

**City Council Meeting**

**Date:** Monday, March 02, 2020

**Time:** 6:00 o'clock p.m.

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

**MEMBERS:**

Mayor Drew Dilkens

Ward 1 – Councillor Fred Francis

Ward 2 – Councillor Fabio Costante

Ward 3 – Councillor Rino Bortolin

Ward 4 – Councillor Chris Holt

Ward 5 – Councillor Ed Sleiman

Ward 6 – Councillor Jo-Anne Gignac

Ward 7 – *vacant*

Ward 8 – Councillor Gary Kaschak

Ward 9 – Councillor Kieran McKenzie

Ward 10 - Councillor Jim Morrison

## ORDER OF BUSINESS

- | <b>Item #</b>                   | <b>Item Description</b>   |
|---------------------------------|---|
| 1.                              | <b>ORDER OF BUSINESS</b>  |
| 1.1.                            | In the event of the absence of the Mayor, Councillor Gignac has been Appointed Acting Mayor for the month of March, 2020 in accordance with By-law 176-2018 |
| 2.                              | <b>CALL TO ORDER</b> - Playing of the National Anthem   |
| 3.                              | <b>DISCLOSURE OF PECUNIARY INTEREST AND THE GENERAL NATURE THEREOF</b>  |
| 4.                              | <b>ADOPTION OF THE MINUTES</b>  |
| 5.                              | <b>NOTICE OF PROCLAMATIONS</b>  |
| 6.                              | <b>COMMITTEE OF THE WHOLE</b>   |
| 7.                              | <b>COMMUNICATIONS INFORMATION PACKAGE</b> (This includes both Correspondence and Communication Reports)   |
| 7.2.                            | Response to Council Question CQ2-2020 - Report on Options for 400 Erie St. E. in Regards to Issues Related to Parking - Ward 3 ( <b>C 26/2020</b> )         |
| 8.                              | <b>CONSENT AGENDA</b>   |
| 8.1.                            | Development Charges Act Changes - City Wide ( <b>C 11/2020</b> )  |
| 8.2.                            | Revised Emergency Response Plan and By-law - City Wide ( <b>C 213/2019</b> )  |
| 8.3.                            | Riverside Minor Baseball Parking Lot Improvements, Tender 12-20 ( <b>C 28/2020</b> )  |
| <b>CONSENT COMMITTEE REPORT</b> |   |
| 8.4.                            | Windsor Deep Energy Efficiency Retrofit Program ( <b>SCM 63/2020</b> ) ( <b>S 1/2020</b> )  |

9. **REQUEST FOR DEFERRALS, REFERRALS AND/OR WITHDRAWALS**
10. **PRESENTATIONS AND DELEGATIONS**  
**PRESENTATION:** (5 minute maximum)
  - 10.1. ERCA-At-A-Glance and 2019 Annual Report (**SCM 62/2020**)
    - a) Richard Wyma, General Manager/Secretary-Treasurer and Tania Jobin, Vice Chair, Essex Region Conservation Authority
11. **REGULAR BUSINESS ITEMS** (Non-Consent Items)
12. **CONSIDERATION OF COMMITTEE REPORTS**
  - 12.1. (i) Report of the Special In-Camera meeting or other Committee as may be held prior to Council (if scheduled)
13. **BY-LAWS** (First and Second Reading)
14. **MOVE BACK INTO FORMAL SESSION**
15. **NOTICES OF MOTION**
16. **THIRD AND FINAL READING OF THE BY-LAWS**
17. **PETITIONS**
18. **QUESTION PERIOD**

19. **STATEMENTS BY MEMBERS**

20. **UPCOMING MEETINGS**

Windsor Licensing Commission  
Wednesday February 26, 2020  
9:30 a.m.  
Meeting Room 204, 350 City Hall Square West

International Relations Committee  
Wednesday February 26, 2020  
3:30 p.m.  
Meeting Room 204, 350 City Hall Square West

Community Services & Parks Standing Committee  
Wednesday March 4, 2020  
9:00 a.m.  
Council Chambers, 1st floor, 350 City Hall Square West

Development & Heritage Standing Committee  
Monday March 9, 2020  
4:30 p.m.  
Council Chambers, 1st floor, 350 City Hall Square West

Windsor Accessibility Advisory Committee  
Tuesday March 10, 2020  
10:00 a.m.  
Meeting Room 204, 350 City Hall Square West

Windsor Public Library Board  
Tuesday March 10, 2020  
4:00 p.m.  
Central Library, Paul Martin Building, Main Floor Meeting Room, 185 Ouellette Avenue

Windsor City Council  
Monday March 23, 2020  
6:00 p.m.  
Council Chambers, 1st floor, 350 City Hall Square West

21. **ADJOURNMENT**





**Council Report: C 26/2020**

**Subject: Response to Council Question CQ 2-2020 - Report on Options for 400 Erie St. E. in Regards to Issues Related to Parking - Ward 3**

**Reference:**

Date to Council: 3/2/2020  
Author: Rob Perissinotti, P.Eng.  
Technologist III  
519-255-6257 ext 6615  
rperissinotti@citywindsor.ca  
Projects & Right-of-Way  
Report Date: 2/12/2020  
Clerk's File #: ST2020

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

**Recommendation:**

THAT the response to CQ 2-2020 **BE RECEIVED** for information.

**Executive Summary:**

N/A

**Background:**

On February 3, 2020 Councillor Bortolin asked the following council question:

CQ 2-2020, "Asks Administration to report back on options for 400 Erie St E in regards to issues related to parking, including but not limited to:

- Parking along Broadhead to continue as is subject to Council approval
- Approval of parking along west side of Mercer
- Continuation of agreement for east side of Mercer subject to Council approval
- Options for parking on the interior of their property
- Options relating to allowing parking on a small parcel fronting the North/South alley
- Any other options that might exist to help relieve the need to create a paved parking lot on a lot in Broadhead

Also asks that these options be brought back to council for consideration at its meeting on March 2nd, 2020 Clerk's File: ST2020"

This report is in response to CQ 2-2020.

### **Discussion:**

There has been a number of meetings concerning parking between Administration and the owner(s) of 400 Erie Street East over the past 3 years. These meetings were regarding updating the parking encroachment agreement. The existing agreement has been in place since 1980 (Appendix 1) and allows for 10 parking spaces; 3 parallel parking spaces on Mercer St. and 7 perpendicular parking spaces on Broadhead St.

Currently on site, the owner(s) of 400 Erie Street East are utilizing the public right-of-way for parking that does not comply with the 1980 encroachment agreement. The owner(s) of 400 Erie St. E. has requested that the current parking configuration adjacent to the subject property be maintained and legalized. Currently 13 parking spaces on Mercer St. and 8 parking spaces on Broadhead St. are not approved encroachments.

The number of encroaching spaces surpass the allowable; there are 13 perpendicular spaces including 2 handicap spaces on Mercer St., and 8 perpendicular spaces on Broadhead St.

The curb cut and parking spaces on Mercer were constructed without permits. These spaces block the sidewalk, which is not permitted under By-law 9023. The current parking configuration (perpendicular vs the approved parallel) in the right-of-way impedes pedestrian traffic and is a safety concern. The approved 1980 encroachment drawing (C-890, Appendix 2) required the sidewalk to be constructed along the curb, however, the sidewalk was never relocated.

In accordance with encroachment policy M67-2015, the property owner is required to enter into a new encroachment agreement to maintain the existing parking spaces as approved in the 1980 encroachment agreement, as described above.

Additional parking for this property can be met by the following options, see Appendix 3 for aerial map:

1. The owner enter into an encroachment agreement to maintain the 3 parallel parking spaces on Mercer St. and 7 parking spaces on Broadhead St as per the 1980 encroachment agreement. Reinstating the original sidewalk layout on Mercer St. is required for safe pedestrian use. The minimum allowable parking space size is 8' x 18', which can be achieved in both right-of-ways.
2. The owner could amend the 1980 encroachment agreement to permit 10 parking spaces on Broadhead St and restore Mercer St. to City standard. The Council approved annual fee for an encroaching parking space is \$350.00 per year.
3. Utilize on-street parking on Mercer St between Broadhead St, and Erie St. The Engineering Department is willing to maintain parking on the west side of the road without periodically switching to the east. This allows for approximately 11 on-street spaces without any fees. These spaces are open to the public and will not be dedicated to any particular property or business.
4. Construct a parking area between the existing buildings on the site to accommodate additional parking needs. The parking area could accommodate

approximately 20 parking spaces. This is the preferred option as it meets the intent of the new off-street parking policies and regulations in BIAs and main streets, Section 1.39 of Volume II of the Official Plan and Section 20(4) of Zoning By-law 8600. This option will require a Site Plan Control application be made to the Planning Department.

5. A smaller parking area with approximately 6-7 parking spaces could be constructed on the vacant portion of this property near Erie Street, provided it is accessed off the alley and located behind a building. This would require a shallow building/structure to be constructed along the Erie Street frontage. Paving the entire vacant area near Erie St. E. would not be permitted as it does not meet the requirements of the new off-street parking policies and regulations in BIAs and mainstreets, Section 1.39 of Volume II of the Official Plan and Section 20(4) of Zoning By-law 8600.
6. CR182/2019 approved an amendment to the Zoning By-law 8600 to permit a parking area as an accessory use on the vacant lot at 'O' Broadhead adjacent to 400 Erie St. This would permit 13 parking spaces and would require a Site Plan Control application be made to the Planning Department.
7. An alternate suggested option is to use City owned parking lot # 29 on Howard Ave, north of Erie St. E. The fee for a monthly pass is \$60.00 + HST for a total of \$67.80.

### **Risk Analysis:**

There is significant safety risk if Council chooses to allow the current configuration of encroaching parking spaces on Mercer St. and Broadhead St. to be legalized through a new encroachment agreement. The current parking configuration in the Mercer Street right-of-way impedes pedestrian traffic and is a safety concern.

There is significant risk that a precedent will be set for future similar applications as inconsistencies will occur and limit Administration's capacity to implement standard practices.

There are no significant or critical risks associated with accepting this report. However, delays in updating the encroachment agreement increases the City's risks of liability that are traditionally mitigated by transferring this risk to the property owner through the terms of the Encroachment Agreement, which includes an indemnification provision.

### **Financial Matters:**

N/A

### **Consultations:**

Planning – Greg Atkinson, Jason Campigotto

Transportation Planning – Shawna Boakes, Juan Paramo, Shari Gabriele

Legal Council – Wira Vendrasco, Dana Paladino

Manager of Right-of-Way – Adam Pillon

**Conclusion:**

The above report provided information regarding the CQ 2-2020 for information.

It is Administration's opinion that the existing encroachment agreement be amended to permit 10 parking spaces on Broadhead and the owner restore Mercer to City Standards. If additional parking is required, it is preferred a parking area be constructed on private property.

**Planning Act Matters:**

N/A

**Approvals:**

Name	Title
Robert Perissinotti	Technologist III
France Isabelle-Tunks	Senior Manager of Engineering/Deputy City Engineer
Mark Winterton	City Engineer and Corporate Leader Environmental Protection and Transportation
Shelby Askin Hager	City Solicitor and Corporate Leader Economic Development and Public Safety
Onorio Colucci	Chief Financial Officer

**Notifications:**

Name	Address	Email
Christine Davison	5484 RIVERSIDE DR E WINDSOR ON N8S 1A4	<a href="mailto:davison@firststopservices.ca">davison@firststopservices.ca</a>

**Appendices:**

- 1 1980 Encroachment Agreement
- 2 C-890
- 3 400 Erie St. E. Aerial

THIS AGREEMENT made (in duplicate) this 3rd day of October, 1980.

BETWEEN:

THE CORPORATION OF THE CITY OF WINDSOR,

hereinafter called the "Corporation"

of the First Part,

- and -

WAFFLE'S ELECTRIC LIMITED, a company incorporated under the Laws of the Province of Ontario, having its Head Office at the City of Windsor, in the County of Essex,

hereinafter called the "Licensee"

of the Second Part,

WHEREAS the Licensee is the registered owner of All and Singular that certain parcel and tract of land and premises situate, lying and being in the City of Windsor, in the County of Essex and Province of Ontario, more particularly described in Schedule "A" annexed hereto;

AND WHEREAS the Licensee has applied to the Council of the Corporation for permission to use a part of the untravelled portions of Mercer Street between Broadhead Street and Erie Street, more particularly described in Schedule "B" attached hereto and part of Broadhead Street, more particularly described in Schedule "C" attached hereto, and as shown on Drawing No. W-80-L543 dated September 3, 1980 prepared by Koester & Verhaegen Limited, Ontario Land Surveyor, and attached hereto as Schedule "D" and hereinafter referred to as "the said parcel", for the purpose of a parking lot to be used in conjunction with the adjoining land and premises described in Schedule "A" and owned by the Licensee;

AND WHEREAS by Resolution Number 977/80 adopted on the 28th day of July, 1980 the Council of the Corporation agreed to grant such permission upon the terms and conditions hereinafter contained;

WITNESSETH THEREFORE that in consideration of the premises and the granting of the permission applied for, the Corporation does hereby authorize and permit the Licensee to use "the said parcel" for a parking lot in conjunction with the said adjoining property owned by the Licensee, upon the following terms and conditions:

1. The Licensee covenants and agrees with the Corporation that it shall,

- a) not use or permit the use of the said parcel for any purpose other than for the purpose hereinbefore set forth;
- b) at its own expense and to the satisfaction of the Commissioner of Works, pave and drain the said parcel as shown on Department of Public Works Drawing No. C-890 dated July, 1980, attached hereto as Schedule "E" and maintain the same in good repair;
- c) ~~at its own expense and to the satisfaction of the Commissioner of Works, install and maintain concrete bumper stops as shown on Schedule "E";~~
- d) use as access to the said parcel only the curb cuts authorized by the said Commissioner of Works;
- e) keep the said parcel free and clear of snow and ice; prevent the littering of the said parcel and the sidewalks, streets and other public and private property which may result from the use of the said parcel, and pick up such litter from any of the aforesaid places;
- f) not use lights of a type, direction or intensity at the said parcels which in the opinion of the Director of Traffic Engineering of the Corporation may interfere with or create a hazard for vehicular traffic on Mercer Street between Broadhead Street and Erie Street and on Broadhead Street;
- g) not erect, place or maintain any sign on the said parcel without a permit therefor from the Corporation;
- h) indemnify and save the Corporation harmless against all actions, suits, claims and demands which may be brought against the Corporation and against all losses, costs, charges or expenses whatsoever for damage to property or injury (including death) to any person or persons which may be incurred, sustained or paid by the Corporation in consequence of the presence, absence or condition of any barrier, fence or thing used in connection with the said parcel for the purpose aforesaid or in consequence of state of repair of the said parcel or otherwise arising out of the use of the said parcel;
- i) comply with all police, fire and sanitary regulations and by-laws, laws, ordinances, regulations and orders imposed by the Corporation and The Windsor Utilities Commission and Provincial or Dominion authority, and observe and obey the regulations and other requirements governing the conduct of the use of the said parcel, and save harmless the Corporation and The Windsor Utilities Commission from any damages, charges, actions or costs for non-compliance with or violation of any of the said by-laws, laws, ordinances, regulations, orders or requirements or from any liability for costs or other charges for damage to property or injury (including death), to any person or persons resulting therefrom;
- j) provide and maintain public liability and property damage insurance in such form and amount as shall be satisfactory to the City Solicitor;
- k) not assign or sublet this Agreement or the use of the said parcel without the consent of the Corporation, and such consent may, notwithstanding the provisions of Section 23 of Chapter 236 of the Revised Statutes of Ontario, 1970, or in any other Section of the said Act, or any other Statutes which may hereafter be passed to take the place of the said Act or to amend the same, or the provisions of any other Act, be arbitrarily refused by the Corporation in its sole and uncontrolled discretion;
- l) reconstruct, in concrete, at the entire expense of the Licensee, the existing sidewalk adjacent to the curb as shown on drawing C-890 and outline the said sidewalk in yellow paint to denote a pedestrian right-of-way, all to City of Windsor standards and to the satisfaction of the City Engineer.

- m) remove the existing 6" diameter steel posts and pave the remaining unpaved parts of the licenced area with asphalt or concrete all at the Licensee's expense and to the satisfaction of the Commissioner of Works;
- n) pave the lands described in Schedule "C" with asphalt or concrete as shown on Drawing C-890 reserving for landscaping a strip of land extending easterly for forty feet (40') along Broadhead as measured from the corner of the building, which is to be sodded and protected with a concrete curb;
- o) preserve and maintain as landscaped area the existing grassed boulevard on the east side of Mercer extending southerly from Broadhead Street approximately forty feet (40') as measured along the building;
- p) properly sawcut where required the existing barrier curb on Mercer Street;
- q) obtain, prior to any construction being carried out on the public right-of-way, a street opening permit from the Public Works Department;
- r) pay to the Corporation upon demand any additional municipal realty taxes or other rates and charges, if any, levied or imposed on or in respect of the said portion of the public highways hereinbefore referred to as the said parcel or the same may, in the discretion of the Corporation, be enforced in the same manner as realty taxes payable in respect of the land owned by the Licensee hereinbefore recited which adjoins the said parcel;
- s) pay for any additional costs which the Corporation or the Windsor Utilities Commission may incur in the future installation of their services by reason of the work done by the Licensee on the said parcel as aforesaid or the use thereof and the payment of such costs may be enforced in the same manner as provided in clause (r) of this paragraph.

2. It is hereby understood and agreed by and between the Parties hereto that, notwithstanding anything hereinbefore or hereinafter contained, the said parcel is subject to any easements required by and for the Corporation, the Windsor Utilities Commission, Bell Canada and Union Gas Limited for the purpose of operating and maintaining their existing installations, plant and equipment and the Licensee shall be responsible for and pay for any additional cost to the Corporation, the Windsor Utilities Commission, Bell Canada and/or Union Gas Limited, as the case may be, incurred by them or any of them, operating and maintaining their installations, plant or equipment which may have been caused or be attributable to the licensing hereunder of the said parcel or the use thereof by the Licensee.

3. This agreement shall go into force and take effect after the execution thereof on the day it is registered in accordance with the provisions of paragraph 13 herein until this agreement is terminated by ninety (90) days written notice given by the Corporation to the Licensee, or by the Licensee to the Corporation and such notice having been given, this agreement shall be of no further force and effect on the expiration of the said ninety (90) days whereupon, at the option of the Corporation, the Licensee shall at its own expense forthwith remove the installations and the work done on the said parcel and, at the option of the Corporation, restore the said parcel to its former condition as may be reasonably possible all to the satisfaction of the Commissioner of Works of the Corporation; provided that if the Licensee fails to remove the said installations and work done and restore as aforesaid, the Corporation may enter upon the said parcel and remove the same and restore the said parcel and the expense of such removal and restoration shall be paid by the Licensee forthwith on demand.

4. The Licensee further covenants and agrees with the Corporation that if the Corporation at any time exercises its right or power to terminate this agreement or the permission granted hereunder or demand the removal of the installations and work done on the said parcel or the restoration of the said parcel to the satisfaction of the said Commissioner of Works as aforesaid the Corporation shall not be liable to pay any compensation for any loss which may be suffered or incurred by the Licensee or any tenant or any person claiming under the Licensee by reason of such termination, demand or entry upon the said parcel and the removal of the same and restoration of the said parcel by the Corporation as aforesaid.

5. The Licensee covenants and agrees to pay to the Corporation an annual licensing fee of ONE THOUSAND, FIVE HUNDRED AND SIXTY----(\$1,560.00) Dollars, plus an annual billing fee of TWENTY-FIVE (\$25.00)----- Dollars, the first of which payments shall become due and payable on the execution of this agreement (the said \$1,560.00 to be pro-rated for the year 1980), and subsequent payments shall become due and payable in advance on or before the first day of January in each year while the said encroachment remains, and the Licensee further agrees that the amount of such annual licensing fee and annual inspection fee may be varied in accordance with the rate fixed by the Council of the Corporation from time to time for encroachments on public highways throughout the City of Windsor.

6. In addition to the said annual licensing and billing/inspection fee provided for in paragraph 5 hereof, the Licensee covenants and agrees that it shall pay to the Corporation forthwith on receipt of an account therefor from the Corporation, a sum of money equal to the amount of any taxes, rates, and/or assessments levied upon the said parcel and/or upon any property whatsoever of the Licensee upon the said parcel, paid or payable by the Corporation in the event of default by the Licensee in payment of such taxes, rates and assessments.

7. The Licensee further covenants and agrees that the payment of the aforesaid licensing fee and billing/inspection<sup>2</sup> fee and the sum of money referred to in paragraph 6 hereof may be enforced by the Corporation in the same manner as taxes payable and collectable in respect of the land owned by the Licensee hereinbefore recited, which adjoins the said parcel.



8. It is understood and agreed by and between the Parties hereto that if the Licensee sells or mortgages his said land hereinbefore recited, the Licensee shall give notice to the Corporation of such sale or mortgage transaction within ten (10) days after the completion thereof.

9. Notwithstanding anything hereinbefore or hereinafter contained, if the Licensee does not comply with any of the provisions of this agreement, the Corporation may at its option terminate this agreement forthwith by written notice to the Licensee.

10. All notices, demands and requests which may be or are required to be given by the Corporation to the Licensee or by the Licensee to the Corporation under the provisions of this agreement shall be in writing and may be mailed or delivered and shall be addressed in the case of the Licensee, to the Licensee at 400 Erie Street East, Windsor and in the case of the Corporation, to the Commissioner of Works and the City Clerk, City Hall, P. O. Box 1607, Windsor, Ontario, N9A 6S1, or to such other address as either may from time to time designate by written notice to the other.

11. The Licensee further covenants and agrees to provide and maintain public liability and property damage insurance in such form and amount as shall be satisfactory to the City Solicitor.

12. It is understood and agreed that the annual fee herein is in payment for the use of the said parcel for the purpose aforesaid for a period of one (1) year; provided that, if this agreement should be terminated or suspended and such termination or suspension is effective during the said one (1) year period, the fee shall be calculated and paid on the basis of one - three hundred and sixty-fifth ( $1/365$ ) of the said annual fee per day for each day that the said parcel is used or occupied for the purpose aforesaid and the Corporation shall refund to the Licensee the portion of the annual fee paid in advance which is in excess of the fee so calculated.

13. It is understood and agreed by and between the Parties hereto that notwithstanding anything hereinbefore or hereinafter contained and further notwithstanding the execution of this agreement, this agreement shall not go into force or have any effect unless and until it has been registered by and at the expense of the Licensee in the Registry Office for the Registry Division of Essex (No. 12), and a true copy thereof bearing registration particulars has been delivered to the City Clerk of the Corporation.

14. This agreement shall be binding upon and enure to the benefit of the Corporation and the Licensee hereto and their respective heirs, administrators, executors, successors and assigns.

IN WITNESS WHEREOF the Parties hereto have executed these presents.



SIGNED, SEALED & DELIVERED  
In the Presence of

THE CORPORATION OF THE CITY OF WINDSOR

[Signature]  
Mayor

[Signature]  
Deputy Clerk

WAFFLE'S ELECTRIC LIMITED:

[Signature]  
Vice President

SCHEDULE "A"

ALL and Singular that certain parcel or tract of lands and premises situate, lying and being in the City of Windsor, in the County of Essex and Province of Ontario and being composed of the south half of Lot Number One Hundred and Thirty-four (134) and the whole of Lot Number One Hundred and Thirty-five (135) and the north one-half of Lot Number One Hundred and Thirty-six (136), all according to Registered Plan Number One Hundred and Twenty-two (122):

SCHEDULE "B"

KOESTER & VERHAEGEN LIMITED  
ONTARIO LAND SURVEYORS

Description of Part of Mercer Street,  
Registered Plan 122,  
City of Windsor, County of Essex

All and singular that certain parcel or tract of land and premises, situate, lying and being in the City of Windsor, in the County of Essex and Province of Ontario and being composed of part of Mercer Street, formerly Victoria Street, as shown on a plan of subdivision registered in the Registry Office for the Registry Division 12 (County of Essex) as Plan 122 and more particularly described as follows:

Commencing at a point in the easterly limit of said Mercer Street, distant 100.28 feet measured northerly therealong from its intersection with the northerly limit of Erie Street;

Thence Northerly along the said easterly limit of Mercer Street, a distance of 138.00 feet to a point;

Thence Westerly and at right angles to the said easterly limit of Mercer Street, 11.42 feet;

Thence Southerly and parallel with the said easterly limit of Mercer Street, 138.00 feet to a point;

Thence Easterly and at right angles to the said easterly limit of Mercer Street, 11.42 feet more or less to the point of commencement.

KOESTER & VERHAEGEN LIMITED

  
J.P. Verhaegen  
Ontario Land Surveyor

September 3, 1980.

W80-L543

No. 1732

**SCHEDULE "C"**

**KOESTER & VERHAEGEN LIMITED**  
ONTARIO LAND SURVEYORS

Description of Part of Broadhead Street,  
as opened by By-Law 2623 registered as  
Instrument Number 300553,  
Registered Plan 122,  
City of Windsor, County of Essex

All and singular that certain parcel or tract of land and premises, situate, lying and being in the City of Windsor, in the County of Essex and Province of Ontario and being composed of part of Lot 134 as shown on a plan of subdivision registered in the Registry Office for the Registry Division 12 (County of Essex) as Plan 122 and which said part has now been opened as Broadhead Street by By-Law 2623 registered as Instrument Number 300553 and is more particularly described as follows:

FIRSTLY: That part of said Broadhead Street described as follows:

Commencing at a point in the southerly limit of said Broadhead Street as opened by By-Law 2623, distant 61.53 feet measured easterly therealong from its intersection with the easterly limit of Mercer Street as shown on said Registered Plan 122;

Thence Easterly along the said southerly limit of Broadhead Street, 18.00 feet to a point;

Thence Northerly and at right angles to the said southerly limit of Broadhead Street, 19.00 feet to a point;

Thence Westerly and parallel with the said southerly limit of Broadhead Street, 18.00 feet to a point;

Thence Southerly and at right angles to the said southerly limit of Broadhead Street, a distance of 19.00 feet more or less to the point of commencement.

SECONDLY: That part of Broadhead Street described as follows:

Commencing at a point in the southerly limit of said Broadhead Street as opened by By-Law 2623, distant 87.43 feet measured easterly therealong from its intersection with the easterly limit of Mercer Street as shown on said Registered Plan 122;

Thence Easterly along the said southerly limit of Broadhead Street, 54.00 feet to a point;

Continued

.....2

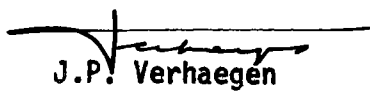
KOESTER & VERHAEGEN LIMITED  
ONTARIO LAND SURVEYORS

Thence Northerly and at right angles to the said southerly limit of Broadhead Street, 19.00 feet to a point;

Thence Westerly and parallel with the said southerly limit of Broadhead Street, 54.00 feet to a point;

Thence Southerly and at right angles to the said southerly limit of Broadhead Street, 19.00 feet more or less to the point of commencement.

KOESTER & VERHAEGEN LIMITED

  
J.P. Verhaegen

Ontario Land Surveyor

September 3, 1980.

W80-L543

No. 1733

SKE  
SHO

**PART of BROADHEAD ST**

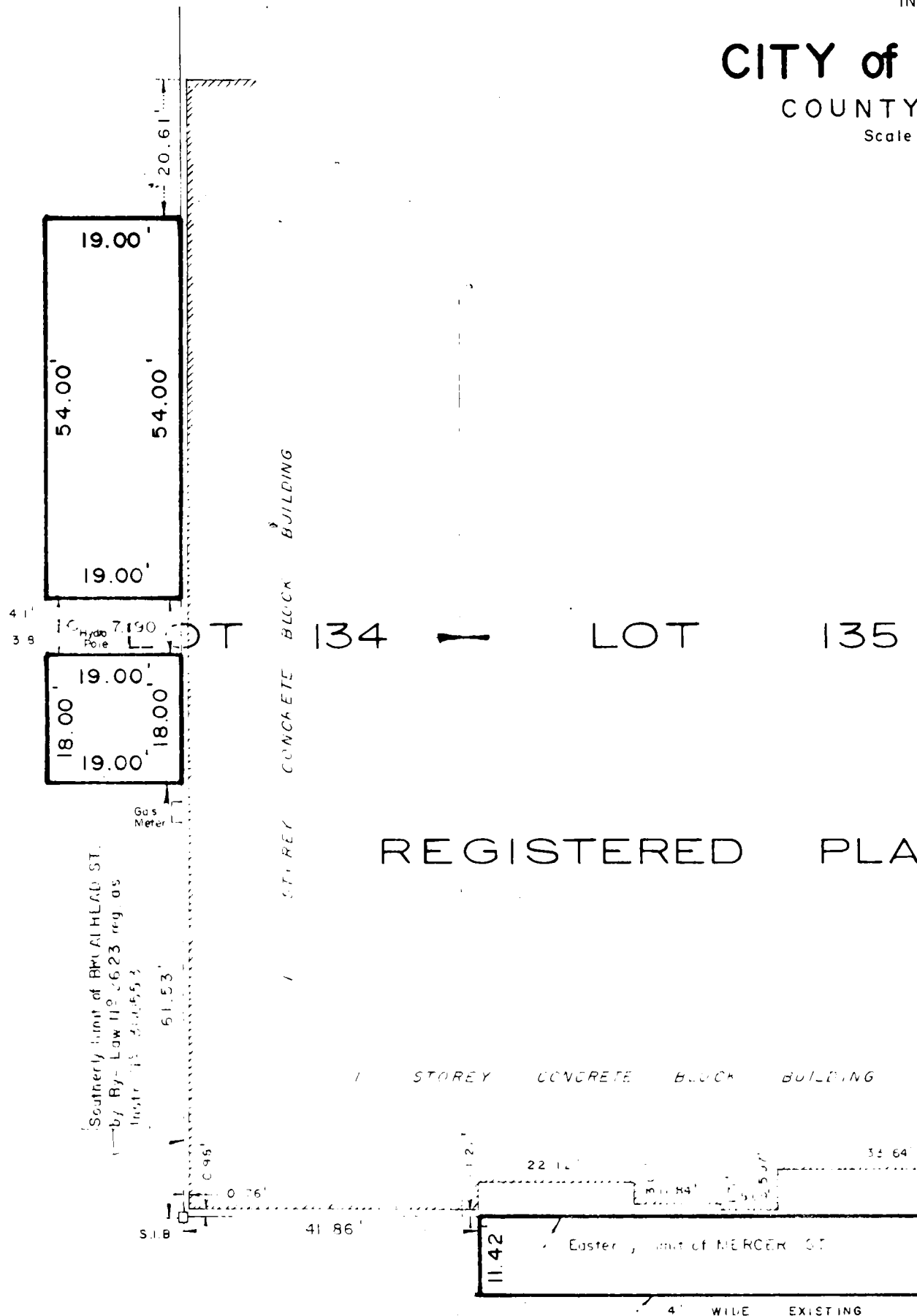
IN

CITY of  
COUNTY  
Scale

Scale

# STREET

# BROADHEAD



MERCER

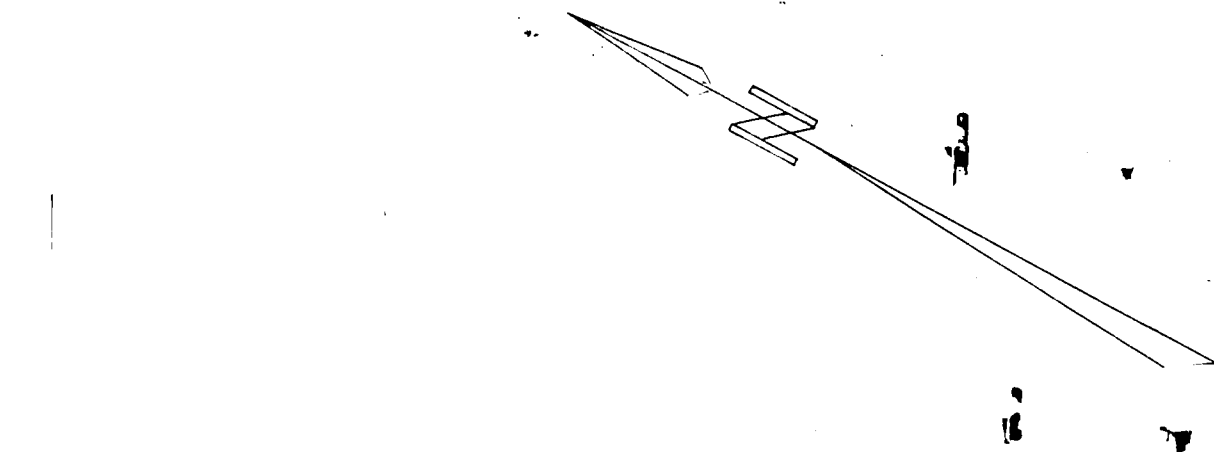
SURVEYOR'S CERTIFICATE :

I. I HEREBY CERTIFY THAT THIS PLAN IS CORRECT.

DATE SEPT 3, 1980.

CH  
ING  
REET & MERCER STREET

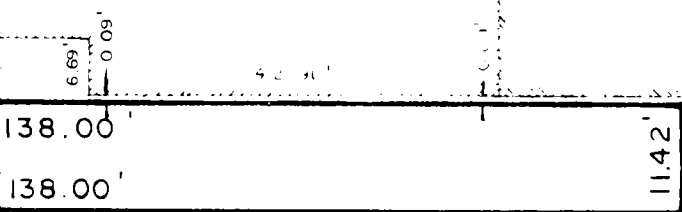
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WINDSOR  
of ESSEX  
" = 20'



LOT 136

LOT 137

122



CONCRETE SIDEWALK

100.28'

ERIE ST

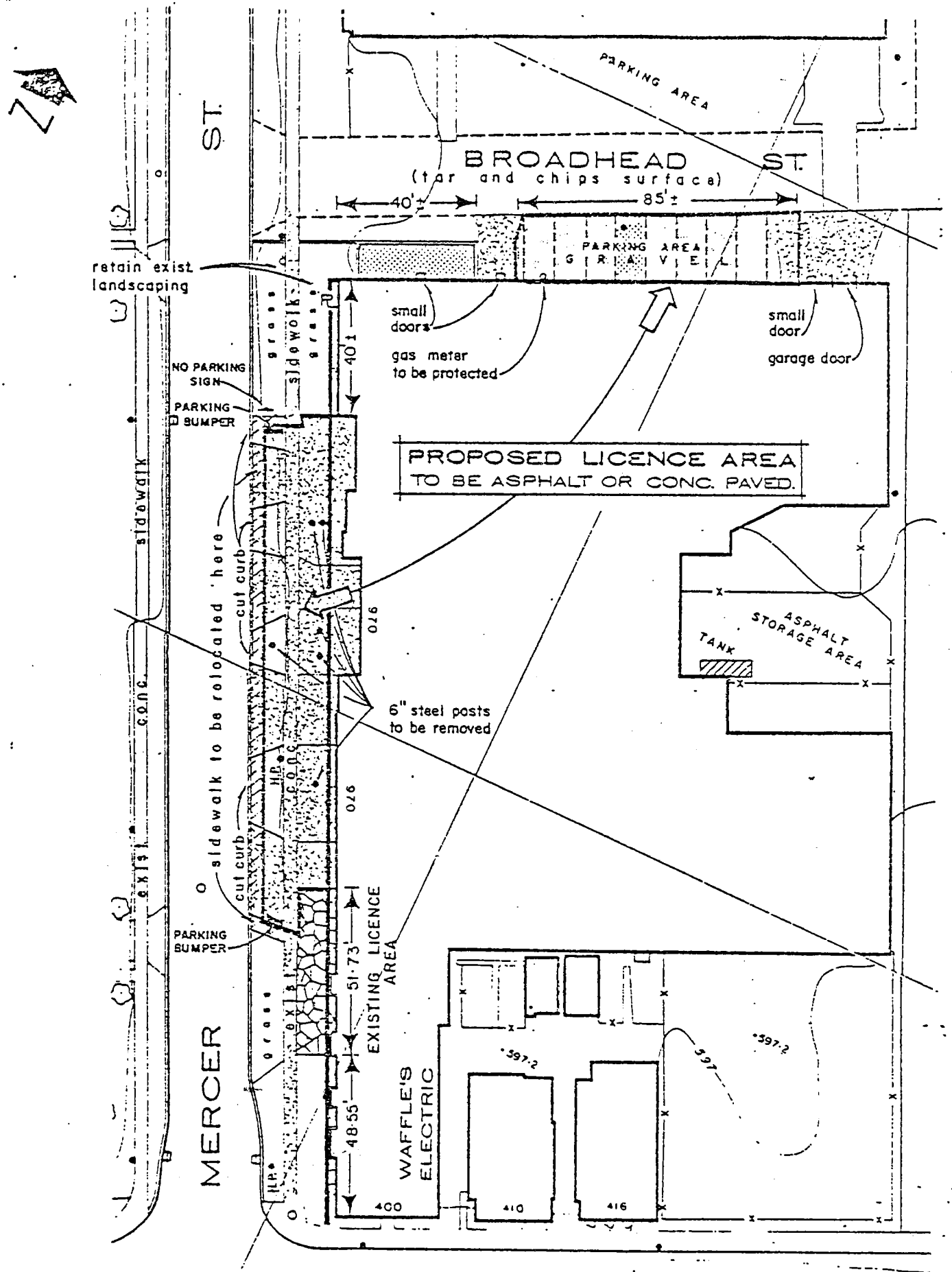
STREET (as shown on Reg. Plan 122)

**KOESTER & VERHAEGEN LIMITED**

ONTARIO LAND SURVEYORS

357 GOYEAU STREET  
WINDSOR, ONT. N9A 1G9  
City Council Agenda - March 2, 2020  
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Legend:

- existing concrete
- proposed conc. or asphalt.
- new conc. sidewalk
- landscaping (proposed)
- proposed licence area

THE CORPORATION OF THE CITY OF WINDSOR-DEPARTMENT OF PUBLIC WORKS

PROPOSED BOULEVARD PARKING ON EAST SIDE  
MERCER ST. AND SOUTH SIDE BROADHEAD ST. AT  
WAFFLE'S ELECTRIC.

*J. St. John*  
COMMISSIONER OF WORKS

SCALE N.T.S.

DATE JULY, 1980

DWG NO

OWN BY M.P.

CHECKED J.B.V.

C-890

*Pick-up*  
*Copy*  
*Waffle's Electric*  
 DATED: October 3, 1980  
*1.00*

*A-7807*  
*C/Dec 27/80*

THE CORPORATION OF THE CITY OF WINDSOR

- and -

WAFFLE'S ELECTRIC LIMITED

829198

No.  
 Registry Division of Essex (No. 12)  
 I CERTIFY that this instrument is registered as of

*2:34 P.M.*

**FEB 23 1981**

in the

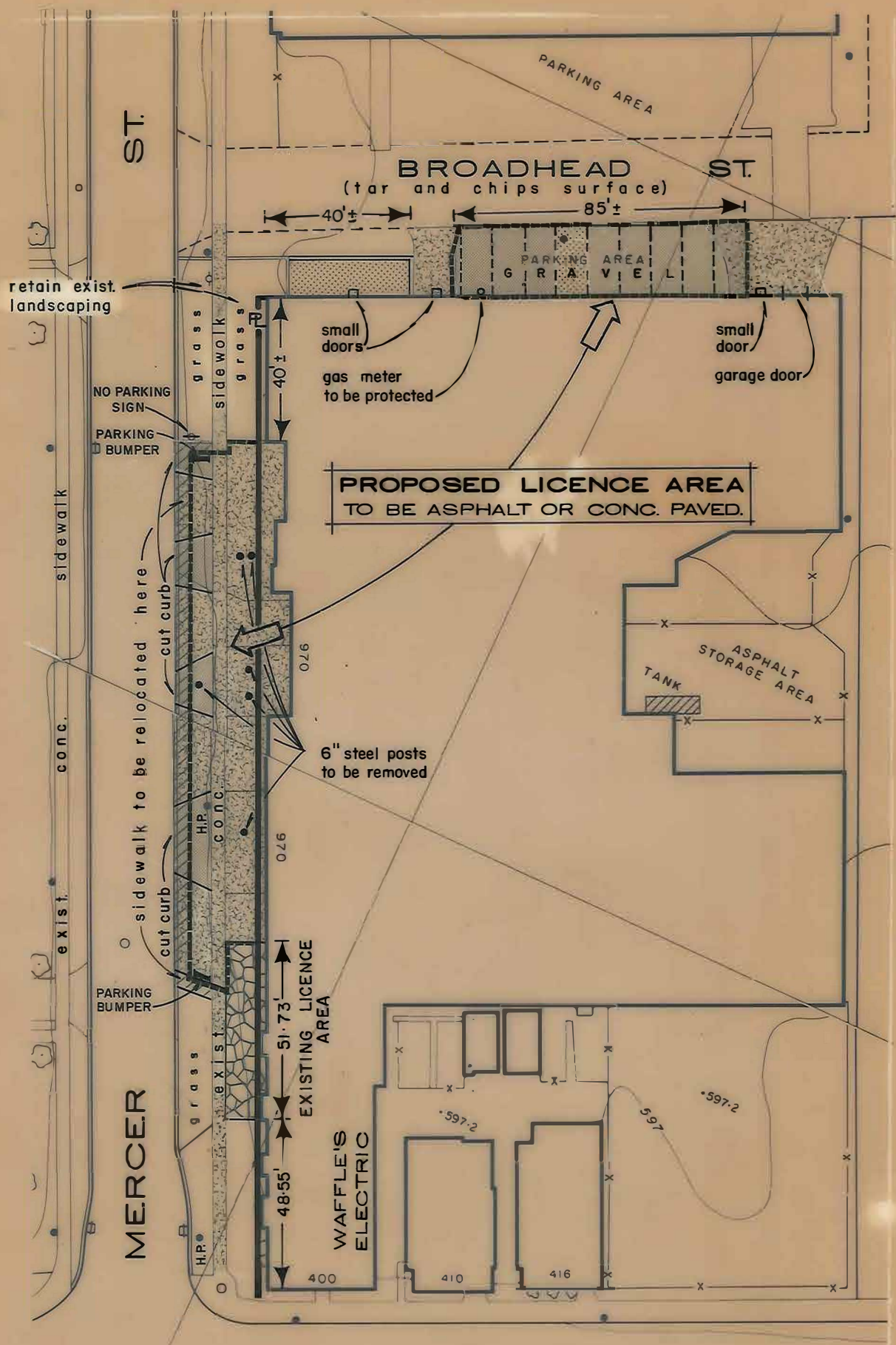
**A G R E E M E N T**

Land  
 Registry Office  
 at Windsor,  
 Ontario.

*William C. Hunt*  
 LAND REGISTRAR

REGISTRATION FEE	<i>1.00</i>
LAND TRANSFER TAX	<i>1.00</i>
RETAIL SALES TAX	<i>1.00</i>

A. S. KELLERMAN  
 CITY SOLICITOR  
 CITY HALL  
 WINDSOR ONTARIO  
 N9A 6S1



Legend:



existing concrete

proposed conc. or asphalt.

landscaping (proposed)



new conc. sidewalk



proposed licence area

THE CORPORATION OF THE CITY OF WINDSOR-DEPARTMENT OF PUBLIC WORKS

PROPOSED BOULEVARD PARKING ON EAST SIDE  
MERCER ST. AND SOUTH SIDE BROADHEAD ST. AT  
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COMMISSIONER OF WORKS

SCALE N.T.S.

DATE JULY, 1980

DWG. NO.

DWN. BY M.F.

CHECKED J.B.V.

C-890





## AERIAL IMAGE - 400 ERIE STREET EAST





**Council Report: C 11/2020**

**Subject: Development Charges Act Changes - City Wide**

**Reference:**

Date to Council: 3/2/2020

Author: Tony Ardovini

Deputy Treasurer - Financial Planning

519-255-6100 Ext. 6223

tardovini@citywindsor.ca

Financial Planning

Report Date: 1/17/2020

Clerk's File #: GPL/3905

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

**Recommendation:**

THAT City Council **APPROVE**, pending provincial regulations, the following recommendations in order to address the impacts of the new Bill 108 Development Charges Act changes that came into effect on January 1, 2020:

1. As permitted under Section 26.2 (3) of the Development Charges Act (DCA) (as amended), that City Council **AUTHORIZE** the Chief Financial Officer and City Treasurer to apply an annual interest rate charge equal to the greater of the Statistics Canada Building Construction Price Index Non-Residential (annual change as at 2nd quarter) plus one percent (1%) or the Bank of Canada Rate as at June 30<sup>th</sup> of each year plus one percent (1%) to any "frozen" development charges payable with said amounts to be calculated as of the date on which a Site Plan Approval application is deemed complete or, if no Site Plan Approval application is made, the date at which a Zoning By-Law Amendment application for the development is deemed complete and **FURTHER** that said interest charges be applied on or after January 1, 2020 up to the date of payment so as to mitigate the cost impacts to the municipality with a goal of achieving revenue neutrality as compared to the previous DCA regime and;
2. As permitted under Section 26.1 (7) of the DCA, that City Council **AUTHORIZE** the Chief Financial Officer and City Treasurer to apply the following annual interest rate charges to any mandatory deferred DC fees (for rental housing, institutional development and non-profit housing development), payable in installments, in accordance with the Development Charges Act Section 26.1 (7) for any development charges that become payable on or after January 1, 2020:

- a. For development applications that provide financial security in a form of a letter of credit, interest charges will be applied equal to the greater of the Statistics Canada Building Construction Price Index Non-Residential (annual change as at 2nd quarter) plus one percent (1%) or the Bank of Canada Rate as at June 30<sup>th</sup> of each year plus one percent (1%) from the date the development charges would have been payable under Section 26 of the Development Charges Act (i.e. issuance of building permit) up to the date the instalment is paid.
  - b. For development applications that have not provided financial security in the form of a letter of credit, interest charges will be applied equal to the greater of the Statistics Canada Building Construction Price Index Non-Residential (annual change as at second quarter) plus five percent (5%) or the Bank of Canada Rate as at June 30<sup>th</sup> of each year plus five percent (5%) from the date the development charges would have been payable under Section 26 of the Development Charges Act (i.e. issuance of building permit) up to the date the instalment is paid and;
3. THAT City Council **AUTHORIZE** the Chief Administrative Officer and City Clerk to execute any other necessary agreements, acceptable in form to the City Solicitor, in technical content to the Chief Building Official, and in financial content to the Chief Financial Officer and City Treasurer or take any other necessary actions related to the administration of the Development Charges By-law and requirements of Bill 108, as deemed appropriate to protect the City's financial interests including a review of the City's Development Charges By-law policies and;
4. THAT Administration **CONTINUE TO** collaborate with municipal associations and provide feedback to ensure revenue neutrality is preserved and other related risks are mitigated.

### **Executive Summary:**

N/A

### **Background:**

Bill 138, the Plan to Build Ontario Together Act, received royal assent on December 10, 2019, amending a section of Bill 108 related to the collection of development charges (DCs) for commercial and industrial developments. Parts of Bill 138, including the part that amended Bill 108, the More Homes More Choice Act, were proclaimed on December 16, 2019 and became effective on January 1, 2020.

On December 23, 2019, the City became aware through the Municipal Finance Officers Association of Ontario (MFOA) that certain Development Charges Act changes under Bill 108 and Bill 138 would come into force on January 1, 2020. These changes required the City to immediately consider new administrative processes to ensure an orderly transition and to preserve revenue neutrality.

In addition, one of the key changes announced by the province is the transition to the Community Benefit Charge (CBC). Based on our current understanding, municipalities would no longer be able to collect DCs for discounted services under the DCA after a date to be prescribed. Although a deadline of January 1, 2021 to transition to the CBC regime was proposed by the province in June 2019, there has been very little detail released since then, and regulations related to the CBC strategy requirements are not yet available. The City will need to establish a new CBC Bylaw prior to the prescribed date in order to collect fees for these services. More information on CBCs will be reported separately to City Council as details become available.

## **Discussion:**

Key legislative amendments that came into effect on January 1, 2020 are as follows:

### **1. The Freezing of Development Charge Fees**

Effective January 1, 2020, the City's development charges rates and exemptions will be "frozen" based on the date a site plan application is made for a particular development or, if no site plan application is made, the date a rezoning application is made, whichever is later. If neither of these applications is made, the amount continues to be calculated at the issuance of a building permit. This change thus amends the current practice of calculating development charges with rates in effect on the date of building permit issuance. The City is permitted to charge interest on development charges starting from the date the planning application is received, and deemed complete, until the date of payment.

Given that several years can elapse from the date a complete application for site plan and/or rezoning is received and the date the building permit is issued; the new legislation may allow some applicants to "freeze" or lock in a DC rate that is lower than the rate that would have been payable at the issuance of the building permit.

Ontario Regulation (O. Reg. 82/98) was recently amended to mitigate the risk of an extended frozen period by enacting a two-year limit for the rates to be frozen. Once the 2-year period has been exceeded, the DC charge is calculated as of the date the building permit is issued. This 2-year limitation period does not apply to mandatory deferred DC for rental housing, institutional development and non-profit housing development.

### **2. Mandatory Deferral and Installment Payments Development Charges**

Collection of development charges for rental housing developments (excluding non-profit) and institutional uses will be deferred from first building permit issuance until first occupancy and collected in six equal annual installment payments over the course of five years.

Development charges for non-profit housing will be deferred from first building permit issuance until first occupancy and collected in 21 annual installments over 20 years.

Interest can be charged on the installment payments for these developments in accordance with s.26.1(7) of DCA.

### 3. Interest Charges

For developments that include rental housing (excluding non-profit), institutional and non-profit housing, section 26.1(7) of DCA permits the City to charge interest on the installment payments at a rate not to exceed the prescribed maximum interest rate starting from the date of building permit issuance to the date the DC installment is paid. The interest charge to cover carrying costs can be added to the roll and collected like property taxes. It is noted that the Minister has recently indicated that a maximum interest rate may not be prescribed.

Under the DCA, section 26.2(3), the City may charge interest on the development charge amount during the frozen period between the date of the completed applications for development approval, site plan or zoning bylaw amendment and the DC charge becoming payable. The current regulation (O. Reg. 454/19) does not set an interest rate for the frozen period.

The City is committed to creating a vibrant and livable community and supports the goal of creating new and affordable housing. Under the Development Charges Act, the City is required to pass an updated Development Charges By-law every five years. The current DC Bylaw expires on May 31, 2020 and the work to complete the required background study is currently underway to have the new DC Bylaw approved prior to June 1, 2020. The process includes consultation with the development industry and other stakeholders through the DC Task Force Committee to ensure the new Development Charges rates achieve a balance between accurately reflecting the costs of growth, and ensuring the policies encourage continued responsible development in the City. The purpose of the Development Charges By-law is to ensure the City is collecting monies through development to ensure that growth pays for growth. This includes sewer, water, storm water and road related infrastructure and other services to support the development in the municipalities where it occurs. Development Charges are critical to ensuring good, sustainable development in the City and to avoid these growth related costs being funded from user fees and the general tax levy.

Under Bill 108, the Development Charges Act provisions proclaimed on January 1, 2020 require the City to adopt new administrative processes. This exposes the City to new Development Charges collection and revenue risk. City processes must be updated in response to the significant changes to the way development charges are calculated and collected. This includes the new requirement to track the date of receipt of planning applications for development charge purposes. There could be an increase of applications and re-applications received in 2020 in order to qualify for rates in effect before the City's potential DC Fee rate increase on June 1, 2020, when the new DC Bylaw comes into effect. In addition, the City requires a process for tracking, collecting and applying interest to newly deferred development charges payments for specified development types thereby ensuring revenue neutrality to the municipality.

The City is not alone in considering the implications of the Bill 108 changes that came into effect on January 1, 2020. Many municipalities are currently in the process of still



developing and implementing similar changes to mitigate the impacts and ensure revenue neutrality from these changes is maintained. Several others that have already adopted measures include the Cities of Toronto and Ottawa, the Region of York, and in our local area, the Town of Amherstburg. Measures adopted range from enacting a \$1,500 administrative fee in the Region of York to manage the DC deferred payments, to a range of interest rates from 0.5% to 18% applied to various factors like Statistic Canada Building Construction Price indices, cost of borrowing, Canadian bank prime, and market rate for construction financing. Administration has been providing feedback to the provincial government through various associations like the Municipal Finance Officers of Ontario (MFOA) and Hemson Consulting, our DC consultant. Attached as appendix A is the MFOA's submission on the 2020 provincial budget that includes significant input on the DCA revisions.

The City must implement the DC installment plans and DC rate freezes effective January 1, 2020 to ensure compliance with the new legislation. The new processes will require coordination between the Building, Planning and Finance areas of the City to ensure the calculation of correct DC rates and the timing of the subsequent collection of the DC rates is applied.

Although there are various options being used by other municipalities to mitigate the financial impact of these changes, Administration is recommending that the City apply an interest rate on the deferred DC payments through a resolution of City Council. Given the new deferral provisions are not retroactive, the new interest rates will apply immediately to any DCs payable on January 1, 2020 that fall within the provision. Without an interest rate prescribed in the regulations, the interest is effectively 0% if Council does not establish one.

It is recommended that the interest rates for each of the above provisions be equal to the greater of the Statistics Canada Building Construction Price Index Non-Residential (annual change as at 2<sup>nd</sup> Quarter) + 1% premium or the Bank of Canada Rate as at June 30<sup>th</sup> of each year plus one percent (1%) to cover the additional administrative oversight required to manage the programs. The Statistics Canada Non-residential Construction Price index being recommended is the same methodology used to apply the annual increase to the calculated DC charges to keep up with the cost of inflation and will maintain consistency and enhance understanding of the process. The Bank of Canada Prime Rate as at June 30<sup>th</sup> of each year is also included to offset any significant fluctuation in the Statistics Canada Building Construction Price Index Non-Residential change. By basing deferred DC carrying costs on this methodology, the City is mitigating the risk that the cost of growth exceeds the revenue ultimately received over time thus minimizing the financial impact to existing ratepayers.

One of the significant risks to municipalities is the collectability of deferred DC payments that remain uncollectible and fall into arrears. These outstanding payments currently do not have priority lien status or the requirement to register agreements on title to land. In order to mitigate this risk, it is being recommended all applications submit a letter of credit as security for the deferred DC payments. If a letter of credit is not submitted, the interest rate applied will be increased to the greater of the Statistic Canada Building Construction Price Index Non-Residential (annual change as at 2<sup>nd</sup> quarter) plus 5% or the Bank of Canada Rate as at June 30<sup>th</sup> of each year plus five percent (5%) in order to mitigate this risk.

**Risk Analysis:**

In terms of revenue risk, developers will be able to lock in development charges rates by submitting or resubmitting planning applications after January 1, 2020, and thereby avoid the City's potential DC Fee rate increase on June 1, 2020 when the new DC Bylaw comes into effect and in any future years. Development Charge By-law exemptions would also be frozen, restricting the effectiveness of changes to the City's discretionary exemptions that may be adopted with the new DC Bylaw.

Additionally, the Province has yet to provide measures to ensure collection, such as financial security, priority lien status for outstanding charges added to the property tax roll, or the requirement to register agreements on title to land. This is a significant risk in that the City may not be able to collect deferred DC Fees that fall into arrears. This also poses challenges to potential cash flows as the deferral of the receipt of payment on development charges may impact the ability to fund various growth related projects. In order to mitigate against this risk, Administration is recommending the requirement for Letters of Credit to be provided failing which a higher interest factor is applied to the outstanding balances.

**Financial Matters:**

Financial implications are extremely difficult to quantify at this time due to the uncertainty of the Development Charges Act amendments and regulations that still need to be finalized. The impact of lost revenue and increased carrying costs resulting from the amendments that became effective on January 1, 2020 are dependent on the developments that come forward under these scenarios. The recommendations in this report are intended to mitigate the impact of these changes and to maintain some degree of revenue neutrality with the former Development Charges Act regime. At the time of the writing of this report, there have been no developments that have come forward since January 1, 2020 that meet the criteria of these new DC provisions.

**Consultations:**

Hemson Consulting

Wira Vendresco

**Conclusion:**

In light of the administrative and revenue implications of the Development Charges Act changes, administration is recommending that Council authorize interim actions to help manage the transition to the new Act and help preserve revenue neutrality for the City.

Administration will report back to City Council with further changes once the provincial regulations are released and there has been an opportunity to more fully assess the impacts and options of the Development Charges Act amendments. It is also important to note that the release of new regulations that prescribe interest rates may supersede direction from City Council. Administration and Hemson Consulting will continue to participate in discussions with our respective associations to provide input to the

province as to the impact that the proposed changes to the Development Charges and Planning Acts will have to our municipality.

**Planning Act Matters:**

N/A

**Approvals:**

<b>Name</b>	<b>Title</b>
Wira Vendrasco	Deputy City Solicitor
Shelby Askin-Hager	City Solicitor
John Revell	Chief Building Official
Thom Hunt	City Planner
Joe Mancina	Chief Financial Officer & City Treasurer
Onorio Colucci	Chief Administrative Officer

**Notifications:**

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

**Appendices:**

- 1 Appendix A - 2020 MFOA Pre-budget Submission



MUNICIPAL FINANCE  
OFFICERS' ASSOCIATION  
OF ONTARIO

The Honourable Rod Phillips  
Minister of Finance  
c/o Budget Secretariat  
Frost Building North, 3<sup>rd</sup> Floor  
95 Grosvenor Street  
Toronto, Ontario M7A 1Z1

January 17, 2020

Dear Minister Phillips,

I am writing to provide comments on behalf of the Municipal Finance Officers' Association of Ontario, and the municipalities it serves, with respect to the consultations ahead of the 2020 provincial budget.

The Municipal Finance Officers' Association of Ontario (MFOA) was established in 1989 to support the interests of municipal finance professionals across the province. Our membership includes key advisors to council on financial affairs and individuals responsible for handling the financial activities of municipalities. Our membership represents 99.6% of the population of the province. Throughout our history, MFOA has always been a strong advocate for best practices that encourage long-term financial sustainability in the municipal sector.

As an organization that promotes financial sustainability, we agree with the goals outlined in the Province's Fall Economic Statement of strengthening the province's fiscal foundation, improving services, and increasing opportunities for current and future Ontarians. To achieve these goals, the Province must recognize the critical role of municipalities. Provincial and municipal governments share the responsibilities of ensuring the wellbeing of Ontarians and protecting the province's resources. The impact of any changes under consideration must be viewed holistically to ensure that Ontarians are better off.

As stated in our 2019 pre-budget submission, proposed changes must contribute to the goals of municipal fiscal sustainability, as well as predictability, stability and transparency in provincial-municipal relations. We believe the principles of **strong partnerships, support for vital services for Ontarians, and information sharing** will enable the Province and the municipal sector to achieve our common objectives and work towards building Ontario together.

### **Strong Partnerships**

Strong partnerships enable strategic decision making. We commend the Province for listening to the concerns of their municipal partners about the importance of the Ontario Municipal Partnership Fund (OMPF) and the need for early allocation notices. The OMPF is a vital source of funding for 389 of 444 Ontario municipalities. Early allocation notices allow municipalities to strategically set their budgets. MFOA encourages the Province to continue to provide advanced notification of funding allocations and meaningfully consult with municipalities about changes to the grant's funding formula.

MFOA members were also pleased that in 2019 the Province reversed its decision to retroactively apply cuts to the funding of public health, childcare services, and municipal land ambulance operations, although other cuts remained effective for the year.

Looking forward to 2020, our members remain concerned with the loss of \$300 million in municipal funding and \$2 billion over the next 10 years as estimated by Moody's Investor Services. These cuts are in addition to changes to the cost recovery regime of growth-related infrastructure. Municipalities require sustainable and predictable funding, as well as access to a range of revenue tools, to support vibrant communities in 2020 and beyond.

We recommend that going forward the Province closely and consistently consults with the sector ahead of major changes to the municipal-provincial fiscal relationship. We have an opportunity learn from our experiences in 2019. One experience in particular that can be drawn from is the consultation and implementation of the *More Homes, More Choice Act, 2019*. The changes made to the *Development Charges Act, 1997* (DCA) and *Planning Act, 1990*, among other Acts, were a significant departure from the existing regimes and will impact municipalities' ability to support development.

Our members have been both encouraged and disappointed over the last seven months since the *More Homes, More Choice Act, 2019* received Royal Assent. Encouraged by two positive amendments made to legislation via the *Plan to Build Ontario Together Act, 2019* arising from the Fall Economic Update. And encouraged that more time appears to have been allocated to the development of the prescribed caps to the Community Benefit Charges payable. These are examples of what can be achieved to improve legislation when there is meaningful consultation between partners. Members were disappointed, however, that changes to the DCA were proclaimed two weeks before they came into force and that changes to O. Reg. 82/98 under the DCA were published on December 20<sup>th</sup>, the Friday before Christmas. These amendments require changes to administrative processes and the adoption of new policies and procedures. More notice would have been appropriate to provide municipalities with enough lead time to effectively implement the changes.

Overall, 2019 presented ups and downs in the municipal-provincial partnership. In 2020, we encourage the Province to support shared municipal-provincial objectives by meaningfully and consistently consulting with municipalities and providing advanced notice of material changes to the municipal fiscal framework. MFOA is proud of our long-standing relationship with the Province and look forward to continuing to work constructively on municipal-related matters.

### **Supporting Vital Services for Ontarians**

Over the past year, the provincial government has quickly moved forward on a number of policy objectives. A complication of this approach is that speed can lead to unintended consequences that put vital municipal services at risk. Rather than rushing ahead, MFOA encourages the Province to take a holistic and long-term view of their actions and consider how their proposals will affect the services that Ontarians rely on every day.

A significant example from 2019 was the surprise introduction of the Community Benefits Charges (CBC) regime. Although the Minister of Municipal Affairs and Housing has consistently communicated that the new regime will generate the same revenues as the charges the CBC will replace (e.g. development charges for certain soft services as well as parkland dedication and density bonusing charges under the Planning Act), we are concerned that the prescribed cap will further undermine municipalities' ability to recover growth-related costs. The services covered by the CBC, such as parks and libraries, are essential to creating healthy and safe

communities. Growth needs to pay for growth to minimize the impact of new development on existing residents and tax payers and to ensure that new residents enjoy the same services as current residents and taxpayers. The ability to recover costs must be realized on a municipality by municipality basis, not just at the provincial level where winners and losers can be masked. Now is not the time to rush the process to a conclusion when affordable housing remains such a pressing issue in Ontario.

MFOA strongly recommends that the Province takes its time with the CBC consultation, as well as with other upcoming consultations (eg. property tax and assessment, the alignment of fiscal years, and OMPF) to ensure things are done right as opposed to fast.

We also encourage the government to continue to support existing initiatives that promote municipal sustainability, such as asset management. The implementation of the asset management regulation will require significant municipal effort and yet uncertainty surrounds infrastructure grant programs. Asset management is critical to maintaining municipal infrastructure, the backbone of many of the essential services delivered to Ontarians. Continued support through resources and funding are necessary to help municipalities move along the asset management continuum, as well as to improve the resilience of municipal infrastructure to the effects of climate change.

### **Information Sharing**

Our final points reflect the importance of sharing information. We believe, if done properly, information sharing can support the Province's priority of "making governments smarter". Municipalities understand local circumstances best, as well as the complexities of policy implementation on the ground. The Province, on the other hand, understands issues from a whole-of-province perspective. By working together and sharing information, the two orders of government can bridge some of the divide.

A good example of this collaboration was the 2019 consultation on the municipal reporting burden. MFOA, in conjunction with its colleagues and the Province, helped identify and eliminate 94 reports and simplify 27 others. This work promoted the distribution of knowledge between the orders of government and the sector is better off because of it.

We believe there are more opportunities for municipalities and the Province to share information to become smarter, more efficient, and more innovative. Information sharing is a cost-effective solution to build capacity and promote openness and transparency - goals shared by both orders of government.

We thank the Ministry of Finance for the opportunity to provide recommendations for the 2020 provincial budget. Our communities are where people live, work and play. Municipalities deliver the services that enable communities to thrive and Ontarians to live their best life. Healthy communities are the backbone of Ontario's economic development. We believe that consideration for strengthening partnerships, supporting vital services, and sharing information will enable the Province and municipalities to achieve their common objectives for current and future Ontarians.

MFOA would be pleased to elaborate on any of the recommendations included in this submission. Should your staff have the need to follow up please contact MFOA's Executive Director, Donna Herridge, by phone (416-362-9001) or by email ([donna@mfoa.on.ca](mailto:donna@mfoa.on.ca)).

Yours truly,

A handwritten signature in dark ink, appearing to read "Trevor Pinn". The signature is fluid and cursive, with a large initial 'T' and 'P'.

Trevor Pinn  
President, CPA, CA



**Council Report: C 213/2019**

**Subject: Revised Emergency Response Plan and By-law - City Wide**

**Reference:**

Date to Council: 3/2/2020  
Author: Emily Bertram  
Emergency Planning Officer  
519-890-5081  
ebertram@citywindsor.ca  
Fire and Rescue Services  
Report Date: 12/16/2019  
Clerk's File #: SWE/3069

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

**Recommendation:**

That City Council **APPROVE** the revised Emergency Response Plan for the City of Windsor and amend By-Law #98-2005.

That City Council **DELEGATES AUTHORITY** to the CAO to appoint the co-chairs of the Emergency Management Program Committee.

**Executive Summary:**

N/A

**Background:**

In Ontario, a municipality adopts its Emergency Response Plan (ERP) through the by-law process. The City of Windsor's Emergency Response Plan was last amended in 2015 through amendments to by-law 98-2005. The plan is reviewed annually and the most recent review has produced changes that better align with the requirements of the Emergency Management and Civil Protection Act (attached) and best practices in emergency management. The Community Emergency Management Coordinator (CEMC) is required to present a report to Council, seeking amendment of by-law 98-2005 and the proposed revisions to the ERP. Once approval is obtained, the CEMC submits the approved ERP to Emergency Management Ontario in order to maintain compliance with the Emergency Management and Civil Protection Act.



## **Discussion:**

The Emergency Management Program Committee conducted their annual review of the Emergency Response Plan in 2019. The committee recommended several amendments, which have been implemented. The Emergency Planning Officer has also identified areas for improvement, including the addition of defining terminating an emergency, notification levels, and information regarding the Incident Management System. Information such as the Corporate Organizational Chart and names of individuals have been removed so that minor organizational and changes in personnel can be implemented without having to amend the by-law.

Appendices include information that is either confidential or are likely to change frequently. These changes are administrative in nature but do not substantially change the content or intent of the ERP.

One of the requirements of compliance with the EMCPA is the formation of an Emergency Management Program Committee. Administration is requesting Council delegate to the CAO the authority to appoint the Chair/Co-Chairs of the Committee.

## **Risk Analysis:**

There are no significant risks identified.

## **Financial Matters:**

N/A

## **Consultations:**

Emergency Management Program Committee

Community Control Group

OFMEM Field Officer Christopher Pape

## **Conclusion:**

The updated Emergency Response Plan and By-Law will better serve the citizens of the City of Windsor during an emergency and will continue to fulfill the requirements under the Emergency Management and Civil Protection Act.

**Planning Act Matters:**

N/A

**Approvals:**

<b>Name</b>	<b>Title</b>
Stephen Laforet	Fire Chief/CEMC
Shelby Askin-Hager	City Solicitor
Onorio Colucci	CAO

**Notifications:**

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

**Appendices:**

- 1 Emergency Management and Civil Protection Act
- 2 City of Windsor Emergency Response Plan 2020

# Emergency Management Act

**Note: On a day to be named by proclamation of the Lieutenant Governor, the title of this Act is repealed by the Statutes of Ontario, 2006, chapter 13, subsection 1 (1) and the following substituted:**

## **Emergency Management and Civil Protection Act**

See: 2006, c. 13, ss. 1 (1), 5 (2).

R.S.O. 1990, CHAPTER E.9

### **Historical version for the period June 20, 2006 to June 29, 2006.**

Amended by: 1999, c. 12, Sched. P, ss. 3-9; 2002, c. 14, ss. 2-16; 2002, c. 17, Sched. C, s. 10; 2003, c. 1, s. 14; 2006, c. 13, ss. 1, 2.

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Action not an expropriation  
Standards for emergency management programs and emergency plans  
Crown bound

#### Definitions

**1.** In this Act,

“Crown employee” means a Crown employee within the meaning of the *Public Service Act*; (“employé de la Couronne”)

“emergency” means a situation or an impending situation caused by the forces of nature, an accident, an intentional act or otherwise that constitutes a danger of major proportions to life or property; (“situation d’urgence”)

**Note: On a day to be named by proclamation of the Lieutenant Governor, the definition of “emergency” is repealed by the Statutes of Ontario, 2006, chapter 13, subsection 1 (2) and the following substituted:**

“emergency” means a situation or an impending situation that constitutes a danger of major proportions that could result in serious harm to persons or substantial damage to property and that is caused by the forces of nature, a disease or other health risk, an accident or an act whether intentional or otherwise; (“situation d’urgence”)

**See: 2006, c. 13, ss. 1 (2), 5 (2).**

“emergency area” means the area in which an emergency exists; (“zone de crise”)

“emergency management program” means a program developed under section 2.1 or 5.1; (“programme de gestion des situations d’urgence”)

“emergency plan” means a plan formulated under section 3, 6, 8 or 8.1; (“plan de mesures d’urgence”)

“employee of a municipality” means an employee as defined in section 278 of the *Municipal Act, 2001*; (“employé municipal”)

“head of council” includes a chair of the board of an improvement district; (“président du conseil”)

“local board” means a local board as defined in the *Municipal Affairs Act*; (“conseil local”)

“local services board” means a Local Services Board established under the *Local Services Boards Act*; (“régie locale des services publics”)

“member of council” includes a trustee of the board of an improvement district; (“membre du conseil”) R.S.O. 1990, c. E.9, s. 1; 1999, c. 12, Sched. P, s. 3; 2002, c. 14, s. 3; 2002, c. 17, Sched. C, s. 10 (1, 2).

#### Administration of Act

**2.** The Solicitor General is responsible for the administration of this Act. R.S.O. 1990, c. E.9, s. 2.

**Note: On a day to be named by proclamation of the Lieutenant Governor, the Act is amended by the Statutes of Ontario, 2006, chapter 13, subsection 1 (3) by adding the following section:**

#### Cabinet advisory committee

**2.0.1** The Lieutenant Governor in Council may appoint, from among the members of the Executive Council, a committee to advise the Lieutenant Governor in Council on matters relating to emergencies. 2006, c. 13, s. 1 (3).

**See: 2006, c. 13, ss. 1 (3), 5 (2).**

#### Municipal emergency management programs

**2.1** (1) Every municipality shall develop and implement an emergency management program and the council of the municipality shall by by-law adopt the emergency management program. 2002, c. 14, s. 4.

#### Same

(2) The emergency management program shall consist of,

(a) an emergency plan as required by section 3;

(b) training programs and exercises for employees of the municipality and other persons with respect to the provision of necessary services and the procedures to be followed in emergency response and recovery activities;

(c) public education on risks to public safety and on public preparedness for emergencies; and

(d) any other element required by the standards for emergency management programs set under section 14. 2002, c. 14, s. 4.

#### **Hazard and risk assessment and infrastructure identification**

(3) In developing its emergency management program, every municipality shall identify and assess the various hazards and risks to public safety that could give rise to emergencies and identify the facilities and other elements of the infrastructure that are at risk of being affected by emergencies. 2002, c. 14, s. 4.

#### **Confidentiality for defence reasons**

(4) Subject to subsection (5), a head of an institution, as defined in the *Municipal Freedom of Information and Protection of Privacy Act*, may refuse under that Act to disclose a record if,

- (a) the record contains information required for the identification and assessment activities under subsection (3); and
- (b) its disclosure could reasonably be expected to prejudice the defence of Canada or of any foreign state allied or associated with Canada or be injurious to the detection, prevention or suppression of espionage, sabotage or terrorism. 2002, c. 14, s. 4.

#### **Same**

(5) A head of an institution, as defined in the *Municipal Freedom of Information and Protection of Privacy Act*, shall not disclose a record described in subsection (4),

- (a) if the institution is a municipality and the head of the institution is not the council of the municipality, without the prior approval of the council of the municipality;
- (b) if the institution is a board, commission or body of a municipality, without the prior approval of the council of the municipality or, if it is a board, commission or body of two or more municipalities, without the prior approval of the councils of those municipalities. 2002, c. 14, s. 4.

#### **Confidentiality of third party information**

(6) A head of an institution, as defined in the *Municipal Freedom of Information and Protection of Privacy Act*, shall not, under that Act, disclose a record that,

- (a) contains information required for the identification and assessment activities under subsection (3); and
- (b) reveals a trade secret or scientific, technical, commercial, financial or labour relations information, supplied in confidence implicitly or explicitly. 2002, c. 14, s. 4.

#### **Meetings closed to public**

(7) The council of a municipality shall close to the public a meeting or part of a meeting if the subject matter being considered is the council's approval for the purpose of subsection (5). 2002, c. 14, s. 4.

#### **Application of *Municipal Freedom of Information and Protection of Privacy Act***

(8) Nothing in this section affects a person's right of appeal under section 39 of the *Municipal Freedom of Information and Protection of Privacy Act* with respect to a record described in this section. 2002, c. 14, s. 4.

#### **Municipal emergency plan**

**3.** (1) Every municipality shall formulate an emergency plan governing the provision of necessary services during an emergency and the procedures under and the manner in which employees of the municipality and other persons will respond to the emergency and the council of the municipality shall by by-law adopt the emergency plan. 2002, c. 14, s. 5 (1).

(2) REPEALED: 2002, c. 14, s. 5 (1).

#### **Co-ordination by county**

(3) The council of a county may with the consent of the councils of the municipalities situated within the county co-ordinate and assist in the formulation of their emergency plans under subsection (1). R.S.O. 1990, c. E.9, s. 3 (3).

#### **Specific emergencies may be designated**

(4) The Lieutenant Governor in Council may designate a municipality to address a specific type of emergency in its emergency plan and, if so required, the municipality shall include the type of emergency specified in its emergency plan. 2002, c. 14, s. 5 (2).

#### **Training and exercises**

(5) Every municipality shall conduct training programs and exercises to ensure the readiness of employees of the municipality and other persons to act under the emergency plan. 2002, c. 14, s. 5 (3).

#### **Review of plan**

(6) Every municipality shall review and, if necessary, revise its emergency plan every year. 2002, c. 14, s. 5 (3).

**Declaration of emergency**

**4.** (1) The head of council of a municipality may declare that an emergency exists in the municipality or in any part thereof and may take such action and make such orders as he or she considers necessary and are not contrary to law to implement the emergency plan of the municipality and to protect property and the health, safety and welfare of the inhabitants of the emergency area. R.S.O. 1990, c. E.9, s. 4 (1).

**Declaration as to termination of emergency**

(2) The head of council or the council of a municipality may at any time declare that an emergency has terminated. R.S.O. 1990, c. E.9, s. 4 (2).

**Solicitor General to be notified**

(3) The head of council shall ensure that the Solicitor General is notified forthwith of a declaration made under subsection (1) or (2). R.S.O. 1990, c. E.9, s. 4 (3).

**Premier may declare emergency terminated**

(4) The Premier of Ontario may at any time declare that an emergency has terminated. R.S.O. 1990, c. E.9, s. 4 (4).

**Conformity with upper-tier plan**

**5.** The emergency plan of a lower-tier municipality in an upper-tier municipality, excluding a county, shall conform to the emergency plan of the upper-tier municipality and has no effect to the extent of any inconsistency and, for the purposes of this section, The Corporation of the County of Lambton shall be deemed to be an upper-tier municipality. 2002, c. 17, Sched. C, s. 10 (3).

**Emergency management programs of provincial government bodies**

**5.1** (1) Every minister of the Crown presiding over a ministry of the Government of Ontario and every agency, board, commission and other branch of government designated by the Lieutenant Governor in Council shall develop and implement an emergency management program consisting of,

- (a) an emergency plan as required by section 6;
- (b) training programs and exercises for Crown employees and other persons with respect to the provision of necessary services and the procedures to be followed in emergency response and recovery activities;
- (c) public education on risks to public safety and on public preparedness for emergencies; and
- (d) any other element required by the standards for emergency management programs set under section 14. 2002, c. 14, s. 7.

**Hazard and risk assessment and infrastructure identification**

(2) In developing an emergency management program, every minister of the Crown and every designated agency, board, commission and other branch of government shall identify and assess the various hazards and risks to public safety that could give rise to emergencies and identify the facilities and other elements of the infrastructure for which the minister or agency, board, commission or branch is responsible that are at risk of being affected by emergencies. 2002, c. 14, s. 7.

**Confidentiality of third party information**

(3) A head of an institution, as defined in the *Freedom of Information and Protection of Privacy Act*, shall not, under that Act, disclose a record that,

- (a) contains information required for the identification and assessment activities under subsection (2); and
- (b) reveals a trade secret or scientific, technical, commercial, financial or labour relations information, supplied in confidence implicitly or explicitly. 2002, c. 14, s. 7.

**Application of Freedom of Information and Protection of Privacy Act**

(4) Nothing in this section affects a person's right of appeal under section 50 of the *Freedom of Information and Protection of Privacy Act* with respect to a record described in this section. 2002, c. 14, s. 7.

**Emergency plans of provincial government bodies**

**6.** (1) It is the responsibility of,

- (a) each minister of the Crown presiding over a ministry of the Government of Ontario; and

(b) each agency, board, commission or other branch of government designated by the Lieutenant Governor in Council, to formulate an emergency plan for the ministry or branch of government, as the case may be, in respect of the type of emergency assigned to it by the Lieutenant Governor in Council, governing the provision of necessary services during an emergency and the procedures under and the manner in which Crown employees and other persons will respond to the emergency. R.S.O. 1990, c. E.9, s. 6 (1).

#### **Training and exercises**

(2) Every minister of the Crown described in clause (1) (a) and every agency, board, commission or other branch of government described in clause (1) (b) shall conduct training programs and exercises to ensure the readiness of Crown employees and other persons to act under their emergency plans. 2002, c. 14, s. 8.

#### **Review of plan**

(3) Every minister of the Crown described in clause (1) (a) and every agency, board, commission or other branch of government described in clause (1) (b) shall review and, if necessary, revise its emergency plan every year. 2002, c. 14, s. 8.

#### **Chief, Emergency Management Ontario**

**6.1** The Lieutenant Governor in Council shall appoint a Chief, Emergency Management Ontario who, under the direction of the Solicitor General, shall be responsible for monitoring, co-ordinating and assisting in the development and implementation of emergency management programs under sections 2.1 and 5.1 and for ensuring that those programs are co-ordinated in so far as possible with emergency management programs and emergency plans of the Government of Canada and its agencies. 2002, c. 14, s. 9.

#### **Emergency plans submitted to Chief**

**6.2** (1) Every municipality, minister of the Crown and designated agency, board, commission and other branch of government shall submit a copy of their emergency plans and of any revisions to their emergency plans to the Chief, Emergency Management Ontario, and shall ensure that the Chief, Emergency Management Ontario has, at any time, the most current version of their emergency plans. 2002, c. 14, s. 10.

#### **Repository for emergency plans**

(2) The Chief, Emergency Management Ontario shall keep in a secure place the most current version of every emergency plan submitted to him or her. 2002, c. 14, s. 10.

#### **Declaration of emergency**

**7.** (1) The Premier of Ontario may declare that an emergency exists throughout Ontario or in any part thereof and may take such action and make such orders as he or she considers necessary and are not contrary to law to implement the emergency plans formulated under section 6 or 8 and to protect property and the health, safety and welfare of the inhabitants of the emergency area. R.S.O. 1990, c. E.9, s. 7 (1).

#### **Power of Premier**

(2) For the purposes of subsection (1), the Premier of Ontario may exercise any power or perform any duty conferred upon a minister of the Crown or a Crown employee by or under an Act of the Legislature. R.S.O. 1990, c. E.9, s. 7 (2).

#### **Emergency powers**

(3) Where a declaration is made under subsection (1) and the emergency area or any part thereof is within the jurisdiction of a municipality, the Premier of Ontario may, where he or she considers it necessary, direct and control the administration, facilities and equipment of the municipality to ensure the provision of necessary services in the emergency area, and, without restricting the generality of the foregoing, the exercise by the municipality of its powers and duties in the emergency area, whether under an emergency plan or otherwise, is subject to the direction and control of the Premier. R.S.O. 1990, c. E.9, s. 7 (3).

#### **Assistance**

(4) The Premier of Ontario may require any municipality to provide such assistance as he or she considers necessary to an emergency area or any part thereof that is not within the jurisdiction of the municipality, and may direct and control the provision of such assistance, and the Lieutenant Governor in Council may authorize the payment of the cost thereof out of the Consolidated Revenue Fund. R.S.O. 1990, c. E.9, s. 7 (4).

#### **Premier may designate minister**

(5) Where the Premier of Ontario makes a declaration under subsection (1), he or she may designate a minister of the Crown to exercise the powers conferred on the Premier by subsections (1), (2), (3) and (4). R.S.O. 1990, c. E.9, s. 7 (5).

#### **Local boards and local services boards included**

(6) For the purposes of this section,

“municipality” includes a local board of a municipality and a local services board. R.S.O. 1990, c. E.9, s. 7 (6); 1999, c. 12, Sched. P, s. 5.

**Note: On a day to be named by proclamation of the Lieutenant Governor, section 7 is repealed by the Statutes of Ontario, 2006, chapter 13, subsection 1 (4) and the following substituted:**

#### **Definitions**

**7.** In sections 7.0.1 to 7.0.11,

“animal” means a domestic animal or bird or an animal or bird that is wild by nature that is in captivity; (“animal”)

“Commissioner of Emergency Management” means the person appointed from time to time by order in council as the Commissioner of Emergency Management; (“commissaire à la gestion des situations d’urgence”)

“municipality” includes a local board of a municipality, a district social services administration board and, despite subsection 6 (2) of the *Northern Services Boards Act*, a local services board; (“municipalité”)

“necessary goods, services and resources” includes food, water, electricity, fossil fuels, clothing, equipment, transportation and medical services and supplies. (“denrées, services et ressources nécessaires”) 2006, c. 13, s. 1 (4).

#### **Declaration of emergency**

**7.0.1** (1) Subject to subsection (3), the Lieutenant Governor in Council or the Premier, if in the Premier’s opinion the urgency of the situation requires that an order be made immediately, may by order declare that an emergency exists throughout Ontario or in any part of Ontario. 2006, c. 13, s. 1 (4).

#### **Confirmation of urgent declaration**

(2) An order of the Premier that declares an emergency is terminated after 72 hours unless the order is confirmed by order of the Lieutenant Governor in Council before it terminates. 2006, c. 13, s. 1 (4).

#### **Criteria for declaration**

(3) An order declaring that an emergency exists throughout Ontario or any part of it may be made under this section if, in the opinion of the Lieutenant Governor in Council or the Premier, as the case may be, the following criteria are satisfied:

1. There is an emergency that requires immediate action to prevent, reduce or mitigate a danger of major proportions that could result in serious harm to persons or substantial damage to property.
2. One of the following circumstances exists:
  - i. The resources normally available to a ministry of the Government of Ontario or an agency, board or commission or other branch of the government, including existing legislation, cannot be relied upon without the risk of serious delay.
  - ii. The resources referred to in subparagraph i may be insufficiently effective to address the emergency.
  - iii. It is not possible, without the risk of serious delay, to ascertain whether the resources referred to in subparagraph i can be relied upon. 2006, c. 13, s. 1 (4).

#### **Emergency powers and orders**

##### **Purpose**

**7.0.2** (1) The purpose of making orders under this section is to promote the public good by protecting the health, safety and welfare of the people of Ontario in times of declared emergencies in a manner that is subject to the *Canadian Charter of Rights and Freedoms*. 2006, c. 13, s. 1 (4).

##### **Criteria for emergency orders**

(2) During a declared emergency, the Lieutenant Governor in Council may make orders that the Lieutenant Governor in Council believes are necessary and essential in the circumstances to prevent, reduce or mitigate serious harm to persons or substantial damage to property, if in the opinion of the Lieutenant Governor in Council it is reasonable to believe that,

- (a) the harm or damage will be alleviated by an order; and
- (b) making an order is a reasonable alternative to other measures that might be taken to address the emergency. 2006, c. 13, s. 1 (4).



**Limitations on emergency order**

(3) Orders made under this section are subject to the following limitations:

1. The actions authorized by an order shall be exercised in a manner which, consistent with the objectives of the order, limits their intrusiveness.
2. An order shall only apply to the areas of the Province where it is necessary.
3. Subject to section 7.0.8, an order shall be effective only for as long as is necessary. 2006, c. 13, s. 1 (4).

**Emergency orders**

(4) In accordance with subsection (2) and subject to the limitations in subsection (3), the Lieutenant Governor in Council may make orders in respect of the following:

1. Implementing any emergency plans formulated under section 3, 6, 8 or 8.1.
2. Regulating or prohibiting travel or movement to, from or within any specified area.
3. Evacuating individuals and animals and removing personal property from any specified area and making arrangements for the adequate care and protection of individuals and property.
4. Establishing facilities for the care, welfare, safety and shelter of individuals, including emergency shelters and hospitals.
5. Closing any place, whether public or private, including any business, office, school, hospital or other establishment or institution.
6. To prevent, respond to or alleviate the effects of the emergency, constructing works, restoring necessary facilities and appropriating, using, destroying, removing or disposing of property.
7. Collecting, transporting, storing, processing and disposing of any type of waste.
8. Authorizing facilities, including electrical generating facilities, to operate as is necessary to respond to or alleviate the effects of the emergency.
9. Using any necessary goods, services and resources within any part of Ontario, distributing, and making available necessary goods, services and resources and establishing centres for their distribution.
10. Procuring necessary goods, services and resources.
11. Fixing prices for necessary goods, services and resources and prohibiting charging unconscionable prices in respect of necessary goods, services and resources.
12. Authorizing, but not requiring, any person, or any person of a class of persons, to render services of a type that that person, or a person of that class, is reasonably qualified to provide.
13. Subject to subsection (7), requiring that any person collect, use or disclose information that in the opinion of the Lieutenant Governor in Council may be necessary in order to prevent, respond to or alleviate the effects of the emergency.
14. Consistent with the powers authorized in this subsection, taking such other actions or implementing such other measures as the Lieutenant Governor in Council considers necessary in order to prevent, respond to or alleviate the effects of the emergency. 2006, c. 13, s. 1 (4).

**Terms and conditions for services**

(5) An order under paragraph 12 of subsection (4) may provide for terms and conditions of service for persons providing and receiving services under that paragraph, including the payment of compensation to the person providing services. 2006, c. 13, s. 1 (4).

**Employment protected**

(6) The employment of a person providing services under an order made under paragraph 12 of subsection (4) shall not be terminated because the person is providing those services. 2006, c. 13, s. 1 (4).

**Disclosure of information**

(7) The following rules apply with respect to an order under paragraph 13 of subsection (4):

1. Information that is subject to the order must be used to prevent, respond to or alleviate the effects of the emergency and for no other purpose.

2. Information that is subject to the order that is personal information within the meaning of the *Freedom of Information and Protection of Privacy Act* is subject to any law with respect to the privacy and confidentiality of personal information when the declared emergency is terminated. 2006, c. 13, s. 1 (4).

**Exception**

(8) Paragraph 2 of subsection (7) does not prohibit the use of data that is collected as a result of an order to disclose information under paragraph 13 of subsection (4) for research purposes if,

- (a) information that could be used to identify a specific individual is removed from the data; or
- (b) the individual to whom the information relates consents to its use. 2006, c. 13, s. 1 (4).

**Authorization to render information anonymous**

(9) A person who has collected or used information as the result of an order under paragraph 13 of subsection (4) may remove information that could be used to identify a specific individual from the data for the purpose of clause (8) (a). 2006, c. 13, s. 1 (4).

**Powers of the Premier**

**Powers delegated to Premier**

**7.0.3** (1) If an order is made under section 7.0.1, the Premier may exercise any power or perform any duty conferred upon a minister of the Crown or a Crown employee by or under an Act of the Legislature. 2006, c. 13, s. 1 (4).

**Powers of Premier, municipal powers**

(2) If an order is made under section 7.0.1 and the emergency area or any part of it is within the jurisdiction of a municipality, the Premier, where he or she considers it necessary, may by order made under this section,

- (a) direct and control the administration, facilities and equipment of the municipality in the emergency area, and, without restricting the generality of the foregoing, the exercise by the municipality of its powers and duties in the emergency area, whether under an emergency plan or otherwise, is subject to the direction and control of the Premier; and
- (b) require any municipality to provide such assistance as he or she considers necessary to an emergency area or any part of the emergency area that is not within the jurisdiction of the municipality and direct and control the provision of such assistance. 2006, c. 13, s. 1 (4).

**By-law not necessary**

(3) Despite subsection 5 (3) of the *Municipal Act, 2001*, a municipality is authorized to exercise a municipal power in response to an order of the Premier or his or her delegate made under subsection (2) without a by-law. 2006, c. 13, s. 1 (4).

**Delegation of powers**

**7.0.4** (1) After an order has been made under section 7.0.1, the Lieutenant Governor in Council may delegate to a minister of the Crown or to the Commissioner of Emergency Management any of the powers of the Lieutenant Governor in Council under subsection 7.0.2 (4) and the Premier may delegate to a minister of the Crown or to the Commissioner of Emergency Management any of the Premier's powers under section 7.0.3. 2006, c. 13, s. 1 (4).

**Same**

(2) A minister to whom powers have been delegated under subsection (1) may delegate any of his or her powers under subsection 7.0.2 (4) and section 7.0.3 to the Commissioner of Emergency Management. 2006, c. 13, s. 1 (4).

**Proceedings to restrain contravention of order**

**7.0.5** Despite any other remedy or any penalty, the contravention by any person of an order made under subsection 7.0.2 (4) may be restrained by order of a judge of the Superior Court of Justice upon application without notice by the Crown in right of Ontario, a member of the Executive Council or the Commissioner of Emergency Management, and the judge may make the order and it may be enforced in the same manner as any other order or judgment of the Superior Court of Justice. 2006, c. 13, s. 1 (4).

**Reports during an emergency**

**7.0.6** During an emergency, the Premier, or a Minister to whom the Premier delegates the responsibility, shall regularly report to the public with respect to the emergency. 2006, c. 13, s. 1 (4).

**Termination of emergency**

**7.0.7** (1) Subject to this section, an emergency declared under section 7.0.1 is terminated at the end of the 14th day following its declaration unless the Lieutenant Governor in Council by order declares it to be terminated at an earlier date. 2006, c. 13, s. 1 (4).

**Extension of emergency, L.G. in C.**

(2) The Lieutenant Governor in Council may by order extend an emergency before it is terminated for one further period of no more than 14 days. 2006, c. 13, s. 1 (4).

**Extension of emergency, Assembly**

(3) The Assembly, on the recommendation of the Premier, may by resolution extend the period of an emergency for additional periods of no more than 28 days. 2006, c. 13, s. 1 (4).

**Same**

(4) If there is a resolution before the Assembly to extend the period of the emergency, the declaration of emergency shall continue until the resolution is voted on. 2006, c. 13, s. 1 (4).

**Revocation of orders**

**7.0.8** (1) Subject to this section, an order made under subsection 7.0.2 (4) is revoked 14 days after it is made unless it is revoked sooner. 2006, c. 13, s. 1 (4).

**Commissioner's orders**

(2) An order of the Commissioner of Emergency Management made under subsection 7.0.2 (4) is revoked at the end of the second full day following its making unless it is confirmed before that time by order of the Lieutenant Governor in Council, the Premier or the Minister who delegated the power to make the order. 2006, c. 13, s. 1 (4).

**Extension of orders, L.G. in C., etc.**

(3) During a declared emergency, the Lieutenant Governor in Council or a Minister to whom the power has been delegated may by order, before it is revoked, extend the effective period of an order made under subsection 7.0.2 (4) for periods of no more than 14 days. 2006, c. 13, s. 1 (4).

**Extension of order after emergency**

(4) Despite the termination or disallowance of the emergency, the Lieutenant Governor in Council may by order extend the effective period of an order made under subsection 7.0.2 (4) for periods of no more than 14 days where the extension of the order is necessary to deal with the effects of the emergency. 2006, c. 13, s. 1 (4).

**Disallowance of emergency by Assembly**

**7.0.9** (1) Despite section 7.0.7, the Assembly may by resolution disallow the declaration of emergency under section 7.0.1 or the extension of an emergency. 2006, c. 13, s. 1 (4).

**Same**

(2) If the Assembly passes a resolution disallowing the declaration of emergency or the extension of one, any order made under subsection 7.0.2 (4) is revoked as of the day the resolution passes. 2006, c. 13, s. 1 (4).

**Report on emergency**

**7.0.10** (1) The Premier shall table a report in respect of the emergency in the Assembly within 120 days after the termination of an emergency declared under section 7.0.1 and, if the Assembly is not then in session, the Premier shall table the report within seven days of the Assembly reconvening. 2006, c. 13, s. 1 (4).

**Content of report**

(2) The report of the Premier shall include information,

- (a) in respect of making any orders under subsection 7.0.2 (4) and an explanation of how the order met the criteria for making an order under subsection 7.0.2 (2) and how the order satisfied the limitations set out in subsection 7.0.2 (3); and
- (b) in respect of making any orders under subsection 7.0.3 (2) and an explanation as to why he or she considered it necessary to make the order. 2006, c. 13, s. 1 (4).

**Consideration of report**

(3) The Assembly shall consider the report within five sitting days after the report is tabled. 2006, c. 13, s. 1 (4).

**Commissioner's report**

(4) If the Commissioner of Emergency Management makes any orders under subsection 7.0.2 (4) or 7.0.3 (2), he or she shall, within 90 days after the termination of an emergency declared under subsection 7.0.1 (1), make a report to the Premier in respect of the orders and the Premier shall include it in the report required by subsection (1). 2006, c. 13, s. 1 (4).

#### **Offences**

**7.0.11** (1) Every person who fails to comply with an order under subsection 7.0.2 (4) or who interferes with or obstructs any person in the exercise of a power or the performance of a duty conferred by an order under that subsection is guilty of an offence and is liable on conviction,

- (a) in the case of an individual, subject to clause (b), to a fine of not more than \$100,000 and for a term of imprisonment of not more than one year;
- (b) in the case of an individual who is a director or officer of a corporation, to a fine of not more than \$500,000 and for a term of imprisonment of not more than one year; and
- (c) in the case of a corporation, to a fine of not more than \$10,000,000. 2006, c. 13, s. 1 (4).

#### **Separate offence**

(2) A person is guilty of a separate offence on each day that an offence under subsection (1) occurs or continues. 2006, c. 13, s. 1 (4).

#### **Increased penalty**

(3) Despite the maximum fines set out in subsection (1), the court that convicts a person of an offence may increase a fine imposed on the person by an amount equal to the financial benefit that was acquired by or that accrued to the person as a result of the commission of the offence. 2006, c. 13, s. 1 (4).

#### **Exception**

(4) No person shall be charged with an offence under subsection (1) for failing to comply with or interference or obstruction in respect of an order that is retroactive to a date that is specified in the order, if the failure to comply, interference or obstruction is in respect of conduct that occurred before the order was made but is after the retroactive date specified in the order. 2006, c. 13, s. 1 (4).

**See: 2006, c. 13, ss. 1 (4), 5 (2).**

#### **Order in council in emergency**

##### **Purpose**

**7.1** (1) The purpose of this section is to authorize the Lieutenant Governor in Council to make appropriate orders when, in the opinion of the Lieutenant Governor in Council, victims of an emergency or other persons affected by an emergency need greater services, benefits or compensation than the law of Ontario provides or may be prejudiced by the operation of the law of Ontario. 2003, c. 1, s. 14 (1).

##### **Order in council**

(2) If the conditions set out in subsection (2.1) are satisfied, the Lieutenant Governor in Council may, by order in council made on the recommendation of the Attorney General, but only if the Lieutenant Governor in Council is of the opinion described in subsection (1),

- (a) temporarily suspend the operation of a provision of a statute, regulation, rule, by-law or order of the Government of Ontario; and
- (b) if it is appropriate to do so, set out a replacement provision to be in effect during the temporary suspension period only. 2003, c. 1, s. 14 (1).

##### **Conditions**

(2.1) The conditions referred to in subsection (2) are:

- 1. A declaration has been made under subsection 7 (1).
- 2. The provision,
  - i. governs services, benefits or compensation, including,
    - A. fixing maximum amounts,
    - B. establishing eligibility requirements,
    - C. requiring that something be proved or supplied before services, benefits or compensation become available,

- D. restricting how often a service or benefit may be provided or a payment may be made in a given time period,
  - E. restricting the duration of services, benefits or compensation or the time period during which they may be provided,
  - ii. establishes a limitation period or a period of time within which a step must be taken in a proceeding, or
  - iii. requires the payment of fees in respect of a proceeding or in connection with anything done in the administration of justice.
3. In the opinion of the Lieutenant Governor in Council, the order in council would facilitate providing assistance to victims of the emergency or would otherwise help victims or other persons to deal with the emergency and its aftermath. 2003, c. 1, s. 14 (1).

**Commencement**

- (3) The order in council may, if it so provides,
- (a) come into force on the day it is issued; or
  - (b) have retroactive effect to a date no earlier than the beginning of the emergency. 2002, c. 14, s. 11.

**Notice**

(4) Subsection 5 (3) of the *Regulations Act* does not apply to the order in council, but the Lieutenant Governor in Council shall take steps to publish the order in council in order to bring it to the attention of affected persons pending publication under the *Regulations Act*. 2002, c. 14, s. 11.

**Maximum period, renewals and new orders in council**

- (5) The period of temporary suspension under an order in council shall not exceed 90 days, but the Lieutenant Governor in Council may,
- (a) before the end of the period of temporary suspension, review the order in council and, if the conditions set out in subsection (2.1) continue to apply, make an order in council renewing the original order in council for a further period of temporary suspension not exceeding 90 days;
  - (b) at any time, make a new order in council under subsection (2) for a further period of temporary suspension not exceeding 90 days. 2003, c. 1, s. 14 (2).

**Further renewals**

(5.1) An order in council that has previously been renewed under clause (5) (a) may be renewed again, and in that case clause (5) (a) applies with necessary modifications. 2003, c. 1, s. 14 (2).

**General or specific**

- (6) The order in council may be general or specific in its application. 2002, c. 14, s. 11.

**Conflict**

(7) In the event of conflict, the order in council prevails over the statute, regulation, rule, by-law or order to which the temporary suspension relates. 2002, c. 14, s. 11.

**Effect of temporary suspension: time period**

(8) If a provision establishing a limitation period or a period of time within which a step must be taken in a proceeding is temporarily suspended by the order in council and the order in council does not provide for a replacement limitation period or period of time, the limitation period or period of time resumes running on the date on which the temporary suspension ends and the temporary suspension period shall not be counted. 2003, c. 1, s. 14 (3).

**Effect of temporary suspension: fee**

(9) If a provision requiring the payment of a fee is temporarily suspended by the order in council and the order in council does not provide for a replacement fee, no fee is payable at any time with respect to things done during the temporary suspension period. 2003, c. 1, s. 14 (3).

**Restriction**

- (10) This section does not authorize,
- (a) making any reduction in respect of services, benefits or compensation;

- (b) shortening a limitation period or a period of time within which a step must be taken in a proceeding; or
- (c) increasing the amount of a fee. 2003, c. 1, s. 14 (3).

**Note: On a day to be named by proclamation of the Lieutenant Governor, section 7.1 is repealed by the Statutes of Ontario, 2006, chapter 13, subsection 1 (5) and the following substituted:**

#### **Orders in emergency**

##### **Purpose**

**7.1** (1) The purpose of this section is to authorize the Lieutenant Governor in Council to make appropriate orders when, in the opinion of the Lieutenant Governor in Council, victims of an emergency or other persons affected by an emergency need greater services, benefits or compensation than the law of Ontario provides or may be prejudiced by the operation of the law of Ontario. 2006, c. 13, s. 1 (5).

##### **Order**

(2) If the conditions set out in subsection (3) are satisfied, the Lieutenant Governor in Council may, by order made on the recommendation of the Attorney General, but only if the Lieutenant Governor in Council is of the opinion described in subsection (1),

- (a) temporarily suspend the operation of a provision of a statute, regulation, rule, by-law or order of the Government of Ontario; and
- (b) if it is appropriate to do so, set out a replacement provision to be in effect during the temporary suspension period only. 2006, c. 13, s. 1 (5).

##### **Conditions**

(3) The conditions referred to in subsection (2) are:

1. A declaration has been made under section 7.0.1.
2. The provision,
  - i. governs services, benefits or compensation, including,
    - A. fixing maximum amounts,
    - B. establishing eligibility requirements,
    - C. requiring that something be proved or supplied before services, benefits or compensation become available,
    - D. restricting how often a service or benefit may be provided or a payment may be made in a given time period,
    - E. restricting the duration of services, benefits or compensation or the time period during which they may be provided,
  - ii. establishes a limitation period or a period of time within which a step must be taken in a proceeding, or
  - iii. requires the payment of fees in respect of a proceeding or in connection with anything done in the administration of justice.
3. In the opinion of the Lieutenant Governor in Council, the order would facilitate providing assistance to victims of the emergency or would otherwise help victims or other persons to deal with the emergency and its aftermath. 2006, c. 13, s. 1 (5).

##### **Maximum period, renewals and new orders**

(4) The period of temporary suspension under an order shall not exceed 90 days, but the Lieutenant Governor in Council may,

- (a) before the end of the period of temporary suspension, review the order and, if the conditions set out in subsection (3) continue to apply, make an order renewing the original order for a further period of temporary suspension not exceeding 90 days;
- (b) at any time, make a new order under subsection (2) for a further period of temporary suspension not exceeding 90 days. 2006, c. 13, s. 1 (5).

##### **Further renewals**

(5) An order that has previously been renewed under clause (4) (a) may be renewed again, and in that case clause (4) (a) applies with necessary modifications. 2006, c. 13, s. 1 (5).

**Effect of temporary suspension: time period**

(6) If a provision establishing a limitation period or a period of time within which a step must be taken in a proceeding is temporarily suspended by the order and the order does not provide for a replacement limitation period or period of time, the limitation period or period of time resumes running on the date on which the temporary suspension ends and the temporary suspension period shall not be counted. 2006, c. 13, s. 1 (5).

**Effect of temporary suspension: fee**

(7) If a provision requiring the payment of a fee is temporarily suspended by the order and the order does not provide for a replacement fee, no fee is payable at any time with respect to things done during the temporary suspension period. 2006, c. 13, s. 1 (5).

**Restriction**

(8) This section does not authorize,

- (a) making any reduction in respect of services, benefits or compensation;
- (b) shortening a limitation period or a period of time within which a step must be taken in a proceeding; or
- (c) increasing the amount of a fee. 2006, c. 13, s. 1 (5).

**Orders, general**

**Commencement**

**7.2** (1) An order made under subsection 7.0.2 (4) or 7.1 (2),

- (a) takes effect immediately upon its making; or
- (b) if it so provides, may be retroactive to a date specified in the order. 2006, c. 13, s. 1 (5).

**Notice**

(2) Subsection 5 (3) of the *Regulations Act* does not apply to an order made under subsection 7.0.2 (4), 7.0.3 (2) or 7.1 (2), but the Lieutenant Governor in Council shall take steps to publish the order in order to bring it to the attention of affected persons pending publication under the *Regulations Act*. 2006, c. 13, s. 1 (5).

**Note:** On the later of the day Bill 14 receives Royal Assent and the day the Statutes of Ontario, 2006, chapter 13, subsection 1 (5) comes into force, subsection (2) is repealed by the Statutes of Ontario, 2006, chapter 13, subsection 2 (3) and the following substituted. This amendment applies only if Bill 14 (*Access to Justice Act, 2006*), introduced on October 27, 2005, receives Royal Assent.

**Notice**

(2) Subsection 18 (4) of the *Legislation Act, 2006* does not apply to an order made under subsection 7.0.2 (4) or 7.1 (2), but the Lieutenant Governor in Council shall take steps to publish the order in order to bring it to the attention of affected persons pending publication under the *Legislation Act, 2006*. 2006, c. 13, s. 2 (3).

**See:** 2006, c. 13, ss. 2, 5 (2).

**General or specific**

(3) An order made under subsection 7.0.2 (4) or 7.1 (2) may be general or specific in its application. 2006, c. 13, s. 1 (5).

**Conflict**

(4) In the event of conflict between an order made under subsection 7.0.2 (4) or 7.1 (2) and any statute, regulation, rule, by-law, other order or instrument of a legislative nature, including a licence or approval, made or issued under a statute or regulation, the order made under subsection 7.0.2 (4) or 7.1 (2) prevails unless the statute, regulation, rule, by-law, other order or instrument of a legislative nature specifically provides that it is to apply despite this Act. 2006, c. 13, s. 1 (5).

**Chief Medical Officer of Health**

(5) Except to the extent that there is a conflict with an order made under subsection 7.0.2 (4), nothing in this Act shall be construed as abrogating or derogating from any of the powers of the Chief Medical Officer of Health as defined in subsection 1 (1) of the *Health Protection and Promotion Act*. 2006, c. 13, s. 1 (5).

**Limitation**

(6) Nothing in this Act shall be construed or applied so as to confer any power to make orders altering the provisions of this Act. 2006, c. 13, s. 1 (5).

**Same**

(7) Nothing in this Act affects the rights of a person to bring an application for the judicial review of any act or failure to act under this Act. 2006, c. 13, s. 1 (5).

**Occupational Health and Safety Act**

(8) Despite subsection (4), in the event of a conflict between this Act or an order made under subsection 7.0.2 (4) and the *Occupational Health and Safety Act* or a regulation made under it, the *Occupational Health and Safety Act* or the regulation made under it prevails. 2006, c. 13, s. 1 (5).

See: 2006, c. 13, ss. 1 (5), 5 (2).

**Lieutenant Governor in Council to formulate plan**

8. The Lieutenant Governor in Council shall formulate an emergency plan respecting emergencies arising in connection with nuclear facilities, and any provisions of an emergency plan of a municipality respecting such an emergency shall conform to the plan formulated by the Lieutenant Governor in Council and are subject to the approval of the Solicitor General and the Solicitor General may make such alterations as he or she considers necessary for the purpose of co-ordinating the plan with the plan formulated by the Lieutenant Governor in Council. R.S.O. 1990, c. E.9, s. 8; 1999, c. 12, Sched. P, s. 6.

**Other emergency plans**

8.1 The Solicitor General may, if he or she thinks it is necessary or desirable in the interests of emergency management and public safety, formulate emergency plans respecting types of emergencies other than those arising in connection with nuclear facilities. 2002, c. 14, s. 12.

**What plan may provide**

9. An emergency plan formulated under section 3, 6 or 8 shall,

- (a) in the case of a municipality, authorize employees of the municipality or, in the case of a plan formulated under section 6 or 8, authorize Crown employees to take action under the emergency plan where an emergency exists but has not yet been declared to exist;
- (b) specify procedures to be taken for the safety or evacuation of persons in an emergency area;
- (c) in the case of a municipality, designate one or more members of council who may exercise the powers and perform the duties of the head of council under this Act or the emergency plan during the absence of the head of council or during his or her inability to act;
- (d) establish committees and designate employees to be responsible for reviewing the emergency plan, training employees in their functions and implementing the emergency plan during an emergency;
- (e) provide for obtaining and distributing materials, equipment and supplies during an emergency;
- (e.1) provide for any other matter required by the standards for emergency plans set under section 14; and
- (f) provide for such other matters as are considered necessary or advisable for the implementation of the emergency plan during an emergency. R.S.O. 1990, c. E.9, s. 9; 2002, c. 14, s. 13.

**Public access to plans**

10. An emergency plan formulated under section 3, 6 or 8 shall be made available to the public for inspection and copying during ordinary business hours at an office of the municipality, ministry or branch of government, as the case may be. R.S.O. 1990, c. E.9, s. 10.

**Protection from personal liability**

11. (1) No action or other proceeding lies or shall be instituted against a member of council, an employee of a municipality, a minister of the Crown or a Crown employee for doing any act or neglecting to do any act in good faith in the implementation or intended implementation of an emergency management program or an emergency plan or in connection with an emergency. 2002, c. 14, s. 14.

**Crown not relieved of liability**

(2) Despite subsections 5 (2) and (4) of the *Proceedings Against the Crown Act*, subsection (1) does not relieve the Crown of liability for the acts or omissions of a minister of the Crown or a Crown employee referred to in subsection (1) and the Crown is liable under that Act as if subsection (1) had not been enacted. R.S.O. 1990, c. E.9, s. 11 (2).

**Municipality not relieved of liability**



(3) Subsection (1) does not relieve a municipality of liability for the acts or omissions of a member of council or an employee of the municipality referred to in subsection (1), and the municipality is liable as if subsection (1) had not been enacted and, in the case of a member of council, as if the member were an employee of the municipality. R.S.O. 1990, c. E.9, s. 11 (3).

#### **Local boards included**

(4) For the purposes of this section,  
“municipality” includes a local board of a municipality and “member of council” includes a member of a local board. 1999, c. 12, Sched. P, s. 7.

**Note: On a day to be named by proclamation of the Lieutenant Governor, section 11 is repealed by the Statutes of Ontario, 2006, chapter 13, subsection 1 (6) and the following substituted:**

#### **Protection from action**

**11.** (1) No action or other proceeding lies or shall be instituted against a member of council, an employee of a municipality, an employee of a local services board, an employee of a district social services administration board, a minister of the Crown, a Crown employee or any other individual acting pursuant to this Act or an order made under this Act for any act done in good faith in the exercise or performance or the intended exercise or performance of any power or duty under this Act or an order under this Act or for neglect or default in the good faith exercise or performance of such a power or duty. 2006, c. 13, s. 1 (6).

#### **Crown not relieved of liability**

(2) Despite subsections 5 (2) and (4) of the *Proceedings Against the Crown Act*, subsection (1) does not relieve the Crown of liability for the acts or omissions of a minister of the Crown or a Crown employee referred to in subsection (1) and the Crown is liable under that Act as if subsection (1) had not been enacted. 2006, c. 13, s. 1 (6).

#### **Municipality not relieved of liability**

(3) Subsection (1) does not relieve a municipality of liability for the acts or omissions of a member of council or an employee of the municipality referred to in subsection (1), and the municipality is liable as if subsection (1) had not been enacted and, in the case of a member of council, as if the member were an employee of the municipality. 2006, c. 13, s. 1 (6).

#### **Application of subs. (1)**

(4) In the case of an order that is made retroactive to a date specified in the order, subsection (1) applies to an individual referred to in that subsection in respect of any act or any neglect or default that occurs before the order is made but on or after the date specified in the order. 2006, c. 13, s. 1 (6).

#### **Definitions**

(5) In this section,  
“member of council” includes a member of a local board, a local services board or a district social service administration board; (“membre du conseil”)  
“municipality” includes a local board of a municipality. (“municipalité”) 2006, c. 13, s. 1 (6).

See: 2006, c. 13, ss. 1 (6), 5 (2).

#### **Right of action**

**12.** Where money is expended or cost is incurred by a municipality or the Crown in the implementation of an emergency plan or in connection with an emergency, the municipality or the Crown, as the case may be, has a right of action against any person who caused the emergency for the recovery of such money or cost, and for the purposes of this section, “municipality” includes a local board of a municipality and a local services board. R.S.O. 1990, c. E.9, s. 12; 1999, c. 12, Sched. P, s. 8.

#### **Agreements**

**13.** (1) The Solicitor General, with the approval of the Lieutenant Governor in Council, may make agreements with the Crown in right of Canada in respect of the payment by Canada to Ontario of any part of the cost to Ontario and to municipalities of the development and implementation of emergency management programs and the formulation and implementation of emergency plans. R.S.O. 1990, c. E.9, s. 13 (1); 2002, c. 14, s. 15.

#### **Idem**

(2) The Solicitor General, with the approval of the Lieutenant Governor in Council, may make agreements with the Crown in right of Canada and with the Crown in right of any other province for the provision of any personnel, service, equipment or material during an emergency. R.S.O. 1990, c. E.9, s. 13 (2).

#### **Idem**

(3) The council of a municipality may make an agreement with the council of any other municipality or with any person for the provision of any personnel, service, equipment or material during an emergency. R.S.O. 1990, c. E.9, s. 13 (3); 1999, c. 12, Sched. P, s. 9.

**Note: On a day to be named by proclamation of the Lieutenant Governor, the Act is amended by the Statutes of Ontario, 2006, chapter 13, subsection 1 (7) by adding the following section:**

#### **Action not an expropriation**

**13.1** (1) Nothing done under this Act or under an order made under subsection 7.0.2 (4) constitutes an expropriation or injurious affection for the purposes of the *Expropriations Act* or otherwise at law and there is no compensation for the loss, including a taking, of any real or personal property except in accordance with subsection (3). 2006, c. 13, s. 1 (7).

#### **Payment of cost of assistance**

(2) The Lieutenant Governor in Council may by order authorize the payment of the cost of providing any assistance that arises under this Act or as the result of an emergency out of funds appropriated by the Assembly. 2006, c. 13, s. 1 (7).

#### **Compensation for loss of property**

(3) If, as the result of making an order under subsection 7.0.2 (4), a person suffers the loss, including a taking, of any real or personal property, the Lieutenant Governor in Council may by order authorize the reasonable compensation of the person for the loss in accordance with such guidelines as may be approved by the Lieutenant Governor in Council. 2006, c. 13, s. 1 (7).

#### **Compensation for municipalities**

(4) Without limiting the generality of subsection (2), the Lieutenant Governor in Council may by order authorize the payment of the costs incurred by a municipality in respect of an order made under this Act out of funds appropriated by the Assembly. 2006, c. 13, s. 1 (7).

**See: 2006, c. 13, ss. 1 (7), 5 (2).**

#### **Standards for emergency management programs and emergency plans**

**14.** (1) The Solicitor General may make regulations setting standards for the development and implementation of emergency management programs under sections 2.1 and 5.1 and for the formulation and implementation of emergency plans under sections 3 and 6. 2002, c. 14, s. 16.

#### **General or particular**

(2) A regulation made under subsection (1) may be general or particular in its application. 2002, c. 14, s. 16.

#### **Conformity to standards required**

(3) Every municipality, minister of the Crown and designated agency, board, commission and other branch of government shall ensure that their emergency management programs and emergency plans conform to the standards set under this section. 2002, c. 14, s. 16.

**Note: On a day to be named by proclamation of the Lieutenant Governor, the Act is amended by the Statutes of Ontario, 2006, chapter 13, subsection 1 (8) by adding the following section:**

#### **Crown bound**

**15.** This Act binds the Crown. 2006, c. 13, s. 1 (8).

**See: 2006, c. 13, ss. 1 (8), 5 (2).**

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# EMERGENCY RESPONSE PLAN



By-Law #98-2005 as Amended  
??/??/2019



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## Revision History

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Revision Number	Revised by	Changes	Revision Date
1	Deputy of Support Services, WFRS	Complete revision	April 20, 2015
2	Emergency Planning Officer, WFRS	Complete revision	????

# 1.0 Emergency Response Plan Overview

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The Emergency Management and Civil Protection Act (EMCPA) defines an “emergency” as a situation or an impending situation that constitutes a danger of major proportions that could result in serious harm to persons or substantial damage to property and that is caused by forces of nature, disease or other health risk, an accident or an act whether intentional or otherwise.

Emergencies require a coordinated response by a number of organizations, both governmental and private, under the direction of the appropriate elected and senior municipal officials.

## 1.1 Aim

As per the EMCPA, the City of Windsor has formulated this Emergency Response Plan (ERP), which was adopted by Council as By-Law 98-2005.

The aim of the City of Windsor’s ERP is to make provision for the extraordinary arrangements and measures that may have to be taken to protect the health, safety, welfare, environment and economic health of the residents, businesses and visitors of the City of Windsor when faced with an emergency.

## 1.2 Legal Authorities

The legislation under which the City and its employees are authorized to respond to an emergency are:

- Emergency Management and Civil Protection Act, R.S.O. 1990, c. E.9
- Ontario Regulation 380/04
- By-Law 98-2005

## 1.3 Plan Maintenance

Windsor Fire & Rescue Services (WFRS) is responsible for maintaining the City’s ERP.

The ERP and related plans and protocols are reviewed annually by the City’s Emergency Management Program Committee (EMPC).

Additionally, plans are re-evaluated to ensure currency when any of the following occurs:

- Legislative and regulatory changes
- New hazards are identified or existing hazards change
- Resource or organizational structure change
- After exercises
- After emergency/disaster response
- Infrastructural, economic and/or political changes

Appendices and annexes do not form part of the ERP as they may be confidential and provide more detailed relevant information that may require frequent updating, be of technical nature, or contain sensitive or personal information that could pose a security threat or violate privacy legislation if released. A copy of all appendices and annexes are available at the City's Emergency Operations Centre (EOC) for use by the City's Community Control Group (CCG) and support/advisory staff.

### 1.3.1 Council Approval

Where significant portions of the City's ERP are revised, City Council is required to adopt the plan by by-law. Smaller revisions as well as revisions of appendices may be made by the EMPC or WFRS.

### 1.3.2 Plan Distribution

The most current version of the ERP is available on the City of Windsor website ([www.citywindsor.ca](http://www.citywindsor.ca)).

Additionally, a copy of the ERP can be viewed at WFRS Headquarters.

As per the EMCPA, a copy of the ERP or any revisions will be submitted to the Office of the Fire Marshall and Emergency Management (OFMEM).

## 1.4 Training and Exercises

Responding personnel are required to maintain competency with respect to their designated areas of responsibility and assigned tasks. Ongoing training and exercises with the aim of maintaining competency are standard practice. The City of Windsor maintains an exercise program in order to meet legislative requirements. As required by the EMCPA, the City's ERP will be tested in whole or in part at minimum on an annual basis.

## 1.5 Emergency Management Program Committee

The City will maintain an Emergency Management Program Committee (EMPC) as required by the EMCPA. The Chief Administrative Officer (CAO) may appoint members of the committee without council approval.



## 2.0 Declaration / Termination of an Emergency

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### 2.1 Action Prior to a Declaration

When an emergency exists or appears to be imminent, but has not yet been declared, City employees have a responsibility to take such actions under this ERP as may be necessary to help protect the lives and property of the inhabitants of the City of Windsor.

The EOC may be activated for any emergency for the purposes of managing an emergency, maintaining services to the community and supporting the emergency site.

### 2.2 Declaration of an Emergency

The Mayor or Acting Mayor, as Head of Council, is responsible for declaring an emergency. This decision is made in consultation with the Community Emergency Management Coordinator (CEMC) and the CCG and is guided by information and considerations contained within *Appendix 2*. Upon such declaration, the Mayor will notify the following parties:

- OFMEM
- City Council
- Public
- Neighbouring community officials (both Canadian and American)
- Local Members of Provincial Parliament
- Local Members of Parliament

### 2.3 Termination of an Emergency

A community emergency may be terminated at any time by the:

- Mayor or Acting Mayor; or
- City Council; or
- The Premier of Ontario.

When terminating an emergency, the Mayor or Acting Mayor will notify the following parties:

- OFMEM
- City Council
- Public
- Neighbouring community officials (both Canadian and American)
- Local Members of Provincial Parliament
- Local Members of Parliament

## 2.4 Requests for Assistance

Assistance from other municipalities may be requested through their respective Head of Council and/or their CEMC. The request shall not be deemed a request that the County or Municipality assume authority and control of the emergency.

The assistance of Federal and Provincial Ministries may be requested at any time without any loss of control or authority via the OFMEM through the Provincial Emergency Operations Centre (PEOC) by the CEMC.

## 3.0 Emergency Notification Procedures

The executive authority for the management and mitigation of a potential or declared emergency lies with the CCG. Upon receipt of a warning of a real or potential emergency, the affected department will immediately contact the CEMC via the WFRS Emergency Communications Centre to inform the CEMC of the nature of the real or potential emergency.

The CEMC will consult with the Chief Administrative Officer (CAO) to determine what actions are required. If deemed necessary, the CEMC or designate will notify WFRS Emergency Communication Centre to start the notification procedure of all CCG members. Upon notification, it is the responsibility of the CCG members to implement their own internal notification procedures notifying their required support staff and volunteer organizations.

City of Windsor subordinate plans annexed to this ERP may be implemented at anytime in whole or in part as required. The contact information of the CCG members and their alternates are contained within *Appendix 1*.

### 3.1 Notification Levels

Most emergencies are managed on scene by emergency services and other city departments and are considered routine operations. When emergencies of greater magnitude occur, they require an emergency management response structure beyond normal daily operations. The following response levels are to be used as a guide before, during and following emergencies. Each level signifies the variation of the impact to the community caused by the major incident or emergency.

Response Level	Actions	Criteria	Examples
<b>Normal Operations</b>	Normal response by operating departments and responders	Routine operations	Small car accident, isolated flooding, small power outage, house fire
<b>Level 1: Enhanced monitoring level</b>	CCG members are <b>notified and on standby</b>  CCG members monitoring incident	Minor impact to citizens and environment  Minor impact on resources	Apartment fire with displacements, contained hazmat, predicted significant weather event (flood, tornado, ice storm, etc.)
<b>Level 2: Partial notification/activation of CCG/EOC</b>	<b>CCG responds to EOC</b>  PEOC may be notified	Significant impact to citizens, property and environment  Significant media attention  Significant demand on resources	Chemical spill, multiple fire locations, multiple suspects/active threat, boil water advisory, significant weather event (flood, tornado, ice storm, etc.)
<b>Level 3: Full notification/activation of CCG/EOC</b>	<b>Municipal emergency declared by Mayor</b>  PEOC notified	Major impact to citizens, property and environment  Major media and/or public interest  Major demand on resources	Ice storm, tornado, large scale flood, chemical spill, commercial airliner crash, train derailment, large propane explosion, pipeline leakage, potable water emergency, epidemic, terrorism

## 3.2 EOC Operations

Primary EOC	Alternate EOC	Tertiary EOC
<i>Fire Station 6/EOC</i> 1587 Provincial Rd. Windsor, Ontario	<i>Crawford Yard</i> <i>Administrative Building</i> 1531 Crawford Ave. Windsor, Ontario	<i>Essex County Civic &amp; Education Centre</i> 360 Fairview Ave. W. Essex, Ontario

For more information regarding the EOC facility including staffing, physical layout, equipment and resources, refer to the EOC Manual *Appendix 6*.

The EOC may function with only a limited number of persons depending on the emergency. Operations within the EOC may not require the entirety of the CCG, however all members of the CCG must be notified of the EOC activation.

## 4.0 Incident Management System

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The City of Windsor uses the Incident Management System (IMS), a standardized approach to emergency management that encompasses personnel, facilities, equipment, procedures and communications operating within a common organizational structure. The five major sections of the IMS (Management Team, Operations, Planning, Logistics, and Finance/Administration) can be expanded or contracted to meet requirements as an event progresses or digresses.

The primary responsibilities of each of these functions are:

**EOC Management:** Responsible for overall policy and coordination through the joint efforts of government agencies and private organizations. Management includes the EOC Incident Commander, Site Incident Commander, Community Control Group, Emergency Information Officer (EIO), Safety Officer and Liaison Officer.

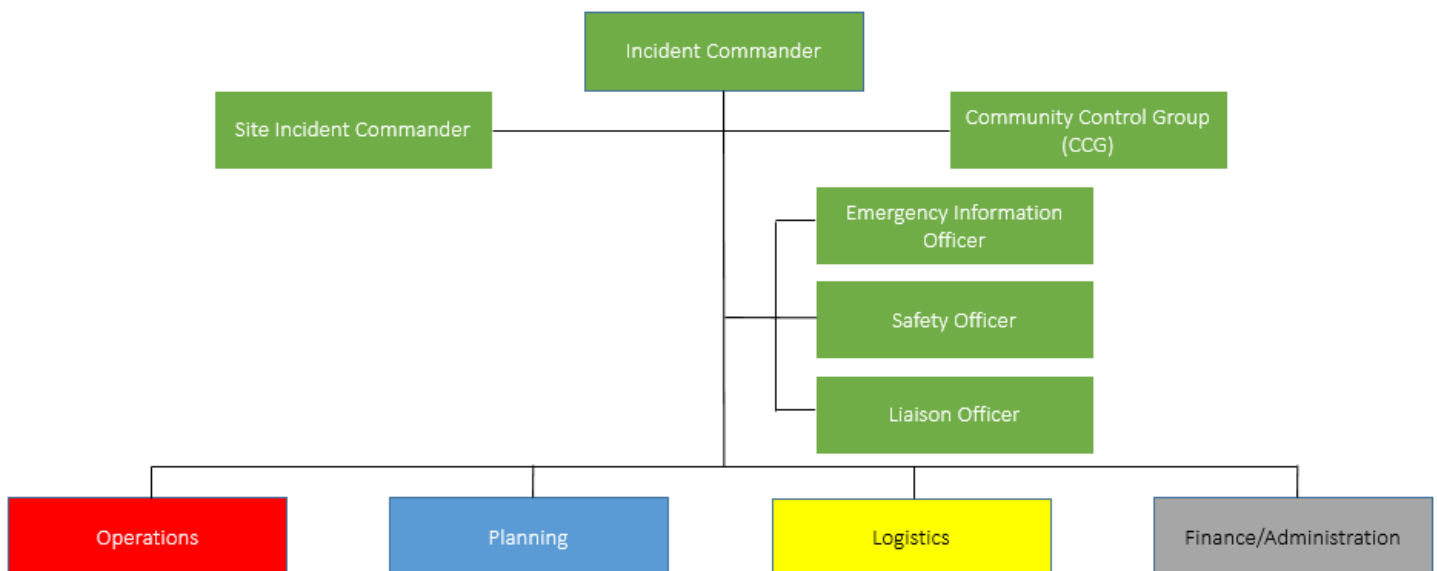
**Operations:** Responsible for coordinating all jurisdictional operations in support of the emergency response through implementation of the EOC Incident Action Plan (IAP).

**Planning:** Responsible for collecting, evaluating and disseminating information; developing the EOC's IAP and Situation Report in conjunction with other functions; and maintaining EOC documentation.

**Logistics:** Responsible for ensuring the EOC is operational and providing facilities, services, personnel, equipment and materials to the site and EOC.

**Finance/Administration:** Responsible for financial activities and other administrative aspects.

### 4.1 IMS Organization Chart for the EOC



## 4.2 EOC Operations

Members of the CCG will gather at regular intervals during the emergency to inform each other of actions taken and problems encountered. The Incident Commander (IC) will establish the frequency of meetings and agenda items. Meetings will be kept as brief as possible and occur by electronic conferencing when appropriate thus allowing members to carry out their individual responsibilities. IMS forms track incident information and actions taken. IMS form can be found in *Appendix 3*.

### 4.2.1 Relationship between EOC IC and CCG

Depending on the nature of the emergency and once the EOC IC has been assigned, the CCG is to offer support to the EOC IC with equipment, staff and other resources as required.

The CCG will ensure that the rest of the community maintains municipal services.

## 4.3 Site Incident Command

During any incident, emergency responders (Fire, Police and EMS) will establish an Incident Commander at the site where the emergency exists. They will work together to protect the life, health, safety and property of both the public and emergency response personnel. Emergency site operations are typically organized under the IMS as a recognized command structure for the incident to make the most efficient use of personnel and equipment. Upon activation of the ERP, the emergency site operations will be supported by the EOC.

The site IC is responsible for taking overall responsibility for managing the incident, and providing the overall leadership for incident response. Having assumed command, the site IC should ensure that all response organizations that are likely to be involved are advised of the incident. Command must be established in an unmistakable fashion at the beginning of the incident and maintained until the end of the incident.

The Command Post is a mobile unit that can be provided to the site if deemed necessary and is the location from which the site IC oversees incident management and on-site operations. It is positioned outside of the present and potential hazard zone, but close enough to the incident to maintain command.

### 4.3.1 Relationship between Site IC and Command including control structures of emergency responders

The senior representative for each emergency response agency (Police, Fire, EMS, Operations / Public Works) at the site will consult with the site IC to offer a coordinated and unified effective response utilizing the IMS.

The Site IC will follow the appropriate protocols and processes under the IMS and communicate the IAP to the EOC IC or the CCG.

## 5.0 Community Control Group / EOC Support Staff

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### 5.1 Community Control Group Members

The EOC will be directed by the CCG (equivalent to the Municipal Emergency Control Group) – a group of officials who are responsible for coordinating the provision of essential services necessary to minimize the effects of an emergency on the community.

The CCG consists of the following officials:

1. Mayor of the City of Windsor
2. Chief Administrative Officer (CAO)
3. Community Emergency Management Coordinator (CEMC) / Fire Chief
4. Chief of Police
5. Essex-Windsor Emergency Medical Services (EMS) Chief
6. Corporate Leader of Parks, Recreation, Culture and Facilities
7. Chief Financial Officer / City Treasurer
8. City Engineer
9. Community Development and Health Commissioner
10. City Clerk / License Commissioner
11. City Solicitor

#### 5.1.2 Responsibilities of the CCG

All CCG members shall assist in the mitigation of the incident by fulfilling all required roles in the IMS and maintaining operational capabilities relative to all areas of responsibility and provide technical assistance to the EOC in their area of expertise.

All members shall:

- ☐ Immediately contact the CEMC via the WFRS Emergency Communications Centre to inform the CEMC of the nature of the real or potential emergency
- ☐ Be trained in IMS and fill a role under IMS structure as required
- ☐ Manage operational staffing levels within their operational areas of responsibility
- ☐ Ensure Business Continuity Plans (BCP) are implemented for their respective areas as required
- ☐ Ensure the appropriate IMS forms are completed in the respective areas, hand in all IMS forms and participate in a debriefing prior to leaving the EOC
- ☐ Maintain a personal log outlining decisions made and actions taken and submit a summary of the log to the CEMC within two weeks of the deactivation of the EOC
- ☐ Coordinate and direct their service and provide actions necessary for the mitigation of the effects of the emergency, provided they are not contrary to law
- ☐ Determine if the location and composition of the CCG are appropriate
- ☐ Advise the Mayor as to whether the declaration of an emergency is recommended
- ☐ Advise the Mayor on the need to designate all or part of the city as an emergency area

- ☐ Provide support to the emergency site(s) by providing equipment, staff and resources as required
- ☐ Ensure pertinent information regarding the emergency is promptly forwarded to the EIO and the Manager of the Customer Contact Centre for dissemination to the media and public
- ☐ Determine the need to establish advisory groups and or sub-committees / working groups for any aspect of the emergency including recovery
- ☐ Authorize expenditure of money required for dealing with the emergency as appropriate
- ☐ Notify the service, agency or group under their direction of the termination of the emergency
- ☐ Consider applications for Municipal Disaster Recovery Assistance (MDRA)

## 5.2 Individual Responsibilities of the CCG

Examples of responsibilities include but are not limited to:

### 5.2.1 Mayor of the City of Windsor

- ☐ Consult with the CAO, CEMC and *Appendix 2* regarding declaring and terminating an emergency
- ☐ Declare an emergency within the designated area if appropriate
- ☐ Declare the termination of an emergency (City Council or the Premier of Ontario also has this ability)
- ☐ Notify the OFMEM, City Council, Public, neighbouring communities (both Canadian and American), Local Member of Provincial Parliament and Local Members of Parliament of the declaration and termination of an emergency
- ☐ Work in conjunction with the EIO to provide accurate and timely information to the media and public

### 5.2.2 Chief Administrative Officer

- ☐ Consult with the CEMC regarding the need to activate the EOC
- ☐ In consultation with the CEMC, activate the Emergency Notification System through WFRS Emergency Communications Centre to start the notification procedure of the CCG
- ☐ Advise the Mayor on policies and procedures, as appropriate
- ☐ In conjunction with the Mayor and CCG, approve major announcements and media releases prepared by the EIO and the Manager of the Customer Contact Centre
- ☐ Approve emergency expenditures

### 5.2.3 CEMC / Fire Chief

- ☐ Consult with the CAO regarding the need to activate the EOC
- ☐ Activate the Emergency Notification System through WFRS Emergency Communications Centre to start the notification procedure of the CCG
- ☐ Activate and arrange the EOC
- ☐ Ensure suitable back-up facilities are available and designated should the primary EOC not be available or suitable to be activated
- ☐ Ensure that security is in place for the EOC and registration of CCG members



- ☐ Provide members of the CCG with the necessary plans, resources, supplies, maps, radios and equipment
- ☐ Provide advice and clarification regarding the implementation of the ERP
- ☐ Liaise with community support agencies
- ☐ Ensure that the IMS is established and utilized
- ☐ Ensure that the operating cycle is met by the CCG and related IMS documentation is maintained and stored for future reference
- ☐ Address any action items that may result from the activation of the ERP and keep the CCG informed of implementation needs
- ☐ Provide the EOC with information and advice on firefighting, rescues and hazardous materials or other public safety matters
- ☐ Depending on the nature of the emergency, assign and maintain communication with the Site IC and utilize the Command Post when applicable
- ☐ Inform the Mutual Aid Fire Coordinator of the emergency situation and / or initiate mutual aid arrangements for the provision of additional firefighters and equipment
- ☐ Determine the need for specialized equipment and / or resources either locally, provincially or federally
- ☐ Provide assistance to other departments and agencies and contribute to non-firefighting operations where necessary

#### 5.2.4 Chief of Police

- ☐ Ensure the protection of life, property and the provision of law and order
- ☐ Notify the necessary emergency and community services
- ☐ Depending on the nature of the emergency, assign and maintain communication with the site IC and utilize the Command Post when applicable
- ☐ In accordance with the EIO, alert persons endangered by the emergency and assist in coordinating reception / evacuation procedures
- ☐ Provide police service in the EOC, reception / evacuation centres, morgues and other facilities
- ☐ Notify the Coroner of fatalities
- ☐ Liaise with other community, provincial and federal police agencies

#### 5.2.5 Essex-Windsor Emergency Medical Services (EMS) Chief

- ☐ Liaise with the Medical Officer of Health on areas of mutual concern
- ☐ Coordinate efforts with Salvation Army, Red Cross and / or any other partnered group that may assist in providing a service to meet their objectives
- ☐ Liaise with Homes for the Aged and Nursing Homes

#### 5.2.6 Corporate Leader of Parks, Recreation, Culture and Facilities

- ☐ Maintain operations capabilities relative to all areas of responsibility
- ☐ Provide technical assistance in areas of expertise to the EOC such as Forestry, Municipal Facilities, etc.
- ☐ Coordinate in conjunction with the Community Development and Health Commissioner for the use of City recreational centres/buildings for evacuation and visitor purposes

## 5.2.7 Chief Financial Officer / City Treasurer

- ☐ Provide oversight for the service areas reporting to them
- ☐ Provide purchasing advice to the CCG in alliance with the Purchasing By-law (*Appendix 4*)
- ☐ Liaise with the Treasurers / Directors of Finance from neighbouring communities
- ☐ Ensure that records of expenses are maintained for future claim purposes
- ☐ Ensure the prompt payment and settlement of all the legitimate invoices and claims incurred during an emergency

## 5.2.8 City Engineer

- ☐ Maintain operations capabilities relative to all areas of responsibility
- ☐ Provide technical assistance in areas of expertise to the EOC
- ☐ Assist with acquiring any mapping that may be used in the EOC

## 5.2.9 Community Development and Health Commissioner

- ☐ Develop, maintain and implement the Community Development & Health Services Emergency Response Plan *Annex Q*
- ☐ Ensure the well-being of Windsor and Essex County residents who have been displaced from their homes by arranging for registration and the provision of basic needs such as emergency shelter, food and other personal needs as required
- ☐ Liaise with CEMCs in Windsor and Essex County to select sites which could serve as Reception Centres and/or Emergency Shelters – Refer to *Appendix 8 and 9*
- ☐ Manage the opening and operating of reception centre(s) and/or evacuation centre(s) and coordinate services with the Canadian Red Cross and other community partners as required
- ☐ Ensure the continuation of essential departmental services to the public during an emergency

## 5.2.10 City Clerk / License Commissioner

- ☐ Provide oversight for the service areas reporting to them
- ☐ Ensure that all city human resource activities are coordinated through the Executive Director of Human Resources
- ☐ Upon direction by the Mayor, City Clerks / Council Services will ensure that all Councillors are advised of the declaration and termination of an emergency
- ☐ Upon direction by the Mayor, City Clerks / Council Services will arrange special meetings of Council if deemed necessary

## 5.2.11 City Solicitor

- ☐ Provide oversight for the service areas reporting to them
- ☐ Provide information, recommendations and clarity to the CCG regarding legal matters as they apply to the actions and decisions of the group during the response to an emergency

## 5.4 EOC Support Staff

The EOC Support Staff includes additional personnel that may be called to respond to the EOC including City of Windsor Departments, OFMEM, Ontario Provincial Police (OPP), local hospital representatives, Windsor Port Authority, ENWIN, liaison staff from provincial ministries and any other officials, experts or representatives from the public or private sector as deemed necessary.

## 6.0 Internal and External Communications

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During an emergency, the City of Windsor is committed to providing accurate and timely information to staff, other levels of government, key stakeholders and community agencies, the general public and the media.

### 6.1 Internal Communications

During a significant event or declared emergency, City of Windsor employees may be directed to attend work, work from another location, or work from home depending on the situation. Employees are required to verify the expectation and keep informed on the status of the emergency through telephone and email messages.

### 6.2 External Communications

External communications utilize a variety of media including social media and the City's website.

#### 6.2.1 Media Inquiries

All media requests for information concerning the emergency shall be referred to the EIO who will arrange all media opportunities with a designated spokesperson(s).

When other jurisdictions and agencies are involved in an event or situation, the EIO will ensure there is a joint coordination of media releases and press conferences.

#### 6.2.2 Media Centre

The EIO is responsible for establishing a Media Centre where all media briefings and press conferences are to be coordinated.

## 7.0 Resource Management

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It is important to identify the resources utilized to manage the emergencies identified in this plan and the most effective method of acquiring these resources in a timely manner.

### 7.1 Volunteer Management

Volunteers are generally coordinated through community partners such as Canadian Red Cross and St. John Ambulance.

### 7.2 Provincial Assistance

Head of Council, upon consultation with the CEMC and CCG may request assistance from the Province of Ontario at any time without any loss of control or authority. This request is made by contacting the PEOC.

When requested by the City, the OFMEM may send a Field Officer to provide provincial liaison and advice on provincial matters.

#### 7.2.1 Role of the Premier of Ontario

Under Section 7 of the Act, the Premier of Ontario may:

- Declare that an emergency exists throughout Ontario or in any part thereof and may take such action and make such orders as he or she considers necessary and are not contrary to law to implement the emergency plan and to protect property and the health, safety and welfare of the inhabitants of the emergency area and
- Exercise any power or perform any duty conferred upon a Minister of the Crown or a Crown employee by or under an Act of Legislature and
- Where a declaration is made and the emergency area or any part thereof is within the jurisdiction of a municipality, the Premier of Ontario may, where he or she considers it necessary, direct and control the administration, facilities and equipment of the municipality to ensure the provision of necessary services in the emergency area and without restricting the generality of the foregoing, the exercise by the municipality of its power and duties, in the emergency area, whether under an emergency plan or otherwise is subject to the direction and control of the Premier, and
- Require any municipality to provide such assistance as he or she considers necessary to an emergency area or any part thereof that is not within the jurisdiction of the municipality and may direct and control the provision of such assistance.

### 7.3 Federal Assistance

The Federal Government has developed the Federal Emergency Response Plan (FERP) to harmonize emergency response efforts by the Federal and Provincial / Territorial Governments, Non-Governmental Organizations and the private sector.

Requests for personnel or resources from the Federal Government are made through the PEOC.

## 8.0 Recovery and Post Incident Activities

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### 8.1 Recovery

Recovery involves all actions taken to recover from the incident. Some recovery strategies are already initiated while the incident is occurring while other strategies are initiated as soon as the recovery phase is announced.

With the restoration of utilities, services and other infrastructure, the City begins to return to a state of normalcy. Other recovery activities include long-term debris management, inspection services, redevelopment and facility reconstruction.

### 8.2 Debriefing

A debriefing is a meeting of key officials from responding organizations to formally discuss issues of mutual interest pertaining to a major incident or emergency. It provides an opportunity for organizations and departments involved in emergency management post-disaster to review the lessons learned.

### 8.3 After Action Report

A formal After Action Report (AAR) will be completed after any major incident or emergency involving the operation of the EOC. It will include events of the incident, the operational impacts, concerns and issues, associated costs and recommendations and findings from the debriefings. This report will be utilized when evaluating deficiencies in the ERP and related plans and procedures. Changes will be made to all documents if necessary.

### 8.4 Compensation for Losses

The Municipal Disaster Recovery Assistance (MDRA) program is in place to help municipalities address extraordinary emergency response costs and damage to essential property or infrastructure such as bridges, roads and public buildings as a result of a natural disaster.

The Disaster Recovery Assistance for Ontarians (DRAO) program may assist individuals, small businesses, farmers, and not-for-profit organizations who have experienced damage to, or loss of, essential property as a result of a natural disaster.

## 9.0 Acronyms

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AAR	After Action Report
BCP	Business Continuity Plan
CAO	Chief Administrative Officer
CCG	Community Control Group
CEMC	Community Emergency Management Coordinator
DRAO	Disaster Recovery Assistance for Ontarians
EIO	Emergency Information Officer
EMCPA	Emergency Management and Civil Protection Act
EMPC	Emergency Management Program Committee
EMS	Emergency Medical Services
ERP	Emergency Response Plan
EOC	Emergency Operations Centre
FERP	Federal Emergency Response Plan
HIRA	Hazard Identification and Risk Assessment
IAP	Incident Action Plan
IC	Incident Commander
IMS	Incident Management System
MDRA	Municipal Disaster Recovery Assistance
OFMEM	Office of the Fire Marshal and Emergency Management
OPP	Ontario Provincial Police
PEOC	Provincial Emergency Operations Centre
WFRS	Windsor Fire Rescue Services
WPS	Windsor Police Service

## 10.0 Appendices

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Appendix	Name
Appendix 1	Emergency Response Contact List
Appendix 2	Checklist in Consideration of a Declaration of Emergency
Appendix 3	IMS Forms Package
Appendix 4	Purchasing By-Law 93-2012
Appendix 5	Emergency Management and Civil Protection Act
Appendix 6	EOC Manual
Appendix 7	Dispatch Emergency Notification Procedures
Appendix 8	Reception Centres/Emergency Shelters Map – Windsor
Appendix 9	Reception Centres/Emergency Shelters Map – Essex County



## 11.0 Annexes

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Annex	Name
Annex A	Community Risk Profile
Annex B	HIRA
Annex C	Emergency Resource Handbook
Annex D	Evacuation Plan
Annex E	City of Windsor Flood Response Plan
Annex F	Essex County Mutual Aid Plan
Annex G	Spill & Complaint Response Procedure
Annex H	Winter Maintenance Manual
Annex I	Humane Society Disaster Manual
Annex J	Provincial Emergency Information Plan
Annex K	City of Windsor Nuclear Emergency Response Plan
Annex L	Amherstburg Nuclear Emergency Plan
Annex M	Provincial Nuclear Emergency Response Plan
Annex N	Heat Alert Response Plan
Annex O	Critical Infrastructure List
Annex P	Aiding Vulnerable Populations in Emergencies
Annex Q	Community Development & Health Services Emergency Response Plan
Annex R	Emergency Management Program Committee Terms of Reference

## 12.0 Glossary

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**Command Post:** The physical location of the tactical level, on scene incident command and management organization.

**Critical Infrastructure:** Critical infrastructure is the interdependent, interactive, interconnected networks of institutions, services, systems and processes that meet vital human needs, sustain the economy, protect public safety and security and maintain continuity of and confidence in the organization.

**Community Control Group:** That group of key individuals directing those services necessary for mitigating the effects of the emergency.

**Disaster:** A term which is used by the provincial and federal government to describe a major emergency which is governed by those levels of government.

**Disaster Recovery Assistance for Ontarians (DRAO):** A provincial financial assistance program intended to alleviate the hardship suffered by individuals, farmers, small business enterprises and non-profit organizations, whose essential property has been damaged in a sudden and unexpected natural emergency, such as a severe windstorm, tornado, flood, forest fire or ice storm.

**Emergency:** “Emergency” means a situation or an impending situation that constitutes a danger of major proportions that could result in serious harm to persons or substantial damage to property and that is caused by the forces of nature, a disease or other health risk, an accident or an act whether intentional or otherwise.

**Emergency Area:** The area in which the emergency exists.

**Emergency Management Program:** A program that is based on a hazard identification and risk assessment process and leads to a comprehensive program that includes the four core components of mitigation/prevention, preparedness, response and recovery. The program will consist of a risk analysis, a current emergency response plan based on that analysis, the operation of an Emergency Management Program Committee, an Emergency Operations Centre, a formalized training and exercise program, a Community Emergency Information Plan, a Community Public Awareness Program, and will be reviewed annually.

**Emergency Information Officer (EIO):** The Manager of Corporate Communications or alternate for the City of Windsor will perform the role of Emergency Information Officer to co-ordinate the internal and external dissemination of information.

**Emergency Management Program Committee:** Mandatory committee, which advises council on the development and implementation of the Region’s emergency management program, and conducts an annual review of the City’s emergency management program with recommendations to Council for its revision, if necessary.

**Emergency Operations Centre:** A designated facility established by an agency or jurisdiction to coordinate the overall agency or jurisdictional response and support to the emergency.

**Emergency Social Services (ESS):** The provision of food, clothing, shelter, registration and inquiry, and personal services during and following an emergency in order to meet essential human needs .ESS also provides temporary rehabilitation assistance until regular pre-emergency social services resume operations, or until other plans and programs come into effect.

**Evacuation:** Organized, phased, and supervised withdrawal, dispersal, or removal of civilians from dangerous or potentially dangerous areas, and their reception and care in safe areas.

**First Responders:** Emergency response personnel who are normally the first to respond to any emergency. They include e.g. the Fire Department, Police Services and Paramedic Services.

**Flood:** A general and temporary condition of partial or complete inundation of normally dry land areas from overflow of inland or tidal water, unusual or rapid accumulation or runoff of surface waters, or mudslides, mudflows caused by accumulation of water.

**Hazard Identification Risk Assessment (HIRA):** Identification of hazards or risks to public safety, public health, the environment, property, critical infrastructure and economic stability from natural, human-caused and technological sources/activities and evaluation of the importance of the activity to the continued operation of the community. The vulnerability of the community to each activity should also be evaluated.

**Incident Commander:** The person at the incident site from the lead agency who coordinates and manages the response to the emergency.

**Incident Management System (IMS):** A standardized system that defines the basic command structure, and roles and responsibilities required for the effective management of an emergency incident or situation.

**Inner Perimeter:** A restricted area in the immediate vicinity of the emergency scene as established by an Officer-In-Charge/ Incident Commander from a responding emergency service. Access to the inner perimeter is restricted to those essential emergency personnel actively involved in the occurrence.

**Operational Period:** The period of time scheduled for execution of a given set of operational actions as specified in the action plan. Operational periods can be of various lengths, although usually not over 24 hours.

**Outer Perimeter:** The geographic area surrounding the inner perimeter. This area will serve as a co-ordination and assembly point for essential emergency personnel. Access to the outer perimeter is restricted to essential emergency personnel as determined by the Incident Commander.

**Provincial Emergency Operations Centre (PEOC):** The designated facility established to manage the response to and recovery from the emergency or disaster for the province of Ontario.

**Reception/Evacuation Centre:** A reception/evacuation centre is the site where emergency services (food, clothing, referral to shelter, referral to social services, registration and inquiry) are offered to persons displaced by an emergency.

**Recovery:** The recovery phase begins immediately following an emergency, with efforts to restore minimum services and continues with long-term efforts to return the community to normal. Immediate recovery activities include assessing damage, clearing debris, providing shelter and restoring food supplies and utilities. Long-term recovery activities include rebuilding and redeveloping the community and implementing mitigation programs.

**Regional Fire Coordinator (or Alternate):** A Fire Chief from one of the fire departments in the Region, appointed by the Ontario Fire Marshall, to serve as coordinator of the region-wide Mutual Aid Fire Plan.

**Resource Management:** Those actions taken by an organization to: identify sources and obtain resources needed to support emergency response activities; coordinate the supply, allocation, distribution, and delivery of resources so they arrive where and when they are most needed; and maintain accountability for the resources used.

**Response:** In emergency management applications, activities designed to address the immediate and short-term effects of the emergency.

**Temporary Morgue:** A facility that is reorganized from its original purpose to serve for a limited time as a laboratory where deceased persons and their effects undergo processing. This includes medical examination, identification, engineering and inventorying to support an accident investigation and determine cause(s) of death.



**Subject: Riverside Minor Baseball Parking Lot Improvements Tender 12-20****Reference:**

Date to Council: March 2, 2020  
Author: Heidi Baillargeon  
Manager of Parks Development  
519 253-2300 ext. 2740  
hbaillargeon@citywindsor.ca  
Parks  
Report Date: February 13, 2020  
Clerk's File #: SR/13742

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

THAT Council **APPROVE** a pre-commitment of funds in the amount of \$200,000 from Parking Lot Capital Upgrades PFO-013-12 in 2022 in order to complete the Riverside Baseball Parking Lot Project; and further,

THAT the Chief Administrative Officer **APPROVE** the Construction of the parking lot at Riverside Minor Baseball Park as per Tender No. 12-20 in the amount of \$342,104.35 (plus HST), submitted by Total Source Contracting; and further,

THAT the CAO and the City Clerk **BE AUTHORIZED** to sign a contract with Total Source Contracting as per Tender No. 12-20 in the amount of \$342,104.35 (plus HST) satisfactory in form to the City Solicitor, in technical content to the Corporate Leader of Parks, Recreation & Culture and Facilities and in financial content to the City Treasurer and Chief Financial Officer; and further,

THAT the Chief Administrative Officer and City Clerk **BE AUTHORIZED** to sign all agreements or contracts with successful vendors / proponents / bidders relating to work on the Riverside Minor Baseball Park approved projects so long as they are within the approved budget, satisfactory in technical content to the Corporate Leader for Parks, Recreation & Culture and Facilities, in financial content to the City Treasurer, and in legal form to the City Solicitor.

**Executive Summary:**

N/A

**Background:**

Riverside Minor Baseball Park is located at 6755 Wyandotte Street East and was approved by Council as per CR120/2018 for a Universal and Accessible Miracle Park

Project. The park is currently being developed in partnership with the Riverside Minor Baseball Club and is an integral component of a larger vision for a new fully accessible destination park created for healthy active living in the City of Windsor. This project will transform existing park amenities and add innovative infrastructure elements to create a completely accessible destination park. The entire project is a collaborative effort between the City of Windsor, Riverside Minor Baseball Club and numerous community stakeholders who recognize the importance of creating inclusive spaces that enable all of our children, residents and visitors to experience the highest quality of life possible in Windsor. Riverside Minor Baseball Club has leased and developed a portion of the Park and has fund raised over 2 million dollars to build a new accessible Miracle Field, re-locate the existing cenotaph, develop the east parking lot, add a new shelter, picnic tables, bleachers, grading drainage and landscape works and is hoping to have a grand opening in May 2020. In collaboration the City is also working on upgrades to the west parking lot and the existing washroom and pool facility in order to make them fully accessible.

### **Discussion:**

On February 5, 2020 Tender 12-20 closed for the re-development of the west parking lot at Riverside Baseball Park with a total of 13 bids submitted, see financial matters section of this report for listing of all bids. The parking lot includes a total of 70 spaces with six additional accessible spaces. Administration is working closely with the Riverside Minor Baseball Club and many community stakeholders to ensure this project is completed for the grand opening in May 2020.

Administration is recommending a pre-commitment of funds from year 2022 under Capital Parking Lot Upgrades account in the amount of \$200,000 in order to complete the west parking lot and any outstanding items relating to the accessible washrooms and pool facility. The original tender includes a base course of asphalt only but would require additional funding to install the second lift of asphalt after the waiting period of one year has passed. With the pre-commitment of funds requested administration will be able to move forward the project to complete the parking lot, including the second lift of asphalt and related drainage and walkway connections in the park.

### **Risk Analysis:**

Currently there is an expectation from the community and stakeholder groups that the parking lot will be completed in time for grand opening in May 2020. If funding is not approved the project will not move forward having a negative adverse public reaction. This is considered likely to occur with medium risk. Approved funding to complete the parking lot will help mitigate this risk.

The current tender only includes one lift of asphalt and in order to properly finish this project and protect the initial investment a second lift of asphalt is required after a one year waiting period. If funding is not approved there is a risk that the parking lot will be compromised over time and will need to be completely re-done. This is considered likely to occur with medium risk. In order to mitigate this risk administration is requesting the remaining funding to complete this project in totality.

There is a financial risk that current tender pricing will increase in future years and if not completed there will be insufficient funding to complete the work required.

### **Financial Matters:**

The following bids were submitted for Tender 12-20:

Vendor	Total Tender Price (Including Contingency Allowance Excluding HST)
Amico Infrastructure Inc.	\$358, 506.00
D'Amore Construction	\$359,900.00
Fuller Construction (1986) Inc.	\$358,808.00
Intrepid General Limited	\$611,674.00
J.C.S. Construction	\$447,099.86
Jeff Shepley Excavating Ltd.	\$461,475.00
Leo Mailloux Construction	\$381193.50
Matassa Incorporated	\$360,463.00
Nevan Construction Inc.	\$385,610.00
Rudak Excavating Inc.	\$394,800.00
Shearock Construction Inc.	\$444,444.00
Sterling Ridge Infrastructure Inc.	\$367,320.00
Total Source Contracting	\$342,104.35

Of the bids submitted, Total Source Contracting was low bid. In accordance with the purchasing By-law, administration is recommending award of the contract to Total Source Contracting in the amount of \$342,104.35 plus HST.

The table below outlines current Capital funding and outstanding funds necessary to complete the project:

<b>RIVERSIDE MINOR BASEBALL PARK WEST PARKING LOT AND SITE WORK</b>	
Work completed to date – concrete connection walkways and subsurface drainage	\$45,000.00
Tender 12-20 contract cost	\$342,104.35
Additional work necessary to complete the project second lift of asphalt for parking lot and other related site work and landscaping	\$70,000.00
Contingency 15%	\$90,000.00
Project management, administration costs ,temporary financing charges and non recoverable HST	\$52,895.65
<b>Total Project Cost</b>	<b>\$600,000.00</b>
Capital Budget- Riverside Park Parking Lot (PFO-009-007) <b>Approved</b>	\$400,000.00
Capital Budget- Parking Lot Capital (PFO-013-12) <b>Pre-Committment from 2022</b>	\$200,000.00
<b>Total Project Funding</b>	<b>\$600,000.00</b>

It is noted that notwithstanding the recommended pre-commitment of funds for this project that the Parking Lot Capital (PFO-013-12) project still has total available funding identified within the approved 8 year Capital Budget of \$650,000 in years 2023 thru 2025. This funding will be utilized to fund other priority parking lot improvements.

### **Consultations:**

Mark Friel - Financial Planning

### **Conclusion:**

As part of the Cities 20 year Strategic Vision, City Council committed to improving quality of life for our residents including infrastructure decisions that ensure long-term sustainability, strengthen neighbourhoods, and support citizens with diverse needs in all stages of life. The Miracle Park fits this vision perfectly and is why administration is recommending a pre-commitment of funds to complete this component of this unique fully accessible destination park for the benefit of all children and adults who will be able to enjoy sport and play alongside their peers, friends and family.

### **Planning Act Matters:**

N/A



**Approvals:**

James Chacko	Senior Manager of Parks
Jan Wilson	Corporate Leader – Parks, Recreation & Culture and Facilities
Joe Mancina	City Treasurer
Onorio Colucci	Chief Administrative Officer

**Notifications:**

Name	Address	Email

**Appendices:**



**Committee Matters: SCM 63/2020**

**Subject: Windsor Deep Energy Efficiency Retrofit Program**

Moved by: Councillor McKenzie

Seconded by: Councillor Costante

Decision Number: **ETPS 737**

1. THAT the report of the Community Energy Plan Administrator dated January 3, 2020 entitled Windsor Residential Deep Energy Efficiency Retrofit Program **BE RECEIVED** for information.
2. THAT City Council **RECEIVE** the attached Final Report of the Project Working Team led by Garforth International LLC: City of Windsor Residential Deep Energy Efficiency Retrofit Program.
3. THAT Administration **REPORT BACK** with a detailed review of corporate risks, benefits, grant opportunities and other relevant program details for Council's consideration prior to the development of Windsor's Residential Deep Energy Efficiency Retrofit (R-DEER) Business Plan.

Carried.

Report Number: S 1/2020

Clerk's File: EI/10822

Clerk's Note: the recommendation of the Standing Committee and Administration are the same.

**Subject: Windsor Deep Energy Efficiency Retrofit Program**

**Reference:**

Date to Council: February 19, 2020  
Author: Kyle Bassett  
Community Energy Plan Administrator  
kbassett@citywindsor.ca  
519-253-7111 x 3224  
Pollution Control  
Report Date: January 28, 2020  
Clerk's File #: EI/10822

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

**Recommendation:**

1. That the report of the Community Energy Plan Administrator dated January 3, 2020 entitled Windsor Residential Deep Energy Efficiency Retrofit Program **BE RECEIVED** for information.
2. That City Council **RECEIVE** the attached Final Report of the Project Working Team led by Garforth International LLC: City of Windsor Residential Deep Energy Efficiency Retrofit Program.
3. That Administration **REPORT BACK** with a detailed review of corporate risks, benefits, grant opportunities and other relevant program details for Council's consideration prior to the development of Windsor's Residential Deep Energy Efficiency Retrofit (R-DEER) Business Plan.

**Executive Summary:**

NA

**Background:**

In 2002, the City of Windsor joined the Federation of Canadian Municipalities (FCM) Partners for Climate Protection (PCP). This was followed in 2010 with the development of the City's first greenhouse gas (GHG) inventory as outlined in FCM's PCP program (Milestone 1). Upon completion of this first inventory, City Council committed to completing a Climate Change Mitigation Plan.

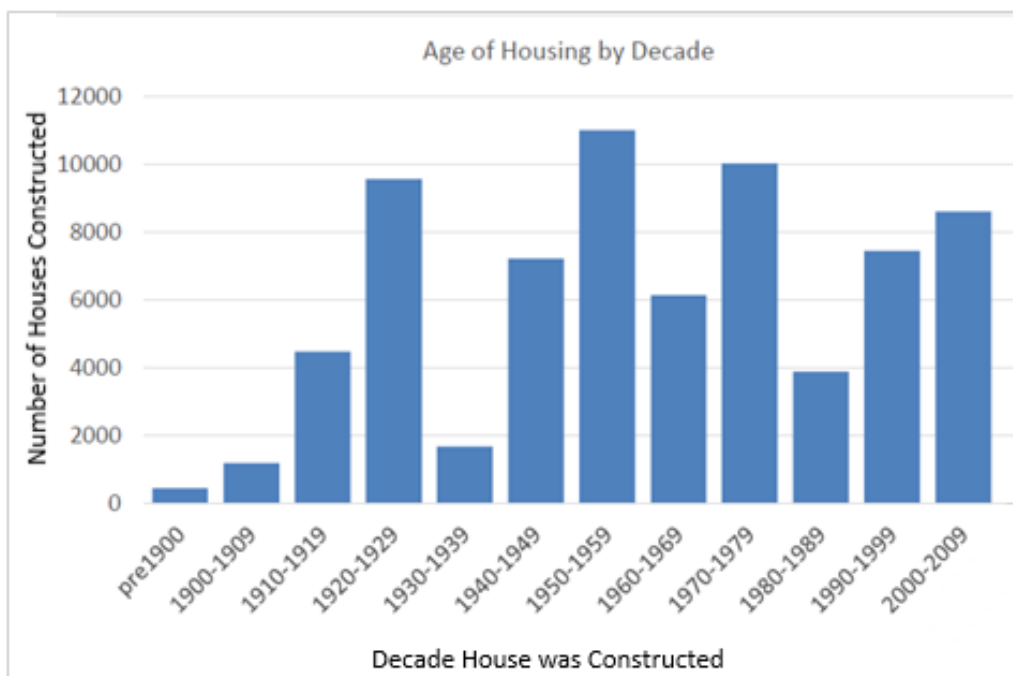
In 2015, The City began the process of developing a long-term comprehensive plan to address energy and greenhouse gas emissions through the completion of a Community Energy Plan (CEP) and associated Corporate Climate Action Plan. These plans were approved by City Council in July 2017 (CR426/2017).

The vision of the Community Energy Plan is to create economic advantage, mitigate climate change, and improve energy performance. It strives to position Windsor as an energy center of excellence that boasts efficient, innovative, and reliable energy systems that contribute to the quality of life of the residents and businesses.

The Community Energy Plan (CEP) included a community-wide goal to reduce GHG emissions by 40% of 2014 levels and to reduce per-capita energy consumption by 40%. Increasing residential energy efficiency was the first strategy identified to achieve this goal.

### Discussion:

Increasing Residential efficiency is critical to achieving CEP goals and addressing the climate emergency as Windsor has one of the oldest building stocks in the province. The average year that a house was built in Windsor is 1955, which is significantly older than the provincial average of 1974 (Figure 1). Older homes use significantly more energy and produce significantly more emissions than newer homes as older Ontario building codes did not have consideration for energy efficiency. These homes are often lacking basement, attic and wall insulation and can have severe air leakage issues around door and window frames and at the connection between concrete foundations and wood house framing.



**Figure 1 – Age of Windsor building stock by decade.**

Windsor's average household uses 35% more total energy than the average Ontario home and 20% more energy per square foot than the average Ontario home. When considering international best practice Windsor's average energy usage per household is twice that of the average household in Denmark.

Item	Windsor Baseline	Canada Average	Ontario Average	Comparable Best Practice <sup>29</sup>
Utility/household (GJ)	142	106	107	68 <sup>a</sup>
Utility/m <sup>2</sup> (Res) (GJ)	1.00	0.79		0.29 <sup>b</sup>
Utility/m <sup>2</sup> (non-res) (GJ)	1.61	1.65		0.72 <sup>c</sup>
GHG / person (Tonnes CO <sub>2e</sub> )	8.8	9.7	6.2	3.5 <sup>d</sup>

**Table 1 – Windsor baseline indicators in comparison to Canadian average, Ontario average and International best practise. Source: 2017 Community Energy Plan**

Early on in the development of the Community Energy Plan, it was identified that the residential sector would require comprehensive strategies to address energy and greenhouse gas emissions. It was noted through public engagement that many residents had not undertaken any home energy retrofit program for one or two reasons: 1) insufficient upfront capital to complete the work and 2) uncertainty regarding if they would remain in their homes long enough to see a pay-back. 370 Windsor residents participated in the CEP survey.

The final CEP set a very ambitious target to deep-retrofit 80% of Windsor's existing homes by 2041 to achieve a 30 to 50% increase in energy efficiency depending on the age and type of home. However, based on the results of the public engagement noted above, it was identified that a program was required that was not like previous governmental retrofit programs.

To overcome these barriers, the CEP strategy proposed developing a Business Case to determine feasibility of reaching the residential target through:

- the creation of an Entity to deliver retrofits standardized by home age and type;
- to team with local contractors, material suppliers and investors to transform the energy retrofit market;
- to use Local Improvement Charge (LIC) financing and standardized pricing approaches to create scale.

In 2017, City Council approved the development of a Windsor Residential Deep Energy Efficiency Retrofit (R-DEER) Business Case to investigate the feasibility of the CEP home retrofit strategy as identified in the CEP (attached as Appendix 3).

The Federation of Canadian Municipalities' Municipal Climate Innovation Program (MCIP) provided financial support for this work to be undertaken. The application for this funding was approved with CR714/2017, which covers 80% of eligible costs, up to a maximum of \$125,000. Garforth International was retained to complete the Business Case. The purpose of the Business Case was to answer the following question:

*Under a credible set of assumptions, can a business case be made for the City of Windsor Community Energy Plan (CEP) home energy retrofit strategy that meets reasonable community, market and economic goals?*

The study report and the consultant's detailed business case is included in Appendix A. It should be noted that presentation of this report to Council fulfills one of the requirements of the MCIP funding.

### **Similar Development in Europe**

The need for radically improving the energy efficiency of the existing home and building stock has been a focus of many members of the EU for many years. Germany, among others, made deep changes in the efficiency standards building codes in the mid-1980s. These standards have been regularly updated since and extended to include some renovation. In Windsor's sister city Mannheim, this has resulted in an average housing stock that is half as energy intensive as in Windsor.

The focus on home efficiency continues, though obviously from a different starting point, and in a very different context. Mannheim for example, has an Entity - Klimaschutzagentur Mannheim – (Climate Protection Agency) which is jointly owned by the City, the municipal utility group MVV, and the community housing corporation. It acts as a resource channel for targeted efficiency and greenhouse gas reduction programs, including financing.

In the Ruhr Area, the city of Bottrop has established itself as the Innovation City Ruhr, with the goal to a national example of innovation in its transition from a coal-mining community to a more diverse future. A major focus has been on increasing the energy efficiency of individual homes and entire neighborhoods. The city established a municipal corporation, Innovation City Management GmbH, which provides a wide range of information and counselling services, aimed at residential energy efficiency and greenhouse reduction. This entity is partnered with significant industrial partners and local contractors. It is widely seen a cost effective public/private teaming. The initial focus was very much focused on energy retrofits, over time it had broadened its scope. It is housed in a downtown facility that acts as both a "storefront" for the community, and as a meeting point for business, political and other meeting purposes.

### **Business Case Highlights**

The work of the Consultants, along with Project Working Team members, focused on a number of aspects of a R-DEER program, touching in particular on the following key components that were seen as critical to the success of program goals:

- Standardized energy retrofit packages
- Creation of an Entity in which to administer the program
- Local Improvement Charge (LIC) financing
- Business Plan
- Similar development in Europe

- Funding opportunities for future phases of this work
- Emissions reductions
- Benefits to the community
- Next steps

These program components and benefits are discussed in more detail, below.

### **Standardized Energy Retrofit Packages**

The current energy efficiency retrofit market for both homeowners and contractors is relatively unattractive. From the perspective of the contractor, the effort to prepare customized proposals is high and the closing rate is low. Low volumes and the fact that every project is specific to each household means that material costs are expensive and performance guarantees are risky. From the homeowner's perspective, obtaining understandable bids from various contractors is burdensome. They are responsible for finding their own sources of funding based on their individual credit rating. Finally, the low volumes result in retrofit costs that typically exceed the value of the energy saving, even over many years.

The R-DEER product solution to address this market problem is to offer standardized energy retrofits to homeowners at high volumes. Contractors benefit from increased project predictability, improved margins and vastly higher project volumes. Homeowners benefit from a simplified transaction, guaranteed pricing, lower cost pre-financed retrofits and a simple billing and payment mechanism.

Standardized retrofit packages would be designed to deliver annual energy savings of 30 to 50%, and 20% water saving to homeowners. Modelling for the R-DEER Business Case demonstrated these savings could be achieved with existing, proven, technologies. The package cost would be dependent on home size, age and type. Using pricing based on a fixed index per specific area (\$ per m<sup>2</sup>) depending on home category minimizes transaction costs and complexity.

The delivery of standardized retrofits at high volumes to Windsor homeowners is an essential feature of the Business Case and has been designed to drive market transformation. The business model aims to reduce the cost of the average retrofit by 33%. This would be achieved through efficiencies in:

- Reduced selling costs through standardized offerings and pricing
- Elimination of contractors' costs to promote and prepare customized proposals
- Increased contractor labour productivity
- Volume pricing for key material categories
- Lower cost financing through consolidation

Significant concerns were expressed during the engagements from some stakeholders as to whether enough homeowners would be interested in a standardized retrofit valued at \$25,000 to \$30,000. Additionally, many Windsor residents have already completed partial retrofits through previous government and utility programs and may not be eligible for the full program. These concerns must be addressed during the final

Business Plan, along with considering any “go-to-market” strategies that would mitigate prevailing market conditions.

### **Creation of an Entity in which to Administer the Program**

The Business case recommends that an Entity be created to administer R-DEER. It is proposed that the Entity would be a municipal services company similar in nature to a utility company (ex. Enwin Energy) where the city would be a major stakeholder and remain involved in oversight as well as corporate direction. S. 203 of the Municipal Act and O.Reg. 599/06 allows Ontario municipalities to establish a Municipal Services Corporation (MSC). An MSC is a corporation whose shares are owned by a municipality, or a municipality and one or more other public-sector entities. A MSC can only provide a system, service or thing that the municipality could provide. Currently the City provides and administers local improvement programs related to the construction of municipal infrastructure on municipal lands. To date the City has not undertaken local improvements related to private infrastructure on private property.

While the consultant identified several advantages (identified on page 6 of the report) to the formation of an Entity for the delivery of the R-DEER program, it is acknowledged that significant further due diligence on both the legal and financial implications of this structure is required.

### **LIC Financing**

Property-assessed financing has the distinct advantage of tying the efficiency investment to the property, mitigating the risk of the homeowner that their payback period is longer than the time they remain (or intend to remain) in the home. Attractive interest rates and borrowing terms can be achieved for homeowners while reducing or eliminating their up-front capital costs. The business case outlines that under this program, the City would collect LIC payments on behalf of the Entity from homeowners participating in the retrofit program by passing an LIC By-law and entering into an agreement with the MSC. The Cities of Guelph and Toronto have developed LIC By-laws to allow for energy efficiency investments on private properties. The forthcoming report to Council will further investigate the risks and benefits of this type of financing method, inclusive of the related by-laws and others currently in the works at other municipalities.

### **Business Plan**

While the Business Case, attached in the appendix of this report, works to address the overall opportunity for this type of program as well as its positive financial and environmental impacts on the community, Administration acknowledges that there are a number of additional areas which need to be addressed. Any future Business Plan must consider, in a detailed fashion, the following areas.

- Mortgages – What considerations need to be made in a circumstance where a home’s property taxes are funded through its mortgage. What disclosures do a homeowner need to make in order to retain a given mortgage under these circumstances?



- Disclosure of LIC time of sale – What mechanisms can be utilized to ensure that the LIC tax on an existing home is disclosed to future buyers at the time of sale?
- Program design such that the final program ensures that retrofits are accessible to Windsor residents on low and/or fixed incomes, so they too would benefit from reduced energy bills
- Delivery of Climate Change adaptation measures as a component of the program (ex. Basement Flooding Subsidy Program, backwater valve, sump pump, rain barrel etc.)
- Marketing strategy to ensure awareness of the program goals and benefits to the community and to individual homeowners
- Engaging with Investors, primarily from third-party long-term lenders and confirm interest in lending to the MSC
- Program Administration, inclusive of the feasibility of meeting program targets such as emissions reduction, community benefit, financial sustainability and affordability
- Financial and Legal considerations to the Corporation resulting from the development, administration and implementation of a R-DEER Program.

Acknowledging the significant work and due diligence still required, Administration is recommending that further discussion on the benefits and risk continue with stakeholders in all impacted City Departments. This work is critical to informing how the development of the Business Plan proceeds.

### **Funding Opportunities**

FCM is expecting to launch their EcoEfficiency retrofit funding program by the spring 2020. The program has received \$300 million dollars from the Federal government to provide funding and capacity building that addresses existing knowledge and skill gaps, meets the needs of municipalities and supports successful design and delivery of energy efficiency and clean energy initiatives. It is anticipated that, similar to other FCM green municipal fund programs, a minimum of 50% funding could be provided through this program for any initiatives that are undertaken by the municipality.

### **Emission Reductions**

Successful implementation of the program has the ability to reduce community greenhouse gas emissions by 235,000 tonnes annually by 2041 making it the single largest GHG reduction initiative currently identified in the CEP. This supports the Climate Emergency declared by City Council in November 2019 as it accelerates climate change mitigation. Based on the detailed analysis outlined in the CEP, it is clear that without a home retrofit program of this nature the CEP emissions reduction goals cannot be met.

## Benefits to Community

There are many benefits to the Windsor community that can be realized with the creation of the home retrofit program detailed above. These potential benefits include:

- Neighborhood revitalization
- Increased property values
- Alleviation of “energy poverty” for low-income and vulnerable populations
- Reduced greenhouse gas emissions
- Improved local air quality due to emissions reduction
- Increased economic activity as lower utility bills result in people having more money to spend at local businesses
- Job creation for building professionals and trades

## Next Steps

The work undertaken in the attached Business Case outlines a potential plan to move the R-DEER program forward and meet the goals of the CEP emission reduction targets. As identified throughout this report however, there is a great deal of detailed analysis that is required in order to ensure the development and implementation of a successful retrofit program. This detailed analysis will be the next step for this project and it is expected that in the subsequent report to City Council, the following will be discussed:

- Corporate Risks (Legal and Financial)
- Corporate and Community Benefits
- Collaboration with other Ontario municipalities pursuing similar programs
- Grant funding opportunities
- Further discussion with Enwin and other service delivery agents
- Continued next steps and funding requirements

## Risk Analysis:

At this stage there is no risk associated with undertaking the further detailed analysis that will be required in order to more fully explore the corporate risks, benefits, grant opportunities and other relevant program details for Council’s consideration prior to the development of Windsor’s Residential Deep Energy Efficiency Retrofit (R-DEER) Business Plan. It is expected that the forthcoming report to Council will clarify the immediate next steps needed in order to more fully develop a proposed business plan for the R-DEER program. Additionally, the report back to council will further identify and present possible risk and any available mitigation measures as they become apparent

prior to the development of the implementation plan. A full Qualitative Municipal Risk Assessment for Energy Retrofit Loans, which was informed primarily by the work undertaken in the City of Vaughn, is included in Appendix G of the attached Business Case and will serve as basis for the next phase of analysis to be undertaken.

Building on the risks identified in Appendix G, and through consultation with city administration, additional and significant areas of risk have been identified that warrant a more detailed and fulsome review. Full analysis of these risks and approaches in order to eliminate or mitigate such risks will be included in the future report to Council. Overall, the attached business case is prepared in such a manner that implementation would proceed in several phases, each providing City Council with the opportunity to stop the endeavor if deemed unattractive or potentially exposing the city to an unacceptable level of risk.

Several initial risks that have been identified by city administration as outlined below.

**Financial risk from loss of start-up capital if program does not proceed beyond business plan phase**

This risk can be mitigated by ensuring that knowledgeable and experienced individuals develop the Business Plan and that appropriate accounting principles are applied to the various financial aspects of the business. The forthcoming implementation strategy will further detail startup capital requirements and how these finances would be allocated.

**Reputational risk to city if the program is not successful.**

This risk can be mitigated by ensuring that the Business Plan addresses thoroughly areas which commonly cause new ventures to fail including amongst others marketing strategy, cash flow considerations, methods of attracting third-party investments etc. More importantly, the plan further identifies some very aggressive participation target levels in order for the program to be successful and financially viable. These levels were expected to be difficult to achieve. All of these considerations will be critical to the Program's success and considered as part of the forthcoming report to council.

**Reputational risk to city if work conducted as part of the retrofit program is not completed to owners satisfaction.**

This risk can be mitigated by having strict quality control measures put in place as part of the business structure. As outlined in the attached Business Case a quality control inspection is required for every property which receives a retrofit. Contractors are not paid until the quality inspection is passed.

**Risk that entity is not self-sustaining**

If the Entity proves to be non self-sustaining then the city would have the option to stop business as any additional funds beyond initial start-up capital would require council approval as well as administrative support. Notwithstanding this ability, there always remains a very significant financial risk that a Municipal Services Corporation (MSC) entity cannot sustain itself well beyond the initial start up capital cost and responsibility would then fall to the municipality to provide required funding from the limited property

tax base to support said venture. This significant risk will need to be fully investigated as part of the forthcoming reports to City Council.

**Reputational risk to the city if it does not proceed with a major strategy outlined in the Community Energy Plan and the Community Energy Plan emission reduction targets are not met.**

The home retrofit program is identified as the number one strategy for emissions reductions in the 2017 Community Energy Plan. Community members are expecting that the city proceed with its own plan to reduce emissions, create jobs and establishing a smart energy future in Windsor by implementing the strategies from the Community Energy Plan. Social awareness of the dangers of climate change and the importance of climate change mitigation through emissions reduction has increased significantly since 2017 as demonstrated by climate strikes and the recent climate emergency declaration. There is reputational risk to the city if it does not proceed with this major strategy as outlined in the Community Energy Plan and if the CEP emission reduction targets are not met.

**Financial Matters:**

The consultants cost to develop the attached Business Case had an upset limit of \$194,400 plus HST. The City of Windsor was awarded an FCM Municipal Climate Innovation Program grant equal to \$125,000 or 80% of the eligible costs which ever is less. Thus the net city funding for this project has been \$69,400. As has been noted in this report, there are significant financial considerations that must be validated during the next phase of analysis and prior to determining a path forward for this initiative.

In addition to the items identified throughout this report, additional key areas for validation would include amongst various others such items as:

- Corporate Structure of MSC and impacts and financial risks to the municipality
- Cashflow consideration and cashflow impacts to MSC and City
- Funding sources available for this program
- Debt financing and how such debt would be classified and reported
- Administrative and collection matters relative to collection of LIC
- Various employment, legal, insurance related considerations for the MSC.
- Required participation levels under the program that would deem it financially viable and an assessment of the likelihood of achieving such targets.

There are no funding requirements to develop and bring forward the next steps report.

It should be noted however, that should the detailed analysis in the next report support moving forward with a Business Plan, the Consultant's have estimated that funding of approximately \$400,000 would be required as a commitment to fund future phases of the Business Plan development. This start-up funding is also identified in the Climate

Change Emergency Report S18/2020 as a Priority 1 Mitigation Action. Administration has not yet confirmed this figure pending additional due diligence.

### **Consultations:**

Asset Planning

Legal

Finance

Corporate Climate Task Force: Environmental Services, Planning, Transit Windsor, Fleet, Facilities, Pollution Control, Engineering, Building, Traffic Operations

Lenders, Homeowners, Contractors, Utilities (Enbridge and Enwin), Windsor Essex Community Housing Corporation, and municipalities (Towns of Newmarket, Oakville and City of Brampton) as itemized in Appendix C of the Business Case

### **Conclusion:**

Based on the analytical findings and stakeholder engagement, the Business Case as completed by the Consultant concludes there are reasonable grounds to consider proceeding to implement the CEP recommendation of a Residential Deep Energy Retrofit Strategy. This conclusion is made with the understanding that the Entity established to administer the program would first need to complete and approve a Business Plan to start implementation. It is Administration's strong view that any Business Plan would need to be well balanced and also consider the various legal, financial and operational risks associated with establishing such an Entity to administer the Program. The consultant further notes that without establishing an Entity with a mandate to deliver high quality, standardized residential energy efficiency retrofit packages to most Windsor homes, the City's energy and efficiency goals, as approved in the CEP, are unlikely to be realized. Further detailed analysis will continue in order to assess the risks and benefits of proceeding with a Business Plan.

### **Planning Act Matters:**

NA

### **Approvals:**

<b>Name</b>	<b>Title</b>
Karina Richters	Supervisor, Environmental Sustainability and Climate Change
Natasha Couvillon	Manager Performance Measurement & Financial Administration
Jake Renaud	Senior Manager of Pollution Control
Mark Winterton	City Engineer
Joe Mancina	Chief Financial Officer

<b>Name</b>	<b>Title</b>
Onorio Colucci	Chief Administrative Officer

**Notifications:**

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

**Appendices:**

- 1 Final Report, Residential Deep Energy Efficiency Retrofits (R-DEER) - due to size, available on City website.
- 2 Windsor Residential Energy and Emissions Profile – due to size, available on City website.
- 3 3 Community Energy Plan - Strategy 1 - available on City website.



**Committee Matters: SCM 62/2020**

**Subject: ERCA-At-A-Glance and 2019 Annual Report**



## Essex Region Conservation

The Essex Region Conservation Authority is a local watershed management agency, incorporated under the *Conservation Authorities Act* (1946). Since our establishment in 1973, we have been dedicated to protecting, restoring, and managing the natural resources of the Essex Region. Today, as one of 36 conservation authorities in Ontario, ERCA is committed to the core founding principles of the *Conservation Authorities Act*: watershed jurisdiction, local decision-making, and funding partnerships.

ERCA works with residents and communities, our nine member municipalities, senior levels of government, and agencies to: increase natural area coverage through tree planting and habitat restoration, improve water quality across our watersheds and our Great Lakes, protect people and property from flooding and erosion, and further our understanding of the environment through science and education. Our goal is a sustainable future, a vibrant economy, and a region we can all be proud of - one where people will want to live, work, play, and invest in.

## ERCA At-A-Glance

The Essex Region is an 1,841 square kilometre area of land that spans nine municipalities.. It is the southern-most part of the Carolinian Life Zone and contains some of Canada's most significant natural areas. Unlike most other Conservation Authorities, which generally focus on one large watershed, our region includes the watersheds of the Detroit River, Lake St. Clair, and western basin of Lake Erie. It is surrounded by almost 300km of Great Lakes shorelines, the largest freshwater system in the world. The region is blessed with a climate and geography that supports a rich agricultural and industrial tradition that has supported growth in our region. But, there are also significant challenges.

Our landscape has been intensively developed. In 200 years, we've drained more than 95% of our wetlands, lost almost all of our tall grass prairie and cleared more than 90% of our forests. What's left is disconnected and fragmented. Our Great Lakes watersheds are impacted by invasive species, nutrients, phosphorous and blue green algae. The water quality of our rivers and streams is degraded, which impacts aquatic wildlife, increases drinking water treatment costs, and negatively impacts recreational use such as swimming and boating. Changing and unpredictable climate patterns are causing significant flooding, impacting our shorelines, and creating erosion problems. And the frequency of these types of rainfall events are expected to increase.

Indeed, few parts of Canada have been as extensively developed as Essex Region. As a result, planning for growth and resilient communities and climate change will require different strategies and a more integrated approach.





## OUR STRATEGIC DIRECTION

The **Place for Life** reinforces that all elements of a place are interconnected – our community, its environmental health, healthy lifestyles for our citizens, and our economy. Life recognizes our living, thriving and sustainable natural systems. Life refers to the people of our community – their health and protection and our shared heritage. We embrace this place and make it our home. For life.

We **envision** Essex Region as a sustainable, resilient and vibrant place with healthy and thriving watersheds, Great Lakes and a green culture.

Our **mission** is to improve our environment to enrich our lives.

ERCA delivers its programs and services to municipalities and residents in keeping with the *Conservation Authorities Act* (1946). Our 2016-2025 Strategic Plan: Sustaining the Place for Life provides the basis for our decision-making and priorities over the decade in five key areas:

1. **The climate will continue to change.** Efforts to slow climate change must continue, but we need to help our partners prepare to adapt to its impacts.
2. **The Great Lakes are our most significant natural resource.** Our 2017 Watershed Report Card identified failing grades in virtually every watershed. More must be done to protect and improve water quality.
3. **Our habitats are among the most significant in Canada.** We have planted more than 6 million trees and achieved 8.5% natural area coverage. But more action is needed to reach our 12% target.
4. **Our urban areas will continue to grow and expand.** ERCA will need to continue to work with all partners to plan sustainable communities that reduce urban sprawl, are walkable, have a healthy food supply and incorporate green infrastructure.
5. **ERCA is a sustainable, resilient and valued agency.** To achieve a state of sustainability for the Essex Region, ERCA must be sustainable as an organization

## SUSTAINING THE PLACE FOR LIFE

Conservation Authorities are recognized for their efforts to address regional challenges through integrated watershed planning and management. The recently updated *Conservation Authorities Act* changes the way conservation authorities deliver programs and services, but continues to recognize that the objects, or mandate, of Conservation Authorities remains conservation, restoration, development and management of natural resources, which we do on a watershed basis.

As an integrated watershed management agency, our business is built on programs and services that support our region's ecological, social, and economic health. ERCA's staff that are recognized experts across numerous professional fields and while we have a long and accomplished history as expert practitioners, we don't do it alone. We are continually establishing and reaffirming partnerships at every level to support our vision and mission, which we deliver through five Service Areas described below with highlights for 2020.

## WATERSHED MANAGEMENT SERVICES

Watershed Management Services ensures that development in the Region progresses in a sustainable manner, is directed away from natural hazards, protects natural heritage features, and protects our water resources.

- Update ERCA's Place for Life Policies to reflect recent changes to the *Conservation Authorities Act* (2017, 2019) and current provincial direction and best practices.
- Negotiate Municipal Memorandums of Understanding to provide clarity around ERCA's involvement in plan input and planning applications under the *Planning Act*.
- Undertake a 3rd party Fee Analysis including engagement with municipalities, the development sector and the Windsor Essex Economic Development Corporation.
- Continue to improve client services by seeking ways to reduce review timelines in keeping with Conservation Ontario Client Services Standards guidelines.
- Coordinate regional Hazard Mapping/Risk Assessment Scoping and Prioritization program with Municipalities, City of Windsor and County of Essex

- Assist in the development of Shoreline Management Plans in Lakeshore, Leamington and lead the Little River Hazard Mapping study at the request of Windsor
- Work with partners to develop short- and long-term plans to address the existing and expected impacts to our region as a result of current and future water levels, flood and erosion hazards, and climate change.
- Implement upgrades and expansions to the Essex Region Watershed Monitoring network including ERCA and municipal Climate Stations to assist in providing flood response, monitoring and reporting

## CONSERVATION SERVICES

ERCA's Conservation Services programs protect, restore, and manage natural heritage areas and systems within ERCA's watersheds.

- Construct new pedestrian bridge over a municipal drain on the Cypher Systems Group Greenway to improve trail safety and not impact aquatic habitat.
- Complete road and facilities improvements, and develop a new wetland/ cycling facility at Holiday Beach (with Amherstburg Community Foundation).
- Finalize design and construct new Heritage Centre and shoreline protection at the John R. Park Homestead.
- Continue to replace entrance signs and directional signs leading to our Conservation Areas and explore opportunities for new or leveraged investment in capital facilities and infrastructure.
- Complete management plans for Cedar Creek and John R. Park Homestead.
- Facilitate the donation of the Collavino wetland to ERCA and the initiation of a management plan to allow the public to enjoy this site.
- Initiate the construction of the Peche Island erosion protection and fish habitat project with partners (City of Windsor, SwimDrinkFish, Environment Canada)

## WATERSHED RESEARCH SERVICES

ERCA's Watershed Research Services programs protect our local watercourses and drinking water through increased uptake up of agricultural Best Management Practices, enhanced monitoring and policy implementation.

- Complete 45 Risk Management Plans to address Significant Drinking Water Threats on behalf of municipalities and complete Section 36 Assessment Report, Annual Report, and updates to the Essex Region Source Protection Plan Section.

- Continue development of a regional Phosphorus Management Plan and calculation of phosphorous loading in Leamington tributaries.
- Expand water quality monitoring program with support from the OSCIA through the ONFarm program and MECP, and initiate a new partnership with Agriculture Canada as part of Canada's Living Lab program.
- Develop and implement over 50 nutrient and soil health projects with the farming community.
- Host a 2020 WEC3 workshop series, which will include sessions such as Corporate Energy Planning, Asset Management, and Stormwater Financing to help municipalities prepare and plan for climate change.
- Initiate County-wide Municipal Energy Plan with County of Essex, county municipalities, residents and industry.
- Create the range of tools and implement actions identified in the Climate Change Communications Strategy for shared use amongst all municipalities.

## COMMUNITY OUTREACH SERVICES

Community Outreach Services are critical to engaging regional partners in conservation practices toward climate action and a sustainable environment.

- Scale up the pilot Indigenous Education Program to all school boards in partnership with local First Nations
- Expand school-based programs offerings during shoulder season to broaden impact while responding to increasing bussing cost pressures.
- Enhance Citizen Science programs to meet regional environmental objectives, streamline schoolyard greening and corporate engagement events.
- improve nature and heritage event implementation to engage more participants and develop metrics to better evaluate engagement strategies and initiatives.
- Continue to evaluate, innovate and implement improvements across our digital platforms for streamlined and enhanced customer service.

## CORPORATE SERVICES

Corporate Services provides leadership and management in the delivery of services central to the successful functioning of the entire organization. Corporate services is an enabling service and supports the other Program areas in the organization.

- Participate in consultations towards the development of new regulations pursuant to the *Conservation Authorities Act* to find the best local solutions to support community resilience.

- Finalize a comprehensive procurement policy to address changing needs and support fair and transparent procurement.
- Update the asset management plan, with long term financial strategy, to ensure a sustainable approach to asset replacement.
- Develop new 5-Year Sustainability/Business Plan to support the Strategic Plan and ensure that ERCA has the appropriate resources and is managed in the most effective and efficient way..
- Develop a succession plan to identify, develop and evaluate organizational needs
- Finalize negotiations for new Collective Agreement
- Beta-test new file management system with Corporate Services and Watershed Management Files.
- Launch an Open Data portal for public access to spatial data holdings and a self-service purpose driven GeoCortex property explorer to aid landowners to determine if their property is subject to ERCA regulations.

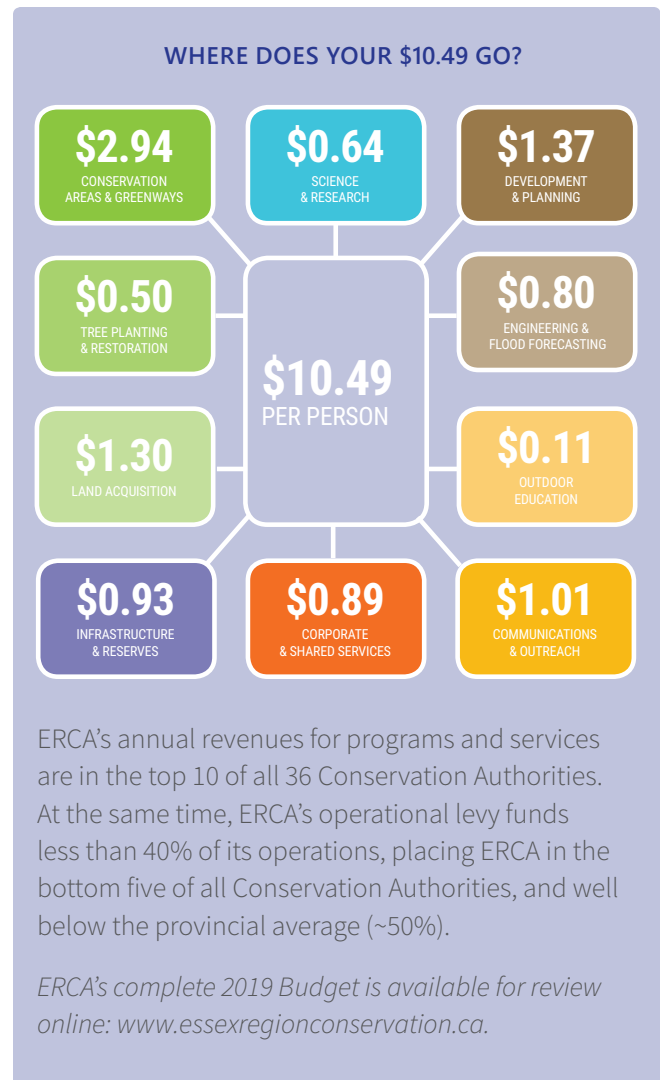
## FUNDING CONSERVATION

ERCA's 2020 Budget totals \$10,576,317, which includes a total levy contribution of \$3,386,667. This represents an increase of \$148,000, or \$0.49 per person (\$10.00 to \$10.49 per person) though the actual cost per household (\$250,000) decreased by \$0.12 to \$19.57. The levy increase is primarily a result of the decrease in provincial transfer payments relating to the Flood Forecasting program (\$98,000) and costs associated with human resources.

The budget includes \$2.625 million in municipal special project funding, and \$2.6 million in fee for service revenues. Only 14% of ERCA's budget is funded through Federal Grant (10%), Provincial transfer (2% - natural hazards and source water protection) and Provincial grant (1.2% - Detroit River, Museum Operating Grant, Phosphorous monitoring program) funding.

While this builds a strong case for support, more action is needed to improve the health of our watersheds, reduce phosphorous and blue-green algae in our lakes, provide open spaces and trails that are accessible for people to use, connect and restore forests, wetlands and habitats.

These are essential for sustainable communities to build resilience to climate change, and importantly, attracting and retaining the talent this region desires and deserves.



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Essex Region Conservation  
the *place* for life

2019



Annual  
**Report**





*“ Our programs and services are critically important to addressing serious challenges in the region. ”*

## A Message From The Vice Chair

There's no question that 2019 was a year of unprecedented challenges. We were under an extended flood watch from April until October, and communities across our region felt the devastating impacts of 12 separate flood events. ERCA staff worked vigilantly – in some cases around the clock – to monitor conditions, provide warnings and assist in flood responses.

During this very difficult time, the Province of Ontario cut the funding allocation toward flood and erosion protection by 50%. Despite this significant cut, ERCA's longstanding role in protecting the citizens of Windsor, Essex County and Pelee Island continued to prove crucial to the safety of our region's residents.

Our programs and services are critically important to addressing serious challenges in the region – land degradation, natural

area coverage, water quality, phosphorous and harmful algal blooms, climate adaptation, and sustainable communities. The conservation areas, greenways and trails ERCA provides are key to our tourism industry, economic development and most importantly, the livability of our community.

As municipalities, we collectively identify the priority projects required within our watershed region through our strategic planning, sustainability planning and annual budgeting processes. Our Board and Administration follow the core principle of the *Conservation Authorities Act*: that people living close to the problems are required to solve them; that an Authority only undertakes programs and projects it could face economically, culturally and democratically. Indeed, a conservation authority like ERCA flourishes because

our residents and communities recognize the critical need for the programs and services we deliver within our watershed region.

On behalf of the Board of Directors, I'd like to extend my heartfelt appreciation to all of the partners, volunteers, residents and stakeholders who have come together this year to help create a more resilient and sustainable future for our region.

It is only by moving forward together, that we can improve our resiliency to climate change and ensure our region is the Place for Life.

Sincerely,

Tania Jobin  
ERCA Vice Chair



“ *The Conservation Authority model is more relevant today than ever.* ”

## A Message From The General Manager

In the 1940s, forestry, agricultural, naturalist and sportsmen’s groups began expressing concern that much of Ontario’s natural resources were in an ‘unhealthy state’ as a result of poor land, water and forestry practices. Though the responsibility for managing natural resources lay with the province, these groups argued that the scale of the problem required a new approach.

The province listened, and in 1946, the *Conservation Authorities Act* was passed, creating a tool that enabled municipalities, in partnership with the Province, to establish a Conservation Authority with a mandate “to provide, in the area over which it has jurisdiction, programs and services designed to further the conservation, restoration, development and management of natural resources other than gas, oil, coal and minerals”. Importantly, the legislation recognized that the

problems and their solutions are integrated, that decisions are best made by those living closest to the problem, and demanded that action be taken on a watershed basis.

Today, we are facing challenges of a similar scale and scope as a result of changes to our landscape. In fact, at a time when Canada is warming nearly twice as fast as the global average, and when we are experiencing catastrophic flooding throughout the region, the effective and efficient integrated watershed management approach taken by ERCA and all Conservation Authorities is more important than ever before.

Solutions to these problems are interconnected and need to be delivered on a watershed basis. Indeed, tree planting and restoration, agricultural stewardship, protecting and monitoring the health of our Great Lakes, a coordinated

approach to addressing climate change, and robust education and outreach programs are all critical to building a healthy and sustainable community that is resilient to change.

This year, in response to changes to the *Conservation Authorities Act* and the structure of program deliver, our Board of Directors, our municipal partners and the community were clear: the Conservation Authority model is more relevant today than ever; and the integrated watershed management approach is vitally important to the future of our region, the health of our residents and the Province of Ontario.

Yours in Conservation,

Richard J. H. Wyma  
General Manager / Secretary Treasurer



# Integrated Watershed Management

Integrated Watershed Management manages human activities and natural resources on a watershed basis, taking into account social, economic and environmental issues, as well as local community interests. It is the most effective way of managing environmental impacts and our changing climate, and is the approach used by Conservation Authorities across the province.

## Integrated Watershed Management:



1. Is watershed-based, informed by science
2. Requires us to manage natural resources and human activities together
3. Considers the interests and needs of not just the environment but also the economy and society because they are connected and impact each other in good and bad ways
4. Relies on an adaptive management approach which establishes a plan, implements the plan, monitors and reports, and then re-evaluates and updates the plan, if necessary
5. Needs collaborative governance at many levels for shared decision-making and priority setting

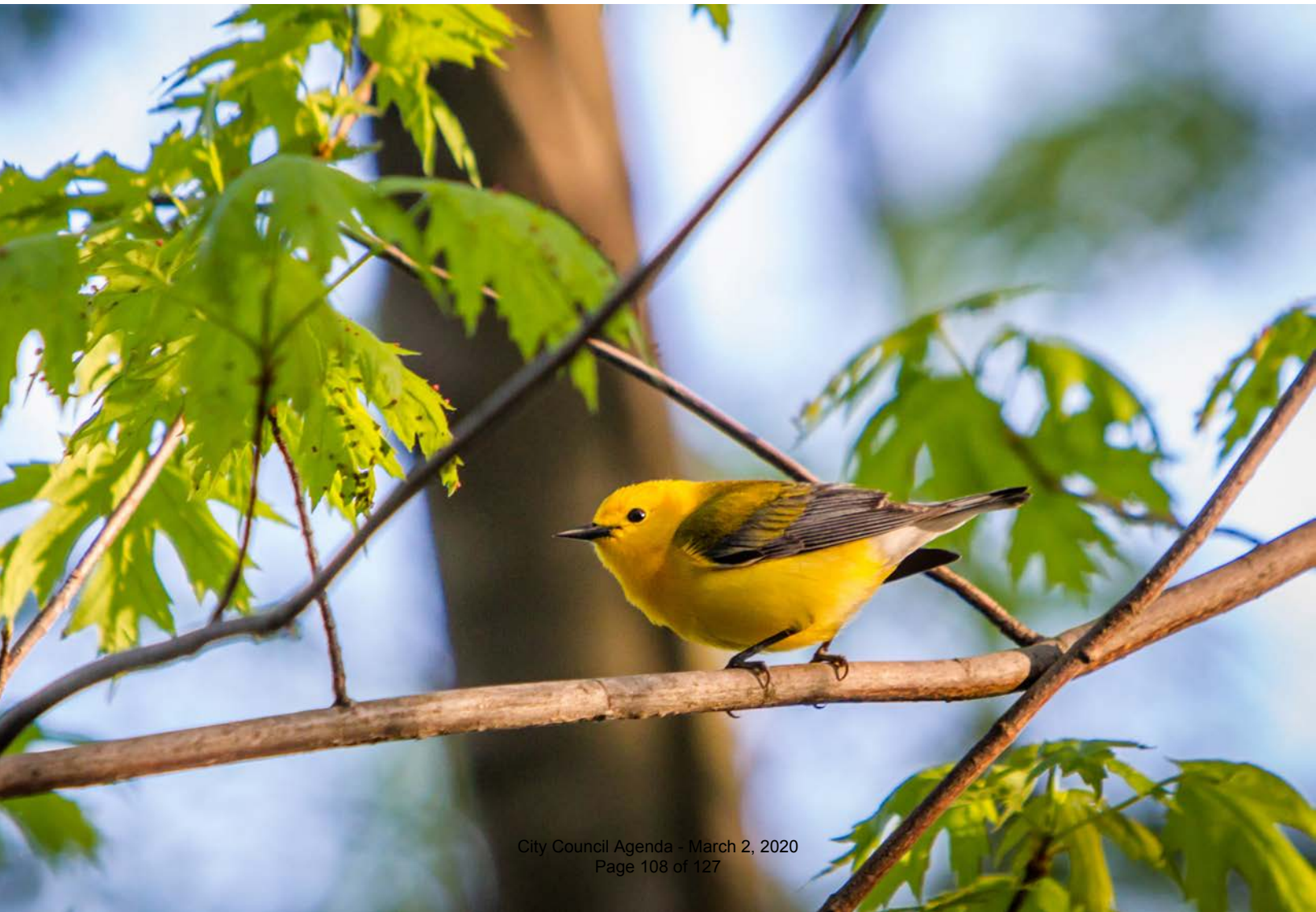




# Watershed Highlights

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In 2019, we continued to implement the priorities identified in our Strategic Plan. Our programs and services are delivered using an integrated watershed management approach – recognizing that all elements of the environment, our economy, and our region’s well-being are interconnected and critical to the sustainability of our region. The following highlights are a snapshot of the projects and programs implemented this year to enrich and sustain the Essex Region as *the Place for Life*.





# Climate Change

**Our region experienced the impacts of our changing climate, perhaps more profoundly than any other in Ontario.**

Following a Flood Watch that extended for more than six months, and 12 separate flood events, there's no question that the need to change our actions to reduce greenhouse gas emissions, slow climate change and adapt to its impacts, is more urgent than ever before. This year, in taking action to address our changing climate, we:

**Initiated** the Windsor Essex Climate Change Collaborative (WEC3) which includes sector-based implementation teams, including Human Health, the Built Environment, Natural Hazards, Agriculture, Nature & Ecosystems, and Energy; and developed a framework for assessing climate change impacts for these sectors.

**Monitored** record high lake levels and weather conditions resulting in 48 Watershed Condition days, 147 Flood Watch days and 25 Flood Warning days.

**Hosted** four High Water Information Workshops in Lakeshore, Windsor, Kingsville and LaSalle, facilitating knowledge exchange with over 1,500 residents.

**Monitored** 30 Climate Stations, including 18 within the City of Windsor. Initiated discussions with Lakeshore and Essex regarding siting and integrating 6 additional stations.

**Created** a Climate Change Communications Strategy to help stakeholders at all levels understand local impacts of climate change and actions that can be taken toward mitigation and adaptation.

**Initiated** a project to review tree species choices and utilization of genetic diversity via local or non-local seed, in partnership with the Forest Gene Conservation Association.

**Worked** collaboratively with the County of Essex and its seven municipalities to secure funding for a County-wide Community Energy Plan to help advance regional energy conservation priorities and lower emissions.

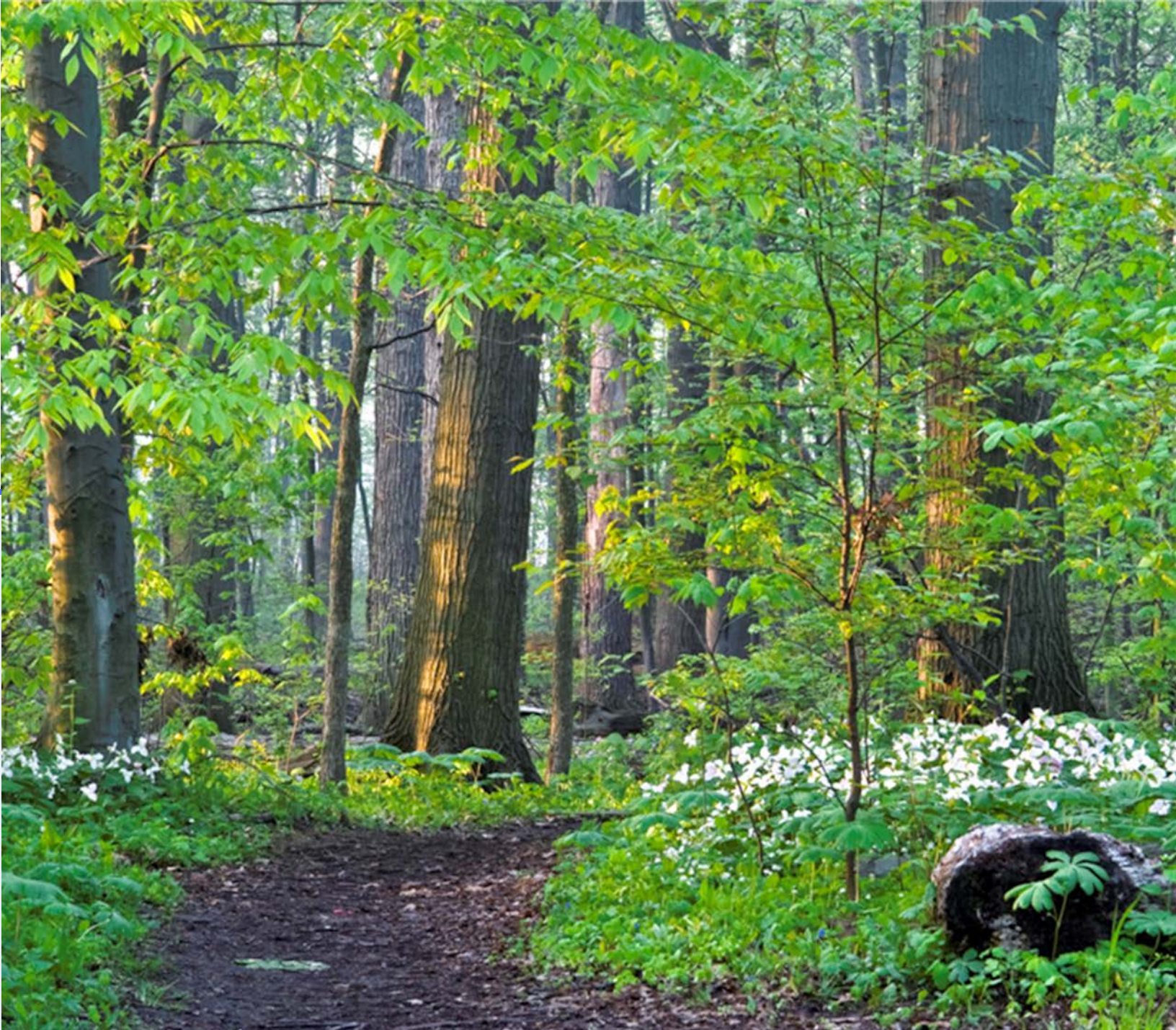
**Hosted** a Climate Action Symposium to begin to identify implementation actions and barriers from various sectors impacting and being impacted by Climate Change including municipal energy, natural heritage, and infrastructure.

**Responded** to high water and clean up after severe storm events at Holiday Beach and along ERCA's Greenways, including the removal of over 500 hazardous trees. High water levels required closure of Tremblay Beach Conservation Area, and areas within Holiday Beach, Hillman Marsh.

**Met** with Provincial Flood Advisor, and participated in South West Ontario Regional meetings regarding flood management, flood protection and emergency response. Flood Advisor's report includes the recommendation that ERCA and Lower Thames Valley Conservation Authorities work with Windsor-Essex municipalities, Chatham-Kent, and the Provincial and Federal Government to develop a short- and long-term plan to address flooding and shoreline/infrastructure issues in Lake Erie/Lake St. Clair/Detroit River.







“ When I see the projections for what our climate will be like in 2050 and 2080, I think of my daughter, and what it will be like for her. Will the Windsor-Essex community still be her ‘Place for Life’?



I think we can all make a difference, but we need to take urgent climate action and significantly reduce our own impacts, as well as asking our elected officials to put real plans in place to reduce greenhouse gas emissions. This year was a tipping point in awareness, with climate emergency declarations, the devastating spring storms and resulting flooding, and the County of Essex’s leadership in initiating Community Energy Plans. In 2019, there was significant growth in awareness, education and commitment to action that we must continue to build on – with urgency – in the coming years.”



# Great Lakes

**The Great Lakes are our most significant natural resource.**

Land uses, invasive species, and our changing climate continue to negatively impact the health of our Lakes. Our 2012 – 2017 Watershed Report Card identified failing grades for surface water quality in virtually every watershed. More must be done at all levels to protect and improve water quality. This year, to help protect and improve Great Lakes water quality, we:

**Monitored** surface water quality at 61 sites and groundwater quality at 8 sites across the region. In total, more than 2,500 water quality samples were collected to evaluate watershed health, and calculate nutrient and phosphorous concentrations and loads in partnership with Federal and Provincial Ministries of Environment.

**Initiated** a Phosphorous Management Plan with support from Environment and Climate Change Canada.

**Monitored** phosphorous levels impacting Lake Erie at the innovative 10 acre University of Windsor Alumni Association Wetland at Hillman Marsh, in partnership with the University of Windsor Biochemistry department.

**Partnered** with municipal and provincial implementing bodies to implement 50 policies designed to protect our sources of drinking water.

**Completed** 28 Risk Management Plans to address Significant Drinking Water Threats on behalf of municipalities.

**Initiated** required updates to the Essex Region Source Protection Plan and Assessment Report to ensure that our sources of drinking water are protected using the most current information available.

**Completed** over 25 agricultural Best Management Practices (BMPs) such as cover crops, nutrient management plans and buffer strips on over 500 hectares of land, with support from Environment and Climate Change Canada, as part of the Lake Erie Action Plan to meet phosphorous reduction targets.







“ One of the biggest factors affecting the health of our Great lakes is climate change.



As well, more frequent storm events in the spring are increasing the amount of runoff into our lakes from fields and our landscape. These nutrients feed the algal biomass that we see annually now each summer. It's a massive international problem, and we all have to do our part to be mindful of phosphate-free lifestyles. Using the 4 R's – right time, right rate, right source and right place, as well as implementing best management practices such as cover crops, can reduce the phosphorus running off into our lakes and streams. Phosphorus outputs from municipalities and greenhouses also have to be managed. It's important that we all do our part when it comes to keeping our lakes great.”

# Landscapes And Habitats

**Our landscapes and habitats are among the most significant in Canada.**

While we have planted more than 6.5 million trees and increased natural areas coverage from 3.5% to 8.5%, we need to significantly increase the scope and scale of this work to reach our 12% target and to urgently take climate action. This year, ERCA:

**Planted** almost 60,000 trees on public and private lands, creating an additional 13.5 hectares (35 acres) of new forest habitat despite the rainiest season on record.

**Monitored** 50 restoration sites demonstrating 85% tree survival rates.

**Welcomed** more than 100,000 visitors to our conservation areas and greenways to enjoy the outdoor natural and cultural experiences that contribute to community-wide health and well-being.

**Introduced** 'Greenway Etiquette Guidelines' to promote harmonious shared use of this important trail system.

**Hosted** 32 outreach events that engaged more than 4,200 regional residents in conservation programs and activities, including creating the Rotary Legacy Forest and the Solcz Family Foundation Forest.

**Undertook** a Holiday Beach Conservation Area Capital Investment Feasibility Study with Southwest Ontario Tourism Corporation and Tourism Windsor Essex Pelee Island.

**Built** new boardwalks, resurfaced the road, and began construction of the Enbridge Natural Playground and the University of Windsor Alumni Association Outdoor Classroom at Holiday Beach Conservation Area.

**Undertook** a shoreline engineering study to identify options to protect the historic John R. Park Homestead buildings.

**Strengthened** partnerships with First Nations, in order to work more collaboratively and achieve mutual goals.

**Continued** to monitor for Oak Wilt Disease.

**Created** new wetland habitat at the Collavino Wetland.

**Finalized** the Peche Island permitting processes with regulatory agencies.

**Continued** control of invasive species at Spring Garden Natural Area.

**Enhanced** Citizen Science Programs included Project Purple, Seed Collection, Garlic Mustard Pulls and Tree Monitoring and Assessment

**Revitalized** the Youth Engagement Ambassador (YEA) Team and How-To Crew, providing community volunteers with an advanced level of training to assist with proper tree planting techniques during large-scale outreach events.







“ Spring 2019 is the planting season that all foresters and farmers in Southern Ontario want to forget. We received a heavy rainfall each week that prevented the fields from ever drying sufficiently to achieve planting conditions.



As a result, we were unable to plant 20,000 trees that would have created 25 acres of new forest habitat. To try to adapt to these increasingly wet springs, we need to find innovative solutions.

This past fall, we planted 31 acres of planned restoration project lands with cover crops. This will provide traction for our tractors and much needed soil aeration, which will allow us to begin planting trees earlier in spring 2020, regardless of the weather. Ensuring we can carry out our planned tree planting programs is critically important in our region, where we have only 8.5% natural areas. Trees are identified as the most significant ‘natural solution’ to climate change, and so restoration is one of the most important things we can do to take climate action, create habitat and help to mitigate flooding.”



# Sustainable Communities

**As stated in the Climate Change Emergency declared by the City of Windsor, County of Essex, and many regional municipalities, ‘permanent and robust changes’ to the way we plan our communities are urgently required.**

ERCA will need to continue to work with all partners to collaboratively plan sustainable communities that reduce urban sprawl, are walkable, incorporate green infrastructure and are resilient to the impacts of our changing climate. This year, we:

**Evaluated** 1,305 applications and issued 1,158 permits, including 305 for shoreline maintenance as a result of record high water levels in Lake St. Clair and Lake Erie.

**Responded** to over 1,300 Miscellaneous Development (MD) inquiries related to questions about property matters, or from prospective purchasers with questions concerning a potential property purchase.

**Implemented** new Client-centric service standards for high growth area Conservation Authorities and reaffirmed ERCAs Client Services Standards Policy to align with Conservation Ontario Client Services Standards guidelines.

**Reviewed** 13 Official Plans and secondary plans to ensure local planning decisions address provincial delegated authority responsibilities relative to natural hazards. Continued to advise local municipalities on natural heritage matters.

**Reviewed** over 800 planning applications under the *Planning Act* (Zoning By-Law amendments, minor variances, consents, etc.). The review of these applications assists landowners and municipalities in reducing risks associated with flooding and erosion and protecting natural heritage, and ensures best practices for sustainable communities are being incorporated into planning and development.

**Finalized** Environmental Impact Assessment (EIA) Guidelines with municipal partners to ensure regional consistency.

**Finalized** Stormwater Management Guidelines with municipalities to ensure a consistent set of standards for managing stormwater designs and submissions.

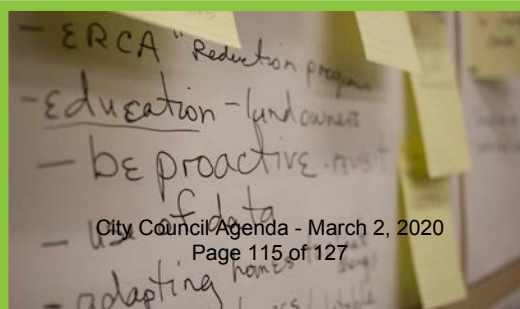
**Provided** curriculum-based outdoor education for nearly 15,000 elementary and secondary school students, including delivery of Special High Skills Major Certifications.

**Improved** our web-based permit application process to facilitate development reviews.

**Expanded** French-language human and natural heritage programs, and created a new interpretive Monarch Life Cycle education program.

**Introduced** a new pilot Indigenous Education program which was profiled amongst Conservation Authority educators across the Province.

**Responded** to Province of Ontario's Environmental Registry policy consultations, including the Made-in-Ontario Environment Plan, 10-Year Review of Endangered Species Act, Bill 66 (*Restoring Ontario's Competitiveness Act*, 2018), proposed changes to Conservation Authority permitting and programs and services under Bill 108 (*More Homes, More Choice Act*, 2019), updates to the Canada-Ontario Agreement, and changes to the Provincial Policy Statement, among others.







**“ 2019 brought record high water levels to our region that will have lasting impacts on our communities.**

For the entire year, we were on guard around the clock, continuously checking water levels, wind direction, short-range and long-range forecasts to alert our municipalities about flood potential. People experienced significant flooding, erosion, financial losses and emotional hardship. Luckily, we were not hit with the 1% chance storm this year, or the results could have been far more catastrophic.



One of the most important outcomes is the growing awareness of what's at stake if we don't all make changes to the way we plan our communities. Climate change projections tell us to expect higher highs and lower lows, which brings about challenges that could be far worse than what we experienced this year. Working to avoid flood related impacts is multi-faceted and we are working closely with our member municipalities on Municipal Flooding Emergency Response Plans, updating Floodplain Maps, Shoreline Management Plans, and various other natural hazard mitigation projects. There is still a lot to do, but we're on the right track.”

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- James Bryant, Water Resources Engineer



# A Strong, Resilient Organization

**ERCA is a sustainable, resilient and valued agency.**

Since 1973, ERCA has been striving to achieve a state of sustainability for the Essex Region. We are continually evaluating our programs and services to ensure they are delivered in a streamlined and efficient manner. This year, to further improve our organization's practices, we:

**Trained** 35 staff in Indigenous Relationship Building to improve consultation, collaboration and partnerships with Indigenous communities.

**Implemented** a number of mechanisms to ensure that programs and services are transparent to member municipalities and watershed residents and align with the proposed provincial mandatory programs and services.

**Formalized** policies for Customer Service Standards and Social Media.

**Implemented** new comprehensive Corporate Administration By-Laws as legislated under the 2017 Amendments to the *Conservation Authorities Act*.

**Collaborated** provincially on a communications strategy demonstrating the critical importance of Conservation Authorities in protecting the people of Ontario from the impacts of our changing climate.

**Implemented** significant improvements to our digital media platforms to streamline customer service for a variety of service areas, including permit applications.

**Completed** update of municipal drains dataset for Pelee Island.

**Introduced** new Annual Work Plan/Performance Review and Professional Development standards for all staff.

**Updated** Geocortex with 2019 Aerial photography in partnership with County of Essex and municipalities.

**Implemented** actions identified in the Employee Engagement Survey.

**Continued** to support the Essex Region Conservation Foundation in achieving the \$1 million fundraising goal of the Place for Life Campaign.

**Advocated** for the Essex Region on 56 local, regional, provincial, national and international boards and committees to ensure the unique needs of our region are represented.

**Connected** with more than 8,500 people through social media outreach.







“ This year we really focused on engagement with our staff.



We have an incredibly dedicated team who are addressing extreme workloads and in many cases, racing the clock to implement environmental protection and restoration priorities and provide exceptional customer service. Tools like our Employee Engagement Strategy, Annual Work Plans and Performance Reviews enabled us to recognize the many accomplishments of our staff while identifying areas of opportunity that allow us to plan for future organizational sustainability. Finding ways to streamline workflows and business processes improves our ability to serve our customers and helps to alleviate stress levels associated with the crucial work our team is undertaking every day.”

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- Nicole Kupnicki, HR Manager



# ERCA Accountability

The following provides a three-year 'by-the-numbers' comparison of achievements. This report follows the priorities identified in our Strategic Plan, and these actions help ensure Windsor-Essex County-Peel Island is the Place for Life.

## Climate Change

		2017	2018	2019
Permits Requested		1,042	1,113	1,305
Permits Issued		1,005	992	1158
Clearances Issued		135	179	225
Request for Information Letters Issued		392	273	281
Permits to Take Water Applications		5	3	3
Appeals		10	18	22
Appeals in CA Favour		10	18	22
Violations Issued		34	25	38
Average Response Time for Permits (days)	Minor Development	9.13	9	15
	Major Development	34	12	10
	Alteration to Waterways	8.2	12	6
Number of Structures Located in Floodplain		10,000	10,000	10,000
Kilometres of Watercourses with Floodplain Mapping Completed		609	609	609
Hectares (area) digitally mapped delineating the CA Regulation Limit		38,304	38,304	38,304
Hectares (area) digitally mapped delineating the flooding hazard limit (flood plains)		38,304	38,304	38,304
Metres of shoreline protected from flooding and erosion		250	0	0
\$ Value of Water/Infrastructure Contributions to Municipalities		120,000	10,000	0
Flood Messages / Days	Watershed Conditions	13	17	15 / 48 days
	Flood Watches	11	20	24 / 147 days
	Flood Warnings	4	8	12 / 25 days
	Wind Warnings	1	0	7



# Great Lakes

		2017	2018	2019
Water Quality Improvement Projects Implemented	Agriculture/Other (total)	28	30	80
	Detroit River Watersheds	10	3	7
	Lake Erie Watersheds	13	21	66
	Lake St. Clair Watersheds	5	2	7
Number of wells decommissioned		5	4	3
Number of landowners participating		23	20	16
Number of surface water quality monitoring stations		58	61	61
Number of ground water quality monitoring stations		8	8	8
Number of benthos monitoring stations		20	15	10





## Landscapes & Habitats

	2017	2018	2019
Total Landholdings (Hectares)	1,735	1,742	1,740
Hectares of recreational land owned and managed	1,056.8	1056.8	1056.8
Total hectares under forest management plans	44.39	44.39	44.39
Total Taxes for CA Landholdings	\$66,661	\$70,227	\$92,186
Land Acquisition in Reporting Year (in acres)	160	7	0
Value of acquisitions (Fair Market Value)	\$1,562,250	\$426,000	N/A
Total Acres of Habitat Restored	92.5	143	31
Number and Acres of Trees	92,500 trees 70 acres	109,105 trees 96 acres	57,560 30 acres
Number and Acres of Wetlands	6 wetlands 15 acres	6 wetlands 31 acres	1 wetland 0.6 acres
Number and Acres of Prairie	5 sites 7.5 acres	5 sites 16 acres	0
Number of landowners involved in restoration	222	191	217
Trees planted by volunteers	2,973	3,259	6,217
Native plants planted by volunteers	1,610	1,600	30



## Sustainable Communities

	2017	2018	2019
Planning Services—transactions/year	822	850	811
Kilometres of Trails owned, managed & developed	98	98	98
Number of volunteers	2,064	2,185	2,057
Number of outreach events	19	30	32
Number of schoolyard naturalization projects	2	2	1
ERCA hosted special events	29	24	22
Number of schools	71	72	75
Number of unique education programs	434	256	307
Number of students	12,224	9,958	14,588
Number of public meetings/workshops	31	22	28
Day Use Visitors to JRPH (estimated)	11,830	11,910	11,625
Day Use Visitors to HBCA (estimated)	12,588	9,600	10,800
Number of seasonal campsites purchased	67	72	72

## A Strong, Resilient Organization

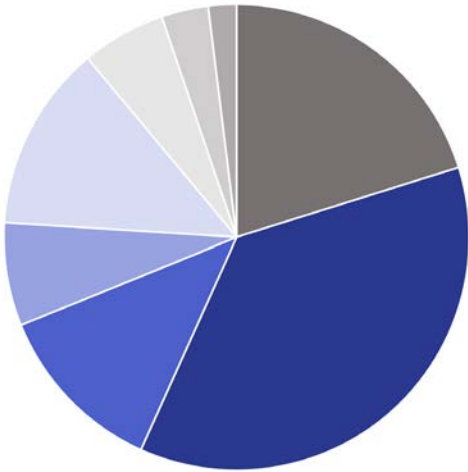
	2017	2018	2019
Area of CA Jurisdiction	1,681.3 km <sup>2</sup>	1,681.3 km <sup>2</sup>	1,681.3 km <sup>2</sup>
Watershed Population	325,351	323,793	322,715
Staff—Permanent and Long-Term Contract	36	39	38
Staff—Special Grant and Short-Term Full-Time Equivalent Contract	10	12	10
Average Full Time Staff Length of Service	12	9	10
Number of Local Committees, Boards and Advisory Panels with ERCA representation	29	28	24
Number of Provincial Committees, Boards and Advisory Panels with ERCA representation	28	28	26
Number of research studies with ERCA involvement	8	12	7
Number of unique visitors to our website	70,997	65,528*	71,918
Number of Facebook followers	2,948	3,168	4,011
Number of Twitter followers	2,676	2,896	3,159
Number of Instagram followers (launched October 2016)	225	1,061	1,313
Number of Youtube video views	2,550 views 4,893 min	2,400 views 4,500 min	3,500 views 7,854 min

\*Some data unavailable due to website changeover.



# 2019 Financial Review

## Projected Use of Funds by Function \$7.24M

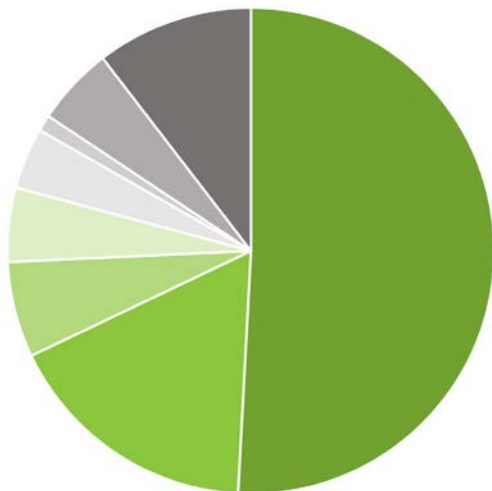


Conservation Services	\$2,648,031
Watershed Research Services	\$877,558
Community Outreach Services	\$515,498
Corporate and Shared Services	\$937,245
Capital Projects	\$423,202
Transfer to 2020 Activities/Projects	\$235,993
Transfer to Reserves	\$141,550
Watershed Management Services	\$1,459,879



## Projected Use of Funds by Expense

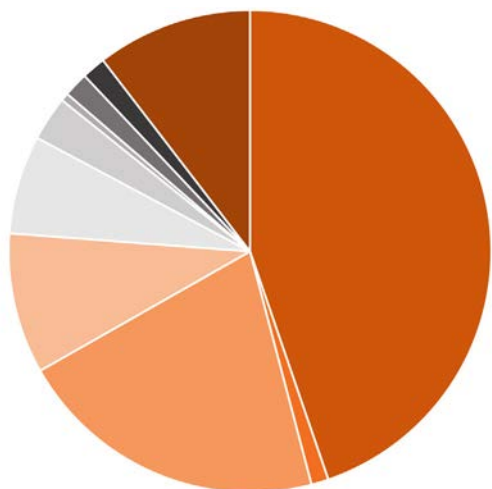
\$7.24M



Compensation	\$3,680,855
Program Materials & Supplies	\$1,234,743
Construction Contracts	\$461,370
Rent, Taxes, Utilities & Insurance	\$356,100
Contracted & Prof Services	\$295,244
Vehicle/Equipment Replacement	\$78,000
Transfer to Reserves & Future Years	\$377,543
Internal chargebacks & recoveries	\$755,100

## Projected Funding by Source

\$7.24M



Internal chargebacks/recoveries	\$755,100
Municipal levies	\$3,238,666
Municipal special project contributions	\$83,508
Fee for service	\$1,510,997
Other/ERCF grants	\$682,800
Federal grants	\$478,340
Provincial transfer payments	\$215,976
Provincial special project grants	\$39,000
Prior year's surplus	\$119,568
Interest/in kind/sundry	\$115,000



# 2019 At A Glance

79

Surface, ground and benthos water quality sites **monitored**.



172

Days under **flood watch or warning**—a record in this changing climate.



15 days

Average **permit response time** for minor developments.



83

**Events and workshops** hosted to connect people with the Place for Life.



31

**Acres** of forest and wetlands restored.





# 57,560

**Trees** planted to increase green space.



# 80

Projects implemented to improve **water quality**.



# 14,588

**Students** educated through outdoor education programs.



# 1,305

**Permits** requested and reviewed to ensure landowner protection.



# 2,057

Awesome **volunteers** helped enrich & sustain the Place for Life.





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youtube.com/**TheEssexRegionCA**

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