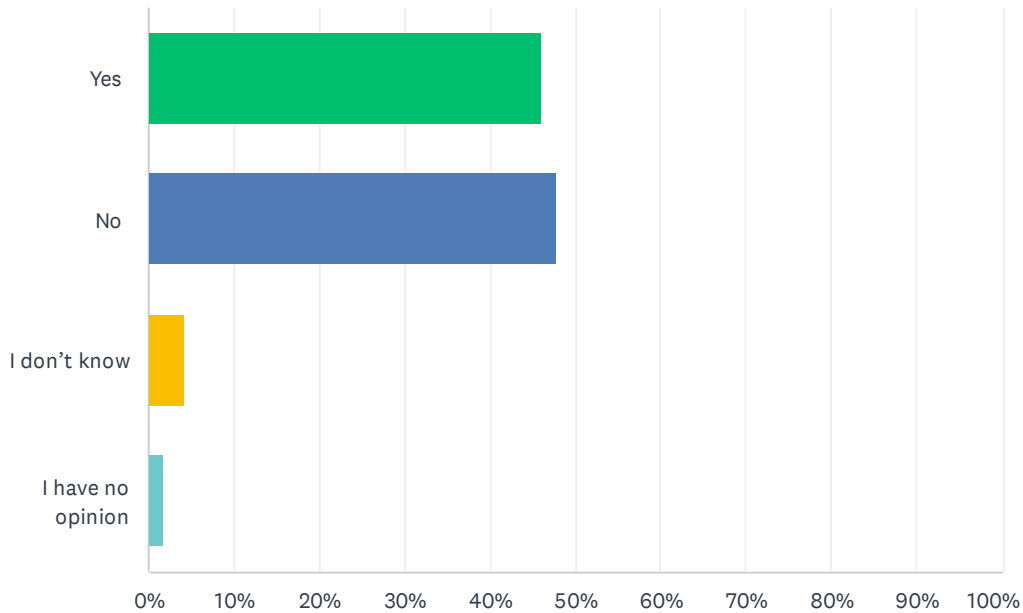
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ANSWER CHOICES	RESPONSES	
Annually	30.70%	35
Every four years by the incoming council	15.79%	18
Every four years by the outgoing council	53.51%	61
<b>TOTAL</b>		<b>114</b>

### Q7 Do you believe pay for the Mayor and Council should be tied to an annual standardized mechanism that automatically calculates increases or decreases (ie cost of living)?

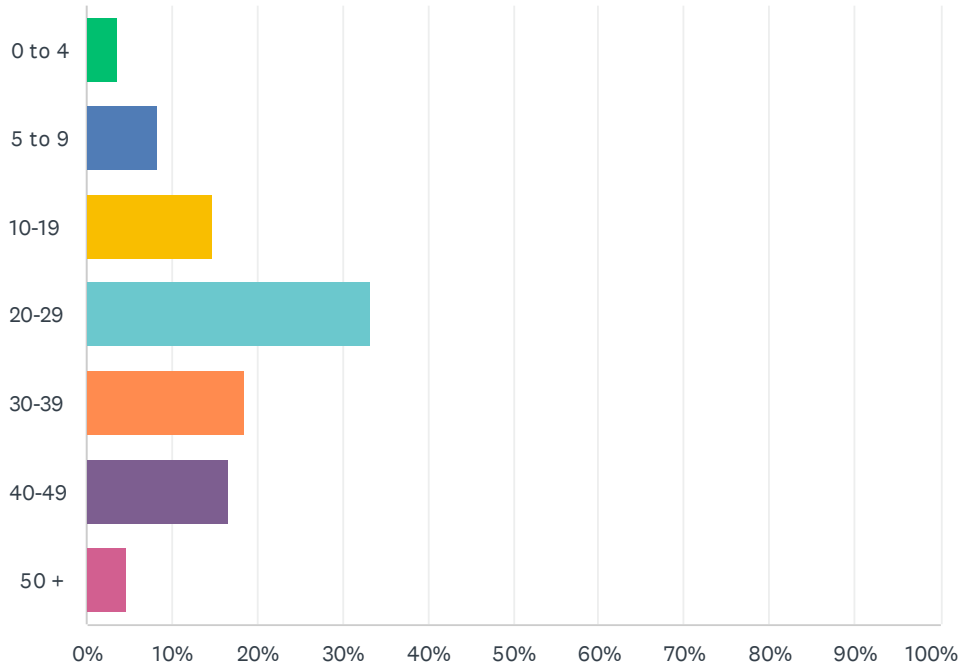
Answered: 115 Skipped: 0



ANSWER CHOICES	RESPONSES	
Yes	46.09%	53
No	47.83%	55
I don't know	4.35%	5
I have no opinion	1.74%	2
<b>TOTAL</b>		<b>115</b>

**Q8 Please estimate how many hours of work you believe a City Councillor works on City related business (preparing for meetings, answering constituent’s questions, attending various standing committees and council meeting etc.) in a typical week?**

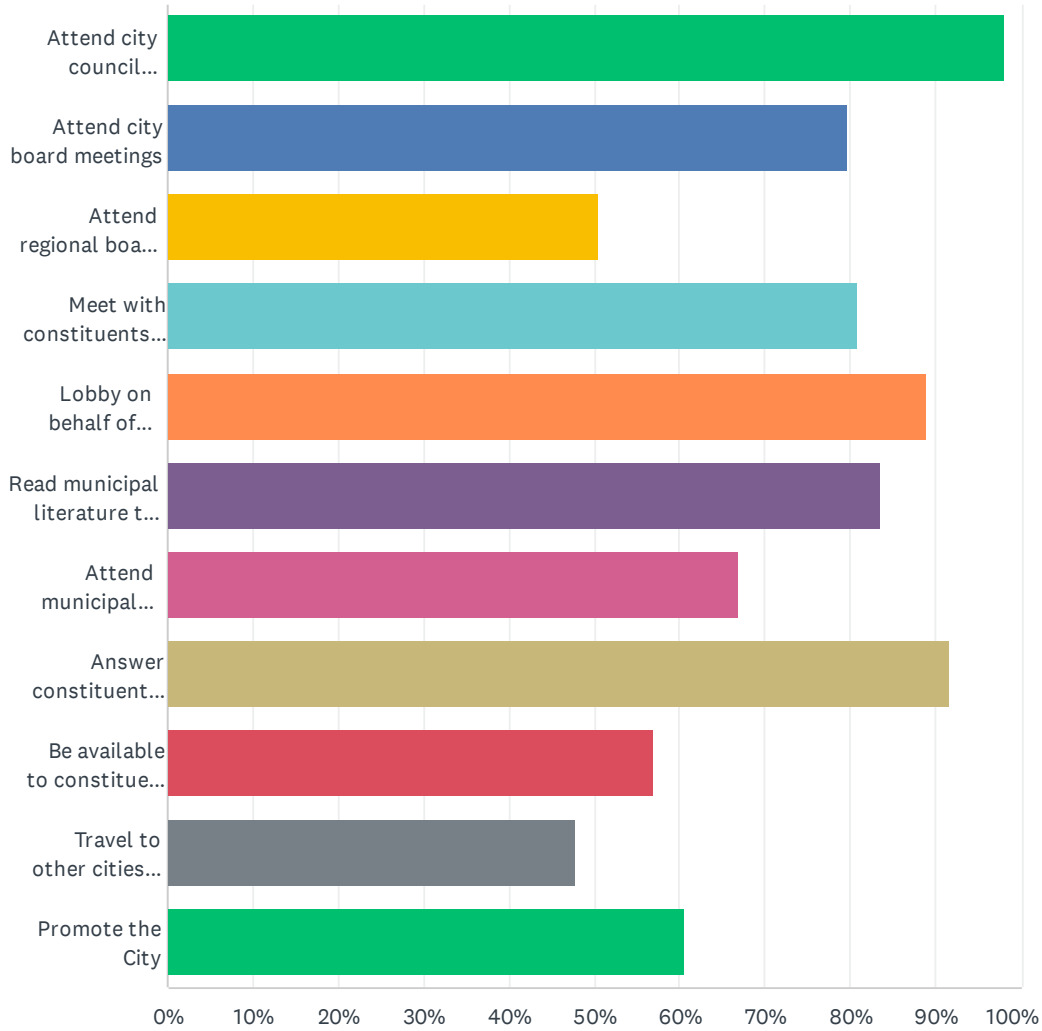
Answered: 108 Skipped: 7



ANSWER CHOICES	RESPONSES	
0 to 4	3.70%	4
5 to 9	8.33%	9
10-19	14.81%	16
20-29	33.33%	36
30-39	18.52%	20
40-49	16.67%	18
50 +	4.63%	5
<b>TOTAL</b>		<b>108</b>

### Q9 Select as many of the following that you believe to be the responsibility of City Councillors.

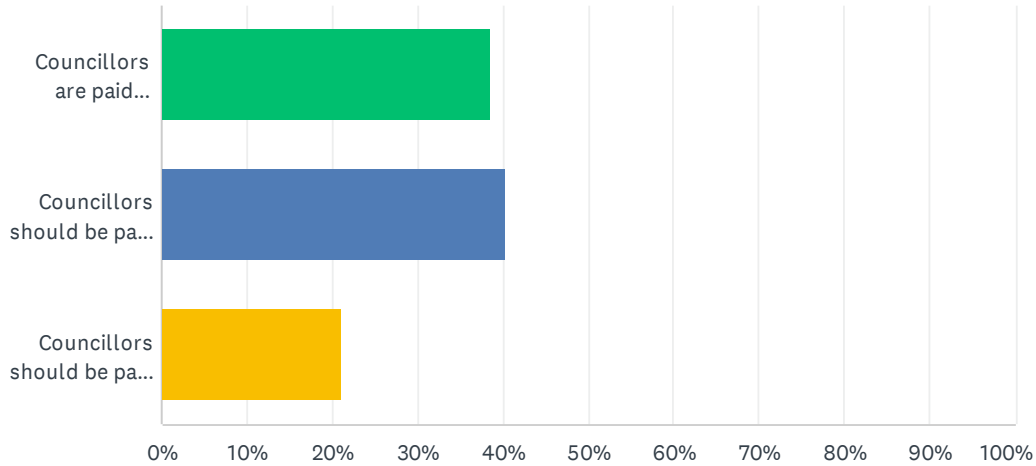
Answered: 109 Skipped: 6



ANSWER CHOICES	RESPONSES	
Attend city council meetings	98.17%	107
Attend city board meetings	79.82%	87
Attend regional board meetings	50.46%	55
Meet with constituents regularly	80.73%	88
Lobby on behalf of constituent needs	88.99%	97
Read municipal literature to stay current on issues and trends	83.49%	91
Attend municipal events	66.97%	73
Answer constituent questions	91.74%	100
Be available to constituents vja social media	56.88%	62
Travel to other cities for conferences to stay current on issues and trends	47.71%	52
Promote the City	60.55%	66
Total Respondents: 109		

Q10 City Councillors are currently considered part-time and are currently paid annually \$46,898 plus benefits which equates to approximately \$37 per hour assuming a 24 hours (2/3rd time) week. Do you feel this amount is appropriate for the work your Councillor is expected to undertake.

Answered: 109 Skipped: 6

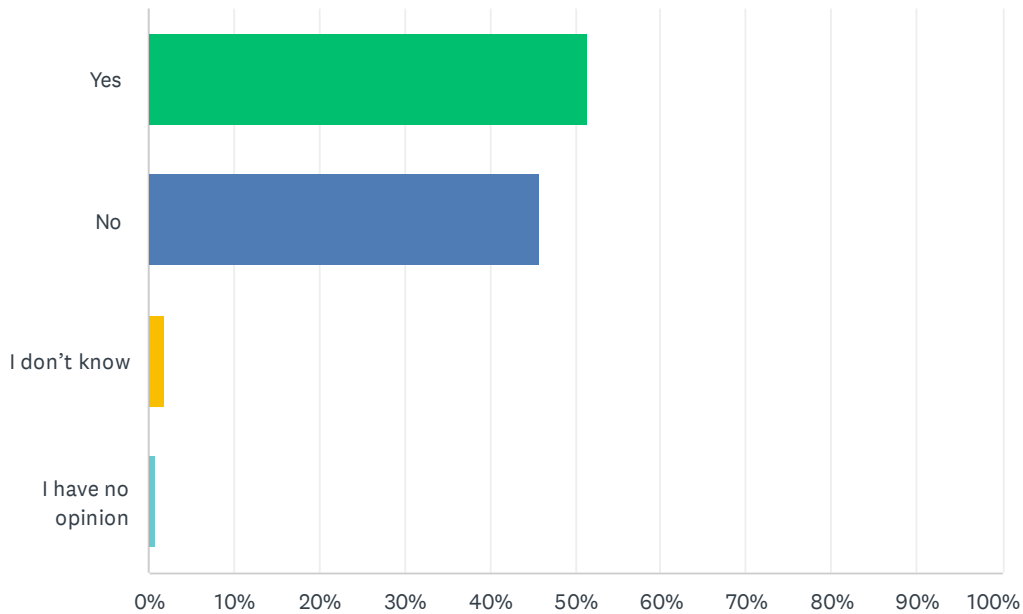


ANSWER CHOICES	RESPONSES	
Councillors are paid appropriately	38.53%	42
Councillors should be paid more	40.37%	44
Councillors should be paid less	21.10%	23
<b>TOTAL</b>		<b>109</b>



Q11 Due to the part time nature of their role, some activities undertaken by a City Councillor in an official role (attending events, working with constituents, supporting or advocating for residents or organizations as an example) would be considered voluntary based on their official role description from the City. Should these activities be voluntary?

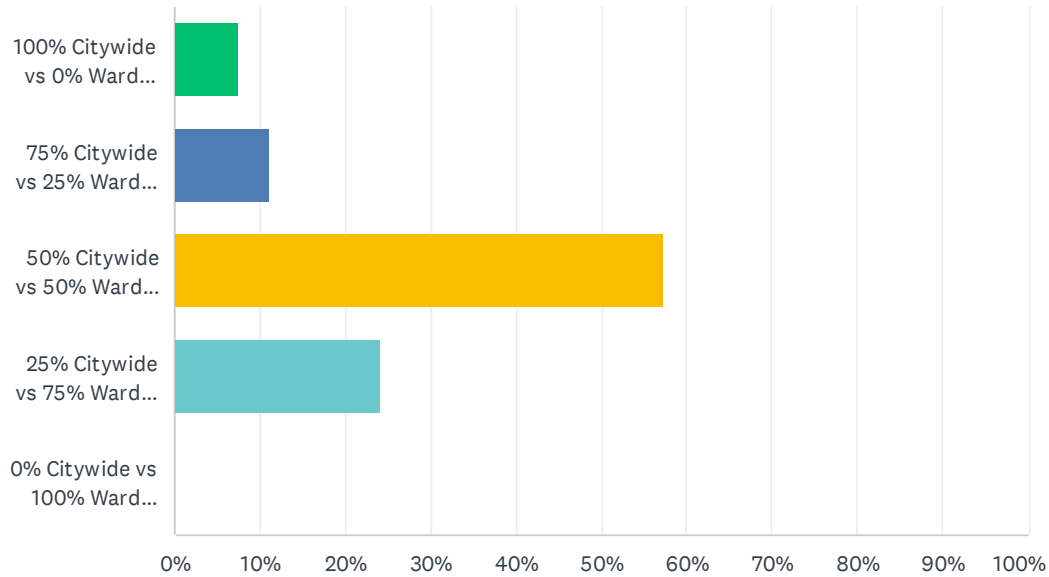
Answered: 109 Skipped: 6



ANSWER CHOICES	RESPONSES	
Yes	51.38%	56
No	45.87%	50
I don't know	1.83%	2
I have no opinion	0.92%	1
<b>TOTAL</b>		<b>109</b>

## Q12 How focused should City Councillors be on Ward specific issues vs Citywide Issues

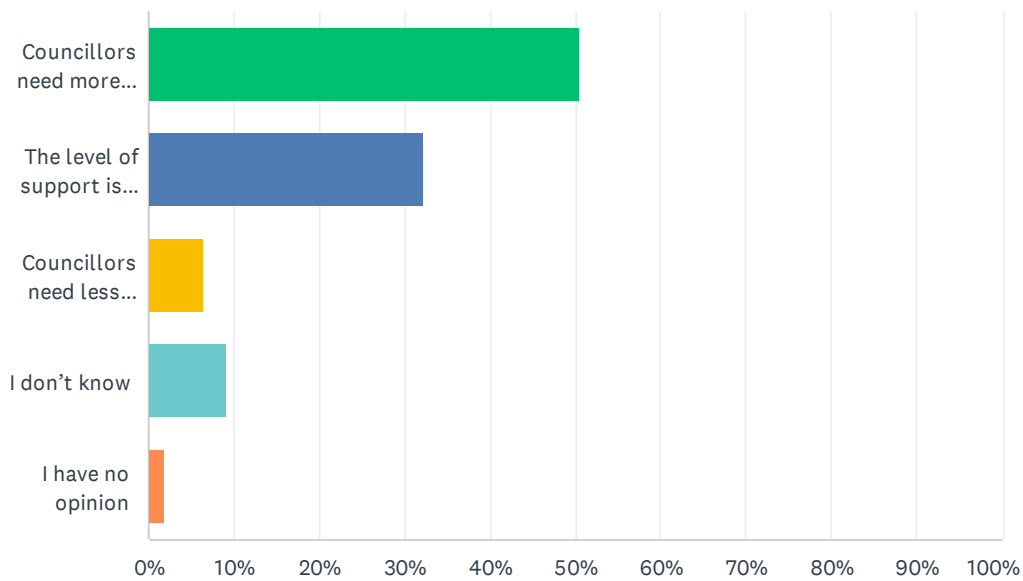
Answered: 108 Skipped: 7



ANSWER CHOICES	RESPONSES	
100% Citywide vs 0% Ward Specific	7.41%	8
75% Citywide vs 25% Ward Specific	11.11%	12
50% Citywide vs 50% Ward Specific	57.41%	62
25% Citywide vs 75% Ward Specific	24.07%	26
0% Citywide vs 100% Ward Specific	0.00%	0
<b>TOTAL</b>		<b>108</b>

Q13 The 10 members of City Council are supported by Council Services with 2 full time staff. These Council Services Staff provide a range of support to Councillors. Examples of this support include following up with constitutions, arranging meetings and schedules, conducting research and outreach on the Councillors behalf. Although voluntary in nature and not used equally by all Councillors it equates to seven (7) hours per Councillor per week of support. Do you feel that this level of support is sufficient for 10 City Councillors?

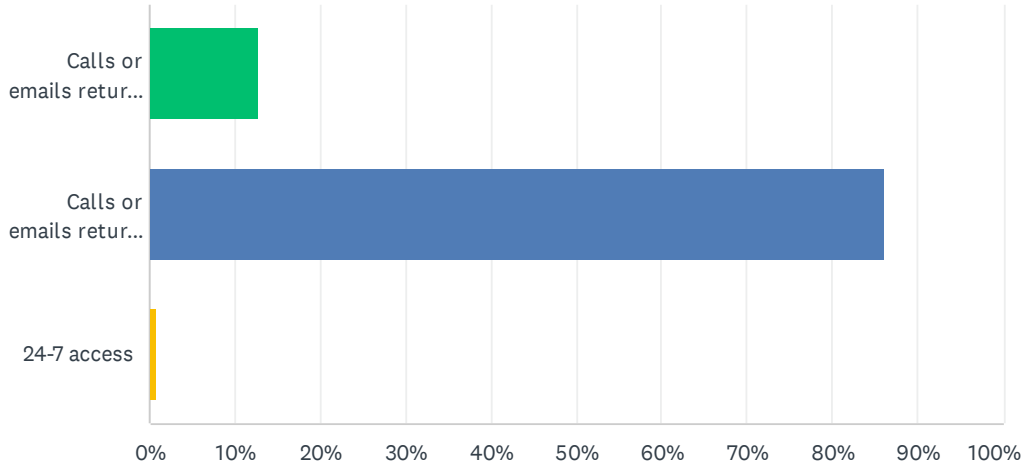
Answered: 109 Skipped: 6



ANSWER CHOICES	RESPONSES	
Councillors need more support	50.46%	55
The level of support is appropriate	32.11%	35
Councillors need less support	6.42%	7
I don't know	9.17%	10
I have no opinion	1.83%	2
<b>TOTAL</b>		<b>109</b>

### Q14 What do you believe the appropriate availability of City Councillors to constituents to be?

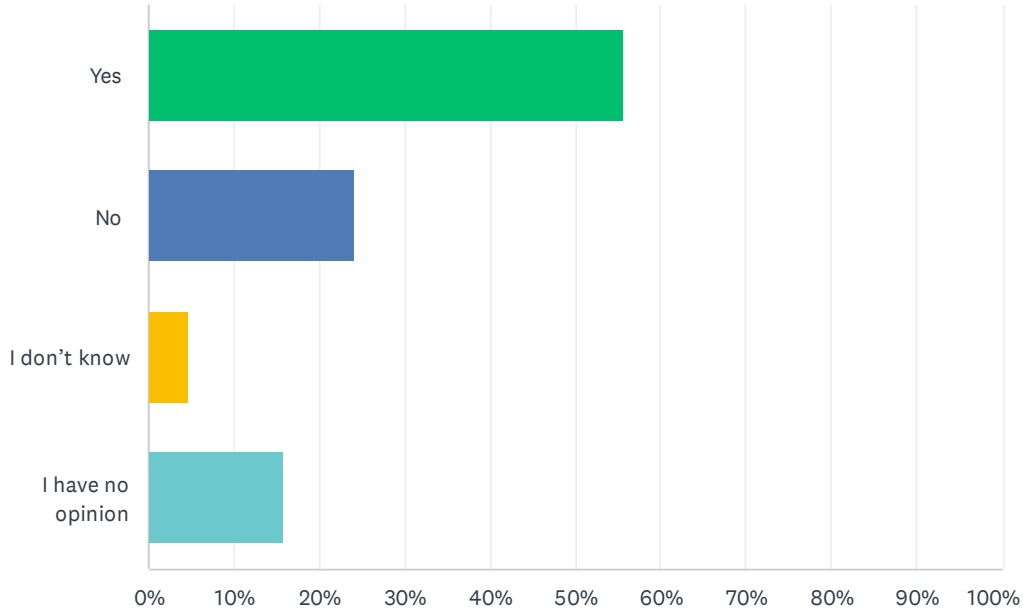
Answered: 109 Skipped: 6



ANSWER CHOICES	RESPONSES	
Calls or emails returned daily, seven days a week	12.84%	14
Calls or emails returned within 1-3 business days	86.24%	94
24-7 access	0.92%	1
<b>TOTAL</b>		<b>109</b>

### Q15 Should City Councillors have a formal social media presence (formal Facebook page, twitter account etc.) to share information and engage residents?

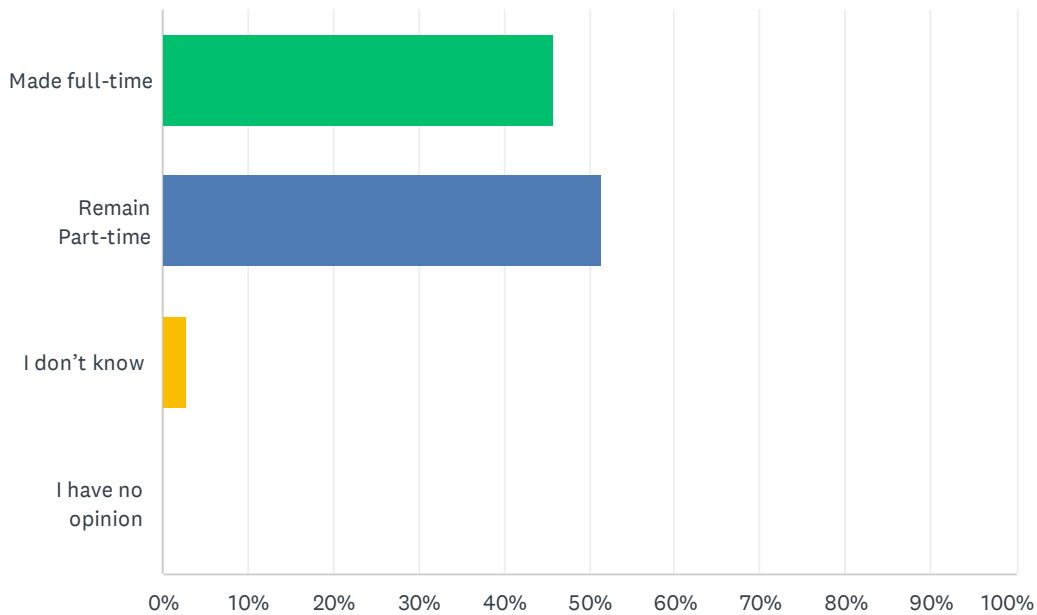
Answered: 108 Skipped: 7



ANSWER CHOICES	RESPONSES	
Yes	55.56%	60
No	24.07%	26
I don't know	4.63%	5
I have no opinion	15.74%	17
<b>TOTAL</b>		<b>108</b>

Q16 According to a 2018 report by the Association of Municipal Managers, Clerks and Treasurers of Ontario (pg 16) 27% of communities with a population of 100,000 – 250,000 people have full time Councillors; 73% have part-time Councillors. For cities with more than 250,000+ people 83% of councils are full time. Do you feel that City Councillors should be made full time or remain part-time?

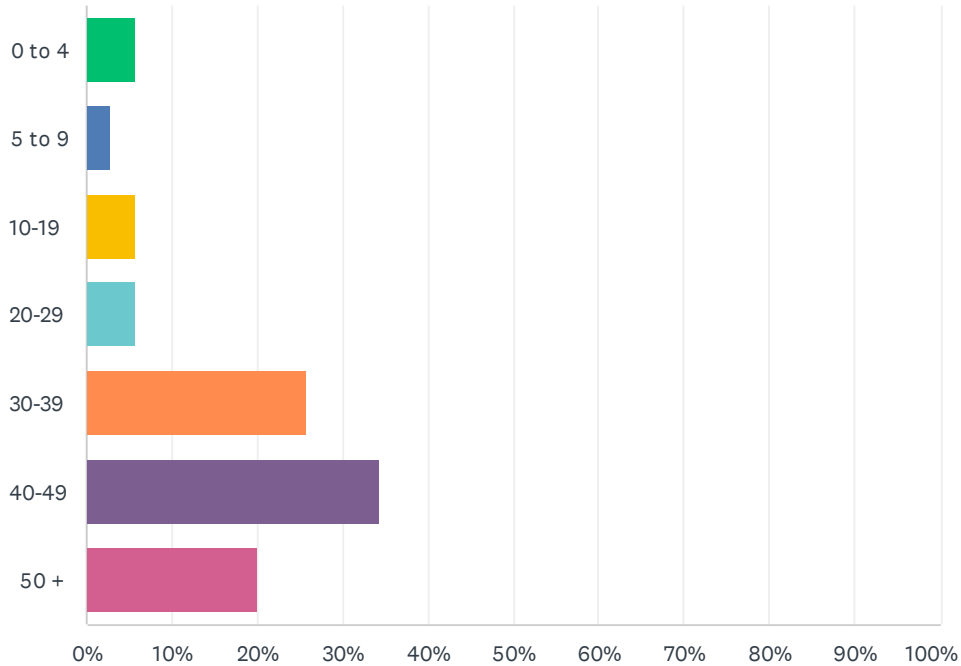
Answered: 109 Skipped: 6



ANSWER CHOICES	RESPONSES	
Made full-time	45.87%	50
Remain Part-time	51.38%	56
I don't know	2.75%	3
I have no opinion	0.00%	0
<b>TOTAL</b>		<b>109</b>

**Q17 Please estimate how many hours of work you believe the Mayor works on City related business (preparing for meetings, answering constituent’s questions, attending various standing committees and council meeting etc.) in a typical week?**

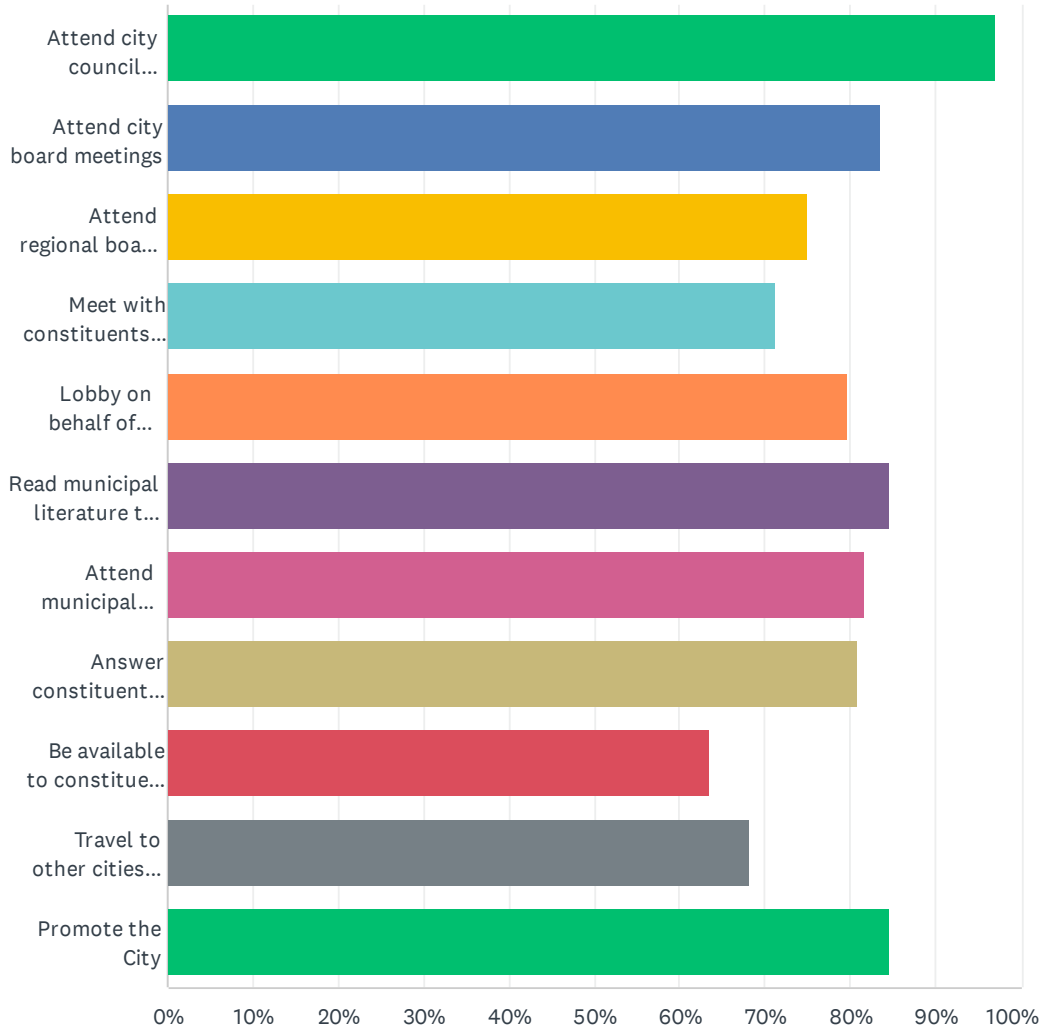
Answered: 105 Skipped: 10



ANSWER CHOICES	RESPONSES
0 to 4	5.71% 6
5 to 9	2.86% 3
10-19	5.71% 6
20-29	5.71% 6
30-39	25.71% 27
40-49	34.29% 36
50 +	20.00% 21
<b>TOTAL</b>	<b>105</b>

### Q18 Select as many of the following that you believe to be the responsibility of the Mayor.

Answered: 104 Skipped: 11

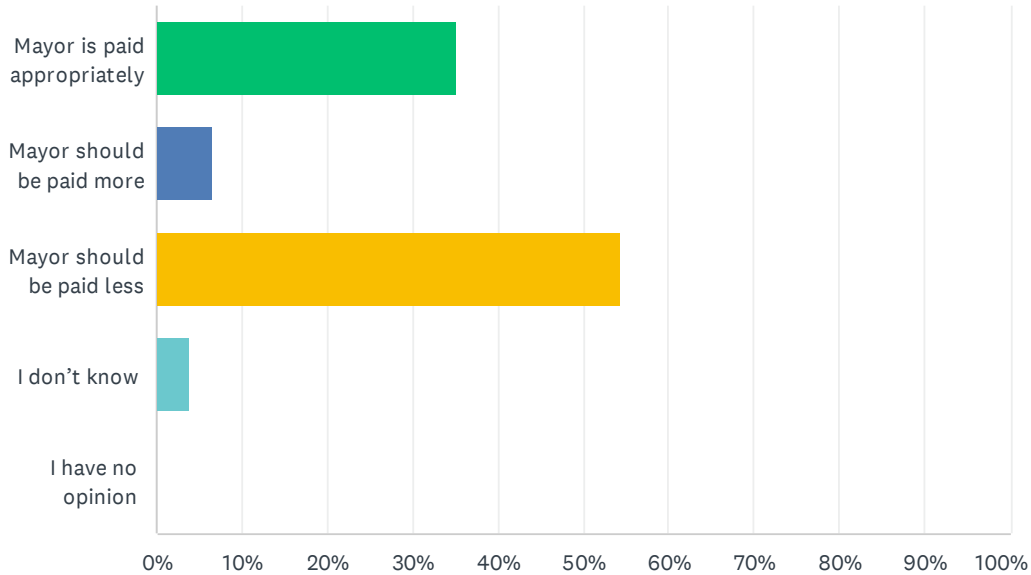




ANSWER CHOICES	RESPONSES	
Attend city council meetings	97.12%	101
Attend city board meetings	83.65%	87
Attend regional board meetings	75.00%	78
Meet with constituents regularly	71.15%	74
Lobby on behalf of constituent needs	79.81%	83
Read municipal literature to stay current on issues and trends	84.62%	88
Attend municipal events	81.73%	85
Answer constituent questions	80.77%	84
Be available to constituents vja social media	63.46%	66
Travel to other cities for conferences to stay current on issues and trends	68.27%	71
Promote the City	84.62%	88
Total Respondents: 104		

Q19 The Mayor is currently considered full-time (35 hour/week) and is paid \$199,167 plus benefits (structured the same as non-unionized City Staff). Do you feel this amount is appropriate for the work the Mayor is expected to undertake?

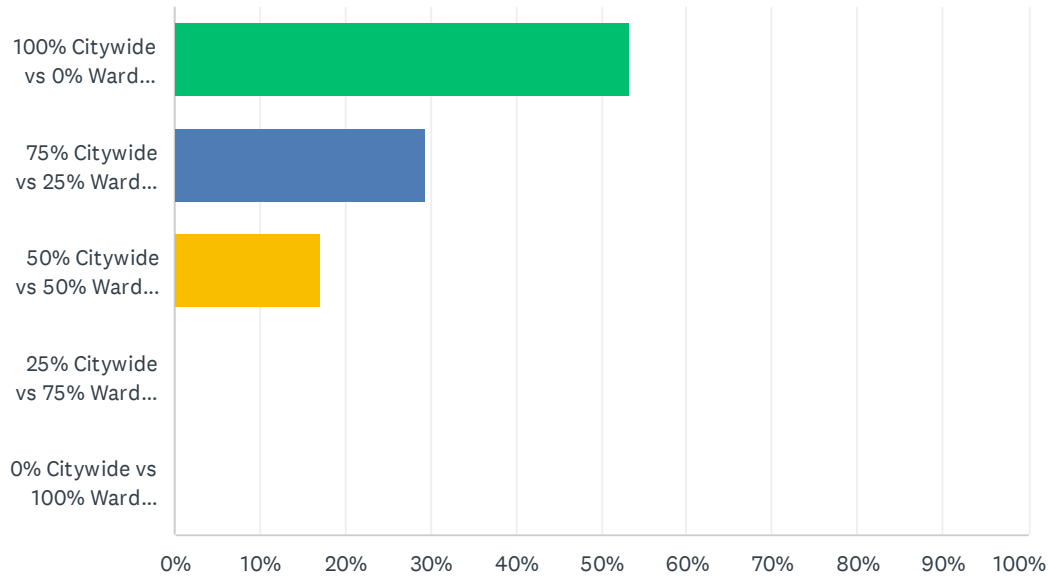
Answered: 105 Skipped: 10



ANSWER CHOICES	RESPONSES	
Mayor is paid appropriately	35.24%	37
Mayor should be paid more	6.67%	7
Mayor should be paid less	54.29%	57
I don't know	3.81%	4
I have no opinion	0.00%	0
<b>TOTAL</b>		<b>105</b>

## Q20 How focused should the Mayor be on Ward specific issues vs City Wide Issues?

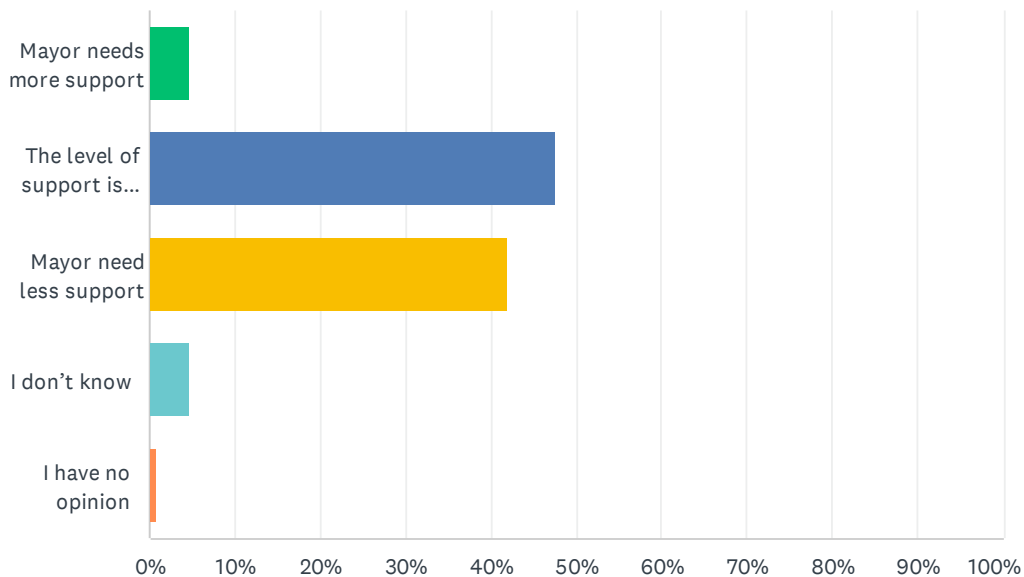
Answered: 105 Skipped: 10



ANSWER CHOICES	RESPONSES	
100% Citywide vs 0% Ward Specific	53.33%	56
75% Citywide vs 25% Ward Specific	29.52%	31
50% Citywide vs 50% Ward Specific	17.14%	18
25% Citywide vs 75% Ward Specific	0.00%	0
0% Citywide vs 100% Ward Specific	0.00%	0
<b>TOTAL</b>		<b>105</b>

Q21 The Mayor is supported by staff employed in the Mayor’s office. A total of 5 full time contract staff provide a range of supports for the Mayor including: Public relations & consultations Constituent services Intergovernmental Relations Stakeholder and community outreach Public communications Council liaison Policy review and interface with City staff Scheduling, Office Management and Administration Do you feel this level of staff support is sufficient?

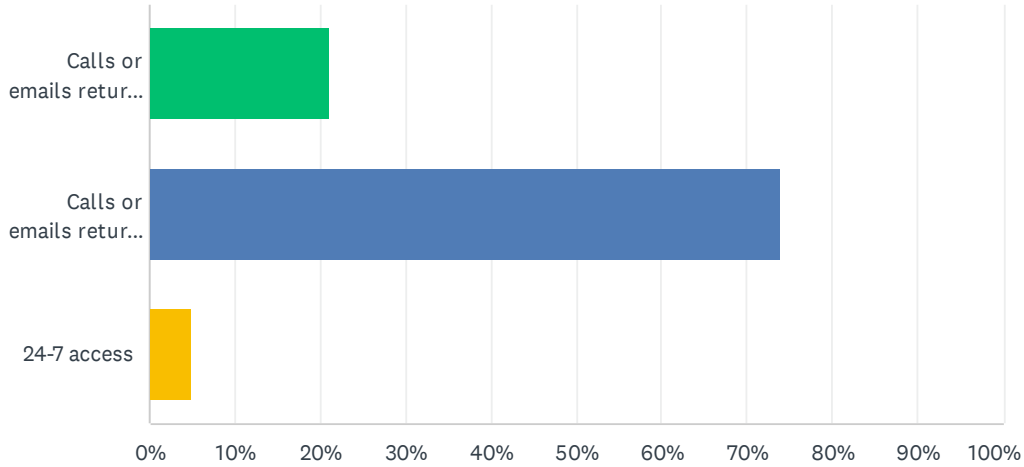
Answered: 105 Skipped: 10



ANSWER CHOICES	RESPONSES
Mayor needs more support	4.76% 5
The level of support is appropriate	47.62% 50
Mayor need less support	41.90% 44
I don't know	4.76% 5
I have no opinion	0.95% 1
<b>TOTAL</b>	<b>105</b>

Q22 What do you believe the appropriate availability of Mayor to constituents to be? Please check the most appropriate box.

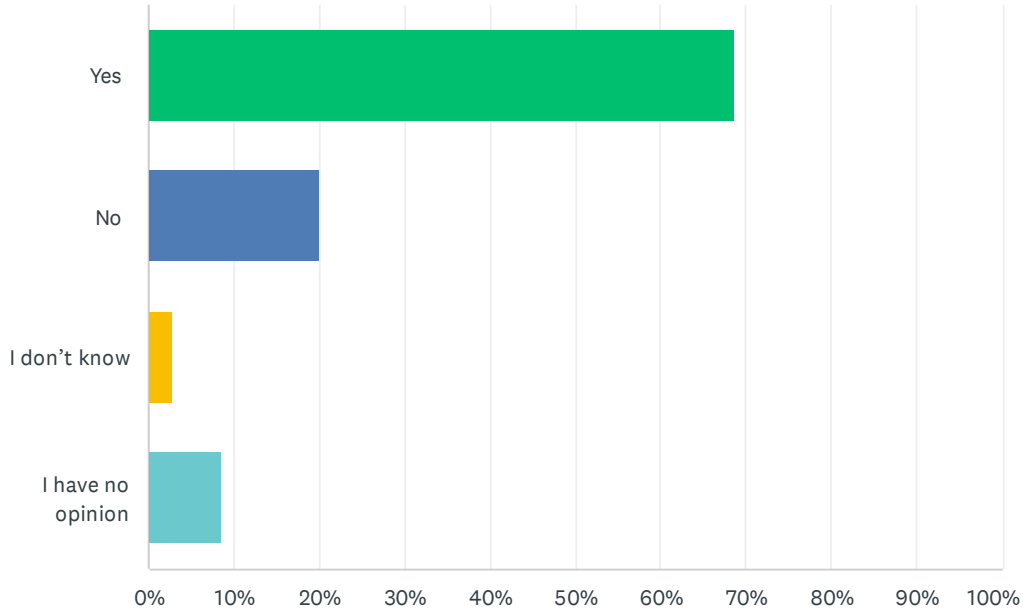
Answered: 104 Skipped: 11



ANSWER CHOICES	RESPONSES	
Calls or emails returned daily, seven days a week	21.15%	22
Calls or emails returned within 1-3 business days	74.04%	77
24-7 access	4.81%	5
<b>TOTAL</b>		<b>104</b>

### Q23 Should the Mayor have a formal social media presence (formal Facebook page, twitter account etc.) to share information and engage residents?

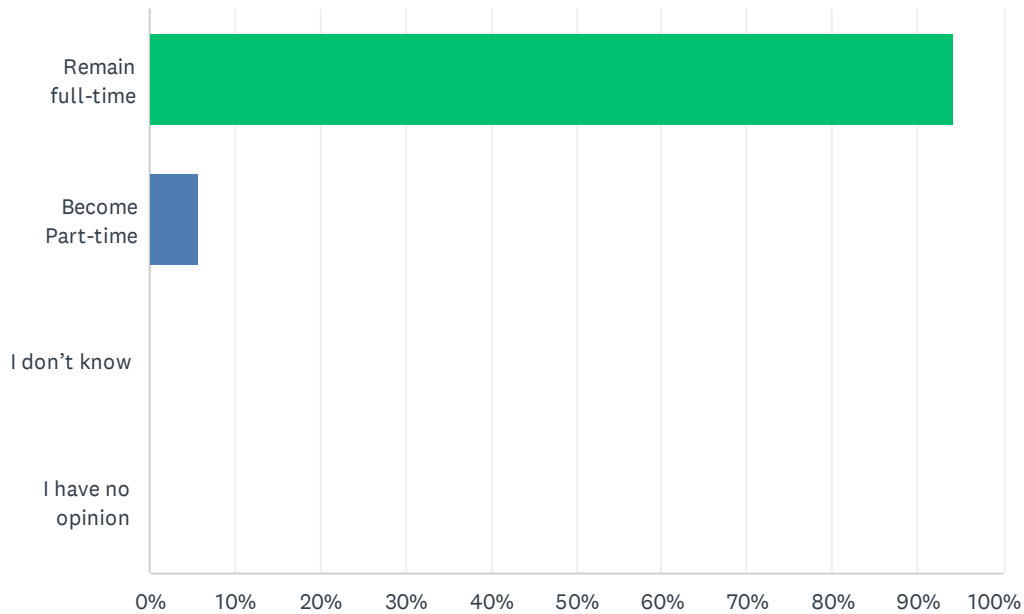
Answered: 105 Skipped: 10



ANSWER CHOICES	RESPONSES	
Yes	68.57%	72
No	20.00%	21
I don't know	2.86%	3
I have no opinion	8.57%	9
<b>TOTAL</b>		<b>105</b>

Q24 According to a 2018 report by the Association of Municipal Managers, Clerks and Treasurers of Ontario (pg 16) 91% of communities with a population of 100,000 – 250,000 people have full time head of council; 9% have part-time mayors. For Cities over 250,000+ people 100% of mayors are full time. Do you feel that Mayor should remain a full time position?

Answered: 104 Skipped: 11



ANSWER CHOICES	RESPONSES	
Remain full-time	94.23%	98
Become Part-time	5.77%	6
I don't know	0.00%	0
I have no opinion	0.00%	0
<b>TOTAL</b>		<b>104</b>

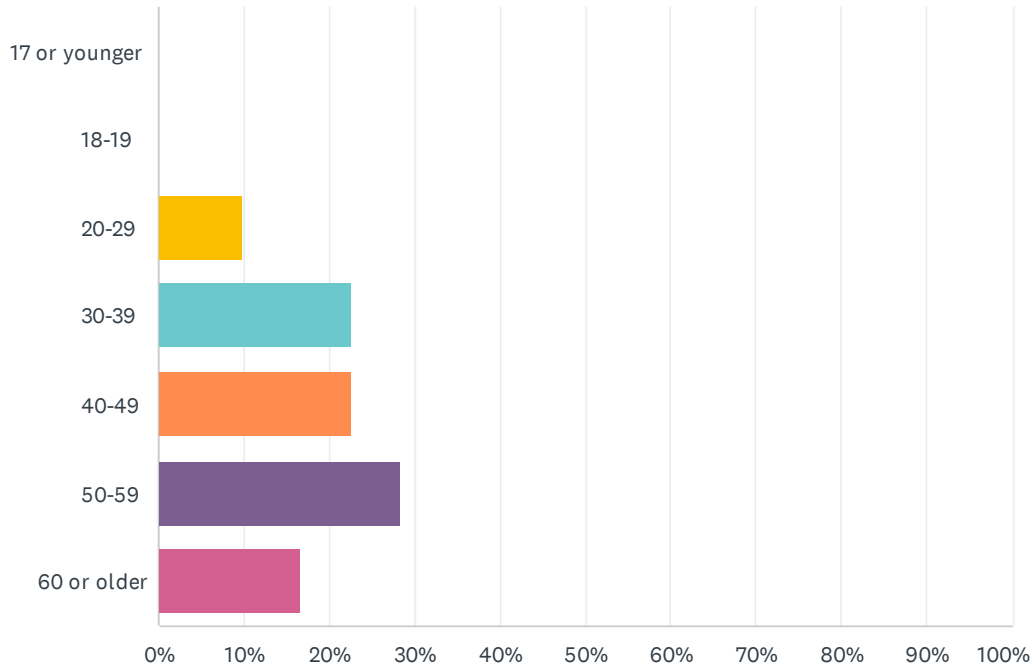
**Q25 Do you have any other comments or thoughts on Council or the Mayor compensation or benefits and work you want to share?**

Answered: 39 Skipped: 76



### Q26 Which group includes your age?

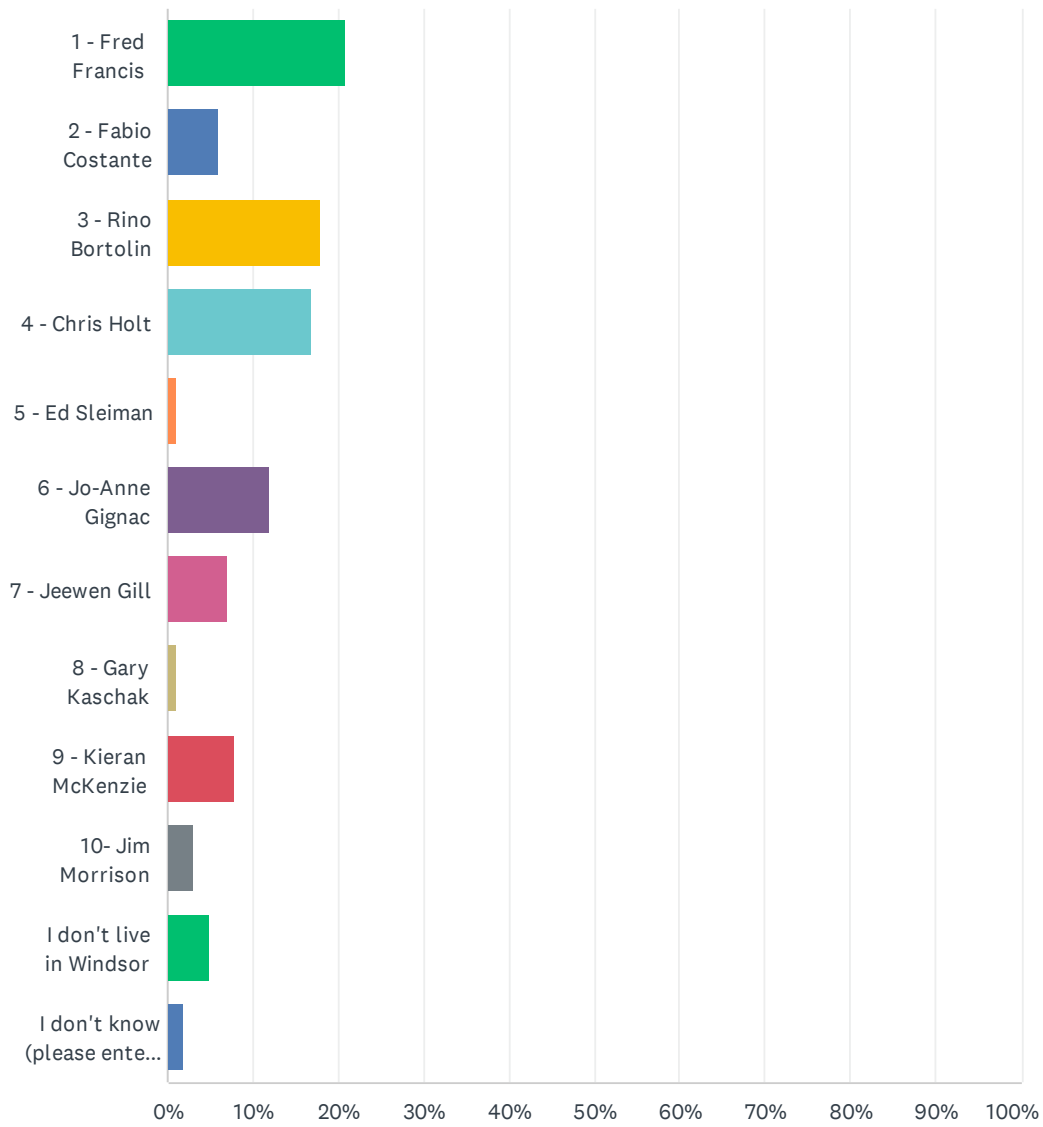
Answered: 102 Skipped: 13



ANSWER CHOICES	RESPONSES	
17 or younger	0.00%	0
18-19	0.00%	0
20-29	9.80%	10
30-39	22.55%	23
40-49	22.55%	23
50-59	28.43%	29
60 or older	16.67%	17
<b>TOTAL</b>		<b>102</b>

### Q27 What Ward do you live in?

Answered: 101 Skipped: 14



ANSWER CHOICES	RESPONSES	
1 - Fred Francis	20.79%	21
2 - Fabio Costante	5.94%	6
3 - Rino Bortolin	17.82%	18
4 - Chris Holt	16.83%	17
5 - Ed Sleiman	0.99%	1
6 - Jo-Anne Gignac	11.88%	12
7 - Jeewen Gill	6.93%	7
8 - Gary Kaschak	0.99%	1
9 - Kieran McKenzie	7.92%	8
10- Jim Morrison	2.97%	3
I don't live in Windsor	4.95%	5
I don't know (please enter postal code)	1.98%	2
<b>TOTAL</b>		<b>101</b>

**Appendix C**  
**Public Consultations – Delegations**

**Council Compensation Review Committee**  
**Public Consultation held January 24, 2022**  
Meeting Notes  
via Zoom Webinar

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***Members Present:***

Dr. Vincent Georgie, Chair  
Frazier Fathers  
Mila Lucio

***Delegations in attendance:***

Daniel Ableser  
Natalie Popovic  
Richard St. Denis  
Paul Synnott

***Resource personnel in attendance:***

Jason Reynar, Chief Administrative Officer  
Anna Ciacelli, Deputy City Clerk  
Dan Seguin, Deputy Treasurer  
Sandra Gebauer, Council Assistant  
Will Foot, Council Assistant  
Karen Kadour, Committee Coordinator

Dr. Vincent Georgie, Chair, Council Compensation Review Committee opens the Public Consultation session at 12:01 o'clock p.m. and the members of the Committee are introduced. The Chair provides opening remarks as follows:

- The Council Compensation Review Committee is focused on doing a jurisdictional scan of the sector to understand what compensation looks like both at the City of Windsor and at comparable cities and to ultimately make recommendations to City Council with regards to compensation.
- The goal is to bring recommendations forward to Council in March 2022, as this Committee has no decision-making authority.
- This will be implemented after the next municipal election (the next term of Council) and will not impact the current Mayor and members of Council.
- The Committee is not only looking at salary, but at health and benefits, i.e. looking at per diem supports, technical support, access to administrative support, office spaces, and professional development opportunities.

- The Chair encourages the delegations to consider the role of the Mayor of the City of Windsor and members of City Council as opposed to the people that are currently in those positions. It is not about the individual people, it is about the roles themselves.

The Chair opens the floor to comments and suggestions from the delegations and the following remarks are provided along with responses from City Administration:

***Delegation 1***

- If City Council does accept the recommendations put forth by the Committee, is there a funding source should there be an increase in remuneration.
- As the Mayor's position is full-time, and the Councillor's positions are part-time, (although their hours worked exceed part-time in many cases), it is suggested that increases be provided to the Councillors specifically.
- With inflation at approximately five percent, suggestion to provide a five percent increase.

J. Reynar, Chief Administrative Officer responds that the overall budget for Council including salaries, benefits, and expenses make up a small portion of the \$880 M annual operating budget for the City and suggests that the City would be able to accommodate any increases that result from recommendations from this Committee. This should not be a limiting factor to the Committee's work and recommendations. Ultimately, City Council will have to approve or accept the recommendations.

***Delegation 2***

- Through media reports, aware that comparators for benchmarking will be undertaken, and adds that when CANUE was established, an exercise was done with comparator cities with a commitment to not fall below the fiftieth percentile.
- In the future, will help remove some of the politics from these reviews.
- An important part of the compensation relates to resourcing. Looking at Councillors being able to carry out the basic functions and expectations of being a Councillor.
- Refers to a Councillor who recently put in hundreds of hours in researching and doing outreach for the safe injection site, however, not all Councillors are able to do this.
- Councillors do not have staff to assist with research and outreach.

A. Ciacelli, Deputy Clerk responds there are two Council Assistants that offer support for members of City Council. These positions were established in 2005. They provide information, assist with constituent concerns and are available as a resource to Council members.

**Delegation 3**

- Three points to be discussed:
  - Full-time versus part-time
  - Total compensation
  - Total resources
- **Full-time versus part-time** – Discourages the thought of treating this as a full-time job.
- It is important to bring people to Council with different on-going experiences in their day-to-day lives rather than having eleven politicians at the table.
- If these positions are made full-time, members of the community have stated because there is inadequate pay, we will lose qualified people. Alternatively, if the positions are made full-time, we may lose people, as they are not prepared to give up their full-time career to do this full-time. This factor has to be considered.
- **Total Compensation** – When hearing that this is a full-time job, and saying they are unable to do other things and making sacrifices because of this, one has to look at their total compensation globally, not just from Council. The job is doable with an outside job.
- Suggests a slight increase plus a small discretionary fund. In terms of the next four years starting at \$47,000, \$48,000, \$49,000 to \$50,000 with no automatic increase after that.
- **Total Resources** – Should be reviewing the two staff component available to the Councillors. Would discourage adding political staff as is problematic. Should look at the issue of meeting times, i.e. holding Council meetings in the middle of the day. Meetings should be held after hours and discussion should take place regarding the expectation of Councillors in terms of committees, which should be tracked.

A. Ciacelli, Deputy Clerk responds for this calendar year 2022, Council approved a 4:00 p.m. start for Council meetings. Oftentimes, there is a need to begin the meeting earlier due to the availability of resources related to the COVID-19 impact. As it relates to resources, Council members are provided with computers, printers in addition to the human resources that are available.

Seeing no further delegations, the Chair thanks the delegations for their comments and advises an additional Compensation Review Public Meeting will be held on Thursday, January 27, 2022 at 5:00 p.m.

J. Reynar, Chief Administrative Officer advises that if the public has additional thoughts to share, please e-mail Will Foot at [wfoot@citywindsor.ca](mailto:wfoot@citywindsor.ca).

The Public Consultation session is adjourned at 12:23 o'clock p.m.

## **Council Compensation Review Committee**

**Public Consultation held January 27, 2022**

at 5:00 o'clock p.m.

Meeting Notes

via Zoom Webinar

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### ***Members Present:***

Dr. Vincent Georgie, Chair  
Frazier Fathers  
Mila Lucio

### ***Delegations in attendance:***

Melinda Munro  
Richard St. Denis

### ***Resource personnel in attendance:***

Jason Reynar, Chief Administrative Officer  
Steve Vlachodimos, City Clerk  
Anna Ciacelli, Deputy City Clerk  
Dan Seguin, Deputy Treasurer  
Sandra Gebauer, Council Assistant  
Will Foot, Council Assistant  
Karen Kadour, Committee Coordinator

Dr. Vincent Georgie, Chair, Council Compensation Review Committee opens the Public Consultation session at 5:01 o'clock p.m. and the members of the Committee are introduced. The Chair provides opening remarks as follows:

- The Council Compensation Review Committee is focused on doing a jurisdictional scan of the sector to understand what compensation looks like both at the City of Windsor and at comparable cities and to ultimately make recommendations to City Council with regards to compensation.
- We are trying to understand full compensation for the Mayoral role and members of City Council. It is important to understand that the term compensation that we use broadly for many different pieces includes salary, technological support, office space, health benefits and other related supports.



- The goal is to bring recommendations forward to Council in March 2022, as this Committee has no decision-making authority but can certainly make recommendations based on the consultations that we have had.
- Any recommendations or changes that are adopted by City Council will be implemented after the next municipal election (the next term of Council) and will not impact the current Mayor and members of Council.
- Up to this juncture, the Committee had one-on-one meetings with all City Councillors and the Mayor to understand their thoughts and perspectives on the roles and their work and all things related to compensation. We also worked with an external firm to do some research for this Committee and to guide us through it.
- There is still a lot of work to be done, but it is important that the Council Compensation Review Committee meet with members of the community. A session was held on January 24, 2022 with the second session being held on this day.

The Chair opens the floor to comments and suggestions from the delegations and the following remarks are provided along with responses from City Administration:

### ***Delegation 1***

Asks what specifically is included in the total compensation package, i.e. cell phone service, an allowance for internet due to attendance at many Zoom meetings, and gas or car allowance; This is an opportunity to recommend compensation to cover some of the foregoing expenses. The Councillors deserve more resources, and recommends that the committee focus on the compensation package for the Councillors.

The Chair responds that the Committee has been looking at the following in terms of total compensation:

- The total stipend in terms of hard or soft assets
- Technology use
- Health and dental benefits
- Access to meetings spaces or private offices
- Other per diems that are relevant to doing Council work whether those are related to committee work or related to travel or conferences.

The Chair responds that the review of the compensation package includes looking at the technological stipend, hard and soft assets, health and dental benefits, access to meeting space and private offices, and relevant per diems pertaining to Council work

## ***Delegation 2***

Asks for the determination of the Mayor's compensation package historically and refers to the Mayor's salary and the number of staff in that department. Concern is raised regarding the current compensation structure. Under the *Municipal Act*, the Mayor is only one among equals. There are certain responsibilities related to chairing meetings and being the spokesperson. Justice Marrocco clearly said that the Mayor's responsibility is not manifestly greater than anyone else and has laid out those expectations which are being reviewed by the Minister of Municipal Affairs and Housing. Adds that the statement relating to the Mayor's role and responsibilities on the City's website is incorrect and needs to be changed to ensure that when a determination is made regarding the Mayor's compensation, it is correct based on Justice Marrocco in the Collingwood Inquiry and the *Municipal Act*.

D. Seguin, Deputy City Treasurer responds that the Mayor is considered a full-time position and the Councillors are considered part-time. When the last review of the council compensation was undertaken, approximately four years ago, the Council Compensation Committee looked at six comparator municipalities and in the end settled on the rates of the comparators, which was approved at Council.

The delegation asks how is it that the six-comparator municipalities wound up with such a low rate of compensation for our Councillors, and a higher rate of compensation for our Mayor relative to the Mayor of Toronto.

The Chair advises they want to look at what is baked and not baked into the Mayor's role in the City of Windsor and to compare it to the role of the Mayor of the City of Toronto.

J. Reynar, Chief Administrative Officer responds that it is a great point in terms of raising what else is involved, and what are the expectations. Certain utility companies for example directly compensate their board members who are politicians and not politicians. In other situations, it is funneled through to the municipality who helps to pay for their salary. In terms of what is incorrect on the City's website, asks the delegation to send an e-mail outlining the discrepancies.

Seeing no further delegations, the Chair thanks the delegations for their comments.

The Public Consultation session is adjourned at 5:21 o'clock p.m.