

Environment, Transportation & Public Safety Meeting

Date: Wednesday, October 25, 2023

Time: 4:30 o'clock p.m.

Location: Council Chambers, 1st Floor, Windsor City Hall

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

MEMBERS:

Ward 2 – Councillor Fabio Costante (Chairperson)

Ward 3 – Councillor Renaldo Agostino

Ward 4 – Councillor Mark McKenzie

Ward 8 – Councillor Gary Kaschak

Ward 9 – Councillor Kieran McKenzie

ORDER OF BUSINESS

Item #	Item Description
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1.	CALL TO ORDER
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READING OF LAND ACKNOWLEDGEMENT

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

2.	DISCLOSURE OF PECUNIARY INTEREST AND THE GENERAL NATURE THEREOF
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3.	ADOPTION OF THE MINUTES OF THE ETPS STANDING COMMITTEE
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3.1.	Minutes of the September 27, 2023 Environment, Transportation & Public Safety Standing Committee (SCM 259/2023)
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4.	REQUEST FOR DEFERRALS, REFERRALS OR WITHDRAWALS
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5.	COMMUNICATIONS
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6.	PRESENTATIONS AND DELEGATIONS
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7.	COMMITTEE MATTERS
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8.	ADMINISTRATIVE ITEMS
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8.1.	Response to CQ 18-2023 – Reversing Recycling and Garbage Collection Days – City Wide (S 125/2023)
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8.2.	Response to CR57/2022 – Data Collected and Potential Strategies to Target Rodent Issues – City Wide (S 127/2023)
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- 8.3. Response to CQ 19-2022 – Review of the use of Artificial Turf on the Public Right-of-way - City Wide (**S 126/2023**)
- 8.4. Follow-up to CR172/2023 – Essex Terminal Railway Whistling Cessation – Ward 4 (**S 129/2023**)
- 8.5. Active Transportation Master Plan 2022 Update - City Wide (**S 52/2023**)
- 8.6. Church Street (Tecumseh Road West to Cul-de-Sac) Traffic Calming – Ward 3 (**S 128/2023**)
- 8.7. Response to Council Decision ETPS 942 – Options for Addressing Panhandling - City Wide (**C 119/2023**) & (**S 31/2023**) & (**SCM 111/2023**)

9. **TRANSIT BOARD ITEMS**

10. **ADOPTION OF TRANSIT BOARD MINUTES**

11. **QUESTION PERIOD**

12. **ADJOURNMENT**

Item No. 3.1



Committee Matters: SCM 259/2023

Subject: Minutes of the September 27, 2023 Environment, Transportation & Public Safety Standing Committee

Environment, Transportation & Public Safety Standing Committee Meeting

Date: Wednesday, September 27, 2023

Time: 4:30 o'clock p.m.

Members Present:

Councillors

Ward 2 - Councillor Fabio Costante (Chairperson)

Ward 3 – Councillor Renaldo Agostino

Ward 4 - Councillor Mark McKenzie

Ward 8 – Councillor Gary Kaschak

Ward 9 – Councillor Kieran McKenzie

PARTICIPATING VIA VIDEO CONFERENCE ARE THE FOLLOWING FROM ADMINISTRATION:

Sandra Gebauer, Council Assistant

ALSO PARTICIPATING IN COUNCIL CHAMBERS ARE THE FOLLOWING FROM ADMINISTRATION:

Jelena Payne, Commissioner, Economic Development & Innovation

Shawna Boakes, Executive Director Operations / Deputy City Engineer

Karina Richters, Supervisor Environmental Sustainability & Climate Change

Michelle Moxley-Peltier, Community Energy Plan Administrator

Mark Spizzirri, Manager Performance Management and Business Case Development

Anna Ciacelli, Deputy City Clerk

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1. CALL TO ORDER

The Chairperson calls the meeting of the Environment, Transportation & Public Safety Standing Committee to order at 4:30 o'clock p.m.

2. DISCLOSURE OF PECUNIARY INTEREST AND THE GENERAL NATURE THEREOF

None disclosed.

3. ADOPTION OF THE MINUTES OF THE ETPS STANDING COMMITTEE

3.1. Minutes of the July 26, 2023 Environment, Transportation & Public Safety Standing Committee

Moved by: Councillor Gary Kaschak
Seconded by: Councillor Kieran McKenzie

THAT the minutes of the Environment, Transportation & Public Safety Standing Committee meeting held July 26, 2023 **BE ADOPTED** as presented.
Carried.

Report Number: SCM 208/2023

4. REQUEST FOR DEFERRALS, REFERRALS OR WITHDRAWALS

None requested.

5. COMMUNICATIONS

None Presented.

6. PRESENTATIONS AND DELEGATIONS

None.

7. COMMITTEE MATTERS

7.1. Minutes of the July 12, 2023 Essex Windsor Solid Waste Authority Board meeting

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Councillor Kieran McKenzie indicates that at both Essex-Windsor Solid Waste Authority meetings, the issue of a regional waste collection proposal was discussed and brought forward. The Councillor notes that none of the committee members from the other municipalities who voted against the proposal brought forward any questions/concerns/comments on the issue during the EWSWA meeting.

Moved by: Councillor Kieran McKenzie
Seconded by: Councillor Mark McKenzie

Decision Number: **ETPS 954**

THAT the Minutes of the Essex-Windsor Solid Waste Authority Regular Board Meeting held July 12, 2023 **BE RECEIVED** for information.
Carried.

Report Number: SCM 233/2023

7.2. Minutes of the Essex-Windsor Solid Waste Authority Regular Board Meeting Minutes of its meeting held Wednesday, August 9, 2023

Moved by: Councillor Kieran McKenzie
Seconded by: Councillor Mark McKenzie

Decision Number: **ETPS 955**

THAT the Minutes of the Essex-Windsor Solid Waste Authority Regular Board Meeting held Wednesday, August 9, 2023 **BE RECEIVED** for information.
Carried.

Report Number: SCM 254/2023

8. ADMINISTRATIVE ITEMS

8.1. Community and Corporate Greenhouse Gas Emissions and Energy Monitoring Report – 2021 - City Wide

Councillor Kieran McKenzie inquires whether the term “decoupled” is still applicable to where we think greenhouse gasses are going to be. Karina Richters, Supervisor, Environmental Sustainability and Climate Change appears before the Environment, Transportation and Public Safety Standing Committee Meeting regarding the administrative report “Community and Corporate Greenhouse Gas Emissions (GHG) and Energy Monitoring Report-2021-City Wide” and indicates they are hopeful that the decoupling will continue. She adds that a number of the larger industries in the area have already committed to their own net zero plans for 2030, 2035 or 2050, and if they are continuing to improve their efficiency, we should continue to see that. Ms. Richters indicates that in some industries they are also looking at requiring it of their suppliers as well.

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Councillor Kieran McKenzie indicates that in the report, there may be policies that are implemented that will incentivise behavioural or mode shifts for private sector and municipalities and individuals, and inquires about the Residential retrofit program, and if it's anticipated it would be ready for council approval before the end of the year. Ms. Richters indicates that there will be a report coming shortly, either before the end of the year or shortly into the New Year.

Councillor Kieran McKenzie inquires about targets for transit and transportation in relation to GHG reductions related to delivering transit and the decision to not fund a new garage and whether it caps the capacity to be able to reach those targets if we are not fully able to realize the transit master plan in its original iteration. Administration indicates that the more people they can get to use buses, the quicker they will be able to reduce the GHG emissions. Administration is also undertaking the electrification of the transit fleet study currently, another grant that Administration is supporting and working through which may provide further answers in the future.

Councillor Kieran McKenzie indicates that active transportation is another opportunity to address the GHG emissions emitted through the transportation sector and the Vision Zero report and an update on the Active Transportation Master Plan (ATMP), will help to identify other opportunities to promote the mode shift. The Councillor inquires regarding the Community Energy Plan and whether the City is leveraging those opportunities to see GHG emissions reduced through active transportation promotion, given the implementation status of the of the ATMP. Ms. Richters indicates that the ATMP is a key plan that helps to drive those emissions for transportation down. People who are cycling or walking are zero emissions. We are seeing the trend toward more of a modal split. The Community Energy Plan had a goal of 10% and the ATMP increased it more in terms of their objective, and if the City is able to reach those targets, a good improvement will be realized. The City is working on their Net Zero transition plan and how they can address some of the gaps they are seeing along the way. Ms. Richters adds they are trying to get from 40% by 2041 to a net zero 2050. Administration is hoping to have a report back to Council by the spring which will address some of the gaps.

Councillor Kieran McKenzie inquires about the analysis outlined in the report and whether there was a carbon tax that was implemented, given where our emissions are currently, the liability to the City of Windsor would exceed \$100M. Administration indicates that they have reviewed the GHG emissions as they are and what that means in terms of a Carbon Tax. Ms. Richters adds that if they don't take action, it is not only a GHG emissions issue, it's also an energy cost. It was calculated that in 2030 it would be approximately \$253M in liability per year. In the report it was illustrated that was an under estimation of the cost we may be seeing on the adaptation side. The carbon tax was implemented because we need to see the shift from GHG emissions.

Councillor Gary Kaschak inquires about the renewable energy generation in regards to the addition of solar panels throughout the city and whether there has been a study since their addition. Ms. Richters indicates that some of the installations are still in progress, but the corporate energy team will be reporting back in regards to the efficiency.

Councillor Fabio Costante inquires about the deep retrofit program with respect to the ATMP, for every \$1 we invest in climate mitigation there is a percentage that is returned and inquires whether

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administration has that amount. Ms. Richters indicates that there is mention that there is a study from the US, from the Federal Emergency Management Agency that for every dollar spent on mitigation, there is \$6 saved on adaptation.

Councillor Fabio Costante inquires whether Council will be getting a progress on the ATMP and how the City is achieving objectives in that plan based on the overall goal of mode shift to 25% by 2041. Administration indicates that there is a yearly report from 2022 coming in October to the Standing Committee. Administration adds that at the end of 5 years they we will come back with all of the measures listed in the ATMP. The data has started to be collected and the information should be coming forward within the next year.

Councillor Fabio Costante inquires about the ATMP, Transit Service Delivery and the Retrofit Program currently implemented, and whether there are any other mitigation pieces that we can consider or are those the largest pieces. Ms. Richters indicates that those are the three main ones that are highlighted in terms of reducing emissions currently. They do have other plans that are in the works that are looking to manage growth emissions, and there is more that will come forward in other reports. Ms. Richters indicates that residential housing is 18% of our community emissions, if we look at improving our aging housing stock that would support reductions. Transportation is our highest emissions upwards of 40%, trying to look at active transportation, public transit, electrification of vehicles will help to reduce our emissions.

Councillor Fabio Costante inquires about Sandwich South plans and development and managing that in the context of this. Administration indicates that in terms of Sandwich South, those emissions are not accounted for in this, this is what we are seeing in terms of our electricity and natural gas bills to date. We also calculate these emissions per capita, so we are trying to reduce overall emissions, but also emissions per capita.

Councillor Kieran McKenzie inquires about the effect of the regional waste collection and organic waste recycling having a positive net impact of GHG emissions for the region. Administration indicates that the opportunity to collect organic waste and use it for a renewable source like renewable natural gas would almost offset our emissions from waste.

Moved by: Councillor Kieran McKenzie
Seconded by: Councillor Renaldo Agostino

Decision Number: **ETPS 956**

THAT the report of the Community Energy Plan Administrator dated July 30, 2023 entitled "Community and Corporate Greenhouse Gas Emissions and Energy Monitoring Report - 2021" **BE RECEIVED** for information.

Carried.

Report Number: S 4/2023
Clerk's File: EI/10822

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8.2. Windsor's Bird Friendly City Designation - City Wide

Moved by: Councillor Gary Kaschak
Seconded by: Councillor Mark McKenzie

Decision Number: **ETPS 957**

1. THAT the report from the Environment and Sustainability Coordinator dated August 30th, 2023 regarding Windsor's Bird Friendly City Status **BE RECEIVED** for information;
2. THAT City Council **SUPPORT** continuing efforts to be a Bird Friendly City;
3. THAT City Council **APPROVE** the creation of a Bird Friendly Working Team under the Environment and Climate Change Advisory Committee;
4. THAT Administration **BE DIRECTED** to provide an annual report card on activities related to the Bird Friendly City Status to Nature Canada.

Carried.

Report Number: S 114/2023
Clerk's File: EI2023

8.3. Kildare Avenue (Richmond Street to Ottawa Street), Partington Avenue (Columbia Court to Labelle Street) and Lone Pine Street (Provincial Road to Maple Leaf Crescent) Traffic Calming – Wards 4, 10 & 9

Councillor Kieran McKenzie indicates that since they are being asked to pull funds forward from subsequent budget years to fund these projects, if it is Council's intention to continue to fund traffic calming initiatives in neighbourhoods, they will have to look for more sustainable funding and will have to make some decisions around the budget table whether or not they are going to continue to be able to fund these kinds of projects, is this a reasonable assessment. Shawna Boakes, Executive Director Operations, appears before the Environment, Transportation and Public Safety Standing Committee Meeting regarding the administrative report "Kildare Avenue (Richmond Street to Ottawa Street), Partington Avenue (Columbia Court to Labelle Street) and Lone Pine Street (Provincial Road to Maple Leaf Crescent) Traffic Calming – Wards 4, 10 & 9" and indicates that they have already pulled \$100,000 from their 2026 budget forward, and this is another \$105,000 that they are pulling forward from 2026. Ms. Boakes indicates that they are working through these budgets and if we intend to continue, we may have to look at something more sustainable.

Councillor Kieran McKenzie inquires, beyond these projects, how many more are in the queue that are currently unfunded. Ms. Boakes indicates that there are approximately 200 requests in the queue that have not been reviewed and there is a temporary hold on surveys for the speed humps in an attempt to focus our staff on other projects to try to get them completed. Ms. Boakes adds that they don't have the funding to install them and conducting the studies would seem

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disingenuous. There are at least 50 that could be put out for surveys if we had the funding and the staff to do so.

Moved by: Councillor Kieran McKenzie

Seconded by: Councillor Renaldo Agostino

Decision Number: **ETPS 958**

THAT Administration **BE DIRECTED** to install speed humps on Kildare Avenue between Richmond Street and Ottawa Street; and,

THAT Administration **BE DIRECTED** to install speed humps on Partington Avenue between Columbia Court and Labelle Street; and,

THAT Administration **BE DIRECTED** to install speed humps on Lone Pine Street between Provincial Road and Maple Leaf Crescent; and,

THAT City Council **SUPPORT** an expenditure in the amount of \$105,000 which will be charged to the Traffic Calming Initiatives project, OPS-021-07; and,

THAT the CFO/City Treasurer **BE DIRECTED** to consider the \$105,000 a pre-commitment of funding allocated in principle in 2026 as part of the 2024 10-year capital plan and allow the funds to be made available for immediate use; and,

THAT a budget issue with regards to annual maintenance of \$8,030 **BE CONSIDERED** as part of the 2024 operating budget development process as a priority item based upon approval for the installation of the speed humps noted.

Carried.

Report Number: C 140/2023

Clerk's File: ST/13863

9. TRANSIT BOARD ITEMS

None presented.

10. ADOPTION OF TRANSIT BOARD MINUTES

None presented.

11. QUESTION PERIOD

Councillor Kieran McKenzie inquires about transit services in the context of back to school, and request that at the next council meeting or perhaps at the next ETPS meeting, that a verbal response be provided by the Transit Director in terms of what the process is looking like.

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Councillor Kieran McKenzie indicates that there are a number of students who are having significant challenges using transit service to get to and from school, and inquires what specifically is causing those challenges and what Transit may be able to do in order to address those challenges.

The Chair indicates that the college has enrolled thousands of international students which has caused significant pressure on transit and housing which is probably part of the problems that they're facing.

Councillor Kieran McKenzie would like to hear from the Director of Transit to determine if that is one of the reasons for creating those pressures, then maybe there would be some actions that we would like to undertake.

Councillor Fabio Costante indicates that moving forward if the members of the Committee would like to have a specific area of Administration present at the meeting, who do not normally attend the meetings, to send the chair a message so that the Clerk's office can facilitate their attendance accordingly.

12. ADJOURNMENT

Moved by: Councillor Gary Kaschak
Seconded by: Councillor Mark McKenzie

There being no further business, the Environment, Transportation & Public Safety Standing Committee is adjourned at 5:04 o'clock p.m. The next meeting of the Environment, Transportation & Public Safety Standing Committee will be held October 25, 2023.
Carried.

Ward 2 – Councillor Costante
(Chairperson)

Deputy City Clerk /
Supervisor of Council Services

Subject: Response to CQ 18-2023 – Reversing Recycling and Garbage Collection Days – City Wide

Reference:

Date to Council: October 25, 2023
Author: Anne-Marie Albidone
Manager, Environmental Services
aalibidone@citywindsorca
519-974-2277 ext. 3123
Public Works - Operations
Report Date: October 5, 2023
Clerk's File #: SW2023

To: Mayor and Members of City Council

Recommendation:

THAT the report of the Commissioner of Infrastructure Services dated October 5th, 2023, entitled "Response to CQ 18-2023 – Reversing Recycling and Garbage Collection Days" **BE RECEIVED** for information.

Executive Summary:

N/A

Background:

At the June 12, 2023 Council meeting, Councillor Gary Kaschak asked the following question:

CQ 18-2023: Asks in order to achieve increased waste diversion targets & not fill up our Landfill as fast, I ask Administration for a report to look into reversing the garbage day & recycle day schedules with recycling pickup day coming before garbage day. I believe this could in fact get more goods into the recycle stream if being picked up one day before garbage day. I look forward to a report from our Environmental Services group.

Discussion:

Historical data available for review on the City of Windsor recycling collection indicates that garbage has always been collected on a Monday to Thursday schedule while recycling has always been collected on a Tuesday to Friday schedule. It is presumed that when these services were provided in-house, the day-after-garbage recycling schedule was beneficial for staffing purposes and equipment utilization. However, since 2010, these services have mostly been contracted out to a private collection company. The current collection contract expires in March 2025. Administration has released a

Request for Proposals to solicit bids for a new collection contract that would start April 1, 2025, and expire 5 to 7 years thereafter.

The City of Windsor’s current collection contractor has indicated that changing the collection days for recycling and garbage (so that recycling is collected Monday to Thursday, and garbage Tuesday to Friday) would mean a material change to the existing contract. It is unlikely these costs would be offset by any revenue received by the Essex-Windsor Solid Waste Authority (EWSWA) from additional recyclable materials. This is further explored in the Financial section of this report.

Administration also undertook a review of several other municipalities in Ontario to determine if anyone collects recycling on the day before garbage. The following information is provided for Council’s review.

Municipality	Frequency of Collection	Day of service in relation to garbage collection
Durham	Weekly	Same day as garbage
Halton	Weekly	Same day as garbage
Hamilton	Weekly	Same day as garbage
Niagara	Weekly	Same day as garbage
Sudbury	Weekly	Same day as garbage
Waterloo	Weekly	Same day as garbage

Table 1: Frequency and day of collection of Recycling Collection in Ontario Municipalities participating in MBNC Canada.

Based on the review, it appears quite common to provide collection of all streams on the same day.

Administration also reviewed the diversion rate of recycling collection in municipalities that report in the Municipal Benchmarking Network of Canada (MBNC). Diversion rates based on recycling alone are significantly higher in other municipalities compared to the City of Windsor, however this is primarily due to the weekly collection service provided in those municipalities and/or additional material accepted in their programs. Although increasing the frequency of recycling collection would lead to an increase in diversion, Administration does not recommend doing so at this time for two (2) reasons. Firstly, changing collection frequency would result in a major material change to the collection contract and consequently a significant increase in cost. There is no guarantee the contractor would even be capable of increasing collection frequency since it would be challenging to obtain the necessary equipment to do so. Secondly, Council is reminded that effective August 24th, 2024, the City of Windsor will no longer be responsible for the recycling program as we will transition to a Producer Responsibility model. Producers are responsible to provide collection at the service levels of 2019 (i.e. bi-weekly for the City of Windsor). Any changes made to the program at this time, is unlikely to be adopted by the producers.

Collection Calendars provided to each homeowner outline the collection days for all waste streams from April of any given year until March of the following year. Therefore, the current collection schedule has already been provided to residents until March 2024. The next collection calendar will span April 2024 until March 2025. The development of that calendar will begin in September 2023 and is expected to be finalized by early December 2023. Any changes to the current collection model would require Council direction no later than November 27, 2023.

Risk Analysis:

Council is reminded that during Statutory Holidays all collection services are delayed by one day. Therefore, the zones receiving collection on a Friday, would receive that collection on Saturday during a holiday week. There is a significant risk of public dissatisfaction should garbage collection be delayed until Saturday as it is general viewed as less acceptable than delaying recycling collection. A mitigating measure would be to have both garbage and recycling collected on the same day, with a Tuesday to Friday schedule, and without any change to collection days on most holiday weeks. This could be achieved under the new collection contract set to begin in 2025.

There is significant risk that the change to collection days will not result in a noticeable change in the weight of recyclable materials received. Although the volume of material may increase slightly, the revenue realized for recyclable goods is based on weight. Many materials recycled in the regional program are light weight. Therefore, there is significant risk that the revenue received by EWSWA will not offset the increased contractual collection cost due to of a material change to the contract.

It should be noted that no matter the direction given by Council for collection in 2024, the producer could change the collection days after August 2024. There is therefore a moderate risk of confusion for residents should a change be made in April 2024 (by Council's direction), and then again in September 2024 (by Producer direction).

Climate Change Risks

Climate Change Mitigation:

N/A

Climate Change Adaptation:

N/A

Financial Matters:

It is difficult to ascertain the financial compensation that would be sought by the current collection service provider. However, in order to support a change in collection days, the cost would need to be offset (or substantially offset) by the revenue received by EWSWA from the additional recycling, (if any).

According to the most recent Essex-Windsor Waste Diversion Report (2022), the revenue received averaged \$213/tonne. Council is reminded that the commodity prices for recyclable materials are extremely volatile. This figure is being used for illustration purposes only and should not be considered a representative average.

At \$213/tonne, a modest increase of 10 tonnes per year would yield approximately \$21,300 in additional revenue. This modest increase would have little impact on the equipment needed for collection. A substantial increase of 100 tonnes per year would yield approximately \$213,000 in additional revenue. A substantial increase in tonnes would require additional collection vehicles, which would result in increased compensation from the collection service provider.

Consultations:

Michelle Bishop, General Manager, Essex-Windsor Solid Waste Authority
 Catharine Copot-Nepszy, Diversion Manager, Essex-Windsor Solid Waste Authority
 Cindy Becker, Financial Planning Administrator

Conclusion:

There is little evidence to support that a change in collection days for recycling would result in a noticeable increase in diversion rates. There is, however, information that suggests doing so would result in a likely increase to overall costs for the remainder of the existing contract. Following that, the producers will be responsible for recycling collection and collection days will be at their discretion.

Should Council wish to increase diversion rates, it is suggested that new diversion programs be considered as they become available through the Essex-Windsor Solid Waste Authority.

Planning Act Matters:

N/A

Approvals:

Name	Title
Cindy Becker	Financial Planning Administrator – Public Works
Shawna Boakes	Executive Director of Operations
Chris Nepszy	Commissioner, Infrastructure Services
Dan Seguin	On behalf of Commissioner, Corporate Services/Chief Financial Officer & City Treasurer
Joe Mancina	Chief Administrative Officer

Notifications:

Name	Address	Email

Appendices:

Subject: Response to CR57/2022 – Data Collected and Potential Strategies to Target Rodent Issues – City Wide

Reference:

Date to Council: October 25, 2023
Author: Anne-Marie Albidone
Manager, Environmental Services
aalibidone@citywindsor.ca
519-974-2277 ext. 3123
Public Works - Operations
Report Date: October 6, 2023
Clerk's File #: AB2023

To: Mayor and Members of City Council

Recommendation:

THAT the report of the Commissioner of Infrastructure Services dated October 6, 2023, entitled "Response to CR57/2022 – Data Collected and Potential Strategies to Target Rodent Issues" **BE RECEIVED** for information.

Executive Summary:

N/A

Background:

At the February 14, 2022 meeting of City Council, the following resolution was passed:

*That the report of the Commissioner of Legal and Legislative Services dated January 31, 2022 entitled "Response to CQ 24-2021 – By-law to Require All Property Owners to Maintain Their Properties Free from Rodents and Further Researching Best Practices from Other Municipalities – City Wide" **BE RECEIVED** for information; and further,*

*That administration **BE DIRECTED** to report back at a future date on the data collected and potential strategies to target the issue of rodents in our community; and further,*

*That Administration **BE DIRECTED** to initiate an education and awareness campaign so residents are more aware of the existing Rodent Extermination Program.*

This report serves to report on the data collected and potential strategies to target rodent issues in our community.

Discussion:

The Rodent Extermination Program is a well established program in the Environmental Services Department, with data available on properties baited from 2007 (Table 1). Administration tracks two sets of measures. The first is the number of requests for the Rodent Extermination Service. However, not all request result in baiting. The second measure, which more accurately reflects the rat population trends on residential properties, is the number of properties baited. This data can be seen in Table 1.

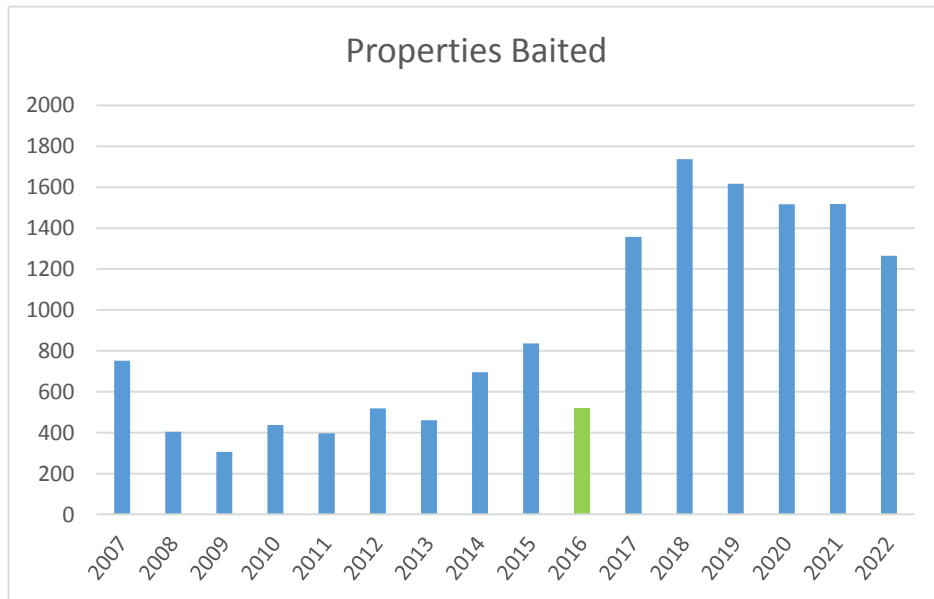


Table 1: Number of properties baited for rodent control by year.

Note that in 2016 a \$100 user fee was implemented, and subsequently removed in 2017.

Since 2018, the number of properties baited has steadily declined. There has also been a decline in the number of requests for the program year over year. In 2021, there was a total of 2,397 service requests for the Rodent Extermination Program, while in 2022 there was 1,735 service requests. Although part of the decline is likely due to education efforts and the baiting portion of the program, a portion of the decline is due to the natural cycle of wildlife populations. As resources such as food and water are plentiful, the population increases. As the population increases, the resources become scarcer, and the population then declines naturally. It is important to note that over the 16 year period depicted in Table 1, there has been little change in the education model.

Over the last year, Administration has undertaken the following education efforts:

1. Advertised and provided information on the program in the 2022/2023 Collection Calendar. This Calendar was delivered to over 90,000 homes, with an additional 1,721 Calendars delivered as requested through 311 in 2022.
2. Updated the City website, including a Frequently Asked Questions page to assist residents in understanding rodent behaviour, rodent attractants and deterrents, and abatement program requirements. [Rats - Frequently Asked Questions \(citywindsor.ca\)](https://www.citywindsor.ca)

3. Participation in a variety of interviews with media outlets to discuss trends in the rodent population and provide information on the Rodent Extermination Program.
4. Provided targeted education to nine (9) high complaint areas in 2023. This involved canvassing the area to request access to properties to proactively look for rodent activity, and to provide direct information to homeowners on the Rodent Extermination Program.

On average, Environmental Services inspects 30 new properties a week, and monitors the baiting of 125 properties each week.

Other education measures that may be considered to further promote the extermination program include:

- A. Focussed radio segments such as “Experts on call”
- B. Billboards on garbage trucks
- C. Increase number of direct targeted areas (as described in #4 above)
- D. Social media blitzes

Risk Analysis:

Environmental Services is currently staffed to manage the program under the existing education model. Any increases to education efforts could result in additional service needs. There is significant risk that this would lead to long wait times for service, and dissatisfaction among residents. A mitigating measure would be to increase staffing levels. The cost of this option is outlined in the financial section of this report.

Council is reminded that a user fee of \$20 per inspection was approved during the 2023 Budget Deliberations to be brought forward again in 2024 for consideration. This user fee does not fully offset the expenditures in the established program, therefore, an increase in educational efforts would require an offsetting increase in the proposed user fee in order to maintain the same net overall budget.

Climate Change Risks

Climate Change Mitigation:

N/A

Climate Change Adaptation:

N/A

Financial Matters:

The current contract for rodent extermination expires on March 31, 2024. It is anticipated that a new tender for the same service will result in increased costs, as there has not been an increase since 2020. It is difficult to estimate what this increase will be, but as a point of reference, a 10% increase would result in an increase to the contracted services of approximately \$5,000 per year.

Should changing the education model increase the demand for the program, this will in turn increase the cost of the program.

Should Council direct Administration to implement the additional suggested educational measures listed in the discussion section of this report, there would likely be a resulting increase in the requests for inspection. This increase would require not only an additional inspector (Waste Collection Operator position), but also the addition of a part-time clerk to assist with the administration of the program. In addition to added labour costs, there will also be increased costs for educational materials.

Summary of Additional Costs:

Waste Collection Operator (L82), wage and fringe	\$ 86,227
Junior Clerk (L543, Level 8), wage and fringe	\$ 41,945
Clothing and Other Staff Costs	\$ 1,000
Billboards	\$ 6,000
Pamphlets, Sign up documents	\$ 1,500
Total Additional Costs	<u>\$136,672</u>

A budget increase of approximately \$136,672, including the addition of 1.6 FTE's would be required to implement an enhanced program as outlined. Administration has prepared a 2024 budget issue for consideration outlining options such as the implementation of the previously approved \$20 user fee, as well as the complete elimination of the rodent control program as a budget reduction option.

- An additional option can be added to the specific rodent control budget issue to provide this third option for consideration of an enhanced education program related to rodent control

Consultations:

Cindy Becker, Financial Planning Administrator – Public Works

Conclusion:

The rodent extermination program is well established in the City of Windsor. It is clear that the use of the program fluctuates with the rodent population, and is not a reflection of the educational model. However, increased awareness would most likely increase use of the program. This would result in an increase to the cost of the program and should be reviewed in relation to other competing priorities during budget deliberations

Planning Act Matters:

N/A

Approvals:

Name	Title
Cindy Becker	Financial Planning Administrator, Public Works
Shawna Boakes	Executive Director, Operations
Chris Nepszy	Commissioner, Infrastructure Services
Dan Seguin	On behalf of Commissioner, Corporate Services/Chief Financial Officers & City Treasurer
Joe Mancina	Chief Administrative Officer

Notifications:

Name	Address	Email

Appendices:

Subject: Response to CQ 19-2022 – Review of the use of Artificial Turf on the Public Right-of-way - City Wide

Reference:

Date to Council: October 25, 2023

Author: Amy Kurek

Technologist II

519-255-6257 ext 6216

akurek@citywindsor.ca

Engineering

Report Date: October 5, 2023

Clerk's File #: SW2023

To: Mayor and Members of City Council

Recommendation:

1. That Council **RECEIVE** the response to CQ19-2022 for information.

Executive Summary:

N/A

Background:

Councillor McKenzie asked the following question at the September 26, 2022 meeting of Council:

CQ 19-2022

“Asks that Administration undertake a review of the use of artificial turf on the public right-of-way with a view to assess the impacts as it relates to climate change and bio diversity and to assess the on-going use of the material in terms of all potentially affected departments at the City of Windsor.”

This report discusses the current applications of artificial turf by the City of Windsor while taking into account the implications of its use on climate change and bio diversity.

Discussion:

The application of artificial turf by the City of Windsor is currently limited to specific use in the public right-of-way as well as in some playgrounds and track areas within

parkland. Specific to rights-of-way, artificial turf is used to minimize risk in areas that are not viable for natural plant material and/or that pose safety concerns from a maintenance perspective. The city currently has no plans to replace viable natural green spaces, inclusive of those used within the right-of-way or in parks, with artificial turf spaces.

Artificial turf is currently installed by the City in the public right-of-way in medians and narrow boulevards, especially on major thoroughfares (e.g. Dougall, Howard, Wyandotte, Huron Church) for the following reasons:

1. In order to alleviate safety concerns related to maintenance of naturally landscaped narrow medians in areas with large volumes of traffic
2. As part of a beautification initiative to replace areas of existing concrete/brick pavers to a more natural facade.
3. As a resolution to areas that are difficult to successfully grow plant material due to the use of salt in the cold months.
4. As a resolution to areas surrounded by hard surfaces that hold heat in the summer months resulting in the inability for plant material to grow due to burning.
5. Reduced weekly maintenance requirements.

The engineering best practice BP 3.2.2 – Landscaping in the Right-of-way was updated on July 16th, 2016 to allow artificial turf in the right-of-way under a right-of-way permit taken out by a property owner. There have been approximately 35 permits issued for artificial turf since 2016.

Comparison of Artificial Turf versus Grass from an Environmental perspective

Artificial turf

- Artificial turf does not provide any food for living creatures. It restricts access to the soil beneath for burrowing insects and to the ground above for soil dwellers such as worms.
- It restricts access to natural materials like leaf litter and grass clippings – essential for feeding soil organisms like worms and microscopic animals and keeping the soil healthy.

Grass

- Like all living plants, grass takes up carbon dioxide and releases oxygen.
- A natural lawn acts as an air filter, trapping and absorbing smoke, dust, and pollutants that would otherwise be breathed in by us.
- Provides a home for beetles, other insects and worms, and attracts birds such as starlings that feed on the invertebrates hidden below.
- Provides seed for birds; those of annual meadow grasses and dandelion are particular favourites.
- Improves water quality, promotes infiltration of rainwater and prevents soil erosion.
- Absorbs sound and reduces noise pollution.

While grass provides enhanced environmental benefits compared to artificial turf, as demonstrated above, the impact is not considerable given the areas within the right-of-way where artificial turf is currently being utilized (e.g. medians) are not supportive of a rich biodiversity due to their location and proximity to traffic. In fact, in most cases artificial turf is being used to replace hard surfaces such as concrete which provides no environmental benefits.

In addition, the impact to climate change would be negligible as the use of artificial turf is limited throughout the City. Widespread use of artificial turf in the right-of-way is not anticipated due to cost and as observed by the low number of permits issued for artificial turf installed by property owners in the last seven (7) years (only 35).

Risk Analysis:

The use of natural grassed medians creates a safety concern for maintenance staff, especially on high-speed thoroughfares. This is mitigated through the use of reflective clothing and temporary traffic setups. While installed at a lower capital cost compared to artificial turf or pavement, grass and other natural medians require maintenance at a higher and ongoing operating cost.

Should the number of permits issued to property owners to install artificial turf in the right-of-way as permitted by BP 3.2.2 increase significantly there would be an associated increase in costs to Capital works projects such as City road rehabilitation projects as the City would reinstate the permitted artificial turf rather than topsoil and grass for those properties.

Climate Change Risks

Climate Change Mitigation:

Grass or other natural plants absorb carbon dioxide. Conversely, production of artificial turf requires energy and therefore increases greenhouse gas emissions. At the end of life of artificial turf will end up in the landfill, whereas grass can be mulched in place.

Climate Change Adaptation:

N/A

Financial Matters:

There are no financial impacts associated with the recommendations of this report. Any budgetary impacts from the current use of artificial turf have been accounted for in operating and capital budgets.

Consultations:

Roberta Harrison, Coordinator Maintenance, Operations

Wadah Al-Yassiri, Manager of Parks and Development, Parks and Facilities

James Scott, Manager of Parks Operations, Parks and Facilities

Fahd Mikhael, Manager of Design, Engineering

Kristina Savi-Mascaro, Purchasing, Risk Management & Provincial Offences

Katrina Richters, Supervisor Environmental Sustainability and Climate Change, Asset Planning

Conclusion:

While the findings of this report include information regarding some negative environmental impacts of the use of artificial turf, the current volume at which artificial turf is utilized by the City of Windsor can be deemed to have an insignificant impact.

Planning Act Matters:

N/A

Approvals:

Name	Title
Adam Pillon	Manager of Right-of-Way
Stacey McGuire	Executive Director of Engineering/Deputy City Engineer
Shawna Boakes	Executive Director of Operations/Deputy City Engineer
Chris Nepszy	Commissioner, Infrastructure Services
Shelby Askin Hager	Commissioner, Legal and Legislative Services
Joe Mancina	Chief Administrative Officer

Notifications:

Name	Address	Email
Kieran Mckenzie		kmckenzie@citywindsor.ca

Appendices:

N/A



Subject: Follow-up to CR172/2023 – Essex Terminal Railway Whistling Cessation – Ward 4

Reference:

Date to Council: October 25, 2023
Author: Chris Gerardi
Policy Analyst, Transportation Planning
519-255-6100 x6830
cgerardi@citywindsor.ca

Public Works - Operations
Report Date: October 6, 2023
Clerk's File #: MTR2023

To: Mayor and Members of City Council

Recommendation:

THAT report S 129/2023, "Follow-up to C172/2023 - Essex Terminal Railway Whistling Cessation – Ward 4," **BE RECEIVED** for information.

Executive Summary:

N/A

Background:

At its April 24, 2023 meeting, Council passed the following resolution:

CR172/2023 ETPS940

That Administration **BE DIRECTED** to continue discussions with Transport Canada, The Transportation Minister, the Member of Parliament and the Federal Government to continue to look into grant funding that is available to fund warning system upgrades at the affected crossings, and fund safety measures in and around these crossings; and,

That the Essex Terminal Railway (ETR) **BE REQUESTED** to have an independent organization conduct a study on decibel levels in the subject area; and,

That the information **BE PROVIDED** to Council at a future meeting for their consideration.

Discussion:

Administration continues to look into grant funding that is available to fund warning system upgrades at the affected crossings, and fund safety measures in and around these crossings. In the past the City has obtained funding under the Rail Safety

Improvement Program provided by Transportation Canada. It should be noted at the time of this report all initiatives under this program are closed.

Administration will report back to council when an appropriate Rail funding opportunity is identified and requires council approval.

As per council's request, Essex Terminal Railway (ETR) hired a third party to perform decibel level testing. ETR is able to share publicly that it is compliant within the minimum/maximum decibels level readings for level crossings, as per Transport Canada guidelines (see Appendix A).

Risk Analysis:

There are no risks to receiving this report for information.

Climate Change Risks

Climate Change Mitigation:

N/A

Climate Change Adaptation:

N/A

Financial Matters:

There are no financial implications to receiving this report for information. At the time that funding is available, a future report will be provided to Council.

Consultations:

Luigi Congi, Asset Planning

Conclusion:

Type here

Planning Act Matters:

N/A

Approvals:

Name	Title
Shawna Boakes	Executive Director, Operations
Chris Nepszy	Commissioner, Infrastructure Services
Joe Mancina	Chief Administrative Officer

Notifications:

Name	Address	Email
Councillor Mark McKenzie		
Tony De Thomasis President and CEO Essex Terminal Railway	1600 Tecumseh Rd. East Windsor, ON N8W 1C5	

Appendices:

1. Appendix A: ETR – Decibel Levels

Vivier, Paula

From: tony dethomasis
Sent: October 4, 2023 5:43 PM
To: Gerardi, Chris (He/Him)
Subject: Essex Terminal Railway - Decibel levels

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, Chris:

In the spirit of cooperation and community, we have been working with the City on this and currently we are not comfortable with sharing this report and email with the public due to rules and regulations with both Transport Canada and the Railway Association of Canada and the sensitive and confidential nature of the criteria.

We would agree with simply stating that ETR is compliant within the minimum/maximum decibels level readings for level crossings.

We will continue to monitor these levels as per Transport Canada guidelines and acting when necessary.

Regards,

Tony

Sent from my iPhone



Subject: Active Transportation Master Plan 2022 Update - City Wide

Reference:

Date to Council: October 25, 2023
Author: Kathy Quenneville
Active Transportation Coordinator
519-255-6100 ext.6287
kquenneville@citywindsor.ca
Public Works - Operations
Report Date: April 26, 2023
Clerk's File #: MB/5331

To: Mayor and Members of City Council

Recommendation:

THAT report S 52/2023, "Active Transportation Master Plan 2022 Update" **BE RECEIVED** for information.

Executive Summary:

N/A

Background:

Active transportation means using human power to get from one place to another, and includes walking, biking, skateboarding, and non-mechanized wheel chairing. It offers numerous benefits to individuals, to our community and the environment. Such benefits include improved health and mental well-being with increased physical activity, mitigation of climate change through reduced greenhouse gas emissions, economic advantages to the City of Windsor with lower cost infrastructure and increased connection with travel surroundings, including businesses, and in providing an optional form of transportation that is accessible and equitable to a wide range of individuals, regardless of age, income or physical ability. By continuing to encourage and support active transportation initiatives, the City can create a healthier, more liveable and sustainable place for its residents and for visitors. In recognition of these benefits, Council approved Walk Wheel Windsor, the City's Active Transportation Master Plan (ATMP), on July 22, 2019.

Action item 5E.2 of the ATMP report recommends annual reporting to City Council on growth in the active transportation network and other active transportation statistics, as well as using the information to report to the public. This report provides an update for the 2022 year and it

summarizes the collaborative efforts across the organization and by our community partners in advancing active transportation. However, it is not to be considered a comprehensive list of all initiatives.

Discussion:

2022 Year in Review

The main indicator of successful implementation is the observation of an increase in walking, cycling, other forms of active transportation and increased sustainable mode share incorporating a combination of active transportation and transit use. The ATMP target is 25% mode share by 2041, which also supports the City's Community Energy Plan recommendation to increase its 10% sustainable mode share target.

Our current method of measuring mode share relies on Census Canada's commuting data and there is no such data available for 2022, as the Census is completed every 5 years. The 2021 Census indicated there was a 9.6% decrease in the total number of commuting trips from 2016, with an associated decrease of almost 3% in the number of people reporting they walked, cycled or took transit to work.

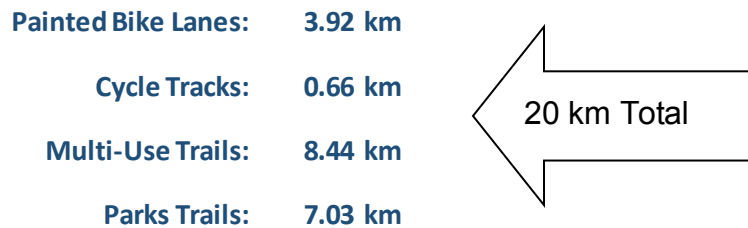
As noted in the ATMP report, Census data only includes commute trips, and does not include trips for other purposes, such as exercise, errands, social outings, or to spend time with family or friends. Surveys completed during the development of the ATMP found that commuting to work was one of the least common reasons why people choose to travel by active modes of transportation. Also, the 2021 census fell within the period of time where Covid-19 related hybrid work and work-from-home policies were still largely in place. As such, it is anticipated that the Census data underrepresents the actual amount of active transportation trips being made by Windsor residents.

Other measures of progress in the implementation of Walk Wheel Windsor is the investment in both staffing and funding resources that are dedicated to active transportation.

- A full-time Active Transportation Coordinator was hired in November 2022 to oversee the implementation of the Plan. Prior to this time, other Transportation Planning staff had taken on some active transportation responsibilities to ensure fulfillment of recommendations made under the ATMP. Many other City department staff, such as Operations, Engineering and Parks, also devote a portion of their time to cycling and pedestrian network maintenance and the administration of projects that include active transportation facilities.
- Roughly \$4 million was budgeted or spent on walking and cycling facilities, and includes:
 - Transportation Planning Department active transportation budget, which includes bikeways development, pedestrian crossovers, environmental study reports, and School Neighbourhood Policy.
 - Parks new trail and walking path development, trail replacement, off-road cycling course development, trail maintenance budget.
 - Active transportation proportion of capital projects expenditure, where active transportation facilities were included in the project scope.
 - Transit Windsor bus shelter maintenance budget.

- Operation budget for sidewalk maintenance, and winter control for sidewalks, multi-use trails and wheelchair ramps.
- Over \$200,000 in Investing in Canada Infrastructure Program (ICIP) Covid-19 grant funding was allocated toward an active transportation project.

While the City continues to seek out all opportunities to make additional funds available to achieve the funding levels contemplated by the ATMP and notwithstanding the significant competing demands on the municipal budget, since the approval of Walk Wheel Windsor, the following active transportation facilities were added to the network between 2020 and 2022:



A complete list of facilities constructed may be found in Appendix 1.

The following are contributions made in 2022 to advance the implementation of the ATMP under the plan's five themed priorities: Connecting Communities, Places for People, Innovation and Integration, Culture Shift and Quality of Life. Appendix 2 is an infographic that highlights these achievements, and which may be used for public promotion of Walk Wheel Windsor 2022 advancements.

Connecting Communities

Working toward continuously building new and enhancing the existing active transportation infrastructure, to create a citywide network of pedestrian and cycling routes that are safe and comfortable for people of all ages and abilities.

- Approximately 2.8 km of multi-use and cycling facilities were added to the active transportation network:

Facility Type	Street/Park	From	To	Length (km)
Park Trail	Wilson Park	Addie Knox parking lot to splash pad and playground		0.150
Park Trail	Willistead Park	Niagara St to existing multi-use trails		0.040
Park Trail	Stodgell Park	new multi-use trail		0.677
Park Trail	Roseville Gardens Park	new multi-use trail sections added		0.160
Park Trail	Little River Boulevard Park	to Morningstar Ave and to Katella Ave		0.055
Bike Lanes	North Talbot Rd.	East of Howard Ave	East of Southwood Lakes	0.280

Bike Lanes	Ducharme St.	Cancun St	Helsinki Court	0.200
Cycle Tracks	Hawthorne Dr	Roseville Park	Lauzon Pkwy	0.660
Multi-Use Trail	Hawthorne Dr	Lauzon Pkwy	Lauzon Rd	0.530

- Approximately 7 km of sidewalks were added.
- Progress made toward future projects:
 - Public consultation to gauge interest and inform a preliminary design for a roadway re-allocation along Wyandotte St. E., which would include cycling facilities.
 - Preliminary design and public consultation for the Victoria Ave. and Shepherd St. local street bikeways.
 - Concept design and stakeholder consultation to inform a preliminary design for pop-up protected bike lanes along University Ave.
 - Design of a bike facility along Kildare Avenue, which includes traffic calming.
- 11 newly installed traffic signals with bike detection capability.

Places for People

Strategies that create great places for people, and consider the needs of all road users, or “people centred planning”.

- Sandwich South Sustainable Neighbourhood Action Plan – Council approved a contract with RWDI and Urban Strategies, Inc. to begin working with Administration to develop of a vision for a sustainable neighbourhood, using a Complete Streets concept, where active transportation facilities and transit are key components.
- 39 sidewalk patios were approved.

Innovation and Integration

Supporting year-round usage of active transportation by making walking, cycling and transit use convenient forms of transportation.

- An ATMP “Quick Win”, the city extended its e-scooter and e-bike share pilot with operator Bird Canada adding 100 e-bikes to its fleet of 450 e-scooters 2022. The Phase I service area covered 17% of the City’s land area.

- A draft Bike Parking Policy was created and endorsed by the Windsor Bicycle Committee.
- Approximately \$1.15 million was budgeted for Active Transportation related maintenance, including bus shelter maintenance and snow removal, sidewalk and trails maintenance and winter control, and BIA ramp salting.
- Over 5.5 million sessions were logged by Transit Windsor users, an increase of almost 2 million from 2019.

Culture Shift

Education and awareness to help foster a culture of active transportation.

- 4,658 school aged children participated in cycling education and skills training courses through the Safety Village.
- 6 schools participated in the Ontario Active School Travel Fund Grant Program, overseen by the Windsor-Essex County Health Unit, where grade 5 & 6 students participated in CAN Bike Safety and Education program, training on safe active school travel, and sessions were led by Bike Windsor Essex.
- Walkability/Bikeability studies completed for 3 city schools
- 46,458 student bus passes were issued (regular bus schedule resumed in September 2022).

Quality of Life

Improving comfort, safety and accessibility for all road users, and celebrating and promoting active transportation.

- 8 new pedestrian crossings were installed:
 - Banwell Rd. roundabout – four (4)
 - Forest Glade Dr. at Rosebriar Rd.
 - McDougall St. at Foch Ave.
 - McNorton St. at Radcliff Ave.
 - North Talbot Rd. at Southwood Lakes Blvd.
- Events attended by Transportation Planning staff to promote Active Transportation: Earth Day, Bike to Work Day and Open Streets.
- City funding was provided to the Windsor Bike Committee for:
 - Hosting Bike to Work Day
 - Providing secure bike parking during the International Fireworks event

- Sponsorship of a cycling film viewed at the Windsor International Film Festival

Risk Analysis:

There are no risks associated with the recommendations of this informational report.

Climate Change Risks

Climate Change Mitigation:

Reducing transportation related greenhouse gas emissions associated with the burning of fossil fuels will help reduce the impact of climate change. Active transportation which includes walking, cycling and use of public transport, is a sustainable mode of travel that avoid or greatly reduce greenhouse gas emissions. By improving its active transportation network and by encouraging the use of sustainable modes of transport, the City of Windsor would be taking steps toward reaching its sustainability and greenhouse gas reduction goals and targets. The Community Energy Plan estimates that for every two percent mode shift to active transportation results in emissions reductions of about 8,000 tonnes CO₂, or about one percent of the total transportation emissions in 2041.

Climate Change Adaptation:

As climate change presents more global and local threats, active transportation provides an alternative mode of travel, where other methods of travel may not be available or accessible.

Financial Matters:

There are no expenditures associated with the recommendations of this informational report.

Consultations:

James Chacko, Senior Manager of Parks

Phong Nguy, Manager of Contracts, Field Services and Maintenance, Public Works Operations

Roberta Harrison, Coordinator Maintenance, Operations

Ian Day, Senior Manager Traffic Operations/Parking, Operations

Jason Scott, Manager of Transit Planning, Transit Windsor

Karina Richters, Supervisor Environmental Sustainability & Climate Change

Conclusion:

The 2022 annual report on active transportation has provided an overview of the progress and developments in the implementation of Walk Wheel Windsor, the City's

Active Transportation Master Plan in the last year. The City continues to demonstrate its commitment to advancing active transportation and pedestrian and cyclist safety through the funding of additional staff resources to facilitate the implementation of Walk Wheel Windsor, by seeking grant opportunities and investing to expand the cycling and pedestrian networks, by improving the user experience and by working with community partners to provide education programs to foster a culture of walking and cycling.

By building upon the achievements noted in this report and by adopting more strategies and actions outlined in the ATMP, the City can move closer to achieving its climate mode share target and continue to pave the way to providing its citizens with safe, accessible, comfortable and convenient sustainable transportation options.

Planning Act Matters:

N/A

Approvals:

Name	Title
Shawna Boakes	Executive Director of Operations
Cindy Becker	Financial Planning Administrator
Chris Nepszy	Commissioner of Infrastructure Services
Janice Guthrie	Chief Financial Officer
Joe Mancina	Chief Administrative Officer

Notifications:

Name	Address	Email

Appendices:

- 1 Appendix 1 - Walk Wheel Windsor Active Transportation Facilities 2020 to 2022
- 2 Appendix 2 - ATMP 2022 Highlights

Appendix 2 - Walk Wheel Windsor Active Transportation Facilities 2020 - 2022

Year	Facility Type	Street/Park	From	To	Length (km)
2020	Multi-Use Trail	Dougall	Tunnel		0.380
	Multi-Use Trail	Ojibway Pkwy - Realignment	Weaver Rd		0.000
	Multi-Use Trail	Tranby Rd	Parkview	Isabelle	0.300
	Multi-Use Trail	Rhodes/Deziel Drive Ph 1	Kautex	Pillette Rd	2.100
	Multi-Use Trail	Banwell Rd Phase 1	Tecumseh	Palmetto	0.365
	Bike Lanes	Riverside Dr E	Solidarity Towers	Lauzon Rd	1.200
	Bike Lanes	College	Wellington	Crawford	0.250
	Bike Lanes	Pulford /California	Norfolk	Northway	0.448
	Bike Lanes	Memorial	Vimy	Marentette	0.250
	Park Trails	Bridgeview Park	N/A	N/A	0.420
	Park Trails	Langlois Park	N/A	N/A	0.660
	Park Trails	Tranby Park	N/A	N/A	1.150
	Park Trails	Alexander Park	Playground	Viewing Area	0.054
	TOTAL				
2021	Multi-Use Trail	Little River			0.740
	Multi-Use Trail	Rhodes Drive Phase 2	Pillette Rd	Jefferson Blvd	2.100
	Multi-Use Trail	Florence Street			0.520
	Multi-Use Trail	Matchette Road Phase 1	EC Row Expressway	Chappell Ave	1.000
	Multi-Use Trail	EC Row Avenue East	Bliss Rd	Turner Rd	0.404
	Multi-Use Trail	Addition to EC Row Ave Trail	Walker Rd	Riberdy Rd	
	Multi-Use Trail	Walker Road	EC Row Collector North	EC Row Collector South	
	Bike Lanes	Cabana Road Phase 3	Dominion (Mount Royal)	Dougall Ave	1.300
	Park Trail	Central Park (new)			1.603
	Park Trail	Southdale Park (additional trail)			0.350
	Park Trail	Riverside Baseball Park (additional trail)			0.700
	Park Trail	George Avenue Park (new)			0.716
	Park Trail	Alton C Parker Park (new)			0.290
TOTAL					9.723
2022	Multi-Use Trail	Hawthorne Dr	Lauzon Pkwy	Lauzon Rd	0.530
	Bike Lanes	North Talbot Rd	E of Howard Ave	E of Southwood Lakes	0.280
	Bike Lanes	Ducharme St	Cancun St	Helsinki Court	0.200
	Cycle Tracks	Hawthorne Dr	Roseville Park	Lauzon Pkwy	0.660
	Park Trail	Wilson Park	Addie Knox parking lot to splash pad and playground		0.150
	Park Trail	Willistead Park	Niagara St to existing multi-use trails		0.040
	Park Trail	Stodgell	new multi-use trail		0.677
	Park Trail	Roseville Gardens Park	new multi-use trail sections added		0.160
	Park Trail	Little River Boulevard Park	to Morningstar Ave and to Katella Ave		0.055
TOTAL					2.752
3 YEAR TOTAL					20.052



WALK WHEEL WINDSOR

2022 Active Transportation Highlights



- 9.8 km of active transportation facilities added:
 - 1.08 km park trails
 - 480 m bike lanes
 - 660 m cycle tracks
 - 530 m multi-use trails
 - 7 km of sidewalks
- 11 NEW traffic signals with bike detection
- 39 sidewalk patios approved
- Sandwich South Sustainable Neighbourhood Action Plan
 - City Administration began developing a vision for a sustainable neighbourhood
 - Active transportation and transit are key components
- Bird e-scooter and e-bike share program pilot with 100 e-bikes and 450 e-scooters
- Bike Parking Policy drafted
- Approx. \$1.15 million budgeted for Active Transportation facility maintenance
- Over 5.5 million sessions logged by Windsor Transit users



- 4,658 school aged children participated in cycling education & skills training through the Safety Village
- 6 schools participated in CAN Bike Safety Education Program
- Walkability/bikeability studies completed for 3 schools
- 46,458 student bus passes issued
- Active Transportation Promotion at Events
 - Earth Day
 - Bike to Work Day
 - Open Streets Windsor
- 8 NEW pedestrian crossings installed
 - Banwell Rd. Roundabout (4)
 - Forest Glade Dr. at Rosebriar Rd.
 - McDougall St. at Foch Ave.
 - McNorton St. at Radcliff Ave.
 - North Talbot Rd. at Southwood Lakes Blvd.

Total Active Transportation km added since 2020:	Bike Lanes:	3.93 km
	Multi-use Trails:	8.44 km
	Parks Trails	7.03 km
	Cycle Tracks:	0.66 km

Visit cyclewindsor.ca for more information about the City's Active Transportation Master Plan, Walk Wheel Windsor





Subject: Church Street (Tecumseh Road West to Cul-de-Sac) Traffic Calming – Ward 3

Reference:

Date to Council: October 25, 2023
Author: Clare Amicarelli
Transportation Planning Coordinator
519-255-6100 ext. 6463
camicarelli@citywindsor.ca

Public Works - Operations
Report Date: October 6, 2023
Clerk's File #:ST/13863

To: Mayor and Members of City Council

Recommendation:

THAT Administration **BE DIRECTED** to install speed humps on Church Street between Tecumseh Road West and Cul-de-Sac; and,

THAT Council **SUPPORT** the immediate use of \$41,700 in 2026 Pay-As-You-Go funding previously approved as part of the 2023 10-year capital budget from the Traffic Calming Initiatives project, OPS-021-07, and **DIRECT** the City Treasurer to pre-commit those funds as part of the 2024 capital budget; and,

THAT a budget issue with regards to annual maintenance of \$3,090 **BE PRESENTED** as part of the 2025 operating budget development process and be considered a priority item based upon approval for the installations.

Executive Summary:

N/A

Background:

Traffic Calming Policy and Local Road Speed Hump Procedure

The City of Windsor Traffic Calming Policy was first adopted in 2005. The Policy underwent major updates in 2015 and 2021.

When the 2021 Traffic Calming Policy was brought before Council at its April 19, 2021 meeting, in addition to adopting the proposed policy, Council directed that

Administration report back with additional policy measures related to traffic calming (CR168/2021):

That administration BE DIRECTED to report back to Council with a policy, including a rollout plan, that would allow residents to request speed bumps if the majority in the subject block wish to see that happen.

The requested report back was brought before Council on May 9, 2022. The report provided a new Local Road Speed Hump Procedure as well as related minor amendments to the Traffic Calming Policy in order to implement the new procedure. Council adopted this new Procedure.

The following locations are pending approval by Council:

- Kildare Avenue (Richmond Street to Ottawa Street)
- Lone Pine Street (Provincial Road to Maple Leaf Crescent)
- Partington Avenue (Columbia Court to Labelle Street)

The following locations have been approved by Council and are pending construction:

- Academy Drive (Northwood Street to North Service Road West)
- Avondale Avenue (West Grand Boulevard to Norfolk Street)
- Beals Street (Dougall Avenue to Huntington Avenue)

The following locations have been approved by Council and are installed:

- Dandurand Avenue (Piazza Street to Northwood Street)
- Grove Avenue (Janette Avenue to Bruce Avenue)
- Partington Avenue (College Avenue to Tecumseh Road West)
- Victoria Avenue (Tecumseh Road West to Jackson Street)

Discussion:

Church Street

A resident request for traffic calming on Church Street between Tecumseh Rd W and the Cul-de-Sac was received in April 2023. The street was reviewed and confirmed to be eligible for speed humps under the Local Road Speed Hump Program. A resident survey to determine neighbourhood support was carried out from August 2, 2023 to September 1, 2023. Residents were able to vote online or via 311. The results of the survey are summarized in Table 1.

Table 1: Traffic Calming Approval Survey Results – Church Street

Criteria	Required	Actual		Result
Level of Support	50% of households or commercial properties voting “yes” (25 of 49 households)	Yes	51% (25 households)	Pass
		No	2% (1 households)	
		Did Not Vote	47% (23 households)	

Some residents provided additional comments when voting. A summary of comments received are as follows:

- From study area residents voting in support of speed humps:
 - Lots of speeding traffic on the street
 - Would like access to Wear Street blocked at the intersection of Wear Street and Church Street
 - Concerned about how the speed humps will affect the school buses
 - Concerned that installation of speed humps on Church Street will divert traffic to the 2100 block of York Street. Would like a speed hump survey to be conducted for the 2100 block of York Street.
- From study area residents voting against speed humps:
 - Would like an eastbound right turn lane at the corner of Tecumseh Road West and Dougall Avenue

In addition to votes by residents in the study area, 5 responses were received from addresses outside the study area. Of these responses not counted toward the approval threshold, the breakdown is as follows:

- 100% (5 responses) supported speed humps on Church Street
- 0% (0 responses) opposed speed humps on Church Street
- 0% (0 responses) provided no response to speed humps on Church Street

Some additional comments received from these out-of-area responses are as follows:

- Lots of speeding traffic on the street

- Would like to see ongoing enforcement in the neighborhood for noise pollution caused by traffic
- Lots of speeding traffic on York Street

Risk Analysis:

No critical or significant risks have been identified with the report recommendations. This location has both sidewalks and curb and gutter, therefore no other pilots affect the installation.

Construction costs for speed humps are subject to normal price variability for materials and tender costs. These financial risks are mitigated by following the procedures in the Purchasing By-law and normal project management practices

Climate Change Risks

Climate Change Mitigation:

N/A

Climate Change Adaptation:

N/A

Financial Matters:

Church Street

The estimated cost to install speed humps and related signage on Church Street between Tecumseh Road West and Cul-de-Sac summarized in Table 2.

Table 2: Cost Estimate – Church Street Traffic Calming

Item	Unit	Cost per Unit		Quantity	Total Cost	
		Initial Installation	Annual Maintenance		Initial Installation	Annual Maintenance
Speed humps and associated signs and pavement markings	Each	\$10,250	\$770	4	\$41,000	\$3,080
“Traffic Calmed Neighbourhood” Signs	Each	\$350	\$5	2	\$700	\$10
Grand Total – Church Street					\$41,700	\$3,090 per year

The Traffic Calming capital budget project 7069022 was established to track and record expenditures related to the initial installation of the speed humps at all locations; however, there are currently insufficient funds available in the project.

The 2023 approved 10-year capital funding plan currently includes funding for Traffic

2026 \$400,000 (\$300,000 approved in principle, \$100,000 pre-committed)
2028 \$100,000
2031 \$1,140,000
2032 \$281,000

Funding for the installation of the speed humps identified in this report will require the use of \$41,000 from the remaining \$300,000 of approved in principle funds in 2026. By doing so, the project will incur financing charges over the next 2 years estimated at \$5,000. It should be noted that Administration is in the process of preparing the 2024 capital budget and has identified traffic calming as a priority item. As such, Administration will review any opportunities which may be available to allocate additional funding within the 2024-25 period to ensure sufficient “in-year” funding is readily available going forward thereby limiting the need to either pre-commit future funding or incur financing charges for such traffic calming projects.

The ongoing annual maintenance cost is estimated as \$3,090 per year (speed hump maintenance (ROW Maintenance): \$3,080 per year; signs and markings (Traffic Operations): \$10 per year). Maintenance costs for initiatives such as this project have not been previously identified within operating budgets and therefore this cost may not be able to be accommodated in the existing Public Works operating budget. Should Council approve the traffic calming plan, an operating budget increase will be brought forward as part of the 2025 budget submission.

Consultations:

Operations: Phong Nguy, Manager of Contracts, Field Services and Maintenance

Traffic Operations: Ian Day, (A) Senior Manager of Traffic Operations and Parking Services

Human Resources: Gayle Jones, Diversity and Accessibility Officer

Windsor Fire Rescue Services: Mike Coste, Chief Fire Prevention Officer

Windsor Police Service: Barry Horrobin, Director of Planning and Physical Resources

Transit Windsor: Jason Scott, Manager of Transit Planning

Financial Planning: Cindy Becker, Financial Planning Administrator – Public Works

Asset Planning: Mike Dennis, Manager of Strategic Budget Development and Control

Public Consultation – Church Street

The resident approval survey was carried out from August 2 to September 1, 2023. Methods used for resident notification and outreach were as follows:

- Mail out to all property owners and tenants in the project area, attached as Appendix A (August 2, 2023)
- Social media posts (August 2, 2023)
- Notification signs posted in the survey area

Conclusion:

Having met the criteria for speed humps in the Local Road Speed Humps Procedure under the Traffic Calming Policy, Administration recommends installing speed humps on Church Street between Tecumseh Road West and Cul-de-Sac.

Planning Act Matters:

N/A

Approvals:

Name	Title
Cindy Becker	Financial Planning Administrator
Shawna Boakes	Executive Director of Operations
Chris Nepszy	Commissioner, Infrastructure Services and City Engineer
Dan Seguin	On behalf of Commissioner, Corporate Services and Chief Financial Officer
Joe Mancina	Chief Administrative Officer

Notifications:

Name	Address	Email
<i>Area residents and project notification list – Church Street (list provided to Clerks)</i>		

Appendices:

- 1 Speed Hump-Church Street

August 2, 2023

**RE: TRAFFIC CALMING SPEED HUMP REVIEW SURVEY
CHURCH STREET (TECUMSEH ROAD WEST TO CUL-DE-SAC)**

Dear Resident,

We are requesting your input on a potential traffic calming speed hump project in your area.

A request for traffic calming has been received for **Church Street**. Church Street currently qualifies for traffic calming speed humps. To determine whether traffic calming speed humps would be supported by neighbourhood residents, a survey is being carried out. We request that you submit your vote online or call 311 to indicate whether you would support traffic calming speed humps on Church Street. **Please place your vote before September 1st, 2023 to ensure that your vote is counted.**

In order to place your vote, please fill out the survey: <https://tinyurl.com/churchsurvey2>



You may also call 311 and state that you are responding to the **traffic calming survey for Church Street**. You will be asked for your name, address, your vote on the traffic calming survey, and given an opportunity for any other comments. After the 30-day survey period, results will be posted to the City's website at <https://tinyurl.com/speedhumpresults>.

One vote per household or business will be considered.

The plan will be brought forward to Council for approval if the required level of residential support described below is reached:

- A minimum of 50% of the households and commercial properties in the survey area must indicate their support for the traffic calming speed humps.

For more information on traffic calming please go to <https://tinyurl.com/tcalming> or search for "traffic calming" on the City website (www.citywindsor.ca). If you have any questions and/or concerns, please do not hesitate to contact Shannon Deehan, Transportation Planning Coordinator, at 519-255-6100, ext. 6188 at your convenience.

Yours truly,



Shawna Boakes, P. Eng.
Executive Director of Operations
SB/sd

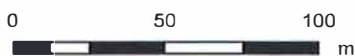
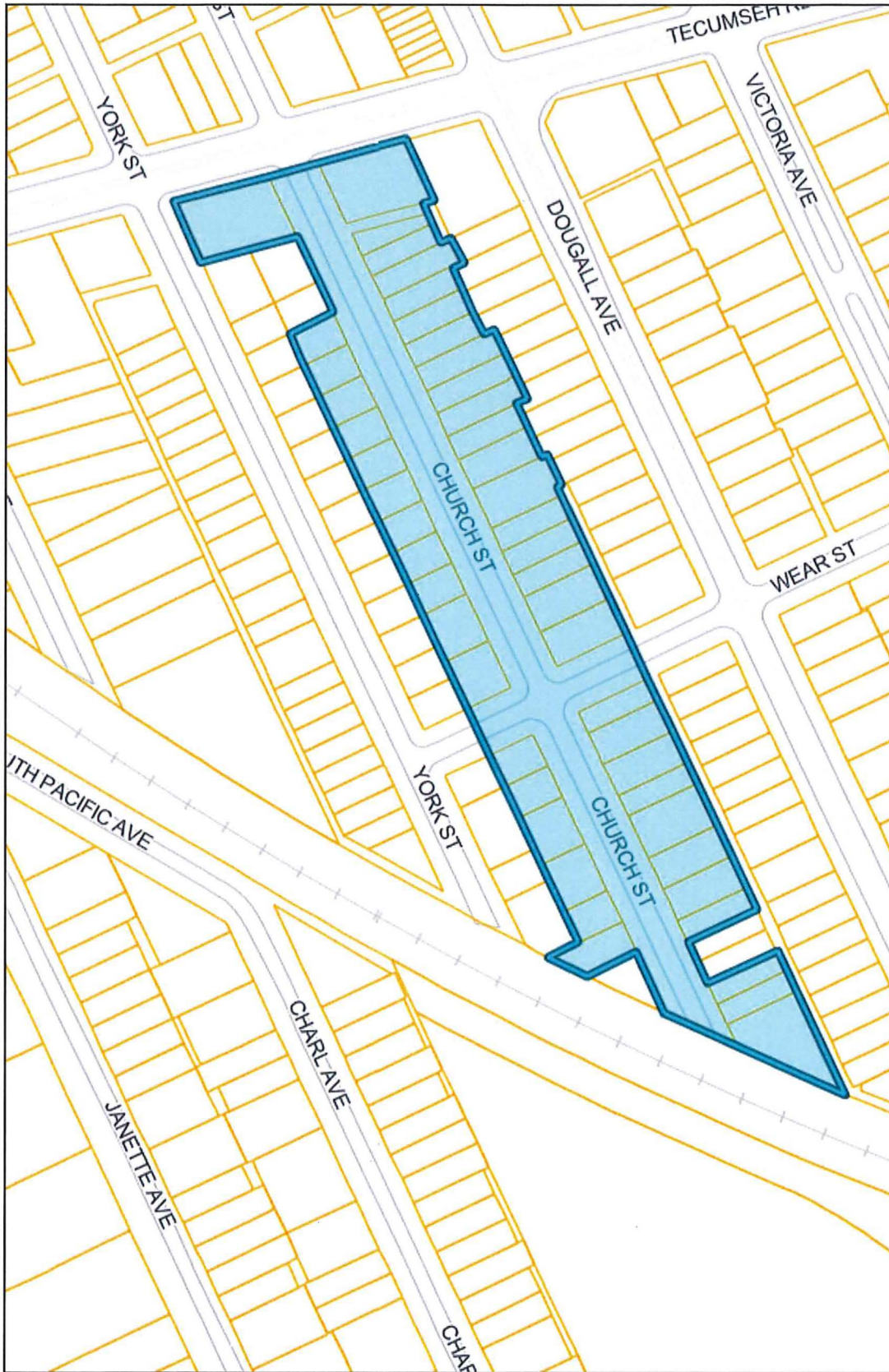
Attachment

C.c. Ward 3 Councillor

Legend

Property

Parcels



This map is a user generated static output from an Internet mapping site and is for reference only. Data layers that appear on this map may or may not be accurate, current, or otherwise reliable.

Notes

Survey Area of Church Street from Tecumseh Road West to Cul-De-Sac

THIS MAP IS NOT TO BE USED FOR NAVIGATION



Subject: Response to Council Decision ETPS 942 – Options for Addressing Panhandling - City Wide

Reference:

Date to Council: October 25, 2023

Co-Author: Jennifer Tanner
Manager, Homelessness and Housing Support
Human and Health Services
519-255-5200 x 5250
jtanner@citywindsor.ca

Co-Author: Craig Robertson
Deputy Licence Commissioner and Acting Senior Manager
of Licensing and Bylaw Enforcement
519-255-6100 x 6869
crobertson@citywindsor.ca

Report Date: 7/24/2023
Clerk's File #: ACL2023

To: Mayor and Members of City Council

Recommendation:

THAT the report titled "Options for Addressing Panhandling" from the Manager of Homelessness and Housing Support and the Deputy Licence Commissioner submitted in response to direction provided through Council Decision ETPS 942 **BE RECEIVED** for information; and,

THAT City Council and Administration **ADVOCATE** to the provincial and federal levels of government for increased investments in programs and benefits for Canadians that will reduce poverty and increase affordability; and,

THAT City Council continue to **SUPPORT** programs and services that advance the goals of the 10-year Housing and Homelessness Master Plan, and the creation and expansion of affordable and supportive housing.

Executive Summary:

N/A

Background:

At the Council meeting of July 11 2022, Councillor Francis asked the following question:

CQ 11-2022

Assigned to Commissioner of Legal and Legislative Services:

That Administration report back to City Council regarding the feasibility of establishing a by-law that prohibits panhandling in residential, business, and tourism districts within the City of Windsor, including boulevards and pedestrian refuges.

A response to CQ-11 was presented on 30 January 2023 (APPENDIX A), and by CR 36/2023 Council directed administration to bring forward a by-law for Council's consideration to reduce aggressive, intimidating, and dangerous panhandling practices. Council also requested statistics regarding tickets issued under the Ontario Safe Streets Act, as well as information about other Ontario municipalities with like by-laws.

At the March 29, 2023 meeting of the Environment, Transportation & Public Safety Standing Committee, Report S 31/2023 was received, outlining the requested statistical information and municipal surveying results. This report also contains the proposed bylaw. The Standing Committee, through Decision Number ETPS 942 directed Administration as such:

*That the attached additional information relating to panhandling regulation and statistics BE RECEIVED; and,
That by-law ***, being a by-law to regulate panhandling, BE CONSIDERED, and, if advisable, BE PASSED; and,
That administration BE DIRECTED to provide more information related to other options to issuing fines, including but not limited to outreach, to address the aggressive panhandling behaviour, for Council's consideration.*

Discussion:

The issue of addressing panhandling activity by way of by-law has been before Council on numerous prior occasions. The initial reports from 2014 and earlier in 2023 are attached for Council's reference in Appendix A and Report S 31/2023, and provide a broad legal overview of the regulation of panhandling.

In summary – as described in the attached reports, the relevant Courts have found that peaceful and non-obstructive panhandling is considered to be a form of expression, and as such is protected by the Charter of Rights and Freedoms. A by-law that acts to limit this right based solely on geographic location would likely not survive a Charter challenge. By-laws that have withstood charter challenges in the past closely mirror the provisions outlined in the *Ontario Safe Streets Act*, 1999, S.O., c. 8.

The *Safe Streets Act* balances the right to panhandle peacefully with the rights of others to use the sidewalks and roadways by prohibiting “solicitation in an aggressive manner”– this is defined as “request[ing], in person, the immediate provision of money or another thing of value, regardless of whether consideration is offered or provided in return, using the spoken, written or printed word, a gesture or other means...[in] a

manner that is likely to cause a reasonable person to be concerned for his or her safety or security”.

Behaviours deemed to be aggressive solicitation under the *Safe Streets Act* include threatening (by word or otherwise), blocking or obstructing the path of someone being solicited, using abusive language, following or otherwise proceeding with the person being solicited, soliciting while intoxicated, and continuing to solicit after being turned down. *The Safe Streets Act* also prescribes specific locations where solicitation cannot occur as outlined in the previous reports.

The regulations contained in the *Safe Streets Act* is currently enforced at the municipal level by Police services, which have the capability to respond on an emergency call-out basis. The City’s Bylaw Enforcement department operates on a complaint-driven basis, with service requests issued by 311 being placed in a queue for assignment. The Enforcement division operates a targeted data driven approach to certain areas to assign resources where there is more demonstrated need, while maintaining a complaint driven model. It is unknown as to whether this by-law will lead to a more effective curbing of dangerous or threatening behaviours. By-law officers will focus on compliance and education, and will work with the Human and Health Services department to facilitate connection to community resources where desired. At this time it is not expected that this by-law will require additional enforcement resources to address, but this cannot be confirmed until after enforcement commences and impacts can be assessed. This includes costs related to any prosecutions that may be undertaken.

Alternatives to Addressing Panhandling

Panhandling is a complex issue that is a result of systemic failings such as poverty, the shortage of affordable housing, and the lack of immediate access to mental health and addiction services. Administration has conducted research and connected with other municipalities to see if there are any innovative and effective panhandling mitigation strategies that can be implemented in Windsor. The conclusion is that there are no quick and easy strategies to reducing panhandling. The most effective way to reduce panhandling is to address the root causes.

According to the Canadian Observatory on Homelessness, “People who engage in such activities often have real difficulties in participating in the labour market, due to their poverty, hunger, compromised health, disability, mental health challenges and other barriers to employment. Panhandling or squeegeeing allow people to earn income on a day-to-day basis so that they can meet their immediate needs for food, shelter, hygiene products and/or entertainment.”¹

Windsor is not alone in looking for solutions to panhandling as visible homelessness and panhandling has been on the rise across Canada since the pandemic². Other communities in Ontario are experiencing similar and often more serious challenges, such as emergency shelters over capacity and large homelessness encampments.

¹ [Panhandling, Busking And Squeegeeing | The Homeless Hub](#)

² Overview of Encampments Across Canada: A Right to Housing Approach. The Office of the Federal Housing Advocate.

While it is often assumed that all people who panhandle are also experiencing homelessness, this is not always true. Family Services Windsor-Essex surveyed people in Windsor who were panhandling from April to July 2023 and found that 50% were housed, but faced deep poverty³ and used panhandling as a way to pay for housing and food.

Modest increases in provincially legislated income assistance rates have not kept up with the current rate of inflation which has resulted in increased housing and grocery costs. A single adult in the Province of Ontario receiving income support through Ontario Works (OW) receives \$733 monthly, which is comprised of \$343 for basic needs and a maximum shelter allowance of \$390. The OW rates have not been increased since 2018 and there are approximately 4,224 single adults receiving OW in Windsor-Essex County as of July 2023. This does not account for the number of people who are currently receiving financial assistance from the Ontario Disability Support Program (ODSP), with a single person receiving \$1,228 monthly. To put this all into perspective, the Canada Mortgage and Housing Corporation lists Windsor's average cost for a one-bedroom unit to be \$1,017.⁴ This means that residents in receipt of OW and ODSP, as well as many other low-income earners, are often priced out of the rental market or left spending most of their income on rent, leaving very little left for food and other basic needs.

Effective alternatives to addressing panhandling that do not involve enforcement are already happening in Windsor through the Homelessness Outreach team and access improvements through the 311 Contact Centre, as well as other key services in the downtown core.

In an effort to support those experiencing homelessness and those who sleep outdoors, the City of Windsor has allocated municipal and provincial funding to Family Services Windsor-Essex (FSWE) to deliver outreach services. Homelessness Street Outreach Workers (herein referred to as Homelessness Outreach Workers) interact with people experiencing homelessness, through a variety of progressive engagement techniques, make referrals to emergency shelters, and connect people with appropriate support services that will help them meet their housing, health, financial and social needs. People living outdoors may be disconnected from community services and it often takes multiple interactions to build trust before a person is willing to accept help.

Starting in the summer of 2023, a new schedule for the team of five (5) Homelessness Outreach Workers was developed to better meet the needs of the community, and support those experiencing homelessness as well as those who are panhandling. Four (4) of these Outreach Workers are designated to Windsor and one (1) to Essex County.

Recent enhancements to Homelessness Outreach includes:

- Expanded hours of operation
- Extended service to 7 days a week
- On-call supports in the late evening

³ The Government of Canada has officially defined deep poverty as 75% of Canada's official poverty line, the Market Basket Measure (MBM). In the 2021 Census, the MBM for persons not in economic families in large urban population centres in Ontario with a population between 100,000 and 499,999 persons is \$22,170.

⁴ Average Market Rent 2022, Canada Mortgage and Housing Corporation

- Establishment of regular service routes in six areas of the city. (i.e. Downtown Windsor, Jackson Park, University Avenue West, Ford City, West Windsor and Walkerville)

Table 1: FSWE Homelessness Street Outreach Workers Schedule in Windsor*

Type of Service	Mon	Tues	Wed	Thurs	Fri	Sat	Sun
On the streets	7:30am - 3:30pm	7:30am – 3:30pm	7:30am – 6:00pm	7:30am – 6:00pm	7:30am – 6:00pm	10:00am – 6:00pm	10:00am – 6:00pm
On-call	9:00pm – 12:00am	9:00pm – 12:00am	9:00pm – 12:00am	9:00pm – 12:00am	9:00pm – 12:00am	6:00pm – 12:00am	6:00pm – 12:00am

*Excludes holidays

Since April 2023, an Homelessness Outreach Worker has also been riding along with Windsor Police approximately two days per week to respond to panhandling concerns in various locations, intersections and boulevards throughout Windsor. There have been positive results from this pilot, including a few direct referrals to Ontario Works that resulted in immediate approvals for financial assistance.

Enhancements are also underway to improve access to Homelessness Outreach Workers through the 311 Contact Centre. A new 311 online service request will allow the public to request homelessness supports 24/7 using the 311Windsor mobile app as well as 311online. Once a service request is created, it is automatically forwarded to the Outreach team for their review, triage and response (which varies depending on the time of day). Leveraging the existing 311 reporting system not only achieves operational efficiencies but it promotes inter-agency coordination and allows for the collection of data for future decision-making.

Another enhancement to be implemented in the near future will utilize the existing 311 phone system’s after-hours interactive voice response (IVR) messaging to include a “Press 1” option whereby calls can automatically be routed to the Homelessness Outreach team. This provides an easy number for the public to remember and an easy way for them to connect directly with the service provider. Data can be collected on how many calls come in after hours seeking homelessness support.

It is important to note that while these changes do simplify and expand access to homelessness supports, they do not provide an immediate 24/7 response from FSWE’s Homelessness Outreach team due to the limitations of their hours of operation, the limited number of staff, and the need to prioritize requests from all areas of the city with varying degrees of urgency. Each 311 request for service needs to be triaged by the Outreach team to determine if Homelessness Outreach is the appropriate support service, when it can be actioned, or if it would be more appropriate to refer the matter to another type outreach service (e.g. Nurse Police Team, MOST Van) or emergency services (i.e. Police or EMS).

In addition to Homelessness Outreach services, the City of Windsor has allocated municipal, provincial and federal funding to support the Homelessness & Housing Help Hub (H4) which provides service for people experiencing homelessness 7 days per week from 8:30am to 6pm. At H4, people experiencing homelessness can receive multi-disciplinary supports to obtain help finding housing, receive medical care, connect with addiction and justice services, or simply to rest and have a snack. In 2022, H4 was attended by an average of 100 people each day.

The City also provides financial support to all three emergency shelters in Windsor including the Welcome Centre Shelter for Women and Families, the Salvation Army and the Downtown Mission and a new emergency shelter program in Leamington. These shelters provide overnight accommodations as well as day time and meal programs for their clients.

There are also services led and funded by other organizations which dovetail with the City-funded services described above to provide additional supports for people who are experiencing homelessness and may be panhandling. A few of these key services are described below.

- Mobile Outreach and Support Team (MOST) van supports the needs of those who have mental health or addiction challenges, require housing, or are street-involved. MOST is made up of a driver trained to support those with physical disabilities, a Social Worker, and an Outreach Worker. MOST will travel via an accessible van from Downtown Windsor to west-end locations with supplies such as food and personal care items. The van operates Monday to Friday from 5pm to 9pm. It is a collaborative initiative between Hôtel-Dieu Grace Healthcare, the Canadian Mental Health Association Windsor Essex County and FSWE.
- Nurse Police Team (NPT) pairs nursing professionals from Windsor Regional Hospital with frontline Windsor Police Officers and offers proactive care to those struggling with mental health and substance use disorders. The NPT team diverts people from the hospital by providing wound care and preventative care to individuals on the street. These supports are currently available Friday to Sunday from 1pm to 1am.
- Hôtel-Dieu Grace Healthcare's (HDGH) Crisis and Mental Wellness Centre at 744 Ouellette offers walk-in mental health services. Serving individuals aged 16 and older, the service is available 7 days per week Monday to Friday 8am to 10pm and Saturday and Sunday 8am to 8pm.

There are many other mobile and outreach services in the community offered by both professional and volunteer groups. Many of these groups meet regularly at the Community Outreach table, chaired by FSWE, to discuss and coordinate their respective services.

While the existing services mentioned above are effective at progressively engaging with vulnerable people and offering services directly to people on the streets of our community, more is needed to end homelessness and panhandling. These challenges require a multifaceted approach that not only aids those in immediate crisis but also addresses the underlying systemic issues contributing to poverty and housing instability.

Council and Administration is urged to advocate to upper levels of government for increased funding and systemic changes such as:

- Increased income support through Ontario Works and the Ontario Disability Support Program
- Increased investments to build new affordable housing
- Increased investments to build and operate more supportive housing
- Increased investments for support services that help people maintain their housing
- Continued support for the plans to develop and operate a new Housing Hub in Windsor that will build on the success of H4 and create approximately 64 permanent supportive housing units for those experiencing chronic homelessness in Windsor-Essex.

Risk Analysis:

If there are not increased investments, by all levels in government, in programs aimed at addressing systemic failings such as poverty, the shortage of affordable and supportive housing, and the challenges accessing mental health and addiction services, panhandling is likely to continue in Windsor and other communities across Canada.

Climate Change Risks:

N/A

Climate Change Mitigation:

N/A

Climate Change Adaptation:

N/A

Financial Matters:

For the 2023 – 2024 fiscal year, the City of Windsor has been allocated \$20.2 million in provincial and federal funding to provide a variety of homelessness programs including, but not limited to, the H4, emergency shelters, and outreach services. The City of Windsor also contributes \$2.45 million towards these homelessness programs. The Homelessness Street Outreach program is funded a total of \$366,184 through both the Province of Ontario's Ministry of Municipal Affairs and Housing (MMAH) Homelessness Prevention Program (HPP) and the City of Windsor (\$277,703 HPP, \$138,481 City). Administration will continue to advocate for increased provincial and federal funding to support these programs. Requests for municipal funding to support and expand programs and services will be brought forward, as needed, through the budget development process.

At this time, it is not expected that the implementation of this by-law will require additional enforcement resources to address, but this cannot be confirmed until after enforcement commences and impacts can be assessed. As noted in prior reports, the extent of the effort needed to address this type of infraction is largely speculative at this point, but will not result in a need for additional staffing resources at this time. If the situation changes, Council will be advised through budget submissions.

Consultations:

Alena Sleziak – Manager, Customer Contact Centre

Doran Anzolin – Executive Initiatives Coordinator, Human and Health Services

Kelly Goz – Manager, Homelessness and Housing Support (A)

Stephen Lynn – Manager, Social Policy and Planning

Linda Higgins – Manager, Intergovernmental Funding and Human Services Integration

Katherine Donaldson – Corporate Policy Coordinator

Kate Tracey – Senior Legal Counsel

Conclusion:

Homelessness, affordable housing and poverty are complex and pressing problems that requires continued City Council investments, and further action and investments from the provincial and federal levels of government. Panhandling is a symptom of these systemic issues, but as local data collection has proven, about 50% of people who engage in this activity have a place to live, so this is not solely a homelessness issue. Investments in programs that provide affordable housing, mental health support, and addiction treatment are needed in Windsor-Essex. By tackling the underlying causes of homelessness and providing essential support, meaningful change can be brought to Windsor for the individuals in the community that are experiencing these hardships.

Planning Act Matters:

N/A

Approvals:

Name	Title
Jennifer Tanner	Manager of Homelessness and Housing Support
Kirk Whittal	Executive Director of Housing and Children's Services
Craig Robertson	Deputy Licence Commissioner & Acting Senior Manager of Licensing & By-law Enforcement
Andrew Daher	Commissioner of Human and Health Services
Shelby Askin Hager	Commissioner of Legal & Legislative Services
Joe Mancina	Chief Administrative Officer

Notifications:

Name	Address	Email
Joyce Zuk, Family Services Windsor Essex		jzuk@fswe.ca
Chief Jason Bellaire, Windsor Police Services		jbellaire@windsorpolice.ca
David Musyj,		David.Musyj@wrh.on.ca

Name	Address	Email
Windsor Regional Hospital		
Bill Marra, Hôtel-Dieu Grace Healthcare		Bill.Marra@hdgh.org
Sonia Grbevski Canadian Mental Health Association, Windsor-Essex County Branch		sgrbevski@cmha- wecb.on.ca

Appendices:

1 APPENDIX A - Report C10-2023 - Response to CQ 11-2022 Regarding the Feasibility of Establishing a By-law that Prohibits Panhandling

Subject: Response to CQ 11-2022 Regarding the Feasibility of Establishing a By-law that Prohibits Panhandling - City Wide

Reference:

Date to Council: January 30, 2023
Author: Shelby Askin Hager
City Solicitor/Commissioner, Legal and Real Estate Services
shager@citywindsor.ca
519-255-6100 ext 6424
Legal Services, Real Estate & Risk Management
Report Date: January 13, 2023
Clerk's File #: ACL2023

To: Mayor and Members of City Council

Recommendation:

That Council **RECEIVE** the response to CQ 11-2022 for information.

Executive Summary:

n/a

Background:

At the Council meeting of July 11 2022, Councillor Francis asked the following question:

CQ 11-2022

Assigned to Commissioner of Legal and Legislative Services:

That Administration report back to City Council regarding the feasibility of establishing a by-law that prohibits panhandling in residential, business, and tourism districts within the City of Windsor, including boulevards and pedestrian refuges.

Discussion:

Historical Treatment

The issue of addressing panhandling activity by way of by-law has been before Council on two prior occasions; those reports are attached for Council's reference and provide a broad legal overview of the regulation of panhandling.

As described in the attached reports, the Courts have found that peaceful and non-obstructive panhandling is considered to be a form of expression, and as such is protected by the *Charter of Rights and Freedoms*. A by-law that acts to limit this right based solely on geographic location would likely not survive a Charter challenge.

Instead, a focus on limitations based on the use of the sidewalk by the person being solicited and the behaviour of the person engaging in solicitation is more in keeping with the balancing of rights under the Charter and is more likely to be successfully upheld if challenged. The primary purpose of sidewalks and roads are the safe and unimpeded movement of travellers on foot or by vehicle. Any desired regulation should therefore be aimed at the manner in which the panhandling is undertaken rather than the act of doing so in the first place.

Regulatory Options

A by-law would supplement and, for the most part, mirror the provisions of the existing Ontario *Safe Streets Act*, 1999, S.O., c. 8. This legislation is very similar to a Vancouver panhandling by-law which withstood judicial scrutiny. The Act balances the right to panhandle peacefully with the rights of others to use the sidewalks and roadways by prohibiting “solicitation in an aggressive manner”— this is defined as “request[ing], in person, the immediate provision of money or another thing of value, regardless of whether consideration is offered or provided in return, using the spoken, written or printed word, a gesture or other means...[in] a manner that is likely to cause a reasonable person to be concerned for his or her safety or security”.

Behaviours deemed to be aggressive solicitation under the *Safe Streets Act* include threatening (by word or otherwise), blocking or obstructing the path of someone being solicited, using abusive language, following or otherwise proceeding with the person being solicited, soliciting while intoxicated, and continuing to solicit after being turned down.

The *Safe Streets Act* also prescribes specific locations where solicitation cannot occur:

- automated teller machines;
- pay telephones or a public toilet facilities;
- taxi stand or a public transit stop;
- in or on a public transit vehicle;
- soliciting a person who is in the process of getting in, out of, on or off a vehicle or who is in a parking lot;
- on a roadway, soliciting a person who is in or on a stopped, standing or parked vehicle.

In addition to the to the above, the Vancouver by-law also addresses sitting or lying in the street in a manner that obstructs or impedes the convenient passage of pedestrian traffic as well as physically approaching and soliciting a pedestrian as a member of a group of three or more persons.

Regulations of this sort – aimed at specifically addressing problematic behaviours without restricting the right to panhandle – are the most viable regulatory options for Council in the event that a by-law is desired. It is noted, however, that these would be largely duplicating existing legislation that is enforced with Windsor Police Services resources rather than City resources. Attempting to expand the scope of the existing legislation by by-law to prohibit all panhandling in specific areas is very unlikely to withstand a legal challenge, given the existing precedent.

Risk Analysis:

While there is a risk that a by-law regulating panhandling activities would be challenged, the likelihood of the by-law being successfully upheld is increased by restricting the regulation to the types of matters addressed in the *Safe Streets Act*, representing a balancing of the right to use of the sidewalk with the right to panhandle.

Climate Change Risks

Climate Change Mitigation:

n/a

Climate Change Adaptation:

n/a

Financial Matters:

There are no financial implications to the receipt of this report. As noted in prior reports, the extent of the effort needed to address this type of infraction is largely speculative at this point, but will not result in a need for additional staffing resources.

Consultations:

None.

Conclusion:

Prohibiting panhandling in specific geographic locations within the City by by-law is likely to fail a legal challenge. It is noted, however, that those behaviours concerning solicitation of people in vehicles through any means, including by standing on boulevards and pedestrian refuges, are prohibited under the *Safe Streets Act* and can be actioned immediately by Windsor Police Services.

Approvals:

Name	Title
Shelby Askin Hager	City Solicitor/Commissioner, Legal and Legislative Services

Name	Title
Onorio Colucci	Chief Administrative Officer

Notifications:

Name	Address	Email

Appendices:

- 1 Report 17293 – Response to CQ12-2014 – how to pass a by-law to create a no panhandling area in the downtown core
- 2 Report 17393 – Response to M298-2014 – further information on development of a no panhandling by-law

THE CORPORATION OF THE CITY OF WINDSOR
Office of the City Solicitor - Legal Services Division



MISSION STATEMENT:

"Our City is built on relationships – between citizens and their government, business and public institutions, city and region – all interconnected, mutually supportive, and focused on the brightest future we can create together."

LiveLink REPORT #:	Report Date: August 1, 2014
Author's Name: Susan Hirota, Legal Counsel	Date to Council: January 5, 2015
Author's Phone: 519 255-610 ext. 6493	Classification #:
Author's E-mail: shirota@city.windsor.on.ca	

To: Mayor and Members of City Council

Subject: Response to M298-2014 – further information on development of a no panhandling by-law.

1. RECOMMENDATION: City Wide: X Ward(s): _____

That this report from Legal Counsel regarding a response to M298-2014 BE RECEIVED for information.

EXECUTIVE SUMMARY:

N/A

2. BACKGROUND:

At the July 21, 2014 meeting of Council, a report (Livelink #17283 attached as Appendix A) in response to CQ12-2014 (how to pass a by-law to create a no panhandling area in the downtown core) was received and referred back to Administration for further information on the development of a no panhandling by-law including research on time of day restrictions and restrictions to other areas of the City.

3. DISCUSSION:

Time Of Day Restrictions

An attempt to limit panhandling to certain hours of the day is vulnerable to Charter challenge.

The courts have recognized that panhandling has expressive value that is protected under the *Charter* unless it is obstructive or inconsistent with the function of the place (i.e. interferes with the safe and efficient movement of pedestrians on the sidewalk).

Non-obstructive panhandling is protected expression and a by-law setting reasonable limits on panhandling will be upheld if the panhandler is able to move to an alternate location (i.e. away from an ATM machine) or change the mode of panhandling so that it does not interfere in an obstructive manner with the dominant purpose of the sidewalk.

In one case, the British Columbia Supreme Court commented that Vancouver's City Manager recognized that a previous City of Vancouver by-law that set geographic and timing restrictions on panhandling "simply went too far in terms of restricting panhandling".¹

The court went on to comment "[t]he panhandler is no different from the tourist who stops another person to ask for information. Neither person is restricted; neither person impedes street movement."

The court also noted that "apart from the spatial restriction in reference to ATM and financial institution locations, there are no other geographic or time restrictions placed upon those who would panhandle. In those locations, I find there is a reasonable inference that panhandling would cause interference with the dominant purpose of the streets. Thus, it [the by-law] does not proscribe location nor the act of panhandling. Rather, it proscribes particular conduct that affects the use of the streets by others."

A by-law that restricts panhandling to certain hours of the day (and thereby prohibits panhandling during the remaining hours of the day) will not be viewed as a reasonable limit on panhandling activities.

Restrictions To Other Areas Of The City

The reasons for passing a panhandling by-law (safe and efficient passage of pedestrians on sidewalks, prohibition of panhandling within ten meters of a financial institution) have equal application to all areas of the City and not just the downtown core. Any proposed panhandling by-law should be made applicable to the entire City.

4. RISK ANALYSIS:

A by-law that places time restrictions on panhandling is unlikely to survive a *Charter* challenge.

5. FINANCIAL MATTERS:

N/A

¹ *Federated Anti-Poverty Groups of British Columbia v. Vancouver (City)*, 2002 CarswellBC 607 (S.C.)

6. CONSULTATIONS:

N/A

7. CONCLUSION:

A panhandling by-law should attempt to balance the interests of all who use the streets and sidewalks. The courts have recognized that non-obstructive panhandling has expressive value protected by the *Charter*. Time restrictions on panhandling are unlikely to survive a *Charter* challenge.

A panhandling by-law should have equal application to all areas of the City and not just the downtown core.

Susan Hirota
Legal Counsel

Shelby Askin Hager
City Solicitor

Helga Reidel
Chief Administrative Officer

APPENDICES: - Appendix A - Livelink Report 17283

DEPARTMENTS/OTHERS CONSULTED:

Name:

Phone #: 519 ext.

NOTIFICATION :

Name	Address	Email Address	Telephone	FAX

THE CORPORATION OF THE CITY OF WINDSOR
Office of the City Solicitor - Legal Services Division



MISSION STATEMENT:

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LiveLink REPORT #:	Report Date: May 23, 2014
Author's Name: Susan Hirota, Legal Counsel	Date to Council: July 21, 2014
Author's Phone: 519 255-610 ext. 6493	Classification #:
Author's E-mail: shirota@city.windsor.on.ca	

To: Mayor and Members of City Council

Subject: Response to CQ12-2014 – how to pass a by-law to create a no panhandling area in the downtown core.

1. RECOMMENDATION: City Wide: X Ward(s): _____

That this report from Legal Counsel regarding a response to CQ12-2014 **BE RECEIVED** for information.

EXECUTIVE SUMMARY:

N/A

2. BACKGROUND:

At the April 7, 2014 meeting of Council, Councillor Dilkens asked the following Council Question: CQ12-2014: Asks for Administration to come back with a report on how City Council could pass a by-law creating a “no panhandling” area in the downtown core.

3. DISCUSSION:

Authority

Council has the authority to pass by-laws respecting the health, safety and well-being of persons¹; and for the protection of persons and property². Such by-laws may regulate or

¹ *Municipal Act, 2001*, S.O. 2001, c. 25, s. 10(2)(6)

² *Municipal Act, 2001*, S.O. 2001, c. 25, s. 10(2)(8)

prohibit respecting a particular matter³. Council could pass a by-law prohibiting panhandling in the downtown core but such a by-law would be vulnerable to constitutional challenge⁴.

Municipal By-laws

Municipal by-laws that have been upheld by the courts do not impose an outright ban on panhandling but instead create reasonable limits on panhandling activities.

The British Columbia Supreme Court⁵ concluded that Vancouver's by-law did not violate constitutionally protected rights (freedom of expression; life, liberty and security of the person; equal protection and equal benefit of the law without discrimination) because it entrenched upon those rights as minimally as possible by only prohibiting "obstructive" panhandling that was limited to five activities:

- (1) sitting or lying in the street in a manner that obstructs or impedes the convenient passage of pedestrian traffic, in the course of solicitation;
- (2) continuing to solicit or otherwise harass a pedestrian after the person has made a negative initial response to the solicitation or has otherwise indicated a refusal;
- (3) physically approaching and soliciting a pedestrian as a member of a group of three or more persons;
- (4) soliciting within ten meters of an entrance to a bank, credit union, or trust company or automated teller machine; and
- (5) soliciting an occupant of a motor vehicle in a manner that obstructs or impedes the convenient passage of vehicular traffic in the street.

The British Columbia Supreme Court commented that Vancouver's by-law "does not proscribe location nor the act of panhandling [but] rather it proscribes particular conduct that affects the use of the streets by others".

Additionally, the court noted that the prohibition on panhandling within ten meters of an ATM, bank or trust company entrance was "a limited geographic area" and that "the vast majority of sidewalk areas are still available for panhandling".

Provincial Legislation

In Ontario, the *Safe Streets Act*, 1999, S.O., c. 8, strikes a similar balance. Soliciting in an aggressive manner is prohibited. "Aggressive manner" is defined as "a manner that is likely to cause a reasonable person to be concerned for his or her safety or security". "Solicit" means "to request, in person, the immediate provision of money or another

³ *Municipal Act, 2001*, S.O. 2001, c. 25, s. 8(3)(a)

⁴ *Canadian Charter of Rights and Freedoms*, s. 2(b) Freedom of Expression; s. 7 Life, Liberty and Security of the Person; s. 15 Equal Protection and Equal Benefit of the Law Without Discrimination

⁵ *Federated Anti-Poverty Groups of British Columbia v. Vancouver (City)*, 2002CarswellBC 607

thing of value, regardless of whether consideration is offered or provided in return, using the spoken, written or printed word, a gesture or other means”.

The *Safe Street Streets Act* deems the following acts to be soliciting in an aggressive manner:

- (1) threatening the person solicited with physical harm, by word, gesture or other means, during the solicitation or after the person solicited responds or fails to respond to the solicitation;
- (2) obstructing the path of the person solicited during the solicitation or after the person solicited responds or fails to respond to the solicitation;
- (3) using abusive language during the solicitation or after the person solicited responds or fails to respond to the solicitation;
- (4) proceeding behind, alongside or ahead of the person solicited during the solicitation or after the person solicited responds or fails to respond to the solicitation;
- (5) soliciting while intoxicated by alcohol or drugs; and
- (6) continuing to solicit a person in a persistent manner after the person has responded negatively to the solicitation.

In addition, the *Safe Streets Act* prohibits solicitation at certain locations:

- (1) soliciting a person who is using, waiting to use, or departing from an automated teller machine;
- (2) soliciting a person who is using or waiting to use a pay telephone or a public toilet facility;
- (3) soliciting a person who is waiting at a taxi stand or a public transit stop;
- (4) soliciting a person who is in or on a public transit vehicle;
- (5) soliciting a person who is in the process of getting in, out of, on or off a vehicle or who is in a parking lot; or
- (6) while on a roadway, soliciting a person who is in or on a stopped, standing or parked vehicle.

Under the *Safe Streets Act*, police officers are authorized to arrest contraveners if, before the alleged contravention, the police officer directed the contravener not to engage in the activity or if the arrest is necessary to prevent the person from continuing or repeating the contravention.

Persons who are convicted under the *Act* are liable to a maximum fine of five hundred dollars on a first offence, and one thousand dollars and/or imprisonment of not more than six months on subsequent convictions.

Windsor Police Service Initiative

The Windsor Police Service, in concert with the Community Outreach And Support Team (COAST), is developing a program that will seek to address some of the social factors related to panhandling in the downtown core.

The plan is to have police officers who are assigned to the downtown core regularly engage those individuals who are panhandling. The officers will attempt to gain insight into the reasons why these individuals are panhandling. COAST members will assist these individuals to put social support mechanisms in place to minimize the panhandling activity.

4. RISK ANALYSIS:

Passing a by-law that outright bans panhandling in the downtown core is vulnerable to constitutional challenge. A by-law similar to Vancouver's is likely to be upheld by the courts as a reasonable limit on constitutionally protected rights.

In addition, or alternatively, resort can be had to the *Safe Streets Act* which prohibits the most aggressive and egregious types of panhandling. A *Charter* challenge to the *Safe Streets Act* was unsuccessful⁶.

The current complement of one Prosecutor, twelve By-law Enforcement Officers and one By-law Clerk will not be increased. The enforcement and prosecution of offences under a new panhandling by-law will be in addition to increasing workloads and will result in other matters (e.g. 311 complaints) being displaced as prioritization occurs.

5. FINANCIAL MATTERS:

If a panhandling by-law is passed, it would be enforced by the Corporation's By-law Enforcement Officers and the Windsor Police Service and prosecuted by the Office of the City Solicitor.

It is difficult to estimate the financial impact of a new panhandling by-law as it is unknown how many charges would be laid. It is also difficult to predict how many hours the Corporation's employees would spend on enforcement and prosecution activities.

The Manager of By-law Enforcement estimates that enforcement time could be in the area of eight hours per charge based upon a first attendance to issue a warning and educate the panhandler on the by-law, a second attendance to investigate and document the offence and issue a ticket, and a third attendance in court if the matter proceeds to trial. The estimated staff cost of a By-Law Enforcement Officer from an initial warning to issuing a ticket and going to Court is currently \$332.34 per incident.

⁶ *R. v. Banks*, 2007 CarswellOnt 5670 (Supreme Court of Canada)

Estimating the amount of prosecution time involved is more difficult because it is greatly influenced by whether the person pleads guilty or requests a trial. If the person pleads guilty, the prosecution time could be as little as an hour or less. If the person requests a trial, the prosecution time could increase to eight hours or more for: reviewing the charge; processing disclosure; serving Evidence Act notices; ordering certified copies of trial documents; preparing witnesses; trial preparation; and time waiting in court for the matter to be reached on the court docket.

Given the financial circumstances of the panhandlers, it is unlikely that any fines imposed could be collected but additional costs would be incurred for collection activities undertaken on outstanding fines.

6. CONSULTATIONS:

Inspector Geoff Dunmore, Windsor Police Service/Patrol Response
Chantelle Anson, Financial Planning Administrator (Legal and Fire & Rescue)
Ann Kalinowski, Manager of By-law Enforcement

7. CONCLUSION:

A by-law that prohibits all panhandling in the downtown core is vulnerable to constitutional challenge. If Council wishes to pass a by-law to supplement the *Safe Streets Act* it is advisable to prohibit specific activities that impede or obstruct the movement of pedestrians and traffic or create other safety concerns.

Susan Hirota
Legal Counsel

Shelby Askin Hager
City Solicitor

Lee Anne Doyle
Executive Director of Building/Chief
Building Official

Helga Reidel
Chief Administrative Officer

APPENDICES:

n/a

DEPARTMENTS/OTHERS CONSULTED:

Name:

Phone #: 519 ext.

NOTIFICATION :				
Name	Address	Email Address	Telephone	FAX
Marion Overholt Legal Assistance of Windsor	85 Pitt Street East Windsor, ON N9A 2V3	OverholM@lao.on.ca	519-256-7831 Ext. 214	519-256-1387

Subject: Panhandling Statistics re Council Question CQ 11-2022 - City Wide

Moved by: Councillor Renaldo Agostino
Seconded by: Councillor Mark McKenzie

Decision Number: **ETPS 942**

That the attached additional information relating to panhandling regulation and statistics **BE RECEIVED**; and,

That by-law ***, being a by-law to regulate panhandling, **BE CONSIDERED**, and, if advisable, **BE PASSED**; and,

That administration **BE DIRECTED** to provide more information related to other options to issuing fines, including but not limited to outreach, to address the aggressive panhandling behaviour, for Councils consideration.

Carried.

Councillor Kieran McKenzie and Councillor Fabio Costante voting nay.

Report Number: S 31/2023
Clerk's File: ACOQ2023

Clerk's Note:

1. The recommendation of the Environment, Transportation & Public Safety Standing Committee and Administration are **not** the same.
2. Please refer to Item 8.3 from the Environment, Transportation & Public Safety Standing Committee held on March 29, 2023.
3. To view the stream of this Standing Committee meeting, please refer to:
<http://csg001-harmony.sliq.net/00310/Harmony/en/PowerBrowser/PowerBrowserV2/20230329/-1/9401>

Subject: Panhandling Statistics re Council Question CQ 11-2022 - City Wide

Reference:

Date to Council: March 29, 2023
Author: Shelby Askin Hager
Commissioner, Legal and Legislative Services
519-255-6100 ext 6424
shager@citywindsor.ca
Legal Services, Real Estate & Risk Management
Report Date: March 9, 2023
Clerk's File #: ACOQ2023

To: Mayor and Members of City Council

Recommendation:

That the attached additional information relating to panhandling regulation and statistics **BE RECEIVED**; and,

That by-law ***, being a by-law to regulate panhandling, **BE CONSIDERED**, and, if advisable, **BE PASSED**.

Executive Summary:

n/a

Background:

At the Council meeting of July 11 2022, Councillor Francis asked the following question:

CQ 11-2022

That Administration report back to City Council regarding the feasibility of establishing a by-law that prohibits panhandling in residential, business, and tourism districts within the City of Windsor, including boulevards and pedestrian refuges.

A response to CQ-11 was presented on 30 January 2023, and by CR 36/2023 Council directed administration to bring forward a by-law for Council's consideration to reduce aggressive, intimidating, and dangerous panhandling practices

Council also requested statistics regarding tickets issued under the Ontario Safe Streets Act, as well as information about other Ontario municipalities with like by-laws.

Discussion:

Table 1: Charges Filed per Year by Agency in Windsor-Essex County

Year	Windsor Police Services	Leamington O.P.P.	Essex O.P.P.	All Agencies
2019	65	4	1	75
2020	23	15	0	16
2021	14	2	0	38
2022	75	0	0	70
All Years	177	21	1	199

Table 2: Paid and Unpaid SSA Charges per Year by Defendant Address

Defendant Types and Payment Outcomes	2019	2020	2021	2022	All Years
Total charges, Addressed Defendants	39	27	10	35	111
Paid charges	3	0	1	3	7 (6%)
Unpaid charges	36	27	9	32	104 (94%)
Total Charges, No Fixed Address Defendants	31	11	6	40	88
Paid Charges	2	0	0	1	3 (3%)
Unpaid charges	29	11	6	39	85 (97%)

Table 3: Total SSA Charges by Offender Frequency Type, 2019-2022

Offender Type	Number of Offenders	Total Charges Filed (%)
One-time Offender	45	45 (23%)
Two-time Offender	20	40 (20%)
Three-time Offender	4	12 (6%)
Four-time Offender	3	12 (6%)
Eleven-time Offender	1	11 (5%)
Thirteen-time Offender	1	13 (7%)
Eighteen-time Offender	2	36 (18%)
Thirty-time Offender	1	30 (15%)
All Offenders	77	199 (100%)

Table 4: Survey of Panhandling By-laws in Ontario Municipalities as of October 2022

Municipality	Population	Pop. Density	Findings
Ajax	126,666	1,900.8/km ²	No By-law
Barrie	147,829	1,493.1/km ²	No By-law
Guelph	143,740	1,644.1/km ²	No By-law
Kitchener	256,885	1,877.7/km ²	No By-law
Markham	338,503	1,604.8/km ²	Prohibits “loitering” and “any other activity that is likely to be unwanted or disturbing to persons” under Public Nuisance By-law 2018-55. Minimum fine of \$500 (AMP)
Oakville	213,759	1,538.5/km ²	No response received
St. Catharines	136,803	1,422.1/km ²	No By-law
Waterloo	121,436	1,895.7/km ²	No By-law
London	422,234	1,004.3/km ²	No By-law
Toronto	2,794,356	4,427.8/km ²	No response received

Risk Analysis:

There is no risk in receiving this information.

The risks related to passing a by-law to regulate panhandling include:

- **Effectiveness.** It is unknown as to whether this by-law will lead to a more effective curbing of dangerous or threatening behaviours. By-law officers will focus on compliance and education, and will work with social services to facilitate connection to community resources where desired.
- **Resource Risk.** At this time it is not expected that this by-law will require additional enforcement resources to address, but this cannot be confirmed until after enforcement commences and impacts can be assessed. This includes costs related to any prosecutions that may be undertaken.
- **Safety Risk.** Certain individuals may pose a risk to City staff engaged in enforcement. These situations will be referred to police for enforcement.

- Legal Risk. While there is a risk that a by-law regulating panhandling activities would be challenged, the likelihood of the by-law being successfully upheld is increased by restricting the regulation to the types of matters addressed in the Safe Streets Act, representing a balancing of the right to use of the sidewalk with the right to panhandle.

Climate Change Risks

Climate Change Mitigation:

n/a

Climate Change Adaptation:

n/a

Financial Matters:

There are no financial implications to the receipt of this report. As noted in prior reports, the extent of the effort needed to address this type of infraction is largely speculative at this point, but will not result in a need for additional staffing resources at this time. If the situation changes, Council will be advised through budget submissions.

Consultations:

Provincial Offenses Act Court

Municipal Survey

Conclusion:

Additional information is provided for Council’s consideration.

Approvals:

Name	Title
Shelby Askin Hager	Commissioner, Legal and Legislative Services
Onorio Colucci	Chief Administrative Officer

Notifications:

Name	Address	Email

Appendices:

- 1 Draft Panhandling Bylaw

BY - LAW NUMBER [REDACTED]

A BY-LAW TO ADDRESS AGGRESSIVE, INTIMIDATING
AND DANGEROUS SOLICITATION IN THE CITY OF WINDSOR

Passed the [XX] day of [XXXX], 2023.

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 10(2) of the Municipal Act empowers a single-tier municipality to regulate matters and pass by-laws respecting the health, safety and well-being of persons of the municipality;

AND WHEREAS section 128(1) of the Municipal Act provides a municipality the authority to prohibit and regulate with respect to public nuisances, including matters that, in the opinion of Council, are or could become or cause public nuisances;

AND WHEREAS section 425(1) of the Municipal Act permits a municipality to pass by-laws providing that any person who contravenes any by-law of the municipality is guilty of an offence;

AND WHEREAS concerns regarding public safety and public solicitation practices in the City of Windsor have been raised at a number of public meetings of Council;

AND WHEREAS in the interest of public safety and community well-being and to avoid it becoming or continuing to be a public nuisance, the Council of The Corporation of the City of Windsor has deemed it necessary to regulate, abate and prohibit aggressive, intimidating and dangerous solicitation practices in the City of Windsor;

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

1 SHORT TITLE

1.1 This By-law may be referred to as the Panhandling By-law.

2 DEFINITIONS AND INTERPRETATION

2.1 In this By-law:

“**aggressive manner**” means a manner that is likely to cause a reasonable person to be concerned for his or her safety or security;

“**financial institution**” means a bank, credit union, cheque cashing business and trust company;

“**solicit**”, “**soliciting**” or “**solicitation**” means to request, in person, the immediate provision of money or another thing of value, regardless of whether consideration is offered or provided in return, using a spoken, written or printed word, a gesture or other means, for one’s self or for any other person;

“**street**” means any roadway, sidewalk, pedestrian refuge, boulevard, crescent, court, place or way which the public is ordinarily entitled or permitted to use for the passage of vehicles or pedestrians;

“**traffic control signal**” means a traffic control signal as defined in the *Highway Traffic Act*, R.S.O. 1990, c. H.8

3 PROHIBITIONS

3.1 No person shall solicit in an aggressive manner or in a manner that causes an obstruction.

3.2 For the purposes of section 3.1, soliciting in an aggressive manner includes, but is not limited to:

- (a) soliciting involving threats or physical harm, by word, gesture, or other means;
- (b) soliciting involving abusive or intimidating language;
- (c) soliciting while intoxicated by alcohol or drugs; or
- (d) soliciting in a persistent or continuous manner, or proceeding behind, alongside or ahead of the person solicited.

3.3 A person who engages in any one or more of the activities in section 3.2 shall be deemed to be soliciting in an aggressive manner regardless of whether such actions occurred during the solicitation or after the person solicited has made a negative initial response to the solicitation, otherwise indicated a refusal or failed to respond.

3.4 For the purposes of section 3.1, “causes an obstruction” means to:

- (a) sit, stand or lie on a street in a manner which obstructs or impedes the convenient passage of any pedestrian traffic in a street, in the course of solicitation;
- (b) physically approach and solicit from a pedestrian as a member of a group of three or more persons;
- (c) solicit within 10 m of:
 - i. an entrance to a financial institution;
 - ii. an automated teller machine;
 - iii. a taxi stand or public transit stop; or

- iv. a public toilet facility.
- (d) solicit a person who is in or on a public transit vehicle;
- (e) solicit a person who is in the process of getting in, out of, on or off a motor vehicle or who is in a parking lot; or
- (f) while on a street, solicit a person who is in or on a stopped, standing or parked vehicle, including while the motor vehicle is stopped at a traffic control signal.

4 OFFENCE

- 4.1 Any person who contravenes a provision of this By-law, or who consents, allows or permits an act or thing to be done in violation of a provision of this By-law, is guilty of an offence, and shall upon conviction be liable to a fine and any other penalties as provided in the *Provincial Offences Act*, R.S.O. 1990, c. P.33, as amended.

5 SEVERABILITY

- 5.1 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.

6 FORCE AND EFFECT

- 6.1 This By-law shall come into force and take effect on the day of the final passing thereof.

DREW DILKENS, MAYOR

STEVE VLACHODIMOS, CLERK

First Reading - [XX], 2023
Second Reading - [XX], 2023
Third Reading - [XX], 2023