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Monday, May 1, 2023 4:30 p.m.
Development & Heritage Standing Committee

ADDITIONAL INFORMATION
***Planning Act* Matters**

Item 7.2. Zoning Bylaw Amendment Z 004-23 [ZNG-6950] Supreme Homes Group (John Atwan) 1334-1336 Lincoln Ave- Ward 4
Clerk's Note: Alex Hristoff, Ward 4 resident submits the ***attached*** email dated April 28, 2023 as a written submission

Item 7.5. Rezoning – SRC United Inc (Stan Mancebo) – 936 Wyandotte Street West – Z 030-22 [ZNG-6864], Ward 3
Clerk's Note: Canadian Pacific Railway / Real Estate Canada submits the ***attached*** comments received April 17, 2023 as a written submission

***Heritage Act* Matters**
Item 10.1 436 Askin Avenue – Heritage permit Request (Ward 2)
Clerk's Note: Ryan Solcz, solicitor for the applicant submits the ***attached*** letter dated April 24, 2023 and provides additional information received April 27, 2023 that due to size is available to view at:
https://www.citywindsor.ca/cityhall/City-Council-Meetings/Documents/Standing%20Committees/2023/Item%2010.1%20Documents%20Brief.pdf

DELEGATIONS:
***Planning Act* Matters**

Item 7.1. Draft Plan of Condominium with Exemption under Section 9(3) of the Condominium Act –CDM 001-23 [CDM6972] 781 Erie Inc. (Randy Saccucci) 781 Erie St – Ward 4
a) Jim Abbs, Senior Planner – Subdivisions PowerPoint
b) Jack Ramieri, Solicitor for the applicant, available for questions (via Zoom)

Item 7.2. Zoning Bylaw Amendment Z 004-23 [ZNG-6950] Supreme Homes Group (John Atwan) 1334-1336 Lincoln Ave- Ward 4
a) Jim Abbs, Senior Planner – Subdivisions PowerPoint

Item 7.3. Zoning Bylaw Amendment Z 005-23 [ZNG-6951] Supreme Homes Group (John Atwan) 2609 Pillette Ave - Ward 5
a) Jim Abbs, Senior Planner – Subdivisions PowerPoint

Item 7.4 City Initiated Zoning By-law Amendment – Remove Maximum Gross Floor Area – main Building Provisions for Townhome Dwellings in RD2.3 Zone
a) Laura Strahl, Senior Planner PowerPoint

Item 7.5. Rezoning – SRC United Inc (Stan Mancebo) – 936 Wyandotte Street West – Z 030-22 [ZNG-6864], Ward 3
a) Laura Strahl, Senior Planner PowerPoint
b) Jackie Lassaline, Principal Planner / Authorized Agent (in person)
c) Stan Mancebo, property owner & Stuart Miller, architect, available for questions (in person)

Item 7.6. Official Plan Amendment and Zoning By-law Amendment –2836369 Ontario Limited (The VanGuard Team at Manor Reality)– 691 Ouellette Ave – Z044 [ZNG-6941] & OPA 165 [OPA-6942], Ward 3
a) Laura Strahl, Senior Planner PowerPoint
b) Jackie Lassaline, Principal Planner / Authorized Agent (in person) PowerPoint

DELEGATIONS:
Heritage Act Matters

Item 10.1 436 Askin Avenue – Heritage Permit Request (Ward 2)
a) Ryan Solcz, solicitor for the applicant (in person)
b) Allan Djordjevic, owner, available for questions (in person)

DELEGATIONS:
Administrative Matters

Item 11.3 Sandwich Town CIP Application; 511 Brock Street; JD LOUIE CORP. (C/O: Jennifer Wong); REIGNS 740 INC; C/O: Sital Singh Garha - Ward 2
a) Sital Singh Garha, Owner/Director, REIGNS 740 Inc., available for questions (via Zoom)

Development & Heritage Standing Committee
May 1, 2023
Item 7.2 – Written Submission

From: Alex Hristoff
Sent: April 28, 2023 11:31 AM
To: clerks <clerks@citywindsor.ca>
Subject: Public Concern: zoning bylaw 8600

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Hello,
My name is Alexandra Hristoff, and my partners name is Drake Triner. We live at 1332 Lincoln, next door to the possible triplex. We have some concerns regarding a triplex being built in our neighbourhood.

- parking: our street parking is already so limited due to the number of busy businesses on Ottawa street. A triplex could add far more cars to our street that we do not have space for.
- Privacy: we have a chain link fence between our properties. Unless the company chooses to build a privacy fence between our lots, I do not feel safe with a multiple dwelling condo type building next door. The house that burnt down (that stood there previously) had multiple units and it caused a lot of stress for me and my partner. There were issues with late night commotion and use of a drone at night near our home, to name some examples.
- Construction: we have had a lot of drama in the last year with this lot. The house burnt down and left our home with 10s of thousands of dollars of damage. During the demolition of that house, we sustained more damage. The companies were nearly impossible to reach and did not want to cover the damages they caused. In the demo, our roof was covered in hydraulic fluid and bent our fence past repair. We fear that by building something so large in this space it leads to the opportunity for more things to go wrong. We have had enough stress; we don't need a looming apartment building built next door to our 100 year old home.
- Neighbourhood integrity: if our neighbourhood has anything it has character. When you put a new apartment/triplex in a lot that was home to an old home, it does the neighbourhood a disservice. It will stick out like a sore thumb.

Thank you for hearing my concerns, if you would like any more information contact me us at [redacted].

Thanks,
Alex Hristoff

From: Real Estate Canada <Real_EstateCanada@cpr.ca>
Sent: April 17, 2023 3:44 PM
To: clerks <clerks@citywindsor.ca>
Subject: Comments on ZNG/6864, Z-030/22, 936 Wyandotte Street West
Good Afternoon,

RE: Comments on ZNG/6864, Z-030/22, 936 Wyandotte Street West, within 1000m of CP Rail Yard

Thank you for the recent notice respecting the captioned development proposal in the vicinity of Canadian Pacific Railway Company. The safety and welfare of residents can be adversely affected by rail operations and CP is not in favour of residential uses that are not compatible with rail operations. CP freight trains operate 24/7 and schedules/volumes are subject to change. CP's approach to development in the vicinity of rail operations is encapsulated by the recommended guidelines developed through collaboration between the Railway Association of Canada and the Federation of Canadian Municipalities. The 2013 Proximity Guidelines can be found at the following website address: http://www.proximityissues.ca/.

Current operations at this yard include regular freight trains travelling through the yard, 24 hours a day, 7 days a week. Additional operations include switching and shunting of trains, material storage, and material delivery. With these operations, engines are constantly idling. The operations are continuous, loud and cause a lot of vibration. There is also the possibility of increasing our operations, including adding or moving track or any other railway related use. We would hope that that City supports CP's position on this application and would appreciate being kept apprised of the City's handling.

CP recommends that the below condition be inserted in all property and tenancy agreements and offers of purchase and sale for all dwelling units in the proposed building(s):

"Canadian Pacific Railway and/or its assigns or successors in interest has or have a railway right-of-way and/or yard located adjacent to the subject land hereof with operations conducted 24 hours a day, 7 days a week, including the shunting of trains and the idling of locomotives. There may be alterations to, or expansions of, the railway facilities and/or operations in the future, which alterations or expansions may affect the living environment of the residents in the vicinity. Notwithstanding the inclusion of any noise and/or vibration attenuating measures in the design of the development and individual dwellings, Canadian Pacific Railway will not be responsible for complaints or claims arising from the use of its facilities and/or its operations on, over, or under the aforesaid right-of-way and/or yard."

Should the captioned development proposal receive approval, CP respectfully requests that the recommended guidelines be followed.
Thank you,
Real Estate Canada

Real_EstateCanada@cpr.ca
7550 Ogden Dale Road SE, Building 1
Calgary AB T2C 4X9

SOLCZ LAW

April 24, 2023

City of Windsor
350 City Hall Square W
Windsor, ON N9A 6S1

Dear Sir/Madam:

RE: Allan Djordjevic Application for ADU Unit 436 Askin Ave, Windsor ("Property")
Application No.: S25/2023
Our File No: 0896-002

OVERVIEW

1. The undersigned is the solicitor for the Applicant Allan Djordjevic with respect to his Application for a ADU unit on the Property. On behalf of Allan, we make the following submissions to the City of Windsor. We strongly urge the City of Windsor to approve the Application.

HISTORY TO DATE

2. Allan purchased the Property in 2015. Since that time, Allan has always maintained the Property and cooperated with City of Windsor Administration ("Administration"). As Administration is aware, it is not always the case that owners of real property on the West side of Windsor have maintained their properties.

3. Allan initially applied to change the back features of the home on the Property in 2020. The October 13, 2020 Report of Administration recommended that he be able to demolish the back porch and stair case as these were recent additions and the stair case had no historical value.[1] Administration noted Allan had been very cooperative.[2] However, the Development & Heritage Standing Committee (the "Committee") refused to grant Allan's request. In fact, they went further and recommended it be designated as a property of cultural heritage value or interest under Section 29 of the *Ontario Heritage Act* , R.S.O. 1990, c. O.18 ("OHA").

4. The heritage designation of the Property was passed by By-law 51-2022 on March 21, 2022 and registered on title on March 25, 2022 by instrument number CE1069105.[3] The reasons for

[1] October 13, 2020 Report, Documents Brief ("Brief"), p 3, Tab 1.
[2] *Ibid* at p 8.
[3] A copy of the By-law and Statement of Cultural Heritage Value and Interest is attached in the Brief at Tab 2.

201-1500 Ouellette Avenue, Windsor, ON N8X 1K7

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designation are reflected in By-law 51-2022 and specifically the Statement of Cultural Heritage Value and Interest. This document states, *inter alia*, that the main reason for historical designation is the brick work and the frontal features of the home on the Property. There is no historical value to the back of the Property:

- *"The building is a large 2 ½ storey Tudor Revival style house with brick walls and steeply pitched roofs, designed with the front facing west to Askin Avenue. The assymmetricla façade includes a steeply pitched two-storey projecting portico with a stepped chimney, off-set from the centre to the north. The main roof is clipped on the north end and marked by a large rectangular chimney on the south end."*

- *"The majority of the building is constructed of variegated brick with brown to buff colours, including varieties of red colours."*

- *"Decorative brick patterns accentuate the portico, with brick in a variety of header, streatcher, rowlock, soldier, and sailor orientations."*

- *"The building is a representative example of Tudor Revival style and displays a high degree of craftsmanship, especially in the decorative brickwork."*

5. The statement refers to the "Canopy in the front", the "Recessed arched front door", the "front corners of the building marked by protruding columns" and stained glass windows. The statement also reveals that there is no known information about the architect, building or designer. The Property was owned by the Griffiths, a family with no historical significance.

6. In summary, the historical features worth preserving on the Property entirely relate to the front of the Property as it faces on Askin Avenue, nothing to do with the backyard or back features of the home.

7. The backyard is presently a concrete slab. It is no different from neighbouring properties which have sheds, solar panels and parking lots.[4]

8. In 2023, Allan came back to this Committee seeking to add an ADU unit to the back of the Property. Arguably, the Committee has no jurisdiction over the addition of an ADU unit. Section 33 of the OHA states that no alteration of a property designated as a property of cultural heritage value or interest may be made without Council approval if the alteration is likely to affect the property's heritage attributes, as set out in the description of the property's heritage attributes in the by-law (***emphasis*** added):

> *"Alteration of property*
> *33 (1) No owner of property designated under section 29 shall alter the property or permit the alteration of the property* ***if the alteration is likely to affect the property's heritage attributes****, as set out in the description of the property's heritage attributes in the by-law that was required to be registered under clause 29 (12) (b) or subsection 29 (19), as the case may be, unless the owner applies to the council of the municipality in which the*

[4] See Appendix 4.

property is situate and receives consent in writing to the alteration."[5]

9. As discussed more in detail in this letter, the historical attributes of the property outlined in By-law 51-2022 and the Statement of Cultural Heritage Value and Interest are not affected by the proposed addition of the ADU unit.

10. The proposed ADU unit would be completely detached from the existing building on the Property. Administration, who recommended his application again, stated in its March 6, 2023 report that "*The new structure is proposed to be located behind the existing dwelling and subordinate in height and massing to allow the main historic structure to continue being the prominent view from Askin Ave"*.[6] It also called Allan's proposal "discreet" and not visible from "a straight front-on view". The Report went further and stated the ADU unit "*does not appear to adversely impact the heritage property*".[7]

11. Notwithstanding Administration's recommendation, the Committee has still not approved Allan's application.

OTHER RELATED EVENTS

12. On February 6, 2023, this Committee, moved by motion of Councillor Fred Francis, carried that modifications to a heritage property at 749 and 753 Walker Road could proceed. In that application, the Committee approved the erection of one rear detached garage with a second floor ADU unit at 749 Walker Road and at 753 Walker Road it approved the erection of one rear detached garage with one second floor ADU unit.[8]

13. Similar projects have been approved numerous times in the City of Toronto. Some examples include 17 Prince Arthur Ave, Toronto and 29-31 Prince Arthur Ave, Toronto.[9] As those projects show, the frontal design of the heritage properties were preserved while permitting modifications to the exteriors of the property. This type of design reflects the delicate balancing act municipalities must take in addressing land use planning needs but maintaining and preserving heritage properties. It is this type of balancing act that Allan has proposed with his property.

OPPOSITION TO APPLICATION

14. The main arguments against Allan's applications (first for demolition of the porch and then for the ADU unit) come from surrounding neighbours. These concerns can be summarized as follows:

- Concerns about sewer smells;[10]
- Concerns about fire safety;[11]

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[5] See Appendix 8.
[6] March 6, 2023 Report, Brief at p 66, Tab 3.
[7] *Ibid*, p 68.
[8] February 6, 2023 Administration Report, Brief at pp 91-92, Tab 4
[9] Excerpts from City of Toronto Administration Presentation re: PB3.5 Alterations to the Heritage Properties within the East Annex Heritage Conservation District 2931 Prince Arthur Avenue, Brief, Tab 5.
[10] Committee Meeting Minutes of October 13, 2020, Brief at p 135, Tab 6. See also Committee Meeting Minutes of March 6, 2023, Brief at p 143, Tab 7.
[11] *Ibid*.

- Desires to make the area into a heritage district;[12]
- Loss of history;[13]
- Concerns about views;
- Statements that Askin Avenue is historical;
- Concerns about the heritage aspects to be in place; and
- Concerns about urban densification.[14]

15. Most of the concerns are based on opinion, not facts. All of the concerns, respectfully, demonstrate an attitude of "nimbyism" (Not-in-my-backyard-syndrome). In a December 2020 report, the CMHC stating that nimbyism is a potential challenge for increasing the affordable housing supply:

> *"The "not in my backyard" syndrome, otherwise known as NIMBYism, is a potential challenge for increasing the affordable housing supply through the National Housing Strategy. While a high proportion of citizens may support, in principle, the construction of affordable housing in their city, they are often less willing to support its construction in their own neighbourhoods."*[15]

16. Furthermore, the Ontario Housing Affordability Task For Report states that nimbyism is preventing the building of needed housing in Ontario's communities:

> *"NIMBYism (not in my backyard) is a major obstacle to building housing. It drags out the approval process, pushes up costs, and keeps out new residents. Because local councillors depend on the votes of residents who want to keep the status quo, the planning process has become politicized. Municipalities allow far more public consultation than is required, often using formats that make it hard for working people and families with young children to take part. Too few technical decisions are delegated to municipal staff. Pressure to designate buildings with little or no heritage value as "heritage" if development is proposed and bulk listings of properties with "heritage potential" are also standing in the way of getting homes built. Dysfunction throughout the system, risk aversion and needless bureaucracy have resulted in a situation where Ontario lags the rest of Canada and the developed world in approval times. Ontarians have waited long enough."*[16]

17. Below we address each of the individual concerns listed above.

<u>Concerns about Sewer Smells and Fire Safety</u>

18. There is no evidence that the ADU unit will have any impact on this. What is more likely to cause an impact is the neighbour's use of solar panels or the City's approval of a 640-residential unit apartment building in the City's west end (to which no residents voiced opposition).[17]

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[12] Committee Meeting Minutes of March 6, 2023, Brief at p 144, Tab 7.
[13] Committee Meeting Minutes of October 13, 2020, Brief at p 135, Tab 6.
[14] *Ibid*.
[15] CMHC (December 2020 ed) "Understanding Social Inclusion and NIMBYism in Providing Affordable Housing", Brief at p 178, Tab 8.
[16] Report of the Ontario Housing Affordability Task Force (February 8, 2022) at p 188 at para 1, Tab 9.
[17] Campbell, Taylor (April 6, 2023) "Huge new west-end residential/retail complex gets council committee support" *Windsor Star*, Brief, Tab 10.

Desires to make the area into a heritage district

19. The heritage district must first be approved in accordance with the criteria in *O. Reg. 9/06: CRITERIA FOR DETERMINING CULTURAL HERITAGE VALUE OR INTEREST* which was recently amended by the Province of Ontario. This is out of scope for the purposes of this application.

20. Furthermore, there are many homes in the neighbourhood which lack historical features. In fact there are recently built homes in the vicinity.

Loss of history

21. Allan's application does not touch the actual historical home on the Property whose features are subject to heritage preservation. His proposed ADU unit would not even be visible from many angles from Askin Avenue. The ADU unit will match the brick colour and design of the main home.[18] It is a step up compared to the neighbours' properties which have older sheds and paved parking lots in their back yards.[19] The ADU unit will also enhance the Property as currently there is just a slab of concrete.

Concerns about views

22. Our legal system has established that a neighbour has no right to a view from their property.[20] Even if there were a right to a view, the Supreme Court of Canada has stated clearly that there is a balancing act that must take place and a "give and take" between neighbours.[21] In this instance, the neighbours must recognize that their rights to a view are not absolute. Nor is there any evidence that their views will actually be negatively impacted by the ADU unit.

Statements that the Road is historical

23. The road is no designated as historical so this point is out of scope for the Application. Furthermore, nothing in the Application affects the boulevard features along Askin Avenue.

Concerns about the heritage aspects to be in place

24. There were concerns that the ADU unit would not match historical features of the home on the Property. This is probably the most legitimate if not only legitimate concern to his Application. Allan's new drawings show, however, that he has addressed the issue: the brick colour, the windows, and the roof of the ADU unit will be cohesive with the main structure and subordinate in size to the main home. The front of the home, where arguably most of the historical features are to be found, will be preserved.

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[18] See Brief at Tab 11 revised drawings following March 2023 Committee Meeting.
[19] See Appendix 21.
[20] See Brief at Tab 12 e.g. Allen and Linden and Bruce Feldthusen, *Canadian Tort Law* 8th ed (Markham: Buttersworth Lexis Nexis, 2006) at 570; *St. Pierre v. Ontario (Minister of Transportation and Communications)*, [1987] S.C.J. No. 27; *Desando v. Canadian Transit Company*, 2018 ONSC 1859; most recently the UK Court of Appeal reiterated that a neighbour doesn't have the right to prevent others from viewing them from their home in *Giles et al. v The Board of Trustees of the Tate Gallery*, [2020] EWCA Civ 104.
[21] *Antrim Truck Centre Ltd. v. Ontario (Transportation)*, 2013 SCC 13 (CanLII) at para 39, Brief at p 277, Tab 13.

25. Administration has also written in their report, *"Should the Application be approved, Heritage Planning staff will also continue the discussion on material and colour selections and require satisfactory final product information to be provided as a condition for approval"*.[22] Any changes following Committee recommendations and City Council approvals, will be subject to scrutiny by Administration.

Concerns about urban densification

26. This concern is contradictory to the City's own policies of increasing urban densification. It also flies in the face of the Province's directives to build more housing through multiple pieces of legislation to implement the Housing Supply Action Plan.

ALLAN'S POSITION

27. It is our position is that there is no alteration of the Property under section 33 of OHA which triggers this Committee's (or Council's) jursidiction. That said, Allan has always demonstrated a willingness to comply with requests of Administration and his Application is another example of same. If we are incorrect about section 33 of the OHA, then we submit that this Application for the ADU unit should be approved.

28. Firstly, it aligns with Administration's recommendations. Allan has gone out of his way to consult with the Administration and address needs of making the ADU unit look as close as possible to heritage home on the Property. Even back in 2020, Administration noted Allan's willingness to cooperate: the October 13, 2020 report stated "*Given the Applicant's willingness to incorporate historically appropriate exterior finishing material in the proposed addition, Administration is not recommending [historical] designation at this time*".[23]

29. Secondly, it aligns with the City of Windsor's commitment to bring more housing. Windsor has committed to the Province of Ontario to build 13,000 new homes[24] and this could be one of them. According to the CMHC, Windsor's current rental vacancy rate is 1.8% and an average 2 bedroom rents for $1,197.00 per month (up 3.9%). This is at a historic low.[25] The ADU unit can address this criticial housing shortage and cost crisis. In the words of Councillor Mackenzie as quoted by the Windsor Star on February 10, 2023, "*The ADU is another tool that we can use to increase the housing stock while at the same time not putting as much pressure on the labour side of the construction industry*".[26]

30. Windsor's Official Plan specifically calls for integration of conservation of heritage resources into comprehensive planning and urban design initiatives and to lead the community in the protection, improvement, utilization and management of heritage resources.[27] Approving this ADU unit would show other heritage property owners that there is a way to preserve old properties and still enhance them. The use of the ADU unit also addresses Official Plan 3.2 and 3.2.1.2[28] by

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[22] *Supra* note 6, Brief at p 68.
[23] *Supra* note 1, Brief at p 8.
[24] Wilhelm, Trevor (February 27, 2023) "Windsor city council commits to provincial call to build 13,000 new local homes" *Windsor Star*, Brief, Tab 14.
[25] CMHC (January 2023) "Rental Market Report", Brief at p 368, Tab 15.
[26] Garton, Rich (February 10, 2023) "Windsor councillor to pitch ADU incentive program" *CTV NEWS*, Brief at Tab 16.
[27] See Appendix 30 for excerpts from Chapter 9 – Heritage Preservation.
[28] See Appendix 30 for excerpts from Chapter 3 – Development Strategy.

encouraging a range of housing in mature neighbourhoods.

31. Thirdly, approval aligns with previous decisions. This Committee already recommended to Council that a garage on a Walker Road heritage property be constructed and it has recommended the use of ADU units generally. The City of Toronto has approved numerous changes to heritage properties which modify the back of the heritage buildings but retain the character of the front. Windsor Council is also approving large projects in the west end of Windsor: April 6, 2023 decision to have 640 new residential units over 9 acres of greenspace.

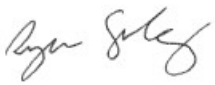
32. Fourthly, the changes proposed will not take away any visibility from the main heritage home, but the changes will enhance the current state of the back yard which is a concrete slab. The changes would also add new energy and change to a neighbourhood historically characterized by blight.

CONCLUSION

33. In conclusion, we submit that the ADU unit should be able to proceed because it does not affect the historical attributes of the Property. The Application meets criteria of Administration. The Application is narrow in scope and by approving it, the City is not setting any type of trend or making a ground breaking decision. The Application enhances the neighbourhood and adheres to the City of Windsor's Official Plan and goals of addressing housing shortages and unaffordability. The Application will not denigrate the historical character of the Property but merely enhance it.

Yours very truly,

RYAN MICHAEL SOLCZ PROFESSIONAL CORPORATION



RYAN MICHAEL SOLCZ

RMS:rs

Encl.

APPENDICES

Appendix 4 – Neighbouring Properties

Appendix 8 – Excerpts from *Ontario Heritage Act*

Alteration of property

33 (1) No owner of property designated under section 29 shall alter the property or permit the alteration of the property if the alteration is likely to affect the property's heritage attributes, as set out in the description of the property's heritage attributes in the by-law that was required to be registered under clause 29 (12) (b) or subsection 29 (19), as the case may be, unless the owner applies to the council of the municipality in which the property is situate and receives consent in writing to the alteration. 2019, c. 9, Sched. 11, s. 11.

Application

(2) An application under subsection (1) shall be accompanied by the prescribed information and material. 2019, c. 9, Sched. 11, s. 11.

Other information

(3) A council may require that an applicant provide any other information or material that the council considers it may need. 2019, c. 9, Sched. 11, s. 11.

Notice of complete application

(4) The council shall, upon receiving all information and material required under subsections (2) and (3), if any, serve a notice on the applicant informing the applicant that the application is complete. 2019, c. 9, Sched. 11, s. 11.

Notification re completeness of application

(5) The council may, at any time, notify the applicant of the information and material required under subsection (2) or (3) that has been provided, if any, and any information and material under those subsections that has not been provided. 2019, c. 9, Sched. 11, s. 11.

Decision of council

(6) The council, after consultation with its municipal heritage committee, if one is established, and within the time period determined under subsection (7),

(a) shall,

(i) consent to the application,

(ii) consent to the application on terms and conditions, or

(iii) refuse the application; and

(b) shall serve notice of its decision on the owner of the property and on the Trust. 2019, c. 9, Sched. 11, s. 11.

Same

(7) For the purposes of subsection (6), the time period is determined as follows:

1. Unless paragraph 2 applies, the period is 90 days after a notice under subsection (4) is served on the applicant or such longer period after the notice is served as is agreed upon by the owner and the council.
2. If a notice under subsection (4) or (5) is not served on the applicant within 60 days after the day the application commenced, as determined in accordance with the regulations, the period is 90 days after the end of that 60-day period or such longer period after the end of the 60-day period as is agreed upon by the owner and the council. 2019, c. 9, Sched. 11, s. 11.

Deemed consent

(8) If the council fails to notify the owner under clause (6) (b) within the time period determined under subsection (7), the council shall be deemed to have consented to the application. 2019, c. 9, Sched. 11, s. 11.

Appeal to Tribunal

(9) If the council of a municipality consents to an application upon certain terms and conditions or refuses an application, the owner may, within 30 days after receipt of the notice under clause (6) (b), appeal the council's decision to the Tribunal by giving a notice of appeal to the Tribunal and to the clerk of the municipality setting out the objection to the decision and the reasons in support of the objection, accompanied by the fee charged by the Tribunal. 2019, c. 9, Sched. 11, s. 11; 2021, c. 4, Sched. 6, s. 74 (2).

If notice of appeal

(10) If a notice of appeal is given within the time period specified in subsection (9), the Tribunal shall hold a hearing and, before holding the hearing, shall give notice of the hearing to the owner of the property and to such other persons or bodies as the Tribunal may determine. 2019, c. 9, Sched. 11, s. 11.

Powers of Tribunal

(11) After holding a hearing, the Tribunal may order,

(a) that the appeal be dismissed; or

(b) that the municipality consent to the application without terms and conditions or with such terms and conditions as the Tribunal may specify in the order. 2019, c. 9, Sched. 11, s. 11.

Dismissal without hearing of appeal

(12) Despite the *Statutory Powers Procedure Act* and subsections (10) and (11), the Tribunal may, on its own motion or on the motion of any party, dismiss all or part of the appeal without holding a hearing on the appeal if,

(a) the Tribunal is of the opinion that,

(i) the reasons set out in the notice of appeal do not disclose any apparent ground upon which the Tribunal could allow all or part of the appeal, or

(ii) the appeal is not made in good faith, is frivolous or vexatious, or is made only for the purpose of delay;

(b) the appellant has not provided written reasons in support of the objection to the decision of the council of the municipality;

(c) the appellant has not paid the fee charged by the Tribunal; or

(d) the appellant has not responded to a request by the Tribunal for further information within the time specified by the Tribunal. 2019, c. 9, Sched. 11, s. 11; 2021, c. 4, Sched. 6, s. 74 (2).

Representations

(13) Before dismissing all or part of an appeal on any of the grounds mentioned in subsection (12), the Tribunal shall,

(a) notify the appellant of the proposed dismissal; and

(b) give the appellant an opportunity to make representations with respect to the proposed dismissal. 2019, c. 9, Sched. 11, s. 11.

Notice of Tribunal's decision

(14) The council shall serve notice of the Tribunal's decision under subsection (11) or (12) on the Trust. 2019, c. 9, Sched. 11, s. 11.

Delegation of council's consent

(15) The power to consent to alterations to property under this section may be delegated by by-law by the council of a municipality to an employee or official of the

municipality if the council has established a municipal heritage committee and has consulted with the committee prior to delegating the power. 2019, c. 9, Sched. 11, s. 11.

Scope of delegation

(16) A by-law that delegates the council's power to consent to alterations to a municipal employee or official may delegate the power with respect to all alterations or with respect to such classes of alterations as are described in the by-law. 2019, c. 9, Sched. 11, s. 11.

Transition

(17) If property is designated under this Part as property of historic or architectural value or interest, either before the day section 29 of this Act is amended by section 2 of Schedule F to the *Government Efficiency Act, 2002* or under subsection 29 (16) of this Act after that day,

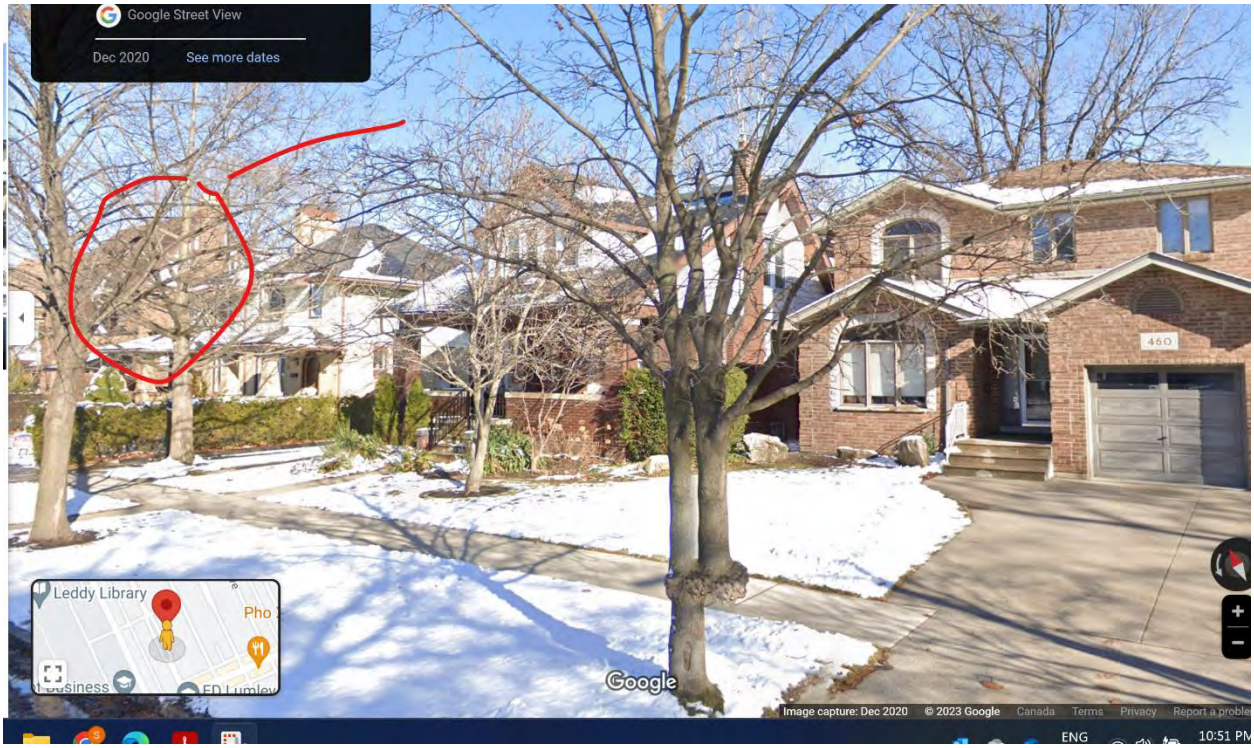
(a) subsection (1) of this section does not apply to the property;

(b) despite its amendment by subsection 2 (16) of Schedule F to the *Government Efficiency Act, 2002*, subsection (1) of this section, as it read immediately before the day subsection 2 (16) of Schedule F to the *Government Efficiency Act, 2002* came into force, continues to apply to the property. 2019, c. 9, Sched. 11, s. 11.

Section Amendments with date in force (d/m/y)

Appendix 21 – Photos from Neighbourhood

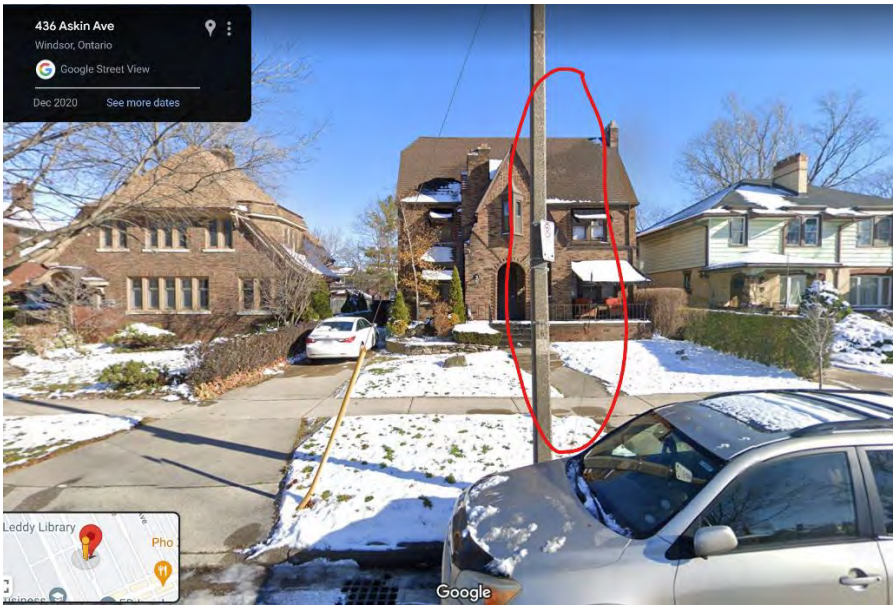
3 houses South of subject Property:



Across the street from subject Property:

Frontal street view of subject Property (which Administration mentions is not negatively impacted by the ADU Unit):

Close up:



Recent home on Randolph (one block over):

Appendix 30

Excerpts from Chapter 3 – Development Strategy

3.2.1 Safe, Caring and Diverse Community

NEIGHBOURHOOD CENTRES

3.2.1.1 Windsorites want to be a part of neighbourhoods that meet their needs as places to live, shop and play. Each neighbourhood will have a central area that provides a focus for activities and is within a convenient walking distance. Here, people will find shops, jobs, neighbourhood based services, public places that are safe and inviting, and a place to meet with neighbours and join in community life. The neighbourhood centre will provide a variety of housing types for all ages and incomes.

NEIGHBOURHOOD HOUSING VARIETY

3.2.1.2 Encouraging a range of housing types will ensure that people have an opportunity to live in their neighbourhoods as they pass through the various stages of their lives. Residents will have a voice in how this new housing fits within their neighbourhood. As the city grows, more housing opportunities will mean less sprawl onto agricultural and natural lands.

Excerpts from Chapter 9 – Heritage Preservation

INTEGRATE WITH PLANNING INITIATIVES

9.2.2 To integrate the conservation of heritage resources into comprehensive planning and urban design initiatives.

LEADERSHIP BY EXAMPLE

9.2.3 To lead the community in the protection, improvement, utilization and management of heritage resources by using municipally owned heritage properties as examples of proper conservation and stewardship.