

Development & Heritage Standing Committee Meeting Agenda

Date: Tuesday, September 1, 2026

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

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

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

MEMBERS:

Ward 1 – Councillor Fred Francis

Ward 4 - Councillor Mark McKenzie

Ward 7 - Councillor Angelo Marignani

Ward 9 - Councillor Kieran McKenzie

Ward 10 - Councillor Jim Morrison (Chairperson)

Member Anthony Arbour

Member Joseph Fratangeli

Member John Miller

Member Charles Pidgeon

Member Robert Polewski

Member Khassan Saka

Member William Tape

ORDER OF BUSINESS

Item #	Item Description
1.	CALL TO ORDER

READING OF LAND ACKNOWLEDGMENT

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

2.	DISCLOSURES OF PECUNIARY INTEREST AND THE GENERAL NATURE THEREOF
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3.	REQUEST FOR DEFERRALS, REFERRALS OR WITHDRAWALS
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4.	COMMUNICATIONS
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5.	ADOPTION OF THE <i>PLANNING ACT</i> MINUTES
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5.1.	Adoption of the Development & Heritage Standing Committee (Planning Act) minutes of its meeting held August 04, 2026 (SCM 277/2026)
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6.	PRESENTATION DELEGATIONS (<i>PLANNING ACT</i> MATTERS)
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7.	<i>PLANNING ACT</i> MATTERS
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7.1.	Zoning By-law Amendment Application for 466 California Avenue, Z-014/26 [ZNG-7375], Ward 2 (S 89/2026) <i>Author: Brian Nagata, MCIP, RPP Planner III - Development</i>
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7.2.	Amendment to Subdivision Agreement CE811195 regarding the properties known as 3586, 3592, 3597, 3598 SUTTON AVENUE; File No. SDN-002/26 [SDN/7381]; Ward 9 (S 94/2026) <i>Author: Justina Nwæseji, MCIP, RPP Planner III - Development</i>
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8. **ADOPTION OF THE MINUTES**
9. **PRESENTATIONS AND DELEGATIONS (COMMITTEE ADMINISTRATIVE MATTERS)**
10. **HERITAGE ACT MATTERS**
11. **ADMINISTRATIVE ITEMS**
 - 11.1. Part Closure of Roseland Crescent East and Roseland Crescent West located east of Dougall Avenue and south of Cabana Road East, Ward 9, SAS-4182 (**S 78/2026**) (**AI 12/2026**) *Author: Brian Nagata, MCIP, RPP, Planner III – Development*
 - 11.2. Closure of the east/west alley located east of Prado Place, south of Wyandotte Street East and west of Villaire Avenue, SAA-7255, Ward 6 (**S 95/2026**) *Author: Denise Wright, Manager Real Estate Services*
 - 11.3. Closure of the north/south and east/west alleys located north of Vimy Avenue, east of Elsmere Avenue, south of Lens Avenue and west of Parent Avenue, SAA-7240, Ward 4 (**S 96/2026**) *Author: Denise Wright, Manager Real Estate Services*
12. **COMMITTEE MATTERS**
13. **QUESTION PERIOD**
14. **ADJOURNMENT**



Committee Matters: SCM 277/2026

Subject: Adoption of the Development & Heritage Standing Committee (Planning Act) minutes of its meeting held August 04, 2026

**Development & Heritage Standing Committee Meeting
(Planning Act Matters)**

Date: Tuesday, August 04, 2026

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

Members Present:

Councillors

Ward 1 - Councillor Fred Francis

Ward 9 - Councillor Kieran McKenzie

Ward 10 - Councillor Jim Morrison (Chairperson)

Councillor Regrets

Ward 4 - Councillor Mark McKenzie

Ward 7 - Councillor Angelo Marignani

Members

Member Anthony Arbour

Member John Miller

Member Charles Pidgeon

Member Robert Polewski

Member William Tape

Member Regrets

Member Joseph Fratangeli

Member Khassan Saka

**PARTICIPATING VIA VIDEO CONFERENCE ARE THE FOLLOWING FROM
ADMINISTRATION:**

Sandra Gebauer, Council Assistant

**ALSO PARTICIPATING IN COUNCIL CHAMBERS ARE THE FOLLOWING FROM
ADMINISTRATION:**

Jelena Payne, Deputy Chief Administrative Officer / Commissioner, Economic Development

Jason Campigotto, Deputy City Planner – Growth

Aaron Farough, Senior Legal Counsel

Stacey McGuire, Executive Director Operations

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Ian Day, Senior Manager, Transportation
Patrick Winters, Manager, Development
Laura Diotte, Manager, Planning
Emilie Dunnigan, Manager Development Revenue & Financial Administration
Elara Mehrilou, Supervisor, Coordinator Maintenance
Frank Garardo, Planner III – Policy & Special Studies
Kristina Tang, Planner III -Heritage
Brian Nagata, Planner III - Development
Averil Parent, Planner II - Development Review
Kevin Alexander, Planner III - Special Projects
Justina Nwaesei, Planner III – Development
Simona Simion, Planner III – Economic Development
Aashvi Sarvaiya, Development Review Technician
Natasha McMullin, Clerk Steno Senior
Anna Ciacelli, Deputy City Clerk

Delegations—participating via video conference

Item 7.1 Mohammad Hanah, Applicant, Avant Design
Item 7.2 Daniel Soleski, Agent for Applicant, Architectura
Item 7.3 Helen Berry, Area Resident
Item 7.3 Jason Thibert, ADA Architects, Agent for Applicant
Item 7.3 Giovanni Oliverio, CGI Construction Group, Agent for Applicant
Item 7.3 Jason Baker, Baker Investments Ltd., Applicant
Item 11.1 Michelle Cook-McIntyre, Applicant

Delegations—participating in person

Item 7.2 Mark McMullen, Area Resident
Item 7.2 Cheryl Sprague, President of Delta Chi Childhood Centres
Item 7.3 Len Janisse, Area Resident
Item 10.1 Mike Cardinal, Area Resident
Item 10.1 Kai Hildebrandt, Area Resident
Item 11.2 Melanie Muir, Dillon Consulting, Agent for Applicant

1. CALL TO ORDER

The Chairperson calls the meeting of the Development & Heritage Standing Committee to order at 4:30 o'clock p.m.

2. DISCLOSURES OF PECUNIARY INTEREST AND THE GENERAL NATURE THEREOF

Member Willian Tape discloses an interest and abstains from voting on Item10.2 being “Heritage Designations of 'High' Priority Properties, Batch II (City-wide),” items related to the Greater Essex County District School Board properties and the Anglican Diocese in London, for which he is a consultant.

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3. REQUEST FOR DEFERRALS, REFERRALS OR WITHDRAWALS

4. COMMUNICATIONS

None presented

5. ADOPTION OF THE *PLANNING ACT* MINUTES

5.1. Adoption of the Development & Heritage Standing Committee minutes (*Planning Act*) of its meeting held July 6, 2026

Moved by: Member Anthony Arbour

Seconded by: Member Robert Polewski

THAT the *Planning Act* minutes of the Development & Heritage Standing Committee of its meeting held July 6, 2026 **BE ADOPTED** as presented.
Carried.

Report Number: SCM 266/2026

7. *PLANNING ACT* MATTERS

7.1. Zoning By-Law Amendment - Z 016-26 (ZNG-7379) 0 & 563 Brant St. - Ward 3

Averil Parent (author), Planner II - Development Review, is available for questions.

Mohammad Hanah (applicant) is available for questions.

Moved by: Councillor Fred Francis

Seconded by: Councillor Kieran McKenzie

Decision Number: **DHSC 854**

I. THAT Zoning By-law 8600 **BE AMENDED** by adding the following zoning exception to Section 91.10:

33. **SOUTH SIDE OF BRANT STREET BETWEEN GLENGARRY AVENUE AND AYLMEER AVENUE**

1. For the lands comprising of Part Block 22, Part Lots 5 & 6 on Registered Plan 126, the following additional provisions shall apply:

a) *Lot Frontage: minimum 13.7 m*

b) *Side Yard Width: where a habitable room window of any dwelling unit faces a side lot line:*

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1. From the westerly *lot line*: *minimum* 0.20 m
2. From the easterly *interior lot line*: *minimum* 2.20 m
- c) *Landscaped Area*: *minimum* 30% of *lot area*
- d) Notwithstanding Sections 24.20.10 and 24.22.10, each *parking space* or *visitor parking space* shall have a *minimum* length of 5.5 m and a *minimum* width of 2.5 m.
- e) Notwithstanding Section 24.26.1 *required parking spaces* and *visitor parking spaces* for *dwelling units* are permitted to be located at Block 21, East Part Lot 6 on Registered Plan 126
- f) Notwithstanding Clauses .5 and .6 of Table 25.5.20.1, the *minimum* separation of a *parking area* from a *building* wall containing a *habitable room window* or containing both a main pedestrian entrance and a *habitable room window* facing the *parking area* where the *building* is located on the same *lot* as the *parking area* shall be 1.20 m
- g) Notwithstanding Section 25.5.30.4, the *minimum* width of an *access area* shall be 6.30 m
- h) Notwithstanding Section 25.5.40.3, the *minimum* width of a *collector aisle* shall be 5.40 m
2. For the lands comprising of Block 21, East Part Lot 6 on Registered Plan 126, a *Public Parking Area* shall be an additional permitted *main use*, and the following additional provisions shall apply to a *Public Parking Area*:
 - a) Notwithstanding Sections 24.20.10 and 24.22.10, each *parking space* or *visitor parking space* shall have a *minimum* length of 5.5 m and a *minimum* width of 2.5 m.
 - b) Section 25.5.10.1 shall not apply
 - c) Notwithstanding Clause .2 in Table 25.5.20.1, the *minimum* parking area separation of a *parking area* from Brant Street shall be 0.9 m
 - d) Section 25.5.20.1.3 shall not apply
 - e) A *screening fence* shall be provided along the *lot lines* that bound the *parking area* and shall have a *minimum* height of 1.2 m along the west *lot line*, and a height of 0.9 m along the north and south *lot lines*.

[ZDM 6; ZNG/7379]

- II. THAT Zoning By-law 8600 **BE FURTHER AMENDED** by changing the zoning of Part Block 22, Part Lots 5 & 6, Plan 126, known municipally as 0 & 563 Brant Street (Roll No. 030-080-04504 and 030-090-04700), situated on the south side of Brant Street between Glengarry Avenue and Aylmer Avenue RD3.1 to RD3.1x(33).

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III. THAT the Manager of Right of Way **BE DIRECTED** to collect the Owner's alley contribution (as described in the comments attached as Appendix C) as part of the Right of Way Permit.

Carried.

Report Number: S 70/2026

Clerk's File: Z/15190

7.2. Zoning By-law Amendment for 1258-1264 Argyle Road; Applicant: 1000919722 Ontario Inc.; File No. Z-011/26 [ZNG/7371]; Ward 4

Justina Nwaesei (author), Planner III-Development, presents application.

Daniel Soleski (agent) is available for questions.

Mark McMullen (area resident) is an adjacent property owner and has concerns of not receiving the revised proposal for the property as the roofline has changed from the original proposal, and compatibility regarding proportion, scale, sunlight, materials, roofline and setbacks. Mr. McMullen states concerns that the overall site design has a balance of parking, landscaping and open space, whether the Heritage Conservation District Guidelines have been followed for material and architecture. Mr. McMullen has concerns that the zoning relief and questions if the zoning relief is appropriate and asks that the proposal be reconsidered for proportion, setbacks, existing rooflines, quality materials and compatibility.

Councillor Kieran McKenzie requests clarification from Mr. McMullen about his concern for massing and whether he meant height. Mr. McMullen states that the height is not the concern rather the volume because the roofline extends out to the perimeter of the building so the overall volume is greater than adjacent buildings.

Councillor Kieran McKenzie inquires whether Mr. McMullen acknowledges the difference between a peaked versus flat roof, where the peaked room would be more consistent with the neighbourhood. Mr. McMullen acknowledges the roof difference.

Councillor Kieran McKenzie requests Mr. McMullen's comments on a three-townhome development resulting in nine units instead of the proposed seven units. Mr. McMullen states that concerns of neighboring properties having parking lots next to their rear yards. The original design proposed six parking spots where this proposal provides seven and is due to the relief from the setbacks. Councillor McKenzie states that the parking ratio is 1.25 parking spots per unit.

Councillor Kieran McKenzie inquires about concerns raised by Administration and residents about requirements. Dan Soleski states that there is a reduction of roofline volume, sympathetic massing without any flat roofs, consultation has been completed with adjustments to the proposal that is satisfactory with several different City departments, the parking ration is 1:1 and believes that the project is viable.

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Councillor Kieran McKenzie inquires if the Agent and Applicant are in agreeance with Administrations recommendations. Mr. Soleski agrees.

Councillor Kieran McKenzie requests clarification regarding the change in proposal presented at the open house for the community and how changes are communicated to residents. Ms. Nwaesei states that purpose of an open house is for the developer to present their proposal and collect concerns and improvements from residents and the City to adjust their initial proposal. Ms. Nwaesei states that changes have been made and provisions are still required. Ms. Nwaesei states that the revised proposal is posted on the City's Current Development Application webpage ten days prior to the meeting.

Councillor Kieran McKenzie inquires about the current proposal of the roof. Ms. Nwaesei states that the design of the roof had an extensive review by the Heritage Planner regarding design and materials to follow the Heritage Policies in the Official Plan to guide the changes. Ms. Nwaesei states that the current proposal does not meet the current zoning by-law. Ms. Nwaesei also states that the recommendation in Report C100/2026 does not include any relief for increase in building height, and the applicant is expected to comply with the building height provision in the RD2.2 zoning category.

Moved by: Councillor Kieran McKenzie

Seconded by: Member Anthony Arbour

Decision Number: **DHSC 855**

I. THAT Zoning By-law 8600 **BE AMENDED** by adding the following clause to Section 91.10:

34 EAST SIDE OF ARGYLE ROAD, BETWEEN OTTAWA STREET AND ONTARIO STREET

For the land comprising Lot 68 and Part of Lots 67 and 69, on Plan 684, PIN 01131-0560 LT, PIN 01131-0561 LT, and PIN 01131-0562 LT, one *Multiple Dwelling* with a *maximum* of 7 dwelling units shall be an additional permitted *main use* subject to the following additional provisions:

- a) *Lot Area: minimum 720.0 m²*
- b) *Landscaped Open Space Yard: minimum 35.0% of lot area*
- c) Notwithstanding Section 24.20.5.1, the *minimum* parking rate shall be 1.0 for each dwelling unit
- d) Section 24.22 shall not apply
- e) Section 24.24 shall not apply
- f) Notwithstanding Clause .3 in Table 25.5.20.1, the *minimum parking area separation* from an alley shall be 0 m
- g) Section 25.5.30 shall not apply
- h) Exterior Cladding:

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1. North, South, and East Sides of the building -
 - a. Red brick veneer - *minimum* 50% of the exterior wall face
 - b. Stucco limited to the second storey
2. West Side of the building –
 - a. Red brick veneer – *minimum* 80% of the exterior wall face
 - b. Red brick veneer predominantly raised up to the soffit
 - c. Stucco is permitted as an accent material on the second storey only.
- i) Roofing Material shall be of “Certainteed Carriage House Asphalt Shingles” or similar scalloped shingle.
- j) A flat roof or a roof having a slope of less than 20.0 degrees is prohibited.
- k) A *Multiple Dwelling* containing 8 or more *dwelling units* is prohibited

[ZDM 7; ZNG/7371]

- II. THAT Zoning By-law 8600 **BE FURTHER AMENDED** by changing the zoning of PT LOT 67 and 68, PLAN 684 (PIN -01131-0560 LT), PT LOT 68 PLAN 684 (PIN 01131-0561 LT), and PT LOT 68 and 69, PLAN 684 (PIN 01131-0562 LT), situated on the east side of Argyle Road, between Ottawa street and Ontario Street (municipally known as 1258, 1262, & 1264 Argyle Road); Roll Numbers 020-230-02300, 020-230-02400, and 020-230-02500) from RD2.2 to RD2.2x(34).
- III. THAT the City Engineer **BE DIRECTED** to require the following prior to issuing a street opening permit for the subject property
 - a) the owner abandons the existing undersized water service on the property and installs adequately sized water service for the new development, entirely at their cost, to accommodate the proposed development on the subject land to the satisfaction of ENWIN Water Engineering, and
 - b) the owner submits a letter from ENWIN Water Engineering to confirm that the upgrade is satisfactory.

Carried.

Report Number: C 100/2026
Clerk's File: Z/15191

7.3. Rezoning – Baker Investments Ltd.- 0 Wyandotte Street East & 0 Watson Avenue - Z-009/26 [ZNG-7369] - Ward 6

Laura Diotte, Manager, Development Applications, presents application.

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Jason Baker (applicant), Giovanni Oliverio (agent) and Jason Thibert (agent) is available for questions.

Helen Berry (area resident) states concerns of traffic flow due to FreshCo. Supermarket for deliveries and customers, a crosswalk at Wyandotte for pedestrians and students from area schools, increased traffic from a newly built apartment building nearby along with this development, and a traffic, sewer and electricity study should be completed.

Len Janisse (area resident) states concerns of that several new developments will not be able to mitigate storm water runoff within the sewer systems, asks if sewer capacity is adequate, and states that recent flooding has occurred within the first floor of his condominium. Mr. Janisse states concern of whether a recent scope has been conducted within the sewers, reduction of greenspace with newer developments, and nearby flooding streets.

Councillor Kieran McKenzie inquires about the traffic impact brief and storm water management. Jason Thibert states that a Traffic Brief was prepared and Functional Servicing Report was submitted to the City. Mr. Thibert states that the Functional Servicing Report found that there is adequate capacity and the civil design will have underground storage for storm water. Mr. Thibert states that a Traffic Brief was conducted and no concerns were raised.

Councillor Kieran McKenzie inquires about any analysis on traffic volume or trips generated and the Stormwater Management capacity and impact. Mr. Thibert states that there is not Traffic Engineer from the applicants team available to answer questions and that the reports that were requested by the City have been submitted.

Councillor Fred Francis inquires if there has been maintenance, smoke testing or eeling in the area. Stacey McGuire confirms that the sewers were flushed in 2025 with camera records that indicated no issues.

Councillor Francis inquires about the capacity issues based on a development of this size. Patrick Winters states that a Sanitary Service Capacity Assessment has been provided and approved by the Engineering Department. Mr. Winters states that there are two sanitary sewers on Wyandotte Street and this will be directed to the newer of the two which was built in 2004.

Councillor Francis inquires if access on Watson Avenue is necessary or if Wyandotte Street can be used. Ms. McGuire states that a Traffic Impact Memo submitted did not state that there can only be one access, however, indicates a compelling reason to have two points as it provides several benefits. Ms. McGuire states that access on Watson Avenue directs residential use towards an existing traffic light where Wyandotte Street does not have a traffic light creating a safer situation.

Councillor Kieran McKenzie inquires about the Storm Water Capacity analysis. Mr. Winters states that there are a number of large-scale Capital Projects to improve capacity in the area, and a Storm Water Management report will need to be provided demonstrating no adverse impact of the area.

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Chair Morrison inquires if there is a turning lane on Wyandotte Street. Ms. McGuire states that there is no lefthand turn lane that extends to the access on the site which factored into the analysis.

Moved by: Councillor Fred Francis

Seconded by: Member Anthony Arbour

Decision Number: **DHSC 856**

- I. THAT Zoning By-law 8600 **BE AMENDED** by adding the following zoning exception to Section 91.10:

35. NORTHEAST CORNER OF WYANDOTTE STREET EAST AND WATSON AVENUE

For the lands comprising Block "A" and Block "B", Registered Plan 1628, and Part of Block "B", Registered Plan 1627 (PIN 01066-0197 & PIN 001066-0244), the following additional provision shall apply:

- a) *Landscaped Area: minimum 26.5% of the lot area.*
- b) *Parking Area separation: From the north interior lot line: minimum 2.0 m.*
- c) *A continuous screening fence with a minimum height of 1.8 m shall be provided along the north interior lot line.*

[ZDM 14; ZNG/7369]

- II. THAT Zoning By-law 8600 **BE FURTHER AMENDED** by changing the zoning of Block "A" and Block "B", Registered Plan 1628, and Part of Block "B", Registered Plan 1627 (PIN 01066-0197 & PIN 001066-0244), situated on the east side of Watson Avenue between Menard Street and Wyandotte Street East, known municipally as 0 Wyandotte Street East and Watson Avenue (Roll No: 060-330-00100 & 060-330-00200) from RD1.1 and RD3.2 to RD3.2x(35).

Carried.

Report Number: S 84/2026

Clerk's File: Z/15176

8. ADJOURNMENT

There being no further business the meeting of the Development & Heritage Standing Committee (*Planning Act* Matters) portion is adjourned at 5:29 o'clock p.m.

Ward 10 – Councillor Jim Morrison
(Chairperson)

Deputy City Clerk / Supervisor of Council
Services



Council Report: S 89/2026

Subject: Zoning By-law Amendment Application for 466 California Avenue, Z-014/26 [ZNG-7375], Ward 2

Reference:

Date to Council: September 1, 2026
Author: Brian Nagata, MCIP, RPP
Planner III - Development (A)
(519) 255-6543 ext. 6181

Planning & Building Services
Report Date: 7/23/2026
Clerk's File #: Z/15202

To: Mayor and Members of City Council

Recommendation:

- I. THAT Zoning By-law 8600 **BE AMENDED** by adding the following zoning exception to Section 91.10:

36. EAST SIDE OF CALIFORNIA AVENUE BETWEEN FANCHETTE STREET AND WYANDOTTE STREET WEST

For the lands comprising Lots 58 & 59, Block A, Plan 50 (PIN 01232-0280 LT), for a *Double Duplex Dwelling* the following additional provisions shall apply:

- a) *Lot Width: minimum 15.0 m*
- b) *Lot Area: minimum 510.0 m²*
- c) *Lot Coverage: maximum 49.0%*
- d) *Building Height: Main Building: maximum 9.5 m*
- e) Notwithstanding Section 24.26.5, a *parking space* is permitted in a *required front yard*.

[ZDM 3; ZNG/7375]

- II. THAT Zoning By-law 8600 **BE FURTHER AMENDED** by changing the zoning of Lots 58 & 59, Block A, Plan 50 (PIN 01232-0280 LT), situated at the east side of California Avenue between Fanchette Street and Wyandotte Street West from RD2.1 to RD2.2x(36).

Executive Summary:

N/A

Background:

Application Information:

Location: 466 California Avenue

Legal: (Lots 58 & 59, Block A, Plan 50; PIN 01232-0280 LT)

Roll No. 050-110-09100

Ward: 2 **Planning District:** River West **Zoning District Map:** 3

Applicant: Borys Sozanski

Owner: Same as Applicant

Agent: Oakview Land Use Planning (Robert Brown)

Proposal: Construct a two-storey double duplex dwelling while retaining the existing driveways from California Avenue and the rear alley.

Requested Amendment: Change existing Residential District 2.1 (RD2.1) zoning to Residential District 2.2 (RD2.2) with a zoning exception.

Submissions: All documents are available [online](#) on the City's website.

Attached to this Report: Conceptual Plans (Appendix A)

Not attached to this Report: Planning Justification Report and Zoning By-law Amendment Application

Site Information:

Official Plan	Zoning	Current Use	Previous Use
Residential	Residential District 2.1 (RD2.1)	Single Dwelling Unit	Agricultural
Lot Width	Lot Depth	Lot Area	Lot Shape
15.2 m	33.7 m	513.3 m ²	Rectangular
<i>All measurements are based on Registered Plan 50</i>			

Neighbourhood:

The subject property sits on the eastern side of the River West neighbourhood. The River West neighbourhood constitutes the area north of Tecumseh Road West, east of Huron Church Road, south of the Detroit River and west of the Canadian Pacific Railway corridor.

Surrounding Land Uses				
Land Use	North	East	South	West
Commercial			X	
Community Centre/Library		X		X
Institutional			X	
Mixed Use Corridor			X	
Parks	X			
Residential - Low Profile	X	X	X	
School - Elementary			X	
School - Secondary			X	
School - Post Secondary			X	X

Municipal Infrastructure			
Land Use	California Avenue	Alley	Walking Distance
Curbs & Gutters	Y		
Lanes	2		
Sidewalks	Y		
Streetlights	Y		
Bike Route	Y		Y
Transit Route	N		Y
Multi-Use Trail	N		N
On-Street Parking (Residential Permit)	Y		
Sanitary Sewer	Y	N	
Storm Sewer	Y	N	
Watermain	Y	N	
Hydro	N	Y	

Consultations:

Comments received from City Departments, external agencies and members of the public on this application were taken into consideration when preparing this report. Appendix F includes a record of comments received.

There are no objections to the proposed amendment.

On February 12, 2026, the Applicant hosted an in-person public open house at the Windsor International Aquatic & Training Centre and notified owners of properties within 200 metres of the subject property. Three residents attended. The Applicant did not receive any comments by phone, letter, or email.

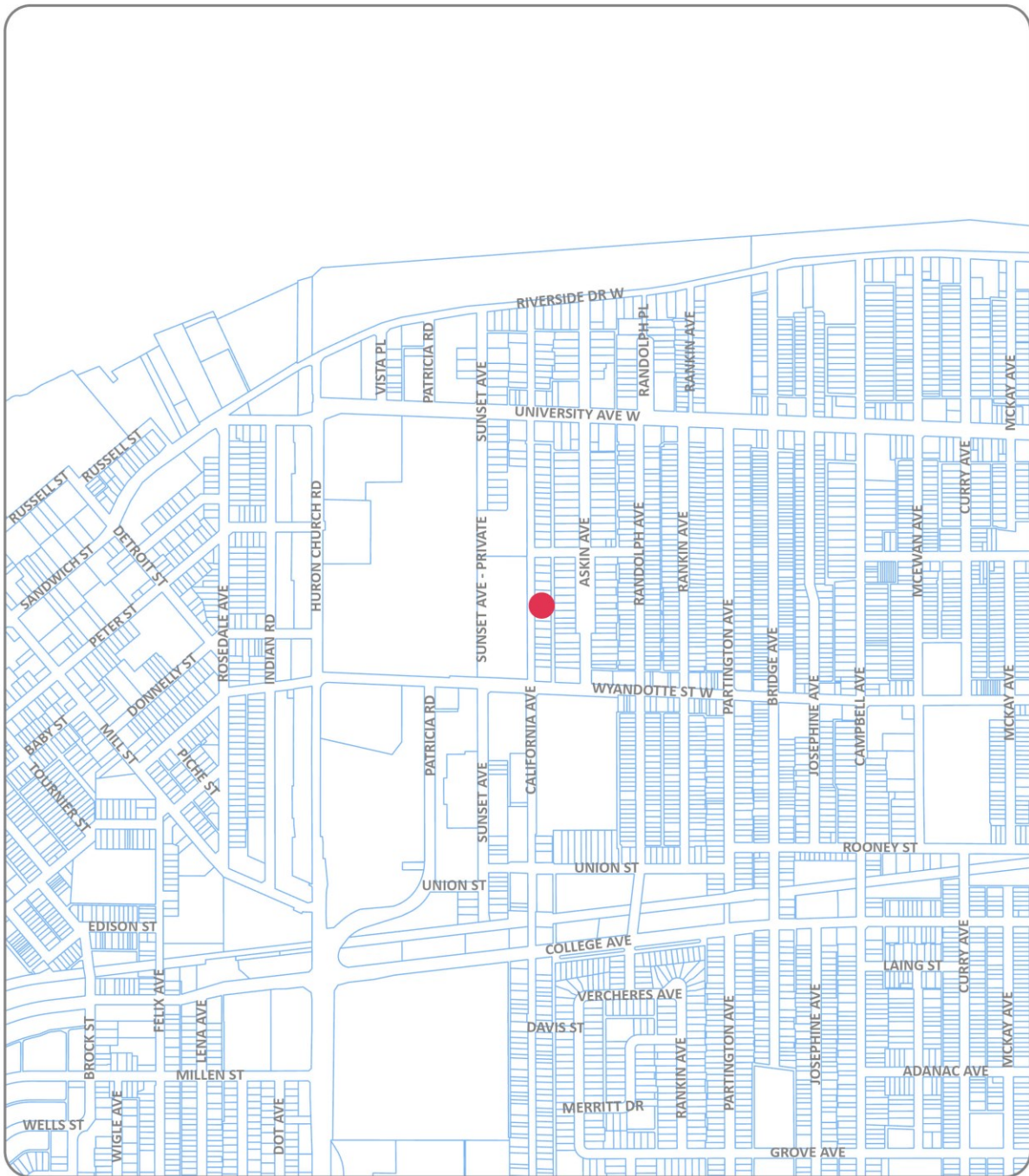
Section 3 of the PJR summarizes the comments and questions, along with their corresponding responses.

Comments received were taken into consideration when preparing this report.

The City published a statutory notice in the Windsor Star, and mailed a courtesy notice to property owners and residents within 200 metres of the subject property.

Anticipated Change Based on Recommendations:

Issue	Existing Conditions / Permissions	Proposed / Recommended	Change	Study / Report Submitted
Land Use	Single Unit Dwelling	Double Duplex Dwelling	Net increase of three dwelling units	YES (Planning Justification Report)
Transportation	Single Unit Dwelling	Double Duplex Dwelling	No significant change in vehicle trips	NO (Transportation Impact Statement not required)
Required Parking	Minimum of four spaces required for a Double Duplex Dwelling	Existing two-car driveway from California Avenue and four-car driveway from the rear alley are being maintained	No change	NO (Parking Study not required)
Stormwater	Natural site drainage	A stormwater drainage system must be installed in accordance with the requirements of the building permit to construct the double duplex dwelling	Restricted to the pre-development release rate	NO (Functional Service Report not required)



KEY MAP - Z-014/26 [ZNG-7375]



● SUBJECT LANDS



PART OF ZONING DISTRICT MAP 3

N.T.S.

REZONING

Applicant: Borys Sozanski

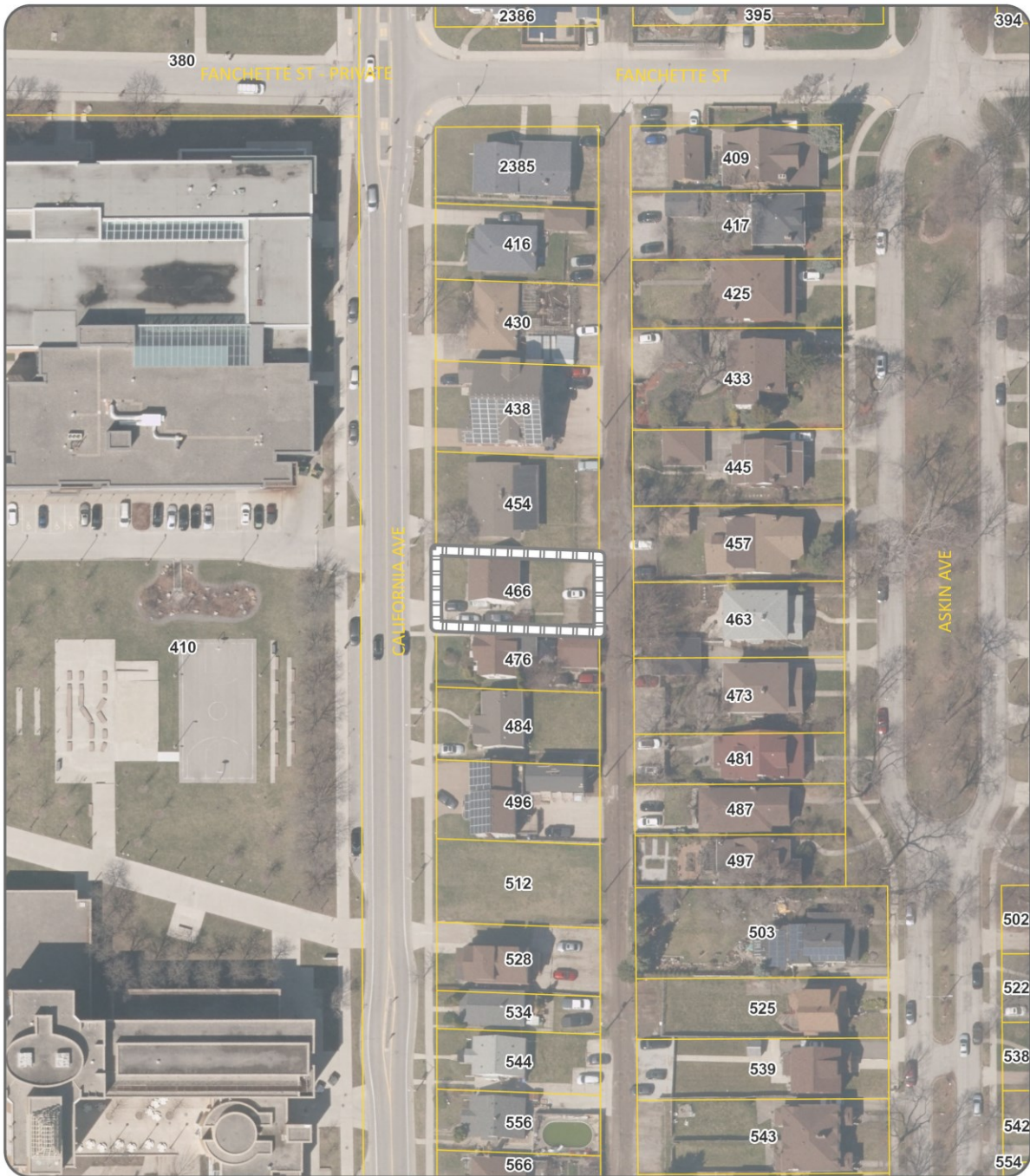


SUBJECT LANDS

PLANNING & BUILDING DEPARTMENT



DATE : JUNE 2026
FILE NO. : Z-014-26, ZNG-7375



NEIGHBOURHOOD MAP - Z-014/26 [ZNG-7375]



SUBJECT LANDS

Discussion:

Planning Justification Report (Robert Brown, MCIP, RPP, Oakview Land Use Planning, March 23, 2026)

The Planning & Development Services Department generally concurs with the planning analysis, summary, and conclusions contained within the Planning Justification Report (PJR).

The PJR concludes that the subject lands are located within an area undergoing significant transition due to its proximity to the University. The neighbourhood has experienced residential dwelling conversions, the development of larger purpose-built student housing projects, and the removal of existing dwellings to facilitate land assembly and accommodate future redevelopment opportunities. These changes have contributed to an increased supply of housing near the campus, supporting a more compact urban form while providing students with convenient access to active transportation options and public transit.

In this context, the proposed Zoning By-law Amendment represents good land use planning by facilitating appropriate residential intensification in an area where continued growth and redevelopment are anticipated. The proposal is consistent with the evolving character of the neighbourhood and aligns with the City of Windsor's broader planning objectives for lands surrounding the University. As such, Administration supports the requested amendment.

Provincial Planning Statement 2024 (PPS):

The defined role of the Provincial Planning Statement, 2024 (the "PPS") is to provide *"policy direction on matters of provincial interest related to land use planning and development. As a key part of Ontario's policy-led planning system, the PPS sets the policy foundation for regulating the development and use of land province-wide, helping achieve the provincial goal of meeting the needs of a fast-growing province while enhancing the quality of life for all Ontarians."*

Appendix C lists policies of the PPS that are considered relevant in discussing provincial interests related to this amendment.

The Planning Department found this amendment to be consistent with the above policies.

Official Plan (OP):

The subject parcel is designated Residential on Schedule D: Land Use of the OP. Section 2 of the PJR provides a review and analysis of the applicable OP policies, including locational criteria, servicing, parking, and compatibility. It concludes that the proposed development conforms to the OP.

The Planning & Development Services Department concurs with the analysis in the PJR and that the recommended amendment to Zoning By-law 8600 conforms to the overall policy direction of the OP.

City of Windsor Intensification Guidelines:

The subject property is situated within a Stable Neighbourhood designated for Low Profile development, which includes single-detached, semi-detached, duplex, townhome, and multiple dwelling forms generally not exceeding three storeys in height.

Section 2.3 of the City of Windsor Intensification Guidelines encourages modest infill development that is compatible with the established neighbourhood pattern while recognizing that new development need not replicate existing architectural styles, designs, or materials. The intent is to ensure that infill development integrates with the existing context, coexists harmoniously with surrounding land uses, and does not result in undue adverse impacts on neighbouring properties.

The guidelines further emphasize that new development should be sensitively integrated into the neighbourhood through compatible building design, scale, massing, materials, and architectural features, while minimizing impacts related to shadowing, privacy, and access to sunlight.

The Planning & Development Services Department has evaluated the proposed development against the applicable Intensification Guidelines and is satisfied that it is compatible with the surrounding neighbourhood context. The proposal is consistent with the established and evolving character of the area, will not result in undue adverse impacts on adjacent properties, and conforms to the intent of the City of Windsor Intensification Guidelines.

Zoning By-Law

The subject property is within an RD2.1 zone of Zoning By-law 8600, which does not permit a double duplex dwelling use.

The Applicant is requesting an amendment to change the existing zoning to RD2.2 with a zoning exception to facilitate the proposed development. The RD2.2 zone permits a broader range of low-density residential uses, including a double duplex dwelling, a multiple dwelling containing a maximum of four dwelling units, and a townhome dwelling, in addition to the duplex dwelling, semi-detached dwelling, and single-unit dwelling uses permitted in the RD2.1 zone. The proposed zoning is appropriate for the subject property, represents a logical extension of the permitted residential uses in the area, and is compatible with both the existing and permitted land uses in the surrounding area.

Proposed Zoning Exception 36 establishes the following site-specific provisions for a double duplex dwelling use:

Clause a) reduces the minimum lot width requirement from 18.0 metres to 15.0 metres. The requested reduction in minimum lot width is appropriate and desirable as it reflects the established development pattern within the surrounding block. The 15 residential properties on the block have lot widths ranging from approximately 7.6 metres to 19.8 metres, with an average width of 14.6 metres. As the proposed lot width is generally consistent with and slightly exceeds the average lot width in the immediate area, the

relief will maintain compatibility with the character of the neighbourhood and will not result in a lot that is out of scale with surrounding properties.

Clause b) reduces the minimum lot area requirement from 540.0 m² to 510.0 m². The requested reduction in minimum lot area from 540.0 m² to 510.0 m² is appropriate and desirable given the existing lot fabric in the area. The 15 residential properties within the block have lot areas ranging from approximately 250.1 m² to 648.5 m², with an average lot area of 480.9 m². The proposed lot area exceeds the average lot area of existing properties and remains sufficient to accommodate residential development while maintaining appropriate setbacks, landscaping, and amenity space. The relief recognizes the prevailing lot configuration in the area and is not expected to create any adverse land use planning impacts.

Clause c) increases the maximum lot coverage from 45.0% to 49.0% to permit an additional 18.2 m² of lot coverage, comprising 7.0 m² of additional building area (representing a 0.6-metre increase in building length to account for the smaller lot size) and two porches measuring 5.6 m² each at the front and rear entrances, which provide architectural detail and serve as visual focal points for the dwelling. No relief is requested from the minimum front yard depth, rear yard depth, or side yard width requirements.

Clause d) proposes an increase in the maximum permitted main building height from 9.0 metres to 9.5 metres. The surrounding block contains a mix of one-, two-, and three-storey dwellings, reflecting a varied built form that has evolved over time. The neighbourhood developed incrementally between 1925 and 2012, resulting in a diverse range of building heights and architectural styles.

Clause e) removes the prohibition on locating a parking space within a required front yard to recognize the existing two-car driveway with access from California Avenue.

No other zoning deficiencies have been identified or supported.

Appendix E includes relevant excerpts from Zoning By-law 8600.

Appendix G includes a Draft Amending By-law. Subsection 24 (1) of the *Planning Act*, R.S.O. 1990, c. P.13, prohibits a by-law from being passed that does not conform to the Official Plan. As discussed through the Official Plan section herein, the proposed amendment conforms to the applicable policies of the Official Plan.

Risk Analysis:

N/A

Climate Change Risks

Climate Change Mitigation:

Residential intensification minimizes the community's greenhouse gas emissions. Development within existing communities and neighbourhoods, while using existing infrastructure such as sewers, sidewalks, and public transit, helps mitigate development impacts.

Situating development in areas with access to active transportation and transit increases the likelihood that residents will use various non-vehicular means of utilitarian transportation, thereby collectively reducing greenhouse gas emissions within the City of Windsor.

Climate Change Adaptation:

Climate change may affect the new building, particularly through increased extreme precipitation and more days with temperatures above 30 °C. Although this report does not address these issues in detail, any new construction must comply with the current provisions of the Building Code, which the building permit process will enforce. The project must also incorporate best practices for stormwater management.

Financial Matters:

N/A

Conclusion:

The *Planning Act* requires that a decision of Council in respect of the exercise of any authority that affects a planning matter, "shall be consistent with the *Provincial Planning Statement 2024*. The Planning & Development Services Department evaluated the recommended zoning amendment to ensure it is consistent with the PPS and conforms to the policies of the City of Windsor Official Plan.

The recommended Zoning By-law amendment is consistent with the PPS, conforms to the policy direction of the City of Windsor Official Plan, is compatible with existing and permitted uses in the surrounding neighbourhood and constitutes good planning.

Planning Act Matters:

Brian Nagata, MCIP, RPP
Planner III - Development (A)

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

Laura Diotte, MCIP, RPP
Deputy City Planner - Development (A)

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

JP

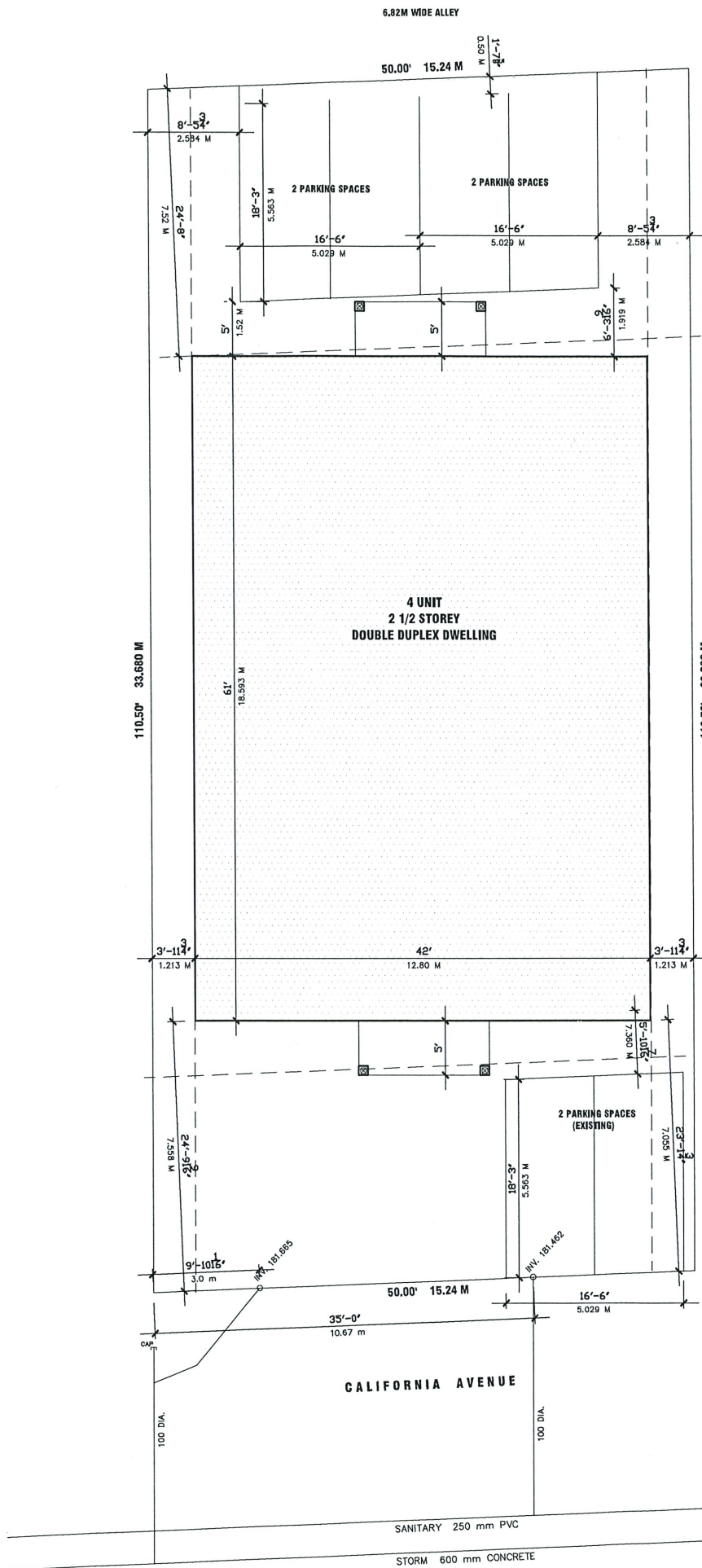
RM

Approvals:

Name	Title
Brian Nagata	Planner III - Development (A)
Laura Diotte	Deputy City Planner – Development (A)
Kate Tracey	Deputy City Solicitor
Neil Robertson	City Planner
Jelena Payne	Deputy CAO/Commissioner, Economic Development
Jelena Payne for Ray Mensour	Chief Administrative Officer

Appendices:

- 1 Appendix A - Conceptual Plan
- 2 Appendix B - Site Photos
- 3 Appendix C - Excerpts from PPS 2024
- 4 Appendix D - Excerpts from Official Plan
- 5 Appendix E - Excerpts Zoning By-law 8600
- 6 Appendix F - Consultations
- 7 Appendix G - Draft Amending By-law



SITE AREA	6520.74 SF	612.894 SM
BUILDING AREA	2562.0 SF	238.018 SM
COVERED PORCH	120.0 SF	11.148 SM
TOTAL AREA	2682.0 SF	249.166 SM
LOT COVERAGE	48.580 %	

GROSS BUILDING AREA:		
THREE FLOORS	7686.0 SF	714.053 SM

PROPOSED SITE PLAN

APPENDIX “B”
Site Photos
(Google Street View - June 2025)



Figure 1 - Looking east towards the subject property from California Avenue



*Figure 2 - Looking northeast towards the subject property (pink house) from California Avenue
(University of Windsor - Toldo Building on left)*



*Figure 3 - Looking southeast towards the subject property (pink house) from California Avenue
(University of Windsor - Toldo Building on right)*

APPENDIX “C”

Excerpts from Provincial Planning Statement 2024 (PPS)

Chapter 2: Building Homes, Sustaining Strong and Competitive Communities

2.1 Planning for People and Homes

6. Planning authorities should support the achievement of complete communities by:
 - a. accommodating an appropriate range and mix of land uses, housing options, ... to meet long-term needs;

2.2 Housing

1. Planning authorities shall provide for an appropriate range and mix of housing options and densities to meet projected needs of current and future residents of the regional market area by:
 - a. permitting and facilitating:
 1. all types of residential intensification, including the ... development and introduction of new housing options within previously developed areas, and redevelopment, which results in a net increase in residential units in accordance with policy 2.3.1.3;
 - b. promoting densities for new housing which efficiently use land, resources, infrastructure and public service facilities, and support the use of active transportation; and
 - c. requiring transit-supportive development and prioritizing intensification, including potential air rights development, in proximity to transit, including corridors and stations.

2.3 Settlement Areas and Settlement Area Boundary Expansions

2.3.1 General Policies for Settlement Areas

1. Settlement areas shall be the focus of growth and development. Within settlement areas, growth should be focused in, where applicable, strategic growth areas, including major transit station areas.
2. Land use patterns within settlement areas should be based on densities and a mix of land uses which:
 - a. efficiently use land and resources;
 - b. optimize existing and planned infrastructure and public service facilities;
 - c. support active transportation; and
 - d. are transit-supportive, as appropriate.

3. Planning authorities shall support general intensification and redevelopment to support the achievement of complete communities, including by planning for a range and mix of housing options and prioritizing planning and investment in the necessary infrastructure and public service facilities.

2.9 Energy Conservation, Air Quality and Climate Change

1. Planning authorities shall plan to reduce greenhouse gas emissions and prepare for the impacts of a changing climate through approaches that:
 - a. support the achievement of compact, transit-supportive, and complete communities;

Chapter 3: Infrastructure and Facilities

3.6 Sewage, Water and Stormwater

2. Municipal sewage services and municipal water services are the preferred form of servicing for settlement areas to support protection of the environment and minimize potential risks to human health and safety. For clarity, municipal sewage services and municipal water services include both centralized servicing systems and decentralized servicing systems.

APPENDIX “D”

Excerpts from the Official Plan

6. Land Use

6.1 Goals

In keeping with the Strategic Directions, Council’s land use goals are to achieve:

<i>NEIGHBOURHOODS</i>	6.1.1	Safe, caring and diverse neighbourhoods.
<i>RESIDENTIAL</i>	6.1.3	Housing suited to the needs of Windsor’s residents.
<i>RESIDENTIAL INTENSIFICATION</i>	6.1.14	To direct residential intensification to those areas of the City where transportation, municipal services, community facilities and goods and services are readily available. (added by OPA #159 – APPROVED July 11, 2022, B/L# 100-2022)

6.2 General Policies

<i>TYPES OF DEVELOPMENT PROFILE</i>	6.2.1.2	For the purpose of this Plan, Development Profile refers to the height of a building or structure. Accordingly, the following Development Profiles apply to all land use designations on Schedule D: Land Use unless specifically provided elsewhere in this Plan: (a) Low Profile developments are buildings or structures generally no greater than three (3) storeys in height;
<i>TYPES OF DEVELOPMENT PATTERN</i>	6.2.1.3	For the purpose of this Plan, Development Pattern refers to an area bounded by the nearest Collector and/or Arterial roads and/or other major linear physical features. Accordingly, two categories of Development Pattern are provided for: (a) a Neighbourhood which exhibits a characteristic lotting and/or development profile; and (b) an Undeveloped Area which does not have characteristic lotting or development profile.

6.3 Residential

The lands designated as “Residential” on Schedule D: Land Use provide the main locations for housing in Windsor outside of the City Centre Planning District. In order to develop safe, caring and diverse neighbourhoods, opportunities for a broad range of housing types and complementary services and amenities are provided.

The following objectives and policies establish the framework for development decisions in Residential areas.

6.3.1 Objectives

<i>RANGE OF FORMS & TENURES</i>	6.3.1.1	To support a complementary range of housing forms and tenures in all neighbourhoods.
<i>NEIGHBOURHOODS</i>	6.3.1.2	To promote compact neighbourhoods which encourage a balanced transportation system.

6.3.2 Policies

In order to facilitate the orderly development and integration of housing in Windsor, the following policies shall apply.

<i>TYPES OF LOW PROFILE HOUSING</i>	6.3.2.3	For the purposes of this Plan, Low Profile housing development is further classified as follows: (a) small scale forms: single detached, semi-detached, duplex and row and multiplexes with up to 8 units; and (b) large scale forms: buildings with more than 8 units.
<i>LOCATIONAL CRITERIA</i>	6.3.2.4	Residential intensification shall be directed to the Mixed Use Nodes and areas in proximity to those Nodes. Within these areas Medium Profile buildings, up to four (4) storeys in height shall be permitted. These taller buildings shall be designed to provide a transition in height and massing from low-profile areas. New residential development and intensification shall be located where: (a) There is access to a collector or arterial road; (b) Full municipal physical services can be provided; (c) Adequate community services and open spaces are available or are planned; and (d) Public transportation service can be provided. (Added by OPA #159 – APPROVED July 11, 2022, B/L# 100-2022)

EVALUATION
CRITERIA FOR A
NEIGHBOURHOOD
DEVELOPMENT
PATTERN

6.3.2.5

At the time of submission, the proponent shall demonstrate to the satisfaction of the Municipality that a proposed residential development within an area having a Neighbourhood development pattern is:

- (a) feasible having regard to the other provisions of this Plan, provincial legislation, policies and appropriate guidelines and support studies for uses:
 - (i) within or adjacent to any area identified on Schedule C: Development Constraint Areas and described in the Environment chapter of this Plan;
 - (ii) adjacent to sources of nuisance, such as noise, odour, vibration and dust;
 - (iii) within a site of potential or known contamination;
 - (iv) where traffic generation and distribution is a provincial or municipal concern; and
 - (v) adjacent to heritage resources.
- (b) in keeping with the goals, objectives and policies of any secondary plan or guideline plan affecting the surrounding area;
- (d) provided with adequate off street parking;
- (e) capable of being provided with full municipal physical services and emergency services; and

11 Tools

This chapter was amended as part of Official Plan Amendments #84 as part of a 5-year review of the Official Plan. Official Plan Amendment #84 was approved by the Ministry of Municipal Affairs and Housing on 07/09/2012.

11.6 Zoning

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

11.6.1 Objectives

COMPATIBLE USES 11.6.1.2 To ensure compatibility between land uses.

11.6.3 Zoning By-law Amendment Policies

AMENDMENTS
MUST CONFORM 11.6.3.1 All amendments to the Zoning By-law(s) shall conform with this Plan. The Municipality will, on each occasion of approval of a change to the zoning by-law(s), specify that conformity with the Official Plan is maintained or that the change will be in conformity upon the coming into effect of an amendment to the Official Plan.

*REVIEW
PROCEDURE*

11.6.3.2 All applications for Zoning By-law amendments shall be processed in accordance with the provisions of the *Planning Act*, and regulations pursuant thereto, and the procedural requirements of this Plan. In general, after an applicant's pre-application consultation meeting with municipal staff and submission of an application that is determined to be complete, all applications shall: **Added by OPA 65 – 10/22/2007– By-law 192-2007**

- (a) Be circulated to appropriate agencies and those agencies be provided with sufficient time to respond; **Added by OPA 65 – 10/22/2007– By-law 192-2007**
- (b) Be advertised and be presented to the public and the views of the public ascertained at a public meeting to be held in accordance with the Planning Act; and **Added by OPA 65 – 10/22/2007– By-law 192-2007**
- (c) Be given due and thorough consideration by Council. **Added by OPA 65 – 10/22/2007– By-law 192-2007**

*EVALUATION
CRITERIA*

11.6.3.3 When considering applications for Zoning By-law amendments, Council shall consider the policies of this Plan and will, without limiting the generality of the foregoing, consider such matters as the following:

- (a) The relevant evaluation criteria contained in the Land Use Chapter of this Plan, Volume II: Secondary Plans & Special Policy Areas and other relevant standards and guidelines;
- (b) Relevant support studies;
- (c) The comments and recommendations from municipal staff and circularized agencies;
- (d) Relevant provincial legislation, policies and appropriate guidelines; and
- (e) The ramifications of the decision on the use of adjacent or similar lands.

APPENDIX “E”**Excerpts from Zoning By-law 8600****City of Windsor Zoning By-law 8600****SECTION 11 – RESIDENTIAL DISTRICTS 2. (RD2.)****11.1 RESIDENTIAL DISTRICT 2.1 (RD2.1)****11.1.1 PERMITTED USES***One Duplex Dwelling**One Semi-Detached Dwelling**One Single Unit Dwelling*

Any use accessory to the preceding uses

11.1.5 PROVISIONS

	Duplex Dwelling	Semi- Detached Dwelling	Single Unit Dwelling
.1 Lot Width – minimum	12.0 m	15.0 m	9.0 m
.2 Lot Area – minimum	360.0 m ²	450.0 m ²	270.0 m ²
.3 Lot Coverage – maximum	45.0%	45.0%	45.0%
.4 Main Building Height – maximum	9.0 m	9.0 m	9.0 m
.5 Front Yard Depth – minimum	6.0 m	6.0 m	6.0 m
.6 Rear Yard Depth – minimum	7.50 m	7.50 m	7.50 m
.7 Side Yard Width – minimum	1.20 m	1.20 m	1.20 m
.10 Gross Floor Area – main building – maximum	400 m ²	400 m ²	400 m ²

11.2 RESIDENTIAL DISTRICT 2.2 (RD2.2)

11.2.1 PERMITTED USES

One *Double Duplex Dwelling*

One *Duplex Dwelling*

One *Multiple Dwelling* containing a maximum of four *dwelling units*

One *Semi-Detached Dwelling*

One *Single Unit Dwelling*

Townhome Dwelling

Any use accessory to the preceding uses

11.2.5 PROVISIONS

.4 Double Duplex Dwelling or Multiple Dwelling

.1	Lot Width – minimum	18.0 m
.2	Lot Area – minimum	540.0 m ²
.3	Lot Coverage – maximum	45.0%
.4	Main Building Height – maximum	9.0 m
.5	Front Yard Depth – minimum	6.0 m
.6	Rear Yard Depth – minimum	7.50 m
.7	Side Yard Width – minimum	1.20 m

SECTION 24 – PARKING, LOADING AND STACKING PROVISIONS

24.26 LOCATION OF PARKING, VISITOR PARKING OR ACCESSIBLE PARKING SPACES

- .5 A parking space, visitor parking space or accessible parking space is prohibited in a required front yard or required landscaped open space yard, except on a lot occupied by a single unit dwelling, semi-detached dwelling, duplex dwelling or a townhome dwelling unit, a parking space, visitor parking space or accessible parking space is permitted in a required front yard.

APPENDIX “F”

Consultations

CALDWELL FIRST NATION COMMUNITY

No comments provided

ENGINEERING - DEVELOPMENT

We have reviewed the subject Rezoning application and have the following comments:

Sewers - The site may be serviced by a 250mm sanitary sewer and a 600mm storm sewer located within the California Avenue right-of-way. If possible, existing connections should be utilized. Any redundant connections shall be abandoned in accordance with the City of Windsor Engineering Best Practice B.P 1.3.3.

Right-of-Way

California Avenue is classified as a Local Road according to the Official Plan requiring a right-of-way width of 20.1m; the current right-of-way is 20.1m, therefore, no conveyance is required at this time.

In summary, we have no objection to the proposed development.

[Jaegar King - Engineer II]

ENGINEERING - R.O.W.

Required Drawing Revisions:

1. Sewer Connections - All existing and proposed storm, sanitary and water services must be identified on the drawings, as well as the associated mainline sewers/water mains.
 - a. Modify drawings to include all sewer connections and water services.
 - b. Identify any redundant connections to be abandoned in accordance with Engineering Best Practice BP1.3.3.
2. Alley Contribution - Proposal includes access off existing alley.
 - a. Owner is made aware that alley contribution will apply

Right-of-Way Permit Requirements:

Alley Contribution - The Owner further agrees, prior to the issuance of a construction permit, to pay to the Corporation and deposit in the General Fund, the Owner's

contribution intended for the upkeep of alleys within the City of Windsor. The amount of the contribution will be based on the User Fee Schedule at the time of payment.

CCTV Sewer Inspection - The Owner further agrees to provide at its entire expense, and to the satisfaction of the City Engineer, a video inspection of any existing connections proposed for reuse to ensure the suitability of the connection for use in accordance with City of Windsor Standard Specifications S-32 CCTV Sewer Inspection.

Sewer Connections - The site is serviced by a 250mm sanitary sewer and a 600mm sewer located within the California Avenue Street right-of-way. All existing and proposed storm, sanitary and water services must be identified on the drawings, as well as the associated mainline sewers/water mains.

- Modify drawings to include all sewer connections and water services.
- Identify any redundant connections to be abandoned in accordance with Engineering Best Practice BP1.3.3.

[Mark Schaffhauser - Technologist III]

ENVIRONMENTAL POLICY

Comments to Stage 1 Planning Consultation Application

Natural Areas has no comments or concerns.

[Karen Alexander - City Naturalist & Supervisor, Natural Areas]

ENWIN UTILITIES LTD. - HYDRO ENGINEERING

Comments to Stage 1 Planning Consultation Application

No Objection to rezoning; however, please note the following:

ENWIN Utilities Ltd has existing 40ft poles with a 16,000-volt primary and a 120/240-volt secondary hydro distribution along the alley East of the development property. One pole appears to conflict with the two proposed parking spaces in the Southeast portion of the property. If any relocation of the existing plant is required for the development, the associated costs will be borne by the customer.

ENWIN has an existing overhead 120/240-volt secondary conductor from the alley to the neighbouring address at 476 California Avenue, South of the development property. ENWIN also has an existing overhead 120/240 volt secondary service to the building at 466 California Avenue. For disconnection and removal of existing services for planned demolition, please get in touch with our Technical Services for arrangements.

Before working in these areas, we would suggest notifying your contractor and referring to the *Occupational Health and Safety Act* and Regulations for Construction Projects to confirm clearance requirements during construction.

Also, we suggest referring to the *Ontario Building Code* for the permanent required clearances for New Building Construction.

[Zachary Mancini - Hydro Engineering Technologist]

ENWIN UTILITIES LTD. - WATER ENGINEERING

Comments to Stage 1 Planning Consultation Application

ENWIN Water has no objections. The existing water service is to be upgraded to suit the proposed development.

[Bruce Ogg - Water Project Review Officer]

PARKS DESIGN & DEVELOPMENT

Comments to Stage 1 Planning Consultation Application

There is one city-owned tree in front of this lot on the Street right-of-way.

This tree requires a Tree Protection Zone (TPZ) fenced at a minimum distance of 2 metres in all directions from the trunk. Install TPZ fencing before any on-site construction or ground disturbance. Forestry can provide complete details on the required protection area and the appropriate TPZ fencing specifications. The fencing must remain intact throughout the construction phase.

Absolutely NO construction-related activity can occur within the bounds of the TPZ fenced area.

If the fence is not installed or maintained during construction, a Tree Removal & Replacement fee will be applied based on a Diameter-for-Diameter replacement ratio. Initial estimated cost for Removal & Replacement could be \$3,000.00 or more.

Forestry requests the opportunity to review landscaping plans to provide comments and suggestions regarding new tree species selection and stock types that would enhance

preservation of existing trees and maximize future on-site Tree Canopy and City-wide Tree Canopy Resilience.

Please let us know if you have any further questions regarding Tree Protection and Replacement issues. Forestry will continue to monitor the progress of this construction work.

[Gaspar Horvath - Supervisor Parks]

PLANNING DEPARTMENT - HERITAGE

Comments to Stage 1 Planning Consultation Application

There is no apparent built heritage concern with this property, and it is not located within an Archaeological Potential Zone (APZ) (as per the recently adopted Windsor Archaeological Management Plan, 2024; OPA 181; and updated 2024 archaeological potential model OP Volume I Schedule C-1). Nevertheless, the Applicant should be notified of the following archaeological precaution.

1. Should archaeological resources be found during grading, construction, or soil removal activities, all work in the area must stop immediately. The City's Planning & Building Department, the City's Manager of Culture and Events, and the Ontario Ministry of Citizenship and Multiculturalism must be notified and confirm satisfaction of any archaeological requirements before work can recommence.
2. If human remains are encountered during grading, construction or soil removal activities, all work in that area must be stopped immediately and the site secured. The local police or coroner must be contacted to determine whether or not the skeletal remains are human, and whether the remains constitute a part of a crime scene. The Local police or coroner will then notify the Ontario Ministry of Citizenship and Multiculturalism and the Registrar at the Ministry of Government and Consumer Services, if needed, and will provide notification and satisfactory confirmation by the Ministry of Citizenship and Multiculturalism.

Contacts:

Windsor Planning & Building Department:

519-255-6543 x6179, ttang@citywindsor.ca, planningdept@citywindsor.ca

Windsor Manager of Culture and Events (A):

Michelle Staadegaard, (O) 519-253-2300x2726, (C) 519-816-0711, mstaadegaard@citywindsor.ca

Ontario Ministry of Citizenship and Multiculturalism

Archaeology Programs Unit, 1-416-212-8886, Archaeology@ontario.ca

Windsor Police: 911

Ontario Ministry of Government & Consumer Services

A/Registrar of Burial Sites, War Graves, Abandoned Cemeteries and Cemetery
Closures, 1-416-212-7499, Crystal.Forrest@ontario.ca

[Tracy Tang - Heritage Planner]

TRANSPORTATION PLANNING

Comments to Stage 1 Planning Consultation Application

All parking must comply with ZBL 8600, or a Parking Study is required.

[Elara Mehrilou - Transportation Planner I]

WALPOLE ISLAND FIRST NATION

No comments provided

BY-LAW NUMBER -2026

Passed the _____ day of _____, 2026.

a) <i>Lot Width: minimum</i>	15.0 m
b) <i>Lot Area: minimum</i>	510.0 m ²
c) <i>Lot Coverage - maximum</i>	49.0%
d) <i>Building Height: Main Building: maximum</i>	9.5 m
e) Notwithstanding Section 24.26.5, a <i>parking space</i> is permitted in a <i>required front yard</i> .	

2. That said by-law is further amended by amending the Zoning District Maps shown in Column 2 by changing the zoning symbol of the lands described in Column 3 from that shown in Column 4 to that shown in Column 5:

1. Item Number	2. Zoning District Map	3. Lands Affected	4. Current Zoning Symbol	5. New Zoning Symbol
1	3	Lots 58 & 59, Block A, Plan 50; PIN 01232-0280 LT; located on the east side of California Avenue between Fanchette Street and Wyandotte Street West; Roll No 050- 110-09100)	RD2.1	RD2.2x(36)

DREW DILKENS, MAYOR

CLERK

First Reading , 2026
Second Reading , 2026
Third Reading , 2026

SCHEDULE 2

1. By-law _____ has the following purpose and effect:

To amend the zoning of the lands located on the east side of California Avenue between Fanchette Street and Wyandotte Street West, described as Lots 58 & 59, Block A, Plan 50, PIN 01232-0280 LT, to permit the construction of a two-storey double duplex dwelling while retaining the existing driveways from California Avenue and the rear alley.

To facilitate the proposed development, the implementing Zoning By-law amendment would rezone the subject property to Residential District 2.2 (RD2.2) with a site-specific zoning exception. The requested exception would provide relief from the following zoning provisions applicable to a double duplex dwelling:

- Minimum lot width;
- Minimum lot area;
- Maximum lot coverage;
- Maximum permitted main building height; and
- The prohibition on locating a parking space within a required front yard.

2. Key map showing the location of the lands to which the By-law _____ applies.



PART OF ZONING DISTRICT MAP 3

N.T.S.

SCHEDULE 2

Applicant: Borys Sozanski .



SUBJECT LANDS

PLANNING & BUILDING DEPARTMENT



DATE : JUNE 2026
FILE NO. : Z-014-26, ZNG-7375



Council Report: S 94/2026

Subject: Amendment to Subdivision Agreement CE811195 regarding the properties known as 3586, 3592, 3597, 3598 SUTTON AVENUE; File No. SDN-002/26 [SDN/7381]- Ward 9

Reference:

Date to Council: September 1, 2026
Author: Justina Nwaesei, MCIP, RPP
Planner III - Development
519-255-6543, ext. 6165
jnwaesei@citywindsor.ca

Planning & Building Services
Report Date: August 6, 2026
Clerk's File #: Z/15203

To: Mayor and Members of City Council

Recommendation:

I THAT the application of J Rauti Development Inc. for amendments to the existing Subdivision Agreement (CE811195) for the lands described as Part of Block A, Registered Plan 1259, also designated as Lots 1 to 18 (incl.) and Blocks 19 to 22 (incl.) on Plan 12M-635, **BE APPROVED**, subject to the following:

1. Corner Cut-Off - Prior to the issuance of a construction permit, the owner(s) shall agree to gratuitously convey a 4.6m x 4.6m (15' x 15'), corner cut-off at the intersection of Maguire Street and Sutton Avenue.
2. Land Conveyance - Prior to the issuance of a construction permit, the owner (s) shall agree to gratuitously convey to the Corporation land sufficient to create a 54.42m² sightline dedication right-of-way at the northeast corner of 3586 Sutton Avenue. This conveyance shall be approximately 31.56m along the Maguire Street frontage of the subject lands, taken after the corner cut-off.
3. Execution of an Amending Subdivision Agreement: Prior to the issuance of a construction permit, the owner (s) shall agree to enter into an amending Subdivision Agreement with the Corporation of the City of Windsor for the subject lands registered as Plan 12M-635;

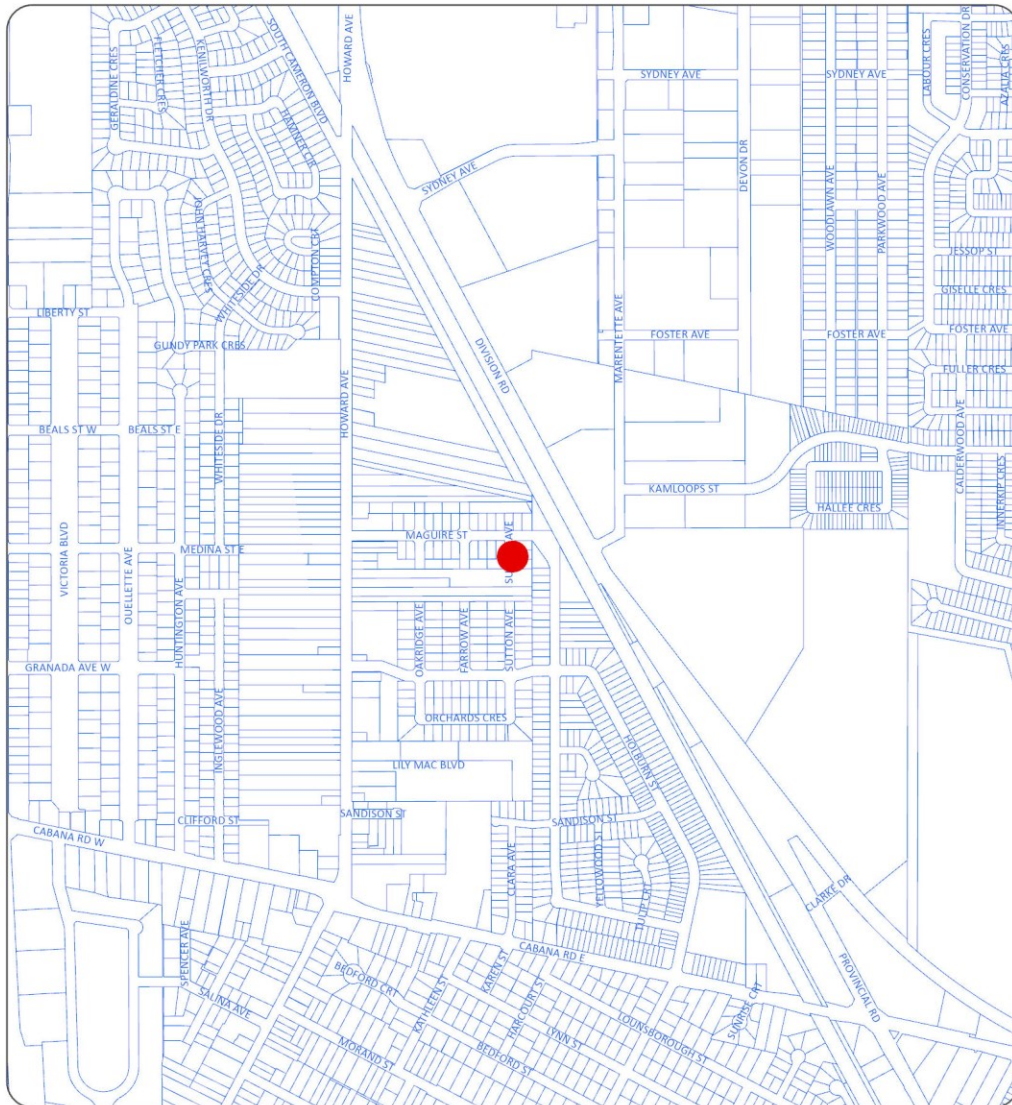
- II THAT existing Subdivision Agreement **BE AMENDED** as specified in paragraphs A, B, C, D, and E below:
- A. That Section B-1 (f) – Drawings / Maps - of the Basic Provisions be amended to include, below the word “Planner”, the following:
“Sutton Avenue Sightline Sketch and/or Reference Plan
Hereinafter referred to as Schedule “A” page 2, attached hereto and/or on deposit with the City Planner”
 - B. That Section S-2 – Land Conveyance for Rights-of-Way - be amended in paragraph (4) to remove the requirement for a 0.3-metre reserve (Block 21, Plan 12M-645) at the north limit of Street “A”.
 - C. That Section S-2 – Land Conveyance for Rights-of-Way - be further amended to include paragraph “(7) a 54.42 m² sightline dedication for right-of-way at the northeast corner of Street “A” (Sutton Avenue) and MaGuire Street.”
 - D. That Section S-3 – Land Conveyance for Corner Cut-Offs - be amended to include, after “with MaGuire Street,” the following - “and a corner cut-off on the east side of Street “A” at the intersection of Maguire and Street “A” (Sutton Avenue),”...
 - E. That Section S-8(2) – Temporary Cul-de-Sacs – be deleted in its entirety, and S-8(1) be amended to include “A” between “Streets” and “B”.
- III That the owner **SHALL**, prior to a construction permit, submit for approval of the City Planner/Executive Director of Planning & Building a reference plan, which shall include an illustration of the modifications to the Maguire and Sutton rights-of-way as approved by Council;
- IV THAT the City Engineer **BE DIRECTED** to amend the Parking By-law to include prohibition of on-street parking on the south side of Maguire Street, east of Sutton Avenue;
- V THAT the amended subdivision agreement shall **BE REGISTERED** against lands to which it applies prior to the issuance of a construction permit; and,
- VI THAT the Chief Administrative Officer and City Clerk **BE AUTHORIZED** to sign all necessary agreements and documents approved as to form and content

Executive Summary:

N/A

Background:

1. KEY MAP:



SDN-002/26 (KEY MAP)



ADDRESS: 3586, 3592, 3597, 3598 SUTTON AVENUE

ROLL NUMBERS: 070-090-03868, 070-090-03869, 070-090-03870, 070-090-03871

APPLICANT: J RAUTI DEVELOPMENT INC.

 SDN 002/26 (SDN-7381) - SUBJECT LANDS

PLANNING & BUILDING DEPARTMENT

2. APPLICATION INFORMATION

LOCATION: 3586, 3592, 3597, 3598 SUTTON AVENUE (south side of MaGuire Street, east of Howard Avenue)

APPLICANT / REGISTERED OWNER: J RAUTI DEVELOPMENT INC. (c/o John Rauti)

AGENT: DILLON CONSULTING LIMITED, c/o RUKMA RAMDENEY

PROPOSAL AND BACKGROUND INFORMATION:

Background: The parcels impacted by the subject amendment are designated as Lots 11, 12, 13 and 14 on a registered plan of subdivision, Plan 12M-635 hereto attached as Appendix C. Plan 12M-635 resulted from council's approval of the draft plan of subdivision Map Number SDN-004/14-1. The Lots under Plan 12M-635 were previously owned by 1906239 Ontario Ltd. at the time of approval of SDN-004/14-1. A registered Subdivision Agreement (CE811195), hereto attached as Appendix D, applies to the lands within Plan 12M-635. The said agreement contains the following special provision S-8 (2) that impacts the use of the 4 lots noted above:

S-8. Temporary Cul-de-Sacs – The Owner further agrees to construct to the Corporation's Standards the following streets to a point determined by the City, terminating in a temporary cul-de-sac:

- 1) Streets "B" and "C"
- 2) Street "A", when access is available from the south

Proposal: The Applicant is proposing an amendment to the existing Subdivision Agreement (CE811195) to modify the configuration of Street "A" (Sutton Avenue) within the registered Plan of Subdivision (Plan 12M-635). The proposed amendment is intended to establish a connection between Sutton Avenue (Street "A") and Maguire Street to the north, while relocating the approved cul-de-sac from the intersection of Street "A" and MaGuire St. to the current southerly limit of Street "A".

The proposed amendment to the subdivision agreement (CE811195) would allow direct vehicular access from Street "A" (named Sutton Street) to Maguire Street, contrary to the provision in S-8 (2) above. The intent of this amendment is to facilitate the development of the four (4) existing residential lots (lots 11-14 on Plan 12M-635) municipally known as 3586, 3592, 3597, 3598 Sutton Avenue.

SUBMISSIONS BY APPLICANT:

- Plan of Subdivision Application Form
- Ownership document (not on the website; available upon request)
- Motorist Sightline Assessment Memo, dated April 1, 2026, prepared by Mike Walters, Transportation Engineer, Dillon Consulting Limited
- Planning Justification Memo, dated May 6, 2026, by Melanie Muir, Dillon Consulting Limited
- Street Sightline Sketch, dated March 31, 2026, by Dillon Consulting Limited.

Copy this [LINK](#) to access the above materials located on the City's website.

3. SITE INFORMATION

Official Plan (OP) Designation: **Residential**, Schedule D: Land Use, OP Vol. 1.

Zoning of the Subject Land: **Residential District 1.2** (RD1.2) by By-law 8600.

Current Use: Vacant

Previous Use(s): Unknown

ZDM8

4. NEIGHBOURHOOD CHARACTERISTICS

The subject neighbourhood is an established residential neighbourhood characterized by low profile residential developments predominantly single detached dwellings.

NEIGHBOURHOOD

MAP



SDN-002/26 (LOCATION MAP)



ADDRESS: 3586, 3592, 3597, 3598 SUTTON AVENUE

ROLL NUMBERS: 070-090-03868, 070-090-03869, 070-090-03870, 070-090-03871

APPLICANT: J RAUTI DEVELOPMENT INC.



SDN 002/26 (SDN-7381) - SUBJECT LANDS

PLANNING & BUILDING DEPARTMENT

Discussion:

The requested amendment to the existing Subdivision Agreement does not alter the number of residential lots/blocks within the subject subdivision registered as Plan 12M-635. The requested amendment is to remove an existing barrier to housing within the existing subdivision agreement registered on title of the subject lands. The said barrier is found in Special Provision S-8(2) of the Agreement (CE811195). Vehicular access to, and egress from, Maguire Street for Lots 11, 12, 13, and 14 on Plan 12M-635 is blocked by a land reserve. Vehicular access and egress from and to the subject lots must be southerly towards Holburn Street.

In discussing the subject amendment, the focus is on public safety and provision of more housing. Although the lotting plan is approved under Plan 12M-635, and the zoning is in place, the four subject lots have no vehicular access/egress to/from Maguire Street. Development of the four lots is hindered by special provision S-8(2) in the existing subdivision agreement; thereby, impacting supply of housing in the area. S-8(2) protects public safety in a manner that adversely impacts supply of housing. Planning Justification was requested by the Planning Department, and was submitted by the applicant, for the proposed amendment to the existing subdivision agreement CE811195. The discussion below examines the justification provided by the applicant's planning consultant, and staff's rationale for putting forward recommendations 1 & 2 to amend the existing subdivision agreement by deleting special provision S-8(2) and revising other provisions in the existing agreement.

PLANNING ANALYSIS:

1. PLANNING ACT

The Planning Act requires the council, board, and minister, in carrying out their responsibilities under the Act, to have regard to

- the orderly development of safe and healthy communities - section 2(h);
- adequate provision of a full range of housing, including affordable housing - section 2(j); and
- the protection of public health and safety, among other matters - section 2(o).

2. PROVINCIAL PLANNING STATEMENT (PPS) 2024

The PPS is a policy statement issued under the authority of section 3 of the Planning Act and came into effect on October 20, 2024. In respect of the exercise of any authority that affects a planning matter, section 3 of the Planning Act requires that decisions affecting planning matters shall be consistent with policy statements issued under the Act.

The PPS provides policy direction on matters of provincial interest related to land use planning and development.

The recommended amendment will facilitate the development of four undeveloped lots, which will increase the supply of housing options in the subject neighbourhood. Therefore, the recommended amendment is consistent with the vision of the PPS 2024 regarding housing (2.1 and 2.2 of the PPS).

Protection of public health and safety is a matter discussed in Chapter 5 of the PPS. There is no known Natural or Human-Made hazard on the subject lands. Therefore, from a PPS perspective there is no Public health and Safety concern.

3. OFFICIAL PLAN (OP):

The subject site is designated **Residential** on Schedule D: Land Use, City of Windsor Official Plan Vol. 1. The matter under discussion has nothing to do with the use of the land for residential purpose; therefore, no further discussion is required.

4. SIGHTLINE ASSESSMENT MEMO:

The applicant submitted a Sightline Assessment Memo dated April 1, 2026, containing the following statements:

“The first lot on the east side of Sutton Avenue south of Maguire Street will be the constraint in any sightline assessment at this location. The building/home on that lot will need to be limited so that the 65-metre sight distance is achieved. This includes any vegetation or vertical elements that may be placed to the north of the home (which would limit visibility to westbound motorists on Maguire Street entering the horizontal curve). It would also include prohibiting on-street parking on the south side of Maguire Street, east of Sutton Avenue.

Stopping sight distance was also reviewed, as a means of confirming that vehicles travelling along Maguire Street will have sufficient time to be able to see a motorist leaving Sutton Avenue. According to GDGCR Table 9.9.4, a design speed of 30 km/h corresponds to a stopping sight distance of 35 metres. The distance between Sutton Avenue and the westbound lane on Maguire Street at the horizontal curve exceeds 35 metres. This indicates that the existing road geometry on Maguire Street (at the horizontal curve) provides adequate sight distance for westbound motorists to recognize and react to vehicles leaving Sutton Avenue.

This assessment assumes that the entire Maguire Street right-of-way will be available for sightlines. The area within the right-of-way on the inside of the curve should be kept free of obstructions that might limit sightlines, including on-street parking.”

5. PLANNING JUSTIFICATION MEMO:

The applicant’s consultant submitted a Planning Justification Memo (PJM), dated May 6, 2026. The PJM and other required support materials received for the subject application can be accessed on the city’s website through this [LINK](#). In section 4.1 of the PJM, there is an analysis of the key policy considerations of the PPS 2024 relating to the proposed amendment to the Subdivision Agreement. The PJM concludes that

- a) “The relocation of the cul-de-sac from the north end to the south end of Street “A”, together with the provision of an east-side 4.6 m x 4.6 m corner cut-off and a 54.42 m² sightline conveyance, enhances the functionality of the local road network by improving access, removing an inefficient dead-end condition, and facilitating safe and direct access for the four (4) existing residential lots.

- b) The supporting Motorist Sightline Memo confirms that the proposed intersection can operate safely, with appropriate measures secured through corner cut-offs, sightline conveyances, and parking restrictions to maintain unobstructed visibility. These design elements ensure that long-term public safety is preserved and that the intersection functions effectively within the existing road network.
- c) The proposed development is consistent with the 2024 Provincial Planning Statement, as it promotes a safe, efficient, and connected transportation system while supporting the development of complete communities.”

6. ZONING

The subject land is zoned Residential District 1.2 (RD1.2) by City of Windsor Zoning By-law 8600. A copy of By-law 8600 can be found on the city's website by using this [LINK](#).

As noted already in this report, the use of the land for residential purpose is not a concern. Also, the RD1.2 permits single unit dwellings; therefore, Lots 11, 12, 13 and 14 on Plan 12M-635 can be developed accordingly.

Risk Analysis:

N/A.

Climate Change Risks

Climate Change Mitigation:

N/A

Climate Change Adaptation:

N/A

Financial Matters:

N/A

Consultations:

1. DEPARTMENT AND AGENCIES

Attached as **Appendix B**, to this report, are comments from the municipal departments and external agencies. There are no objections; however, there are conditions and/or recommendations for the approval of the subject application. This planning report takes into consideration those conditions and recommendations found in Appendix B hereto attached, and the recommendations within the required studies and reports submitted by the applicant.

Conclusion and Planner's Opinion:

The Planning Department is satisfied with the analysis and conclusions contained in the applicant's Planning Justification Memo and Sightline Assessment Memo.

The recommended Amendment to the existing Subdivision Agreement CE811195 is consistent with the policies of the Provincial Planning Statement 2024 and maintains conformity with the City of Windsor Official Plan.

This planning report includes a recommendation for approval of the applicant's request to amend the existing Subdivision Agreement (CE811195) to create northerly access and egress from/to Maguire Street. This report further recommends that Council direct the City Engineer to amend the parking by-law to include prohibition of on-street parking on the south side of Maguire Street, east of Sutton Avenue.

The recommended amendment to the existing subdivision Agreement is specified in Recommendations 1, 2 & 3 of this report. This amendment constitutes good planning.

Planning Act Matters:

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

Laura Diotte, MCIP, RPP
Deputy City Planner - Development (A)

Jason Campigotto
Deputy City Planner - Growth

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

Approvals:

Name	Title
Justina Nwaesei	Planner III - Development
Laura Diotte	Deputy City Planner – Development (A)
Aaron Farough	Senior Legal Counsel, Legal & Real Estate
Neil Robertson	City Planner/Executive Director Planning and Development
Jelena Payne	Deputy CAO/Commissioner, Economic Development
Jelena Payne for Ray Mensour	Chief Administrative Officer

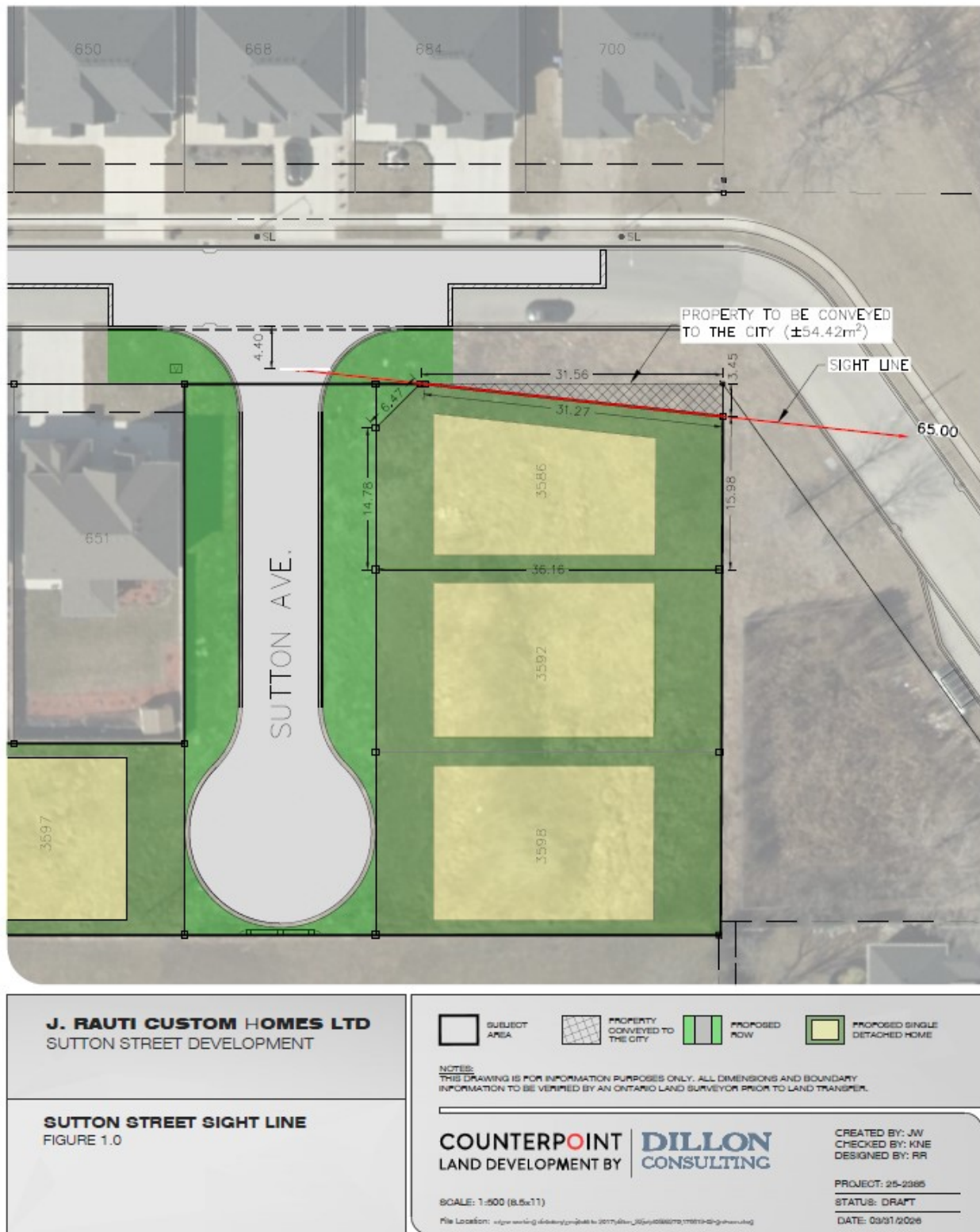
Notifications:

Name

Appendices:

- 1 Appendix A - Sutton Avenue Sightline Sketch
- 2 Appendix B - Consultation (Comments from Municipal Departments and External Agencies)
- 3 Appendix C - Plan 12M-635
- 4 Appendix D - Existing Subdivision Agreement CE811195

SDN-002/26-1



APPENDIX B – CONSULTATION

(Comments from Municipal Departments and External Agencies)

WINDSOR POLICE – BARRY HORROBIN

The Windsor Police Service has no concerns or objections with this application to amend the initial plan of subdivision, in order to permit access to four (4) residential lots on Sutton Avenue from Maguire Street. It is our understanding an initial concern impacting safe driver sight lines has been adequately resolved via the conveyance of a small strip of land to the City, in order to maintain an appropriate sight line distance and the safety implications associated therein.

TRANSPORTATION PLANNING – AASHVI SARVAIYA

- Transportation has reviewed the sightline assessment prepared by Dillon Consulting Limited for 3586, 3592, 3597, and 3598 Sutton Avenue and concurs with the conclusion set out in the report, specifically the recommendation to convey the corner cut-off and a 54.42 m² land conveyance to improve sightlines on the curve at Maguire Street. However, Transportation notes that no parking restrictions can be implemented except on the south side of Maguire Street, east of Sutton Avenue, within the mailbox area.
- Transportation has no further comments.

Should you have any further questions or concerns, please contact Aashvi Sarvaiya, of this department at tda@citywindsor.ca.

WINDSOR FIRE – CHRIS KREIBICH

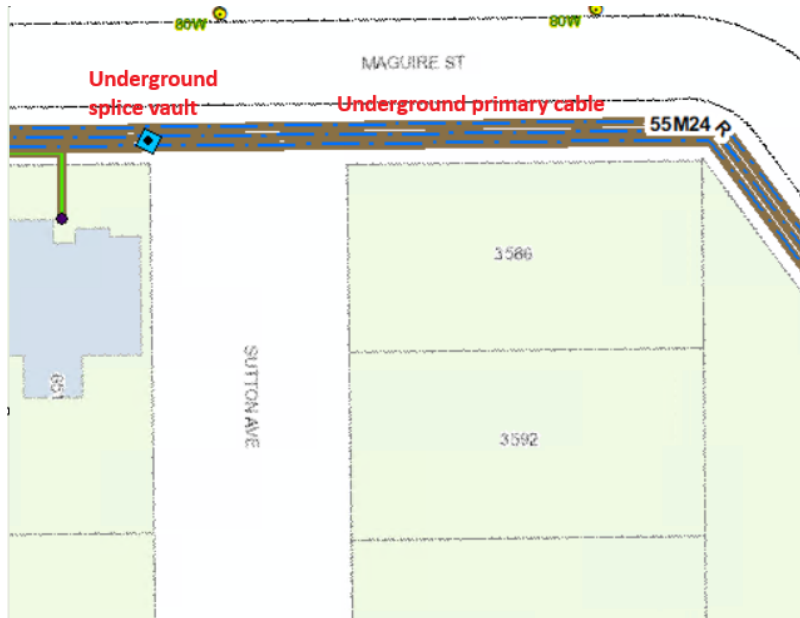
No issues or concerns with these amendments from Fire.

ENWIN

Hydro Engineering: Steve Zambito

No Objection, provided adequate clearances are achieved and maintained.

ENWIN has existing underground along the north limits with 27,600 volt primary hydro distribution.



The developer will be responsible to cover all costs associated with any relocation or removal of ENWIN conductors and vaults.

Prior to working in these areas, we would suggest notifying your contractor and referring to the Occupational Health and Safety Act and Regulations for Construction Projects to confirm clearance requirements during construction.

Also, we suggest referring to the Ontario Building Code for permanent required clearances for New Building Construction.

Water Engineering: Bruce Ogg

ENWIN Water has no objections.

DEPTY CHIEF BUILDING OFFICIAL – BRANDON CALLEJA

No Building concerns.

DEVELOPMENT ENGINEERING – PATRICK WINTERS

We have reviewed the subject Amendment to Agreement application and have no additional concerns, subject to Transportation's review and decision regarding the sightline assessment. However, the following items, highlighted in red, will need to be amended within the Special Provisions of Registered Agreement CE811195:

S-2. Land Conveyance for Rights-of-Way – The Owner further agrees, *prior to the issuance of a construction permit*, to gratuitously convey to the Corporation, in fee simple and without encumbrance, the following rights-of-way, in accordance with the approved Plan of Subdivision and to the satisfaction of the City Engineer:

- (1) a 20.0 metre wide right-of-way for Street "A"
- (2) a 20.0 metre wide right-of-way for Street "B"
- (3) a 20.0 metre wide right-of-way for Street "C"
- (4) a 0.3 metre reserve at the north and south limits of Street "A"
- (5) a 0.3 metre reserve at the south limit of Street "B"
- (6) a 0.3 metre reserve at the south limit of Street "C"
- (7) a 54.42m2 sightline dedication right-of-way at the northeast corner of Street "A" and Maguire Street.

S-3. Land Conveyance for Corner Cut-Offs – The Owner further agrees, *prior to the issuance of a construction permit*, to gratuitously convey to the Corporation, in fee simple and without encumbrance, corner cut-offs on both the east and west sides of Street "B" and "C" at the intersection with Maguire Street, in accordance with City of Windsor Standard Drawing AS-230, and to the satisfaction of the City Engineer.

and a corner cut-off on the east side of Street "A" at the intersection of Maguire Street,...

S-8. Temporary Cul-de-Sacs – The Owner further agrees to construct to the Corporation's Standards the following streets to a point determined by the City, terminating in a temporary cul-de-sac:

- 1) Streets "B" and "C" ← Add Street "A"
- ~~2) Street "A", when access is available from the south~~

Sutton Avenue is currently not constructed but will be classified as a Local/Residential Road according to the Official Plan requiring a right-of-way width of 20.1m; therefore, no conveyance is required at this time. Please note that underground servicing for the Sutton Avenue extension was approved and constructed under the previous phase of this development. These services are to be protected during the current phase of construction.

In summary we have no objection to the proposed development, subject to the following requirements:

Corner Cut-Off – The owner(s) agrees, prior to the issuance of a construction permit, to gratuitously convey a 4.6m x 4.6m (15' x 15'), corner cut-off at the intersection of Maguire Street and Sutton Avenue.

Land Conveyance - Prior to the issuance of a construction permit, the owner (s) shall agree to gratuitously convey to the Corporation, land sufficient to create a 54.42m² sightline dedication right-of-way at the northeast corner of 3586 Sutton Avenue. This conveyance shall be approximately 31.56 metres along the Maguire Street frontage of the subject lands, taken after the corner cut-off.

If you have any further questions or concerns, please contact Jaegar King, of this department at jking@citywindsor.ca

RIGHT-OF-WAY – MARK SCHAFFHAUSER

Required Drawing Revisions:

1. **Driveway Approaches** – Do not conform to City of Windsor Standards, which must be constructed with straight flares and no raised curbs within the right-of-way.
 - Modify as per Standard Engineering Drawing [AS-221 or AS-222].
2. **Sewer Connections** – All existing and proposed storm, sanitary and water services must be identified on the drawings, as well as the associated mainline sewers/water mains.
 - Modify drawings to include all sewer connections and water services.
 - Identify any redundant connections to be abandoned in accordance with Engineering Best Practice BP1.3.3.

Right-of-Way Permit Requirements

Corner Cut-Off – The owner(s) agrees, prior to the issuance of a construction permit, to gratuitously convey a 4.6 m x 4.6 m (15' x 15') corner cut-off at the intersection of Sutton Avenue and Maguire Street in accordance with City of Windsor Standard Drawing AS-230.

Driveway Approaches – The owner(s) further agrees that driveway approaches shall be constructed in such width and location as shall be approved by the City Engineer, with straight flare driveway approaches and no raised curbs within the right-of-way. The Owner shall have the option of constructing said driveway approaches as follows:

1. Residential Property
 - a. Asphalt in accordance with City of Windsor Standard Drawing AS-221; or
 - b. Concrete in accordance with City of Windsor Standard Drawing AS-222

Land Conveyance - Prior to the issuance of a construction permit, the owner (s) shall agree to gratuitously convey to the Corporation, land sufficient to create a 54.42m² sightline dedication right-of-way at the northeast corner of 3586 Sutton Avenue. This conveyance shall be approximately 31.56 metres along the Maguire Street frontage of the subject lands.

Servicing Charges – The applicant(s) shall note that they may be required to pay servicing charges for the existing sanitary or storm sewer and/or sewer connection(s) if not paid previously for this site. These charges will be assessed prior to the issuance of a construction permit.

Sewer Connections – The site is serviced by a 250mm sanitary sewer and a 375mm sewer located within the Sutton Avenue right-of-way. All existing and proposed storm, sanitary and

water services must be identified on the drawings, as well as the associated mainline sewers/water mains.

- Modify drawings to include all sewer connections and water services.
- Identify any redundant connections to be abandoned in accordance with Engineering Best Practice BP1.3.3.

If you have any further questions or concerns, please contact Lea Marshall, of this department at lmarshall@citywindsor.ca

HERITAGE PLANNING – KRISTINA TANG

There is no apparent built heritage concern with this property, and it is not located within an Archaeological Potential Zone (APZ). Nevertheless, the Applicant should be notified of the following archaeological precaution.

1. Should archaeological resources be found during grading, construction or soil removal activities, all work in the area must stop immediately and the City's Planning & Development Services Department, the City's Manager of Culture and Events, and the Ontario Ministry of Citizenship and Multiculturalism must be notified and confirm satisfaction of any archaeological requirements before work can recommence.
2. In the event that human remains are encountered during grading, construction or soil removal activities, all work in that area must be stopped immediately and the site secured. The local police or coroner must be contacted to determine whether or not the skeletal remains are human, and whether the remains constitute a part of a crime scene. The Local police or coroner will then notify the Ontario Ministry of Citizenship and Multiculturalism and the Registrar at the Ministry of Government and Consumer Services if needed, and notification and satisfactory confirmation be given by the Ministry of Citizenship and Multiculturalism.

Contacts:

Windsor Planning & Development Services Department:

519-255-6543 x6179, ktang@citywindsor.ca, planningdept@citywindsor.ca

Windsor Manager of Culture and Events (A):

Michelle Staaedegaard, (O) 519-253-2300x2726, (C) 519-816-0711,
mstaaedegaard@citywindsor.ca

Ontario Ministry of Citizenship and Multiculturalism

Archaeology Programs Unit, 1-416-212-8886, Archaeology@ontario.ca

Windsor Police: 911

Ontario Ministry of Public and Business Service Delivery and Procurement

Registrar of Burial Sites, War Graves, Abandoned Cemeteries and Cemetery Closures:

Ian Hember, 1-437-244-9840, ian.hember@ontario.ca

Approved under Section 51 of the Planning Act, 1990, this is a 15 day of June, 2015, by the City of Windsor, On behalf of The Corporation of the City of Windsor.

Mayor Steve Lachance
Deputy Mayor Donna Cook

PLAN 12M-635
I CERTIFY THAT THIS PLAN IS REGISTERED IN THE LAND REGISTRY OFFICE FOR THE LAND TITLES DIVISION OF ESSEX (12) AT 12:01 O'CLOCK ON THE 15TH DAY OF June, 2015, AND ENTERED IN THE MAPS, REGISTER FOR PROPERTY IDENTIFIER 01561-5005 AND 01561-5115 AND REQUIRED CONSENTS ARE REGISTERED AS PLAN DOCUMENT NO. C814263.

"Robert Baricello"
REPRESENTATIVE FOR LAND REGISTRY

THIS PLAN COMPREHENDS ALL OF THE LAND IDENTIFIED BY PLAN 01561-5005 AND PART OF LAND IDENTIFIED BY PLAN 01561-5115.

PLAN OF SUBDIVISION
OF
PART OF BLOCK 'A',
REGISTERED PLAN 1259
IN THE
CITY OF WINDSOR,
COUNTY OF ESSEX, ONTARIO
VERHAEGEN - STUBBERFELD - HARTLEY - BREWER - BEZARE INC.

SCALE = 1:750
0 7.50 15.00 30.00 45.00 METRES

OWNERS CERTIFICATE
THIS IS TO CERTIFY THAT:
1. LOTS 1 to 18 (inclusive), BLOCKS 19, 20, 21 & 22 (0.30 reserve) and THE STREETS NAMED SUTTON AVENUE, FARROW AVENUE and OAKEDGE AVENUE HAVE BEEN LAID OUT IN ACCORDANCE WITH OUR INSTRUCTIONS.
2. THE STREETS ARE HEREBY DEDICATED AS PUBLIC HIGHWAYS TO THE CORPORATION OF THE CITY OF WINDSOR.
DATED THE 12th DAY OF DECEMBER, 2017.

1903269 ONTARIO LIMITED
"Gordon A. Wosch"
ORDINARY AGENT - PRESIDENT
"I HAVE THE AUTHORITY TO BIND THE CORPORATION"

WINDSOR
144 Queen Street
N6B 2E1
PH: (519) 253-1772
FAX: (519) 253-1771
www.1903269.com

LEAMINGTON
1001 Water Street East
N6B 1A4
PH: (519) 834-2222
FAX: (519) 834-2221
www.1903269.com

ONTARIO LAND SURVEYORS
VERHAEGEN - STUBBERFELD - HARTLEY - BREWER - BEZARE INC.
www.1903269.com

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"Robert Baricello"
REPRESENTATIVE FOR LAND REGISTRY

THIS PLAN COMPREHENDS ALL OF THE LAND IDENTIFIED BY PLAN 01561-5005 AND PART OF LAND IDENTIFIED BY PLAN 01561-5115.

PLAN OF SUBDIVISION
OF
PART OF BLOCK 'A',
REGISTERED PLAN 1259
IN THE
CITY OF WINDSOR,
COUNTY OF ESSEX, ONTARIO
VERHAEGEN - STUBBERFELD - HARTLEY - BREWER - BEZARE INC.

SCALE = 1:750
0 7.50 15.00 30.00 45.00 METRES

OWNERS CERTIFICATE
THIS IS TO CERTIFY THAT:
1. LOTS 1 to 18 (inclusive), BLOCKS 19, 20, 21 & 22 (0.30 reserve) and THE STREETS NAMED SUTTON AVENUE, FARROW AVENUE and OAKEDGE AVENUE HAVE BEEN LAID OUT IN ACCORDANCE WITH OUR INSTRUCTIONS.
2. THE STREETS ARE HEREBY DEDICATED AS PUBLIC HIGHWAYS TO THE CORPORATION OF THE CITY OF WINDSOR.
DATED THE 12th DAY OF DECEMBER, 2017.

1903269 ONTARIO LIMITED
"Gordon A. Wosch"
ORDINARY AGENT - PRESIDENT
"I HAVE THE AUTHORITY TO BIND THE CORPORATION"

WINDSOR
144 Queen Street
N6B 2E1
PH: (519) 253-1772
FAX: (519) 253-1771
www.1903269.com

LEAMINGTON
1001 Water Street East
N6B 1A4
PH: (519) 834-2222
FAX: (519) 834-2221
www.1903269.com

ONTARIO LAND SURVEYORS
VERHAEGEN - STUBBERFELD - HARTLEY - BREWER - BEZARE INC.
www.1903269.com

LRO # 12 Notice

Received as CE811195 on 2018 01 04 at 10:06

The applicant(s) hereby applies to the Land Registrar.

yyyy mm dd Page 1 of 2

Properties

PIN 01561 - 5055 LT

Description PT BLK 'A' (CREATED BY JUDGE'S ORDER SE23561) PL 1259, DESIGNATED AS PT 3
PL 12R25586; CITY OF WINDSOR

Address WINDSOR

Consideration

Consideration \$ 2.00

Applicant(s)

The notice is based on or affects a valid and existing estate, right, interest or equity in land

Name THE CORPORATION OF THE CITY OF WINDSOR

Address for Service OFFICE OF THE CITY CLERK
350 City Hall Square West
Windsor, ON N9A 6S1

This document is not authorized under Power of Attorney by this party.

This document is being authorized by a municipal corporation by Onorio Colucci, CAO, and Valerie Critchley, City Clerk, pursuant to CR367/2017.

Party To(s)

Capacity

Share

Name 1903269 ONTARIO LIMITED

Address for Service Attention: Gord Wonsch
2870 Normandy Street
Lasalle, ON N9H 2P3

I, Gordon A. Wonsch, President, have the authority to bind the corporation

This document is not authorized under Power of Attorney by this party.

Statements

This notice is pursuant to Section 71 of the Land Titles Act.

This notice is for an indeterminate period

Schedule: See Schedules

Signed By

Karly Lynn Morgan

400 City Hall Square East, Suite 201 acting for
Windsor Applicant(s)
N9A 7K6

Signed

2018 01 04

Tel 519-255-6548

Fax 519-255-6933

I have the authority to sign and register the document on behalf of the Applicant(s).

Submitted By

THE CORPORATION OF THE CITY OF WINDSOR

400 City Hall Square East, Suite 201
Windsor
N9A 7K6

2018 01 04

Tel 519-255-6548

Fax 519-255-6933

The applicant(s) hereby applies to the Land Registrar.

yyyy mm dd Page 2 of 2

Fees/Taxes/Payment

Statutory Registration Fee \$63.65

Total Paid \$63.65

File Number

Applicant Client File Number : ZON9190-KM, SDN-004/14 MAGUIRE, SUBDIVSN

Party To Client File Number : SDN-004/14, MAGUIRE SUBDIVISION

SUBDIVISION

Basic Provisions

B-1. The following are certain basic provisions of this Agreement, which are part of this Agreement, and which are correspondingly referred to in the General Provisions and Special Provisions of this Agreement:

Item	Provision
(a) Name & Address of Corporation:	THE CORPORATION OF THE CITY OF WINDSOR OFFICE OF THE CITY SOLICITOR – Legal Services Suite 201 400 City Hall Square East Windsor, ON N9A 7K6
(b) Name & Address of Owner:	1903269 ONTARIO LIMITED Attention: Gord Wonsch 2870 Normandy Street Lasalle, ON N9H 2P3
(c) Effective date:	June 19, 2017
(d) Type of Agreement:	Subdivision
(e) Description of Lands hereinafter referred to as the subject lands:	PT BLK 'A' (CREATED BY JUDGE'S ORDER SE23561) PL 1259, DESIGNATED AS PT 3 PL 12R25586; CITY OF WINDSOR PIN 01561 – 5055 (LT) Maguire Street, Windsor
(f) Drawings/Maps:	Map No. SDN-004/014-1 hereinafter referred to as Schedule "A" page 1, attached hereto and/or on deposit with the City Planner
(g) Authorization:	CR367/2017 adopted on June 19, 2017
(h) Legal Department File Number:	ZON/9190

B-2. This Agreement consists of these Basic Provisions, the attached General Provisions and Special Provisions, as well as any schedules or other attachments referred to herein or therein, and all such material forms part of this Agreement together with all things, terms and provisions so incorporated.

B-3. In the event of any inconsistency or conflict in this Agreement between the Basic Provisions, Special Provisions and General Provisions, then the terms, covenants and conditions of this Agreement shall prevail in the following order:

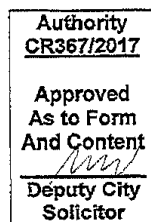
- (a) Basic Provisions
- (b) Special Provisions
- (c) Schedules
- (d) General Provisions

Amendments bearing later dates shall prevail within each of the above noted categories of this Agreement.

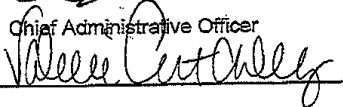
B-4. Any reference in this Agreement to all or any part of any manual, statute, regulation, By-law or Council Resolution shall, unless otherwise stated, be a reference to that manual, statute, regulation, By-law or Council Resolution or the relevant part thereof, as amended, substituted, replaced or re-enacted from time to time.

IN WITNESS WHEREOF the Parties hereto have hereunto affixed their corporate seals duly attested by the hands of their proper signing officers in that behalf respectively.

SIGNED, SEALED AND DELIVERED

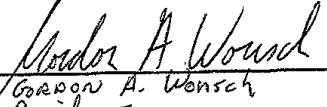


) THE CORPORATION OF THE CITY OF WINDSOR

) Signature: 
) Name: _____
) Title: Chief Administrative Officer
) Signature: 
) Name: _____
) Title: City Clerk

) We have the authority to bind the Corporation

) 1903269 ONTARIO LTD.

) Signature: 
) Name: Gordon A. Wunsch
) Office: President
) I have the authority to bind the Corporation

SUBDIVISION

Special Provisions

S-1. Pursuant to s.51 of the *Planning Act*, R.S.O. 1990 c.P.13, as amended, the Corporation has given approval to a draft plan of subdivision for the lands described in B-1(e) of this agreement, and shown on the map described in B-1(f), on condition that the Owner enter into this agreement.

S-2. **Land Conveyance for Rights-of-Way** – The Owner further agrees, *prior to the issuance of a construction permit*, to gratuitously convey to the Corporation, in fee simple and without encumbrance, the following rights-of-way, in accordance with the approved Plan of Subdivision and to the satisfaction of the City Engineer:

- (1) a 20.0 metre wide right-of-way for Street "A"
- (2) a 20.0 metre wide right-of-way for Street "B"
- (3) a 20.0 metre wide right-of-way for Street "C"
- (4) a 0.3 metre reserve at the north and south limits of Street "A"
- (5) a 0.3 metre reserve at the south limit of Street "B"
- (6) a 0.3 metre reserve at the south limit of Street "C"

S-3. **Land Conveyance for Corner Cut-Offs** – The Owner further agrees, *prior to the issuance of a construction permit*, to gratuitously convey to the Corporation, in fee simple and without encumbrance, corner cut-offs on both the east and west sides of Street "B" and "C" at the intersection with Maguire Street, in accordance with City of Windsor Standard Drawing AS-230, and to the satisfaction of the City Engineer.

S-4. **Storm Sewer Connections** – The Owner further agrees no individual storm sewer connections shall be permitted to the existing 1200mm HPDE Storm Sewer on Maguire Street.

S-5. **Sidewalks** – Notwithstanding paragraph G-2(25) of the General Provisions contained herein, the Owner further agrees to construct, at its entire expense and according to City of Windsor Standard Specifications and to the satisfaction of the City Engineer, sidewalks on the east side of Streets "A", "B" and "C".

S-6. Consulting Engineer – The Owner further agrees, *prior to the issuance of a construction permit*, to retain a Consulting Engineer to provide a detailed servicing study report on the impact of the increased flow to the existing municipal sewer systems, to the satisfaction of the City Engineer.

- i) The study shall review the proposed impact and recommend solutions to addressing the problems and ultimate implementation of solutions should there be a negative impact to the system,
- ii) The study and proposed solutions shall be implemented to the satisfaction of the City Engineer.

S-7. Cash-in-Lieu of Parkland – The Owner further agrees that the provisions of G-5(5) PC are to be implemented by the Owner, *prior to the issuance of a construction permit*, paying to the Corporation cash-in-lieu of parkland as per By-law 12780.

S-8. Temporary Cui-de-Sacs – The Owner further agrees to construct to the Corporation's Standards the following streets to a point determined by the City, terminating in a temporary cui-de-sac:

- 1) Streets "B" and "C"
- 2) Street "A", when access is available from the south

S-9. Noise Study – The Owner further agrees, *prior to the issuance of a construction permit*, to complete a Noise Study and agrees to implement any mitigation measures recommended, to the satisfaction of the City Planner.

S-10. Environmental Impact Assessment – The Owner further agrees, *prior to the issuance of a construction permit*, to complete an Environmental Impact Assessment prior to the registration of the plan of subdivision and agrees to implement any mitigation measures recommended, to the satisfaction of the City Planner.

S-11. Deleted General Provisions – For the purposes of this Agreement, paragraph G-2(12) Benchmarks of the General Provisions contained herein, is waived in its entirety.

G-12. Amended General Provisions – For the purposes of this Agreement, paragraph (e) of section **G-1 CONSULTING ENGINEER** of the General Provisions contained herein, is waived in its entirety and replaced with the following:

“(e) to be responsible for the co-ordination of all survey and layout work required for construction of,”

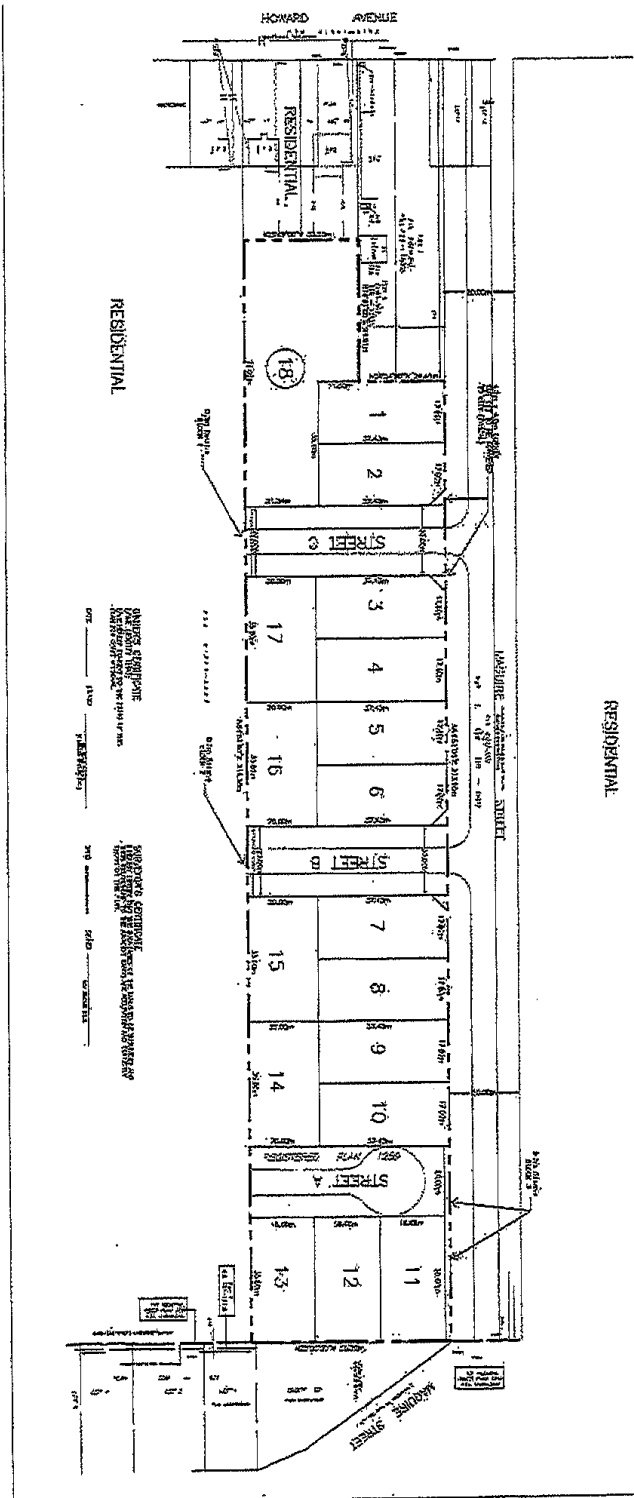
S-13. Construction Permit – The Owner further agrees that the Chief Building Official shall not be required to issue a construction permit for any lot or block in the subject lands until the following have been complied with:

(a) The Owner shall have constructed curbs and base asphalt on the final pavement structure fronting the said lots or blocks; and

(b) Paragraphs G-2(1), G-2(2), G-2(3), G-2(4), G-2(14), G-2(15), G-2(16), G-2(19), G-2(24), G-2(26), G-3(1), G-4(1), G-4(2), G-5(1), G-5(2), G-5(3), G-5(4), G-5(6), G-6, G-7, G-8(2), S-2, S-3, S-6, S-7, S-9 and S-10.

Schedule "A"

Draft Plan of Subdivision



SUBDIVISION

General Provisions

G-1. CONSULTING ENGINEER

The Owner shall employ, at its own expense, a Consulting Engineer registered by the Professional Engineers of Ontario:

- (a) to design and submit to the City Engineer engineering drawings of,
- (b) to prepare and administer any contract necessary for the construction of,
- (c) to obtain from municipal, provincial and federal authorities any approvals necessary for,
- (d) to submit to the City Engineer, prior to the commencement of construction, a report showing existing elevations and the proposed method of drainage of the lands served by,
- (e) to be responsible for all survey and layout work required for construction of,
- (f) to maintain for the client's purposes all records of construction of,
- (g) to submit to the City Engineer all required as-built details, elevations, and drawings in mylar copy and digital data in copy format, as well as details of private drain connections of,
- (h) to be responsible for the co-ordination of, and
- (i) to visit the site of the said works as requested by the City Engineer for any reason related to.

All services required under this Agreement.

G-2. SERVICES

G-2(1). The Owner shall supply, construct and install the following services at its own expense, unless otherwise provided herein, in accordance with the manner, location and design shown in the said engineering drawings and otherwise in accordance with the terms of this Agreement. No such work shall be carried out until the said engineering drawings have been approved by the City Engineer.

G-2(2). Storm Sewers - The Owner agrees to construct storm sewers with necessary appurtenances including catchbasins and service connections from the said storm sewers to the front property line of each building unit or block. All work to be to the satisfaction of the City Engineer.

G-2(3). Sanitary Sewers - The Owner further agrees to construct sanitary sewers with necessary appurtenances and service connections from the said sanitary sewers to the front property line of each building unit or block. All work to be to the satisfaction of the City Engineer.

G-2(4). Storm Detention Scheme

- (a) The Owner further agrees to retain a Consulting Engineer, *prior to the issuance of a construction permit*, for the design and preparation of drawings for an internal

storm water detention scheme to service the subject lands. The purpose of the said storm water detention scheme will be to ensure that storm water drainage being directed to the Corporation's storm sewer, combined sewer or ditch, as the case may be, from the subject lands in their improved state shall be restricted to no greater than the present flow from the subject lands.

G-2(4). (b) Upon approval of the drawings by the City Engineer, the Executive Director of Parks and the Chief Building Official, the Owner further agrees to construct at its entire expense the said storm detention scheme in accordance with the approved drawings, and to the satisfaction of the Chief Building Official.

G-2(5). Waste Disposal Sites - The Owner further agrees that any evidence of former waste disposal activity encountered during the construction on the subject lands shall be brought to the attention of the City Engineer. The Owner's Consulting Engineer shall make an assessment of any hazards the subject lands may present. The Owner further agrees to remove and/or eliminate such hazards, at his entire expense and to the satisfaction of the City Engineer. No work shall be carried out in the affected area until agreement has been reached between the Owner and the City Engineer.

G-2(6). Pavements - The Owner further agrees to construct pavements, including curbs and gutters, driveway approaches and the necessary drainage facilities, according to City of Windsor standard specifications. Pavements are to be 8.6 metres (28 feet) in width, as shown in Standard City Drawing AS-214. The Owner further agrees that cul-de-sac pavements shall have a minimum radius of thirty-one (31) feet (9.5 metres) and that temporary cul-de-sacs and barricades shall be installed at temporary dead-ended streets. The Owner further agrees that one (1) full winter shall elapse following the laying of base asphalt prior to the laying of surface asphalt. All work to be to the satisfaction of the City Engineer.

G-2(7)(i). Driveway Approaches - The Owner further agrees that driveway approaches shall be constructed in such width and location as shall be approved by the City Engineer and the Owner shall have the option of constructing the said driveway approaches as follows:

- (a) asphalt in accordance with City of Windsor Standard Drawing AS-221; or
- (b) concrete in accordance with City of Windsor Standard Drawing AS-222;
- (c) to provide straight flare driveway approaches and to terminate the raised curbs at the property line and the raised curbs shall not extend into the driveway approaches, outside the subject lands;

All work to be to the satisfaction of the City Engineer.

G-2(7)(ii). Transformers near Driveways - The Owner further agrees that driveways and driveway approaches shall not be constructed closer than one (1) metre from the edge of an electricity transformer. Any owner of a lot whose driveway or driveway approach has been constructed closer than one (1) metre from the edge of a transformer, shall pay on demand to the utility for the cost of relocating the transformer to comply with this requirement.

G-2(8). Communication/ Telecommunication - The Owner further agrees to arrange with communication/ telecommunication providers for the installation of sufficient wire-line underground communication/ telecommunication infrastructure services to the subject lands in accordance with the terms, conditions, standards and specifications of the communication/ telecommunication providers, and to locate switching stations to the satisfaction of the City Engineer, and where such switching stations are located in a municipal park, also to the satisfaction of the Executive Director of Parks. In the event that such communication/ telecommunication infrastructure is not available, then the Owner shall pay all expenses for the connection to and/or extension of the existing communication/ telecommunication infrastructure, or for rearrangement or relocation of such communication/ telecommunication infrastructure, as required.

G-2(9). Street Lighting - The Owner further agrees to construct and install street lighting including all poles, wiring fixtures and conduits with design, location and specifications to the satisfaction of the City Engineer and EnWin Utilities Ltd.. Should decorative poles be requested, the Owner shall provide extra poles and/or funds in accordance with Council Resolution 743/2000.

G-2(10)(i). Water Services - The Owner further agrees to construct and install water services in accordance with the design, location and specifications of The Windsor Utilities Commission.

G-2(10)(ii). Electrical Services - The Owner further agrees to construct and install electrical services in accordance with the design, location and specifications of the EnWin Utilities Ltd.

G-2(11). Canada Post Community Mailbox Program

G-2(11). (a) The Owner further agrees to consult with Canada Post to determine suitable permanent locations for the Community Mailboxes. The locations shall be identified on the appropriate servicing plans.

G-2(11). (b) The Owner further agrees to display a map in a place readily accessible to potential homeowners that indicates the location of all Community Mailboxes within the development, as approved by Canada Post.

G-2(11). (c) The Owner further agrees to include in all offers of purchase and sale a statement which advises the purchaser:

- i. that mail will be delivered via Community Mailbox;
- ii. the locations of all Community Mailboxes within the development;
- iii. of any established easements granted to Canada Post to permit access to the Community Mailbox.

G-2(11). (d) The Owner further agrees to provide a suitable and safe temporary site for a Community Mailbox until curbs, sidewalks and final grading are completed at the permanent Community Mailbox locations.

G-2(11). (e) The Owner further agrees to provide the following for each Community Mailbox site and to include these requirements on the appropriate servicing plans:

- i. any required walkway across the boulevard, per municipal standards;
- ii. any required curb depressions for wheelchair access, with an opening of at least two metres (consult Canada Post for detailed specifications);
- iii. a Community Mailbox concrete base pad per Canada Post specifications.

G-2(12). Benchmarks - The Owner further agrees to install permanent Benchmarks in accordance with Standard City of Windsor Drawing AS-104, supplied by the City Engineer's Department. The benchmarks shall be located as specified by the City Engineer. The vertical elevation shall be established by an Ontario Land Surveyor to second order accuracy as defined by the current Ontario Specifications and Ontario Guidelines for Vertical Control Surveys.

G-2(13). Existing Watercourses and Natural Land Drainage - The Owner further agrees that no natural watercourses shall be blocked, abandoned or otherwise altered during the course of construction of this development unless approved by the City Engineer. No natural land drainage shall be cut off without adequate provision made for its interception to the satisfaction of the City Engineer.

G-2(14). E.R.C.A. Requirements - The Owner further agrees to follow all drainage and flood proofing recommendations of the Essex Region Conservation Authority (ERCA) may have with respect to the subject lands, based on final approval by the City Engineer. If applicable, the Owner will obtain all necessary permits from ERCA with respect to the drainage works on the subject lands.

G-2(15). Fire Hydrants and Turnarounds

- (a) The Owner further agrees to submit to the Fire Chief and the City Engineer for their approval, *prior to the issuance of any construction permits*, plans for fire hydrants and temporary turnarounds.
- (b) Once approved, the Owner further agrees to install said fire hydrants and temporary turnarounds to the satisfaction of the Fire Chief and the City Engineer.

G-2(16). Pavement Markings, Signage and Traffic Signals - The Owner further agrees to pay to the Corporation the Corporation's cost of installing public highway signage, striping, off-site road improvements, traffic signals and associated works as determined by the City Engineer. In addition for public highway signage the Owner further agrees, at its entire expense, to arrange for all necessary equipment and labour required for the installation of all traffic stanchions at the locations specified by the City Engineer.

G-2(17). Dirt and Debris - The Owner further agrees to keep the public highways adjacent to the subject lands free from dirt and debris caused by the construction on the subject lands. The Owner further agrees that, within twenty-four (24) hours of being notified by the Corporation, to clean-up the streets adjacent to the subject lands and unassumed streets within fifty (50) metres of the subject lands and/or take dust control measures at the Owner's entire expense, failing which, the Corporation may carry out or cause to have carried out the said work at the entire expense of the Owner.

G-2(18). Repair of Highway - The Owner further agrees that any curbs, gutters, pavements, sidewalks, or landscaped areas on the public highway which are damaged during construction on the subject lands shall be restored by the Owner at its expense, and to the satisfaction of the City Engineer. Any driveway approaches which become redundant following the development of the subject lands shall be closed and this area restored to the satisfaction of the City Engineer.

G-2(19). Street Opening Permits - The Owner further agrees to obtain street opening permits for sewer taps, drain taps, curb cuts and driveway approaches from the City Engineer prior to the commencement of any construction on the public highway.

G-2(20). Hydro Lines Warning - The Owner understands that an electrical distribution line operating at below fifty thousand (50,000) volts (electrical conductors, or energized conductors) might be located within the subject lands or abutting the subject lands. Section 186 of Construction Projects being Ontario Regulation 213/91, pursuant to the *Occupational Health and Safety Act*, R.S.O. 1990, c.0.1, requires that no object be brought closer than ten (10) feet (3 metres) to the energized conductor. The Owner further understands that it is the Owner's responsibility to be aware, and to make all personnel on the subject lands aware, that all equipment and personnel must come no closer than the distance specified in this Regulation. The Owner further understands that the Owner should also be aware that the electrical conductors can raise and lower without warning, depending on the electrical demand placed on the line. The Owner further agrees to post warning signs on the wood poles supporting the electrical conductors stating "DANGER - Overhead Electrical Wires" in all locations where

personnel and construction vehicles might come in close proximity to the energized conductors.

G-2(21). **Traffic Calming** - The Owner further agrees to construct all required traffic calming devices, including traffic circles, roundabouts, median islands, chicanes, curb radius reductions, bump outs, lane narrowings and any other required traffic calming device, to the satisfaction of the Manager of Transportation Planning. The design of all traffic calming devices shall follow the Transportation Association of Canada's guide to neighbourhood traffic calming.

G-2(22). **Control of Weeds** -- The Owner further agrees to control weeds on all of the subject lands to the satisfaction of the Chief Building Official.

G-2(23). **Debris on Subject Lands**

(a) The Owner further agrees:

- (i) to ensure that every lot or block within the subject lands and all unoccupied buildings thereon do not become unsightly by the accumulation of waste, garbage, debris or builder's waste, tree branches, topsoil, fill material or refuse of any kind so deposited forthwith upon being so directed by the chief Building Official.
- (ii) to restrain, by all reasonable means, all other persons from depositing waste, debris, topsoil, fill material or refuse on the subject lands; and
- (iii) to remove any such waste, garbage debris or builder's waste, tree branches, topsoil, fill material or refuse of any kind so deposited forthwith upon being so directed by the Chief Building Official.

G-2(23).(b) The Owner further agrees that it shall not dispose of or stockpile any waste or surplus fill material on the subject lands except in a manner and in a location approved by the Corporation.

G-2(23).(c) The Corporation may, if the Owner has not cleaned up any lot or block within the subject lands upon forty-eight (48) hours notice from the Corporation, enter on and clean up such lands, charging the cost thereof against the performance security required pursuant to **G-2(24)** herein.

G-2(24). **Performance Security** -- Concurrently with the deposit of the Performance Security in **G-6** herein, the Owner shall deposit with the Corporation a Performance Security in the form of a certified cheque, cash or an Irrevocable Letter of Credit which is automatically extended, in the sum of \$15,000.00 to guarantee compliance with the provisions of **G-2(22)** and **G-2(23)** of this Agreement. This Performance Security shall not be released until the Owner has completed development of the subject lands.

G-2(25). **SIDEWALKS**

G-2(25).(a) The Owner further agrees to construct, at its entire expense, a concrete sidewalk

according to the City of Windsor Standard Specifications, along one side of all local/residential streets and both sides of all collector and arterial streets within the subject lands, in compliance with this agreement, and in a manner satisfactory to the City Engineer.

G-2(25). (b) The Owner further agrees to insert a **Sidewalk Warning Clause** into all Agreements of Purchase and Sale, Leases and Transfers for lots on the subject lands making persons aware that a sidewalk will be constructed on one (1) side of all local/residential streets and both sides of all collector and arterial streets, that the sidewalk will be located on the Corporation's lands adjacent to their property and that no structures or excavations are to take place beyond their property line without a written permit or permission of the Corporation.

G-2(25). (c) The Owner further agrees to erect signs/ maps showing the road pattern, the location of community facilities and sidewalks and timing of installation.

G-2(25). (d) The Owner further agrees to identify the specific sidewalk construction costs in the comprehensive Performance Security.

G-2(25). (e) The Owner further agrees to adhere to a specific sidewalk construction timetable and schedule, showing the specific location of the sidewalk(s) with the provision that sidewalks will be constructed no later than when eighty percent (80%) of the construction permits are issued for the subject lands OR within three (3) years of the installation of roads/ curbs; whichever comes first.

G-2(25). (f) The Owner further agrees to the retention of the Performance Securities to ensure the repair of sidewalks damaged during construction.

G-2(26). CCTV Sewer Inspection – The Owner further agrees to provide at its entire expense CCTV inspection satisfying City of Windsor Standard Specification S-32 [CCTV SEWER INSPECTION], for all existing and newly constructed sanitary and storm sewer infrastructure. The inspection shall include both mainline sewers and private drain connections, and shall be required to be submitted on three (3) separate occurrences, identified by the following milestones:

- 1) Prior to the issuance of construction permits;
- 2) Prior to the commencement of the maintenance period described in paragraph G-13; and
- 3) Prior to the assumption of works described by paragraph G-16.

Any deficiencies identified during the noted inspections are required to be remediated to the satisfaction of the City Engineer. Once Repairs are completed CCTV Video will need to be

resubmitted in order to clear such deficiencies.

G-3. LANDSCAPE AND PARK PROVISIONS

G-3(1). Trees - The Owner further agrees to pay to the Corporation, *prior to the issuance of any construction permits*, in connection with trees required for the subject lands, the amount set out in accordance with the Corporation's Manual of Landscaping Requirements available from the Corporation's Executive Director of Parks and the Department Fee Schedule approved by the Council of the Corporation from time to time.

G-3(2). Preservation of Existing Trees - The Owner further agrees to preserve those existing trees on the subject lands and/or adjacent public right-of-way and include preservation guidelines on the approved construction documents for the protection of the said trees during demolition and construction of the proposed development all to the satisfaction of the Executive Director of Parks :

G-3(3). Topsoil

G-3(3). (a) The Owner further agrees that all unpaved portions of street allowances shall be graded and further agrees to supply and replace any topsoil removed therefrom during construction operations to the satisfaction of the Executive Director of Parks.

G-3(3). (b) The Owner further agrees to retain the topsoil removed from the street right-of-way pavement areas for parks purposes and deliver same pursuant to Section 10.7 of the Corporation's Manual of Landscaping Requirements.

G-3(3). (c) The Owner further agrees to distribute the top soil removed from all unpaved portions of street allowances, over any lands to be conveyed to the Corporation for parkland pursuant to the provisions of this agreement, in accordance with the lot grading plan specified in **G-4(1)** herein.

G-4. BUILDING

G-4(1). Elevation, Grades and Drainage Plans - The Owner further agrees to adhere to the elevations, grades and drainage plans as approved by the City Engineer, the Executive Director of Parks and the Chief Building Official on a lot grading plan for the subject lands, including any lands to be conveyed to the Corporation for parkland. The Owner further agrees to provide each purchaser of a lot in the subject lands with an approved individual lot grading plan, which shall include details and notes on the provision of backwater valves. The approved individual lot grading plan shall be presented to the Chief Building Official, *prior to the issuance of a construction permit* for the said lot.

G-4(2). Lot Grading Plan - The Owner further agrees to submit to the satisfaction of the Chief Building Official, the City Engineer, the Executive Director of Parks and ERCA in regulated areas throughout, a lot grading plan covering the subject lands for their approval, *prior to the issuance of any construction permits* for the subject lands. The Owner further agrees to have the approved elevation as per the lot grading plan on each lot verified by a suitably qualified and experienced person (which includes an Ontario Land Surveyor, Architect, Engineer or Certified Engineering Technician and/or Technologist) at the following stages of construction:

- (a) Prior to the pouring of footings (top of forms elevation); and
- (b) Following completion of construction.

Where the finished grade of a lot deviates from the original lot grading plan presented to and accepted by the Chief Building Official, the City Engineer and ERCA in regulated areas throughout, the Owner shall either submit a new lot grading plan to the satisfaction of the Chief Building Official, the City Engineer and ERCA or regrade the lands to the elevations indicated on the original lot grading plan.

G-4(3). Internal Drainage - The Owner further agrees to provide internal drainage for each building lot located on the subject lands in the locations and according to the specifications approved by the Chief Building Official.

G-4(4). Placing of Fill - The Owner further agrees to obtain permits from ERCA in regulated areas throughout for any construction or placing of fill on the subject property, subject to final approval from the Chief Building Official and the City Engineer as necessary.

G-4(5). Construction of Model Homes

It is further agreed that once the municipal services referred to in this Agreement are under construction, the Owner may be allowed to construct model homes on up to ten percent (10%) of the Lots shown on the draft plan of subdivision or relotting plan as approved by the City Planner, to a maximum of twelve (12) model homes per phase of the development of the subject lands on the following terms and conditions, namely:

- (a) that model homes shall be constructed on lots within five hundred (500) feet (152.4m) of an active fire hydrant;
- (b) that a Class "B" road be constructed in order that fire trucks have access to each model home prior to the general public being permitted to tour the structures, all to the satisfaction of the Fire Chief;
- (c) that the Owner releases and forever discharges the Corporation from any and all manner of actions, causes of action, claims and demands for damages, loss or injury, costs (as between a solicitor and own client, including counsel fees) and

- charges whatsoever, occasioned to, or supplied by in respect of any matter or thing in consequence of or in connection with, or arising out of any fire in or about the said model homes, save and until the said Class "B" road referred to in subparagraph (b) hereof has been constructed;
- (d) that the Chief Building Official will not undertake a final inspection of the said model homes save and until the construction and acceptance on to maintenance by the City Engineer of all municipal services referred to in this Agreement;
 - (e) that draft plan approval has been received from the Corporation; and
 - (f) that this Agreement has been registered against the subject lands; and
 - (g) a sign permit application has been submitted to the Chief Building Official for a subdivision sign which includes sidewalk locations.

G-5. CONVEYANCES AND CONTRIBUTIONS

G-5(1). Development Charges - The Owner further agrees to pay, *prior to the issuance of a construction permit*, the appropriate Development Charges in accordance with the Corporation's Development Charges By-Law.

G-5(2)(a). Land Dedication for Public Highway Purposes - The Owner further agrees to dedicate to the Corporation on the registered subdivision plan, all public highways as shown on the approved draft plan of subdivision.

G-5(2)(b). The Owner shall arrange to have all public highways named and obtain street numbers for all lots, all to the satisfaction of the Corporation.

G-5(3). Easement - The Owner further agrees to gratuitously convey to the Corporation and/or utility companies such as, but not limited to, Bell Canada, Union Gas Limited, The Windsor Utilities Commission, EnWin Utilities Ltd., Cogeco Cable Canada GP Inc., Rogers Communications Partnership and Managed Network Systems Inc. *prior to the issuance of any construction permits*, any municipal and/or utility easements required by the Corporation and/or the said utility companies.

G-5(4). Reserves - The Owner further covenants and agrees that dead-ended highways shall terminate in a 0.3 metre reserve blocks. The Owner further agrees to gratuitously convey to the Corporation those 0.3 metre reserve blocks, in fee simple and without encumbrance and *prior to the issuance of any construction permits*, in order that the Corporation may hold the aforesaid reserve blocks, until required for future highway purposes or for the development of the adjacent lands.

G-5(5). Parkland Conveyance - The Owner further agrees to gratuitously convey to the

Corporation, in fee simple and without encumbrance, *prior to the issuance of any construction permit*, lands for park purposes as shown on the approved draft plan of subdivision or to the satisfaction of the City Planner and the Executive Director of Parks , pursuant to Section 51.1 of the Planning Act, R.S.O. 1990.

G-5(6). **Park Development** - The Owner further agrees to pay to the Corporation, *prior to the issuance of any construction permits*, parkland development fees in one (1) payment in accordance with the Corporation's Manual of Landscaping Requirements available from the Corporation's Executive Director of Parks and the Department Fee Schedule approved by the Council of the Corporation from time to time.

G-5(7). **Surveys and Land Descriptions** - All surveys, plans, or descriptions of land to be conveyed to the Corporation and/or utility companies shall be at the entire expense of the Owner.

G-5(8). **Phased Development** - The Corporation agrees that the Owner may phase the development of the subject lands by the registration of more than one plan of subdivision. Prior to undertaking such phasing of development the Owner shall submit plans showing the proposed phasing for the review and approval of the City Planner and City Engineer.

G-5(9). **Oversizing** - In the event the Owner is required to oversize any services to service other lands, the Owner agrees that any oversizing costs to be paid by the Corporation to the Owner shall be based on cost-sharing and tender process satisfactory to the City Engineer. Any cost-sharing agreed to will be subject to the approval by the Corporation's City Council. Benefitting landowners will be required to pay their share of servicing costs prior to the release of permits for benefitting lands.

G-6. **PERFORMANCE SECURITY**

G-6(1). The Owner shall deposit with the Corporation prior to the commencement of construction of any services required under this agreement a Performance Security in the form of a certified cheque, cash or an Irrevocable, Letter of Credit which is automatically extended, or other security in form satisfactory to the City Solicitor and in an amount equal to fifty percent (50%) of the total cost of construction or provision of all said services to be installed on land owned by the Corporation or on any lands to be conveyed hereunder to the Corporation. The said cost of construction of services shall be based upon the contract or contracts mentioned in paragraph G-10 herein, unless such construction shall be carried out by the Owner in which event the cost shall be estimated by the City Engineer. No Performance Security shall be released until the Owner has filed a Maintenance Security in accordance with paragraph G-14 herein, covering the services in respect of which such Performance Security was deposited.

G-6(2). The Owner further agrees that in the event the Owner fails to construct, or in the opinion of the City Engineer there are deficiencies in the services required under this Agreement, or the construction of the said services has been started and abandoned by the Owner, on land owned by the Corporation or on any lands to be conveyed hereunder to the Corporation, the Corporation may, at its sole option, by its agents, representatives, workmen, contractors or employees complete the said services or part of the said services, or take any actions as the Corporation in its sole discretion deems necessary under the circumstances for the protection of the services or the public or both. The costs of the aforementioned actions by the Corporation shall be recovered by the Corporation out of the Performance Security submitted pursuant to the requirements of this Agreement, and any additional costs incurred by the Corporation in excess of the said Performance Security, shall constitute a debt owing by the Owner to the Corporation and the Corporation may add such costs to the tax roll of the subject lands and collect them in the same manner as taxes.

G-7. CONSTRUCTION LIEN ACT

Inasmuch as the Owner is obliged at its entire expense and not at the expense of the Corporation, to make improvements to the highway, the Owner shall deposit with the Corporation, in order to satisfy the requirements of Section 17(4) of the Construction Lien Act, a security in form satisfactory to the City Solicitor and in an amount satisfactory to the City Engineer, for the estimated amount of the holdbacks (under part IV of the Construction Lien Act) that would have been required were the improvements made at the expense of the Corporation. Upon the forty-sixth (46th) day following the completion of the said work and provided that the Corporation has received no notice of claim or lien for the supply of services or materials for the improvement of the streets or highways, the Corporation shall redeliver the security or letter of credit hereinbefore mentioned to the Owner.

G-8. INDEMNITY AND INSURANCE

G-8(1). The Owner further agrees to indemnify and save the Corporation harmless from and against all loss or damage, expense, claims, suits and liability on account of any and all damage to or loss or destruction of any property (including without limitation, the work hereby covered and all property of the Owner and the Corporation), or injury to or death of any person (including without limitation, employees of the Owner and the Corporation) arising directly or indirectly out of or in connection with the negligent performance or unlawful or non-performance of any obligation of the Owner under this Agreement on land owned by the Corporation or on any

lands to be conveyed hereunder to the Corporation.

G-8(2). During the construction of the works on land owned by the Corporation or on any lands to be conveyed hereunder to the Corporation required herein, and during the maintenance period, the Owner further agrees to maintain:

- G-8(2).** 1. A policy of public liability and property damage insurance, in the amount of **FIVE MILLION DOLLARS (\$5,000,000.00)** per occurrence and containing endorsements showing the Corporation, and its officers, agents, employees, and assigns, as an additional insured and have a cross-liability clause, and to be in form satisfactory to the Manager Risk and Insurance, or designate.
- G-8(2).** 2. If deemed necessary by the Manager of Risk and Insurance, or designate, a policy to provide environmental pollution liability insurance, in the amount of **TWO MILLION DOLLARS (\$2,000,000.00)** exclusive of interest or costs, on a claims-made basis or such other limit as the Corporation may reasonably require and containing endorsements showing the Corporation, and its officers, agents, employees, and assigns, as an additional insured, to cover third party bodily injury and property damage claims arising out of sudden and accidental pollution, including but not limited to unexpected and unintentional spill, discharge, emission, dispersal, leakage, migration, release or escape of pollutants. The coverage is not to be subject to the one hundred and twenty (120) hour reporting period and is not to be limited to hostile fire only, and is to be in form satisfactory to the Risk and Insurance, or designate.
- G-8(2).** 3. A policy to provide proof of auto liability insurance, in the amount of **TWO MILLION DOLLARS (\$2,000,000.00)** per occurrence.

The said insurance policies shall not be altered, cancelled or allowed to lapse without thirty (30) days prior written notice to the Corporation. If the said insurance policies are cancelled or changed in any manner that would affect the Corporation as outlined in coverage specified in the policy for any reason, thirty (30) days prior written notice by registered mail must be given by the insurer to the Corporation. Before commencing any work on land owned by the Corporation or on any lands to be conveyed hereunder to the Corporation required herein, the Owner further agrees to provide the Manager of Risk and Insurance, or designate, with a certified copy of said such policies.

G-9. COMPLETION OF WORK

Rear-yard drainage and driveway approaches shall be installed contemporaneously with the construction of dwellings on each building lot, upon the direction of the Chief Building Official and the City Engineer, respectively. Except as aforesaid, all works required hereunder in each stage of construction approved by the City Engineer shall be completed within twenty-seven (27) months of the date of this Agreement, provided however, that the said completion date may be extended with the approval of the City Engineer. Each one (1) year extension granted by the City Engineer will be conditional upon the recalculation of all outstanding monies in this Agreement owed to the Corporation by the Owner and likewise owed to the Owner by the Corporation. Recalculation will constitute the addition of a simple interest charge based on the average annual rate of debentures issued by the Corporation in each one (1) year period prior to the termination date being so extended for a one (1) year period.

G-10. SPECIFICATIONS AND MATERIALS

G-10(1). All work relative to this Agreement on land owned by the Corporation or on any lands to be conveyed hereunder to the Corporation shall be carried out by a contractor competent in the type of construction involved. The latter shall be subject to the approval of the City Engineer. All work or detail required for the completion of construction under this Agreement and not shown in the engineering drawings, shall adhere to the latest Corporation's specifications and standards.

G-10(2). In the event that the Owner shall call for tenders for any of the work required herein, such tenders shall be called on the basis of the specifications prescribed under this Agreement and the Owner shall provide the City Engineer with a copy of the tender and an executed copy of the contract sent to each successful tenderer for any such work.

G-10(3). All material to be incorporated into the work required herein shall be tested from time to time, at the Owner's expense, as may be required by the City Engineer.

G-11. INSPECTION OF WORK

It is understood by the Owner that the work on land owned by the Corporation or on any lands to be conveyed hereunder to the Corporation carried out under this Agreement must be inspected and approved but not supervised by the Corporation's inspectors, but that no charge will be made by the Corporation for such inspections. The Owner shall give the City Engineer forty-eight (48) hours' notice of the commencement of such work; shall make every effort to

proceed expeditiously to the completion of all work undertaken without delay or interruptions; shall submit to the Corporation a work schedule to be followed in construction of the services required herein; shall co-operate fully with the inspectors aforesaid by making all parts of the work accessible to them and shall organize the work operation in such a manner as to permit inspections to be carried out in the most efficient manner during regular working hours as far as possible. The Corporation likewise upon receipt of reasonable notice shall co-operate with the Owner in arranging to have inspectors available to carry out, without delay, such inspections as may be necessary.

G-12. ACCEPTANCE OF WORK

G-12(1). The performance by the Owner of its obligations under this Agreement on land owned by the Corporation or on any lands to be conveyed hereunder to the Corporation to the satisfaction of the City Engineer shall be a condition precedent to the acceptance by the Corporation of the services and works required herein as substantially complete and the commencement of the maintenance period described in paragraph **G-13**.

G-12(2). Prior to the acceptance by the Corporation of the said services and works as substantially complete, the Owner shall furnish the Corporation with a statutory declaration to the effect that the Owner has paid all accounts that are payable in connection with the installation and maintenance of such works and that there are no outstanding claims relating thereto. The Owner shall also provide the Corporation with a certificate of Substantial Completion signed by the Owner's Consulting Engineer, and advertised as required by the Construction Lien Act and regulations thereto.

G-12(3). Upon substantial completion of the services to be constructed or installed in public lands and upon acceptance thereof by the City Engineer or by the appropriate representative of The Windsor Utilities Commission and EnWin Utilities Ltd., such services shall become the property of the Corporation or The Windsor Utilities Commission and the EnWin Utilities Ltd. as the case may be, and the Corporation shall thereupon permit such services to be incorporated with the appropriate existing municipal services at the expense of the Owner or its assignee. This paragraph shall not require the Corporation to maintain or in any way be responsible for driveway approaches, private sewer connections or any other private services which may be installed in public lands.

G-13. MAINTENANCE PERIOD

The Owner shall be responsible at its entire expense and to the satisfaction of the

City Engineer for all materials, equipment and work on land owned by the Corporation or on any lands to be conveyed to the Corporation from the time of installation thereof and continuing for a minimum period of one (1) year following substantial completion and acceptance thereof by the City Engineer.

G-14. MAINTENANCE SECURITY

The Owner shall deposit a Maintenance Security in the form of a certified cheque, cash or an Irrevocable Letter of Credit which is automatically extended, or other security in form satisfactory to the City Solicitor and in an amount equal to twenty-five percent (25%) of the total cost of the services or work required herein. The Maintenance Security shall be returned to the Owner after final inspection of the services or works is conducted and the City Engineer is satisfied that the works or services can be assumed by the Corporation in accordance with the provisions of paragraph G-16.

G-15. SNOW REMOVAL AND USE OF WORKS

G-15(1). The Owner agrees that pending the assumption of the said services or works by the Corporation, the services or works may be used by the Corporation or by any person authorized by the Corporation, at the Corporation's sole discretion, for the purpose of entering upon all streets with all necessary machinery and equipment to plough snow or salt roads or perform any other work which the Corporation deems necessary or expedient. Despite the use of the services or works for snow ploughing, salting or the performance of other work, this shall not constitute an acceptance or assumption of the services works by the Corporation, nor shall it be deemed an assumption by the Corporation of any liability in connection therewith.

G-15(2). The use of the services or works or the snow plowing or removal of snow or the performance of such other work as the Corporation considers necessary does not relieve or discharge the Owner of its obligations in respect of the construction and maintenance of the said services or works, or any other obligation of the Owner pursuant to the provisions of this agreement.

G-16. ASSUMPTION OF WORKS

G-16(1). Before the services or works intended to belong to the Corporation are assumed by the Corporation, the Owner shall have complied with all the terms and conditions of this agreement in respect of the services or works, corrected all deficiencies in the works identified under the maintenance period to the satisfaction of the City Engineer, and furnished the

Corporation with a statutory declaration to the effect that the Owner has paid all accounts that are payable in connection with the installation and maintenance of such services or works and that there are no outstanding claims relating thereto. In addition the Owner shall provide to the Corporation a certificate from the Owner's consulting engineer confirming that all the services or works have been installed and maintained as required by the Corporation.

G-16(2). Streets shall be assumed by the Corporation upon the passing of a by-law for the assumption of the streets and works therein. The date of the assumption of the streets shall be the date of the final passing of the by-law.

G-17. GENERAL

G-17(1). The Owner shall repair forthwith, at its own expense, any damage done by its servants, agents, contractors or sub-contractors to any land or property of the Corporation during the course of, or arising in any way out of the construction or installation of the work required under this Agreement.

G-17(2). This Agreement may be registered against the subject lands described herein.

G-17(3). This Agreement shall enure to the benefit of and be binding upon the Parties hereto and their respective successors and assigns.

G-17(4). The City Engineer, the Executive Director of Parks, the Chief Building Official, the City Planner, the Fire Chief, the City Solicitor, the Executive Director - Public Works, Operations and the Manager of Risk and Insurance which may be set out in this Agreement, are those of the Corporation.



Council Report: S 78/2026

Subject: Part Closure of Roseland Crescent East and Roseland Crescent West located east of Dougall Avenue and south of Cabana Road East, Ward 9, SAS-4182

Reference:

Date to Council: August 4, 2026
Author: Brian Nagata, MCIP, RPP
Planner III - Development (A)
(519) 255-6543 ext. 6181

Planning & Development Services
Report Date: June 23, 2026
Clerk's File #: SAA2026

To: Mayor and Members of City Council

Recommendation:

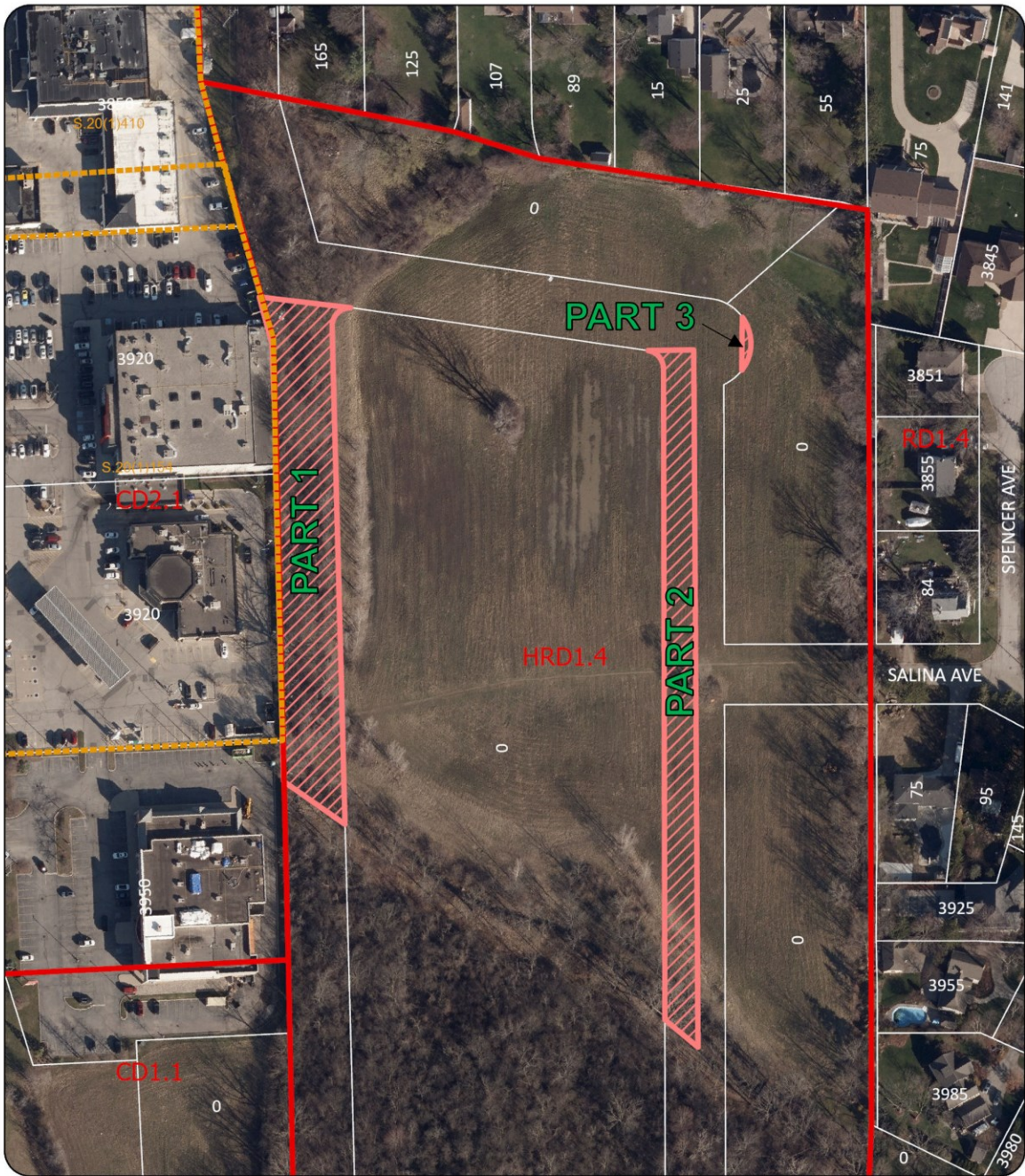
- I. THAT the portion of the public highway known as Roseland Crescent East, shown as Parts 2 and 3 on Drawing No. CC-1888 (attached hereto as Appendix "A"), and hereinafter referred to as "Roseland East", **BE ASSUMED** for subsequent closure.
- II. THAT the portion of the public highway known as Roseland Crescent West, shown as Part 1 on Drawing No. CC-1888, and hereinafter referred to as "Roseland West", **BE ASSUMED** for subsequent closure.
- III. THAT Part 2 of Roseland East **BE CLOSED AND CONVEYED** in **as-is condition** to the Owner of the abutting property known municipally as 0 Roseland Crescent West, legally described as Lots 64 to 73, 76 to 85, and 209 to 212, Plan 1489, and as necessary, in a manner deemed appropriate by the City Planner, subject to the following:
 - a. Easements, subject to being accepted in the City's standard form and in accordance with the City's standard practice, are being granted to:
 - i. The Corporation of the City of Windsor to accommodate the existing underground 900 mm reinforced concrete sanitary sewer and 1975 mm corrugated steel storm sewer.
- IV. THAT Part 3 of Roseland East **BE CLOSED AND CONVEYED** in **as-is condition** to the Owner of the abutting property known municipally as 0 Roseland Crescent East, legally described as Lots 52 to 54, and Lots 201 & 202,

Plan 1489, and as necessary, in a manner deemed appropriate by the City Planner.

- V. THAT Roseland West **BE CLOSED AND CONVEYED** in **as-is condition** to the Owner of the abutting property known municipally as 0 Roseland Crescent West, legally described as Lots 64 to 73, 76 to 85, and 209 to 212, Plan 1489, and as necessary, in a manner deemed appropriate by the City Planner, subject to the following:
- a. Easements, subject to being accepted in the City's standard form and in accordance with the City's standard practice, are being granted to:
 - i. ENWIN Utilities Ltd. to accommodate existing overhead and underground infrastructure;
 - ii. Managed Network Systems Inc. (MNSi) to accommodate existing overhead infrastructure; and
 - iii. The Corporation of the City of Windsor to accommodate the existing underground 900 mm reinforced concrete sanitary sewer and 1975 mm corrugated steel storm sewer.
- VI. THAT the Owner **SHALL**, at its own expense, prepare and deliver a Reference Plan to the satisfaction of the City Solicitor.
- VII. THAT Conveyance Cost **BE SET** in accordance with CR187/2026.
- VIII. THAT The City Solicitor **BE REQUESTED** to supply the appropriate legal description, in accordance with Drawing No. CC-1888.
- IX. THAT The City Solicitor **BE REQUESTED** to prepare the necessary by-law(s).
- X. THAT The Chief Administrative Officer and City Clerk **BE AUTHORIZED** to sign all necessary documents approved as to form and content satisfactory to the City Solicitor.
- XI. THAT the matter **BE COMPLETED** electronically pursuant to By-law Number 366-2003

Executive Summary:

N/A



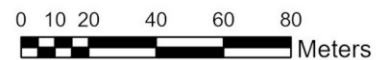
STREET & ALLEY CLOSING (SAS-4182) - Roseland Crescent East and Roseland Crescent West



PROPOSED CLOSURE

PLANNING DEPARTMENT - DEVELOPMENT DIVISION

DATE: JUNE 2026



Background:

On May 30, 2014, South Windsor Development Company Limited, acting as the authorized agent (the Applicant) for South Windsor Properties Inc. Trustee (the Owner), submitted an application to close portions of two public highways abutting lands municipally known as:

- 0 Roseland Crescent South (legally described as Lots 21, 22, 86 to 88, and Part of Lot 20, Plan 1489);
- 0 Roseland Crescent East (legally described as Lots 52 to 63 and 201 to 208, Plan 1489); and
- 0 Roseland Crescent West (legally described as Lots 64 to 73, 76 to 85, and 209 to 212, Plan 1489)

(Collectively referred to as the "Subject Property").

The application seeks to close the following untraveled portions of road allowances:

1. Roseland Crescent East, identified as Parts 2 and 3 on Drawing No. CC-1888 (Appendix "A") (hereinafter referred to as "Roseland East"); and
2. Roseland Crescent West, identified as Part 1 on Drawing No. CC-1888 (hereinafter referred to as "Roseland West").

Roseland East and Roseland West are currently unmaintained road allowances comprised primarily of natural vegetation. Both road allowances were originally established through Registered Plan of Subdivision 1489, which was registered on October 21, 1947, and subsequently amended on November 25, 1959, through Registered Plan of Subdivision 1489a. Registered Plan 1489 comprises lands bounded by Cabana Road East (north), Registered of Subdivision Plan 1258 (east), Howard Avenue (south), and Dougall Avenue (west).

The proposed road closures are required to facilitate the Draft Plan of Subdivision application submitted by the applicant (File No. SDN-001/25), with the Draft Plan of Subdivision attached as Appendix "F". The application proposes amendments to the undeveloped portion of Registered Plan 1489, located north of the centreline of the Lennon Drain.

The proposed road closures will enable the reconfiguration of the approved lotting pattern and road network to support a broader range of residential housing types. Specifically, the revised subdivision design will accommodate semi-detached and townhouse dwellings in addition to the single-unit dwellings originally planned for the area. This increased housing diversity will contribute to a more varied housing supply while maintaining the orderly development of the subdivision.

Discussion:

The criteria for evaluating applications to close a street or alley are set out in the City's Street and Alley Closing Policy (the "Policy"), as amended from time to time by Council resolution.

The Policy establishes four classifications under which a street or alley may be categorized, along with corresponding direction regarding its suitability for closure. These classifications are summarized in Table 1 below, with the full Policy attached hereto as Appendix "D."

Table 1 - Classification & Suitability for Closing a Street or Alley

Classification	Suitability for Closing
Indispensable	Not suitable for closure
Has some usefulness	May be considered for closure only when requested by abutting property owners; the City does not initiate requests.
Dispensable with no current or anticipated purpose	Suitable for closure where possible
Located in Holding zones and other similar undeveloped areas	Not suitable for closure unless required for municipal purposes or supported by specific development proposals acceptable to the City.

The Planning & Development Services Department deems the Roseland East and Roseland West public highways "dispensable" and supports the requested closure.

The requested closure is necessary to facilitate the aforementioned Draft Plan of Subdivision.

Risk Analysis:

The recommended closure will divest the City of associated liability risks and maintenance costs. The recommended closure poses no known risk to the City.

Climate Change Risks

Climate Change Mitigation:

N/A

Climate Change Adaptation:

N/A

Financial Matters:

The rate applicable to Roseland East and Roseland West, conveyed to abutting lands zoned HRD1.4, is as approved by Council at its In-Camera meeting on April 27, 2026, by CR187/2026.

At their own expense, the Owner has prepared a Draft Reference Plan illustrating the lands identified as Roseland East and Roseland West, attached hereto as Appendix "E". Administration recommends that the Owner, at its own expense, prepare and deliver a registered Reference Plan to the satisfaction of the City Solicitor.

Consultations:

Consultations were held with Municipal Departments and Utility Companies, which resulted in the information found in the attached hereto as Appendix "C".

Notice of this application was issued to property owners abutting Roseland East and Roseland West by first-class mail on August 14, 2014, with no objections or comments being received as of the date of writing this report.

Notice of the Development & Heritage Standing Committee meeting and Council meeting is published in the Windsor Star before each of the meetings. In addition, notice of each of the public meetings will be mailed to the abutting/affected property owners before the meetings.

The Planning & Development Services Department consulted the Financial Services Department on the financial matters associated with this report.

Conclusion:

The Planning & Development Services Department recommends the closure of Roseland East and Roseland West, subject to easements in favour of ENWIN Utilities Ltd., Managed Network Systems Inc. (MNSi), and The Corporation of the City of Windsor, as in Recommendations III and V of this report.

The closed Roseland East and Roseland West are to be conveyed in **as-is condition** to the Owner, as in Recommendations III, IV and V of the report.

Municipal Act Matters:

Brian Nagata, MCIP, RPP

Planner III - Development (A)

I concur with the above comments and opinion of the author.

Laura Diotte, MCIP, RPP

Manager - Planning (Development Applications)

Neil Robertson, MCIP, RPP

City Planner

JP

RM

Approvals:

Name	Title
Brian Nagata	Planner III - Development (A)
Laura Diotte	Manager – Planning, Development Applications
Denise Wright	Manager of Real Estate Services
Jamelah Hersh	Senior Legal Counsel, Legal & Real Estate
Neil Robertson	City Planner
Jelena Payne	Deputy CAO/Commissioner, Economic Development

Lorie Gregg	On behalf of Commissioner, Finance & City Treasurer
Ray Mensour	Chief Administrative Officer

Notifications:

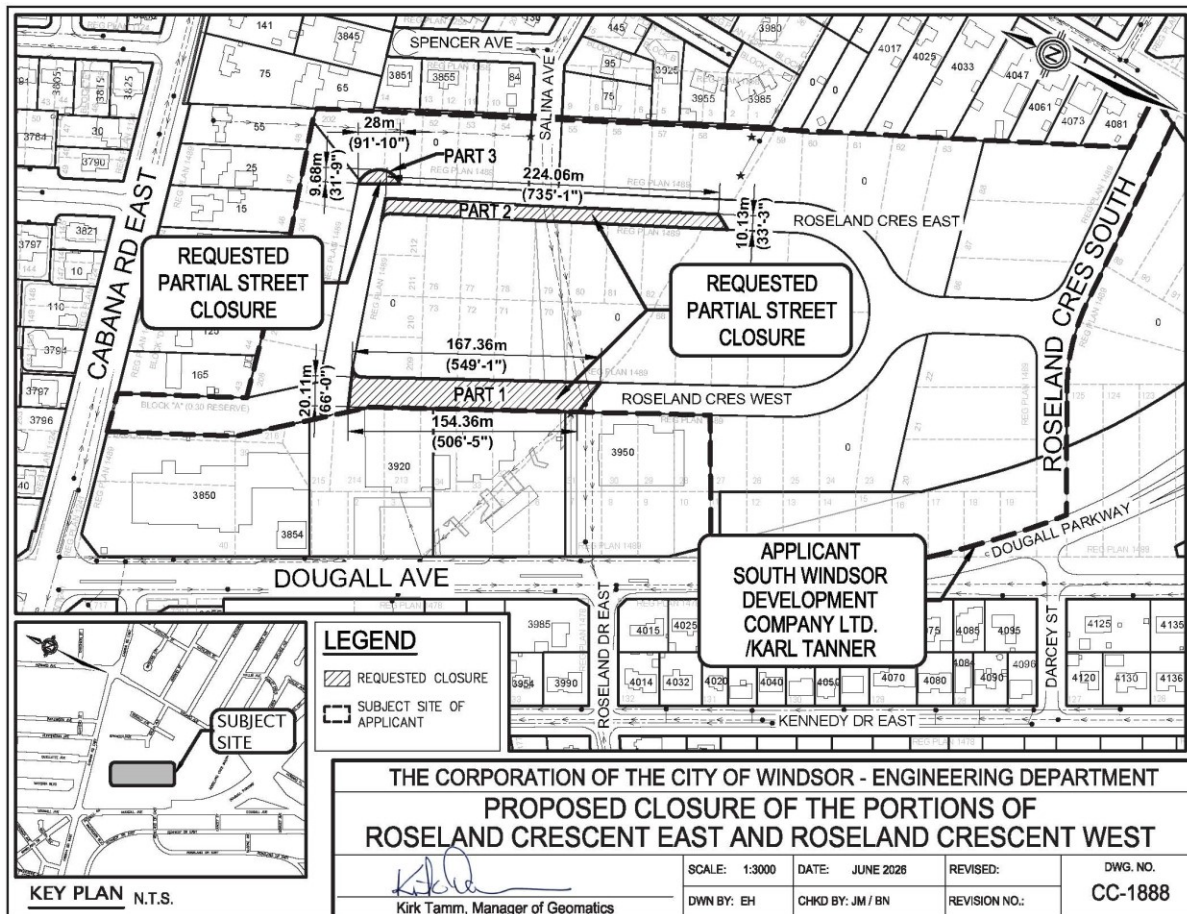
The Planning & Development Services Department provided the Clerk's Department with mailing labels for the Notice of Development & Heritage Standing Committee on July 2, 2026

Appendices:

- 1 Appendix A - Drawing No. CC-1888
- 2 Appendix B - Site Photos
- 3 Appendix C - Consultations w Municipal Departments & Utility Companies
- 4 Appendix D - Classification of Alleys and Suitability for Closure
- 5 Appendix E - Draft Reference Plan
- 6 Appendix F - Draft Plan of Subdivision

APPENDIX "A"

Drawing No. CC-1888



APPENDIX “B”

Site Photos (Google Street View)



Figure 1 - Looking east towards Roseland Crescent West (behind commercial properties) from Dougall Avenue (June 2025)



Figure 2 - Looking east towards Roseland Crescent West from the commercial plaza parking area (November 2020)



Figure 3 - Looking west towards Roseland Crescent East from Salina Avenue terminus (November 2023)

APPENDIX "C"

Consultations with Municipal Departments and Utility Companies

BELL CANADA

Bell Canada has no easement requirements with respect to the proposed closure and sale of the subject property.

[Lisa Hall]

COGECO CONNEXION INC.

No issues from Cogeco

[Daniel Haggins - Supervisor Market Expansion]

ENBRIDGE GAS INC.

No comments provided

ENGINEERING (DEVELOPMENT)

The subject road closures are forested and composed of grass. The west area of the road closure has lengths of approximately 158.5m on the long end and 138.6m on the short end with an approximate width of 20.2m. The east area of the closure is made up of a small crescent/semi circle shape, and a long straight portion. The straight portion has a length of approximately 233.8m on its long end and 221.6m on the short end, with an approximate width of 10.0m. Finally, the Crescent portion has an approximate length of 20.0m and an approximate width 3.9m at its longest point. There are no encroachments into the roads, no curb cuts, and no driveway approaches. There is a storm sewer, sanitary sewer and a municipal drain running through the subject road as well as manholes for these sewers. An easement over the manholes covering the width of the subject road is required for access. There is no garage access from this road, and it is not travelled. This road appears to serve no useful purpose by CR146/2005; therefore, we have no objections to its closure.

[Adam Yacoub - Development Engineering Co-op Student]

ENGINEERING (RIGHT-OF-WAY)

This closure should require an easement to be in place, and it can be removed when the right of ways are dedicated within the plan of subdivision.

[Lea Marshall - Technologist III]

ENGINEERING (TRAFFIC OPERATIONS)

No concerns with the closure as proposed.

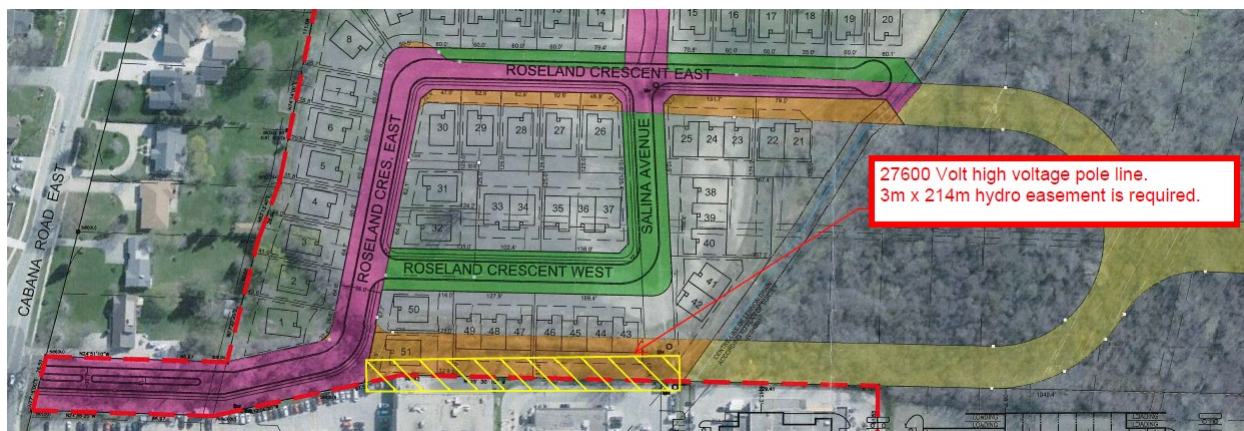
[Ajay Kumar - Traffic Technician]

ENVIRONMENTAL SERVICES

No comments provided

ENWIN UTILITIES LTD. (HYDRO)

No objection, provided that an easement in favour of Enwin Utilities Ltd. is established along the entire west limit of the subject site. This easement is required to ensure continued access, operation, and protection of the existing 27,600-volt high-voltage pole line, including the neutral overhead conductor and associated down guy(s). Please refer to the attached Proposed Property Exchange Map for detailed requirements and clarification.



[Anwar Najor - Senior Hydro Engineering Technologist]

ENWIN UTILITIES LTD. (WATER)

Water Engineering has no objections.

[Bruce Ogg - Water Project Review Officer]

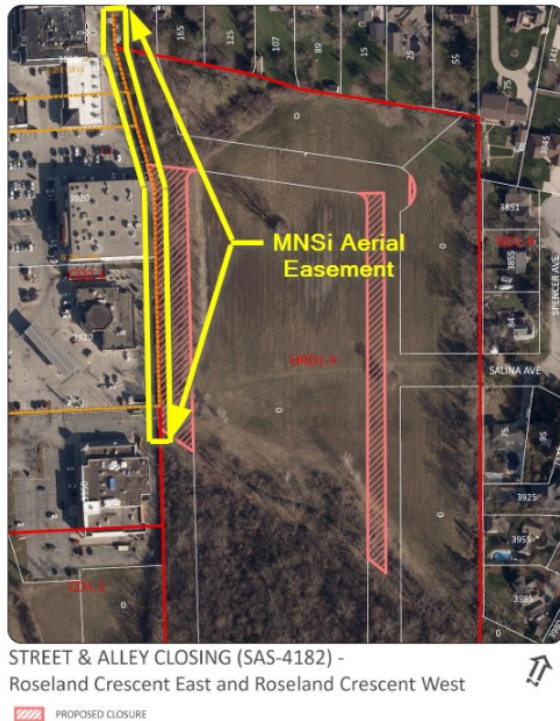
LEGAL & REAL ESTATE SERVICES

Conveyance price as approved by Council at its In-Camera meeting on April 27, 2026 by CR187/2026.

[Natalie D'Ambrosio - Coordinator of Real Estate Services]

MANAGED NETWORK SYSTEM INC. (MNSi)

MNSi would like an Aerial Easement on the pole line along the West edge of the Property for whichever section you can, if possible, please. (I realize it may only be in the shaded area)



[Dave Hartleib - Outside Plant Manager]

PARKS

I have no comments from Parks development lens to this application.

[Hoda Kameli - Landscape Architect]

ROGERS

No comments provided

TELECON (TELUS)

TELUS has no infrastructure between Pavement Centreline & ROW line on the same side as the proposal.

Consent expires six(6) months from approval date. If the location of your proposed design changes, it will be necessary to re-apply.

[Isadora Aquino - TELUS Utility Mark-Ups]

TRANSPORTATION PLANNING

Transportation Planning has no objections to the proposed closure of Roseland Crescent East and Roseland Crescent West.

[Aashvi Sarvaiya - Transportation Planner I]

WINDSOR FIRE

No comments provided

WINDSOR POLICE

The Windsor Police Service has no objections with these proposed closures, as they are a required component of the overall site's redevelopment for a plan of subdivision.

[Barry Horrobin - Director of Planning & Physical Resources]

APPENDIX “D”

Criteria for Evaluating Applications to Close a Street or Alley

Classifications:

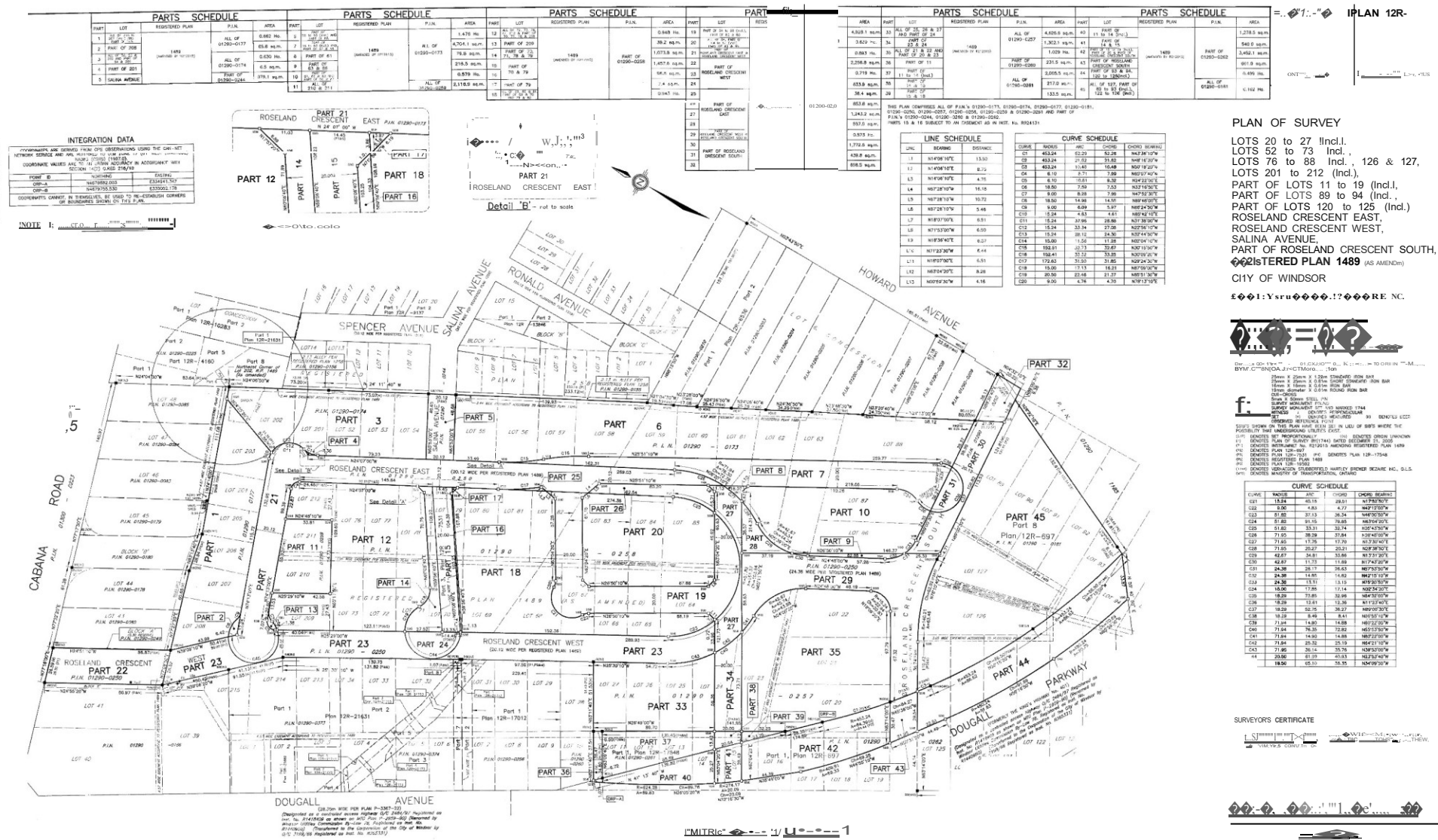
Currently, streets and alleys fall into four classifications based on their usefulness:

1. Alleys that are **indispensable**. These would be alleys serving commercial properties and properties fronting on heavily traveled streets i.e. major arterial routes and alleys which contain sewers and must remain accessible for servicing; alleys or streets which serve as the only vehicular means of access to rear parking areas and garages where the property has insufficient lot width for a side drive; and alleys which contain Fire Department connections that are deemed to be necessary for firefighting access.
2. Alleys that **have some usefulness** are nevertheless dispensable and may or may not be a complete liability.
3. Alleys that **appear to serve no useful purpose, either now or anticipated**. Such alleys are in residential areas and locations where generally the lots are wide enough for side drives, or those alleys abutting parks and other parcels of land that do not require any servicing from the alley. Remnant or stub-end streets that are dead-ended and do not serve as access to other streets.
4. Alleys **lying in Holding zones and other similar undeveloped areas where the alley system is clearly obsolete and has never been developed**, but where the City needs to keep its options open until new area plans are prepared and development is imminent.

Suitability for Closing:

The following are the criteria and suitability for closing alleys in each of the above classifications:

1. **Indispensable alleys** should not be closed, conveyed, reduced, or otherwise jeopardized through minority interests unless a suitable substitute alley is opened in lieu thereof. They are essential from the viewpoint of fire protection, police protection, emergency services (i.e., ambulance), and loading or unloading of goods, refuse collection, servicing of blocked sewers, and utility services. Without such alleys, the above-noted services would at least be more costly, if not impossible to complete or adequately access. They would noticeably interfere with street traffic, thereby reducing the access capacity of the adjacent arterial, collector, or street for business.
2. **Alleys having some usefulness** should be considered for closing only upon the request of abutting owners rather than by the encouragement of the City.
3. **Alleys that serve no useful purpose** should be closed if at all possible, and in fact, the owners abutting thereon should be encouraged to accept conveyance.
4. **Alleys that are clearly obsolete** should not be closed unless there is a municipal need or specific development proposals acceptable to the City are submitted.



Subject: Additional Information Memo to Council Report No. S 78/2026

Reference:

Date to Council: September 1, 2026
Author: Brian Nagata, MCIP, RPP
Planner III - Development (A)
(519) 255-6543 ext. 6181

Planning & Development Services
Report Date: July 24, 2026
Clerk's File #: SAA2026

To: Mayor and Members of City Council

Additional Information:

Addendum to Recommendation for Report S 78/2026:

- Recommendations I and II **BE DELETED** and **BE REPLACED** with the following Recommendation I:
 - I. THAT the portion of the public highway known as Roseland Crescent East and Roseland Crescent West, as shown on Revised Drawing No. CC-1888 (attached hereto as Appendix "G"), and hereinafter referred to as "Roseland East and Roseland West", **BE ASSUMED** for subsequent closure.
- Recommendations III, IV and V **BE DELETED** and **BE REPLACED** with the following Recommendation II:
 - II. THAT Roseland East and Roseland West **BE CLOSED AND CONVEYED** in **as-is condition** to the Owner of the abutting property known municipally as 0 Roseland Crescent West, legally described as Lots 64 to 73, 76 to 85, and 209 to 212, Plan 1489, and as necessary, in a manner deemed appropriate by the City Planner, subject to the following:
 - Easements, subject to being accepted in the City's standard form and in accordance with the City's standard practice, are being granted to:
 - ENWIN Utilities Ltd. to accommodate existing overhead and underground infrastructure;
 - Managed Network Systems Inc. (MNSi) to accommodate existing overhead infrastructure; and

- The Corporation of the City of Windsor to accommodate the existing underground 900 mm reinforced concrete sanitary sewer and 1975 mm corrugated steel storm sewer.
- Recommendations VI, VII, VIII, IX, X and XI **BE RENUMBERED** to III, IV, V, VI, VII and VIII respectively.

Addendum to Appendices for Report S 78/2026:

- THAT Appendix A, Drawing No. CC-1888, **BE REPLACED** with Appendix G - Revised Drawing No. CC-1888 attached to this memo;
- THAT Appendix E, Draft Reference Plan, **BE REPLACED** with Appendix H - Revised Draft Reference Plan attached to this memo; and
- THAT Appendix I - Site Visit Photos, attached to this memo, **BE ADDED** to the report appendices.

Background:

On July 21, 2026, the Applicant submitted a revised Draft Reference Plan to Administration, attached as Appendix H. The Draft Reference Plan identifies all of Roseland Crescent East and Roseland Crescent West located north of the top-of-bank of the Lennon Drain as a single parcel (Part 1). For this report, these lands are hereinafter collectively referred to as "Roseland East and Roseland West."

The Applicant requested that consideration of the road closure application be deferred to the September 1, 2026 meeting of the Development & Heritage Standing Committee to provide Administration with sufficient time to review the revised plan and update the recommendation accordingly. The Applicant advised that expanding the scope of the proposed closure to include the entirety of the subject right-of-way north of the Lennon Drain would simplify subsequent land conveyance, PIN consolidation, Land Titles Absolute application, and registration processes. The Applicant further indicated that this approach would facilitate the establishment of future municipal rights-of-way through a Plan of Subdivision following registration.

At its meeting held on August 4, 2026, the Development & Heritage Standing Committee granted the Applicant's request to defer consideration of the application concerning the closure of portions of Roseland East and Roseland West.



STREET & ALLEY CLOSING (SAS/4182)

APPLICANT : SOUTH WINDSOR DEVELOPMENT COMPANY LTD.

 REQUEST FOR CLOSURE

PLANNING & DEVELOPMENT SERVICES

DATE: AUGUST, 2026

Figure 1 - Revised Closure of Roseland East and Roseland West

Discussion:

The expanded scope of the proposed closure will result in an additional 9,542.8 m² of municipal right-of-way being closed and conveyed to the Owner, increasing the total closure area to 14,468.0 m².

The Real Estate Services Department has confirmed that the conveyance cost recommended and approved by Council at its In-Camera meeting on April 27, 2026, through Council Resolution CR187/2026, remains appropriate and will continue to apply notwithstanding the increase in the closure area. This determination is based on the fact that approximately 10,638.9 m² of land will be dedicated back to the City for public highway purposes as a condition of the subdivision agreement, thereby offsetting a substantial portion of the lands proposed for closure and conveyance.

Roseland East and Roseland West contain several City-owned trees, as well as areas of significant habitat and vegetation. While the City has no regulatory authority to prevent the removal of trees, habitat, or vegetation located on private lands, the proposed closure would result in the conveyance of City-owned natural assets to the Owner.

Accordingly, the City Forester and City Naturalist have recommended that the Owner be required to provide:

1. Payment of the Tree Canopy Replacement Cost for all City-owned tree assets within Roseland East and Roseland West, as determined by the City Forester; and
2. Compensation for the loss of City-owned significant habitat and vegetation within Roseland East and Roseland West, as determined by the City Naturalist.

The Planning & Development Services Department is alternatively recommending that these requirements be incorporated as conditions of the subdivision agreement. This approach would allow the road closure to proceed while the City Forester and City Naturalist complete the necessary compensation calculations.

The Planning & Development Services Department has reviewed the Applicant's revised proposal and supports the requested road closure, subject to the inclusion of the foregoing conditions in the subdivision agreement. Accordingly, updated recommendations are provided in the "Addendum to Recommendation for Report S 78/2026" section of this memorandum.

The Planning & Development Services Department further recommends that Appendix A - Drawing No. CC-1888 and Appendix E - Draft Reference Plan attached to Report S 78/2026 be replaced with the updated documents identified in the Addendum to Appendices for Report S 78/2026 section of this memorandum. In addition, Appendix I - Site Visit Photos is recommended to be added as an appendix to the report to document Administration's site visit conducted on August 5, 2026.

Risk Analysis:

There is a potential risk that the Owner does not proceed with the subdivision development, or that it is delayed. This is partially mitigated by the "use it or lose it" expiry deadline established by the final subdivision approval.

Conclusion:

The Planning & Development Services Department has reviewed the Applicant's revised proposal and supports the expanded closure and conveyance of Roseland East and Roseland West, subject to the conditions outlined in this memorandum. These conditions include the granting of the required easements.

Accordingly, Administration recommends that Report S 78/2026 be amended to reflect the revised limits of the proposed road closure, the updated recommendations set out in this memorandum, and the replacement and addition of the applicable appendices. The revised proposal will facilitate future subdivision registration and the establishment of new public highways while ensuring that the City's infrastructure and financial considerations are appropriately addressed.

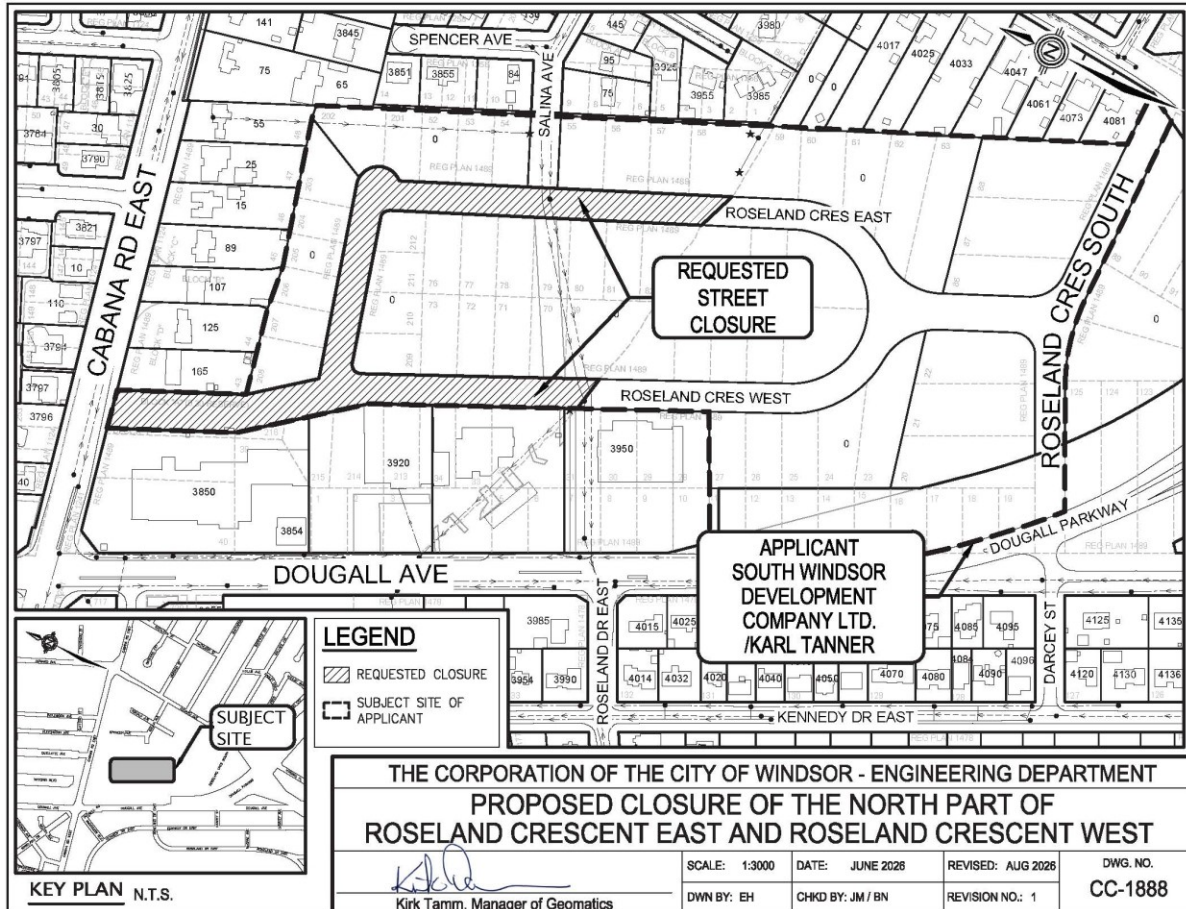
Approvals:

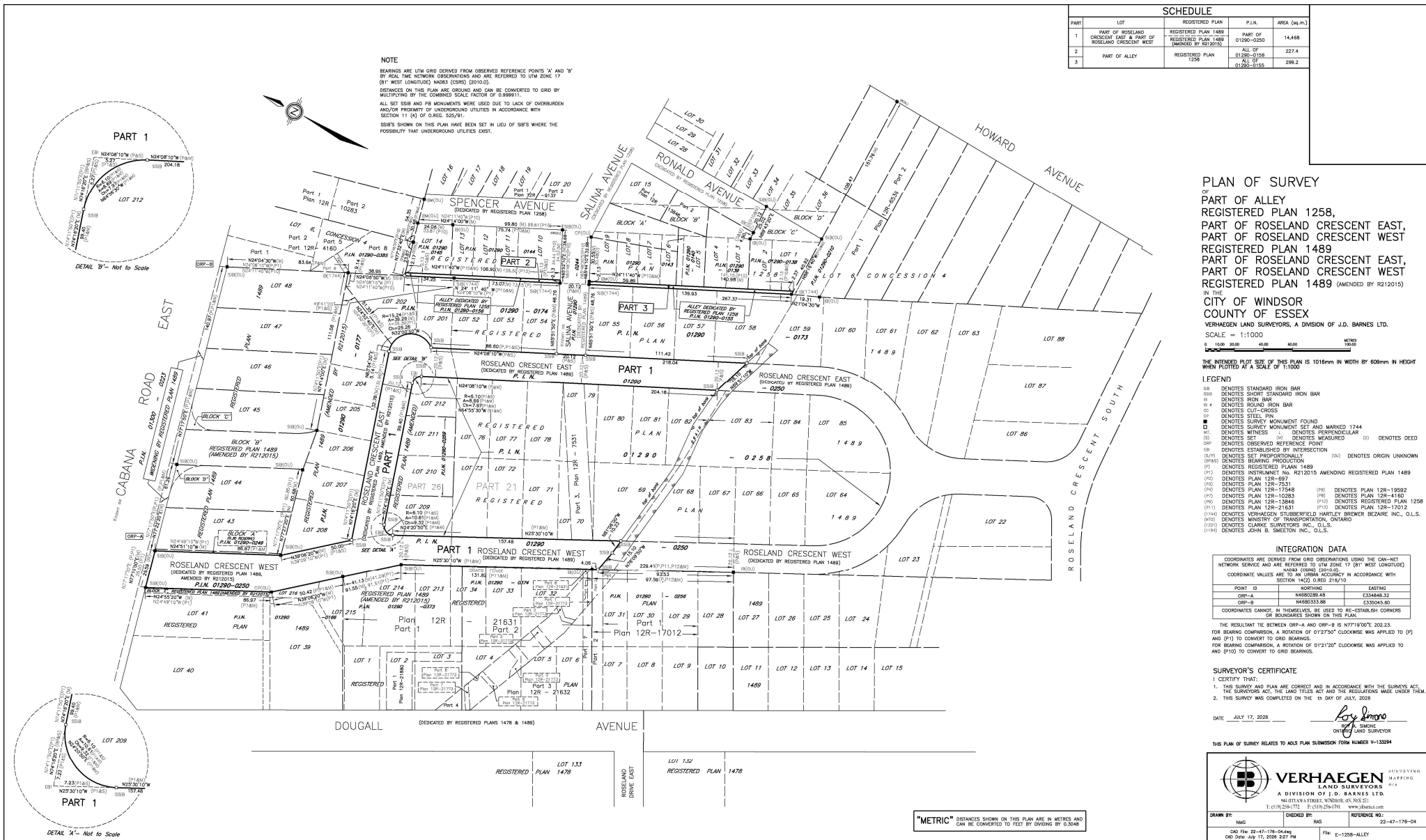
Name	Title
Brian Nagata	Planner III - Development (A)
Laura Diotte	Manager, Development Applications
Denise Wright	Manager of Real Estate Services
Jamelah Hersh	Senior Legal Counsel, Legal & Real Estate
Neil Robertson	City Planner
Jelena Payne	Deputy CAO/Commissioner, Economic Development
Janice Guthrie	Commissioner, Finance & City Treasurer
Jelena Payne for Ray Mensour	Chief Administrative Officer

Appendices:

1. Appendix G - Revised Drawing No. CC-1888
2. Appendix H - Revised Draft Reference Plan
3. Appendix I - Site Visit Photos

APPENDIX "G" **Revised Drawing No. CC-1888**





APPENDIX "I"

Site Visit Photos - August 5, 2026



Figure 1 - Looking east towards the pedestrian access to Roseland Crescent West from the northeast corner of the Shoppers Drug Mart property (3950 Dougall Avenue)



Figure 2 - Looking north towards Roseland Crescent East (north of the large tree in centre) from Roseland Crescent West, east of the pedestrian access



Figure 3 - Looking south towards Roseland Crescent West (right of large tree on right) from the subject property, east of the pedestrian access



Figure 4 - Looking north towards Roseland Crescent West (left of the large tree in centre) from the subject property, east of the pedestrian access



Figure 5 - Looking north towards Roseland Crescent West (left of the large tree on right) from the subject property, east of the pedestrian access



Figure 6 - Looking north towards Roseland Crescent West (left of the large tree on right) from the subject property, east of the pedestrian access



*Figure 7 - Looking northeast towards Roseland Crescent East (in front of the wooded area)
from the subject property, east of the pedestrian access*



*Figure 8 - Looking east towards Roseland Crescent East (in front of the wooded area)
from the berm bordering the north side of the Lennon Drain*



*Figure 9 - Looking northeast towards Roseland Crescent East (in front of the wooded area)
from the berm bordering the north side of the Lennon Drain*



*Figure 10 - Looking northeast towards Roseland Crescent East (in front of the wooded area)
from the berm bordering the north side of the Lennon Drain*



Council Report: S 95/2026

Subject: Closure of the east/west alley located east of Prado Place, south of Wyandotte Street East and west of Villaire Avenue, SAA-7255, Ward 6

Reference:

Date to Council: September 1, 2026
Author: Denise Wright, Manager Real Estate Services
(519) 255-6100 x 6403
dwright@gmail.com
Legal – Real Estate Services
Report Date: 8/14/2026
Clerk's File #: SAA2026

To: Mayor and Members of City Council

Recommendation:

- I. THAT the 4.27 metre-wide east/west alley, located east of Prado Place, south of Wyandotte Street East and west of Villaire Avenue, and shown on Drawing No. CC-1866 (attached hereto as Appendix "A"), and hereinafter referred to as the "Subject Alley", **BE ASSUMED** for subsequent closure;
- II. THAT the Subject Alley **BE CLOSED AND CONVEYED** in **as is condition** to the owner of the abutting property known municipally as 821 Villaire Avenue and legally described as Lot 277, Plan 910, Sandwich East; Windsor and as necessary, in a manner deemed appropriate by the City Solicitor, subject to the following:
 - a. Easements, subject to being accepted in the City's standard form and in accordance with the City's standard practice, being granted to:
 - i. ENWIN Utilities Ltd. to accommodate 120/240V secondary and 16kV primary pole distribution and 120/240V overhead transformer.
- III. THAT Conveyance Cost **BE SET** as follows in accordance with CR106/2003, as amended by CR427/2003 & CR182/2005 in the total amount of \$6,157.20, plus applicable HST, with proceeds being deposited to 160-6940-5010-02942-0229611 (Unclassified Revenue).
- IV. THAT the City Solicitor **BE REQUESTED** to supply the appropriate legal description, in accordance with Drawing No. CC-1866.

- V. THAT the City Solicitor **BE REQUESTED** to prepare the necessary by-law(s).
- VI. THAT the Chief Administrative Officer and City Clerk **BE AUTHORIZED** to **EXECUTE** the necessary documents approved as to form and content satisfactory to the City Solicitor.
- VII. THAT the matter **BE COMPLETED** electronically pursuant to By-law Number 366-2003.

Executive Summary:

N/A



Background:

The applicant, William Strong, representative for Parsons Real Estate Holding Corporation, owner of the property known municipally as 821 Villaire Avenue (the “**Subject Property**”), applied to close the 4.27 metre-wide east/west alley, located east of Prado Place, south of Wyandotte Street East and west of Villaire Avenue (the “**Subject Alley**”), and shown on Drawing No. CC-1866 attached hereto as Appendix “A”, and also shown on the aerial photo attached hereto as Appendix “B”.

The applicant wishes to close the Subject Alley for the purpose of closing off access to the side and rear of the Subject Property.

The Subject Alley is maintained and composed primarily of cement, grass and natural vegetation. The Subject Alley contains a driveway approach at the north end of this alley that is being used to access parking on the Subject Property. There are hydro poles and guy wires in this alley, which will require an easement. The Subject Alley has been encroached on over the years by abutting properties with paving, fences and landscaping. There are no Encroachment Agreements on record for the use of the alley.

The Subject Alley was established by Registered Plan of Subdivision No. 910, registered on January 16, 1920.

Discussion:

The criteria for evaluating applications to close a street or alley is included as part of the City's *Street & Alley Closing Policy* (the "Policy") as amended from time to time.

The Policy provides four classifications that a street or alley will fall under and corresponding direction on its suitability for closure, summarized in Table 1 below, and attached hereto as Appendix "E".

Table 1 - Classification & Suitability for Closing a Street or Alley

Classification	Suitability for Closing
Indispensable	Not suitable for closure
Have some usefulness	May be considered for closure only when requested by abutting property owners; requests are not initiated by the City
Dispensable with no current or anticipated purpose	Suitable for closure where possible
Located in Holding zones and other similar undeveloped areas	Not suitable for closure unless required for municipal purposes or supported by specific development proposals acceptable to the city.

Administration deems the Subject Alley "dispensable" and supports the requested closure.

Should the recommendation be approved, the Subject Alley will be closed and conveyed in **as is condition** to the owner of the abutting property at 821 Villaire Avenue, which is contrary to the standard manner of conveyance of offering abutting properties first right to acquire their half of the closed street or alley, however, in this instance, the Subject Alley is fenced in and encroached upon by the applicant and transferring the entire alley will rectify existing encroachments.

Risk Analysis:

The recommended closure of the Subject Alley and conveyance to abutting owners will divest the City of associated liability risks and maintenance costs.

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

Closure of the Subject Alley will have little impact on GHG emissions, with any positive outcome dependent on individual landowner choices. In some cases, owners may choose to naturalize the space while others may introduce hardscaping or accessory structures. The City can help support more favourable outcomes through programs that encourage tree planting and low-impact landscaping.

Climate Change Adaptation:

Closure of the Subject Alley may result in increased green space and/or on site drainage which can potentially strengthen overall resilience to extreme heat and rainfall.

Financial Matters:

In accordance with CR106/2003, as amended by CR427/2003 & CR182/2005, the conveyance price for the subject alley will be \$6,157.20, plus applicable HST. Should the recommendation be approved, proceeds will be deposited to 160-6940-5010-02942-0229611 (Unclassified Revenue).

There will be no survey cost associated with the proposed alley closure as the entire alley will be conveyed to the owner of 821 Villaire Avenue. There will also be no deed preparation costs as the owner of 821 Villaire Avenue will be required to retain his own lawyer to complete the transaction.

Consultations:

Consultations were held with Municipal Departments and Utility Companies, which resulted in the information found in attached hereto as Appendix "C".

Notice of this application was issued to property owners abutting the alley by first-class mail on November 13, 2024, with no objections being received as of the date of writing this report.

Notice of Development & Heritage Standing Committee meeting and Council meeting are published in the Windsor Star prior to each of the meetings. In addition, notice of each of the public meetings will be mailed to the abutting/affected property owners prior to the meetings.

Kristen Karam, Financial Planning Administrator, was consulted on the financial matters associated with this report.

Jamelah Hersh, Senior Legal Council, was consulted on the legal matters associated with this report.

Conclusion:

Administration recommends closure of the Subject Alley shown on attached Appendix "A", subject to easements in favour of ENWIN Utilities Ltd.

Should the recommendation be approved, the Subject Alley will be closed and conveyed in **as is condition** to the abutting property owner at 821 Villaire Avenue.

Planning Act Matters:

N/A

Approvals:

Name	Title
Denise Wright	Manager Real Estate Services
Wira Vendrasco	City Solicitor
David Soave	Manager, Strategic Operating Budget Development & Controls, Financial Planning
Janice Guthrie	Commissioner, Finance & City Treasurer
Jelena Payne for Ray Mensour	Chief Administrative Officer

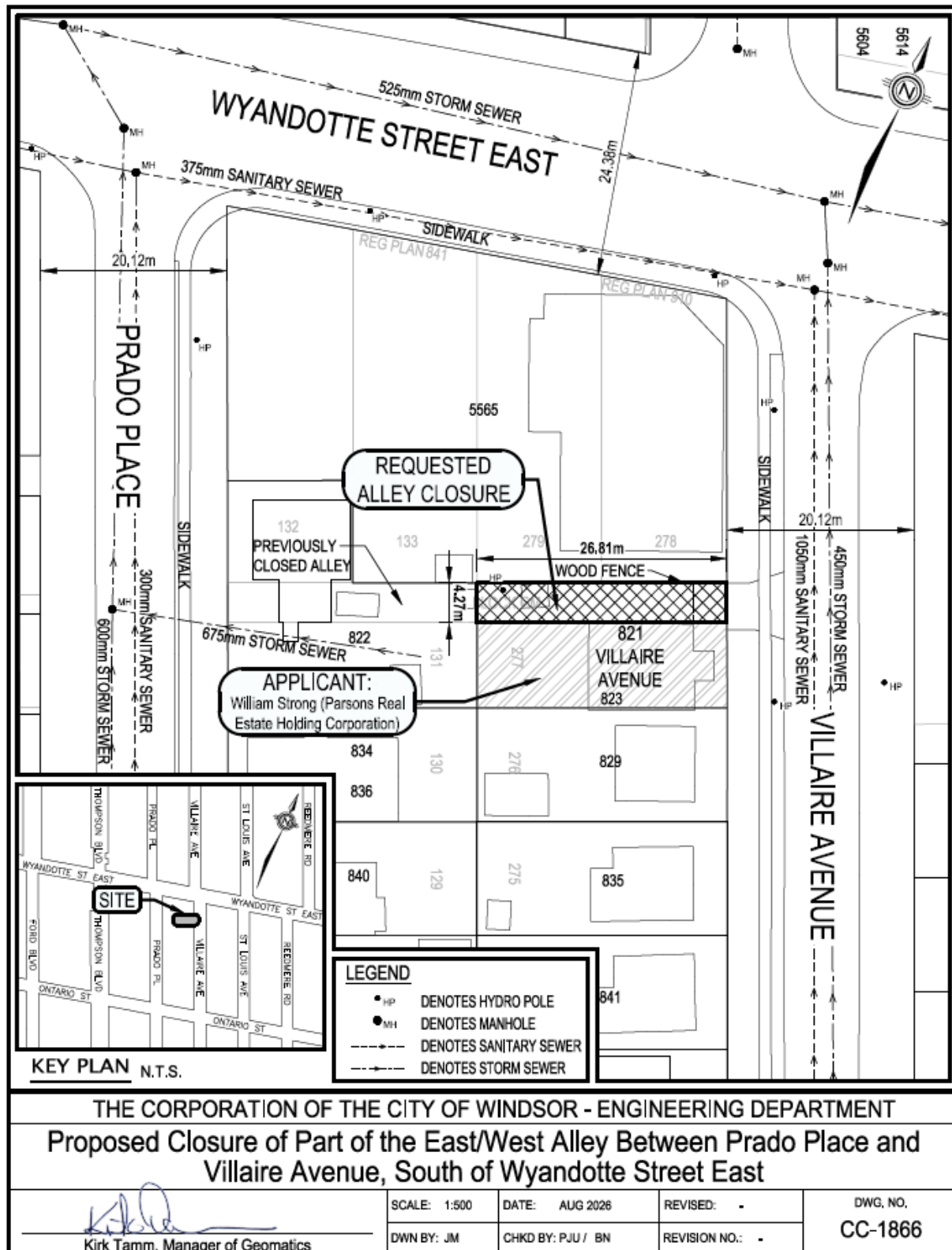
Notifications:

The Legal Department provided the Clerks Department with mailing labels for Notice of Development & Heritage Standing Committee on August 18, 2026.

Appendices:

- 1 Appendix "A" - Drawing No. CC-1866
- 2 Appendix "B" - EIS Drawing - Aerial Photos
- 3 Appendix "C" - Consultations with Municipal Departments and Utility Companies
- 4 Appendix "D" - Site Photos (August 11, 2026)
- 5 Appendix "E" - Criteria for Evaluating Applications to Close a Street or Alley

APPENDIX "A" **Drawing No. CC-1866**



APPENDIX "B"

EIS Drawing - Aerial Photo



STREET & ALLEY CLOSING (SAA/7255)

1:750

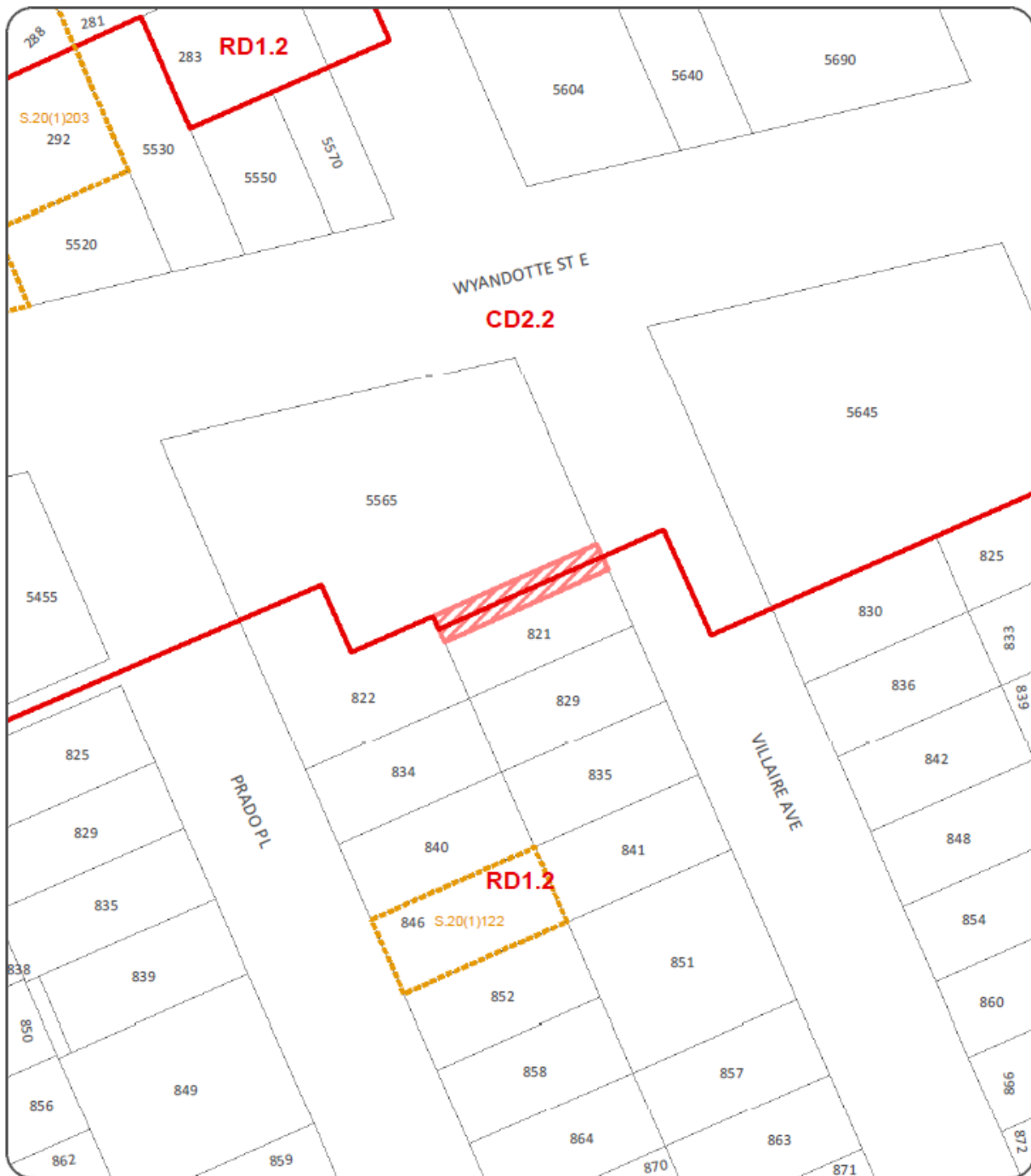
APPLICANT : WILLIAM STRONG (PARSONS REAL ESTATE HOLDING CORPORATION)

 REQUEST FOR CLOSURE

PLANNING DEPARTMENT - PLANNING POLICY

DATE: NOVEMBER, 2024





STREET & ALLEY CLOSING (SAA/7255)

1:750

APPLICANT : WILLIAM STRONG (PARSONS REAL ESTATE HOLDING CORPORATION)

 REQUEST FOR CLOSURE

PLANNING DEPARTMENT - PLANNING POLICY

DATE: NOVEMBER, 2024



APPENDIX "C"

Consultations with Municipal Departments and Utility Companies

BELL CANADA

No comments provided

COGECO CONNEXION INC.

No comments provided

ENBRIDGE GAS INC.

After reviewing the provided drawing and consulting our mapping system, please note that Enbridge Gas has no active infrastructure in the proposed area. A PDF drawing has been attached for reference.

Also, please note the following should you find any abandoned infrastructure in the area:

- Any pipe that is excavated, please assume that it is live
- If during the course of any job, any pipe is found that is not on the locate sheet and is in conflict with your work, please call our emergency number (1-877-969-0999), and one of our Union Gas representatives will respond to determine if that plant is in fact live or dead
- Please note that our Enbridge Gas representative will respond to the live or dead call within 1-4 hours, so please plan your work accordingly



[Sandro Aversa, C.E.T. - Drafter Estimator, Construction and Growth]**ENGINEERING (DEVELOPMENT & ROW)**

The alley to be closed is approximately 21.75 m long and 4.5 m wide and made of asphalt. There are no sewers running through this alley. There are hydro poles and guy wires in this alley, these will require an easement. There is a driveway approach at the north end of this alley that is being used to access parking on this property. This subject alley to have no usefulness by CR146/2005; therefore, we have no objections to the closure.

[Shannon Mills – Technologist III]**ENGINEERING (OPERATIONS)**

No comments provided

ENVIRONMENTAL SERVICES

No comments provided

ENWIN UTILITIES LTD. (HYDRO)

No Objection provided clearances are maintained from our distribution plant. However, an easement named to ENWIN Utilities Ltd., will be required for the East to the West limit of the property to accommodate for the existing overhead 120/240V secondary and 16kV primary pole distribution and 120/240V overhead transformer.

Please note the following distribution and services:

- Overhead 16kV primary distribution pole line and associated down guy wires/anchors at the West side of the alleyway.
- Existing 120/240V Overhead transformer at the West side of the alleyway.
- Overhead 120/240V secondary triplex distribution at the West side the alleyway.
- Overhead 600/347V Secondary quadruplex distribution at the East limit of the property.
- Secondary pole line with associated down guys wires and anchors.
- Existing 600/347V Overhead transformer in front of 5565 Wyandotte St E
- Overhead 600/347V Secondary quadruplex distribution at on Wyandotte St E.
- Overhead 27.6kV primary distribution pole line and associated down guy wires/anchors on Wyandotte St E.

Proposed buildings and/or building additions must have adequate clearance requirements from all hydro distribution and services.

We recommend referring to the Occupational Health and Safety Act for minimum safe limits of approach during construction and the Ontario Building Code for adequate clearance requirements for New Buildings and/or Building Additions.

ENWINs easement guidelines:

Overhead

A 3m (10ft) Easement is required for a straight pole line 1.5m (5ft) (on each side). This takes into consideration a 0.3m (1ft) pole diameter, 0.46m (1.5ft) primary insulator, and 0.9m (3ft) clearance from any nearby structure.

Guy and Anchor

The easement for the guy and anchor is 3m (10ft) wide easement is required into private property. This easement should extend 1m (3.3ft) into the property.

Underground Cable

A 0.6m (2ft) easement on either side of a duct bank is required for underground installations.

[Tia McCloskey – Hydro Engineering Technologist]

ENWIN UTILITIES LTD. (WATER)

ENWIN Water has no objections.

[Bruce Ogg - Water Project Review Officer]

LEGAL & REAL ESTATE SERVICES

Alley abutting property zoned CD2.2:

Conveyance price \$20/square foot without easements / \$10/square foot with easements HST (if applicable), deed and survey costs in addition to the conveyance price.

Alley abutting property zoned RD1.2:

Conveyance price \$1.00 plus deed and survey costs

[Stephanie Santos - Coordinator Real Estate Services]

MANAGED NETWORK SYSTEM INC. (MNSi)

No comments provided

PARKS

There is no concerns regarding this alley closure from Forestry, natural area , and park developments.

[Hoda Kameli - Landscape Architect]

[Karen Alexander - Naturalist & Outreach Coordinator]

[Yemi Adeyeye - City Forester / manager Forestry & Natural Areas]

PLANNING (DEVELOPMENT)

The requested closure is in an area zoned half Residential District 1.2 and half Commercial District 2.2. The requested closure has a land use designation that is part Residential and part Mixed Use Corridor per the Official Plan Schedule D – Land Use. The alley does not service any commercial properties. The alley does not serve as the only vehicular means of access to any properties. The requested closure will not land lock transferable lots/blocks on a Registered Plan of Subdivision, restrict property access, or restrict development. There are no development applications on properties adjacent to the alley. Alley closure is not a condition of SPC.

[Conner O'Rourke, Planner II, Development Review]

PLANNING (LANDSCAPE)

No comments or concerns regarding this application from Landscape architecture and Urban Design lens.

[Hoda Kameli - Landscape Architect]

ROGERS

No comments provided

TELUS

TELUS has no infrastructure between Pavement Centerline & ROW line on the same side as the proposal.

Consent expires six (6) months from approval date. If the location of your proposed design changes, it will be necessary to re-apply.

[Frederick Sua – Design Specialist II]

TRAFFIC OPERATIONS

No comments provided

TRANSPORTATION PLANNING

Transportation Planning has no concern.

[Ellie MehriLou - Transportation Planner I]

WINDSOR FIRE

No issue with fire

[Michael Coste - Chief Fire Prevention Officer]

WINDSOR POLICE

The Windsor Police Service has no concerns or objections with this requested closure. The closure will not impact our ability to deliver service to the abutting properties.

[Barry Horrobin - Director of Planning & Physical Resources]

APPENDIX “D”
Site Photos (August 11, 2026)



Figure 1 – View of East/West alley facing west Villaire Avenue



Figure 2 – View of Alley from curb cut at 821 Villaire Avenue



Figure 3 – View of wood fence encroaching on southerly edge of alley

APPENDIX “E”

Criteria for Evaluating Applications to Close a Street or Alley

Classifications:

Currently streets and alleys fall into four classifications on the basis of their usefulness:

1. Alleys that are **indispensable**. These would be alleys serving commercial properties and properties fronting on heavily traveled streets i.e. major arterial routes and alleys which contain sewers and must remain accessible for servicing; alleys or streets which serve as the only vehicular means of access to rear parking areas and garages where the property has insufficient lot width for a side drive; and alleys which contain Fire Department connections that are deemed to be necessary for firefighting access.
2. Alleys that **have some usefulness** are nevertheless dispensable and may or may not be a complete liability.
3. Alleys that **appear to serve no useful purpose, either now, or anticipated**. Such alleys are in residential areas and locations where generally the lots are wide enough for side drives, or those alleys abutting parks and other parcels of land that do not require any servicing from the alley. Remnant or stub-end streets which are dead-ended and do not serve as access to other streets.
4. Alleys **lying in Holding zones and other similar undeveloped areas where the alley system is clearly obsolete and has never been developed**, but where the City needs to keep its options open until new area plans are prepared and development is imminent.

Suitability for Closing:

Following are the criteria and suitability for closing alleys in each of the above classifications:

1. **Indispensable alleys** should not be closed, conveyed, reduced or otherwise jeopardized through minority interests unless a suitable substitute alley is opened in lieu thereof. They are essential from the viewpoint of fire protection, police protection, emergency services (i.e. ambulance) and loading or unloading of goods, refuse collection, servicing of blocked sewers and utility services. Without such alleys, the above noted services would at least be more costly if not impossible to complete or adequately access; and would noticeably interfere with street traffic, thereby reducing the access capacity of the adjacent arterial, collector, or street for business.
2. **Alleys having some usefulness** should be considered for closing only upon request of abutting owners rather than by encouragement of the City.
3. **Alleys that serve no useful purpose** should be closed if at all possible, and in fact the owners abutting thereon should be encouraged to accept conveyance.
4. **Alleys that are clearly obsolete** should not be closed unless there is a municipal need or specific development proposals acceptable to the City are submitted.



Council Report: S 96/2026

Subject: Closure of the north/south and east/west alleys located north of Vimy Avenue, east of Elsmere Avenue, south of Lens Avenue and west of Parent Avenue, SAA-7240, Ward 4

Reference:

Date to Council: September 1, 2026
Author: Denise Wright, Manager Real Estate Services
(519) 255-6100 x 6403
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Legal - Real Estate Services
Report Date: 8/14/2026
Clerk's File #: SAA2026

To: Mayor and Members of City Council

Recommendation:

- I. THAT the 5.18 metre-wide north/south alley and the 4.27 metre-wide east/west alley, located north of Vimy Avenue, east of Elsmere Avenue, south of Lens Avenue and west of Parent Avenue, and shown on Drawing No. CC-1887 (attached hereto as Appendix "A"), and hereinafter referred to as the "Subject Alley", **BE ASSUMED** for subsequent closure;
- II. THAT the Subject Alley **BE CLOSED AND CONVEYED** in **as is condition** in two equal halves to the abutting property owners and as necessary, in a manner deemed appropriate by the City Solicitor, subject to the following:
 - a. Easements, subject to being accepted in the City's standard form and in accordance with the City's standard practice, being granted to:
 - i. Bell Canada to accommodate existing aerial infrastructure;
 - ii. Cogeco Connexion Inc. to accommodate existing aerial infrastructure;
 - iii. ENWIN Utilities Ltd. to accommodate the existing overhead 120/240V Secondary and 16kV primary pole distribution and 120/240V overhead transformer;
 - iv. Managed Network System Inc. (MNSi.) to accommodate existing aerial infrastructure.
 - b. Ontario Land Surveyor be directed to use existing encroachments for determining the boundaries of the lands to be conveyed to each abutting property owner.

- III. THAT Conveyance Cost **BE SET** as follows in accordance with CR106/2003, as amended by CR427/2003 & CR182/2005:
 - a. For alley conveyed to abutting lands zoned RD1.2, \$1.00 plus HST, plus deed preparation fee and a proportionate share of the survey costs as invoiced to The Corporation of the City of Windsor by an Ontario Land Surveyor.
- IV. THAT the City Solicitor **BE REQUESTED** to supply the appropriate legal description, in accordance with Drawing No. CC-1887.
- V. THAT the City Solicitor **BE REQUESTED** to prepare the necessary by-law(s).
- VI. THAT the Chief Administrative Officer and City Clerk **EXECUTE** all necessary documents approved as to form and content satisfactory to the City Solicitor.
- VII. THAT the matter **BE COMPLETED** electronically pursuant to By-law Number 366-2003.

Executive Summary:

N/A



STREET & ALLEY CLOSING (SAA/7240)

1:1,250

APPLICANT : VALERIE & MARK CHEVALIER

REQUEST FOR CLOSURE

PLANNING DEPARTMENT - PLANNING POLICY

DATE: OCTOBER, 2024

Background:

The applicants, Mark and Valerie Chevalier, owners of the property known municipally as 865 Lens Avenue, Windsor (the “**Subject Property**”), applied to close the 5.18 metre-wide north/south alley, located north of Vimy Avenue, east of Elsmere Avenue, south of Lens Avenue and west of Parent Avenue. Administration has determined that the adjoining 4.27 metre-wide east/west alley should be closed together with the requested north/south alley closure (collectively referred to as the “**Subject Alley**”), shown on Drawing No. CC-1887 attached hereto as Appendix “A”, and also shown on the aerial photo attached hereto as Appendix “B”.

The applicants wish to close the north/south portion of the Subject Alley due to ongoing concerns with theft and loitering.

The Subject Alley is maintained and composed primarily of grass and dirt and contains utility poles with guy wires and anchors supporting overhead hydro and utility lines at the east/west portion of the alley.

Many of the abutting property owners have gates from their rear yards to the Subject Alley, presumably for maintenance purposes.

The Subject Alley contains a concrete approach at the north end of the alley adjacent to the Subject Property, which may require reinstatement of the concrete barrier curb and boulevard restoration by the applicant, otherwise the driveway approach will be the responsibility of the City to remove in the future when funds exist.

The Subject Alley also contains a concrete approach at the south end, which appears to be used as a driveway approach by 872 Vimy Avenue. Subject to the alley closure, a permit will be required by the abutting property owner to complete and maintain the driveway to City standards.

There are no Encroachment Agreements on record for the use of the alley.

Engineering (Right-of-Way) in their comments included in the attached Appendix “C” note that the alley is travelled but provides no garage access. They further note that a resident on Parent Avenue uses the alley to access rear yard parking for a trailer. A site inspection of the property reveals a detached garage and lengthy driveway accessible from the front yard of the property, suitable for trailer storage. Engineering’s Best Practice Policy 2.3.2. states that a Municipal right-of-way alley composed of grass, is not permitted to provide access to properties.

The Subject Alley was established by Registered Plan of Subdivision No. 1229, registered on September 1, 1926 and Registered Plan of Subdivision No. 1239, registered on August 4, 1926.

Discussion:

The criteria for evaluating applications to close a street or alley is included as part of the City’s *Street & Alley Closing Policy* (the “Policy”) as amended from time to time.

The Policy provides four classifications that a street or alley will fall under and corresponding direction on its suitability for closure, summarized in Table 1 below, and attached hereto as Appendix “E”.

Table 1 - Classification & Suitability for Closing a Street or Alley

Classification	Suitability for Closing
Indispensable	Not suitable for closure
Have some usefulness	May be considered for closure only when requested by abutting property owners; requests are not initiated by the City
Dispensable with no current or anticipated purpose	Suitable for closure where possible
Located in Holding zones and other similar undeveloped areas	Not suitable for closure unless required for municipal purposes or supported by specific development proposals acceptable to the city.

Administration deems the Subject Alley “dispensable” and supports the requested alley closure.

Administration recommends closure of the Subject Alley, and that abutting property owners be given the chance to acquire the Subject Alley in the manner described in the Recommendation herein. Should the recommendation be approved, the Subject Alley will be closed and conveyed in **as is condition** in two equal halves to the abutting property owners, being the standard manner of conveyance.

Risk Analysis:

The recommended closure of the Subject Alley and conveyance to abutting owners will divest the City of associated liability risks and maintenance costs.

There is a moderate risk to the City however that following closure of the Subject Alley the City may remain the owner of certain remnant portions of the Subject Alley. Such remnant parcels may remain in the City’s ownership in instances where the abutting owner is not agreeable to acquiring their allocated portion. Such risk is mitigated by Real Estate Services continuing to offer such remnant parcels for sale to other abutting owners who have agreed to purchase their portion of the closed alley.

Climate Change Risks

Climate Change Mitigation:

Closure of the Subject Alley will have little impact on GHG emissions, with any positive outcome dependent on individual landowner choices. In some cases, owners may choose to naturalize the space while others may introduce hardscaping or accessory

structures. The City can help support more favourable outcomes through programs that encourage tree planting and low-impact landscaping.

Climate Change Adaptation:

Closure of the Subject Alley may result in increased green space and/or on site drainage which can potentially strengthen overall resilience to extreme heat and rainfall.

Financial Matters:

The rate for an alley conveyed to abutting lands zoned RD1.2 is assessed at \$1.00 plus HST, deed preparation fee and a proportionate share of the survey costs as invoiced to The Corporation of the City of Windsor by an Ontario Land Surveyor.

Survey cost is estimated at \$42,500 plus applicable HST. The Legal Department will contract the survey when funds become available which are anticipated by early 2027 at the latest.

Should Council approve the recommendation, proceeds will be deposited to 001-6650-5144-02942-0125230.

Consultations:

Consultations were held with Municipal Departments and Utility Companies, which resulted in the information found and attached hereto as Appendix "C".

Notice of this application was issued to property owners abutting the alley by first-class mail on October 18, 2024, with no objections being received as of the date of writing this report.

Notice of Development & Heritage Standing Committee meeting and Council meeting are published in the Windsor Star prior to each of the meetings. In addition, notice of each of the public meetings will be mailed to the abutting/affected property owners prior to the meetings.

Kristen Karam, Financial Planning Administrator, was consulted on the financial matters associated with this report.

Jamelah Hersh, Senior Legal Counsel, was consulted on the legal matters associated with this report.

Conclusion:

Administration recommends closure of the Subject Alley shown on attached Appendix "A", subject to easements in favour of Bell Canada, Cogeco Connexion Inc., ENWIN Utilities Ltd., and Managed Network System Inc. (MNSi).

Should the recommendation be approved, the Subject Alley will be closed and conveyed in **as is condition** in two equal halves, to the abutting property owners.

Planning Act Matters:

N/A

Approvals:

Name	Title
Denise Wright	Manager Real Estate Services
Wira Vendrasco	City Solicitor
David Soave	Manager, Strategic Operating Budget Development & Controls, Financial Planning
Janice Guthrie	Commissioner, Finance & City Treasurer
Jelena Payne for Ray Mensour	Chief Administrative Officer

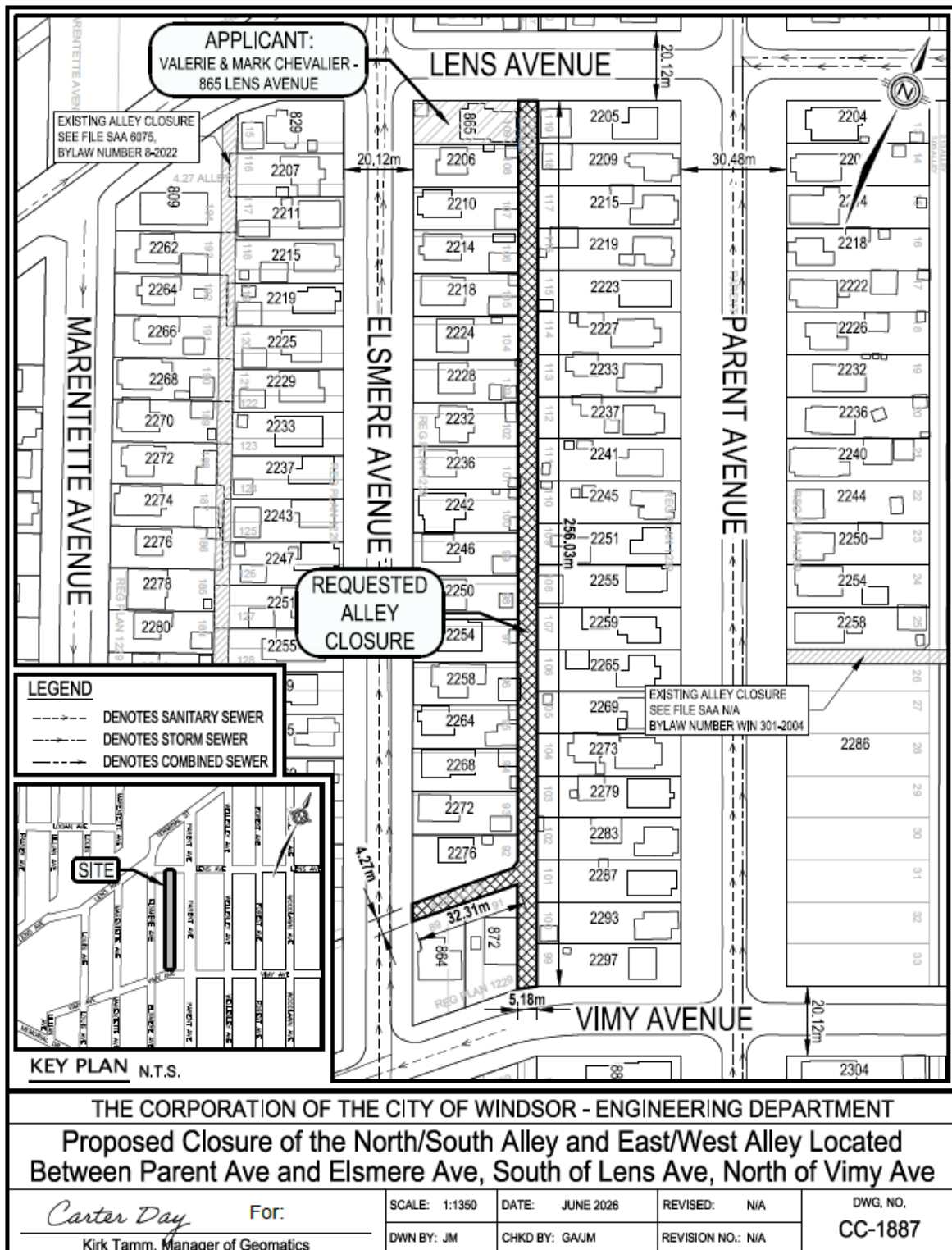
Notifications:

The Legal Department provided the Clerks Department with mailing labels for Notice of Development & Heritage Standing Committee on August 18, 2026.

Appendices:

- 1 Appendix "A" - Drawing No. CC-1861
- 2 Appendix "B" - EIS Drawing - Aerial Photos
- 3 Appendix "C" - Consultations with Municipal Departments and Utility Companies
- 4 Appendix "D" - Site Photos (June 8, 2026)
- 5 Appendix "E" - Criteria for Evaluating Applications to Close a Street or Alley

APPENDIX "A" **Drawing No. CC-1861**



APPENDIX "B"

EIS Drawing - Aerial Photo



STREET & ALLEY CLOSING (SAA/7255)

1:750

APPLICANT : WILLIAM STRONG (PARSONS REAL ESTATE HOLDING CORPORATION)

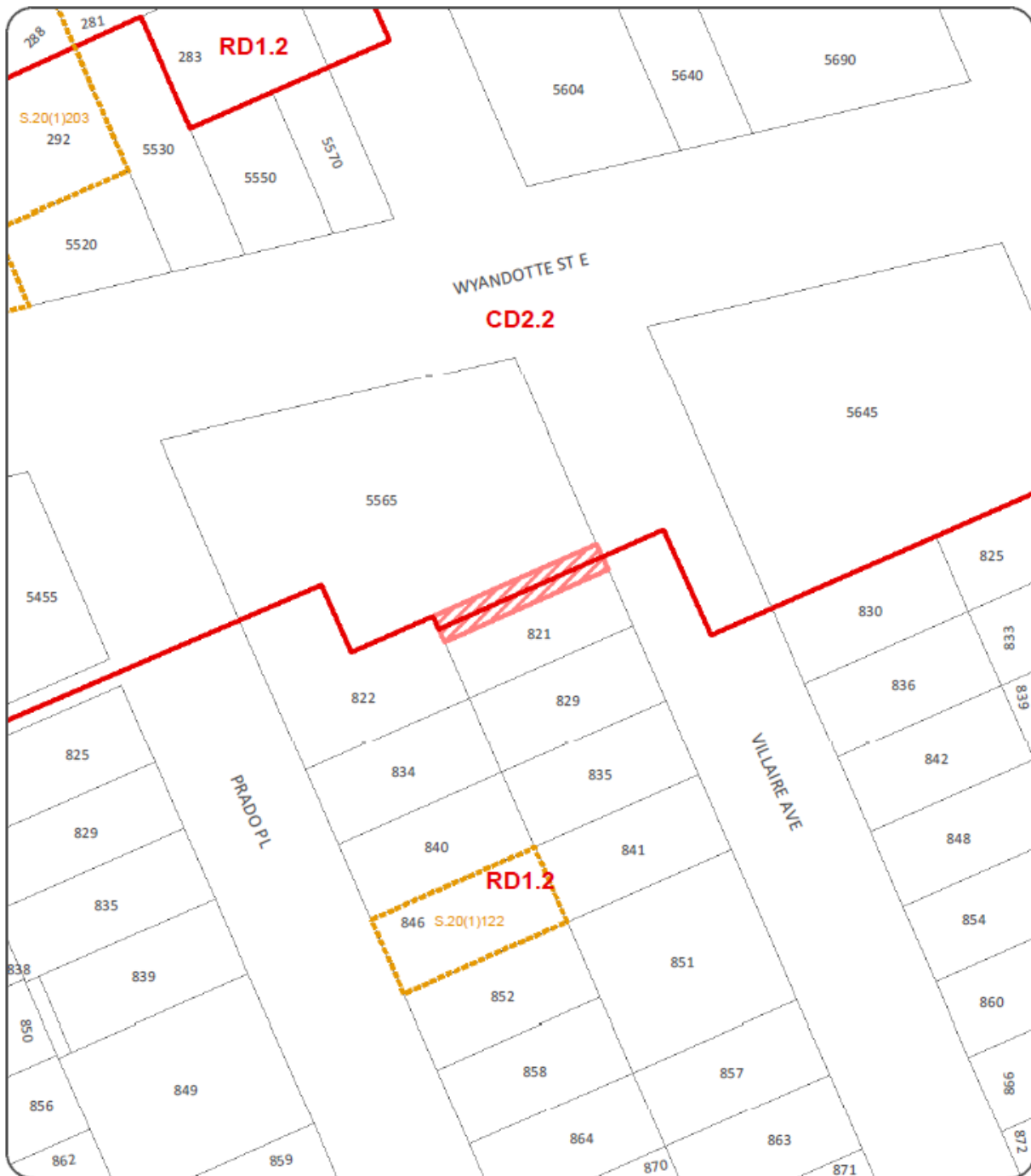


REQUEST FOR CLOSURE

PLANNING DEPARTMENT - PLANNING POLICY

DATE: NOVEMBER, 2024





STREET & ALLEY CLOSING (SAA/7255)

1:750

APPLICANT : WILLIAM STRONG (PARSONS REAL ESTATE HOLDING CORPORATION)



 REQUEST FOR CLOSURE

PLANNING DEPARTMENT - PLANNING POLICY

DATE: NOVEMBER, 2024



APPENDIX “C”

Consultations with Municipal Departments and Utility Companies

BELL CANADA

Bell will require an easement to protect our aerial infrastructure throughout this entire lane. We are joint use with Enwin powerlines.

[Mohammad Bangee – Specialist, Network Provisioning]

COGECO CONNEXION INC.

Cogeco is attached to Bell/enwin poles and will need to be named on the easement.

[Daniel Haggins - Lead OSP Engineering Windsor and Essex]

ENBRIDGE GAS INC.

After reviewing the provided drawing, and consulting our mapping system, please note that Enbridge Gas has no active infrastructure in the proposed area. A PDF drawing has been attached for reference.



Also, please note the following should you find any abandoned infrastructure in the area:

- Any pipe that is excavated, please assume that it is live
- If during any job if any pipe is found that is not on the locate sheet and conflicts with your work, please call our emergency number (1-877-969-0999), and one of

our Union Gas representatives will respond to determine if that plant is in fact live or dead

- Please note that our Enbridge Gas representative will respond to the live or dead call within 1-4 hours, so please plan your work accordingly

Please contact me if you have any further questions or concerns.

[Sandro Aversa C.E.T. - Drafter Estimator]

ENGINEERING (DEVELOPMENT & ROW)

The alley to be closed is approximately 255 m long and 7.75 m wide and composed of grass. There is also a secondary portion of this alley which branches off towards Elsmere Ave included in this closure. This branch is 32.3 m long and 4.3 m wide and also grassed.

There are no sewers running through this alley, and no manholes or catch basins.

There are hydro poles, guy wires, and overhead wires located within the alley; an easement will be required for utilities.

There is a concrete approach at the north end of the alley adjacent to 865 Lens Ave. Subject to the alley closure, reinstatement of the concrete barrier curb and boulevard restoration may be required of the resident. Otherwise, the driveway approach to the alley will be the responsibility of the city to remove in the future when funds exist.

There is a concrete approach at the south end of the alley which appears to be used as a driveway approach by 872 Vimy Ave. If the alley is closed a permit will be required by said property owner to complete and maintain the driveway to City Standard AS-221 or AS-222.

There is a parking encroachment in the subject alley due to a trailer parked behind 2254 Elsmere Ave.

The alley is travelled, and has no garage access, but it seems that the resident of 2259 Parent Ave uses the alley to access rear yard parking for a trailer.

This subject alley has no usefulness by CR146/2005; therefore, Engineering has no objections to the closure.

[Shannon Mills - Technologist III, Engineering]

ENGINEERING (OPERATIONS)

There are no maintenance concerns with this and the closure is supported.

[Roberta Harrison – Manager, Maintenance]

ENVIRONMENTAL SERVICES

No comments provided

ENWIN UTILITIES LTD. (HYDRO)

No Objection provided clearances are maintained from our distribution infrastructure. However, an easement named to ENWIN Utilities Ltd., will be required at the North to South and the West off shot of the Alley limit (existing Alley way area) to accommodate for the existing overhead 120/240V Secondary and 16kV primary pole distribution and 120/240V overhead transformer.

Please note the following distribution and services:

- Overhead 16kV primary distribution pole line and associated down guys, going North to South along the alleyway between Vimy Ave and Lens Ave.

- Overhead 120/240V Secondary Triplex distribution and associated down guys, going North to South along the alleyway between Vimy Ave and Lens Ave.

- Overhead 120/240V Secondary Triplex distribution, servicing the above noted properties and multiple properties on Vimy Ave, Lens Ave, Elsmere Ave, and Parent Ave.

- Overhead 16kV primary distribution pole line and associated down guys, going East to West along the alleyway between Elsmere Ave and existing alleyway going North to South.

- Overhead 120/240V Secondary Triplex distribution and associated down guys, going East to West along the alleyway between Elsmere Ave and existing alleyway going North to South.

- Overhead 120/240V secondary transformer located in the alleyway going North to South.

Proposed buildings and/or building additions must have adequate clearance requirements from all hydro distribution and services.

We recommend referring to the Occupational Health and Safety Act for minimum safe limits of approach during construction and the Ontario Building Code for adequate clearance requirements for New Buildings and/or Building Additions.

ENWINs easement guidelines:

Overhead

A 3m (10ft) Easement is required for a straight pole line 1.5m (5ft) (on each side). This takes into consideration a 0.3m (1ft) pole diameter, 0.46m (1.5ft) primary insulator, and 0.9m (3ft) clearance from any nearby structure.

Guy and Anchor

The easement for the guy and anchor is 3m (10ft) wide easement is required into private property. This easement should extend 1m (3.3ft) into the property.

Underground Cable

A 0.6m (2ft) easement on either side of a duct bank is required for underground installations.

[Tia McCloskey –Hydro Engineering Technologist]

ENWIN UTILITIES LTD. (WATER)

ENWIN Water has no objections.

[Bruce Ogg - Water Project Review Officer]

LEGAL & REAL ESTATE SERVICES

For alley abutting lands zoned RD1.2, \$1.00 plus deed preparation, plus proportionate share of survey costs as invoiced to The Corporation of the City of Windsor by an Ontario Land Surveyor

[Natalie D'Ambrosio - Coordinator Real Estate Services]

MANAGED NETWORK SYSTEM INC. (MNSi)

MNSi will require an aerial Easement through this entire closure please.

[Dave Hartleib - Outside Plant Manager]

PARKS

There are no concerns regarding this application from Parks Development including forestry and natural areas.

[Hoda Kameli - Landscape Designer, Parks Development]

PLANNING (DEVELOPMENT)

The requested closure is in an area zoned Residential District 1.2 (RD1.2) and has a Residential land use designation on Official Plan Schedule D – Land Use. The alley does not service any commercial properties. The alley provides the only vehicular means of access to 872 Vimy Avenue. This is a duplex that does not have a legal driveway or parking spaces. If this property owner purchases half of the closed alley, they would likely be able to apply for a driveway permit. Please consult with ROW to confirm. The requested closure will not land lock transferable lots/blocks on a Registered Plan of Subdivision, or restrict development. There are no development applications on properties adjacent to the alley. Alley closure is not a condition of SPC.

Please confirm with ROW if pedestrian access via gates off the alley is recognized as legal access.

[Averil Parent – Planner II – Development Review]

PLANNING (LANDSCAPE)

There are no concerns regarding this application from an Urban Design and Landscape Architecture perspective.

[Hoda Kameli – Landscape Designer, Park Development]

ROGERS

Rogers has no plant or easement requirements at that location.

[Ryan Figueiredo]

TELECON (TELUS)

TELUS has no infrastructure between Pavement Centerline & ROW line on the same side as the proposal.

Consent expires six (6) months from approval date. If the location of your proposed design changes, it will be necessary to re-apply.

[Frederic Sua -Design Specialist II – Access Engineering]

TRAFFIC OPERATIONS

No concerns with the closure as proposed.

[Ajay Kumar – Traffic Technician]

TRANSPORTATION PLANNING

Transportation Planning has no objections to the proposed alley closure.

[Aashvi Sarvaiya - Transportation Planner I]

WINDSOR FIRE

No issue with fire

[Mike Coste - Chief Fire Prevention Officer]

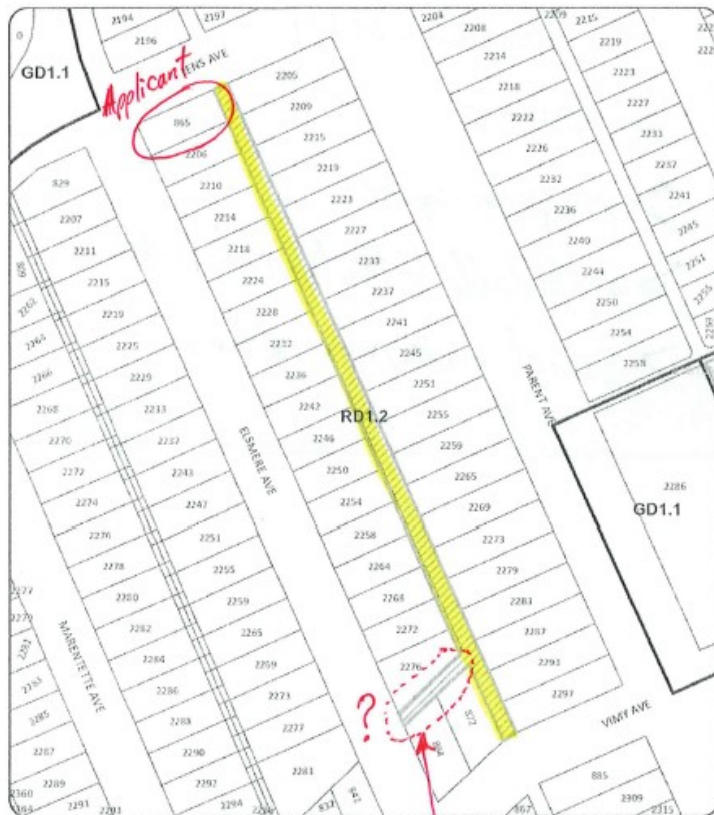
WINDSOR POLICE

The Windsor Police Service (WPS) has no concerns or objections with this requested alley closure. Based on a physical site inspection of the subject alley carried out on June 24th, 2026, the alley is a well maintained grassed over space that has practically all of the abutting properties having fence partitions. It is noted in the application the reason for the closure request is to help prevent acts of crime and disorder. Closure can certainly help with this and the WPS supports the closure for such reasons. It was also noted during the site inspection there is a small east/west connecting alley piece that runs from Elsmere Avenue into the southern end of the north/south alley slated for the closure (see attached sketch). This is a discreet space that should also, ideally speaking, be considered for closure to optimize the public safety benefits of the larger alley closure, as closure would help further remove opportunities to use the space to facilitate unlawful access and behaviour. Closure of the subject space(s) will also not inhibit our ability to provide emergency police response or other service delivery duties to any of the abutting property owners.



Legal & Real Estate Department

STREET & ALLEY CLOSURE LIAISON - FORM 46



STREET & ALLEY CLOSING (SAA/7240)

1:1,250

APPLICANT : VALERIE & MARK CHEVALIER

REQUEST FOR CLOSURE

PLANNING DEPARTMENT - PLANNING POLICY

DATE: OCTOBER, 2024

Very discreet
and could also benefit
if closed

Legal Department – Real Estate Division
400 City Hall Square East, Suite 201
Windsor, ON N9A 7K6

Phone: 519-255-6548
Fax: 519-255-6933
streetsandalleys@citywindsor.ca

STREET & ALLEY CLOSING LIAISON - FORM 46 (DECEMBER 18, 2023) - PAGE 4 OF 3

[Barry Horrobin - Director of Planning & Physical Resources]

APPENDIX “D”
Site Photos (June 8, 2026)



Figure 1 – south facing alley entrance from Lens Avenue (Applicant's property to the right)



Figure 2 – north facing alley entrance from Vimy Avenue



Figure 3 – south facing view of alley from northern alley entrance



Figure 4 - south facing view of alley



Figure 5 – Encroachments into alley (storage and loading)



Figure 6 – north facing view of alley



Figure 7 – west facing view of east/west alley portion from intersection with north/south alley



Figure 8 – east facing view of east/west alley portion from sidewalk on Elsmere Avenue

APPENDIX “E”

Criteria for Evaluating Applications to Close a Street or Alley

Classifications:

Currently streets and alleys fall into four classifications on the basis of their usefulness:

1. Alleys that are **indispensable**. These would be alleys serving commercial properties and properties fronting on heavily traveled streets i.e. major arterial routes and alleys which contain sewers and must remain accessible for servicing; alleys or streets which serve as the only vehicular means of access to rear parking areas and garages where the property has insufficient lot width for a side drive; and alleys which contain Fire Department connections that are deemed to be necessary for firefighting access.
2. Alleys that **have some usefulness** are nevertheless dispensable and may or may not be a complete liability.
3. Alleys that **appear to serve no useful purpose, either now, or anticipated**. Such alleys are in residential areas and locations where generally the lots are wide enough for side drives, or those alleys abutting parks and other parcels of land that do not require any servicing from the alley. Remnant or stub-end streets which are dead-ended and do not serve as access to other streets.
4. Alleys **lying in Holding zones and other similar undeveloped areas where the alley system is clearly obsolete and has never been developed**, but where the City needs to keep its options open until new area plans are prepared and development is imminent.

Suitability for Closing:

Following are the criteria and suitability for closing alleys in each of the above classifications:

1. **Indispensable alleys** should not be closed, conveyed, reduced or otherwise jeopardized through minority interests unless a suitable substitute alley is opened in lieu thereof. They are essential from the viewpoint of fire protection, police protection, emergency services (i.e. ambulance) and loading or unloading of goods, refuse collection, servicing of blocked sewers and utility services. Without such alleys, the above noted services would at least be more costly if not impossible to complete or adequately access; and would noticeably interfere with street traffic, thereby reducing the access capacity of the adjacent arterial, collector, or street for business.
2. **Alleys having some usefulness** should be considered for closing only upon request of abutting owners rather than by encouragement of the City.
3. **Alleys that serve no useful purpose** should be closed if at all possible, and in fact the owners abutting thereon should be encouraged to accept conveyance.
4. **Alleys that are clearly obsolete** should not be closed unless there is a municipal need or specific development proposals acceptable to the City are submitted.